HOUSE OF REPRESENTATIVES

[EXTRAORDINARY SITTING]

Wednesday, July 19, 2023

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER in the Chair]

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY

(AMDT. AND VALIDATION) BILL, 2023

Bill to amend to amend the Public Procurement and Disposal of Public Property Act, 2015 and to validate the non-laying of statutory instruments as required under section 7(7) of the Public Procurement and Disposal of Public Property Act [The Minister of Finance]; read the first time.

Motion made: That the next stage of the Bill be taken forthwith. [Hon. C. Imbert]

Question put and agreed to.

SUSPENSION OF STANDING ORDER 43(1)

Madam Speaker: Leader of the House.

The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, I seek your leave in accordance with Standing Order 122(1) to move a Motion for the suspension of Standing Order 43(1) which provides the time limit for speeches.

Madam Speaker: Hon. Members, leave is granted. Leader of the House.

Mr. Lee: No, no. Madam Speaker, in—

Hon. C. Robinson-Regis: Sorry. You have to just get leave for me to proceed—

Madam Speaker: Just one minute please. Leader of the House.

Hon. C. Robinson-Regis: Thank you, Madam Speaker. Madam Speaker, I beg to
move the suspension of Standing Order 45(1) to allow a maximum of 60 minutes speaking time—

**Mr. Indarsingh:** Absolutely not.

**Hon. C. Robinson-Regis:**—with no extension.

**Mr. Indarsingh:** Absolutely not.

**Madam Speaker:** I know we have been brought out of recess, so Members may have forgotten the rules. All right? Let us remember we are here, we proceed by Motions, a question is put and people vote. Leader of the House.

**Hon. C. Robinson-Regis:** Thank you, Madam Speaker. And, Madam Speaker, may I start over this Motion please?

**Mr. Indarsingh:** Break the law.

**Hon. C. Robinson-Regis:** Madam Speaker, I beg to move the suspension of Standing Order 45(1) to allow a maximum of 60 minutes speaking time with no extension to the mover and first responder on the second reading of the Public Procurement and Disposal of Public Property (Amdt. and Validation) Bill, 2023. Thank you, Madam Speaker.

*Question put.*

**Mr. Hosein:** Division.

**Hon. Members:** [Crosstalk]

**Madam Speaker:** Okay. So Members, a division was called for, the vote is being taken. To ensure that we record everybody’s vote correctly, I will ask that we do so in silence. Clerk.

*The House divided:* Ayes 18 Noes 11

**AYES**

Robinson-Regis, Hon. C.

Imbert, Hon. C.

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Suspension of Standing Order 43(1) 2023.07.19

Young, Hon. S.
Hinds, Hon. F.
Deyalsingh, Hon. T.
Al-Rawi, Hon. F.
Beckles, Hon. P.
Webster-Roy, Hon. A.
Cudjoe, Hon. S.
Gadsby-Dolly, Hon. Dr. N.
Gonzales, Hon. M.
Mc Clashie, Hon. S.
Forde, E.
de Nobriga, Hon. S.
Leonce, Hon. A.
Manning, Hon. B.
Morris-Julian, Hon. L.
Scotland, K.

NOES

Lee, D.
Charles, R.
Ameen, Ms. K.
Indarsingh, R.
Hosein, S.
Paray, R.
Benjamin, Ms. M.
Bodoe, Dr. L.
Ram, A.
Madam Speaker: Again, can I ask whoever has that offending device to please go outside, turn it off. And for the warning for all Members to ensure that your device is on silent. Thank you.

Question agreed to.

Madam Speaker: The Minister of Finance.

Hon. Members: [Desk thumping]

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (AMDT. AND VALIDATION) BILL, 2023

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. I beg to move:

That a Bill to amend the Public Procurement and Disposal of Public Property Act, 2015 and to validate the non-laying of statutory instruments as required under section 7(7) of the Public Procurement and Disposal of Public Property Act, be now read a second time.

Madam Speaker, before us is the Public Procurement and Disposal of Public Property (Amdt. and Validation) Bill, 2023. The objects of this Bill are, firstly, to address a drafting error that arose in relation to section 7(7) of the Act, introduced through section 5(b) of the Public Procurement and Disposal of Public Property (Amdt.) Act, 2020, Act No. 27 of 2020; secondly, to validate two exemption orders made by way of Legal Notices No. 164 of 2023 and 206 of 2023 authorized directly from the said error; thirdly, to modify the method by which orders and regulations are made under section 7 and 63 of the Act; and fourthly, to introduce a procurement threshold of $1 million for goods and services which would be
exempted from the procurement requirements under the Act but subject to regulation.

This Bill contains only six clauses which are not complicated, but it is necessary to spend some time explaining the reasons and the rationale behind the clauses, and this is why I have asked for another 15 minutes which should not kill anyone on the other side because the responder would also have the same time as I have.

**Hon. Members:** [Desk thumping]

**Hon. C. Imbert:** But so it is with our honourable friends opposite. They complain about a 15-minute extension.

Now, I think it is necessary to start this debate by addressing the drafting error, and the advice I received from the Attorney General, and the consequential clause 6 of the Bill which seeks to validate Legal Notices 164 of 2023 and 206 of 20—Madam Speaker, I barely begun and they are muttering and mumbling and carrying on. Could I seek your protection please?

**Madam Speaker:** Continue, Member, please.

**Hon. C. Imbert:** Okay. Thanks. Let me start by correcting some misconceptions on public procurement that are currently in the public domain. The first misconception is that the—

**Mr. Charles:** Madam Speaker, I rise on Standing Order 33(3).

**Madam Speaker:** Overruled.

**Hon. C. Imbert:** Thank you. The first misconception is the insertion of amendments in the Act and the introduction of a procurement threshold of $1 million for goods and services. There is a view which has been promoted in the public domain by those who know better and those who do not know better that this will water down or erode the objectives of the Act. However, Madam

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Speaker, if one looks all over the world one will discover that exemptions are part and parcel of all modern procurement laws all over the world.

I will demonstrate by global reference that the introduction of a procurement threshold of $1 million for goods and services is not unusual, egregious, worrying, abnormal, and does not water down or erode the objectives of the Act. On the contrary, the introduction of a threshold will bring certainty to the vast amount of small and micro enterprises in this country that have been left out of the procurement depository—

**Hon. Members:** *[Desk thumping]*

**Hon. C. Imbert:**—for one reason or another. The second misconception I must address is the myth that by changing the method by which orders and regulations are made, some great travesty or calamity will befall Trinidad and Tobago. The practical reality is that by putting technical legislation such as the Public Procurement and Disposal of Property Act into operation for the first time, there would be, and are undoubtedly, a number of teething issues, a considerable amount of learning, because this is the first time legislation of this type has been implemented in Trinidad and Tobago. So a number of issues must arise and need to be quickly addressed.

I will also illustrate the absurd results that result from the current state of the Act, especially in relation to amending regulations under section 63. With respect to the drafting error, there is no doubt that the current reference to subsection (5) is a drafting error. If one looks at section 7 of the Act, the only subsection that permits the making of an order is subsection (6). So there is no contention on this point. Where the contention arises is what are the consequences of the error and how one ought to proceed in the circumstances, and I will deal with that later on,
but there is a presumption of regularity in these matters.

1.45 p.m.

And certainly it is appropriate for a Minister, such as myself, to rely on the advice of the legal advisor to the Cabinet, and the legal advisor to the Cabinet relied upon a number of decisions in advising that it was appropriate to sign the two Orders in question, in particular the dicta of the Privy Council in the Attorney General of Belize and Others v Belize Telecom and Another, 2009, 2 All ER 1132 which said:

“The court has no power to improve upon the instrument which it is called upon to construe, whether it be a contract, a statute or articles of association. It cannot introduce terms to make it fairer or more reasonable.”

Similarly, in the decision of Stock v Frank Jones (Tipton) Ltd, 1978, 1 WLR 231, the House of Lords expressed its opinion on the limits of judicial interpretation. In that case, Viscount Dilhorne indicated that there should not be a departure from literal construction and said:

“It is now fashionable to talk of a purposive construction of a statute, but it has been recognised since the 17th century that it is the task of the judiciary in interpreting an Act to seek to interpret it ‘according to the intent of them that made it’…”

If it were the case that it appeared that an Act might have been better drafted, or that amendment to it might be less productive of anomalies, it is not open to the court to remedy the defect. That must be left to the Legislature.”

And this is what we are doing today, we are remedying the defect that arose from the drafting error and I think that is all that needs to be said about that.

Clause 3(a) of the Bill corrects the drafting error by changing “(5)” to “(6)”.

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Clause 6 of the Bill contains a validation provision that deems Legal Notice No. 164 of 2023 and 206 of 2023 lawful and valid, together with:

“…all acts or contracts done and things purported to be done pursuant to those instruments…”

The simple takeaway of this clause is that it arises as a result of the drafting error and has been included in this Bill for the avoidance of doubt and in order to take all necessary precautions regarding this matter. This is standard practice to correct a drafting error and there is ample precedent for validation Acts of a similar nature in this House and I do not need to belabour this issue any further.

Moving on to the exemption contained in clause 4 of the Bill and which, as a consequential amendment, is also referenced in clause 5(a)(iv) of the Bill, it is necessary to highlight that the $1 million procurement of goods and services exemption is expressly subject to regulations to be made under the Act. The intent is to provide a simplified procurement framework for the procurement of goods and services with a relatively low value. So this would cover goods and services up to $1 million.

I wish to make it crystal clear that the intent is not to totally remove the procurement process for procurement of goods and services up to $1 million but rather to simplify the procurement process in relation to those goods and services. There is a sound basis for this. It was previously expressed in section 19(1) of the Central Tenders Board Act where a committee had the authority to act for the Central Tenders Board:

“…where the value of...articles...works and services...”—did—“...not exceed one million dollars...”

Interestingly, the figure of $1 million evolved over time. It started in 1961 at
$10,000. So in 1961, over 60 years ago, accounting officers had the flexibility to award contracts up to $10,000 without having to go through the lengthy and bureaucratic procedures of the Central Tenders Board Ordinance, as it was at the time. In 1983, this was adjusted to $100,000; in 2004, this was adjusted to $500,000; and in 2010, 13 years ago, this was adjusted to $1 million. So for the last 13 years, until April 26th this year, accounting officers had the flexibility to award contracts up to $1 million without having to go through the very laborious procedures within the Central Tenders Board Act. There is enormous support for this position throughout the world. I will start with the WTO Agreement on Government Procurement, 2012, and many countries have put into their legislation an agreement to be bound by the decisions of the World Trade Organization as it applies to procurement.

The WTO Agreement on Government Procurement of 2012, which is as we can figure out 11 years old, says:

“…a plurilateral agreement within the framework of the WTO, meaning that not all WTO members are parties…At present…”—there are—“…21 parties comprising”—of the—“48…of these, 11 members are in the process of acceding to the Agreement.

The fundamental aim of the…”—WTO Agreement on Government Procurement—“…is to mutually open government procurement…among its parties. As a result of several rounds of negotiations, the…”—WTO—“…parties have opened procurement activities estimated to be worth more than US $1.7 trillion…to international competition…”

Under this framework, the WTO permits specific exemptions in the respective procurement laws of members. It explicitly exempts the following,
interestingly:

“a. the acquisition or rental of land, existing buildings or other immovable property…”

That is exempt from the WTO framework on procurement and many countries have agreed that whatever is agreed to in the WTO framework on procurement would automatically be incorporated into domestic law. So:

“a. the acquisition or rental of land…”—or—“…buildings…

b. non-contractual agreements or…assistance that a Party provides, including cooperative agreements, grants, loans…guarantees…”—et cetera.

c. the procurement or acquisition of fiscal agency…liquidation and management services for…financial institutions…services related to the sale, redemption and distribution of public debt, including loans and government bonds…

d. public employment contracts;”

So all over the world, Madam Speaker, those countries that have agreed that the WTO framework on procurement be incorporated into the domestic law, they exempt public employment contracts.

“e. procurement conducted:

i. for the specific purpose of providing international assistance, including developmental aid;”

So foreign aid is exempt from procurement all over the world.

“ii. under the particular procedure or condition of an international agreement relating to the stationing of troops or relating to the joint implementation…of a project…

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iii. under the particular procedure or condition of an international organization…funded by international grants…or other assistance…”

All of this, all over the world, is exempt from the strictures of procurement regulations.

In the same WTO general framework on procurement, members can set their thresholds—same threshold we are talking about here—for central government entities, sub-central government entities and all other entities that are involved procurement. So that once the WTO sets these thresholds, all members must abide by the terms. I will give you some idea of the thresholds that currently exist in respective countries.

In Australia, goods up to AUD $256,000 are exempt for central government entities. Sub-central government entities, goods up to AUD $700,000 are exempt. That is about TT $3 million. Construction services, AUD $9.8 million are exempt for central government, sub-central government and all other public bodies. That would be over TT $30 million. In Australia, construction services are exempt from their procurement regulations.

In Aruba, construction services up to the currency 10 million. In Canada, construction services up $9.1 million are exempt from their procurement regulations, and goods and services up to CAD $651,000. That is about TT $4 million at the current rates. In the USA, goods up to US $183,000 are exempt from federal government, for state government; goods up to US $500,000, 3.3 million, are exempt from their procurement regulations.

In the EU, Madam Speaker, Article 4 of the European Directive 2014 of 2024—sorry, 2014/24, so number 24 of 2014, establishes exemptions based on
thresholds and sectors which is something that we should perhaps look at. The EU has prescribed the following thresholds before their procurement regulations kick in: €5.35 million, that is about TT $40 million. And for the minor goods and services, €214,000 for regional government contracts, and €750,000 for social and other specific service contracts. Again, you are talking TT $4/$5 million. In fact, it is $43 million for public works, $1.1 for central government contracts, and $1.7 million for regional government contracts, and TT $6 million for social and other service contracts.

Again, the EU follows the WTO and in the EU Directive number 24 of 2014, they say that:

“…the thresholds set out in…Article 4 correspond to the thresholds established in the World Trade Organisation Agreement on Government Procurement…”—which is reviewed every two years.

So every two years, they adjust the threshold and when I looked at the adjustments over the last couple years, they have consistently increased the threshold below which the very rigid procurement regulations are not applicable and other less onerous regulations are applicable.

With respect to the EU in particular, Madam Speaker, they have no less than 11 specific exemptions:

“Public contracts…in the water, energy, transport and postal services sectors…”—are exempt.

“…public contracts and design contests for the…purpose of permitting…public communications networks or to provide the public…”—with—“…electronic communications…”—exempt.

“Public contracts…and design contests pursuant to international rules…”—
exempt.

Public contracts for—“the acquisition or rental, by whatever financial means, of land, existing buildings”—this is straight out of the WTO—“or other immovable property…”—exempt.

Public contracts for—“the acquisition, development and production…of programme material intended for audiovisual media services or radio…”—exempt.

Public contracts for—“arbitration and conciliation services…”—exempt.

Public contracts for—“legal services…”—mirroring our law, exempt.

Public contracts for—“financial services…”—exempt.

Public contracts for—“loans, whether or not in connection with the issue, sale, purchase of securities or other financial instruments…”—exempt.

Public contracts for—“public passenger transport services by rail or metro…”—exempt.

Public—“…service contracts awarded…on the basis of an exclusive right which they enjoy pursuant to…law…”—or treaty arising from a function of the European Union, exempt.

So in Europe, which is the most sophisticated public procurement regime that one can find—in fact, Madam Speaker, some years ago when I was studying this, the most complex procurement regulations in the world can be found in the European Union and in that framework, they have 11 specific exemptions which I have just read out.

In the UK, post-Brexit, the Procurement Bill, a Bill introduced in the UK Parliament in May of 2022, currently awaiting consideration by the House of Lords as a result of amendments made in the House of Commons, follows the same
methodology of exemptions.

2:00 p.m.

And exempts the following items from onerous procurement regulation. Defence and security contracts; utilities contracts, something that they call a light touch contract; concession contracts; works contracts; contracts for the supply of goods or services to a central government authority and to a sub-central authority. And the thresholds are £5 million for a defence contract, so that is TT $50 million; £5.3 million for utility contracts, that is TT $50 million as well; a works contract; £5.3 million, TT $50.1 million; supply of goods and services to a central government authority £138,000, TT $1.3 million; and supply to a sub-central authority, £213,000; TT $2 million. And in this Bill, which was already passed in the House of Commons in the UK, and it is on its way to the House of Lords—well it is being considered by the House of Lords—there are 20 exemptions as follows.

A contract between a contracting authority and a controlled person. Horizontal arrangements: a contract between contracting authorities, between authorities, that is one public authority to another—exempt. A contract for the acquisitions—and this is interesting, this is right throughout the world, “eh”—a contract for the acquisition by whatever means, of land, buildings or other work of a similar nature. A contract for the acquisition, development, production of material intended for broadcast—all of these are exempt in the UK—a contract for the broadcast by a contracting authority to the general public of material, such as an advertisement. A contract, the main profit of which is facilitating the provision by a contracting authority of an electronic communication service. A contract to
provide or maintain a public electronic communications network. All of these things are exempt from the onerous procurement regulations in the UK. A contract for the provision of mediation, arbitration of conciliation services. Legal services: lending of money in any currency; public contracts for loans: a contract for the carrying out of an investment service in relation to a financial instrument; services relating to the promotion of fire safety; protection of life and property; search and rescue services: civil defence; ambulance services. All of these things in the UK are exempt from onerous procurement regulations. Public transport; research and development; intelligence activities; air transportation; national security.

All of these things are exempt in the UK under—from complex procurement regulations. In the Caribbean, because let us not just look at Europe and England, let us look at the Caribbean. Caricom has sought to implement the same WTO general procurement methodology through the establishment of an Annex A threshold and Annex B, sectoral contracts to the protocol and public procurement for the Caribbean Community. This is part of the good work that the Caricom secretariat, and the Caricom heads are currently doing right now.

**Hon. Members:** [Desk thumping]

**Hon. C. Imbert:** So far, not the requisite number of countries have ratified this but it will happen soon, for it to enter into force. But, what is being proposed in Caricom already—

**Mrs. Persad-Bissessar SC:** Trinidad [Inaudible]—

**Hon. C. Imbert:**—already ratified by a number of countries, why— Madam Speaker, why is the Leader of the Opposition speaking to me across the floor?
Could you please restrain her?

**Madam Speaker:** If anybody wants to make an intervention, they know how they do that, okay? Otherwise, I will ask everyone to keep their voices in undertones. Minister of Finance.

**Hon. C. Imbert:** Thank you, Madam Speaker. What is being proposed and already signed on by several Caribbean countries is the following thresholds. For more developed countries, there should be a threshold of US $150,000, which is coincidentally almost TT $1 million. For services, US $150,000; for works mirroring the advanced economies, US $3 million; and for less developed countries, interestingly, US $4 million. So that is almost TT $30 million, it is being proposed by Caricom—already accepted by several Caribbean countries that these limits should apply. Combination of goods, works and services US $3 million and US $4 million. So this is already in the system, Madam Speaker, in Caricom, on its way to ratification by all member States of Caricom. With respect to sectors—because it is not just value, when you look all over the world, you see not only exemption of value, but you see exemption of content. So in the agreement that is being circulated within Caricom—already agreed to by several countries—the following are proposed to be exempt:

Works of art: cultural performances; creative expression; staging of productions associated with creative expression, including artistic coordination. Management of artistic works and events; management of intellectual property rights; venue rentals, infrastructure and technical effects; cultural performances; and legal advisory and legal representation. Goods, services and works of a
sensitive nature for defence or national security; goods relating to or services relating to the operation of diplomatic missions; fiscal agency or depository services; liquidation and management services for financial institutions; public debt including loans and government bonds; trade and travel shows; public-private partnerships between a government and one or more suppliers. Research and development; employee pension funds; postal courier and express courier services. Utility services, such as electricity to telecommunications and water. Property rights. Contract of service or contract for service of employment. Charities.

All of this is in the Caricom model agreement for public procurement within the Caricom region which is already on its way to being ratified by all member States. In Barbados, the wording of the public procurement agreement that is being circulated within Caricom is already in the domestic law of Barbados. So in the domestic law of Barbados they already have all of this, it is already there. So in Barbados they already have the concept of a threshold for public procurement and the concept of sectors that should be exempt from procurement already in the Barbados domestic law. In Grenada, their Public Procurement and Disposal of Public Property Act establishes a threshold again for a value and also sectors. Similar, almost identical to what I just read out, including the acquisitions of stores and equipment, services provided by the Government, contracts of employment, items of a sensitive nature for national defence, rental of real property and so on.

Additionally, in Grenada, the following exceptions are provided for. Goods and services on works between government entities. That is a standard feature of procurement law all over the world. One public body can contract with another
public body without having to go through these onerous provisions. Legal services for routine assignments and litigation, arbitration and conciliation services. Outsourcing of government services to non-governmental organisations; that is an issue we need to deal with right here. Procurement of goods, works and services by a procuring entity which is a state control enterprise with the value of the procurement is below the threshold. Any other exemptions issued by instructions from time to time by the Minister; that is the Grenada law. So I do not think I need to belabour about this issue, in the EU, in New Zealand, in Australia, in the UK, in the Caribbean, the concept of a threshold has been firmly established and enacted into a law. And it makes eminent sense, because, Madam Speaker, with the current procurement regulations and law, if you want to procure something that you need for routine operations, a photocopying machine breaks down in a Ministry, or an embassy for that matter, a particular piece of equipment is required or supplies are required, the process in the Act requires you to take up to three and a half months; and I will explain.

2.10 p.m.

I will explain. In the law, whether you are doing limited selective tendering, or you are doing open competitive tendering, the minimum tender period is 20 working days; that is a month. After that, you must submit those tenders to a tender committee who have to evaluate and make a report. That will take a week. Then there is a system in the law where you have a Procurement and Disposal Advisory Committee (PDAC), which is required to review the results of the tender evaluation process and comment on it and determine whether they think it is value for money in accordance with the law, and so on; that is a next week. And when
the PDAC reports to the entity and they decide to make an award—I am talking about a photocopying machine now, or a refrigerator or something that is important, there must be a standstill period of 10 working days; another two weeks. I have already hit two months, Madam Speaker.

But, one of the features of the Public Procurement and Disposal of Public Property Act that we need to deal with is the need for prequalification. And contained within the regulations is a requirement for a 30-day period to allow people to prequalify, 30 working days. So that is another six weeks. So it is three and a half months if you want to do routine, buy a refrigerator, buy a photocopying machine or buy toner for the photocopying machine, or paper for the photocopying machine. And surely, Madam Speaker, no reasonable person would think that that was the intent of the legislation when we came with the Public Procurement Act. Surely, the intent of the legislature was to ensure transparency, equity, value for money, fairness and honesty. It could not be that if you have to buy food for the prisons, that you have to wait three months because you have to get people to prequalify, then tender it out for a month, and then a next month, with a standstill period, and so on.

And you see, Madam Speaker, there are things in the law that say you could shorten some of these periods, but not all of them because you still have to have prequalification and registration if it is an emergency, whatever that is, because your emergency, Madam Speaker, and mine, are not going to be the same, or it is in the public interest. That is subject to interpretation by the courts. And certainly a court might not think it is an emergency if you need paper for your photocopying machine, or it is a matter of urgent public importance if you have to buy meals for the Defence Force or the prisons or something like that. And that is why the whole
concept of a minimum threshold is acknowledged throughout the world. And I want to stress that our intention is not to have a carte blanche free for all. Just like it was when the Central Tenders Board was in effect, there would be rules and regulations.

Moving on, Madam Speaker, there is also the question of changing from affirmative resolution to negative resolution. Now, there are many things that have occurred within the last couple of months, which have made it necessary to make adjustments to the Regulations, many of them. I would give you an example, Madam Speaker. In the legislation, whether you are procuring on an open competitive basis, which means you might get 50 bids, or you are going selective to a qualified group, which might entail five tenderers, the tender period is 20 working days. So whether you are doing something where you know who the people are, you know their track record, you know their capability, and therefore, the evaluation of a tender should not take any considerable amount of time, and also the time that five people would take to bid in a specialist field should not require a whole month. In the current Regulations, whether it is open competitive or limited selective, it is the same 20 working days for tender. That is an obvious error, which we need to correct. The 30-day requirement for prequalification is also an obvious error which we need to correct. Because prequalification should not be longer than the tender period. It makes absolutely no sense. And if one speaks to any serious practitioner they will agree with this. So that these are things that we have to adjust in the Regulations.

But, Madam Speaker, if we have to convene the Parliament in emergency session every time we come across an issue in the Regulations then we would be making a mockery of parliamentary procedure, Madam Speaker. And, therefore,
we are firm in our view that the need for affirmative resolution is going to cause all procurement in this country to grind to a halt. It is going to render the development of this country nugatory. In fact, if one checks with Jamaica, if one reads, one would see what the Jamaican Government is saying. What the Jamaican parliamentarians are saying is that their development programme has been affected adversely by as much as 20 to 25 per cent because of the restrictive nature of their procurement process.

So, let me go back to this example that I just gave, under regulation 23—

**Hon. Members:** [Crosstalk]

**Hon. C. Imbert:** Madam Speaker, there is murmur over there. It is very difficult.

**Madam Speaker:** So Members, the sound is really rising. So I will ask all Members to check their volumes. Minister of Finance, please continue.

**Hon. C. Imbert:** Thank you. Under regulation 23(4)(a) and (d) of the (Procurement Methods and Procedures) Regulations, I want emphasize if you look there, you will see the minimum period for tendering is 20 working days a month. One might think this is no big deal. But when you go into regulation 5(2), you will see that open bidding is appropriate for “large-scale…and high value projects”. Whereas, in regulation 8(1), limited bidding seeks:

“…to restrict the number of suppliers…where –

(a) the subject of the procurement, by reason of its highly…specialized nature, is available from a limited number of suppliers…”

And:

“(b) the time and cost required to examine and evaluate a large number of submissions would be disproportionate to the value of the subject of the procurement.”

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So the object of limited bidding, as stated in the Regulations, is to reduce time and cost, where there is an expectation there would be a limited number of suppliers. It is, therefore, irrational to have 20 working days for open competitive bidding and also 20 working days for limited selective bidding.

Should we convene this Parliament in an emergency session to change 20 to 10, because we need to do that? So, should we bring out the Parliament during the vacation to change 20 working days for limited bidding to 10 calendar days?

Another example is regulation 10 of the Procurement Methods and Procedures, which speaks to applying “A request for quotations” method to “readily available, relatively low priced, goods and services”. And Madam Speaker, any person with any legal knowledge will know that these words, “readily available, relatively low priced, goods and services” will mean many different things to many different people. What is readily available? What does that mean? What is relatively low-priced? What does it mean? For a construction Ministry like the Ministry of Works and Transport, a box drain at a $100,000 might be a relatively low pricing because the contracts that they usually enter into are $10 million and $20 million, and so on. But for the export centres, cottage industry, a relatively low price might be $10,000. So what does this mean? These words are far too ambiguous.

A Tiida vehicle could be a relatively low priced vehicle but a Mercedes Benz might not be. So, I want to make the point—

**Hon. Members:** [Crosstalk]

**Hon. C. Imbert:** Madam Speaker.

**Madam Speaker:** So, Members, this is the last warning I am going to give everyone. Again, any Member who finds it difficult to pay attention can really
Hon. C. Imbert: Thank you, Madam Speaker. I want to remind everybody in this House that these Regulations were not only recommended by the procurement regulator, subject to in-house legal review, subject to public comment and scrutinized by this House and the other place, but they contain these significant errors in them. And there is a reason for it; this is brand new legislation. We have no history of this. And the Regulations themselves are hundreds of pages long. And, therefore, this will always happen.

Madam Speaker, in the House of Commons, let me go back to that, when they were looking at their Bill, the public procurement UK Procurement Bill, 2022, when the Grand Committee of the House of Lords considered that Bill, over seven sitting days, a whole week of sittings between the 4th of July and the 26th of October, 2022, they made 500 amendments to the original Bill, 500 amendments, including 350 amendments from the Government and 250 amendments from the Opposition. All the amendments were technical and focused to ensure that the Bill functioned effectively. It did not change the policy of the Bill. But the fact is that that was produced by learned counsel in the United States, by experts.

Hon. Members: [Crosstalk]

Hon. C. Imbert: Madam Speaker, come on, the Member for Naparima will not stop, irritating. I beg your protection, Madam Speaker.

Madam Speaker: All right, so I am sure this is the last time I would have to stand up on my legs for all Members. Okay? Member, it is 2.21, your end time 2.39.06.

Hon. C. Imbert: Thank you. So I have 18 minutes. So, in the UK they had a Bill drafted by experts and the UK has hundreds of years of history, Madam Speaker. And in the UK, even though their Bill had been drafted by experts, when it went to
the House, there were 500 amendments. And, Madam Speaker, we have only been dealing with this legislation now for three months, for three months, and it is a certainty that as time progresses, more and more issues will need to be addressed.

There is also a common misconception that legislation, subject to negative resolution has no parliamentary oversight. That is just not true. Because when the Minister makes the order, subject to negative resolution, it must be laid in the Parliament, and the Opposition has 40 days to move a Motion to negative the order, 40 days, and a full debate will ensue. It takes priority. We had an example just the other day, something to do with the labour laws, where an order was made to change the fuel bunkering thing by Piarco. An adjustment was made to make that an essential service and a Member of the Opposition brought a Motion to negative and we had a full debate. There was parliamentary oversight of that. So it is just not true that there is no parliamentary oversight of an order made by negative resolution.

And, Madam Speaker, in our Interpretation Act, it says that:

“Where either House within the prescribed period resolves that any of those instruments or documents shall be annulled, that instrument...is void...from the date of the resolution...without prejudice to the validity of anything done thereunder or to the making of a new instrument or document.”

So that documents made by negative resolution are subject to parliamentary scrutiny. It is just not true.

And if one looks around the world, Madam Speaker, if one looks around the world, and one sees what other countries are doing, in the UK Procurement Bill, again the process for amendment is pure negative resolution, Madam Speaker. In the UK, that is what they are proposing. Because they recognize that their Act,
when it is fully operationalized, there will be issues and there will be the need for the relevant Minister in the UK to make amendments, and they have recognized that those amendments can be made by statutory instrument in the UK and be subject to negative resolution in the UK Parliament. That is an advanced economy, Madam Speaker.

That is an advanced economy, Madam Speaker.

2.25 p.m.

So moving on to what we are proposing here, Madam Speaker, moving on, in clauses 3(b) and 5(b) of the Bill, we are proposing that the method of making an Order under section 7(7) of the Act, and regulations under section 63(3) be changed from “affirmative” resolution to “negative” resolution. We are proposing that, Madam Speaker, and we feel that that is the only way that we can have some order and we can have some sense in the manner in which things are done in this country.

You have this cry coming all the time for the ease of doing business. You would hear Members opposite come up—stand up and quote the latest publication with respect to the ease of doing business in Trinidad and Tobago, and condemn the Government because the Government is not high up on the scale in terms of the ease of doing business. But the same individuals over there, Madam Speaker, are telling us that we must prescribe, and agree to prescribe, and keep unchanged, a three-and-a-half month period for the procurement of a routine item, Madam Speaker. That is what they are asking us.

Now, the whole point is governments are elected to run a country. If we as a Government do not faithfully adhere to our oath of office, if we as a Government do not faithfully adhere to the requirement that we ensure that things work in this
country as best as they can, then we do not deserve to be in Government, Madam Speaker.

Hon. Members: [Desk thumping]

Hon. C. Imbert: We do not deserve to be in Government. And, you know, some of the commentary outside of there is laughable. I would like to read from a letter in the papers. I found it quite intriguing, Madam Speaker. I saw a letter to the editor and it was very, very interesting. This particular letter is entitled—let me just call out the title of the letter, Madam Speaker:

Public procurement fiasco.

But one of the interesting things in the letter is the individual said:

Trinidad and Tobago’s already poor record concerning the ease of doing business would be further exacerbated with this procurement legislation.

But he went on to make an important point, and I read from the letter:

I have heard some commentators state—and I have heard this from Members opposite—that the Government of Trinidad and Tobago had 50 years to plan and prepare for the recent 50th Anniversary Caricom summit.

And these are his words, I could not have put it better myself:

How laughable, clearly that is intended for comic relief. The truth is there was a last minute change of venue from Dominica to Trinidad and Tobago, and these commentators know that.

So Trinidad and Tobago did not have 50 years to plan for the 50th Anniversary Caricom heads summit, they had a few months. But he goes on to say that:

These commentators also know that the best-laid plans have to be tweaked as unforeseen circumstances arise, especially in complex events. Anybody who has had to construct a house—
He goes on to conclude by:

Anybody who has had to construct a house will know that nothing ever goes according to plan.

And I repeat, it is really laughable that some of the opponents to the urgently needed amendments to this legislation make that comment, that Trinidad and Tobago had 50 years to plan for the 50th anniversary. Nonsense. And they know it is nonsense too.

And, Madam Speaker, let me give some examples, which I gave in my press conference. In the particular Caricom meeting, the attendance of the US Secretary of State, the UN Secretary-General, the President of Rwanda, the congressional delegation, the Prime Minister of Korea, I believe, came as well—

Mr. Young: South Korea.

Hon. C. Imbert: South Korea. All of these world figures indicated their attendance—confirmed their attendance one week before the summit. Now, I have made the point that in order to procure goods and services it takes three and a half months; one and a half months to prequalify and two months to finish the procurement exercise to award a contract. Three and a half months. But it is normal, and anybody who has had the experience of organizing an international event, anybody will know there are last-minute changes. They will know that. They will know there are unforeseen events. There are no things that you cannot plan for. They know that very busy visitors, such as the US Secretary of State, who is the third or fourth most important public official in the United States; the UN Secretary-General, “yuh cyah get more important dan dat”; the President of a country and so on; the leader, the minority leader in the Congress in the United States, “yuh cyah get very much more important dan dat” will know that these
people have very busy schedules and are unable to confirm their arrival for an event such as this until a few days before, sometimes a week before.

And I remember, I was discussing—I was talking to some of the staff who came with the congressional delegation and they said—I was talking to them Wednesday night and they said, “We are going back to the States tomorrow.” So I said, “So soon?” They said, “Yes, we have a full session of Congress on Friday.” So they had to leave Trinidad and Tobago Thursday to get back to the United States to go into Congress on Friday. So anybody who has had any experience in managing an international event will know that these things come up at the last minute.

So that, one of the choices facing the Government was, what do we do? Cancel the Caricom heads because the procurement regulations would now allow us to provide accommodation, transportation, audiovisual services, meeting rooms, and all of the things associated with a heads meeting? “We go cancel dat?” That was one of the choices available to us, tell the UN Secretary General, “Sorry, doh bother to come, we just cancel because it would take three and a half months under our procurement legislation to procure accommodation for you”, or do what is required to be done, Madam Speaker. That is an actual example of what was required to be done.

So, Madam Speaker, we are of the view, when you look around the world—I have looked at what is done, I have an example here from New Zealand. In New Zealand, they have delegated authority down to the level of the contracting authorities themselves. Let me just read what happens in New Zealand. Under their procurement laws, Rule 42: “Changes to process or requirements”:

“An agency...”

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In their case, the public body is described as “an agency”.

“An agency may make changes to its procurement process or its requirements after a Notice of Procurement has been published…and before the deadline for responses closes.

An agency must notify…”

Hon. Member: [Interuption]

Hon. C. Imbert: Madam Speaker, I know I only have a few minutes but the Leader of the Opposition will not stop.

Madam Speaker: You know, I think what happens is, Member, you know, this Chamber is accustomed to silence at this time, so the sound might be a little amplified, but I do not think it is reaching disturbing levels as yet. Please continue.

Hon. C. Imbert: You would be surprised, the Member is disturbing me. In New Zealand:

“An agency…”—can—“…make changes to its procurement process or its requirements after a Notice of Procurement has been published…and before the deadline for responses closes.

An agency must notify all…suppliers of any changes to the procurement process…must publish…”—them—“…send them to all participating suppliers.

…make call changes available to all participating suppliers at the same time…”

And:

“…give all participating suppliers enough time to respond to the
Public Procurement and Disposal of Public Property (Amdt. And Validation) Bill, 2023 (cont’d)
Hon. C. Imbert (cont’d)

changes…”—including—“…extending the deadline…”
That is what happens in New Zealand. They do not convene their Parliament in New Zealand because a necessary amendment is required to their procurement regulations. The public body is authorized to do it, and then it reports, and then it eventually comes to the Parliament for discussion. But they are given the flexibility to do it if the need arises, Madam Speaker. And that is what sensible countries do and that is what sensible governments do, and with those few words, I beg to move.

Hon. Members: [Desk thumping]

Question proposed.

Madam Speaker: Member for Siparia.

Hon. Members: [Desk thumping]

Madam Speaker: Member, as the first responder, you have 60 minutes speaking time—

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much.

Madam Speaker:—without extension.

Mrs. K. Persad-Bissessar SC: I thank you, Madam Speaker, as I join this very important debate knowing full well that the outcome of this debate in the House today has already been decided. The Government has said that they will use their majority, come what may, to push these amendments through the Parliament. So—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC:—nonetheless, we decided we would come because we want to raise our concerns on behalf of the citizens of Trinidad and Tobago. So the question is, why are we here? Why are we here in this Extraordinary Sitting in
a fixed recess period? Yes, this can be done if the proper Standing Order is followed.

And, Madam Speaker, I respectfully state, we are here because in the words of the hon. Prime Minister, “A little boy from San Juan was brighter than all the lawyers on the other side.”

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** That is why we are here, because this MP for Barataria/San Juan, dubbed “the little boy”, very bright one—you know, I think, hon. Prime Minister, we will be happy to lend you a good lawyer because obviously the lawyers on your side cannot read and interpret the law.

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** And they are taking you down a wrong pathway, Prime Minister. I think you really need some help in legal interpretation when it comes to the law, because it is only recently we were here validating another set of things because of the wrong interpretation of the Government about the law relating to the local government election.

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** Just this year. And here we are again because this—not in my words, I am just quoting the words of the hon. Prime Minister—little boy from San Juan showed that he was brighter than every single lawyer on the other side.

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** And then that Member raised in a press conference that, look, something is very wrong, there are these exemption orders made under the hand of the Minister of Finance, and that something is very wrong
because that is not what the law intended; that the law was very, very clear that such orders would have to come to the Parliament for affirmative resolution. Based on that, a legal luminary himself by the name of Ravi Balgobin Maharaj, through his lawyers; through his lawyers, sent not one, but two pre-action protocol letters—

**Hon. Members:**  *[Desk thumping]*

**Mrs. K. Persad-Bissessar SC:**—for an interpretation claim to determine whether the two Legal Notices, 206 of 2023 and thereafter Legal Notice 1—I am sorry, just remind me, please—two Legal Notices, one dealing the Judiciary and one with respect to foreign dignitaries visiting. These two pre-action letters were sent on the 10\textsuperscript{th} July, 2023, and then on the 12\textsuperscript{th} July, 2023.

Now, Mr. Maharaj said to me, Madam Speaker, that many pre-action letters have been sent in the past, many freedom of information pre-action letters have been sent in the past and this is the first time, he says in his memory, in response to all of those, that the Government responded so quickly.

**Hon. Members:**  *[Desk thumping]*

**Mrs. K. Persad-Bissessar SC:** So quickly. Indeed the Government responded even before the deadline date that had been set, which was to be the 17\textsuperscript{th} of July, and instead replied from the Office of the Attorney General, July 14\textsuperscript{th}, 2023, in which the Government indicated through this letter to the lawyers of Mr. Maharaj that they accept—

It is accepted that there is a drafting mistake. It is therefore proposed, as you are no doubt aware by now, that Parliament is being convened to rectify that mistake and validate orders about which you complain, in addition to other matters forming the substance of the Bill entitled…
The Bill that is before—the name of the Bill today.

In light of the above, please be advised that the Government has since placed the House the requisite amendment to the laws and the House will convene on Wednesday, 19th July, 2023.

2.40 p.m.

And very interesting Madam Speaker, it says:

Extraordinary sitting, we will deal with this, and in the circumstances, we respectfully suggest that there is no need to institute any civil proceedings in the matter.

So the Government accepted that they were at fault. This is an admission of guilt, Madam Speaker—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: —an admission of guilt. And that is why I say, due to the due diligence of—especially the Member for Barataria/San Juan, that matter has brought us here plus the pre-action protocol letters that had been set out. So here we are, what does this Bill now seek to do? The Bill seeks to talk about two things. There is a validation of the Legal Notices and in addition, there are further amendments to the parent law, the Public Procurement and Disposal of Public Property Act, two things that we are dealing with here today.

Now the hon. Minister went around the world—

Mr. Hosein: Yes.

Mrs. K. Persad-Bissessar SC:—to justify what is being done here today, to justify what the Government is seeking to make happen, which in my respectful view is to give the Government a blank cheque to exempt anything—

Hon. Members: [Desk thumping]
Mrs. K. Persad-Bissessar SC:—and everything anytime they please. A blank cheque. And then tries to justify that by going around the world at the WTO and talking about some Caricom document and could not answer, but I will ask it on my legs now because was under the breath: Did Trinidad and Tobago accede to whatever Caricom document the Minister is speaking about? Because as I will share with you, Madam, in Jamaica, it is clear that things are subject to affirmative resolution of Parliament right now.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: The Minister talks about EU and all over the world, what is happening, and right here in the Caricom, in Jamaica, which I will share with you in a moment— And then the Minister seeks to tell us, you know, all these exemptions, and I wonder whether the Minister was advocating a case for all those numerous items he mentioned that we should now also make those exempt because other parts of the world are doing it. Minister will not say that, but he rattled off this long list of exemptions to say, well, look, we just exempted a few things. Let us make it very clear. After the Government brought several sets of amendments, to make exemptions, whittling down, gutting out the law, the procurement law, taking out its teeth, for legal services, for debt financing services, for accounting and auditing services, medical emergency and other medical services and such other services, as the Minister may by Order declare.

In addition to that, we have exemptions, Minister, giving us all these and will not tell us or remind us that this Government has ensured there are many exemptions to the use of the procurement law and the procedures contained therein. And so you have this Act applies to public bodies, as I am reading from the Act itself now as consolidated, application of the Act, section 7.

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“(1) This Act applies to public bodies and public-private partnership arrangements.

(2) To the extent that this Act conflicts with an obligation of the State under or arising out of the following:

...a treaty or other form of agreement, to which Trinidad and Tobago is a party with one or more States or entity within a State”

The Minister mentioned that in his list of exemptions elsewhere, it is here. It also applies to:

“...an agreement entered into by the Government of Trinidad and Tobago with an international financing institution…”

It also applies:

“…an agreement for technical or other cooperation between the Government of Trinidad Tobago and the Government of a foreign State”

All these are here in our exemptions. Then we move on to 7(4), 7(5):

“Subsection (3) shall not apply to reports regarding matters of national security.”

7(6):

“This Act shall not apply to the following services provided to public bodies or State-controlled enterprises…”

These were some of the amendments brought by Government in 2020.

“…legal services…”

And you know what we saw happened with that? Legal services they placed under exemption and $1.4 billion spent on legal services by this Government, which went to close relatives, the President’s husband, her brother—
Hon. Members: [Desk thumping]

Ms. Ameen: Yeah.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC:—the golfing partner of the Prime Minister. Is that what you want these exemptions for? Madam Speaker, $1.4 billion in legal services, and there are many others that we can speak of with respect to accounting and auditing, debt financing. But there was something very important here, Madam, that when these exemptions were given, the Minister had a blank cheque in a sense, but that cheque was subject to the check and balance of the Parliament—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC:—subject. So there are all these exemptions and then the Minister had the power to exempt such other services, as the Minister may by Order determine and then it goes on to say in section 7:

“An Order” made “under” this part of the law “shall be subject to affirmative resolution of Parliament”.

So yes, the Minister did have the power to exempt such other services, goods and services, but subject to the check and balance of the Parliament by affirmative resolution.

I will return to the point of the justification given by the Minister for moving and changing “affirmative” to “negative.” Let me say at the outset that in saying that you can come back to Parliament in 40 days, Minister neglected to tell us when talking about negative resolutions, that it takes effect immediately.

Mr. Hosein: Correct.
Mrs. K. Persad-Bissessar SC: It takes effect immediately. So that 40 days later, you are coming to—

Mr. Hosein: Negative.

Mrs. K. Persad-Bissessar SC: Negative, what happens 40 days later it is already—it is taken effect and you spent the money. You have gone on and spent the money as per a blank cheque. So I will come back with that. So I just wanted to make the point when the Minister is, you know, emphatically talking about exemptions all over the world that we have several exemptions in our law, right now, as it stands in the law in Trinidad and Tobago. And you know, you really wonder if you know, there is war, the Western against the Ukraine, Ukraine against Russia—is it that if they are doing war, we must go into war too? Is that what you in a sense saying take all these exemptions? So we will not be surprised for him to come back again, to put more exemptions into the law of Trinidad and Tobago, and we will deal with those when we come with it. So let us look at the aspect first of the validation part of the Bill that is before the House, validation. And what are we validating?

Clause 3 is obviously correcting a cross reference, the Bill, clause 3 of the Bill is for cross reference. Clause 4 provides that goods and services up to $1 million are exempt and rationales are given by both the Prime Minister and the Minister of Finance. When we come to the actual validation, now let us read these exemption notices, which is clause 6 of the Bill. Clause 6:

“All statutory instruments, including Legal Notice No. 206 of 2023 and Legal Notice No.164 of 2023, purported to be made under section 7(7) of the Act, and all acts or contracts done and things purported be done pursuant to those instruments, are deemed to be lawfully and validly made and done to
the extent that they would have been lawfully and validly made and done had the instruments complied with the requirements of section 7(7) of the Act.”

Madam Speaker, my question: All statutory instruments? Are there other statutory instruments, meaning Legal Notices and Orders, lurking somewhere in the dark? As far as we are aware, there are only two—the 106 of 2023—164 of ’23 and 206 of ’23. Why are we passing a section here? Why being asked to pass a section to validate all statutory instruments—

Mr. Hosein: Correct.

Mrs. K. Persad-Bissessar SC:—including these two? Why?

Mr. Hosein: Correct.

Mrs. K. Persad-Bissessar SC: Is there another one that we did not pick up yet through our due diligence? We think we were able to pick up these two, fortunately, through the good work of MP, Saddam Hosein. All statutory instruments and I would ask the Government to explain what do you mean by that?

Secondly, you want us to validate this. Tell us how much money is involved?

Mr. Hosein: Correct, correct.

Mrs. K. Persad-Bissessar SC: What are we validating? Madam Speaker, $1, $1 million, $8 million, $9 million, $20 million? What are we validating? And secondly, who are the suppliers of the goods and services who are given, under these exemptions, work to do for the Judiciary items and for it foreign visits. So, government must come clean and tell the population. And I have a problem too, Minister said somewhere it was $9 million. Madam Speaker, $9 million for the Caricom and Heads of Government. But, Madam Speaker, you know, what is in

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black and white does not lie. Right here in this Parliament, during the mid-term review, the Minister had a line item and that line Item had to do with, it is right here, *Hansard*, on the *Hansard* dealing with:

“…hosting of conferences, seminars other functions”

**Madam Speaker:** So Member, if you quoting *Hansard*, you will have to give us a little more in terms of date, et cetera, et cetera, please.

**Mrs. K. Persad-Bissessar SC:** Certainly Madam, this is on the agenda items for the SFC for that SFC meeting in the mid-year review, agenda item. Line Item 02/001/66: Hosting of conferences, seminars and other functions, and under that $20 million.

**Hon. Member:** Wow. What?—20 million.

**Mrs. K. Persad-Bissessar SC:** This meeting took place on the 5th of May, 2023. So at least at the 5th of May, of this year the Government knew—

**Mr. Indarsingh:** Yes, they knew.

**Mrs. K. Persad-Bissessar SC:**—and hear what it says.

**Hon. Members:** *[Desk thumping]*

**Mr. Hosein:** And before that they— *[Inaudible]*

**Mrs. K. Persad-Bissessar SC:** Well, yes it would have known before they even put it in the estimates. They would have known before the 5th of May—

**Mr. Hosein:** Yeah.

**Mrs. K. Persad-Bissessar SC:**—and it explains it again in that agenda item:

“…the sum is needed to meet the cost of…Hosting…the 45th Regular Meeting of the Conference of Heads of Government of the Caribbean Community, and related celebration of the 50th Anniversary of the

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Establishment of CARICOM, by the Government of Trinidad and Tobago during a period…”—July 3rd to 6th.

Hon. Members: Ohhhh.

Mrs. K. Persad-Bissessar SC: You knew this. May, like “dey forget”. They come here and they pass things and say things. And then Minister comes to tell us people say—well, it was a 50th year anniversary they had to know before, of course they knew before.

Mr. Hosein: Oh yes.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: That is why you came in the mid-year review. That is why you came. This is in your own documents in this Parliament.

“…the sum is needed to meet the cost of…Hosting…the 45th Regular Meeting of the Conference of Heads of Government of the Caribbean Community, and related celebration of the 50th Anniversary of the Establishment of CARICOM, by the Government of Trinidad and Tobago during a period…”—July 3rd to 6th.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: May. May, this was in May, May 5th, whole of May gone. June come, whole of June gone, hmm.

Hon. Members: [Crosstalk]

Mr. Indarsingh: If you think [Inaudible] the Chamber would that—[Inaudible]

Hon. Member: Running away.

Mrs. K. Persad-Bissessar SC: And to prepare this—why the Minister is ducking and running here today.

Hon. Members: [Crosstalk]
Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: So you knew way in advance of the meeting on
the day of the 5th of May. You would have had to know because you prepared all
these bundles of documents—

Hon. Member: Yes.

Mrs. K. Persad-Bissessar SC:—we have a Standing Finance Committee, we
come to the actual debate on the Bill. So your excuse is no excuse. In another
language, you may say, it is an untruth versus a lie. I would not say that. But it is
an untruth, it is an untruth, Madam. It is not true.

Madam Speaker: So just withdraw that word and you could proceed, you know
you cannot say that.

Mrs. K. Persad-Bissessar SC: It is not true—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC:—to pretend you did not know this meeting was
coming up, to pretend—it is not true.

Mr. Hosein: You approve money for it.

Mrs. K. Persad-Bissessar SC: You approve the money right here in this
Parliament, you approved the moneys. And that is to do with the 20 million. So
come and tell us how much money you spent.

Mr. Indarsingh: Yes.

Mrs. K. Persad-Bissessar SC: How much money you did exempt and again,
contractors, suppliers of the goods and services for that 50th anniversary.

It reminds me you know, when they came to validate the last time about the
local government election date, and you know, we were able to go back in the
Hansard and find where the Minister—when I said you are going to use this to
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postpone local and the honourable Members was—no, no poppycock, poppycock, nonsense, foolish—and that is exactly what was done. So here we are validating again, and the Minister is telling us: Look, we did not know and then we did not know who would come on who would not come. You know, Madam, I do not know how involved you are in preparations for something like a wedding, or a birthday party or something you know. And you do not wait till the day of the birthday party or the wedding to start to buy food and cook food. You plan it long in advance. You make an estimate or a “guesstimate”. So to tell me you did not know who was coming and was not coming again, poppycock, poppycock—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: that is poppycock, that is poppycock. Give me a time check please? [Pause] Yes. Okay.

2.55 p.m.

Let us get to the—still on this validation aspect of it. So let us also take note of when was this Order made for the (Foreign Visits) Order. Okay? That was made on the 29th. I have it here, the one for this year, made—Legal Notice 206, 23 of 206, for the foreign visitors, dated the 29th day of June, 2023. Let us take note of that date because, first of all, it is incorrect and untrue to say you did not know about this Caricom thing because you knew it since May when you came to this House and the SFC.

And let us further take note, the Order was made on the 29th day of June, let us take note of that, before the Parliament went into fixed recess, before. When that Order was made the Parliament sat on several days thereafter, several days thereafter—okay?—before the recess. I am just trying to find a piece of paper, please. I am looking for the document that tells us the days on which they sat.
Here it is. In other words, Madam, the point I am trying to make is that when they made that Order there were still several parliamentary days, both in the House and in the Senate. So in the same way that you are rushing to pull us back in this Extraordinary Sitting, you had sufficient time to come to the Parliament for an affirmative resolution of the Parliament.

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** There was sufficient time to come because we sat thereafter and several sittings of this House, several sittings of the Senate. And indeed, on the 29th of May, in fact, there was a sitting on that very day.

**Mr. Hosein:** Correct.

**Mrs. K. Persad-Bissessar SC:** So it is no excuse that you could not come to the Parliament. The fact that you have taken the Parliament out of its fixed recess, Extraordinary Sitting, you could have done it any single day. So to come back to say you do not want to get affirmative resolutions, and so on, it would take you too long; no, no, no, no, you can come any day, just like you did now. Any day you can convene this Parliament with the Speaker’s—

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:**—once the Speaker is satisfied that it is a matter that necessitates coming back to the Parliament.

So that notice, sittings of the House, the House sat on the 26th of May which was immediately before the date of that Order; the House sat on the 29th of May; the House sat on the 5th of June; the Senate sat on the 23rd of May and 31st of May; the House sat on the 28th of June—okay?—and the Senate sat on the 27th of June and 30th of June, so there were sufficient sittings to come to this House. Why do you not want to account to the Parliament? Why is it that you refuse to account to
the people through the Parliament? And I must give credit to the Independent Senators because when this matter was dealt with the original law had exemptions subject to negative resolution of Parliament. I think it was Hazel—Sen. Thompson-Ahye and others who argued—

**Mr. Hosein:** Paul Richards.

**Mrs. K. Persad-Bissessar SC:** Sen. Paul Richards. I think even Amrita Deonarine, they argued strenuously it should not be, it should not be negative; it should be affirmative, and the Minister sat there and agreed. He agreed. And when it came down to this House for Senate amendments for that, I think, again, the young boy from—the young man from Barataria/San Juan again raised the issue that it was incorrect in the way it was read. Again, the Minister gave the assurance, “Don’t worry, we will fix it”. “The CPC and the Law Reform and all, we will fix it. Don’t worry.” When was that? 2020, 2020, and here we are, 2023, almost three years later, never fixed it. Rushed in the dark.

If we were not diligent—as I say, Barataria/San Juan—

**Hon. Members:** [Crosstalk]

**Mrs. K. Persad-Bissessar SC:** Please, stop disturbing me. You will have a chance to speak, Minister. You will have a chance to speak.

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** You all were caught with your hands in the cookie jar that is why you are ashamed and embarrassed to be answering this today.

**Hon. Members:** [Desk thumping]

**Madam Speaker:** Member, just remember this is not a personal conversation between colleagues across the floor. Please direct everything here. And I would ask all Members, let us try to be respectful of each other in this process.
Public Procurement and Disposal of Public Property (Amdt. And Validation) Bill, 2023 (cont’d)
Mrs. Persad-Bissessar SC (cont’d)

Mrs. Robinson-Regis: Madam Speaker, I rise on Standing Order 48(6), based on the last statement of the Member for Siparia.

Madam Speaker: So, you know, with all the noise I really did not hear, you know, and that is one of the difficulties when Members are making a lot of noise. All right? Again, I caution all Members, let us be respectful of each other; let us practise temperance. Member for Siparia.

Mrs. K. Persad-Bissessar SC: I thank you very much, Madam Speaker.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: So there were sittings just before the Order was made, the two Orders. There were sittings after the Orders were made and therefore there was sufficient time that they could have brought the matters before this House and the Senate for the affirmative resolution of the Parliament to carry on the expenditure.

So there is one other point on this validation matter and it has to do with what the Minister keeps saying, “There is not enough time”; they would not have enough time. I am showing that you would have had enough time to come for affirmative before the Parliament. And then the excuse of a pipeline burst; what happens, we had to run and fix the pipeline. And you say you cannot buy toilet paper, you cannot buy toilet paper, Madam Speaker, nothing is further from the truth—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC:—and that is why I offer to lend the MP for Barataria/San Juan—

Mr. Hosein: “Ah not going. Ah not going.”

Mrs. K. Persad-Bissessar SC: Oh, he does not want to go, but to help interpret
the law because there are emergency provisions within the law.

Hon. Members:  [Desk thumping]

Mrs. K. Persad-Bissessar SC: They exist within the law, Madam Speaker. You do not have to do all this—whatever—tinkering. You did not have to do all of this illegally because you have provisions in the law of Trinidad and Tobago. So let us take a look at that.

Before I go to that, you know, let me read something with these two Legal Notices; one was for the Judiciary—the Judiciary. The Minister of Finance told us that the Legal Notice 164 of 23, which dealt with exemptions for the Judiciary, the Minister in an interview said this had to do with sequestering juries—jury, but I am seeing an article here from the Newsday on the 12th of July; an article in the Newsday by Jensen La Vende—I think it is his pronunciation, Jensen La Vende—and he is saying, look:

“Calls to judicial officers including senior criminal attorneys revealed no pending cases in which a jury needed to be sequestered.”

The Minister goes public and says, “Ay, urgent matter, jury to be sequestered”, and they say there was none.

“The Judiciary’s three-month exemption ends on August 29. The courts will be on…break at…July.”

So what you are giving them a three-month exemption for? What for? And I will tell you what they are saying it is for in a moment because it is on the face of the Legal Notice itself.

Hon. Members: They are looking for hangman—

Mrs. K. Persad-Bissessar SC: So there we are—yes, was looking for hangman. Yeah, that is one of the things. You are right. You are right.
Hon. Members: Yeah, it is there. Yeah.

Mrs. K. Persad-Bissessar SC: They said the call said no jury was sequestered. So come again, tell us what the exemption was for exactly? How much was the exemption and to whom? Who are the contractors for the goods and services?

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: Who? Who? And let us look at that Order, the Legal Notice on the Judiciary. This is what the Legal Notice tells us that the exemption was for; what was it for?

“The Act does not apply…”

This is the Order now, it is making the Act not applicable to the Judiciary in respect of the following:

Hon. Member: A&V Drilling.

Mrs. K. Persad-Bissessar SC: “all goods”—and—“services…”— You know, if the Member does not provoke us we will not respond, you know.

Madam Speaker: So, Member for Siparia, I am standing. Okay?

Mrs. K. Persad-Bissessar SC: “Oh gosh, man.”

Madam Speaker: Member for Siparia, it is both sides, and I think the Member, the Leader of the Opposition needs to be heard with a bit more accommodation, so I warn both sides. It is both sides. Okay? Member for Siparia.

Mrs. K. Persad-Bissessar SC: Madam, I thank you very—

Mrs. Robinson-Regis: [Inaudible]

Mr. Indarsingh: Very law-abiding.

Mrs. Robinson-Regis: Ma’am, I am leaving.

Hon. Members: \[Desk thumping\]

Madam Speaker: Let us get on with—

Mrs Robinson-Regis: \[Inaudible\]

Mrs. K. Persad-Bissessar SC: Wow.

Hon. Members: \[Laughter\]

Mrs. K. Persad-Bissessar SC: Thank you for your protection, Madam. Thank you very much. I am talking about the Legal Notice 164 of 2023, which gave the exemption with respect to the Judiciary. It says that the procurement law will not apply to the Judiciary in respect of the following. Let us hear what it is. Now, I want you to remember, Madam, this Notice was dated in May too as well, 29th day of May. The court goes into fixed recess, July, so what you have, May/June—

Mr. Hosein:—June.

Mrs. K. Persad-Bissessar SC:—and it is given—yeah—just one month, one month, because 29th of May, just one month of the court operating until its fixed recess and they were given a three-month exemption. Hear for what:

“all goods, services, works and commodities arising from a Court order or required within the progress of a matter before the Court…”

So, please, tell us which of these matters the exemption was related to? What are these things, we need to know? The public needs to know. That is for transparency and accountability as well. It applies—will not apply because of the exemption:

“all goods, services, and commodities related to jury management…”

—and the article tells us no such jury. There were no juries, and, of course, with the fixed recess of the court, obviously, no juries.

“all goods, services, works and commodities relating to witness support
services…victim support services;”

So what is so urgent about that? You did not know that you had a programme with witness support? You did not know you already had a programme for victim support services? What has suddenly arisen? Tell us? Tell us why you did this?

“medical, information technology, finance and other subject-matter experts or consultants to assist the Court in matters involving highly technical and complex issues and evidence;”

Again, what is the urgency to make an exemption? Tell us again what it is for, whom you paid for all of this?

“judicial accommodation;”

—Wow. So these judges, judicial accommodation, you did not have that before? It suddenly arose on the 29th of May? It suddenly happened that you had to make an exemption for that?

“media advertisements and publications required by any law, rules of court or practice direction;”

—it continues. It is a long, long list. I want to know, each of these items contracted out.

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** How much? To whom?

“all goods, services and commodities related to psychological, counselling, counselling support, assessment, drug treatment, peer resolution, conflict resolution…rehabilitative intervention…practice direction…required to be conducted by the court, on behalf of the court or for the court;

Court-annexed mediation services…”

**Mr. Hosein:** Nothing to do with the jury trial.
Mrs. K. Persad-Bissessar SC: Nothing to do with any jury trial the Minister told us about, but then untruth again.

“law books and periodicals….”

Wow. You do not know you had to buy these things? You have to give an exemption. What suddenly happened, you are going to give the jury—you have to give the jury the law books? And someone told me, you are going to give the jury to read Archbold’s? I mean—

“law books and periodicals…
judicial educators, facilitators…judicial education;
services related to judicial employee assistance…
specialized devices, software, systems…other technology…
goods, services and works related to alternative sentencing or monitoring of convicted persons, persons released on bail or persons otherwise…
goods, works…services required for the continuation of essential judicial or court related services…”

—and it goes on. It goes on.

3.10 p.m.

But this is one that really brought me in a fit of laughter, almost to tears:

“hangman and assistant hangman services...”

Hangman. I mean, are you for real? When last was somebody hanged in this country? When last? I think the last time it was under—the Dole Chadee matters under the then Panday administration and AG Ramesh:

“(o) hangman and assistant hangman services and any related goods, services, works and commodities.”
The rope—the hangman’s rope.

**Hon. Members:** [Laughter]

**Mrs. K. Persad-Bissessar SC:** This is serious business, you know, Madam, but it is really, really heart-wrenching. We laugh, but it is really, really amazing that a serious government will make an exemption for such ludicrous and ridiculous items to have an exemption. So, again, tell us how much money did you spend on the hangman; and who is contracted to be the hangman, assistant hangman; the related goods and services, works and commodities? Tell us. How much out of this exemption was expended based on the Legal Notice?

Then we come to the exemptions themselves and the Legal Notice was clear with respect to the foreign dignitaries, Legal Notice 206 of 2023, dated 29 June, 2023. Again, I have read out already, Parliament was sitting before and after and therefore, there was ample time to bring the matter for the affirmative resolution of the Parliament.

The Order for foreign visitors:

“The Act does not apply to the provision of services for events associated with visits by Foreign Heads of State, Foreign Heads of Government or Foreign Dignitaries to the Government of Trinidad and Tobago.”

Again, we call upon—what is expected, how much is expected to be spent? Because this Order goes for three months. So Caricom, yes, tell us about that and the other foreign dignitaries, and we have no problem with foreign dignitaries coming to Trinidad. In fact, we welcome them. I see there will be a visit for Emancipation.
Hon. Members:  [Desk thumping]

Mrs. K. Persad-Bissessar SC: We welcome the foreign dignitaries to Trinidad and Tobago. Well, tell us, how much money and who are the persons contracted to supply goods and services for these events?

I come now to what I think is a very important matter, where the Minister and the Prime Minister and others are crying, pleading that this whole process takes too long, and I mentioned earlier, there are provisions in the law at the moment which deals with that. Can I get that, please? The sections in the Act that deals with the—I am looking for the piece of law. Too much paper, Madam Speaker.

Madam Speaker, the Act itself—in regulations made under the Act, there is Regulation 4, and there are regulations at—from 12 to 14, the Regulations made under the Act. These are existing, these are within the law to deal with the contingencies and exigencies and emergencies that the Minister identified that take too long. If a pipeline burst, for example, it would take too long. But when you go to 14, the Regulation 14 made under the parent Act, it tells us very clearly, we will start from Regulation 12, “Single Source Selection”:

“(1) For the purposes of this Part ‘single source selection’ means a non-competitive method of procurement whereby a procuring entity engages one supplier or contractor for a procurement even though other suppliers or contractors are available.”

Single source selection may be appropriate under the following circumstances—so you do have exemptions. You do have provisions within the law. I do not think all
of us could have sat in this Parliament and say if an emergency arises, “yuh cyah do nothing. Shut down the Government. The Government would grind to a standstill”. I do not think we were that “dotish”, because there are provisions to deal with these emergencies and exigencies contained within the Regulations.

Single source selection may be appropriate under the following circumstances:

“(a) where the procurement represents a natural continuation of previous procurement and –

(b) where the subject of the procurement is a good which is a spare or replacement part...”

Did the Minister not talk about—something about a replacement part for a fridge or something? We had to get a piece for a printer or a computer? Minister tell us that, “cyah get it, Government shut down. You cannot get it. Yuh cyah photocopy”. And by the way, even before this law, we have been told in the TTPS that they do not even have the wherewithal to even photocopy anything. That is even before this law came in. “Dey ha tuh bring toilet paper to work”. That is before even this, so do not blame this. Do not blame this.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: It continues:

“(c) where the subject of the procurement is a good which is a spare or replacement part for equipment in use by the...entity;”

Typewriter? What was it? Fridge? Computer? Look, it is right there, 12(2).

Mr. Indarsingh: [Inaudible]—photocopier
Mrs. K. Persad-Bissessar SC: Photocopier, yes—12(2)(c):

“where the subject of the procurement is a good which is similar to equipment in use by the procuring entity and single source selection will be more cost effective…”

It continues. So you have ways under the existing law instead of bypassing the law and making exemptions subject to negative resolution of Parliament, which means for 40 days—40 days you will be spending money again. That is what we have been asking you. We are in an election period, you want blank cheques.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: You want blank cheques to go out there during an election period to spend money.

“(d) where the subject of the procurement is to be delivered or carried out by a supplier or contractor who is in possession of relevant information and data…”—and so on.

But hear 12(f):

“in cases of emergency.”

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC:

“(f) in cases of emergency.”

Pipeline ruptured, that is the big example. That is certainly an emergency. Flooding—if there is flooding, that is an emergency.

“in cases of emergency.”

12(f). It continues—this is 13 now:
“Where a public body decides to engage in single source selection it shall –

(a) gain approval...”—from the procurement officer.

“(b) request a proposal or contract price quotation from the supplier or contractor...

(c) engage in negotiations...”

So all this big story, song and dance about two months, three months and the Government shut down, not true. Use the law, get some good lawyers to help you read the law. Read the law.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: Then we come to Regulation 14:

“(1) For the purposes of this Part, ‘sole source selection’ refers to a method of procurement to be utilized where only one supplier or contractor...”—could supply.

“(2) Sole source selection...”—may—“...be used in the following...

(a) where –

(i) a procuring entity engaged in an open bidding or restricted bidding method and there were no successful submissions...”

So you have permutations in the law. There are permutations. I want to say today quite frankly, on behalf of the United National Congress, I want to thank the civil society organizations—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC:—who participated in the drafting of this law.

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Indeed, when we formed the Government in 2010, it was the JCC and others who gave us a draft copy of this law, and they have been engaged in contracting and procurement issues long before we ever even dreamed about it, and they gave us a draft. So they put in the permutations to allow that flexibility where exigencies arise, that there would be provisions that do not stop the Government, do not grind to a standstill.

“(ii) subsequently”—it applies to—“engaging in the same method, with no substantial modification to the bidding document, is expected to produce the same result;

(b) where a resulting procurement contract can only be performed by a particular supplier or contractor…”

Maybe because of:

“(i) technical…”—reasons—“…artistic reasons…”—even.

“(ii) reasons connected with the protection of exclusive rights,”

And you cannot find an:

“(c) where, due to reasons of extreme urgency brought about by unforeseen events not attributable to the procuring entity, the subject matter of the procurement cannot be obtained in a timely manner if an
open bidding method or limited bidding method is utilized;”

Cannot be in a timely manner, Madam Speaker. If you cannot do it, look you have it there. Please, 14, read the law. Regulation 14(c), read the law.

**Hon. Members:** [Desk thumping]

**Mrs. K. Persad-Bissessar SC:** Why do you not read the law? Again, the Act will not apply:

“(d) for the provision of additional goods or services by the supplier who provided the initial goods or services...”

Again, it will not apply:

“(d) for the provision of additional...services...”

And it goes on. Regulation 14 is so clear, if you will only read the law.

Regulation 15:

“(1) Where a procuring entity decides to engage in sole source selection its bidding document shall include the required quantities, technical specifications...”

But you see, that is 14; 12 to 14. But you know, when you talk about you cannot buy toilet paper, I think that is shameful, with the greatest of respect, or disgraceful. If I will not use shameful, that is disgraceful because again, if you go to the Regulations, please read it. Regulation 4—Regulations 4, made under this particular parent law, this is what it says:

“(1) The Office may, by guidelines, establish different thresholds...”

The Minister did talk about thresholds today, but I do not know if he knows that there are these thresholds within the existing law:
“(1) The Office may, by guidelines, establish different thresholds to be used for different methods of procurement.

(2) A procuring entity may establish specific threshold values in special guidelines and handbooks.”

It continues, Regulation 4(3):

“…the total value of a procurement shall be estimated as follows: as stated in items (a) - (d), below, or as from time to time may be specified by the Office:

(a) in the case of the procurement of works the total value of works and related services required to fulfil an economic and technical function shall be taken together, in order to ensure transparency of the total expenditure;”

Continuing, Regulation 4(3)(b). This is the most important part for the toilet paper and those other matters that you use on a regular basis, whether it be for books and periodicals, stationery, things that you use on a recurring basis in every government office, you have a provision to help you:

“(b) in the case of the procurement of recurring goods or services which are to be awarded over a given period of time, the total aggregate value of the contracts with similar characteristics to be awarded within twelve (12) months following the first award;

(c) in the case of a framework agreement, the estimated value of all contracts to be awarded under the framework agreement; and

(d) where options are specified, the estimated value of the options are...
Public Procurement and Disposal of Public Property (Amdt. And Validation) Bill, 2023 (cont’d)
Mrs. Persad-Bissessar SC (cont’d)

...to be included in the total estimation.”

Now, every year we come to Parliament for budget, national budget. Every year estimates of expenditure, we go through those estimates, and it is estimated what you will need for recurrent expenditure. How much will the Ministry of Finance use, how much will the Ministry of Works and Transport, whichever Ministry, how much money will you have to spend on what. Toilet paper will be one of them. That is a recurring expenditure. So it is interesting they are all talking about this toilet paper. Toilet paper is one of it. Stationery for the Parliament, paper, all this paper.

You come, you come, you come every year and we estimate it based on past years. But you see, this Government does not budget like that. They just throw numbers in, they allocate what they want to do, make it sound real good, and then they come and take away or they do not disburse those things. But that is what the budget exercise is about, and these Regulations here, 4(3)(b), talks about that. You will have a framework. You will know how much you spend every year in each Ministry. That is what the estimates of expenditure are about and therefore, you can then use that. This entity will establish specific threshold values. So you would say every year we have been spending X dollars on stationery. Every year we are spending Y dollars on toilet paper. Every year we spend so much money on buying new computers, if you even buy any. Every year—and therefore, you have a threshold. And having that threshold then, you will not be subject to the stringent guidelines and procedures under the piece of law that we are talking about.

“(1) The Office”—which is the procurement office, it tells us—“may, by
guidelines, establish different thresholds…”

And certainly every Ministry will know and will have the thresholds that they would have to meet for any given item under their portfolio.

So those are some of the matters, and before I close—

Mr. Lee: Ten minutes.

Mrs. K. Persad-Bissessar SC: Ten minutes, good. I will enjoy that 10 minutes. Thank you. There are two other aspects of this, and I will leave that for my colleague to deal with. They have to do with the removal of the affirmative resolution and inserting thereof negative resolution. My colleague will deal with that because the time will not permit me to go into those. But again, I do not agree, we do not agree with the removal of the affirmative.

Hon. Members: [Desk thumping]

3.25 p.m.

The Minister is also sneaking in, well the word is not sneaking, it is inserting, where regulations are to be those must now be made also by negative resolution and I mentioned in the Jamaican law all those exemptions and things. My colleague can give greater reference, their law is affirmative resolution to Parliament.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: Affirmative resolution. So as I close, I want to quote from the Guardian, in an unprecedented page one editorial.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: Page one editorial, front page headline. I may have to lift this up slightly because—is that okay? I am not showing it but I need
to read it, I have your permission?

**Madam Speaker:** Once you are not showing it.

**Mrs. K. Persad-Bissessar SC:** Well, I will try. It is this. [Member gestures to newspaper] It is this okay? So I am not showing it—

**Madam Speaker:** Once it is not on display.

**Mrs. K. Persad-Bissessar SC:** Thank you. Thank you, for your graciousness Madam. Page one, front page, Wednesday July 19th, 2023—give me a time check like two minutes “nah” before. It says:

“What PM”

And I think they are referring to the hon. Member for Diego Martin West.

**Hon. Member:** He not here.

**Mrs. K. Persad-Bissessar SC:** Well, he is somewhere about I am sure. Once he is not on a golf course I think—he was in the Parliament earlier.

“What PM, let’s thread carefully.

The proposed amendments to the Public Procurement and Disposal of Public Property Act, which Finance Minister Colm Imbert intends to table for debate in Parliament today, are a reversal of Government policy, reduce the accountability of policymakers to the Parliament, attempt to validate illegal practices after the fact and further diminish the oversight role of the Office of the Procurement Regulator.

If the amendments are approved by both the House of Representatives and the Senate, the Cabinet, through the Minister of Finance, would be able to exclude any procurement by any government department, state enterprise, or statutory body from the rules and regulations outlined in the legislation.”

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I continue.

“A green light for these amendments, therefore, theoretically gives the Cabinet the power to exclude billions of dollars in contracts from the purview of the Office of Procurement Regulator with disastrous and dangerous consequences.”

We are therefore urging the Prime Minister and this Government to thread carefully with these proposed changes. And the editorial continues on another page which I believe is on page three—procurement—it is on the editorial page itself Madam, one moment. So here we have mainstream newspaper asking the Government to thread carefully. It continues on page 12, Guardian opinion:

“Beware proposed changes to our procurement laws.

Central to what is wrong with these proposed changes are the services provided to public bodies or state-controlled enterprises for which legislation ‘shall not apply.’ The act already exempts legal services, debt financing services, accounting and auditing services and medical emergencies.

Crucially, the legislation also allows the exemption of such other services as the Minister (of Finance) may, by Order, determine. Those ten words give a Minister of Finance the leeway to deem the procurement legislation “shall not apply” to any other class of service from which the Government’s recent practice also includes any project or event.”

Continues:

“In the December 2020 amendments, Mr. Imbert started by requiring that the list of exempt services would be subject to negative resolution of Parliament. He was convinced by the submissions of the Independent
Senators - he mentioned Hazel Thompson-Ahye and Paul Richards by name - that the exemptions should be subject to affirmative resolution.

Wrapping up the debate on the amendments on December 8, 2020, Mr. Imbert told the Senate: ‘... we have considered that matter and we agree that we can change negative resolution to affirmative resolution. So it means that if any additional services are to be added to the list of exempt services it will require debate and a vote in both Houses of Parliament including this distinguished House where we do not have a built-in majority.’

It is an extraordinary about turn that Mr. Imbert in clause 3 of the current amendments, is now seeking to revert to negative resolution, which requires no debate or ventilation in Parliament, to add to the list of exempt services.”

Finally it concludes:

“Clause 5 of the July 2023 amendments also refers to changing an affirmative resolution to a negative one. That amendment pertains to section 63(1) of the 2015 Act, which gives the Minister of Finance the ability to make regulations regarding the addition to, or removal from a list of suppliers or contractors ‘who shall not participate in procurement proceedings.’”

Guardian continues—

Madam Speaker: Yes, so Member while you are allowed to read extracts, because it is a debate you know, you would not be allowed to read an entire long article into the record. You know, and I know you are quite experienced so I am sure you can weave that into your debate.

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Mrs. K. Persad-Bissessar SC: Sure.

Madam Speaker: I will not allow you to read the entire article.

Mrs. K. Persad-Bissessar SC: Yes—four minutes—I thank you Madam, and it is just one sentence left so I take your guidance and I will say the Minister—I would not have read it if I did not get that extra 15 minutes. So it is almost done and I just say:

“It is sinister beyond belief that Cabinet should be seeking to remove from parliamentary scrutiny and debate the minister’s ability to add or remove from to list...clause 5 amendments also empowers the Minister to not only act on the advice of the Office of Procurement Regulation but also at his own discretion.”

“That clause”—they conclude—would give a Minister of Finance the ability to use the ineligibility list to punish opponents of a ruling party and to reward its friends and financiers.”

Hon. Members: “Oohh”

Mrs. K. Persad-Bissessar SC: We totally do not support—how much time? One minute?

Hon. Members: [Desk thumping]

Madam Speaker: You end at 3:35:34. So you have a few more minutes; 3:30 sorry.

Mrs. K. Persad-Bissessar SC: So Madam, I want to register our very strong disapproval—

Mr. Indarsingh: Yes.

Mrs. K. Persad-Bissessar SC:—to these amendments—

Hon. Members: [Desk thumping]
Mrs. K. Persad-Bissessar SC: —and to the validation. Okay thanks. Madam Speaker, as I started so shall I end, the Government has openly indicated they will bear no tolerance to any changes to what they are proposing here today. That they will use what the Prime Minister termed, the built-in majority of the Parliament to pass this regardless of who say what, who squeaks or does not squeak and who squawks. However, Madam, there is still one bastion of hope, and that bastion of hope lies in the Independent Senators in the Senate in the other place.

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: They are the ones who strenuously insisted to have the affirmative resolution of Parliament and I trust that they will the gumption and the strength when this matter comes before them to stand their ground with respect to keeping the affirmative resolution. So this Bill Madam, [Member rips paper] has absolutely no weight—

Hon. Members: [Desk thumping]

Mrs. K. Persad-Bissessar SC: —no strength and it is not worth the paper it is written on. We totally condemn these amendments.

Hon. Members: [Desk thumping]

Madam Speaker: The Attorney General.

Hon. Members: [Desk thumping]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Madam Speaker. And if I may be permitted this afternoon to make some short contributions in support of the Public Procurement and Disposal of Property (Amendment and Validation) Bill 2023 which seeks to amend three sections of the Act of the Public Procurement and Disposal of Property, Act No. 1 of 2015 and to validate certain actions taken in
respect of statutory instruments made pursuant to the Act.

And I hope that I will be forgiven, Madam Speaker, if—

Madam Speaker: Member for Naparima, now that you are coming back to your seat, please not too much of a disturbance. Attorney General.

3.35 p.m.

Sen. The Hon. R. Armour SC: Thank you very much, Madam Speaker. I was in the process of saying that I hope that I will be forgiven in the few remarks that I make if I attempt to speak as a lawyer, if even I do not stand against a backdrop of law books or otherwise represent myself to be that which I am not.

I want to make some perambulatory remarks, Madam Speaker, on a couple of principles of statutory interpretation procedure in this House and constitutional accuracy. So if we start with correction of errors, good lawyers, Madam Speaker, will argue with fervour and correctly that what appear to be errors in legislation may not be “corrected” and that the law must be applied meanwhile according to its literal meaning and that corrections that are perceived defects are only correctable by the Legislature. The authority for that is the Privy Council in the Attorney General of Belize v Belize Telecom Ltd.

On the other hand, Madam Speaker, and with equal fervour, lawyers will argue that the courts, not the Legislature, may be permitted to correct obvious drafting errors. The authority for that is Inco Europe Ltd. and Others v First Choice Distribution a 2000 House of Lords decision.

What is clear, Madam Speaker, is that the correction of perceived error in legislation is for judicial pronouncement or legislative enactment. And by the Bill before this House today in accordance with law, the Government has opted for legislative amendment to correct an error.
Sen. The Hon. R. Armour SC: No one will be able to say that either on the 29th of May or on the 29th of June the Attorney General or the Minister of Finance unlawfully arrogated on to themselves the authority to correct what we have come before this House today to correct because it is not for persons reading the law to correct the errors, that is for the Legislature and that is why we are here today.

Mr. Charles: Madam Speaker, 44(10). My learned friend is reading his speech, you know.

Hon. Member: Disgusting and “dotish”.

Sen. The Hon. R. Armour SC: Thank you. So that—

Ms. Ameen: When your friends do it, it is not disgusting and “dotish”?

Madam Speaker: I think we conditioned the approach today with temperance and I expect that from both sides. Attorney General.

Sen. The Hon. R. Armour SC: Thank you, Madam Speaker. I was in the process of saying and I will repeat myself that because lawyers on either side accept that legislative errors are to be corrected either by the courts or by the Legislature, we are here today before this Legislature to correct errors in the law which were applied on its literal construction on 29th of May and the 29th of June.

And what the Government did was to apply the law as it was existing on the face of the legislation at that time in order to continue with the business of government simply. And the business of government—the business of government, Madam Speaker, has been spoken to very recently in a case to which I always find myself able to turn because it is, in so many different respects, a judicial pronouncement that guides many different aspects of both legal and parliamentary procedure. And that is the case of Dominic Suraj v Attorney
Hon. Members: [Crosstalk]

Madam Speaker: Members, I am not going to tolerate this. All right? And if, again—I give Members a guidance. If Members cannot tolerate what is going on, they can go outside and come back. If I have to stand on this again, I will use the authority of the Chair. Attorney General.

Sen. The Hon. R. Armour SC: Thank you, Madam Speaker. So, I turn to that Privy Council decision and to paragraph 70 of the decision because it speaks eloquently to the proper interpretation of section 53 of our Constitution, that is to say, Parliament’s capacity to make laws for the peace, order and good government of the country. And this is what is said, if I may with your leave read from that passage at paragraph 70.

“…the framers of the 1962 Constitution and of the current Constitution intended that Parliament, operating in the usual way rather than under the super-majority procedure, should have power to make laws for the peace, order and good government of the state…The inference cannot be dawn that the Constitution was intended to stymie government by ordinary legislative activity…”

That is what we are here about today.

“That would undermine the power of effective government in the public interest by ordinary legislative activity which the Constitution confers on the Parliament.”

So, I start by pointing, Madam Speaker, to the correct procedure that the Government is employing here today to come to this Legislature to correct the error that exists ex facie section 7, subsection (7) of the Act so that it may be
corrected legitimately by this Legislature in order to refer to the section that it was intended to refer to, subsection (6).

Now, I want to speak a little bit as well, Madam Speaker, with your leave, to the well-known parliamentary procedures of subsidiary legislation, that is to say, negative and affirmative resolutions. And we only have to turn with respect to, Madam Speaker, to section 75(7) of the Interpretation Act which provides and if I may read:

“…‘subject to negative resolution of Parliament’…shall, as soon as may be after they are made, but within the prescribed period, be laid before each House of Parliament. Where either House within the prescribed period resolves that any of these instruments or documents shall be annulled, that instrument or document is void as from the date of the resolution, but without prejudice to the validity of any thing done thereunder or to the making of a new instrument or document.”

The value, Madam Speaker, of a negative resolution which sometimes seems to escape some of us is that a negative resolution puts before the instrument before the House by laying it in the House or in the Senate and there is a prescribed period of time by which and within which a Member who thinks that which has been done by the statutory instrument known as a “negative resolution” can come, move the Motion and call for a debate of the Parliament to annul the particular instrument.

So when we come to look at the procedures that are being recommended by this amendment to substitute the term “affirmative resolution” for “negative resolution”, we are not recommending that the oversight of Parliament should be bypassed. What we are doing is recommending the procedure that will allow for the ease of doing business, that is to say, the expedited procedure of being able—
Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC:—to accomplish that which must be accomplished
today because it has to be done today and to lay it before the Parliament by the
process of negative resolution so that if later on a Member of the Parliament
wishes to raise a question as to the validity of that which has been done, that
question can be raised. And that is very important to appreciate, Madam Speaker,
in the context of the amendments before this House in relation to section 7 and in
relation to section 63 when we get there.

Under section 7(6)(e) of the Act, the Minister may make orders to prescribe
for certain circumstances. The Minister there is a Member of the Government, a
Member of the Cabinet, be he elected or be she elected or nominated to the Senate
and appointed on the fiat of the hon. Prime Minister. This is a responsible Member
of the Government to whom the presumption of regularity applies necessarily.
And there is a very interesting statement that was made many years ago by Justice
of Appeal Clinton Bernard who went on to become Chief Justice Clinton Bernard
that I would like to read into the record of this House. It is a statement, a judicial
statement from the case of Attorney General v K.C. Confectionery Limited reported
at 1985, 34 West Indian reports 337 at pages 415 to 416. And with your leave,
Madam Speaker, I will read the dictum of Mr. Justice of Appeal Bernard. He says
this:

I would like to turn to the question relating to the presumption of regularity
in the acts of public officials which did not find favour with the trial judge.

He refers to Attorney General v Lopinot Limestone Ltd in which he says:

I made the reservation referred to in the main judgment in support of my
stand that the presumption is part of the law of this republic. And in order to
show that it is well-founded I referred to a number of decisions in other jurisdictions. The presumption is a salutary and sensible concept of government action. It is in my view essential to our democratic system of government that confidence and trust must prima facie be reposed in public officials and more particularly senior ones. It has never been considered to be morally right that one should condemn the whole for the misdeeds of a few, hence a presumption of regularity in their acts for which I contend. Public officials as the term connotes are people who render public service and what they do can only be set aside—

And Mr. Justice of Appeal Bernard continues:

…by proof of mala fides on a balance of probability, so long as it can be demonstrated by evidence that the act of the public official or organ was a hostile act or an intentional and irresponsible act that in my view will be enough to rebut the presumption of regularity and to infer mala fides.

The relevance of that statement of the law of this country in relation to an act of a Minister made by ministerial order pursuant to section 7(6)(e) of the Act as it currently exists and the relevance to same by the amendment that is being proposed that such a ministerial order either done on the recommendation of the office of public procurement or done by the Minister in his own discretion is that, that ministerial order, it is being proposed by the amendments that we move for today, section 7 and section 63, will be laid before the Parliament by way of negative resolution procedure.

So if any Member of the Parliament looks at what the Minister purports to do validly under section 7(6)(e) or under section 63 and is able to raise a case to annual that, which has been done because it has been done irregularly or by act of
mala fides, Parliament continues to have oversight by that negative resolution procedure and there is nothing wrong with that.

3.50 p.m.

I turn next, Madam Speaker, to a discussion that I am saddened to listen to and I am saddened to read about, when the other side allowed themselves to speak to acts or other functions of the Judiciary. Because one of the ministerial orders that we are here today asking this House to affirm is a ministerial order which seeks to—which has effectively, and this is—I speak to ministerial Order No. 164 of 2023, which has put into effect different services and orders made by the Minister pursuant to section 7(6)(e). There was an interesting exchange that took place many years ago, Madam Speaker, when the then government, which is now in Opposition, attempted to control the Judiciary. The Chief Justice at the time wanted to go off on a judicial visit and the Attorney General of the day claimed that as a result of being made responsible for the administration of justice under the Constitution, legal affairs, he could control the purse strings of the Judiciary’s allowances to go off on legitimate business. And that led to the appointment of a commission of enquiry in the person of Mr. Justice Telford Georges, one of our most respected judges who has ever graced the bench, not only of Trinidad and Tobago, but throughout the Commonwealth and indeed in Africa.

The Telford Georges report was commissioned by the then Law Association on the 3rd of, if I am not mistaken, I will get the date correct, 3rd of November, 1999. And in that report, in that special resolution of the Law Association, Mr. Justice Georges was asked to, among other things, look at the relationship between the Judiciary and the Office of the Attorney General. And it is very instructive, Madam Speaker, that in—and I beg your leave to read very briefly from two
aspects of the judgement of the report of Mr. Justice Telford Georges which was
delivered on the 16\textsuperscript{th} of February, 2000. At page 13, he says:

Historically, the Attorney General has been the Member of Cabinet
responsible for bringing to the attention of Cabinet matters of concern to the
Judiciary. This is an inheritance from the pre-independence administrative
structure.

And then, at page 20, in examining how in the year 2000, and indeed as it
continues today, I add, Mr. Justice Telford Georges tells us that in examining the
role and function of the Attorney General, in relation to the Judiciary, he says at
the end of paragraph—page 20:

I have spoken to two recent holders of the Office of the Attorney General,
Mr. Keith Sobion and Mr. Russell Martineau SC. Both were clear on the
fact that as Attorneys General, they considered their roles to be that of
conduits between the Judiciary and the Executive.

And that role of conduit does not offend—I have moved on from the
quotation. That role of conduit does not offend the concept—the constitutional
concept of the separation of powers. Because it is entirely permissible for the
Judiciary to communicate with the Executive through the conduit that is afforded
by the constitutional function of the Office of the Attorney General, which has
existed before independence, which we inherited in 1962, and we have continued
to subscribe to under the present 1976 Republican Constitution.

I say all of that to make the point, Madam Speaker, that when we look at the
instrument 164, which we are asking this House today to affirm, and we look at the
severalty of goods and services which are set out in there, that has to be understood
as a consequence of a communication made to the Executive in the persons of the

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Minister of Finance, through the Office of the Attorney General, on behalf of the Judiciary, to deal with all of the matters that are set out in that particular legal notice.

The management of court processes, Madam Speaker, involves a number of instances in which the Judiciary must be able, immediately and often without notice, to deal with matters that come before either the Judiciary in its judicial capacity or the Judiciary in its administrative and other capacities. In the judicial capacity, an example comes to mind, the Fiji warrant or the arrest of ships, injunctions. Those are matters in which courts have to deal immediately and without notice on many occasions with the reality of having to take immediate action. And equally it applies to the management and administrative staff. An arrangement has to be made, for instance, in transporting domestic violence victims, or securing vulnerable witnesses, or transporting of jurors.

It does not always have to do with the sequestering of a jury. That in itself is a discipline and an activity that needs to be dealt with in a very strict way. But even when a jury is not sequestered, a report can reach to the judge by a message sent to the registrar from a juror that that juror has got word that somebody is interfering with that juror’s child; witness tampering. All of these are examples. Are we really saying that in those circumstances the trial must stop and the management of the Judiciary must go through this Regulation 14 that the Leader of the Opposition just pointed to, and go through the 30-day standstill period, notice period and the standstill period, in order to be able to direct the registrar to get a security guard immediately to go to the home of that juror whose child is being threatened?

Mr. Al-Rawi: And tell the whole world in Parliament.
Sen. The Hon. R. Armour SC: It is just not realistic? And we must be careful—and I say this for the benefit of the listening public. We must be careful when we come to this House not to cheapen the process of this House by cheap politicking.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: A marshal takes an oath, Madam Speaker. The oath is to keep a jury safe, and fed, and watered. And at every stage, while that juror is sitting in court, that juror has to be administered to so that he or she may concentrate on the task at hand on any given day, whether she is sequestered or not, with the purpose and singularity of mind to concentrate on the evidence that is before the court that he or she is being asked to listen to and to assimilate. And they must do so with the confidence that their families are protected, that their properties are protected, that they are not vulnerable to tampering and threats and insecurity. And that is why, if we did not make provision for this particular legal notice, we are in effect undermining the very independence of the Judiciary.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: There are very many examples in which the judge and the administration of justice must be able to act in a random way. Because today taxi X may have recruited, procured to transport the jurors, and the juror gets into the car to go from Diego Martin to Port of Spain and sees a picture of his or her child on the seat with an X over the face, immediately that taxi has to be cancelled and another taxi service has to be procured immediately because the juror must be confident in knowing that the Judiciary’s capacity can protect him or her and their families. That is why you need the nature and quality of the legal notice that is before this House, by way of Legal Notice No. 164, and there is nothing sinister about that.
Sen. The Hon. R. Armour SC: Madam Speaker, I could go on about any number of other justifications for the several matters that are laid out in Legal Notice No. 164, but I think I have made my point. The Bill before this House, Madam Speaker, and I have already spoken to it, seeks to make one amendment to change subsection’s (7) reference to subsection—

Madam Speaker: AG. AG, you have three more minutes of ordinary speaking time. You are entitled to 15 more minutes to wind up.

Sen. The Hon. R. Armour SC: I would wish that time to wind up. Thank you.

Madam Speaker: Please proceed.

Sen. The Hon. R. Armour SC: And I have already spoken to that in terms of the negative resolution, and I will not overdo my limited time that is left, Madam Speaker. The point there being that both with respect to section 7 and with respect to section 63, we are speaking about allowing the Minister of Finance by this amendment, under the powers given to him in section 7(6)(e) and in section 63, to be able to make orders, ministerial orders, exercising his authority or her authority as Minister, relying on the presumption of regularity that what is being done is being done in the interest of peace, order and good government of this country so that we can continue tomorrow, to continue to do business for the ease of doing business.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: I read the excerpts from *Hansard*, my very good and learned friend, Sen. Thompson-Ahye, in 2000, when she made submissions in the other place with respect to the affirmative resolution—2020. But I am certain that on reflection we can understand now, given that the process of a negative
resolution allows for the ease of doing while retaining parliamentary oversight, that the good Senator will be able to accept that now that we have seen the Act in operation, because it was proclaimed in April of this year, we need to do the necessary adjustments to be able to allow this country to continue to function as opposed to being brought to the standstill, which we have been witnessing over the past several months. And there is no fear and there is no cloud and there is no doubt that the process of the negative resolution will allow that, which we are all anxious to ensure, and that is having put the Act into operation we continue to have the recourse to the fall back of parliamentary oversight by the negative resolution process which allows for expedition, subject to annulment, but not for the convoluted passage of having to come to the House of Representatives and be debated, and having to go to the Senate and be debated before we can take any expeditious action.

So that I am fairly confident, when we get to that stage, Madam Speaker, that we will reflect on the operational value of the presumption of regularity, the House procedure of a negative resolution, and recognize that in the interest of the ease of doing business we can proceed confidently given the fact that we have so many precedents. We have a number of pieces of legislations in this country that employ the device of the negative resolution: the Insurance Act, the Trinidad and Tobago Revenue Authority Act, the Gambling (Gaming and Betting) Control Act, the Trinidad and Tobago Special Economic Zones Act. All of those are pieces of legislation which employ the process of negative resolution, the country continues to function and we are moving on.

Clause 4 of the Bill, Madam Speaker, seeks to amend section 58 by introducing a new section 58A:
“Subject to regulations made under section 63, the procurement of goods and services up to one million dollars are exempt from the procurement requirements under the Act.”

Well, I say only two things on that, and the first that I say is that the Minister of Finance, hon. Member for Diego Martin North/East, has spoken eloquently already to the examples across the Commonwealth and across the world of the fact of the threshold being an acceptable process by which we are going to amend this legislation to allow for the ease of doing business.

4.05 p.m.

The second point, subject to the oversight either on the recommendation of the Office of Procurement Regulator or in relation to section 63 which we are seeking to amend “in his own discretion”, but always subject to the negative resolution process which allows for parliamentary oversight. What is wrong with that? Nothing! We must stop scaremongering for cheap political gain.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: And I turn to section 63(1):

“The Minister may”—the amendment is “in his own discretion, or”—“...on the recommendation of office make regulations...”—et cetera.

And very importantly:

“The procedures for the procurement of goods and services up to one million dollars under section 58A...”

So this is not, and I say regrettably, this is not as the Guardian editorial today is suggesting, a repeal of the entirety of the Act. This is to carve out a limited operational window of opportunity so that business can continue subject to oversight of Parliament in order that the business of the country can continue and
people can continue to get work. That is something that we are overlooking. And the amendment we propose at 63(3) is that regulations made under this section shall be subject to, cross the word “affirmative”, “negative resolution of Parliament”. What is wrong with that? It remains subject to the oversight of the Parliament.

So, Madam President, Madam Speaker, with respect, and I beg your pardon, nothing about this Bill before this House today is in the least irregular or sinister. It is coming to this House to recognize—as we are beginning to operationalize the Act, we recognize that we must now begin to tweak the process to allow the country to move forward and to permit this Government in its constitutional discharge of its duty to govern according to peace, good order, to govern the country in the interest of the citizens of this country.

And that brings me lastly, Madam Speaker, in my time, my limited time to clause 6, the validation section.

“All statutory instruments including Legal Notice No. 206 of 2023 and Legal Notice No. 164 of 2023, purported to have been made under section 7(7) of the Act and all acts or contracts done and things purported to be done pursuant to those instruments, are deemed to be lawfully and validly made and done to the extent that they would have been lawfully and validly made and done had the instruments complied with the requirements of section 7(7)....”

Well that validation process is the very process that under the Interpretation Act we already used, and in this House we used for the process of negative resolutions. Even when the negative resolution succeeds on a Motion to annul, that which has preceded the date of the annulment is deemed valid. We are saying
today in this House, we ask this House to approve the fact that the two instruments, 163 and 203, were made under a section which we are asking this House to correct today for the correct reference, and we are asking that they now be affirmed in accordance with the further amendment by way of negative resolution. And there is every good reason why with respect to what has occurred in relation to the foreign visiting Heads of Government and other dignitaries, and to the services that have been afforded to the Judiciary that we should validate all of that.

The idea, the suggestion that well the court comes to a close at the end of July and why therefore three months into the end of August those of us who practice in the courts know—and I say this with the greatest of respect to the Opposition Leader who at one point practiced law and should better inform herself—the vacation court continues to sit. Emergency services continue to be afforded by the courts. So what is this friction of saying, why extend it for three months when we know the courts are coming to a close at the end of July? It is unacceptable that we should come to this House, speak to the public, citizens of this country who expect better of us and use such cheap politicking to score points. I deplore it.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: And I say this deliberately here today, as a member of the inner bar I deplore it by those of us who should know better.

Hon. Members: [Desk thumping]

Sen. The Hon. R. Armour SC: And so, Madam Speaker, without having to dwell unnecessarily on the very many things that have otherwise been said, I say to this House, this Government is before the House today to correct an error on the face of the legislation, to introduce a threshold, an operating threshold to allow the country
to function under the continuing oversight of the Parliament, and in order that the Government can discharge its constitutional mandate pursuant to section 53 of the Constitution. And I say with the greatest of respect that the arguments that have been put—and I have no doubt the Member for Diego Martin North East will deal with it in his wind up—to suggest that recourse could have been had to the regulation for methods and procedures, regulations 4, 12, 13 and 14 could have been used instead of the ministerial orders that were promulgated on the 29th of May and the 29th of June, it is misleading.

There are procedures in there that do not make those regulations available in the time frame that they had to be introduced, and the Leader of the Opposition knows that. She is misleading the public once again, with the greatest of respect, but I am not going to take the thunder out of the mover of this Bill who is going to wind up when he speaks to it.

Ms. Ameen: Madam Speaker, I rise on Standing Order 48(6).

Madam Speaker: Please proceed.

Sen. The Hon. R. Armour SC: Thank you very much, Madam Speaker. And I say lastly—

Ms. Ameen: [Inaudible]

Madam Speaker: Member for St. Augustine, I heard that. Could you just withdraw those words?

Ms. Ameen: I withdraw.

Sen. The Hon. R. Armour SC: And I say lastly Madam Speaker, that we must get about the business of governing this country in the interest of the people of this country in a way and in a manner that does justice to and serves the people with the dignity that they deserve. And with those few words, Madam Speaker, I am happy
Sen. the Hon. R. Armour SC (cont’d)

to accept.

Mr. Al-Rawi: Well said.

Sen. The Hon. R. Armour SC: Thank you.

Hon. Members: [Desk thumping]

Mr. Saddam Hosein (Barataria/San Juan): Thank you very much Madam Speaker.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Thank you very much. Madam Speaker, we are here to debate the Public Procurement and Disposal of Public Property (Amendment and Validation) Bill, 2023, and as the Attorney General was winding up he said, “This is not irregular.” He said it is not irregular. Today an extraordinary sitting of the House of Representatives has been summoned—

Hon. Members: [Desk thumping]

Mr. S. Hosein:—to validate an illegality of this Government and you tell us it is not irregular. Maybe this is the regular behaviour of the Government to continuously break the laws of Trinidad and Tobago.

Hon. Members: [Desk thumping]

Mr. S. Hosein: That is why it is probably not irregular for the Attorney General. That is why it is not irregular for him. But if I have to summarize this particular piece of law, Madam Speaker, that is before this House, and not only before this House but before the citizens of Trinidad and Tobago whose moneys will be spent by this Government, I want to say that this Act does three particular things. First, it attempts to make an illegal Act legal now. The second thing it does is to correct a bad drafting of the Act—

Hon. Members: [Desk thumping]
Mr. S. Hosein:—which we have complained excessively about. And the third thing it does is now create shortcuts for procurement practices in this country so that they could free up the money from the citizens of this country.

Madam Speaker, I want to put on the record, this is not Balisier House you are dealing with.

Hon. Members: [Desk thumping]

Mr. S. Hosein: This is the Treasury of the Republic of Trinidad and Tobago that you are dealing with.

I want to firstly respond to that feeble defence of the Attorney General. Madam Speaker, if we are in a court house I would have asked for summary judgment for his claim to be dismissed totally with cost.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Maybe wasted cost. The first point is that the Attorney General has admitted to the public that there is a drafting error in the law. He said it is drafting error and that is clearly within the Bill, and then he goes on to jurisdictions to tell us what about statutory interpretation. I think the Minister of Finance went to the House of Lords. Madam Speaker, they did not need to travel so far. They could have travelled to the Hansard of the Republic of Trinidad and Tobago—

Hon. Members: [Desk thumping]

Mr. S. Hosein: I could tell you the date—on the 8th of December, 2020. The Attorney General comes here as though nothing was done wrong you know. We are here because he gave bad advice to the Member for Diego Martin North/East.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Diego Martin North/East in a press conference held indicated that he did not sign this Order by himself. He said this had the Cabinet approval. He
said he did not sign the Order until he had the advice of the Attorney General. He is saying that you know. Diego Martin North/East is saying that “I signed this illegal Order because the Attorney General said it was good to sign.”

Madam Speaker, how many transgressions we will have from this Attorney General? When will the Attorney General assume his role as the AG and give good advice to this Government?

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** He has been the Attorney General for almost a year and he cannot get it right. My friend from San Fernando West never gave this kind of advice you know.

**Hon. Member:** You sure?

**Mr. S. Hosein:** But the Member for Diego Martin North/East is pretending that he does not know anything. He is pretending that he did not realize that this Order had to be approved by affirmative resolution. And that is why I will take you back to the *Hansard* of the 8th of December, 2020. This is what the hon. Minister had to say. He said:

“But what the Jamaican Act requires is that if the Minister wishes to expand on the list of services already in the First Schedule to that Act that matter must be subject to affirmative resolution of Parliament. I think Sen. Richards also raised that point. And I am pleased to say that we have considered that matter and we agree that we can change negative resolution to affirmative resolution. So it means that if any additional services are to be added to the list of exempt services it will require debate and vote in both Houses of Parliament…”

These are the words of the Diego Martin North/East saying that if he has to exempt
any services from the procurement Act he has to come to the Parliament. And, Madam Speaker, he repeated this on the 11th of December, 2020 in this House, where he said:

“In order to give the Parliament...power to approve or not to approve any...services that the Minister might want to add by Order, we changed the word ‘negative’ to ‘affirmative’. So therefore, these things must be debated and must be approved by both Houses of Parliament.”

So you are telling us, you want us to believe, you are probably the most senior Cabinet Minister serving in several Cabinets in this country already, you want us to believe that you did not know that that Order required the approval of Parliament? Madam Speaker, that is hogwash. Absolutely hogwash.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Madam Speaker, the Minister knew that he required parliamentary approval in order to promulgate those both Orders exempting foreign services, exempting the Orders from Judiciary. He clearly knows but he wants to throw the whole Cabinet under the bus and now he wants to hide under the bus too. That is what the Minister is doing you know, Madam Speaker.

Madam Speaker, when this matter of the drafting error came to this House— I will tell you that is on the 11th of December, 2020. The Member for Barataria/San Juan at that time, that is me, I said:

“So it shows that you cannot even…”

Let me start from before. I pointed out:

“...subsection (5) is not the subsection that deals with the exemption. It is subsection (6) because you had renumbered the subsections.”

I made that objection that day. I said:

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“So it shows that you cannot even draft the Bills properly. And this is what happens, Madam Speaker, when you come to the Parliament and try to hurry and rush legislation through this honourable House. You have to take your time. You must consult. This is why we end up with so many errors in the legislation because you continuously pass bad laws.”

4.20 p.m.

So that is one of the most notable errors in this present amendment. Diego Martin North/East responded to me and he said:

“And it was proposed, Madam Speaker, in the context of another amendment proposed by the Government…we created renumbering of subsection (5) and subsection (6) and so on, and these two sets of amendments were taken together in the other place. It is simply a typographical error…”

—Diego Martin North/East. He said:

“…Madam Speaker, that the (5)—has—“not changed to (6) and I will expect that the Chief Parliamentary Counsel, the Law Revision Commission, the Parliament, will deal with that, and if it needs to be addressed in another forum, we will do so. But it is simply arising from a proposal made by an Independent Senator and the renumbering was not done.

So therefore, that statement from…Barataria/San Juan really is without any merit.”

Minister Imbert told me in 2020 this is without any merit, today he comes—

**Madam Speaker:** Member, and it is something we corrected before. So it is either you are referring to the Minister of Finance or you are referring to the
Member for Diego Martin North/East and remember, we are talking about people here, the Member. Yes.

Mr. S. Hosein: Yes. Sorry. Madam Speaker, I do apologize, the Minister of Finance. So I told the Minister of Finance, pointed it out to him in 2020 that the Bill was improperly drafted, there was a typographical error, he told me it is without any merit but today we have an Extraordinary Sitting of the Parliament to correct that error.

Hon. Members: [Desk thumping]

Mr. S. Hosein: It could have been done about three years ago. Madam Speaker, it could have been done about three years ago. And, Madam Speaker, this is what we get from the Attorney General, we get from the Minister of Finance.

And the Attorney General, he was very passionate about that Exemption Order from the Judiciary saying that we are engaging in scaremongering, fearmongering and saying that yes, the Judiciary have all of these emergency applications, they have injunctions, they have many things that they have to deal with, that may arise all of a sudden. Madam Speaker, it seems as though the Attorney General did not listen to what the Minister of Finance had to say in the press conference because the Minister of Finance did not speak about any emergency application, he did not speak about any warrant for a ship, he did not speak about any habeas corpus application. He dealt specifically with the reason why he signed off on the Exemption Order was because it was a petition by the Judiciary to the Attorney General to exempt and facilitate a jury trial. This had nothing to do with any emergency injunctive applications, it was for a jury trial and the Leader of the Opposition went at length to show almost those 15 items that were indicated in the (Judiciary) Exemption Order was not for a jury. And today
you are asking this Parliament by clause 6 of this Bill to sign off on expenses. Madam Speaker, not one of us in this Parliament at least in the Opposition, knows what we are validating.

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** We do not know who was awarded the contract, we do not know what the value of the contract was, we do not know what the contract provided, Madam Speaker, but you are asking us to approve it. Have some respect for the people of Trinidad and Tobago. Have some respect.

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** And when we look at the exemption order for the foreign visits which related to Caricom 50th Anniversary and the Heads of Government meeting, we heard the figure bandied about by the Minister of Finance, that it cost the taxpayers $9.2 million but Madam Speaker, again, who got that $9.2 million, what was it for? Give us a breakdown. You cannot simply ask this Parliament to simply approve $9.2 million of expenditure and we do not know a single detail about it. Not a single detail.

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** But when you look at all of the amendments in the round and a whole, taking it holistically in this Bill, that is exactly what they want to do. They want to spend the money without accountability, without scrutiny, without transparency and without value for money, Madam Speaker.

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** Because that $9.2 million, the only process that went through was hand-picking, you know, “you provide tent, you provide chairs, you provide food, you provide transportation, you provide this, you provide that” and that is hand-
picking. It would have been persons sitting around a desk, we need x, y and z, okay, let us hire this one, hire this one. There was absolutely no transparency with the expenditure for that particular meeting and, Madam Speaker, for the public record, we have no issue with having foreign Heads of State dignitaries, foreign Heads of Government visit our country but if we are going to do it, let us please follow the Laws of the Republic of Trinidad and Tobago. Let us please follow the laws.

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** And, Madam Speaker, this is where we are right now. In the middle of an election campaign, we have to now come to this Parliament to approve an illegality that the Government committed and we do not have a single detail. A decent Government would have laid on this table here, Madam Speaker, a schedule, a list of contractors, expenditure and the values to tell us exactly where the taxpayers’ money went.

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** Because many persons, Madam Speaker, can have assumptions that that money can be funnelled to election campaigns. It could be funnelled towards political parties. It can be funnelled towards tall five-storey buildings in Port of Spain.

**Hon. Members:** [Desk thumping]

**Mrs. Robinson-Regis:** Standing Order 48(6) please.

**Madam Chairman:** I will let you go on.

**Mr. S. Hosein:** Thank you very much. And Madam Speaker, to rebut that presumption or that assumption I may have, well then, give us what the expenditure is.
Hon. Members: [Desk thumping]

Mr. S. Hosein: It is easy as that. Rebut the presumption by telling us where the money went. “Where de money went?” Just tell us where the money went.

Madam Speaker, and I want to get back to that issue of the legal drafting point because the Attorney General is making it sound as though it is an easy point. It is a clear and obvious drafting error. When we sent the pre-action protocol letter to the Attorney General, we outlined that if you read the Hansard, you look at the authorities, Madam Speaker, you would realize it was a clear and obvious drafting error, the Minister had to follow the law, come to the Parliament. But it was a surreptitious and clandestine move to have published those Orders without the parliamentary approval, you were caught, now you have to come to the Parliament and seek the approval. And yet after all of that, Trinidad and Tobago is left no way clearer because we do not know who were awarded these contracts and I want to continuously make this point, Madam Speaker, because we need to understand who were the beneficiaries of these contracts.

Madam Speaker, I want to take you to the next clause of the Bill, clause 3(b). Clause 3(b) says that the Minister will now make an about-turn, the Minister of Finance that is, by changing affirmative resolution, going back to negative resolution. I want to make it clear to Trinidad and Tobago because we need to understand this, is that what the process will now be, is that the Minister says he wants to exempt all—let us use the Parliament, for example. The Minister wants to have an exemption order for the Parliament, he publishes this order subject to negative resolution. As soon as that Order is published, it takes effect, so therefore moneys can in fact be spent, Madam Speaker, even before that instrument is negatived and it may not even be negatived because the Government has the built-

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in majority. They have the built-in majority so the Government will always get their way with escaping from the robust provisions that are contained in that procurement Act of 2015.

But we must look at the conduct of the Government when it comes to what took place with that 2015 Act. They took eight years, almost eight years to fully proclaim that piece of legislation. We had to beg them, they came with the procurement regulations last year, Madam Speaker, for us to debate that in the Parliament and I will get into the provisions of those regulations very soon.

And, Madam Speaker, when you look at what they have done, when that Bill was being passed in 2015, the Member for Diego Martin North/East and the Member for Diego Martin West, they walked out of that Joint Select Committee in protest. Now they have watered done the Bill in 2020 and now they further—and today, they are putting the nail in the coffin of this procurement Act. So it shows that this Government never wanted this piece of legislation even while they were in Opposition.

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:** Their conduct and their behaviour have been very, very consistent, Madam Speaker, very consistent. And, Madam Speaker when you look at what had taken place in 2020, affirmative resolution was what the Government and the Parliament had approved upon following from the Jamaican legislation.

And what the Government is saying, and I want to quote from an AZP article and it says that the procurement procedure—this is the Prime Minister saying that the same procurement procedure will effectively apply if you are going to buy toilet paper and broken pipelines or if you want to procure stationary and you want to build a highway, he is essentially saying that you have to use the same
Mr. Hosein (cont’d)

procurement procedure. It will take two months or so. Madam Speaker, absolute falsehoods, misleading, inaccurate, uninformed, totally uninformed. Because when you look at regulations 12 to 15, it provides for sole select tendering. What sole select tendering means is you do not have to wait two months, three months, you could do it overnight, you could do it within a couple of hours because regulations 12 to 14 provide for emergency services. It provides that the Government can or any other agency of the Government can in fact take steps or measures to avert any public interest matters.

Madam Speaker, if the Members opposite had taken the time to just read the guidelines issued by the Office of Procurement Regulator “Procurement Methods and Procedures”, they will see at pages 23 to 24, there is a list of the procedures, the various types of procurement you could employ for matters of emergency. In fact, it is called emergency procurement under this particular guideline and the procedures are very simple. Because this Parliament—they want us to believe, Madam Speaker, that this Parliament in passing that law, passing these regulations, did not make provision for emergencies. That is an obvious provision, obvious provision we had to make and this Parliament did in fact do that. There is law to provide for emergencies so this particular Bill is unnecessary because there are regulations already in place.

Hon. Members: [Desk thumping]

Mr. S. Hosein: What they are trying to do, Madam Speaker, is not follow the robust provisions of the Act so that persons can have sight of those contracts so that the persons who think that the procurement procedure went wrong, that they could challenge the procedure. Madam Speaker, when you read the parent legislation at section 35, it says that the various provisions of the Act:
“...shall not apply to awards of procurement contracts where a procuring entity determines that...public interest considerations...”—are required, so that you do not have the—“standstill...”—procedure.

This is in the law so do not come and tell us that you have to wait 20 days to fix a broken pipeline. When the pipeline was broken, this was the law, how did you fix it?

Hon. Members: [Desk thumping]

Mr. S. Hosein: It is simple as that. And do not tell us that the Government will run to a halt if you do not pass this law. Madam Speaker, how was the Government functioning before we got here? They are misleading the population with respect to this particular law. This Government will only run to a halt because of their incompetence, not procurement.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Not procurement. Madam Speaker, it is clear in the Regulations, it is clear in the parent Act, it is clear when the Minister piloted the various amendments to the Regulations that the law provides for emergency services. It provides for emergency services.

And then the next point that they are making is that, look, “we cyah buy toilet paper, we cyah buy stationery, we cyah fix ah photocopier”. Madam Speaker, just please read the Regulations. I am asking the Government. The law provides for instances in which you have recurrent expenditure and I want to go back to that particular guideline that I quoted from earlier and I want to quote from page 23 of those guidelines and it says:

“Selecting a Type of Framework Agreement

For this reason, procuring entities may wish to limit the use of framework
agreement procedures while experience in the technique is gained. For example, they may wish to start with open framework agreements intended for procurement of commonly used…”

[Device goes off]

Madam Speaker: Could the person go out, get their device under control?

Mr. S. Hosein: Thank you, Madam Speaker. Let me just say. So:

“For example, they may wish to start with open framework agreements intended for procurement of commonly used, off-the-shelf goods or straightforward, recurring services that are normally purchased on the basis of the lowest price.”

What that simply means, Madam Speaker, is this. When you read regulation 4 of the Regulations, it says that if a procuring entity wants to procure recurring goods and services, they will send a threshold to the Office of Procurement Regulation, the OPR will then approve that threshold and you will enter into something called open framework agreements.

4:35 p.m.

So therefore, give an example like the Parliament, open framework, you have many suppliers of stationery. For example, the Parliament is running low on, let us say, paper to print Bills on, we can just call upon one of those entities because you have a threshold in order to get those goods over a 12-month period. So do not tell us that you do not have the laws in place and the Government will run to a halt. There are provisions made in the legislation for that. Do not have us or have the population believe that a whole Parliament will sit, that technocrats in Ministries will sit, civil society will sit and draft this piece of legislation, and they did not
consider recurrent expenditure. This is what they want us to believe. It is absolute poppycock, as the Minister of—as San Fernando would have said previously in another debate, Madam Speaker.

And when you look at the *Hansard* also, when the Minister went after promulgating the procurement regulations, he clearly said, Madam Speaker, that this can apply to recurring goods and services. So do not now come and tell us that it does not apply, because that is simply not true. The law has made provisions for emergencies, and the law has now made provisions for recurring goods and services. What you want to do in this Bill is now say, “Look, we want to exempt all procurement if the contract we are going to award is under a million dollars”. That is what they want to do, you know. So therefore, Permanent Secretaries could sit down in their Ministries and award contracts, anything under $1 million, no particular procurement procedure, but then when you read the law that they want to propose, they say, it is subject to regulations. Madam Speaker, we did not see the Regulations yet, you know. The Regulations have not come. So we do not to know what those Regulations entail for that exemption for contracts under $1 million dollars. So when this Bill is passed during these next few weeks of a campaign, left, right and centre, “contract issuing for under ah million dollars, yuh know”, Madam Speaker—

**Hon. Members:** [Desk thumping]

**Mr. S. Hosein:**—because that is the law now. And this is a similar provision that was in place in the Central Tenders Board. And in the Central Tenders Board, there were protections and provisions made for issuing of contracts under a million

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dollars. So let us say, for example, a project cost $3 million. And if this project cost $3 million, you will find that an entity may split up the contracts into packages, and all could fall under $1 million or so. The CTB Act had made provision to prevent the non-splitting of contracts. In this particular case, there is no provision for the non-splitting of contracts made under this particular provision, Madam Speaker. So they could break up contracts and awards, and as the Guardian editorial said, it could benefit friends, family and financiers because there is simply no transparency and no procurement process allowed in this entire scenario that they are trying to pass right now, Madam Speaker. None whatsoever.

Then, Madam Speaker, you see that they come to say now that clause 5(a)(i) is to now bypass the Office of Procurement Regulation to make regulations when you look at the Bill, Madam Speaker. And when you look at the Bill, before the Minister will only have been able to make regulations under the Act with the recommendation of the procurement regulator. Now what they are saying is that they want to bypass the regulator and that the Minister can do it in his own discretion basically. Madam Speaker, what that does is that it allows the Government, again, to do what they like. These contracts will not be subject to the Office of Procurement Regulation. There are provisions in there that once contracts are awarded, persons have a right to see the illegibility criteria, they have a right to institute challenge proceedings, they have a right for a copy of those contracts to see exactly where their money went, Madam Speaker. But under this new provision, all of that has now disappeared, it has gone, because this Government finds it fit to come to this Parliament to run around all of the robust
procedures that we have agreed upon in 2015, Madam Speaker. And we cannot stand for that on this side of the House. We will not stand for that, Madam Speaker. We will not.

And then, Madam Speaker, you see, what that does is that you are removing the Parliament oversight also because before the Regulations were also made subject to affirmative resolution of Parliament. We sat in this Parliament, we passed 10 pieces of regulations, and now what they are doing is any further regulations that have to come now, Mr. Procurement or Mrs. Procurement Regulator is not seeing it. And secondly, the Parliament will not see it unless it is published and then we have an opportunity to file a Motion to have to negative, but the whole thing about it is it takes effect on publication. It takes effect. So they could publish how many exemption orders they like, Madam Speaker, it takes effect. They do not need to come to the Parliament. At that—therefore, when you read all of those amendments in the whole, Madam Speaker, what it does is that we do not need this procurement Act again. The Government could basically throw away this piece of legislation because they can do as they like. if they are building a highway, they can sign off an exemption order. If they are building a hospital, they can sign off an exemption order and award that contract to who they like, Madam Speaker. And that is not the way in which governance should happen in this country.

Hon. Members: [Desk thumping]

Madam Speaker: Hon. Member, you have two more minutes of ordinary speaking time. You are entitled to 15 more minutes of extended time if you wish.
Mr. Hosein (cont’d)

Mr. S. Hosein: Thank you.

Madam Speaker: You may proceed.

Mr. S. Hosein: Madam Speaker, I would take advantage of the extension. And, Madam Speaker, I want to just draw a point with respect to that issue with the contracts being under $1 million value being exempted. Yesterday the Privy Council delivered a decision in the case of *The Attorney General of Trinidad and Tobago v Trinsalvage Enterprises Ltd.* And, Madam Speaker, there is a dissenting judgment, and the judge gave some very strong remarks in his obiter, and this is from Lord Briggs in his descending judgment. And basically, in a synopsis, this case dealt with an award of contract was given to a particular contractor in 2000. Imagine this case was in 2000 and now decided in the Privy Council. In 2000, the contract was awarded under the threshold limit of the $1 million that exists in the CTP Act which we are now putting in this particular Bill. And the contractor—the contract was awarded by the PS but the Act clearly states it should have been awarded by the Central Tenders Board because it had crossed the limit. And there were several arguments with respect to ostensible authority, whether or not they had—whether the contract was illegal or not. Eventually the contractor was successful, he won on an quantum merit basis. But the judge in the judgment—the dissenting judgment went on to comment on procurement practices, and he is saying, Madam Speaker, this—he is saying at paragraph 53 of the judgment:

“It is obvious that the conduct of a fair and transparent tendering process by a body independent of executive government, where the choice of the winning bid is vested exclusively in that body, serves to strengthen a

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competitive market for government work, free of any requirement to curry favour with the executive or, still worse, to offer secret inducements.”

So what the judge is saying is that when you have transparent processes for the awarding of contracts, you instil a level of confidence in the market. You want people to invest here, Trinidad and Tobago will look good on the international stage. But when you have contracts now being awarded without any level of scrutiny, Madam Speaker, you understand how we will look in our brothers and sisters’ eyes, even in Caricom, and in the industrial—in the international, sorry, world, Madam Speaker. And what the judge went on to say is that:

“…if in fact the choice of contractor is made by the executive…”

This is the important point. He said:

“…if in fact the choice of contractor is made by the executive, no amount of transparency in the seeking of tenders, or in the actual carrying out of work, will dispel the suspicion of favouritism or worse, or remove the temptation to offer secret inducements, either or both of which are likely to have a chilling effect on genuine competition.”

This is what the Privy Council had to say in this judgment, Madam Speaker. When the executive—and this is obiter, Madam Speaker. This is obiter, as I said. And this is what the judge is giving guidance on, how it looks, the suspicion that can be had. When you have the executive hand-picking contractors through favouritism, there is always a suspicion, Madam Speaker, of secret inducement. This is what the judge is saying.

**Hon. Members:** [Desk thumping]
4.45 p.m.

Mr. S. Hosein: This is what the judge is saying, Madam Speaker. And, Madam Speaker, I just want to recap on the few points I made. Firstly, this Government has acted illegally. They are now coming to correct an illegal act.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Secondly, with respect to procuring recurrent goods and services such as stationery, toilet paper, whatever, the law already makes provision for that.

Hon. Members: [Desk thumping]

Mr. S. Hosein: With respect to emergency works, Madam Speaker, again the law already makes provision for that.

Hon. Members: [Desk thumping]

Mr. S. Hosein: Madam Speaker, you are asking us, this Government is asking this Parliament to approve two Legal Notices where money have already been spent and we do not know exactly who got the contract, what the contract was worth and what it was for. So we on this side, Madam Speaker, we stand strong in opposition against that particular move by this Government. We will not engage in their illegal actions, Madam Speaker. We will have none of it. We will not associate with this illegal Government, Madam Speaker, that is operating in this particular manner; breaking the laws of Trinidad and Tobago. And what is worse is that they are breaking the law that they made, that they made, you know. They made laws and then break the laws, Madam Speaker. And if you have a Government that is lawless imagine what that says to society and I thank you very much, Madam Speaker.

Hon. Members: [Desk thumping]

Madam Speaker: Member for Port of Spain South.
Mr. Hosein (cont’d)

Hon. Members: [Crosstalk]

Madam Speaker: I recognize the Member for Port of Spain South. Yes.

Mr. Keith Scotland (Port of Spain South): That is exactly what happens when it is there is a problem and you have the hon. Members on the other side. They sit down and they do nothing. That is what they do. So there is an issue with a clause in a Bill, in an Act, and they want to do nothing. And all they will do is to criticize and not make a positive contribution in order to resolve the issue.

Hon. Members: [Desk thumping]

Mr. K. Scotland: And when they do nothing, they still offer themselves up. But as the young people say, in governance their “maths not mathsing”, because nothing from nothing leaves nothing. And what they will do is to lead Trinidad on a standstill, Madam Speaker, and say well, the Bill is bad, the law is bad, and that is their contribution.

Madam Speaker, the background of this legislation is that citizens must remember, and this amendment that we are about, what was the raison d’être of the parent law in the first place. And it is not true, as was said by the hon. Member for Barataria/San Juan, that the Government is not interested in procurement legislation, because we are the ones who brought it and it is under this Government that it was proclaimed, Madam Speaker. How are we not interested? And do you know why their “maths is not mathsing”? Because, Madam Speaker, when you look at the amendments, there are only three amendments you know, the entire Bill, the rest of the Bill remains intact. How are we not supporting the procurement law?

Madam Speaker, the Act encourages transparency. It encourages value for money in public procurement.
And this Government stands by that principle, Mr. Deputy Speaker, of value for money in public procurement. And as we approach this amendment, we must remember that in the context of just three amendments being proposed.

The raison d'être of the procurement law was to engender a sense of proper accountability, good governance and the instilling of public confidence as it relates to access to the resources of the State. That is still intact. Mr. Deputy Speaker, we are here due to teething problems that always will exist in legislation and the implementation of the law. Anyone who practices law—and I thought that it was disingenuous from the hon. Members who went before, particularly a Member of the Inner Bar and someone who holds themselves out to be an advocate, Mr. Deputy Speaker—you must know that the law is something; it is living. And as you put it on paper sometimes when you implement it there are issues that will arise.

The thing or the issue is, Mr. Deputy Speaker, what do you do when these issues arise? You come back to Parliament in a proper way, in the middle of the day and not in the middle of the night, as was done in section 34.

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** It is still sunshine. If you go outside you would see 20 people, maybe 12 people protesting, 12. “Nobody there now. They clear up. All de Royal Castle done.”

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** “All de Royal Castle done.” So what happens now, Mr. Deputy Speaker, what happens now?

**Hon. Members:** [Crosstalk]
Mr. Deputy Speaker: Members, Members please. Not across the Chamber. Proceed. Proceed.

Mr. K. Scotland: Thank you, Mr. Deputy Speaker. The legislation, and we want the citizens to know that it is in its embryonic stage. It is like a baby. It needs certain things to give it some life. The country, if we do not do that, would grind to a halt because there will be no process for the Government to give and to provide wanted and required goods and services. Nothing will get done.

The emergency matters that we experience things that are needed, the long delays to achieve that, because of the very onerous requirements of the legislation, it will cripple the Government. It will cripple the country and live examples were given. These examples were not heuristic creations; they actually happened. You cannot recreate history, come to Parliament and mislead everybody. There was a burst pipeline. There were foreign dignitaries in Trinidad and Tobago, which required certain goods and services. The Judiciary, an independent arm of the State, required certain resources and there was needed, Mr. Deputy Speaker, acts on the part of the Government of the Republic of Trinidad and Tobago to facilitate this, and that is what was done.

What about the ease of doing business? If we can amend the Act and improve it, in order to ameliorate the backlog and the troubles that exist in the ease of doing business, what is wrong with that, Mr. Deputy Speaker? But they cry that the skies are falling, when we try to deal with problems.

Mr. Deputy Speaker, when the provisions of the legislation is examined, we would try on this side to adhere to best practice. Heavy weather was made of the change from a positive resolution to a negative resolution; heavy weather was made of it.
They quoted the hon. Minister of Finance, when he presented the Bill in its first stage of saying yes, there was support for it being subject to a positive resolution. But, Mr. Deputy Speaker, what you received today on the Hansard was an explanation of why there has been a change of heart. Because as the Bill is being rolled out, there are issues with the positive resolution. And, therefore, it is not a capricious change. It is a change that is based on experience, as the Bill now is given life. It is a change that is based on what has happened. It is a change that is based on when you look at other countries such as Jamaica and the issues that now plague their implementation of the legislation. And what is most important, it is a change where he has come back to the place where it is required to do the change lawfully. What is wrong with that?

He did not try to introduce it as some addendum. It was introduced head-on with an explanation. That is a hallmark of good governance.

Hon. Members:  [Desk thumping]

Mr. K. Scotland: Mr. Deputy Speaker, it is my respectful view that the change in section 7(7) and section 63(1) of the regulations, that find sibling in keeping with best practice throughout the world. And as I continue my contribution I will get to it.

The key features of the Bill, one is to correct a cross-referencing error. The hon. Member for Barataria/San Juan said the cross-reference error was pointed out by him sometime. Good for him. Good for him. The second, is to exempt the pronouncement goods and services value up to $1 million from procurement requirements under the parent Act. And, Mr. Deputy Speaker, you would believe that the exemption of goods under $1 million is something big. Well, I can tell you, if that was the case, SIS will not exist. Which contract SIS bid for that was
under $1 million? Not one of the piece of equipment that is left derelict, whilst SIS is in Panama, is worth under a million dollars. What is exempted is goods and services under a million dollars. They are not interested in under $1 million. They want over a million dollars. But what we do here is we say: Look, we want to assist in their smooth running of things. So let me make it pellucidly clear, Mr. Deputy Speaker, if it is a procurement related to a good and service over a million dollars, it falls squarely within the purview of the procurement law.

Hon. Members: [Desk thumping]

Mr. K. Scotland: By the time you blink, Mr. Deputy Speaker, unless you are building a house for HDC, which is highly subsidized, where could you get a house for under $1 million in Trinidad and Tobago? In other words, what will fall under that is really the peanuts. But it affects the small businessman under $1 million. It goes over. And what you do here, what we are doing here, we are saying in order for things to run smoothly we will have it that for $1 million and under there is an exemption of goods and services.

The third permits the Hon. Minister of Finance to act in his own discretion or with the advice of the office of procurement regulation to make regulation for procurement of goods value to up $1 million. The fourth empowers the Minister of Finance to use subsidiary legislation, which would be subject to a negative resolution, and the fifth retroactively validates any actions taken under Legal Notices 164 of 2023 and Legal Notice 206 of 2023, which was made pursuant to section 7 of the parent Act. The argument is, it is that when those Legal Notices went out, they were illegal. But Mr. Deputy Speaker—

[Electronic device goes off]

Mr. Deputy Speaker: Members again, this is about the fourth time that
someone’s cellphone has gone off. This is about the fourth time. Right? It is not going to be tolerated. Proceed Member for Port of Spain South.

**Mr. K. Scotland:** So, Mr. Deputy Speaker, if you understand the argument of the Hon. Members on the other side, it is cyclical. It has no beginning and it has no end. It goes around in a circle, because they say that the two Legal Notices were illegal.

[Electronic device goes off]

**Mr. Deputy Speaker:** Whose phone is it? Outside please. Outside, outside the Chamber please.

[Electronic device goes off]

**Hon. Members:** [Crosstalk]

**Mr. Deputy Speaker:** Hold on, hold on Member, hold on, hold on. Member, please exit the Chamber.

5.00 p.m.

[Member exits Chamber]

**Mr. Deputy Speaker:** From here on in, from here on in, any Member whose phone goes off, even before it is said, exit the Chamber. Proceed.

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** Mr. Deputy Speaker, he may be receiving a call from Panama. Mr. Deputy Speaker.

**Hon. Members:** [Desk thumping and laughter]

**Mr. K. Scotland:** What is being said is, well, the Legal Notices are illegal. The answer is, well, if it is, we are coming here to have them validated, and therefore make them legal. What is the issue?

**Hon. Members:** [Desk thumping]
Mr. K. Scotland: Mr. Deputy Speaker, is that not common sense? Well, yes, it is illegal but yes, we are for good governance, and we are not about illegality, we are about validating things that were done to make it right.

Hon. Members: [Desk thumping]

Mr. K. Scotland: So Mr. Deputy Speaker, have no doubt and be clear and unambiguous that what this Government is trying to do is alien to the other side, which is to do things the proper way even when there are challenges, and that is what governance is about.

Hon. Members: [Desk thumping]

Mr. K. Scotland: Clause 3 of the Bill, Mr. Deputy Speaker, seeks to amend section 7(7) of the Act and that corrects the cross-referencing. The clause will also change the requirement from an Order to be subject to an affirmative resolution to now provide for the order under subsection (6) will be subject to a negative resolution with Parliament.

Mr. Deputy Speaker, just for those who may not be clear on it, an affirmative resolution in that instance, the statutory instrument containing the regulations is laid before Parliament in draft and can only be made when approved by affirmative resolution in each House. This means that they are always subject to debate in each House. I want put a marker there, Mr. Deputy Speaker, and stick a pin. It means then, that once there is a regulation and an issue relating to procurement, it has to come for debate in each House before it can be passed.

What will happen to the ease of doing business? Yes, it was suggested up front that that is the way to go, but experiences of others and experiences now have revealed that it is better to go in the next direction, which is the negative resolution. And relative to a negative resolution, this:

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“In an Act, this expression, when used in relation to any regulation, means that the regulation shall be laid before the House and, within a prescribed period of time”—and it—“may be annulled by a resolution of the House.”

A negative resolution means that the regulations become law on the day the Minister signs it and automatically remains law unless a Motion to reject it is agreed by either House.

I say this, the original Act of 2015 patterned the Finland model, the Singapore model, where is the Member for Naparima? He loves Singapore. Well, it was modeled after the Singapore model, the Jamaican model, the Canadian, and UK models. Maybe we forgot Barbados, that is why he is not here. But in the United Kingdom, 75 per cent of secondary legislation is made using a negative resolution procedure.

Mr. Deputy Speaker, let me repeat. In the United Kingdom, the same place where the hon. Member for Barataria/San Juan quoted the case in the dissenting judgment, 75 per cent of secondary legislation is made using the negative resolution procedure. It is now the common way of law-making in the United Kingdom, and it is not problematic at all. What would have happened if we allowed the positive resolution to remain, it would simply have wasted parliamentary time because every tiny resolution, every tiny regulation, would have required a debate.

The contention, Mr. Deputy Speaker, that a change to negative resolution removes parliamentary oversight is strictly speaking misleading. All instruments can be challenged in Parliament and what the amendment from affirmative to negative does is to speed up the rate at which the regulations are made, and
prevents a waste of parliamentary time. It does not remove the scrutiny of Parliament.

Hon. Members: [Desk thumping]

Mr. K. Scotland: That is why you have the option of an annulment. Clause 4 of the Bill introduces a new section 58A to provide a:

“...the procurement of goods and services up to one million dollars are exempt from the... Act.”

This exemption is subject to the regulations made by the hon. Minister. This measure and exemption in relation to goods and services; under $1 million. It serves to level the playing field for small and medium enterprises. They will be better able to participate on an equitable footing as opposed to those who are big or large and medium-sized, who now would go and have their competitiveness buffered by compliance, Mr. Deputy Speaker. Small businesses will be better able to participate on an equal footing, and this is a common provision in procurement legislation globally.

In Sweden, for example, under their Public Procurement Act of 2017, their threshold value is SEK 534,890, SEK, that is over $1 million. Mexico has the public partnership law that allows a direct award when there are insufficient options for development of infrastructure and equipment, and there is no limit. In Canada, there are exemptions to competitive bidding in certain circumstances. The trade agreements generally include various grounds for exemption in four competitive bidding, and exemptions from the procurement law.

In the United Kingdom, exemptions are lengthy, and by the way, the governing law, the Public Contract Regulations of 2015, contains exclusion for public contracts for telecommunication, land, broadcasting, arbitration, conciliation
services, legal services, financial services, loans, employment, civil defence, protection and danger, preventive services, public rail, metro transport; Mr. Deputy Speaker, can I stop? All of these are exempted. And that is the pattern that we have used our law. All we have said, is $1 million and under, $1 million and under. Yet, we are not supporting the law that was proclaimed whilst we were in Government and are in Government?

What happen between 2015, 2010 and 2015? What happened?

**Hon. Member:** Nothing.

**Mr. K. Scotland:** Nothing. If you all were so much in support of this law, why was it not introduced and proclaimed? Why?

**Hon. Members:** [Desk thumping]

**Mr. Hinds:** Hypocrites.

**Mr. K. Scotland:** Keep the chalice burning because the vampires, Mr. Deputy Speaker, they are coming you know, with lip service. It is lip service only.

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** And before—

**Mr. Hinds:** With yellow lipstick.

**Mr. K. Scotland:** Before—

**Mr. Deputy Speaker:** Again, Members, please, please. Please, Members.

**Mr. K. Scotland:** The European Union Public Procurement Directives and UK regulations do not apply to in-house arrangements on the basis of the so-called Teckal exemptions established by the former European Court of Justice. These have now been, Mr. Deputy Speaker, incorporated into the EU and UK rules that allow for vast exemptions from the procurement law. In Malaysia, pursuant to the treasury instruments, procurement worth less than $20,000 can be made by way of
direct purchases.

Procurement exemptions, Mr. Deputy Speaker, can allow for a more simple and efficient approach, and this approach as we say, the value is under $1 million, which allows small businesses to participate, and which allows certain things to be done without the rigors of the time and the onerous, the onerous timelines imposed under the legislation. Once it crosses a million, then you know the legislation kicks in. Mr. Deputy Speaker, in New Zealand for example, procurement values under NZD$100,000, they are exempted.

Clause 6 of the Bill, Mr. Deputy Speaker, seeks to validate any statutory instruments made and any actions taken under those statutory instruments. This measure retroactively validates two exemption orders signed by the Minister of Finance to cover moneys spent on the recent Caricom Heads of Government, and expenditure by the Judiciary.

Mr. Deputy Speaker, the Judiciary is a living body and things happen so quickly that you may not cater for it, and you may need to have coverage in order for the administration of justice not to grind to a halt. The hon. Attorney General gave a plethora of examples. In the middle of a trial, Mr. Deputy Speaker, of a judge alone or a jury alone, an accused may elect to go judge alone. That would then necessitate, Mr. Deputy Speaker, different arrangements to be made. What happens then?

Hon. Members: [Interruption]

Mr. K. Scotland: Yes, you have jury trials. No, you have judge alone, Mr. Deputy Speaker, and you have jury trials. Yes, outside of the judge. In both instances, Mr. Deputy Speaker, what is required are goods and services. The jury need to be fed, the jury needs to be comfortable, the courthouse may need certain...
things. Mr. Deputy Speaker, we were doing a trial a day and the lights went. We were in darkness. So what happens then? We have to go through a whole procurement process to start back the trial, to order two lightbulbs. And look Naparima has come back from Singapore. Look, he has come back from Singapore. He is a voice crying in the wilderness.

Mr. Deputy Speaker, the finance—what happens here is this measure when it retroactively validates the two statutory instruments; it means that the hon. Minister of Finance has clothed the Act in the garb of legality. That is all it means.

Hon. Members: [Desk thumping]

Mr. K. Scotland: And it may be alien to the other side but that is what we do on this side. We clothe all our Acts with the garb of legality. Therefore—

Mr. Deputy Speaker: Hon. Member, you just have approximately two more minutes of your initial speaking time.

Sen. Armour SC: [Inaudible]

Mr. Deputy Speaker: Hon. AG, just hold a sec, hold a sec.


Mr. Deputy Speaker: Yes, you have approximately two more minutes of your speaking time, you have an additional 15. Care to avail yourself?

Mr. K. Scotland: Mr. Deputy Speaker, yes please.

Mr. Deputy Speaker: Proceed.

Mr. K. Scotland: Thank you.


Mr. K. Scotland: So what transpires here is that the validation brings what was done under the procurement legislation properly now, Mr. Deputy Speaker, and we are now as they say, cooking with gas.

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Mr. Deputy Speaker, what I will do—

5.15 p.m.

**Mr. Charles:** [Inaudible]

**Mr. K. Scotland:** Yes, we can also cook with that, Naparima.

**Hon. Members:** [Laughter]

**Mr. K. Scotland:** Mr. Deputy Speaker, in conclusion, I wish to tell you that every time the other side sees an obstacle, on this side we see an opportunity.

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** They have spoken about using the legislation that they have used to finance an election campaign without bringing one iota of evidence.

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** “Dey talking about ah five-storey”, but you know what that is? That is jealousy.

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** Because “dey moving” from pillar to post”; from Renzi Complex—“I hear dey in ah hotel now”.

**Hon. Member:** Vagrants.

**Hon. Members:** [ Interruption]

**Mr. K. Scotland:** “Dey moving” from pillar to post, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Okay, Members, quiet, quiet.

**Mr. K. Scotland:** —but “dey jealous” because the PNM has a home in the heart of the city.

**Hon. Members:** [Desk thumping]

**Mr. K. Scotland:** Bhadase Maraj must be turning in his grave now to see what has become of Renzi Complex. What we can tell the continued droves of people
who move from them, once you cross the Rubicon and you have the stature, come to Balisier House, come to Balisier House.

Hon. Members: [Desk thumping]

Hon. Member: [Interruption]

Mr. K. Scotland: No, not a room. Look, he take out “ah” empty wallet.

Hon. Members: [Laughter]

Mr. Deputy Speaker: Address the Chair, please. Address the Chair.

Mr. K. Scotland: Sorry, Mr. Deputy Speaker. In conclusion, Mr. Deputy Speaker, we find, on this side, solutions when problems arise. We do not bury our heads in the sand. And I want to compliment the hon. Minister of Finance—

Hon. Members: [Desk thumping]

Mr. K. Scotland:—for the head-on way that he has addressed this issue today. We want to say to small business persons, particularly in Port of Spain South, but throughout the country, get compliant with the procurement law. Get compliant so that you can help your business grow by utilizing the procurement law introduced into this country by this Government.

Many small entrepreneurs may do business with CEPEP, HDC, PURE, WASA, UDeCOTT. Compliance opens up a world of potential income streams once you qualify via the processes, to provide goods and services for just not state agencies but other agencies. Use this opportunity to become compliant with the procurement laws. Compliance will also enable these small businesses, Mr. Deputy Speaker, if they do not know, to access government grants and loans.

Mr. Deputy Speaker, the exemption of goods and services, as I have discussed before, is already in place for up to a million dollars. The Permanent Secretaries have been—why would the skies fall once we just put it in the
legislation? The amendments that are proposed by the hon. Minister of Finance will streamline the processes and ensure that the procurement law functions effectively in the public interest. And to function effectively in the public interest we need processes that are not too onerous and we need processes, Mr. Deputy Speaker, which are timely. This is what the legislation, the amendments seek to do, particularly as it relates to clauses 5 and 6. The amendments will also contribute to the more efficient and effective procurement practices benefiting both Government and the citizens, that we serve, of Trinidad and Tobago.

Mr. Deputy Speaker, we heard from the hon. Members all sorts of spurious allegations. I, through you, ask the country to take note that not one was substantiated by an iota of evidence.

Hon. Members: [Desk thumping]

Mr. K. Scotland: And I dare them to leave the Parliament—the sanctity of the Parliament and say it outside. This is literally, Mr. Deputy Speaker, an abuse of a parliamentary privilege; to make such allegations, baseless and then sit down and take your seat and say, “Okay, all is hunky-dory”. It is not. What they have done by these allegations is to judge us by their standards.

Hon. Members: [Desk thumping]

Mr. K. Scotland: And we reject it outright. We say, firstly, that the legislation that is before you, Mr. Deputy Speaker, today, in 2015, the Public Procurement and Disposal of Property Act No. 1 of 2015 was passed, and that was passed to encourage transparency and value for money and the disposition of goods. When the Act came into operation on the 25th of April, 2023, it was proclaimed under a PNM Government. The amendments to the Act were made under PNM Government and when we amend now, there are three amendments and the

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remainder of the Act is largely intact. There is no need, Mr. Deputy Speaker, for any submission of panic and for this country to be in any state of panic for what has happened here today. It is an extraordinary sitting in order to bring things in line, in order to validate certain things done in the past, and in order to go forward in a more effective and efficient manner as it relates to procurement.

With those few words, Mr. Deputy Speaker, I thank you for the opportunity to contribute to this debate.

Hon. Members: [Desk thumping]

Mr. Deputy Speaker: I recognize the Member for Pointe-a-Pierre.

Hon. Members: [Desk thumping]

Mr. David Lee (Pointe-a-Pierre): Thank you, Mr. Deputy Speaker, for allowing me to join this debate this afternoon. Now, Mr. Deputy Speaker, today is an extraordinary sitting and I just listened to the Member for Port of Spain South. And was very—I mean, he started off with a phase during his contribution, “cooking with gas”, but it is more like cooking with a coal pot—

Hon. Members: [Desk thumping]

Mr. D. Lee:—based on that contribution. And I saw the Member, his colleague in front there, Port of Spain North/St. Ann’s West, was smiling when he used that term “cooking with gas” because he knew he was not cooking with any kind of gas.

So, Mr. Deputy Speaker, we are here today an extraordinary sitting, and really if we are here today to do an extraordinary sitting and to correct a wrong by this Government by passing or signing off on two notices—legal notices signed off by the Minister of Finance, Legal Notice 164 of 2023 on the 29th of May, and Legal Notice 206, 2023, on the 29th of June, Deputy Speaker. Those two Legal
Notices were signed off by the Minister of Finance during the normal sitting of Parliament period, Mr. Deputy Speaker. We are here in our vacation and we have now been called back to sit an extraordinary sitting, which we have done in the past; we have done in the past when we did the Commissioner of Police, et cetera and some other things, I think it was the Tobago House of Assembly issue. So, Mr. Deputy Speaker, is it really—are we really here because it is an extraordinary sitting based on what—the six clauses here today, Deputy Speaker? Mr. Deputy Speaker, clause 6, which the Member for Port of Spain South talked about, is the validation clause; to validate an illegal action by this Government. Now, in the parent revised Act, which was done in 2020, there is a provision in section 7 and nothing is wrong with that provision. In the revised Act that was passed in 2020, in section 7 of that revised Act—and I go to section 7(6)(e), Mr. Deputy Speaker. Section 7(6)(e) states, and I will read out section 7(6):

“This Act shall not apply to the following services provided to public bodies or State-controlled enterprises…”

Now, section 7(6)(e) states:

“such other services as the Minister”—meaning the Minister of Finance—“may, by Order, determine.”

So it is there in the revised Act. It was passed by both Houses in Parliament. But section 7 of that revised Act states:

“An Order under subsection (5) shall be subject to affirmative resolution of Parliament.”

So the intent, Mr. Deputy Speaker, was affirmation of any legal orders brought by the Minister of Finance. That is clear, Mr. Deputy Speaker. We debated in 2020 that whole issue of negative or affirmative issue. It was passed in the Senate, it
came back to this Lower House as an amendment from the Senate, changing it back to “affirmative”. We, at the time in the lower house, had asked the Minister of Finance, given the circumstances of what the whole issue of the procurement law, what it meant for the country, to please consider moving it from negative to affirmative, Mr. Deputy Speaker. The Minister of Finance and this Government does not like to take on the Opposition in this lower house. It went to the Senate, our Opposition Members in the Senate—our Opposition Senators also debated, they pleaded with the Minister of Finance to change it to affirmation. And it is only when the Independent Senators stood up against this negative issue, that it was changed by the Minister of Finance.

Now, what really has changed in since then to now, Mr. Deputy Speaker? If the Minister of Finance and his government at the point in time had agreed to change from “negative” to “affirmative”, why today are we debating changing it back to negative? What is so extraordinary about that? Why are we here to do that? Why are we here to also debate a clause about $1 million not being able to—let me just get it correctly. In this clause 5—clause 4, sorry, the Act is amended by inserting after section 58 the following new section, “Exemption from this Act”, 58A:

“Subject to regulations made under section 63, the procurement of goods and services up to one million dollars are exempt from the procurement requirements under this Act.”

Why are we here today be debating this clause? There is nothing extraordinary about that. Why are we here, you know, debating clause 5? Why? If it is anything at all we should be debating here today, it is the clause 6, trying to validate an illegal act done by this Government. That is what we should be doing. That is
what is extraordinary about this sitting. Nothing else. But they have come now here today—because, you see, I have to ask a question. At the point in time when these legal notices were passed back in the 29th of May and the 29th of June, it fell underneath this present parent Act which called for affirmative action, and bring it to the Parliament and for us to debate those two legal notices.

Now, today I would have thought when the Minister of Finance would have piloted these amendments, the Minister of Finance in his presentation would have debated Legal Notice 164 and Legal Notice 206 to give to the public what, you know, these legal notices were about; what were the costs involved. You heard my colleague, the MP for Barataria/San Juan, asked the same questions, you know, what is the cost of these providers; who are the contractors, et cetera, et cetera.

5.30 p.m.

Now, that was not even done by the Minister of Finance, so what are we really debating here today? Are we really debating trying to pass an amendment so that we water down the procurement Act again, Mr. Deputy Speaker, to under $1 million? Is that what we are debating here today, because we have not really debated Legal Notice 164, 206, in my humble view? So I listened intently to the presenters on that side. I mean, I listened to the Attorney General and—I mean, I just want to make a point about this whole procurement issue. When this new Attorney General came into being, I had raised a question about when, in this Parliament—and, I think, I raised a question to the Minister of Finance, and I think he responded, if my memory serves me correct. I asked the question, “When would the procurement Act be assented to?” and the response from the Minister of Finance—and I stand to be corrected if it was the Minister of Finance—the response was given in a summary format, that the new Attorney General, because
Mr. Lee (cont’d)

he was new, he wanted time to look at the procurement Act, look at all the amendments and to give a learned view if anything had to happen with the procurement Act. Now, the past Attorney General, my friend from San Fernando West, I think he was a better Attorney General, in my humble view—right? That procurement Act and the amendments were passed underneath him. So I think we had full confidence that, you know, under the San Fernando West as Attorney General, I do not see why this new Attorney General felt they had to review the procurement law.

Now, if he did that, you know, and that is all well, but look at the issues we are having today with the procurement Act that they have to come back to Parliament to amend an amendment, Mr. Deputy Speaker. I mean, that is unheard of. It is terrible by this Government. So I am really trying to understand what is so extraordinary about this sitting because if it was done properly we would not be here today.

Hon. Members: [Desk thumping]

Mr. D. Lee: We would not be here today. So I listened to my friend, Port of Spain South—right?—I listened to him intently and he was talking about we are misleading the Parliament. If is anybody to mislead this Parliament is this Government here today.

Hon. Members: [Desk thumping]

Mr. D. Lee: It is this Government. We were called, we were summoned—we were summoned, Mr. Deputy Speaker, by you. I mean all respect to you, based on we were summoned. We were—

Mr. Deputy Speaker: Do not bring the Speaker into—[Inaudible]

Mr. D. Lee: I am not bringing—sorry, I apologize. We were summoned to
Mr. Lee (cont’d)

Parliament. We were summoned. Right?

_Hon. Member: [Inaudible]_

_Mr. Deputy Speaker: Please._

_Mr. D. Lee: You know my friend had to go there. I mean, why? You know, when you cannot debate on merit you have to go down low, why is that?_ 

_Hon. Members: [Desk thumping]_

_Mr. D. Lee: What is that? And I know my colleague from Laventille West is chomping at the bit there, but he would not go there. He would not go there._

Mr. Deputy Speaker, so I ask the question, and I listened to the Attorney General in his contribution trying to make a case for negatizing the Orders, why? As an Attorney General, if—and I want to read out what is the objective of this Act, Mr. Deputy Speaker.

_Hon. Member: [Inaudible]_

_Mr. D. Lee: You are disturbing me._

The objective of this parent Act, and I want to read it, section 5 states:

“(a) the principles of accountability, integrity, transparency and value for money;

(b) efficiency, fairness, equity and public confidence…

That is what the public procurement Act supposed to—that is the objective of the Act.

“(c) local industry development, sustainable procurement and sustainable development, in public procurement and the disposal of public property.”

So when you look at the objectives of the Act, Mr. Deputy Speaker, I am surprised that the Attorney General, when it talks about principles of accounting, integrity
and transparency, he wants to negate the whole procurement law, Mr. Deputy Speaker. I would have thought as the individual who is in charge of the legal aspect for the country that the Attorney General would have wanted affirmative as the “be all and end all” Mr. Deputy Speaker, so at least things could come to Parliament and we could have a healthy and robust debate on these issues, Mr. Deputy Speaker, but clearly—

Hon. Members: *[Desk thumping]*

Mr. D. Lee:—this Government does not want that. They want to hide. I do not know want they want to hide, Mr. Deputy Speaker.

I listened to Port of Spain South—

Mrs. Robinson-Regis: *[Inaudible]*

Mr. D. Lee: I am hearing some rumbling from my friend Arouca/Maloney. I mean, I do not know if it is her phone is going off again. I do not know. I do not know.

Hon. Members: *[Crosstalk]*

Mr. Indarsingh: *[Inaudible]*—PNM contract.

Mr. Deputy Speaker: Okay. Okay, Members. Proceed.

Mr. D. Lee: So I listened to the case presented by the Minister of Finance and Port of Spain South talked about teething problems, teething problems, because the Act is now assented to and now, you know, everything is in place. We have been asking, time and time again over the past few years, “Is everything in place for these different agencies or offices that would have to act on the procurement?”, and we have been given the assurance by this Government that everything is in place, Mr. Deputy Speaker. So I am surprised to hear the Minister of Finance and the Member Port of Spain South is talking about teething problems. Now, I want
to give the history of this procurement law; back in 2015, under the PP Government, under the hon. Kamla Persad-Bissessar, we passed that law.

**Hon. Members:** [Desk thumping]

**Mr. D. Lee:** What happened, when this Government was campaigning in 2015, they made part of their manifesto that when they came into government the first course of action was bringing the procurement law into place. The procurement law underneath them only came into place this year in 2023, Mr. Deputy Speaker. Seven and a half years they took to bring the procurement law to this country, something that they told this country they were going to do, Mr. Deputy Speaker, and now they are saying they are having teething problems. Seven and a half years; they are like a baby, they are cutting teeth still, Mr. Deputy Speaker. I do not understand that. And I listened to the Minister of Finance start to go on—I mean, we gave him—I mean, the House gave him an extra 15 minutes and he went to the history of WTO, EU threshold. The EU threshold, Mr. Deputy Speaker—and you know what is the funny thing about the EU that they are using the European Union threshold, we are still on the blacklist. We are still on the blacklist but they are using the European Union threshold, Mr. Deputy Speaker.

Mr. Deputy Speaker, the Minister of Finance mentioned something about Caricom and proposals about moving and having these concessions, et cetera, these exemptions, Mr. Deputy Speaker. As it stands today it is just proposals, Mr. Deputy Speaker. We have a law in place, let the law, the procurement Act take its rightful place in the country of Trinidad and Tobago, Mr. Deputy Speaker.

**Hon. Members:** [Desk thumping]

**Mr. D. Lee:** Why are they fidgeting and tinkering with the law? Let it take its place. Now, I listened to my colleague from Port of Spain South talk about the
ease of doing business, and my colleague from Mayaro, every time my colleague, the Member speaks from Mayaro, he talks about the ease of doing business has been eroding in the past seven years under this Government and they are now talking about trying to lift the ease of doing business by bringing $1 million exemption as an amendment to the procurement law. How could that be easing business? What it might be doing, what my colleague had said from Barataria/San Juan, is that on a table everybody sits around and say, “This is for you. This is for you. That is for you.”

Hon. Members: [Desk thumping]

Mr. D. Lee: That could not be easing business; it is easing somebody else, Mr. Deputy Speaker, and the whole procurement law is about fairness and fairness to the small and medium businesses in Trinidad and Tobago. That is what is the beauty about the procurement law, Mr. Deputy Speaker, that big businesses in the past have been getting everything in this country, and that is why one of the strengths of the procurement law is to assist the small and medium businesses. So I am aghast to hear from my colleague from Port of Spain South that these amendments would help the small and business people, Mr. Deputy Speaker.

Mr. Deputy Speaker, I want to get in—and you know what is interesting, Mr. Deputy Speaker, before I go on, that we have a new procurement regulator in place recently and I would be interested to hear from her. I think her name is Mrs. Khan, if my—

Mr. Hosein: Beverly?

Mr. D. Lee: I do not know her first name, but I think it is Mrs. Khan. What are her views about these amendments today and not a— I would have thought that the Minister of Finance, before bringing these amendments, would have at least
gotten the views of the OPR—

Mr. Hosein: That is a good point.

Hon. Members: [Desk thumping]

Mr. D. Lee:—all right? Would have at least gotten the views of the OPR or other sectors of the community, of the country, before bringing these amendments. Because I remember when we were debating back in 2020 and 2022, the Minister of Finance, who has always been the “piloter” of these amendments, Mr. Deputy Speaker, had always talked about, “We have had proper consultation and several consultations”, Mr. Deputy Speaker. So I would like to know in his wind up who he consulted with these amendments, because these are very, you know, very, I would say— I mean, dangerous amendments, Mr. Deputy Speaker, very dangerous amendments that is being brought here, and we cannot make light of moving away from affirmative to negative, Mr. Deputy Speaker. And, you know, I want to thank my colleague for Baratadia/San Juan for raising—and maybe, you know, he was the reason why we are here today because of the Extraordinary Sitting.

Hon. Members: [Desk thumping]

Mr. D. Lee: I want to thank him.

Now, Mr. Deputy Speaker, when you look at the clauses here, and I keep asking, “What has really changed to bring these amendments?” Nothing in our view, and nothing will change, Mr. Deputy Speaker, nothing will change. Right? So I really—I mean, we heard about, it is the way of doing business now that you should have some exemptions for a threshold. My colleague and the Leader of the Opposition, you drew them to the regulations that are in place to take care of emergencies, et cetera, Mr. Deputy Speaker, so the Bill in itself, the Act in itself
has the wherewithal to take care of any emergencies or, you know, sole select tendering based on emergency, et cetera, Mr. Deputy Speaker. The law is there. We are saying, “Let the law do its work, Mr. Deputy Speaker, without tinkering with it”. So I listened again, they keep using, “They are having teething problems”. What are the teething problems that this new law is causing this Government, Mr. Deputy Speaker, because we are yet to really understand what are the problems that they feel that these amendments should be, Mr. Deputy Speaker? Mr. Deputy Speaker, when you look at clause 3— Again, you know, I spoke about that, from affirmative to negative, we do not agree with that, and I really hope that—they would not take us on this afternoon. They will come and use their majority to pass it. I really hope that—we hope that when it goes to the Senate that there is, you know, some kahunas in the Senate, Mr. Deputy Speaker.

Mr. Deputy Speaker, clause 4 talks about gutting the procurement Act. I use the word “gutting”, you know, for contracts up to $1 million, not subject to scrutiny; we have a concern with that. I think the country should have a concern with that, Mr. Deputy Speaker—all right?—because it really goes against the grain of why we are bringing—why we have a procurement Act in place, Mr. Deputy Speaker. Mr. Deputy Speaker, clause 5, once again the Minister is changing from affirmative to negative; you know, I do not understand what is wrong with coming in the Parliament to debate. I think that the Government has enough experienced individuals and experienced Ministers to come and debate issues so that the public could understand the issues. I do not understand why they are hiding behind these negative Orders, Mr. Deputy Speaker. I mean—and in clause 6, it is about validating an illegal issue, Mr. Deputy Speaker.

5.45 p.m.
They created an illegal issue. We are now here and they are asking us as the Opposition to help them correct this illegal issue that they did. We are not going to do that, Deputy Speaker. We are not going to validate their illegality. We are not going to do that.

**Hon. Members:** [Desk thumping]

**Mr. D. Lee:** That is, that is—I mean, I do not want to use “craziness”, but it is really foolishness, that we would—you know, they always blame us for everything, and they are now asking us to help them validate their illegal act. I mean, I am surprised they are even asking us to do that. I am surprised.

So Deputy Speaker, I know there is nothing much more. I wanted to cover certain points, but we are yet to be convinced that there is a reason for this extraordinary sitting, only just to clean up their incompetence, and we will not be part of that. We would not be part of that. We are here today to highlight certain issues, and we are here today to let the public be aware of what is going on with this procurement Act.

So Deputy Speaker, we are yet to be convinced, and with those few words I really hope—I really hope that this country actually stands up and stand their ground against this Government and this procurement amendment. I thank you.

**Mr. Deputy Speaker:** I recognize Port of Spain North/St. Ann’s West.

**The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Mr. Deputy Speaker. We are here a few hours into the debate and I think it is the right time and opportunity to really bring it back to where it needs to be, and through you, Mr.
Deputy Speaker, to explain to the population what we are really here dealing with today, without the hype, without all of the screaming, without all of the dog whistling, without all of the fear mongering. Maybe an appropriate point to start would be with respect to the validation, what the Member for Pointe-a-Pierre just ended on.

A validation Act is not something that is unusual. Certainly in my time in the Parliament, over the last eight years, there have been a number of occasions where it has had to be necessary. I remember on one particular occasion, unfortunately somewhere in the process, they got the timing wrong for a THA election, and we the Members, 41 of us, came to the House on a Saturday and we did what was necessary. And to be suggesting here today, completely insincerely, that what we are being asked to do is something illegal, I reject, and just to tell the population what the validation being sought today is all about.

When you look at section 7 of the Act—and this is the public procurement Act—when you look at section 7, and in particular section 7(7)—well, let us start above that. Section 7 is dealing with the application of the Act. Section 7(6) says:

“This Act shall not apply to the following services provided to public bodies or State-controlled enterprises—”

And then it lists, as we have heard before:

“(a) legal services;
(b) debt financing services…
(c) accounting and auditing services;
(d) medical emergency,…”

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— or (e), and this is where we are at:

“such other services as the Minister may, by Order, determine.”

So that is section 7(6). You then go to section 7(7), and it says:

“An Order under subsection (5) shall be subject to affirmative resolution of Parliament.”

So when one looks at what is on the paper in front of us, what is the recorded Act, it does not refer to a need for an affirmative resolution for the exemption that took place on two previous occasions, as we have heard here this afternoon. One, a request by the Judiciary at a period in time when they were doing jury trials, and they found themselves with the proclamation of the law in a situation where they could not provide goods and services, normal goods and services. So forget all the hype, all the attempts to fear monger. A jury has to serve. There are certain services that are necessary for a jury, provision of food, on occasion provision of stationery and other services.

The Judiciary was now faced in a problem, as was the rest of the whole state machinery, and to come here this afternoon and to hear persons suggesting that it is business as usual is a little bit distressing, and quite honestly I find it disturbing that time and time again we come here to this House, where 41 of us have been elected by the people of Trinidad and Tobago to represent them and their interests, and Trinidad and Tobago’s interests, and to hear persons blatantly putting on the record, on the Hansard, complete misinformation, it is upsetting.

Let me explain to the population what this legislation requires. The first thing it requires in the parent legislation is for the Office of Procurement
Regulation to establish something called a “procurement depository”. The procurement depository requires everyone, from the small parlour on the corner in Charlotte Street, in Chaguanas, in Cedros, et cetera, who may have done business with any state enterprise, any Government body whatsoever, to register with the office of the procurement registry.

I want to give a live example of the difficulties that we are facing today. So to hear the Member for Pointe-a-Pierre, it sounds nice to some maybe that there are no teething problems, what teething problems, I ask any citizen and anyone listening to go right now on to the Office of Procurement Regulation’s website, which is supposed to hold the information with respect to the procurement depository, because I did it. I did it now. You cannot even get on to see what are the entities that are currently registered with the procurement depository, and I will come to why that is a difficulty.

So at this moment I as a citizen, as an elected Member of the House of Representatives, have no immediate access to know out of the plethora of tens of thousands of businesses, that prior to April and the proclamation of this law, who had been doing business with the Government on a daily basis, are registered. But that is the first necessary and obligatory requirement to now do business with the Government. You have to register. You go on to this website and you register, but it does not end there.

So I challenge any of the Members on the other side, come now and tell us all of the businesses that are registered, because I am about to give examples of many businesses that we do business with on a daily basis as citizens, and need to,
are not on the registry. And I cannot even access to see who is on this procurement depository.

The second thing that is required after that by everybody that needs to procure anything, any Government body, and there is a definition for it, any public body that has to now go and procure anything, to procure water, to procure a box of food for workers. I have heard them laugh at photocopying paper and printer paper, and toilet paper, but the truth is all of that is required to be procured.

**Hon. Members:** [Desk thumping]

**Hon. S. Young:** So they may laugh as much as they want. They may make a mockery of it as much as they want, but the point is every office in the Government has to procure everything that is utilized, every single item. So after you register on the procurement depository, the next stage and step is you must prequalify, and this is where the problem begins. It is in the pre-qualification.

What that means, Mr. Deputy Speaker, to the people of Trinidad and Tobago who are really interested in the truth, it means before any entity can contract with any Government body, emergency, sole select or not, and I will come to that, before you can now contract to provide any good or service to any Government entity whatsoever, you have to prequalify with that entity. When you now go to the Act again, in the parent legislation, let me give you some examples of what the parent legislation says, and then we get into the Regulations.

So I could have been doing business as the fruit vendor on Charlotte Street, providing the nearby Government office every morning with fruits for the workers, I am no longer permitted to do so unless I go and register at the OPR, the Office of
Procurement Regulation, and then more so I now have to prequalify. Section 29(1) of the parent legislation says:

“A procuring entity shall ensure that suppliers and contractors—

a) have the legal capacity to enter into the procurement contract;

b) are not insolvent, in receivership, bankrupt...”—et cetera, and—

c) have not been convicted for the past 10 years of corruption or fraud-related offences locally or internationally.

Then when you get to (d), this single statutory provision that is an express provision in the parent legislation, has led to great difficulties in any government body now doing business with whom they were accustomed doing business with for two and three decades—for two and three decades. You have to:

“(d) have fulfilled their obligations to pay all required taxes and contributions in Trinidad and Tobago.”

That is good law. But how do you prove that? It means you have to get a tax clearance certificate from the Board of Inland Revenue. You now have tens of thousands of businesses attempting to get these tax clearance certificates. A few weeks ago when we were not in the recess, we were here, and we were talking about an extension of time, if I remember correctly, for amnesties. Why did you have to do that? Because the Board of Inland Revenue is inundated with applications for these tax clearances, but more so there are businesses, let us not pretend that there are not businesses that suffered during the COVID period that went through difficulties, and they are now trying to work out their tax liabilities and obligations and duties with the BIR. So a small business that suffered through
COVID, but made it through, did not pay their taxes that they were supposed to during COVID, and are now trying to get back on an even keel, you are now required by the law to make sure you have a tax clearance, before you could prequalify, but it goes on.

This one in (e), and I will give live examples to the population as to how this has ground certain things to a halt:

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

Sounds great, again an excellent provision in law, but now you come to the application of it, and then (f) is:

“meet relevant industry standards.”

It is then filled out a little more in the procurement regulations, and there are numerous procurement regulations that are already in place. So in particular when you go to the (Pre-qualification and Pre-selection) Regulations of 2021, which is where you now go to for the subsidiary legislation that tells you how you prequalify, it starts off at regulation 4.

You see, Mr. Deputy Speaker, it is important that we understand the applicability of the law and the implementation. That is when you begin to understand the difficulties that are being faced, and that will feed directly into why we have come here today with a reasonable, justifiable and sensible request to cap at $1 million and below, all of these things do not necessarily apply.
But I want to put on the record that no one, no one on the Government has said that there should not be procurement rules and regulations, and procedures, and processes with the procurement of anything under $1 million.

**Hon. Members:** [Desk thumping]

**Hon. S. Young:** So to come here today and to hear those on the other side sell to the population, in a fear mongering way, that, “it is complete disregard by the Government and they are not going to have any procurement rules in place for the $1 million”. First point—as I am a little distracted but I will answer that point—the first point on the $1 million is that is what has been applied, as we heard from the Minister of Finance today, since 2010.

In other words, since 2010 in Trinidad and Tobago—and he went through painstakingly to tell us the whole history of it—in 1961, $10,000 was the limit, and everything procured in the Government service under $10,000, an accounting officer could have done it. But it does not mean that they just go out there and hand out contracts. That may have applied at a certain period in time, but it does not apply now under this Government.

**Hon. Members:** [Desk thumping]

**Hon. S. Young:** An accounting officer in law. So it started off $10,000 in 1961. The limit then went in 1983 to $100,000; in 2004 to $500,000; and in 2010, $1 million. Up to April of this year, $1 million was the limit under which an accounting officer, a commissioner of police, a permanent secretary, could contract for services and goods under $1 million, but it does not mean it happens in a vacuum. It does not mean an accounting officer can just go and decide, “Well,
today I like X, tomorrow I like Y”. “I go give dem a $900,000”. It does not work like that, and this Government is not for a moment suggesting that is what should happen when we exempt and have under $1 million today, how the Government services are procured for under $1 million.

So first of all it is something that has been happening for the last 13 years at the million-dollar level, and there are proper procedures in place. You must have a three-quote system. In other words, three quotes for the provision of services under $1 million.

6.00 p.m.

And then, another thing whilst I am on this point, I heard—and the Member for Baratavia/San Juan who, I heard it being proclaimed here today is this great lawyer. Whether he is or he is not, he misled the House today when he said that you can break up contracts now under $1 million—

**Hon. Member:** What?

**Hon. S. Young:**—and distribute it. So if you have a $10 million contract, break it up into more than 10 pieces and you can give it out, and he said there is no provision in the law to protect that. But my same friend who professes, and we have heard all the sorts of talk about how great his legal prowess is, obviously did not read section 31 of the parent legislation. Section 31 of the parent legislation says, Mr. Deputy Speaker:

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

So in the parent legislation, it is set out there. So to come here today and to attempt, in the typical fashion of misleading—well, “yuh cyah” mislead this side of
the House, but to mislead the population outside there and then for us to get certain editorials that too are misleading is wrong.

**Mr. Imbert:** There are false.

**Hon. S. Young:** So section 31 of the Act, in the parent legislation, spells out that you cannot split contracts to get under any limit.

And then, in the Regulations as well, when they get into thresholds, they also set out in the Regulations that you cannot do that and you cannot split the contract. I will come to that in a short while. So back to my point, which is the application of the law, live examples. Good and services needed to be procured. For example, you call a meeting with staff or you are having working periods of negotiating contracts et cetera, and you are providing food for those members—not Members of the House but members of public service who are working through. So previously you might get a box lunch, as an example, and you provide that so you can have a work through lunch, you are working through and you do not want to break so everybody goes in separate directions and you lose productivity. Now, to do that, the person who is providing that service to the Government needs to be registered, but they also need to be pre-qualified.

And this is an appropriate time to put on the record some of the difficulties we have faced across the whole of government. It is not central government, it is not Ministers, you know, because this group of Ministers in this PNM Government do not procure. I have heard anecdotal stories of a different time, ’10 to ’15, where Ministers and Prime Ministers were very involved in procurement and the award of contracts. That does not happen here.

**Hon. Members:** [Desk thumping]

**Hon. S. Young:** So I can assure the population of that.
Mr. Hinds: Two hundred and fifty thousand in roti.

Hon. S. Young: Sorry, Mr. Deputy Speaker, I just want to find the exact—okay. It is Regulation 12. And when they talk about the time frames, they have also misled on the time frames. So the point I am making is, to just give an example, Massy Foods that provides grocery services and other groceries initially did not register—

[MADAM SPEAKER in the Chair]

Thank you, Madam Speaker—initially did not register with the procurement regulator. So they were not in the Procurement Depository. So it provided now a difficulty when you needed to get certain grocery items because whoever was the grocery, they were not registered. But the best example I can give is Massy. Most of their operations had registered, but that particular one, Massy Foods, was not registered. It took a call to the management, they did realize that error, and immediately they went and registered. So we thought, okay, great, business could continue as usual because for decades Ministries had been getting grocery items to provide juice for the workers, whatever it might be, the toilet paper, the paper napkins in the kitchens, all of these items. It might be happening right here in Parliament as well and unfortunately, the grocery was not registered. They got registered.

Now, in the application by the procurement officers of the various entities, Madam Speaker, this is the difficulty that they are facing because, you see, what the Regulations then set out is that you have to have certain things in place. And the officers now reading this are so concerned, because it is new so these are some of the teething issues that we are going through. And I am trying to find the exact provision, but basically what it says, the law—I do not want to “basically”. I want to give it word for word. Sorry, it is in the pre-qualification—you see, there are so
many regulations here, Madam Speaker. It is in the Pre-Qualifications and Pre-Selection Regulations, which is—those are the Regulations that guide you—right, here it is. Those are the Regulations that guide you as to how you pre-qualify and how you register. So if you go to those, it first says—and this is why it is necessary. To hear my friends on other side suggest that we are just making up these things, it is upsetting. So it starts off at Regulation 3—well, look at Regulation 2:

“‘Procurement Depository’ means the Procurement Depository established pursuant to section 26 of the Act…”—which I have explained.

It then goes on, Regulation 3(1):

“A supplier or contractor shall register in the Procurement Depository and upload the required information and supporting documents, to enable a procuring entity to determine whether or not it meets the criteria for pre-qualification.”

That is what I was speaking about. You have to register first and now pre-qualify, and in this application this is where it got ridiculous. Regulation 4(1):

“A supplier or contractor may be pre-qualified by a procuring entity for the line(s) of business and value category of goods, works and services that the procuring entity may procure where…”

And then, it goes on at Regulation 12:

“The pre-selection scoring criteria shall, where applicable, include but not be limited to the following…”

And this is where another round of difficulties come in, because the public servants, in trying to abide by the Regulations and the law, are now in the pre-qualification. And their interpretation of this, which I will apply to the Massy
example for the population to understand that if you want to get two cases of juice for the office, some paper napkins, some paper plates, et cetera, what we are facing.

“(a) The supplier’s or contractor’s relevant experience;”

So they start to ask: How long has that grocery been around? How long are the workers working in the grocery? When I heard this example being given live to me by a senior public servant who is at her wits’ end in trying to get things done—it then asks at Regulation 12(b) for the:

“(b) the qualifications of the key members of staff proposed;”

And they are telling me that one of the major procuring entities in the State, the team that is assembled to procure for Massy, is asking for:

“(b) the qualifications of key members of staff proposed;”

So I asked, what do you mean? The managers, the grocery packers, those packing the shelves?

“(c) managerial capability, reliability, experience to perform the specific contract;”

6.10 p.m.

This is a live example. So the public servants who are applying this, and rightly so, because they want to be in accordance with the law, are facing difficulties because they are now saying, for us to go and procure the normal coffee, the normal juice from the grocer, we are asking these questions.

The extent of part—not that one. So when they started to say, well, the qualifications of key members of staff, and I said, but how does that apply in these circumstances? And they said, “Minister, they are refusing unless Massy sends them all of the CVs”. I said, “But just last week or two months, three months ago
you were procuring all the coffee we needed”. So you have an emergency meeting and you want to put out water, coffee, juice for the members, we no longer have that because of these? And it is going to be $2,000 worth of goods? So these are the examples, members of the population, this is why we have come here to Parliament today to say, it is ridiculous to say for $1 million and under.

**Hon. Members:** [Desk thumping]

**Hon. S. Young:** And do not worry about the dog whistling and the scaremongering and the fear-mongering that you are hearing from the other side that there is no protection of splitting of contracts, because as I read out, section 31 of the parent legislation makes it an offence to split. So to stand up here and to hear that and worse than that, this is how the public service has been run for the last 13 years at a $1 million limit and prior to that from 1961 there were set limits. And the Government, I repeat, is not for a moment suggesting there should not be proper procedural rules and processes to be able to procure under a million. What we are saying is, “doh” cut out the “small man”, “doh” cut out the medium-sized businesses—

**Hon. Members:** [Desk thumping]

**Hon. S. Young:**—which is what unfortunately this does. I challenge anybody, go now and see who is on the procurement depository. You cannot. And then I have just gone through the law that requires you to register, fine, but then to pre-qualify and some of the live difficulties that they will face. What is the real risk of $1,000, $2,000 in groceries to run a Ministry or for stationery, et cetera? So, I ask the population, please disabuse your mind of any concern about the requirement that we are asking for now for an exemption for these particular procedures to apply for the procurement of goods and services under $1 million.
Hon. Member: Well said.

Hon. S. Young: It is completely ridiculous to suggest that there is going to be some level of corruption that suddenly appears and grinds us to a halt with a new limit of $1 million because it is what the public service has been applying for decades and will continue to apply.

Another ridiculous proposition I heard today and, again, to try and give a benefit to the doubt, it is easy to read things on a piece of paper. It is easy to have academic conversations. For some people it is easy just to make up things out of the blue but it is when you come to apply it, implement it and live it, which is what we are doing in a Government with all the various divisions and entities under us that you are facing and seeing some of the difficulties. And I will give the population another live one.

We heard suggestions here this evening, do not buy the story of timelines and time frames, that it is going to take—you have to have 20 days and then another 10 days standing period to be able to procure stuff. Some of the examples I have given. Not everything will fall into emergency. In fact, I put on the record here today that I am certain because it will come down to a definition and an interpretation of what is an emergency situation and I am certain the moment the Opposition or their people, including Ravi Balgobin, who I hear them professing is one of them all the time, he was sitting here today. But the last time when I first called it out, that he is an operative of the UNC put out a long statement on me. He is a UNC operative. I put it here today that the first occasion—

Hon. Members: [Desk thumping]

Hon. S. Young:—that they believe the emergency provision has been used and I heard some of the examples being given here today. Go and use the emergency
Hon. S. Young (cont’d)

provision. They will be the first ones to take it to court and challenge and this Government has no intention of abusing the law and in particular abusing any emergency provisions.

Hon. Members: [Desk thumping]

Madam Speaker: Hon. Member, you have two more minutes of ordinary speaking time available to you. You are entitled to an extended time of 15 more minutes if you so wish?

Hon. S. Young: Thank you very much, Madam Speaker. I will take it.

Madam Speaker: Granted. Please proceed.

Hon. S. Young: Thank you.

Hon. Members: [Desk thumping]

Hon. S. Young: We will not use emergency provisions outside of where they are. To give the population another live example. Yesterday I went to the PowerGen plant at Point Lisas and I was being told at that meeting some of the difficulties. For example, T&TEC has because companies, state enterprises like T&TEC, state enterprises in the energy sector and I dare say others, TSTT would be another one, have to procure goods and services from foreign entities because we do not make the turbines here. We do not make the type of equipment here. Those entities that are not registered on the depository registry cannot contract, so that too presents a difficulty.

Now get into responding to some of the foolishness that I have heard put on the record ahead of us. This thing about negative resolution and a lot of time being spent on moving from affirmative to negative, I would just like the population to understand, the negative resolution as the Member for Port of Spain South tried to set out the history, well, set out the history, it came about to save parliamentary
time. So negative resolution does not mean there is not going to be a parliamentary debate. From the time it is filed it becomes law but it does not prevent the Opposition or an Independent Senator immediately upon seeing it, filing a Motion to bring it to be “negatized”, if there is such a word.

**Mr. Al-Rawi:** Negatived.

**Hon. Member:** Negatived.

**Hon. S. Young:** Negatived. Immediately. So is it that there is an element of laziness that no one wants to read when the resolution—when the regulations come, et cetera, and say, “Aye, that is objectionable. I want a full debate”. Because the Standing Orders, Standing Order 80 says, from the time that Motion is filed for a negative resolution, it must be brought to the Houses, whichever House it is filed in, as soon as possible. So it does not mean you wait 40 days which is the suggestion that I have been hearing hear today. It could happen within a day—

**Mr. Al-Rawi:** Absolutely.

**Hon. S. Young:**—of the regulations being filed. So that too is a dog whistle. But what is prevents is the wasting of time. It prevents parliamentarians, the House, and everyone coming here to debate something that there is no debate on. And that is the purpose of the negative resolution. If there is no problem with it, it remains in law. If there is a problem with it, we come and debate, as opposed to an affirmative resolution which requires us on every single occasion to come here to debate. So let your heart not be troubled. Members of the population do not buy that. The use of negative resolution is not a bad thing. It is not the Government attempting to hide. It is not the Government attempting, as I heard it being suggested, to have a lack of transparency or accountability. Absolutely not. What it does is, it puts the onus now on the Opposition or in the case of the Senate, the
Opposition and the Independent Senators, if you have a problem, indicate, we will come to the House and debate it. If not, it stays as law and it continues. Nothing wrong with that whatsoever.

Some of the other suggestions I heard, the emergency provisions in law, as I touched on a short while ago, this is subject to legal interpretation, as I guarantee, the Opposition through a Ravi Balgobin or somebody else would be the first people to file suit to challenge it.

The next point that was being made by the Member for Barataria/San Juan that I found a little disingenuous, he is saying, he said that—what are we being asked to validate today? And in the validation today we should have laid out and had a debate as to the budget. So, for example, with respect to the Judiciary and the Order that they sought and was obtained which we are looking to validate today because of an error in drafting, that is what it comes down to, an error in drafting that I started off by pointing out. We should come here today and say, “Well, it was 10 box lunches at $20 and then it was”—and then now a lot of “hullabaloo” was made about the Caricom and the 50th anniversary celebrations. The truth is, timelines applied, the truth is, I will put it on the record here, some of the hotels that are used and some of the hotels that are used by anyone coming to Port of Spain, because there are premier hotels, were not even on the registry.

**Mr. Al-Rawi:** Correct. The newspapers put it—

**Hon. S. Young:** Newspapers, hotels, were not on the registry. So how could you carry it out? The rental of some vehicles. These are the things, but to suggest that we should come here today to itemize and to go through a debate as to how much money was spent and I heard a figure of $9.2 million and the particularization of that, that is trying to mislead the population because never happens. Nothing
illegal happened. We debate every year, sometimes twice a year, once with the annual budget and sometimes in the midterm the appropriation of funds to various Ministries, and once the budget is passed and the midyear review is passed, the expenditure of that money is legal. So the expenditure of the however much money that we will get a tally because the Government has nothing to hide was not illegal and the passing of this order certainly did not make it illegal and it is certainly insane and infantile to say that, we should come here today to go through how much money was spent on a hotel room, how much money was spent in newspaper advertisements, how much money was spent—that simply does not happen. And I would not even get into the hypocrisy of how it happened before in the period of 2010 to 2015.

But I will say this just to remind the population, because it is important that we remind the population. This Government is not avoiding processes, rules, regulations and law to deal with procurement. And the suggestion that it was as former government between 2010 and ’15 that passed the law, they did not proclaim it. What they did just before the 2015 election was proclaim certain parts to pretend “yuh” putting it in place. But I want to remind the population, through you, Madam Speaker, of two instances. The election was on 7th of September 2015. Correct? Monday 7th September of 2015. I want to remind the population, through you, Madam Speaker, on the night, the Sunday night, Sunday 6th of September, 2015 into Monday morning of the 7th of September, 2015, what was going on UNC style down in the Chaguaramas Development Authority, in the Chaguaramas Development Authority during that period of time because you see this deal with disposal of state lands too, they were busy signing leases at undervalues and giving it out. The Friday before the election, which would have
been the 5th of September, 2015, they were scratching off certain parts of a billion—billions of dollars in contracts with OAS that exposed the people of Trinidad and Tobago to $920 million that we had to fight to get back. That is a recollection of procurement the UNC way, just to remind them.

**Hon. Members:** [Desk thumping and crosstalk]

**Hon. S. Young:** And I want to raise the legal fees. I was going to leave it alone, you know, Madam Speaker, but as Naparima reminded me, the speaker, the first speaker, the responder, the hon. Member for Siparia, had the audacity to stand in this House and talk about $1.4 billion in legal fees. Well, when you look at the breakdown of that, a huge amount of it is in going after corruption and what the Member for San Fernando West managed to manage in the Miami court that no one ever seems to want to remind themselves of, where a Miami court found corruption in a UNC Government and made orders of millions of US dollars against them.

**Hon. Members:** [Desk thumping]

**Hon. S. Young:** But the audacity of Siparia as the former Prime Minister presiding over a period of time with $1.4 billion, talking about $1.4 billion in legal fees here today and they had the audacity to call peoples’ names, as they like to do, and to personalize and individualize the President’s husband, calling this one.

6.25 p.m.

I want to remind them that out of however much fees have been expended in eight years, there is no scheme of any kickback to any Attorney General in the PNM.

**Hon. Members:** [Desk thumping]

**Hon. S. Young:** No former Attorney General or present Attorney General has been charged in any court, in criminal courts, and is on any criminal charges for
Public Procurement and Disposal of Public Property (Amdt. And Validation) Bill, 2023 (cont’d)
Hon. S. Young (cont’d)

witness tampering or for kickback of fees, et cetera. So I want to remind them when they come to speak to fees this is what the population will remember of your time, but it is sensible to have exemptions on legal fees. Madam Speaker. As I said there is no—there was a suggestion by the other side that there is no premise in law, there is no provision preventing the splitting of contracts; completely false, section 31 of the Act. There was then a suggestion that if the Government is building a highway they could do an exemption order. First of all, that is completely false. The only thing we are asking for an exemption of, of the full strictures of this Act and the Regulations, is contracts under a million dollars. And I have said, there are provisions in there that if you split it, you are in trouble.

Mr. Al-Rawi: Correct.

Hon. S. Young: However, the suggestion that this Government is seeking to exempt somehow, building of highways and large construction projects, is completely false. And even if we stick with the negative resolution, as I said, you can immediately file a Motion in the Parliament and bring us here to debate it and to expose what you think there is there to be exposed.

So I just want in wrapping up, Madam Speaker, to assure the population that despite all that you have heard before and all I am sure you may hear after, there is absolutely no attempt by this Government to hide anything. We are not shirking proper procurement to be put in place, but what we are saying is let it be reasonable, because when you put laws in place and now you come to implement it, and it is not us. It is not the Ministers. This is what the Public Service is telling us. This is what the public entities and enterprises are telling us are some of the difficulties. I have given some of the examples using groceries for example, how difficult it is when they apply the strictures, and how ridiculous it is if you want to
Public Procurement and Disposal of Public Property (Amdt. And Validation) Bill, 2023 (cont’d)
Hon. S. Young (cont’d)

go and get plants for a function that are going to cost $2,500, that you have to go through this process that includes time barriers and includes a standstill provision. And not every occasion where you want a reduction in timeline is it an emergency. We are not going to fall into that trap.

So, Madam Speaker, through you, I would like to thank you for the opportunity to have contributed and hopefully to have put on record how the law really applies and how it should apply, and that is why I support the Bill here today.

Hon. Members: [Desk thumping]

Madam Speaker: Member for Couva South.

Mr. Rudranath Indarsingh (Couva South): Thank you very much, Madam Speaker, as I join this debate at this point in time, and to inform the Parliament and just to go back a bit in history from the point of view of—you see, the Member for Diego Martin North/East is no stranger to controversy. In fact, it has been established that the two legal orders that we are seeking to validate via this Bill, which is entitled

“An Act to amend the Public Procurement and Disposal of Public Property Act, 2015 and to validate the non-laying of statutory instruments as required under section 7(7) of the Public Procurement and Disposal of Public Property Act.”

Because these two legal notices, Legal Notice 206 of 2023 and Legal Notice No. 164 of 2023 were promulgated but never laid. And for the citizenry, because the Prime Minister indicated at a local government election campaign meeting in Tunapuna, that what is being done through this particular piece of legislation via the amendments and so on, was in the citizens’ interest. But if we ask the citizens

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of Trinidad and Tobago if they are aware and if they are familiar, because these two pieces of what we would call legal orders, these two legal orders came like a “tief in de night”. And, Madam Speaker, as I said, the Minister of Finance, the Member for Diego Martin North/East is known to operate in the dead of the night. If you go back in history sometime on the 11th of January, 1992—you see, we have to have a sense of history in terms of how we operate.

**Hon. Member:** It was December.

**Mr. R. Indarsingh:** It was January.

**Hon. Member:** December.

**Mr. R. Indarsingh:** You see it is already stirring up some kind of response from Members of the Government. The Minister commandeered a crane in the dead of the night, Madam Speaker, and he removed the resident’s sea serpents.

**Mr. Al-Rawi:** Madam Speaker, I rise on Standing Order 48(1)—[Inaudible]

**Madam Speaker:** Yes, so Member, if you could tie in quickly. And the other thing is, remember, eh, we tend to do it, there is a difference between banter and, you know, personal reflections. So just be careful where you are going. Tie in quickly what you are trying to say please.

**Mr. R. Indarsingh:** Certainly, Madam Speaker. I was just trying to establish how the Minister operates, not in terms of any personal attack but in terms of how these two Legal Notices came into being, and it has been the modus operandi of the Government and Ministers at the end of the day, Madam Speaker. And I know that these things trouble them very much when we try to put it on the record and remind the population of Trinidad and Tobago how they operate.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** That is the facts, and they cannot deny it, because

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Arouca/Maloney agreed how the process was done in 1992 in terms of the removal of the serpent and the replacement of the dove—with the dove, Madam Speaker, in this very said Red House. So, Madam Speaker, I want to come to the very important issue, because you see the Member for Port of Spain North/St. Ann’s West, the Minister of Energy and Energy Affairs.

Mr. Young: Industries.

Mr. R. Indarsingh: Well, Industries, Affairs, it does not make a difference in terms of how the Ministry has been handled.

Hon. Member: Mishandled.

Hon. Members: [Laughter]

Mr. R. Indarsingh: But more importantly, Madam Speaker, the Minister went on a tirade about payment of legal fees and so on that occurred between 2010 and 2015. But I want to remind him that between 2015 and 2023, $1.4 billion have been paid out—

Hon. Members: [Desk thumping]

Mr. Charles: By BAE.

Mr. R. Indarsingh:—to persons who are closely connected within the hierarchy of the Government of Trinidad and Tobago. If they “ain’t” playing golf with you they are liming on the block with you, and it has a tinge of what we would call payment to friends and financiers at the end of the day, Madam Speaker.

And, Madam Speaker, up to this point in time in terms of this debate, no one on the Government side has been able to instil any confidence—I am sure the listening public who is looking on as it relates to this debate are in the clear of what is being done on behalf of the citizens of Trinidad and Tobago. Because the Prime Minister, this was the platform, this was the main point of anchor that it was being
done as it relates to the citizens’ interest. And, Madam Speaker, if you listen, and I want to refer them to, because we have to look at the parent legislation, and the parent legislation indicated that it was:

“An Act to provide for public procurement, and for the retention and disposal
of public property, in accordance with the principles of good governance,
namely, accountability, transparency, integrity and value for money…”

Madam Speaker, and when you look at this Bill which is being piloted by the Minister of Finance, and so far we have heard from the Minister of Finance, we have heard from the Attorney General, and we have heard from the Member for Port of Spain North/St. Ann’s West, and I am sure, Madam Speaker, no one can say with a sense of confidence that what has been presented here on behalf of the Government of Trinidad and Tobago will instil that what the Government is doing through this proposed piece of legislation will indeed, ensure that there is continued accountability, transparency, integrity and value for the taxpayers’ money of Trinidad and Tobago, Madam Speaker.

And, Madam Speaker, I say so because we continue to hear about teething problems, and we continue to hear about the problems that are being experienced by the Government of Trinidad and Tobago. If the Government had any respect for the stakeholders as it relates to this particular piece of legislation and they had engaged in meaningful consultation, and I said meaningful consultation, the problems that they are moaning and groaning and crying about, would certainly have not come about in relation to what is being experienced. Because at the end of the day, Madam Speaker, the Member for Diego Martin North/East is a seasoned campaigner, a veteran politician. He has been in and out of the
Government of Trinidad and Tobago. He was a Minister of Health, he was a Minister of Works and Transport, he was the chairman of the People’s National Movement and so on. He is not a spring chicken, he is not a new kid on the block, Madam Speaker. And as I would say and I would conclude, that experience in government, experience in government must certainly guide you in terms of your actions and your ability to govern Trinidad and Tobago, because you had all the solutions.

Madam Speaker, if you go to their manifesto of 2015, and I go to page 9, what is their record on transparency and accountability? No modern equitable or transparent public procurement system is enforced after five years of government, and multimillion dollar illegitimate contracts have been awarded to unqualified party financiers, friends and family and so on, Madam Speaker. Since 2010 when they campaigned, not 2010, sorry, but in 2015, Madam Speaker, their manifesto focused on overhauling the public procurement system in our country, and after eight years, Madam Speaker, what have they been able to do? It is fiasco after fiasco.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** It is chaos after chaos, and that is why we are in this position today. Madam Speaker, the Minister of Finance and all the speakers on the Government side during their respective presentations said, and if I am to quote, that it was done to avoid international embarrassment. It was done to avoid international embarrassment as it relates to the 45th annual Heads of Government meeting from a CARICOM point of view and the 50th anniversary celebration. Madam Speaker, you know what I want to tell you here this evening, they avoided no international embarrassment, you know. They have been an embarrassment to
this country for the last eight years.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** And the fiasco as it relates to what is before us is the “icing” on the cake.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** That is the “icing” on the cake, Madam Speaker.

**Mr. Deyalsingh:** It is “icing”.

**Mr. Charles:** Forget him.

**Mr. R. Indarsingh:** Icing on the cake.

**Hon. Members:** Icing, icing.

**Mr. Charles:** You continue.

**Mr. R. Indarsingh:** And it is important for them to understand where they are and what they have placed Trinidad and Tobago in terms of the citizenry of this country.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** Because they spoke about who attended, and they said that the opening ceremony—that the Opposition wanted them to cancel the visit of the UN Secretary-General; the United States Secretary of State; and President of Rwanda, Paul Kagame, Madam Speaker.

**6.40 p.m.**

What is important is that if these persons knew, these persons of international repute, and the 15 Heads of Government and so on, Madam Speaker, and the associate member States knew that indeed this Government was breaking the law to facilitate their attendance to these meetings and celebrations, they would not have wanted to be part and parcel of these celebrations and they would not
have wanted to be associated with the illegal actions of a sitting Government of Trinidad and Tobago.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** That is the reality, Madam Speaker. And they do not like you to put it on the record, but it probably too the founding fathers of Caricom, the late Forbes Burnham; Errol Barrow; and our distinguished, the late Prime Minister, Eric Eustace Williams; and Michael Manley would be rolling in their graves to know—

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:**—that the law was broken to commemorate and facilitate the 50th Anniversary celebration of Caricom, Madam Speaker, and that for me is the issue here today.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** This is an illegal act on the part of the Government of Trinidad and Tobago. And you know what, Madam Speaker? The Minister of Finance, the hon. Member for Diego Martin North/East, took us on a global ride, took us to the House of Commons and the House of Lords and so on, during his presentation.

You know, Madam Speaker, when a Minister of Government in the Westminster system, or a Prime Minister, breaks the law, the end result is that that Minister of Government resigns. And you know what? When the Minister held his virtual press conference on the 12th of July, 2023, to respond to the issues raised by my colleague, the MP for Barataria/San Juan, Saddam Hosein, the Minister indicated to all and sundry, Madam Speaker, that he just signed the Order, you know. He said to the country all he did was that he signed the Order. He did not
vet the Order. He did not act alone, Madam Speaker. He acted in tandem with the 
Cabinet of Trinidad and Tobago. So, Madam Speaker, all of them must resign if 
they really want to uphold the democracy and the rule of law of this country.

Hon. Members: [Desk thumping]

Mr. R. Indarsingh: That is the reality.

What else do they want the Opposition to tell them? It is our role and 
responsibility to call them out and put the facts to the people of this country in 
terms of the chaos and the fiascos that have been placed before them because of the 
incompetence and the inability of the Prime Minister and his entire Cabinet to lead 
Trinidad and Tobago and govern the affairs of this country for the last eight years, 
Madam Speaker.

Hon. Members: [Desk thumping]

Mr. R. Indarsingh: And, Madam Speaker, one must ask the fundamental 
question here: Why is the reversal of the Government’s policy occurring? Why? 
Because they proclaimed with much fanfare and so on, this particular piece of 
legislation. Why does the Government want to reduce the accountability of the 
Cabinet to the Parliament? And virtually every one of them, during their 
respective contributions, have attempted to make heavy weather that the 
Opposition is carrying on about this issue of affirmative resolution and the very 
fact that the parliamentary process, through negative resolution, will facilitate 
transparency and accountability and so on.

But, Madam Speaker, that may be fine. In principle, that is fine. In fact, the 
Minister of Finance indicated in his presentation, if I can recollect correctly, that in 
dealing with the UK legislation, 500 amendments took place in relation to the UK 
law and public procurement and so on. And he said 200 amendments came from
the Opposition—

Hon. Members: [Desk thumping]

Hon. Member: England.

Mr. R. Indarsingh:—in England. Here, if the Opposition suggests a comma or a full stop, it does not meet the approval of the Government of Trinidad and Tobago. So they want the public to believe—they want, through their posturing and their propaganda and their grandstanding, that through negative resolution a full debate will take place, transparency and accountability will be accommodated because the Opposition will be part and parcel of the process.

If you heard the Prime Minister correctly, Madam Speaker, in attempting to defend what is before this House here this evening, he said that the Government will use its simple majority to get what it wants today through the Parliament of the country.

Hon. Member: He said so. Mr. R. Indarsingh: He said so. And in addition to that, he said that a government has to do what it has to do. And the issue is we on this side do not trust them. So that is why—

Hon. Members: [Desk thumping]

Mr. R. Indarsingh:—in the context of negative resolution, do you think that anyone on this side can get up and put something sensible to the Government on record as it relates to—

Hon. Member: And they would listen?

Mr. R. Indarsingh:—and you all would listen and put it through in terms of amendments?

Hon. Member: Never.

Mr. R. Indarsingh: And that is why we are saying do not make a mockery—

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Hon. Members: [Desk thumping]

Mr. R. Indarsingh:—of the parliamentary process. And that is the concern here. So do not go up and down, and every one of you get up and stand up here this evening and attempt to create that propaganda and that narrative, Madam Speaker.

Madam Speaker, you see, it is important because, again, my colleagues, the Member for Siparia, the Member for Barataria/ San Juan and the Member for Pointe-a-Pierre, they have gone on record and they went through the Regulations or the arrangement of the Regulations as it relates—

[Device goes off]

Mr. R. Indarsingh:—to this particular legislation—

Madam Speaker: Will the Member for the phone please go outside and take a little while and then come back in, please? Right? And that applies to anybody else hereafter. Just leave, take a little time outside and then come back in.

Member for Couva South.

Mr. R. Indarsingh: Thank you, Madam Speaker. And as it relates to this issue about where the amendment in terms of the clause 4 of the Bill is that: “The Act is amended by inserting after section 58, the following the new section:

“58A. Subject to regulations made under section 63, the procurement of goods and services up to one million dollars are exempt from the procurement requirements under this Act.”

And, Madam Speaker, the Member for Port of Spain North/St. Ann’s West attempted to indicate that the Opposition is going in the direction of scaremongering and fearmongering and so on, and all of my colleagues—and I do not want to repeat it but I must put it on the record whereby the Regulations are very clear. And if the Government, through the Minister of Finance, and the
Attorney General who vetted the legislation that the Minister of Finance just signed, like the Minister of Health—because he indicated in making that case that he signed the Orders just like the Minister of Health did during the COVID-19 pandemic. That was said and it is on the public record, Madam Speaker.

Madam Speaker, it is very clear that the Government, if they had gone in the direction of adhering to the Regulations as it relates to threshold, and open bidding, and two-stage bidding and so on, would not be in this position, Madam Speaker, because section 4(1) states that, as it relate to thresholds in the Regulations, that:

“The Office may, by guidelines, establish different threshold to be used for different methods of procurement.”

And 4(2):

“A procuring entity may establish specific threshold values in special guidelines and handbooks.”

And (3):

“...the total value of a procurement shall be estimated as...stated in items (a) - (d), below, or as from time to time may be specified...”

So, Madam Speaker, there are the Regulations to guide this particular piece of legislation, but the Government has a poor track record as it relates to the operationalization of legislation, Madam Speaker. And so far, besides this particular amendment which is being sought, and in addition to that where they are seeking to validate the two pieces of, or the two Legal Notices, Madam Speaker, nothing has been said about the future from the Government in relation to how they will confront the challenges. Because, Madam Speaker, at his virtual press conference, or during his virtual press conference, the Minister of Finance indicated that 861 of the 7,889 government suppliers—or out of a total of 7,889, only
861 have pre-qualified. And out of 32,357 lines of businesses—sorry, 32,357 lines of businesses were pending pre-qualification, and 1,086 suppliers, Madam Speaker.

Madam Speaker, a lot of stakeholders have indicated that they have concerns. We as an Opposition can only seek to raise the issues to the Government of Trinidad and Tobago. Because it is their responsibility, they are governing affairs of the country and they have that responsibility as it relates to the operationalization of this piece of legislation to point a direction.

6.55 p.m.

Madam Speaker: Hon. Member, you have two more minutes of ordinary speaking time left. You are entitled to 15 more minutes of extended time to complete your contribution if you so wish.

Mr. R. Indarsingh: Thank you, Madam Speaker. So at the end of the day, Madam Speaker, they indicated, Members of the Government, that they are concerned about Trinidad and Tobago not grinding to a halt. They are concerned about the preservation of jobs and so on and I am sure, Madam Speaker, if they had the business community at heart, if they had the workers on this country at heart, someone on the Government side, during the debate on this particular piece of legislation would have said to the country looking on that indeed, we have heard the Trinidad and Tobago Chamber of Industry and Commerce, we will consult with the smaller Chambers of Commerce throughout the length and breadth of Trinidad and Tobago to hear what are the teething problems and what is the Government going to do to address this particular issue. What they are going to do about the preservation of jobs as it relates to an economy which they have presided
over which has resulted in job losses of over 150,000 jobs over the last eight years. That is the issue.

Because, Madam Speaker, I am sure that if we have been following the Minister of Finance, the Minister of Finance indicated in that said virtual press conference that and if I am to quote him, Madam Speaker, I am just going through my notes. He indicated:

What is needed instead is a properly thought-out, properly advised, well-drafted amendment that would allow the Government to take action to deal with unforeseen events that will require immediate attention and then they will come back to Parliament for ratification. That is the advice I am getting but that advice has to be properly fleshed out and then it has to be factored into draft legislation.

So, Madam Speaker, this piece of legislation here is a knee-jerk reaction. It is a reaction because they are under public pressure.

**Hon. Members:** [Desk thumping]

**Mr. R. Indarsingh:** This is an illegal act, it has been established by all my colleagues on this side and this for me is window dressing and attempting to appease the population in the context of an on-going local government election campaign.

**Hon. Members:** [Desk thumping and interruption]

**Ms. Ameen:** Desperate.

**Mr. R. Indarsingh:** And it is an act of desperation because the country again has to thank the Member for Siparia and the United National Congress for acting as a bulwark against this run-away Government. Because if we did not bring this to the fore which other part of the society would have been able to push back on this
Government? It would have been a march upon march.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Indarsingh:** It would have been spending upon spending and no accountability, no transparency. And you know what they would have told “yuh”? We are doing do it in the people’s interest. We are acting on behalf of the people of Trinidad and Tobago. Trust us, let us do this—what?—together. That is what they would have told you.

So if we did not do this and that is why this is the role of the Opposition in the context of the parliamentary democracy framework and also within the overall structure of Trinidad and Tobago as a nation. And not one of them will tell you “eh” know. “They up and down talking” about negative resolution and affirmative resolution and the Prime Minister likes to be on the move when he is on a political platform. But none of them are on the move here today to tell us when they are coming back with the draft legislation to deal with what needs to be reviewed and how it has to be examined because the Minister of Finance said that in his virtual press conference, full of deceit and propaganda. That is why I will tell you that the Minister of Finance operates in the dead of the night and that is why the United National Congress will never trust him during the rest of his tenure.

**Hon. Members:** [*Desk thumping*].

**Mr. R. Indarsingh:** And we want to know who is giving the legal advice in terms of the draft amendments because the Minister said that he is getting advice, it is being fleshed out, and they will come back in the second half of the year. We already what? “We in ah recess, we coming towards the”—when we come back, it will be the last quarter of the year. That is why the words of the Minister of Finance, you simply cannot trust the individual. And we on this side, we want to
know who is giving the legal advice. Is it one of the newly minted senior counsels, Madam Speaker? And in the interest of what we would call adhering to good procurement practices, how much will it cost the taxpayers of Trinidad and Tobago?

Hon. Members: [Desk thumping]

Mr. R. Indarsingh: So that is the issue for us, Madam Speaker, and at the end of the day, Madam Speaker, the Government is duty-bound, the Government is duty-bound to account to all of citizens and taxpayers of this country and I will reiterate because in relation to Legal Notice Number 164 and Legal Notice No.r 206 of this country, the Government at least, in this very said Parliament, they told us that the Caricom symposium on crime cost the taxpayers $1.5 million and then it moved to $3.5 million and we still do not know what is the final cost. We know that the Standing Finance Committee approved $20 million for the Caricom 50 th Anniversary celebrations and the 45 th Meeting of the Heads of Caricom.

At least if you want to mamaguy us or you want to put some kind of propaganda out there and assure the people of this country, at least come out and say, well preliminary, we have spent $9 million or $10 million subject to a 5 per cent increase and so on when we finalize the Bill, it may be in the vicinity of $15 million or it may border on $20 million, Madam Speaker. But no sense of accountability, no sense of transparency, Madam Speaker, but they want the Opposition to support these two pieces of in terms of this legislation in validating or attempting to validate these two Legal Notices. We will not buy cat-in-bag.

Mr. Charles: Correct, correct, correct.

Hon. Members: [Desk thumping and interruption]

Mr. R. Indarsingh: The Opposition through the Member for Siparia has made it
very clear that when you bring bad law to the Parliament of Trinidad and Tobago, we will have none of it. And this is our position and unless the Government can put its house in order and apprise the people of Trinidad and Tobago with a full list of the suppliers, the contractors, the full cost of the expenditure that was incurred using taxpayers’ money, Madam Speaker, the Opposition will have none of it.

Hon. Members: [Desk thumping]

Mr. R. Indarsingh: And at the end of the day, Madam Speaker, we want to ensure that the Cabinet accountability to the Parliament is not reduced. We want to ensure that we have no part or further part of diminishing the oversight or the role of the Office of Procurement Regulation because we believe what is being pushed through, rushed through by this administration here this evening is part and parcel of their overall plan and agenda to ensure that the role of procurement regulator is diminished and the Cabinet would have the power to exclude billions of dollars in contracts from the oversight of the Office of Procurement Regulation. The Government needs to get its act together. Eight years into—well their third year into their second term and I do not know when the fiascos will end and the writing is on the wall, Madam Speaker, that time is longer than twine, the end is near. I thank you, Madam Speaker.

Hon. Members: [Desk thumping]

The Minister of Rural Development and Local Government (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I rise to lend support to the hon. Minister of Finance who has piloted this Bill before us. Madam Speaker, we have heard a lot today. We have heard a lot of conspiracies, we have heard some explanations, and we have heard answers to questions put across the floor. The hon. Member for Couva South made the allegation just now that nothing has been said about the
future. The hon. Member was in chorus support with the Member for Barataria/San Juan, the Member for Pointe-a-Pierre, the Member for Siparia, in saying no to supporting the validation requested by this Bill, which is clause 6; no to amendments to the public procurement Act which proposed negative resolution for the making of Orders for exemptions under section 7, and for the making of regulations under section 63. The hon. Members opposite have alleged that the Government has gutted the public procurement Act and the Member for Siparia has theatrically sought to tear up paper once again in this Parliament.

So, Madam Speaker, permit me to answer some of the issues coming across, but I want to say that the hon. Minister of Energy and Energy Industries, the hon. Member for Port of Spain North/St Ann’s West, really hit the nail on the head on the wider parameters of this law and I want to compliment the hon. Member for that.

**Hon. Members:** [Desk thumping]

**Hon. F. Al-Rawi:** Madam Speaker if may, through you, speak to the good people of Trinidad and Tobago. The Prime Minister of the Republic of Trinidad and Tobago led our Cabinet into a decision that on April 26th, 2023, the remaining provisions of the Public Procurement and Disposal of Property Act would come into effect. There was a lot of discussion at the level of Ministries, et cetera, and the position taken by the Cabinet was the law will be put on, and we will work out, by way of experience, the very significant issues that we expected would come to the fore. Indeed, the Minister of Finance said that quite publicly on a number of occasions and I have as well for my part made the same observations. And in making that decision to turn on the public procurement law on April 26th, 2023, I want you to remember, hon. Members, through you, Madam Speaker, we did so in

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the middle of a financial year. We have 60 billion-odd in a budget.

7:10 p.m.

There are 22 Ministries, but we did so in the middle of a financial year. And Madam Speaker, the Minister of Finance has on several occasions, reminded how significant a deviation from the law that we know, the public procurement Act now is. And the hon. Minister of Finance in fact, went into case law talking about the introduction of the right to challenge public procurement in a private sector way that we never had in a public sector way. So, Madam Speaker, that is my way of saying the Government went in with its eyes wide open, took a decision to proclaim the law, there was a public caveat that we would look at the law as it came. Now, the Member for Couva South said, “the Government should have consulted, talked chambers of commerce, et cetera”. Madam Speaker, the Government is the largest entity for expenditure in this country.

The Government of the Republic of Trinidad and Tobago employs the most, spends the most. The Ministry that I run, Rural Development and Local Government is 17 entities large, comprised of 30,000 people spending $3.4 billion. So from the first-hand experience I am able to say, the largest consultation as to the effects of the law exists inside the Government. Madam Speaker, as a matter of record, the public procurement, the OPR—the Office of Public Procurement, went on a fact finding exercise and that entity, Madam Speaker, wrote to several entities, asked for their state of readiness. And Madam Speaker, the OPR in fact consulted with 311 entities as to preparedness. In its communications to the Government, the OPR said it wrote to 22 Ministries. It wrote to the Office of President, the
Parliament, the Judiciary, it in fact wrote to then the Tobago House of Assembly, its 10 divisions. It wrote to the 14 Municipal Corporations, the five Regional Health Authorities, the four Service Commissions, the eight entities under statutory authorities, under state controlled enterprises, wholly owned, majority, less than 50 per cent owned, they wrote to 51 entities, Tobago state control enterprises they wrote to 12, public bodies as body corporates, they wrote to 162. So in fact, Madam Speaker, that is 131, 132, 133, 134; 134 entities. In fact, the OPR got responses from only 70 of those 314 entities. Seventy of them replied.

Now, Madam Speaker, the position of the Government has been, and the decision taken was to turn on the public procurement law, put it into effect, ensure operationality. The Prime Minister went to the nation in January and in December, and told the population that the law was going to come. Now, Madam Speaker, permit me to remind, as I complimented Minister Young, the hon. Minister of Energy and Energy Affairs on his contribution, very forceful contribution this evening. The steps for procurement, this public procurement Act, Madam Speaker, is not about Ministries and government entities alone. Madam Speaker, it is very important to look at the definition of public bodies.

Madam Speaker, the parent Act No. 1 of 2015 defines a public body as: Office of President, Parliament, Judiciary, Ministry or department, Tobago House of Assembly, Municipal Corporations, regional health authorities, statutory bodies aligned to Minister of Government assigned, state controlled enterprises, Service Commissions. But listen to this, it includes a body corporate or unincorporated in relation to any function exercised on behalf of the State, either—it also includes
one which is established by virtue of the President’s prerogative. And listen to this, a public body to which this public procurement law applies includes a body corporate or unincorporated entity in relation to any function, power scheme, or arrangement which involves the use by it of public money. Public money, Madam Speaker, is defined as any money that you get from the Government, and when you look at public money, it specifically includes those things “distributed by a public body to a person”. Madam Speaker, in other words, the definition of a public body strictly speaking, the letter of the law as absurd as this may sound, applies to everybody that receives a grant from the Government.

That is why I can tell you today, Madam Speaker, that in the written correspondence from the Office of Procurement Regulation, the list of entities included—those several hundred lists of persons included, and I want to put them on the record by way of example, they included bodies such as dojos which receive money from the State, non-profit organizations that receive money from the State, and at a public procurement Joint Select Committee meeting where the public procurement regulator came, the Minister of Health asked the public procurement regulator on camera, played on television, whether a body which receives a grant, for instance a body—a non-profit organization that receives grant moneys, if that body had to hire a carpenter, whether the carpenter had to be registered at the OPR. And the answer was yes.

So, Madam Speaker, on the record, public bodies include much more than 22 Ministries, public bodies include non-profit organizations and others—

**Hon. Member:** Churches.
Hon. F. Al-Rawi:—that—churches, yes, that receive government moneys. Anybody that receives public money falls within the definition of a public body. Now, Madam Speaker, to give you a sense of scope, the statistics that the Companies Registry demonstrate, there are 9,822 non-profit organizations registered under the Companies Act. Madam Speaker, under the Non-Profit Organisations Act No. 7 of 2019, that figure is 9,822, Madam Speaker. There are companies registered under the Companies Act—sorry, the Act itself, non-profit companies under the Act itself is 9,822. Under the Non-Profit Organisations law, 2,900. Madam Speaker, that is nearly 11,000 entities right there. So we are not speaking today to the 22 Ministries alone, we are speaking to every non-profit organization, dojos, churches, et cetera, that fall under the definition of a public body, Madam Speaker.

And, Madam Speaker, what is the mischief that the Minister of Finance is solving today? The Minister of Finance in making the recommendation that this Bill has, that we will dis-apply the public procurement law for expenditure under $1 million, the Minister of Finance is saying a few things about that. First of all, Madam Speaker, the Minister of Finance is specifically saying that it will be regulated. There is something that hon. Members opposite have missed, the law, the Bill says, this is the new section 58A, clause 4:

“Subject to regulations…”

—let me repeat that:

“Subject to regulations made under section 63, the procurement of goods and
services up to one million dollars are exempt from the”—public—
“procurement requirements under this Act.”

It does not say that there is no rule to govern them because we are conscious that the Central Tenders Board Act has been repealed and replaced with this law. It says:

“Subject to regulations…”

7.20 p.m.

Madam Speaker, section 63 of the public procurement Act, which allows the power to make regulations, specifically says if you breach the Regulations you are exposed on summary conviction to a million dollars and to five years imprisonment. There was a decision by the Privy Council this week in the case of Trinsalvage, which upheld the quantum meruit principle in a contract which was in breach of the Central Tenders Board Act. So the Privy Council heard a case called Trinsalvage. They did work for the Government. The Permanent Secretary signed the contract in breach of the Central Tenders Board Act. The Privy Council said, listen, even though that contract was ultra vires, you still have to pay for the work on quantum meruit basis. It noted that there were no criminal sanctions for that.

But I am pointing out today that clause 4 of the Bill, which seeks to insert a new section 58A, specifically says that the procurement under a million dollars is subject to regulations. In other words then, the Minister of Finance will have to make regulations and publish the regulations and have them issued and any breach of the regulations attracts a criminal sanction on summary conviction, $1 million and five years.

I want to add, Madam Speaker, contrary to the exhortations opposite, the
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public procurement Act operates alongside other laws, one of which is the Constitution. The Constitution of the Republic of Trinidad and Tobago says in section 116 that there shall be an Auditor General. The Constitution provides for the Appropriation Bill and the Supplementary and Variation of Appropriation Bills. Those Bills, pursuant to the Standing Orders and our rules, must go through a standing finance committee. They must be published. It is line by line.

We have the Judicial Review Act. We have the Freedom of Information Act. We have section 14 of the Constitution to treat with equality of rights, principles, et cetera. Madam Speaker, in saying that the new law is that the public procurement law will, subject to regulations, be disapplied under $1 million, it is not a blank cheque. It is in fact a well-organized principle.

Now, Madam Speaker, why would a government need to be able to move procurement quickly? Madam Speaker, the GDP of Trinidad is roughly about 151 to $160 billion. Madam Speaker, every public body, by their thousands, Madam Speaker, as Minister Young, the hon. Minister of Energy and Energy Industries, so clearly painted, has to pass through the eye of a needle. The eye of a needle is section 26 of the public procurement Act, which says that there shall be a depository. And, Madam Speaker, it also includes section 6(1) of the Regulations to be found at page 87 of the Act; that is the procurement regulations to deal with procedures. It is to be found at page 91 of the Act, which is section 4(1), which is the prequalification and preselection criterion. It is to be found at the procurement methods and procedures at section 23 in particular. So you have to pass through the eye of a needle.

And permit me, Madam Speaker, to let the population understand that at present the eye of the needle, the public Procurement Depository, has a very
limited supply on it. In fact, Madam Speaker, the public Procurement Depository, as at 19th July, 2023, from the information I have, there are 8,375 suppliers who applied in step one. Out of that 8,375 suppliers, those who have gone to step two, that is they have advanced to prequalification request stage, 973 suppliers. Madam Speaker, 1,206 suppliers are pending prequalification; 530 suppliers have been rejected. Now, Madam Speaker, 8,375 applied, 973 suppliers were accepted. The entire GDP of the Republic of Trinidad and Tobago has to pass through the eye of a needle, which is 973 people large.

Madam Speaker, let me repeat that. I started my contribution by saying this law came on mid-financial year. The purpose of giving entities money in a financial year is to spend money on salaries, on services, on goods. In my Ministry in this Republic, it is to build roads, to deal with disaster management, Disaster Management Units, emergency slippages, saving people’s lives. In the $3.4 billion assigned to Rural Development and Local Government, we have to pass through 973 persons in a register. What does the Minister of Finance have to do with that? The Minister of Finance listens to the call, listens to the Office of Procurement Regulation. Moonilal Lalchan, past Procurement Regulator, told the Minister of Finance publicly that the OPR was ready for the law to be turned on.

We had a public sensitization session arranged by the Minister of Finance; an excellent one. The Minister of Finance himself arranged that. And at the OPR’s general session with the Ministries and statutory enterprises and state bodies, we were told these statistics. In fact, the Minister of Finance reminded us that the past regulator, OPR regulator, told the nation publicly that the law would be turned on and that he would grant a grace period, if I recall, Minister of Finance, of six months; a grace period of six months, where he will not—the office will not
apply the provisions of the Procurement Depository. Madam Speaker, the Minister of Finance learned that that could not be done without an amendment to the law. And, Madam Speaker, today we have law before us which says that we are proposing that the Regulations, which require you to go through the eye of the needle, that is the Procurement Depository, the Regulations, which have standstill periods, Madam Speaker, that those Regulations be made nimble and that we be allowed to amend them by negative resolution.

And, Madam Speaker, that negative resolution, the hon. Attorney General has laid on the record a Motion to annul the Regulations, can happen. But, Madam Speaker, in balancing the proportionality of this law, what is the appropriate step to take? Do we listen to the voice of Naparima and let Trinidad and Tobago burn down? Do we do that? Or, Madam Speaker, do we instead say it is essential that goods and services are provided, expenditure must continue, proceed by way of Order to allow for the exceptions, if any are to come, have them subject to scrutiny of the Parliament and proceed to amend the Regulations by negative resolution?

Madam Speaker, the very concept of using regulations to adjust our economy and save our lives—because, Madam Speaker, public procurement of medicine is saving lives. Public procurement of earthworks in a natural disaster, where the mountain falls down on your house, is saving lives. Madam Speaker, in circumstances where it is debatable as to what is an emergency and what is not, a government is required to have regulations that can speak instantaneously in the circumstances.

But, Madam Speaker, we do not need to look far for an example of lawfulness to do that. And I need only point you to the Public Health Ordinance and the fact that regulations made under the Public Health Ordinance were in fact
tested in the Privy Council and the Privy Council held that the regulation use, without the oversight of Parliament, even though entrenched rights were being treated with or touched, that those regulations were correct and appropriately done under the Public Health Ordinance without negative resolution, without parliamentary oversight. So, Madam Speaker, the position of the propriety of regulations happening, the Public Health Regulations in COVID had no oversight, no negative resolution, no affirmative resolution and hundreds of them were made.

Madam Speaker, under the state of emergency provisions provided for in our Constitution, orders can be provided by way of simple hand of Commissioner of Police or Minister of National Security. Madam Speaker, we are talking about the ability, as the hon. Member for Port of Spain North/St. Ann’s West put on the record, to save the business community of Trinidad and Tobago, and in particular, Madam Speaker, the small and microenterprises carpenters, plumbers, Madam Speaker, all of the persons confirmed by the OPR, by the last procurement regulator, to be required to be registered, Madam Speaker, in the registry.

Madam Speaker, at one of the interactions with the OPR, I asked how advertisements are to be placed. Because advertisements are to be placed in the press. At the time that I was speaking, Madam Speaker, none of the newspapers were in the depository, none of the radio stations were in the depository. So, Madam Speaker, we were watching the law trying to pass through the eye of a needle, Madam Speaker. And what we are sure about is that the Ministry of Finance has acted with propriety and with alacrity to save Trinidad and Tobago in something that we went in with our eyes wide open. We knew the law would need adjustment. The Minister of Finance said so upfront. The Prime Minister said so upfront. Many of us said so upfront. What do we do today? We come and we lay
our cards on the table today. We say, there are a few mischiefs on the table. One, the Attorney General has advised you need to validate the procurement because the procurement that was undertaken by the Judiciary and under the foreign heads of visiting governments here, those need to be done by affirmative resolution. They were not done by affirmative resolution. Bring an act of Parliament and do that. Nothing uncommon by that.

Two, the Minister of Finance has come here to say, the Regulations need to provide for the amendment to the eye of the needle, the depository. Madam Speaker, every business in this country deserves a chance to participate in government money; every business, with transparency. And therefore, Madam Speaker, if there is to be an adjustment in the time frame that you are allowed to register with the depository. The commentators in the newspapers have said so. Read the writing by Helen Drayton, past Independent Senator. Read the writing coming from the Chambers of Commerce that have said that they are now appreciating that businesses are being excluded from participation rather than included, effectively because they have to pass through the eye of a needle, which is the Procurement Depository, Madam Speaker.

Madam Speaker, let us get to the time frames. Now, Madam Speaker, the Public Procurement and Disposal of Public Property Act has several regulations, all made under section 36. They were all done by affirmative resolution. They are cast in stone. For the record, affirmative resolution will always pass in the House of Representatives because you have a built-in majority. Madam Speaker, in terms of the Regulations, there are 10 of them. And, Madam Speaker, very importantly in the Regulations is the one that Minister Young flagged, that is the Public Procurement and Disposal of Public Property (Procurement Methods and
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Hon. F. Al-Rawi (cont’d)

Procedures) Regulations. And it is in there that they tell you—

Madam Speaker: Hon. Member for San Fernando West, you have one minute of ordinary time left. You are entitled to 15 more minutes extended time to continue your contribution. You will avail yourself of it?

7.35 p.m.

Hon. F. Al Rawi: Yes, please, Madam Speaker.

Madam Speaker: Okay. One minute. I will call on the Leader of the House.

PROCEDURAL MOTION

Then Minister of Housing and Urban Development (Hon. Camille Robinson-Regis): Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that in accordance with Standing Order 15(5), this House do continue to sit until the conclusion of the matters before it.

Question put and agreed to.

PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC PROPERTY (AMDT. AND VALIDATION) BILL, 2023

Madam Speaker: Member for San Fernando West.

Hon. F. Al-Rawi: Thank you, Madam Speaker. So, Madam Speaker, the public procurement Act, the Regulations which deal—which are called Public Procurement and Disposal of Public (Property Procurement Methods and Procedures) Regulations. Madam Speaker, bear with me here. They tell you that you can engage in open bidding; they tell you that you can engage in limited bidding. You can engage in requests for quotations, single source selection, and sole source selection. Madam Speaker, they set out alternative procurement methods, reverse e-auctioneering. What do those mean? You have several ways in which you can procure. The Regulations say you must be in the depository. If you are not in the

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depository, nobody can procure with anybody outside the depository. The next thing that they say, Madam Speaker, you must obey the time frames.

Madam Speaker, if you go to the prequalification time frame you have to do a preparation for the prequalification criteria. You then have to have a public invitation, it must be reasonable time, that is 14 to 21 days. You then have to have clarifications heard in a reasonable time, that is another 14 to 21 days. You then have to have prequalification documents with responses to them. That is another 14 to 21 days, you then have to deal with clarifications, 14 to 21 days, you then have to ensure the prequalification documents are correct in accordance with section 29. You then have to have applications notified. Each contractor who presented an application must be told, Madam Speaker, again, a reasonable time frame, 14 to 21 days. You then have to invite only the prequalified people in. And, Madam Speaker, then you may request a review.

That means you have depending upon the time frame, anywhere between 60 days to 126 days to follow that. That is to prequalify. Madam Speaker, when you get to pre-selection, again, similar time frames. When you get to the methods that I described, whether it is open bidding, sole select, request for proposals, request for quotations, et cetera, each one of them has mandatory time frames and minimal standstill period. What does that mean?

After you spend 126 days to prequalify people, Madam Speaker, the last time I checked, a year has 365 days. After you spend 126 days to prequalify people in your financial year of 365 days that ends, in fact, a month earlier, because you cut off spending by September 21st, Madam Speaker, you then go into standstill periods and review proceedings. So you spend half your year trying to get people to do business with, trying to get prequalification. After that half-year
passes and you tell everybody what you are going to do, you then invite them to say, tell me if you agree or do not agree.

Enter challenge proceedings just like Bruce Lee entered the dragon. The challenge proceedings, Madam Speaker, takes you 128 days in challenge proceedings. Let me repeat that, 128 days and then you go to the High Court, then Court of Appeal, then Privy Council.

But Madam Speaker, it is not as if challenge proceedings are the only way you could tackle a procurement. You still have judicial review, you still have freedom of information with judicial review on top of that. You still have constitutional challenge. So if you add that to challenge proceedings have four bites of the cherry, 126 days to prequalify, 128 days in challenge proceedings.

Madam Speaker, what do you expect the GDP of Trinidad and Tobago to be, the expenditure at the budget to be, if in the Minister of Finance did not have the courage and the foresight to come here and tell the nation, allow for amendments to the regulations by negative resolution? Because the Prime Minister has insisted to this country, and we all agree with him under a collective responsibility, that we want the public procurement law. But you have to start. The Prime Minister said, there would be problems. The Minister of Finance said there would be problems. You heard the hon. Minister of Energy and Energy Industries tonight tell us in detail, as I am now, how we are procuring, but Madam Speaker, I stand, as I walk the streets of Trinidad, every day if I can, to tell you people are crying out for jobs, Madam Speaker. People want to ensure they get a fair participation.

The UNC is in glory, in perfect glory, that procurement is as difficult as it is because they want nothing to happen, Madam Speaker. Now, Madam Speaker, let me compliment the Minister of Finance on two further things. Our Minister of
Finance recognized, because of this public procurement law, that people need to have their tax clearance certificate, their NIS clearance certificate, and our Minister of Finance approached the Cabinet and said to the Cabinet that the recommendation for an amnesty was made, and that the extension of the amnesty was made. That is to benefit every small contractor in this country to get their clearance certificates, to comply with the law, so they could satisfy the public procurement law under section 29, because if you do not have your clearance certificates “nobody doing business with you”, Madam Speaker. And today in these six small clauses, where the Minister of Finance says, give the power to make regulations, more speed, more latitude, put it subject to parliamentary scrutiny, make it subject to annulment, but allow business to continue, not out of the blue, but in a fashion that is subject to regulations.

Section 63(2) says regulations have the penalty, a criminal offence, summary conviction, five years, $1 million if you breach a regulation. Clause 4 of the Bill says, put procurement under $1 million subject to regulations. Make those regulations subject to Parliament scrutiny by negative resolution.

Madam Speaker, “who hiding from what”? Madam Speaker, that is the definition of transparency. That is the Minister of Finance being nimble having watched an area of responsibility that the Minister of Finance has responsibility for; in his submissions to the Cabinet he is warning us about processes and procedures. And, Madam Speaker, the only people in glee, in happiness, in glorious celebration over the difficulties to allow small contractors to enter into the dance, is the UNC, Madam Speaker. They stand in the way of that.

Hon. Members: [Desk thumping]

Hon. F. Al Rawi: You see, Madam Speaker, a small carpenter and a labourer,
not SIS hiding out in Panama where there is no extradition treaty, Madam Speaker.

**Ms. Ameen:** It is not One Alexander Place.

**Mr. Charles:** It is not Alexander Place.

**Hon. F. Al Rawi:** Madam Speaker, is it is not procurement in the fashion that the UNC is accustomed to.

**Mr. Charles:** Procure Alexander Place.

**Hon. F. Al Rawi:** But, Madam Speaker, the one thing that I am so grateful for always, especially in listening to the Member for Naparima, is to listen to the intellectual garbage that is spewed from those quarters at times, because they really show the country what we are dealing with Madam Speaker.

**Hon. Members:** *[Desk thumping]*

**Hon. F. Al-Rawi:** That is what it is. So Madam Speaker, this law, put in its very simple term, Madam Speaker, proposes regulations, which can be nimbly made, it will allow for the eye of the needle, the procurement depository, to be considered by the Minister of Finance. It will allow, Madam Speaker, for more than what we are treating with in terms of who is qualified. Let me repeat, for the record that we are treating with a very small number of persons. Madam Speaker, 8,375 applied as at today’s date to go in, 973 accepted fully. Everybody else in limbo.

There is no way, Madam Speaker, that 973 suppliers can provide and meet for all the public procurement needs of this country. The Minister of Finance has coordinated the relief that comes from the tax amnesty, from the extension of the NIS amnesty. Every attempt is being made to allow small businesses to have a chance at participating in the structures that we have.

I want to proceed to wind up by saying, I fully endorse the hon. Attorney General’s criticism about the approach that the hon. Members opposite have made...
Public Procurement and Disposal of Public Property (Amdt. And Validation) Bill, 2023 (cont’d)

Hon. F. Al-Rawi (cont’d)

to the Judiciary. Madam Speaker, there are some deep set issues in the law that have to be considered. No doubt interpretation and litigation will help us to get there, Madam Speaker. But Madam Speaker, there is no way that justice can be stranded.

Perhaps the UNC, the Members opposite, do not wish justice to function, wish the Judiciary to shut down so that they cannot procure. We do not want that, Madam Speaker, and we do not support it.

Madam Speaker, this law is proportionate. It is well thought out and it gives me great pleasure to support the Minister of Finance in seeking to ease the burden for the people of Trinidad and Tobago. Madam Speaker, I thank you.

Hon. Members: [Desk thumping]

Mr. Dinesh Rambally (Chaguanas West): Thank you, Madam Speaker, for the opportunity to share some thoughts on this particular Bill, the Bill before us being the Public Procurement and Disposal of Public Property (Amdt. and Validation) Bill, 2023. Madam Speaker, we have heard it before what we are here for just to put things back in focus, is that, it seeks to amend the Public Procurement and Disposal of Public Property Act (No 1), 2015, the parent Act, and to validate certain actions taken in respect of statutory instruments made under the Public Procurement and Disposal of Public Property Act (No. 1), 2015, the parent Act.

And we are seeing today, Madam Speaker, where Member for Pointe-a-Pierre made the point, and I want to endorse this point, that based on the submissions that we have heard from Members on the other side, this is a matter we could understand that the validation of certain actions coming as extraordinary business, but everything else, Madam Speaker, ought not to be here at this point in time to be debated in the Parliament. And I say that most respectfully. This ought
to have come in a normal parliamentary session and we would have had some—

Mrs. Robinson-Regis: So you will tell the Speaker what to do?

Mr. D. Rambally: Madam Speaker, I did say I make that point. So I take the guidance from the Speaker. Now Madam Speaker, I get quickly down into what I heard the previous speaker, Member for San Fernando West, the points that he made, and I want to say that let me start on a light note. And on that light note, Madam Speaker, it appears to me that we have maybe the Member for Diego Martin North East, and the hon. Attorney General operating and thinking that they are Henry VIII, King Henry VIII. And I say that and I mean it in a light way. King Henry VIII, for those who may not know, he had six wives, he was somebody who wanted to pass proclamations to ensure that he could divorce one and move on to the other. He wanted to pass proclamation after proclamation when he did not want to obey the church. And what we are dealing with here, it seems to me that we have a Minister of Finance, Member for Diego Martin North/East, operating as though we can run the Government by proclamation.

Hon. Members: [Desk thumping]

7.50 p.m.

Mr. D. Rambally: And I say that—

Hon. Members: [Desk thumping]

Mr. D. Rambally:—and I want to say that, you know, this penchant for legislating by proclamation is not what we expect in a sovereign democratic state. We do not expect that in a modern society, a modern democracy, which embraces scrutiny, transparency and accountability.

Hon. Members: [Desk thumping]
Mr. D. Rambally: Now, it is unfortunate that I heard Member for San Fernando West make reference and I hope he did not mean that the intellectual garbage was somehow coming from quarters meaning coming from this side.

Mr. Al Rawi: “Is Naparima.”

Mr. D. Rambally: No, and it cannot be Member for—any specific Member.

Hon. Members: [Crosstalk]

Mr. D. Rambally: No, no, no, I will not—no, Madam Speaker, I will not want clarification of that, regardless of who, nobody on this side engages in that kind of contribution. But on that note, I want to put it across that when I heard speaker after speaker on the other side coming and saying as though well, you know, if we run out of toilet paper, and if it is a Ministry needs toilet paper and you need toilet paper—the amount of times I heard justification with reference to the need for toilet paper, I thought this was a defecation Bill

Hon. Members: [Laughter and desk thumping]

Mr. D. Rambally: I thought we were debating a defecation Bill here tonight. But I say that—I mean, the intellectual garbage cannot be ascribed to anybody on this side. So—

Hon. Members: [Desk thumping]

Mr. D. Rambally:—I also want to make the points as I move forward, Madam Speaker—

Mr. Hinds: He mispronounced the word—

Mr. D. Rambally:—no Madam Speaker, the Americans say defecation.

Hon. Members: [Desk thumping]

Madam Speaker: Member, you are directing your contribution this way. Please do not be distracted. Let us get on with it.
Mr. D. Rambally: Yes, Madam Speaker, the Member for Laventille West is distracting me.

Hon. Members: [Crosstalk]

Mr. D. Rambally: He is engaging in “wrongciousness” “eviliousness”. Madam Speaker, today and as I get deeper into some of my contribution, it seems as though at the end of the day, what we are doing is we are seeking to legalize unlawfulness. That is what we are seeking to do. And why do I say something like that?

Mr. Hinds: [Inaudible]

Mr. D. Rambally: Madam Speaker, I seek your protection from Member for Laventille West [Laughs]. So Madam Speaker, I am being distracted. Now, Madam Speaker, I heard references to Members for San Fernando West speaking to carpenters having to register and you know, Member for Port of Spain North/St. Ann’s West, also making the point that you have certain small businesses that they now have to put themselves in a position of readiness, so as to be listed on the procurement depository, et cetera, meaning that they now have to put themselves in a state of readiness, fulfill certain requirements under the parent Act, and then only they will be considered for procurement of services by government and other entities.

Now, Madam Speaker, the point I want to make to that is that when we hear this phrase, “the eye of the needle,” meaning the procurement depository, and now we have—like as though this is the hardest trajectory which businesses have to take, it leaves me to wonder what was taking place with this Government in consideration of the parent legislation between 2022 and 2023? Because in 2022, Madam Speaker, it was this present Attorney General, who went into the public
domain and indicated to the public that he had received mysteriously or otherwise, communication from the Judiciary, indicating that this Act was not ready to be implemented. And that was put out in the public record. And, as a consequence of that, I believe it was in June of 2022—sorry, not June, April of 2022. And then you had in 2023, almost one year later, you then had the said Attorney General announcing that they will be proclaiming the procurement legislation.

So, what has happened between 2022 when he first indicated—when the Attorney General first indicated that certain things had to be done to bring this Act to a point of proclamation and implementation, and now 2023, you come and you actually have a position where it has been proclaimed and between that time, you are now seeing in a very short space of time, with the passing or executing of one Legal Notice, one Exemption Order, that we see all of a sudden—all of a sudden we are hearing about “the eye of the needle,” we are hearing about problems involving the procurement depository, we are hearing a whole host of problems. What happened for the last almost two years when it is it was indicated by the Judiciary to the hon. Attorney General, that this particular parent Bill was not in a state of readiness to be implemented? And this is the question that we have, how come all of a sudden when it has been pointed out, that the parent legislation, how it was framed, and the Exemption Order having been implemented recently, that we realize all of a sudden that there are too many problems? And when we hear language such as, the ease of doing business—do we mean ease of doing business? Meaning that the Government’s ease of conducting its own business? Or do we actually mean the ease of doing business amongst the business communities?

**Hon. Members:** [*Desk thumping*]
Mr. D. Rambally: Because I highly doubt that when we have a drop from the 60s—ranking 60 out of 190, in the ease of doing business index, from 2014/2015, to now, where we are, I think we are now 105, I hope I am not mistaken with that number but I believe we are in the hundreds now in terms of the ease of doing business—meaning that we are dropping severely, drastically, in our ranking, pointing out to the international community, all of the investors locally, regionally, internationally, that the ease of doing business is going downward in trajectory, what are we really saying, that passing this is going to make that index—make us rank better on the index? Nothing has been pointed to here today, whether by way of reference to the proposed amendment to this Bill, or whether by reference to the parent legislation, and no reference has been made to any kind of conduct, any measures, any implementation that has been either embarked upon before or is yet to be embarked upon by Members on that side, that will point to making the ease of business any better for local businesses.

Hon. Members: [Desk thumping]

Mr. D. Rambally: Now, Madam Speaker, I think based on the contribution of the last speaker on the other side, Member for San Fernando West, and he seemed to be somehow pointing out that, you know, we on this side we are in our glory. You see, that is the furthest thing from the truth. We would never on this side glory, in any measure, in any consequence, that would cause members of the ordinary citizenry, members of the business community to suffer any kind of hardship.

Hon. Members: [Desk thumping]

Mr. D. Rambally: That is not what we are about here. And it is as a consequence of our poised position in that sense that we always want to make sure that we get the legislation right.
Mr. Rambally: Madam Speaker, on this side, to put it plain and simple, and I have heard it from my colleague here, we care about the ordinary man.

Hon. Members: [Desk thumping]

Mr. D. Rambally: Now, there have been certain references, and I am just rebutting some of the points made before still, Madam Speaker. There have been certain references to the law pertaining to procurement legislation and the hon. Attorney General spoke about—you have a situation—he extensively quoted the presumption of regularity.

Now, Madam Speaker, I want to say that the legal premise for a lot of what we heard today from the hon. Attorney General, is what we would say in law, plainly wrong. That is how we would describe it in law and what does that mean, Madam Speaker, for the ordinary person, for laypeople? It means that the Attorney General is premising his arguments on a misapprehension of the law.

Hon. Members: [Desk thumping]

Mr. D. Rambally: So when you talk about the presumption of regularity, and that it is applicable here, and that the law as it stands, nothing is wrong, and no illegal act has been done, and nothing has been commissioned as a consequence of that illegality or even irregularity, and you are saying that the presumption of regularity applies. Madam Speaker, that is simply a common law presumption that we utilize as a principle of evidence. You cannot bring that into a substantive debate, where we are dealing with a piece of legislation to say, well, the presumption of regularity applies, underpins, you know, what we have done and therefore it is deemed to be regular, it is deemed to be proper, it is deemed to be correct, as a matter of legislative drafting and as a matter of law. And I say this very
respectfully, even if we take it at its face value, an evidential principle, all it means, Madam Speaker, is that it is an evidential burden, when you are before the court of law, it has an evidential burden before the courts that can be easily discharged. So it is a presumption, but you are free to bring evidence to say otherwise. The Latin phrase when we deal with it from a point of view of the commission of actions based on regulations, we would say it is *omnia praesumuntur rite esse acta*—

**Hon. Members:** [Desk thumping]

**Mr. D. Rambally:**—that is the Latin phrase Madam Speaker.

**Hon. Members:** [Crosstalk]

**Mrs. Robinson-Regis:** It is sounding like magnum est PNM.

**Mr. D. Rambally:**—so Madam Speaker, Member for Port of Spain South is very aware of—obviously, he is very aware of that presumption, and the application of that presumption. Madam Speaker, when we come to legislative drafting, we come to a matter of how public entities conduct themselves. So we are treating with it as a matter itself, and we are treating with it as a matter of public law. The presumption of regularity has no application, what you have is that public entities are expected to operate in a manner that is transparent, they have to account for their actions—

**Hon. Members:** [Desk thumping]

**Mr. D. Rambally:**—in fact, the whole jurisprudence of public law arose because they now deem public entities to have an inherent duty to account for their actions. So I just put that on the record because I think the Attorney General—hon. Attorney General was a little bit misguided and was wrong on his premise of the law, in saying that, that would be somehow applicable in what is being debated here today and the actions that have been taken by the Government so far are

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somehow lawful. It may be lawful in the sense that no criminal sanction can be attached, but certainly the actions are premised on bad legislation. So, Madam Speaker, that is in relation to the presumption of irregularity.

I want to say that I heard references being made to in the criminal arena in the Judiciary, sequestering juries and you know, ensuring that you have recourse to services—you can have recourse to services and goods that you may need, maybe when you sequester a jury. I assume what is meant by Members on the other side, when you sequester a jury, something may happen and you need to pay for something specific for a particular juror or for all of the jurors who have been impaneled and they are treating with a particular case.

Madam Speaker, my difficulty with that citation or that example, is that we are telling the population of Trinidad and Tobago that here we are in 2023 and we cannot have a single provider or certain providers procured on a list that you can say well, okay, they are somehow on this list of providers and they are the ones who we will have recourse to, if it is we need to get something. In other words, nothing stops the Government or the Judiciary from having a list of providers—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:**—so that in the event that you need to have recourse to goods and services which you have not catered for, that is why they are there. You will just simply seek recourse in them and they can be there for a period of time. You do not have to go seeking them out every time—which person sells KFC or who caters food. The jurors have been impaneled, we do not know where to get this food from. Is that what we are telling the population? So, you have you know, to use the contractual language, you have prequalification of certain persons, you have them on a list and they are there and they will provide the services. I do not
understand where this example has come from, as though the Judiciary cannot function with some of those basic services.

8.05 p.m.

I fail to appreciate that. And if it is that is what we are telling the population, Madam Speaker, we on this side, we are not prepared to agree with that.

Hon. Members: [Desk thumping]

Mr. D. Rambally: And I think the Member for Barataria/San Juan spoke about the open framework agreements, so I would not touch on that. I think he dealt with that somewhat extensively.

Madam Speaker, we are talking about—and I want to make this point before going on further. If we are talking about procurement of goods and services and essentials that may be, you know, necessary for the proper functioning of departments or certain departments within the Judiciary, I have not heard anything said about the Probate Registry. I thought the Member for San Fernando West was coming to tell us something about maybe that is something being considered. And the Probate Registry is one that needs additional funding because they have been very, you know, behind. They have been lagging behind in terms of deliverables to the population. Persons who have deaths in their family and they are applying for probate or letters of administration, they applied in 2019, 2020, 2021, 2022, 2023, and, Madam Speaker, the relevance of that is that I did not hear recourse to that. That is an area—I thought, if they felt that the Judiciary needed additional services, that was the department.

Hon. Members: [Desk thumping and crosstalk]

Mr. D. Rambally: So, Madam Speaker, one other point that has been made here today by Members on the other side, and I want to reject it outright, which is that
we on this side are somehow against regional committee; we are not in favour of Caricom nations coming together; we are somehow against, you know, celebration of 50 years of having entered into the Caricom treaty, the Treaty of Chaguaramas. Madam Speaker, we are all for getting our regional partners on board. We are all for having them come to our shores. We are all for engaging with them meaningfully so that as a region we can combat issues that we face individually and collectively. Madam Speaker, but I want to put on the record that our Caricom neighbours would understand, they will certainly understand the need to have transparency and accountability when it came to procurement. They would not be against that. They would understand this.

So I want to say on the record that we are not sending out any negative signal as what is being putting forward by Members on the other side.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** In fact, Madam Speaker, there is a United Nations Convention against Corruption.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** There is a treaty. And whilst we are not an immediate party to that treaty, countries are being guided to go in the direction of following—you know, ratifying certain laws, of aligning certain laws to make sure that we are somehow keeping in line with that treaty.

**Mr. Al-Rawi:** We have implemented most of that.

**Mr. D. Rambally:** So, Member for San Fernando West is saying, “We have implemented most of that”, but it makes my point that our neighbours would understand why we want accountability out of the recent—

**Hon. Members:** [*Desk thumping*]
Mr. D. Rambally: —procurement of services under the exemption order.

Mr. Al-Rawi: [Inaudible] —is Panama.

Hon. Members: [Crosstalk]

Mr. D. Rambally: So I hear references to, Madam Speaker—

Hon. Members: [Crosstalk]

Madam Speaker: One minute, please. I know that maybe Members are in another place because we were in recess, but we are not in recess now, so Standing Order 53 applies. Okay? The crosstalk—I mean, I love the magnetism between Member for Naparima and Laventille West—

Hon. Members: [Laughter]

Madam Speaker: —but it is not for here at this time. Member for Chaguanas West.

Hon. Members: [Desk thumping]

Mr. D. Rambally: Madam Speaker, like poles in magnets repel, so—[Laughter]

Hon. Members: [Desk thumping]

Mr. D. Rambally: Sorry. Madam Speaker, the point I was moving on to make was that I think—and I will not dwell on this any longer. I think that our regional partners understand the role of the Opposition and they know that when we seek accountability and transparency, we are not painting this country in any negative light.

Mr. Hinds: [Inaudible]

Mr. D. Rambally: So, Madam Speaker, I want to make reference to—this is the world Rule of Law Index. And, Madam Speaker, in the 2022—sorry, 2021 world Rule of Law Index, we ranked 65 out of 138 countries. And in the 2022 report, we actually dropped two further ranks. So, between 2021 to 2022, we have now

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dropped from 65 to 67. We now rank 67 on the world Rule of Law Index out of 140 countries. What does that mean, Madam Speaker? It means that our adherence to the rule of law is what is being measured and it is not measured in any haphazard or arbitrary manner. What they do—what this international body does is that they solicit the views from citizens from the country amongst other factors. So it is not something that is made up by the UNC, it is something that worldwide, it is accepted. And, Madam Speaker, when you look at the factors that they take into account, “constraints on government powers”, “absence of corruption”, “open government”, “fundamental rights”, “order and security”, “regulatory enforcement”, “civil justice”, “criminal justice”—so certainly when we look at “constraints on government powers”, “absence of corruption”, “open government”, “regulatory enforcement” in particular, this is where we need to make sure that we have a proper functioning and a very strong public procurement piece of legislation.

So, Madam Speaker, unless we want to keep with the spirit and theme of combating corruption, and we do it in a very vociferous and a vigorous manner, we are going to continue dropping in that world Rule of Law Index, Madam Speaker. It is not a prediction I wish to make. I do not want it that way, Madam Speaker, but we have already seen over the last few years where we have dropped in the rankings. So in the 2022 report, we had already dropped, and we dropped a further two between 2021 and 2022, please, Madam Speaker. So I make that point in terms of the world Rule of Law Index, please.

Madam Speaker, in terms of—I think reference was made to emergency services, and I think I would not dwell on this point. I just want to put it on the record that, yes, we know that there is recourse to emergency procurement, and
that is the Procurement Methods and Procedures Regulation 14(2)(c). And so the question then arises, if it is you can have recourse and there is already provision for the emergency procurement, then what really are we contemplating when we say that we want to have this particular amendment brought specifically at clause 5 of the Bill?

So, Madam Speaker, that having been said, hopefully to comprehensively combat some of the statements made by Members on the other side, Madam Speaker, what I want to turn to now is basically—I did say that my theme, gauged from what I have heard put forward by Members of the Government towards propagating this particular Bill is, I say, legalizing unlawfulness. Now, Madam Speaker, I want to quote from the French economist, Frédéric Bastiat, and he said, Madam Speaker—a famous economist, 1860, in his book entitled, *The Law*, and this is what he said, and I quote:

“When plunder becomes a way of life for a group of men in a society, over the course of time they create for themselves a legal system that authorizes it and a moral code that glories it.”

**Hon. Members:** [Desk thumping]

**Mr. Hinds:** Sounds like the UNC.

**Hon. Members:** [Laughter]

**Mr. D. Rambally:** So that, Madam Speaker—

**Mr. Hinds:** Perfect description.

**Mr. D. Rambally:** Member for Laventille West is—

**Madam Speaker:** Member for Laventille West, I am sure if you want to join the debate after the Member for Chaguanas West, once you catch my eye, I will allow you to stand. Okay? So otherwise, if you could kindly contain your exuberance.
Mr. Hinds: Thank UNC.

Mr. D. Rambally: Thank you, Member Speaker, but I want to thank the Member for Laventille West, he took the words out of my mouth. I cannot think of more fitting words.

Hon. Members: [Crosstalk]

Madam Speaker: Member for Chaguanas West.

Mr. D. Rambally: Thank you, Madam Speaker.

Hon. Members: [Desk thumping]

Mr. D. Rambally: Madam Speaker, I cannot think of more fitting words to describe the actions of this Government here today when we look at the words of Bastiat.

Hon. Members: [Desk thumping]

Mr. D. Rambally: Now, Madam Speaker, it seems as though I may need to explain this a little bit more, and Bastiat goes on to define what is legal plunder, and this is what he says, and I quote:

“But how is this legal plunder to be identify? Quite simply. See if the law takes from some persons what belongs to them and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen himself cannot do without committing a crime.”

So, Madam Speaker, the point is that here it is you can plunder, and this—with legislation that is being proposed, it can become a way of life, Madam Speaker. So here today, you are trying to create a legal justification to defend that course of conduct which we can expect with the passage of this Bill.
So I want to say, Madam Speaker, that when the Member for Baratari/San Juan spoke, not only here today in the Parliament, a couple of Sundays ago when he challenged the exemption order, what happened, Madam Speaker, is that you had a Government being caught red-handed with their actions in already having treated with a violating piece of law, Madam Speaker.

**Hon. Members:** *[Desk thumping]*

**Mr. D. Rambally:** And, Madam Speaker, instead of accepting their responsibility for their actions and obeying the law, as usual Members of the Government believe that they are above the law and they are not accountable to the people and—

**Hon. Members:** *[Desk thumping]*

**Mr. D. Rambally:**—they come here with this piece of legislation and they seek to deflect the blame on us.

**Hon. Member:** *[Inaudible]*

**Hon. Members:** *[Desk thumping]*

**Mr. D. Rambally:** And, Madam Speaker, it is known—I do not know if they have stopped reading the papers because there is nothing favourable to Members of the Government in the daily newspapers anymore. But when you look at it, Madam Speaker, editorial after editorial, some of which have been quoted by the Member for Siparia, the Member for Baratari/San Juan, they have quoted extensively, they have cited, they have commentated, you have had opinions galore, by way of letters to the editor as well, whereby they have commended the Opposition for actually holding the Government accountable.

**Hon. Members:** *[Desk thumping]*

**Madam Speaker:** Hon. Member, you just have a few seconds left of ordinary speaking time. You are entitled to 15 minutes more of extended time to complete
Mr. Rambally: Yes, please.

Madam Speaker: Okay. So please proceed, you have 15 minutes left.

Mr. D. Rambally: Thank you. Thank you, Madam Speaker.

So, Madam Speaker, I was just making the point that what you have is you have a commentary and it is public opinion. Even when you go sometimes, Madam Speaker, before the Privy Council, the lawyers on both sides, in order to agree the state of facts at play on a particular issue, you would see them agreeing, newspaper articles governing the particular issue to show that that is the state of facts that exist in the country, and what we have been seeing for the last two weeks is that the country is clamouring for greater accountability by way of stronger public procurement legislation.

Hon. Members: [Desk thumping]

Mr. D. Rambally: They do not want to have any whittling away, any further whittling away of the parent legislation, please, Madam Speaker. So, Madam Speaker, the population is not in agreement with the actions of the Government in bringing this Bill here today.

8.20 p.m.

So, Madam Speaker, I want to point out that in the Minister of Finance piloting this particular piece of legislation, he made reference to other countries where you would have had certain thresholds set, below which you would now have no need for procurement, the application of the full procurement requirements, and that is correct. You do have countries that cater for that.

I want to say that in some of these countries, for example, Canada, the United Kingdom—Certainly in Canada what you have is the Integrity of Public
Contracts Act, so that is something that would be married to any procurement legislation. In the UK what they do have there is a guide. The Cabinet Office of the United Kingdom has put out, “A Guide to Reserving Below Threshold Procurements”, and so when they set thresholds, what they do is they have given guidance as to certain factors, considerations, that need to be taken on board before you can implement or set established thresholds, below which you would say that the exemption would apply. You would have freedom to procure without the full requirements of your particular procurement legislation.

So they have advised that you identify and manage risks, and they look at:

“…reputational risk management…to ensure government contracts are awarded and completed successfully in support of government policy or organisation objectives…”

They have looked at—these risks are grounded on consideration of:

“…the ability of the market to provide the quantity and quality of services or goods required;

“…interruptions to public services which rely on suppliers;

…poor performance by suppliers;

…impact of uncertainties in volume of service or goods provided; and

…failure of a supplier to meet all or part of their obligations.”

So that is just one of the factors. Then they have spoken to:

“Using model contracts”.

They have also looked at the question of:

“Developing KPIs and data reporting”—key performance indicators, and data reporting:

“Undertaking supplier due diligence;
Publishing transparency notices...”

And all of these, Madam Speaker, time will not permit me, nor would I want to extensively quote from the Cabinet Office note’s advice, “A Guide to Reserving Below Threshold Procurements”. That is the title of the document.

But what it shows is that in those countries, yes—and we have a situation where what is being suggested here, in those countries where they say, yes, there is a threshold requirement, they establish a certain figure and they then say well below that figure you would not have to observe the full requirements of any procurement laws. In our domestic legislation, we do not have that, and if it is you are going to do that, this is the kind of research, these are the kinds of details we need to put forward before we can say, yes, we are going to cap, or we are going to establish a threshold of one million.

The reasoning that we have heard here today is that, according to the Member for Port of Spain South/St. Ann’s West, that used to be like that under the Central Tenders Board regulations, et cetera, and it worked then. We cannot see that if we do it now below this particular parent legislation, “de sky going to fall down”. So that is the rationale, that it worked before and it can continue to work. No, that cannot be the benchmark. That cannot be the determining consideration.

The reason for that, Madam Speaker, it is because when we had those things in place before, we still had massive leakages. So you may think that one million might be a drop in the bucket, it can add up over a period of time, and this is why we have to be a little bit more critical in our analysis, if we are going in the direction of saying yes to putting a threshold. In this case they are suggesting one million and therefore what are we going to do in terms of the requirements that you say can be foregone in order for those who seek to procure services, or provide
vice versa, goods and services below one million.

I say, Madam Speaker, that a little bit more thought has to be put into it, even if the Government is minded to stick to $1 million, on their own reasons— I maintain I have not really heard anything that is very compelling, but if they are going to stick to that, I think there must be something that has to be an addendum, a proviso, that if you are going to say exemption for those who are falling below $1 million, there must be some further checks and balances. So, Madam Speaker, that is in relation to the threshold.

Madam Speaker, how long do I have again?

**Madam Speaker:** Full time for you is 8.32, Member for Chaguanas West.

**Mr. D. Rambally:** Thank you, Madam Speaker. One of the concluding thoughts that I want to treat with— Madam Speaker, we have a situation where between 2010 to 2015 I have heard remarks being made by Members on the other side that if we on this side were so interested that we would have ensured that the public procurement legislation would have been fully functional. It is a very simple response to that—it is a work in progress. They themselves have accepted that when they came into office in 2015, that it was a work in progress, but you are talking about 2015, and we are in 2023, eight years later.

And I already mentioned that in 2021, you had the Attorney General taking a position that based on receipt of some notification from the Judiciary, that they delayed the implementation of the procurement Act, and then you came in 2022 and you said, yes, it is ready to be proclaimed, and we are just one year later. So what are we dealing with? Are we really dealing with a situation where we on this side can be accused of not seriously wanting procurement legislation, or are we dealing with a situation, as I have mentioned before, that you have Members on the
other side always seeking to deflect the blame?

Moving forward, whether it be we have upcoming local government election, whether it is there is going to be a general election in years to come, with or without elections, whatever nature, the people of this country want to know that the moneys are being spent on what it is being stated for. They want to know that moneys are not going in one person’s pocket. People in this country want to know that when goods and services are being procured, that there is no leakage, there is no kickback. So we can accuse all who we want to in times gone by, it is how we move forward.

Moving forward, the people are asking for greater transparency, accountability, scrutiny, and that is something that we on this side will make sure that we continue to stand up for, and we will always hold the Government accountable, making sure that when Bills are brought before the Parliament, wherever any laws are to be passed, especially when it relates to moneys, that we will make sure that they, the citizens, get their money’s worth.

Madam Speaker, with these few words I want to thank you.

**Madam Speaker:** Minister of Public Utilities.

**The Minister of Public Utilities (Hon. Marvin Gonzales):** Thank you very much, Madam Speaker. I am very privileged to respond to my colleague, the hon. Member for Chaguanas West, at this very mature stage of the debate. We have been here since 1.30—

**Hon. Member:** Seven hours.

**Hon. M. Gonzales:** —well over seven hours, debating the very important issue of public procurement in Trinidad and Tobago.

Madam Speaker, I must say that I wish to commend the hon. Member for
Hon. M. Gonzales (cont’d)

Diego Martin North/East, the hon. Minister of Finance, the Attorney General, and all Members of this side for their very studied contribution.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: Very strong debate performance, in true PNM style, true PNM style.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: Because you see we have been on a journey where public procurement is concerned, and that journey has started not only in 2015 when the public procurement Act was passed by the previous Government, but subsequent to that we moved towards appointing a board, a procurement regulator, and the procurement regulator would have engaged in a number of engagements, discussions with public entities, statutory agencies, proceeding to boards of directors, as we seek to build out the infrastructure to implement public procurement legislation in Trinidad and Tobago.

Madam Speaker, as we seek to build out this infrastructure to introduce public procurement legislation in Trinidad and Tobago, a number of amendments had to be made, because we were told on numerous occasions by the former Procurement Regulator that Trinidad and Tobago is in a state of readiness for the introduction of public procurement legislation.

Many commentators, stakeholders who would have contributed in the White Paper, in joint select committees, in the drafting of the laws, participating in debates in Parliament, arguments going to and fro, et cetera. As a country both sides of the House, all our stakeholders, all our citizens, we pledge that for us to do business better on behalf of the citizens of Trinidad and Tobago, oftentimes we may have differences in how we approach the topic, but at the end of the day I
believe that all our citizens—all our citizens, aspire to have public procurement legislation that will serve the interest of the people of Trinidad and Tobago. But, not one that is inimical to good order and that will undermine the interests of the citizens of Trinidad and Tobago.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: Very simple. Madam Speaker, even in Jamaica, in the United Kingdom, in Canada, in the European Union, we would have seen that the issue of public procurement is one that engages all parliaments all over the world. Several times after passing the legislation, gaps are identified, loopholes are identified, issues, as you implement these very, very cumbersome pieces of legislation, and as legislators our responsibility is to come to the Parliament and make those changes that are necessary, so that we can protect the peace and good order of our citizens and our country.

It is not a time, every moment and every time we come to the Parliament or we discuss public procurement, that it is an opportunity to hurl all kinds of insults, engage in all kind of rumour mongering, scare tactics, to create the impression that what the Government is seeking to do is water down public procurement legislation to undermine the interests of Trinidad and Tobago.

Madam Speaker, this Government won the election in 2015, won another election 2020, and over that period of time, I am proud to say that the Governments of Dr. Keith Christopher Rowley always operated in the best interest of the citizens of Trinidad and Tobago.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: I could have stood here and talk about SIS, the Beetham waste water scandal that cost this country billions of dollars.

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Hon. Members: [Crosstalk]

Hon. M. Gonzales: I could talk about the Curepe interchange fiasco, Madam Speaker, where this Government constructed that—[Interruption]

Hon. Member: Again!

Hon. M. Gonzales: Madam Speaker, please protect me from my hon. friends opposite. I could talk about the Piarco scandal that hangs as shame around the necks of the UNC in this country.

Hon. Members: [Desk thumping]

Hon. Member: And Ish Galbaransingh!

Hon. M. Gonzales: Madam Speaker, I could talk about the Curepe interchange, which was constructed by this Government to the tune of $200 to $300 million, an interchange which was going to be constructed by the UNC Government for $500 million, $200 million more.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: I would not engage in that. I would not engage in that. This Government has come to this Parliament because we were faced with certain issues, because we committed ourselves to implementing public procurement legislation in Trinidad and Tobago. And as the hon. Member for San Fernando West said, we knew that we would have engaged and faced certain challenges and difficulties in implementing the legislation.

It was discussed at the level of the Cabinet, but the Prime Minister said that we have been at this for a very long time, and we will implement the law. And as legislators, and as a responsible government, wherever there might be issues, we will come to the Parliament, we are going to be forthright with the population, and we will make the amendments that are necessary to protect the interests of the
citizens of Trinidad and Tobago. Very simple.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: But as soon as the UNC hears it, it is an opportunity to engage in all kinds of bacchanal, because that is the nature of our hon. friends and colleagues opposite. It is the nature of them. The hon. Leader of the Opposition, she comes here, she could not find her notes, very unprepared, I say with the greatest of respect, and then she left the Chamber. I thought that she would have been here to engage in robust discussion.

Ms. Ameen: Where is your Prime Minister?

Hon. M. Gonzales: In robust discussion—he is here—and to guide the leaders.

Hon. Members: The leaderless.

Madam Speaker: There is one way to make an interjection. So anybody who wants to make an interjection, I am sure they will comply with the relevant Standing Order. Member for Lopinot/Bon Air West.

Hon. M. Gonzales: Thank you very much, Madam Speaker. They collapsed. The Opposition has collapsed. Madam Speaker, the European Parliament—

8.35 p.m.

Mr. Indarsingh: Supply water.

Hon. M. Gonzales: Right now, I am supplying Freeport with 100 million gallons of water—

Hon. Members: [Desk thumping]

Hon. M. Gonzales: 100 million gallons of water and supplying the people of Freeport with 100 million gallons of water, Madam Speaker, we complied with every piece of requirement under the public procurement legislation. As a matter of fact, Madam Speaker, we are talking about—you see, “he like to harass me,
inno”, I am going to respond to him.

Hon. Members: [Laughter]

Hon. M. Gonzales: They spent over $1 billion in an IDB loan to improve water supply to the people of Trinidad and Tobago.

Mr. Al Rawi: Waste water.

Hon. M. Gonzales: Waste water, engaged in all kinds of practices, flouting all kinds of public procurement regulations, Madam Speaker, and not a gallon of water was produced in the Freeport area. Shame on them, not one—

Ms. Cudjoe: Shame, shame, shame.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: And had they conformed to public procurement legislation and the principles of good public procurement legislation, the issue of water supply and utilities in the areas of Freeport, Penal, Siparia, Mayaro would have been far better, far better. So they cannot come here and preach to us, and if the UNC has an epiphany I am happy for them.

Hon. Members: [Desk thumping]

Hon. M. Gonzales: But the citizens of Trinidad and Tobago, have not forgotten the UNC. They cannot come here and preach to us, they cannot come here and preach to us. And therefore, Madam Speaker, if this PNM Government comes to the Parliament, informs the citizens of Trinidad and Tobago that there is an issue to be resolved, an issue that has been unforeseen, when we decided to implement public procurement legislation, Madam Speaker.

Madam Speaker, you would have heard from previous speakers with respect to the challenges faced by the suppliers of goods and services to be pre-qualified and to be registered in the depository in the Office of Public Procurement in
Trinidad and Tobago. As a matter of fact, Madam Speaker, I can tell you despite the challenges, there is no precedent, I have done some research and I have seen no precedent in any commonwealth jurisdiction where contractors are required to be prequalified in order to do business with the State. And therefore I am taking this opportunity perhaps, given where we are at this point in time, where only 900 contractors that would have been registered and pre-qualified, certainly not enough to supply the citizens through the Government of goods and services, I am asking the OPR to reconsider this issue of pre-qualification because it is causing serious problems in Trinidad and Tobago.

As a matter of fact, Madam Speaker, it is only certain big businesses that have the resources at their disposal that can register and pre-qualify in the OPR. Much to the detriment of the carpenters, much to the detriment of the plumbers and the electricians all over Trinidad and Tobago who have been—

**Ms. Cudjoe:** And the caterers.

**Hon. M. Gonzales:**—and the caterers, and the pan players.

**Ms. Cudjoe:** Parang singers.

**Hon. M. Gonzales:** And the parang singers, the chutney singers, Madam Speaker.

Madam Speaker, I have been all over Trinidad and Tobago commissioning a number of projects to improve the supply of water and often times when we go into the communities especially under the Community Water Improvement Programme, we engage the little caterer—

**Ms. Cudjoe:** “Mm-hmm” and entertainers.

**Hon. M. Gonzales:**—in the community, the little entertainer, the young boy and the young girl to come and sing the national anthem.

**Ms. Cudjoe:** Pre-register with the OPR.

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Hon. M. Gonzales: How can we now ask these people, that they now have to register and be pre-qualified with the OPR, have to get their NIS and their tax clearances and all of these statutory difficulties in order for us to engage them? The doubles vendor, Madam Speaker, that is how difficult and sorry to say, but ridiculous this has become, that we now cannot engage these very simple service providers because the law now requires and the Regulations of the OPR now require that they be registered in the depository and be pre-qualified in order to engage the State.

None of us anticipated that this would have been so difficult to be done, and if as a Government we are saying, Madam Speaker, that good and services under the threshold of $1 million, they will now form and will be subjected to the regulations to be issued by the Minister of Finance. We are not saying that they will not be subjected to regulations you know, the Opposition is giving the impression that we are removing this under the ambit of the Public Procurement law and it is a “free for all.” That is not the case, Madam Speaker, we are saying that the Minister of Finance under the law, will make regulations subject to also the guidance of the OPR to guide these suppliers of good and services. So therefore, it is wrong to come before this Parliament and to go before the country and seek to mislead the citizens of Trinidad and Tobago to give the impression that contracts under $1 million will no longer be subjected to any rules and regulations.

Mr. Al Rawi: It is in black and white.

Hon. M. Gonzales: It is in black and white, it is there before us and Members opposite have the habit of repeating misinformation, on top misinformation, on top misinformation, to the extent that they tend to believe themselves and hoping that country believes them. Very, very unfortunate.
Madam Speaker, I can tell you, this country had a perfect example of what emergencies can do, we had the situation where a main transmission line, 48-inch line on the Caroni water treatment plant was ruptured depriving over 250,000 customers in north Trinidad. What are we to do in the circumstances? To now seek to get a supplier that is registered, that is prequalified, that would take over 60 days, Madam Speaker, to deprive this country of water for 60 days? Madam Speaker, we got advice to keep that line shut off for ten days and we decided that we are going to make use of the laws and the regulations are available to us to ensure that this line was repaired in the shortest time possible to restore the supply of water to the citizens of Trinidad and Tobago. And I can tell you, Madam Speaker, if this amendment that we are seeking to make in Parliament today was in place, the repair that was done to the Caroni Water Treatment Plant cost the utility company around $900,000.

So $1 million, do not underestimate it, as a matter of fact coming to Parliament some utility workers, T&TEC and WASA asked that this threshold be increased to $3 million because of the issues that they have to face on a daily basis. And it is for that reason Madam Speaker, that the European Parliament and the UK Parliament passed regulation specifically for the utility sector, electricity, water, postal services, civil aviation, passing a number of regulations, exempting some of these services from the rigors of public procurement legislation because of their importance to the stability of the country, Madam Speaker.

8.45 p.m.

And I am sure if you go back to the *Hansard* in the European Parliament and in the UK Parliament, the kind of information we are hearing from friends opposite, we will not see that kind of debate taking place in these Parliaments
because these things call for serious discussions. They call for serious discussion. As a matter of fact, Madam Speaker, I believe that not too long from now we may have to come back here to continue to engage in discussions and to pursue further amendments because as this law takes effect, we are identifying gaps and loopholes that we must correct as legislators. And it is not an opportunity to go out and cry to the members of the public that what this Government is doing is watering down the legislation because we have some sinister motive. Nothing could be further from the truth.

Point to our record in the PNM since 2015, point to our record and show us where we would have engaged in conduct that is inimical to the good order, peace and stability of Trinidad and Tobago. We have always conducted ourselves with honour, with no allegation of serious corruption against this Government, certainly not under the hon. Member for Diego Martin West.

**Hon. Members:** [Desk thumping]

**Hon. M. Gonzales:** And we are proud to say—we are proud to say, Madam Speaker, that in true PNM style, we will conduct ourselves with dignity, we will conduct ourselves with honour and we are going to use our 22 seats in this Parliament to do what we must to protect the interest of Trinidad and Tobago.

And we are faced with a situation where this public procurement law, if it continues in the way that it was passed, it can grind government to a halt. What you do we do in the circumstances? What do we do? Should we allow public servants to continue to dip their hands in their pocket to buy tyres for vehicles, Madam Speaker, or to buy oil or to buy paper? Is that what the UNC is saying? I do not believe that.

And as we talk about emergencies, Madam Speaker, the Opposition Leader
and several Members opposite quoted Regulation 14—Regulation 14(2)(c). And Regulation 14(2)(c) reads as follows referring to “Sole source selection”:

“where, due to reasons of extreme urgency brought about by unforeseen events not attributable to the procuring entity, the subject matter of the procurement cannot be obtained in a timely manner if an open bidding method or limited bidding method is utilized.”

But Members opposite apparently omitted, and perhaps deliberately, I do not know, the OPR guidelines and the Glossary of Terms where the term “emergency procurement” was defined. And let me inform Members opposite on what is the definition of “emergency procurement” under the Glossary of Terms established by the OPR. And it says as follows, and I quote:

“an exceptional, compelling, emergent need or situation of force majeure not resulting from poor planning or management or from concerns over the availability of funds, that will lead to serious damage…”

“…that will lead”—Madam Speaker, and I repeat—“to serious damage, loss or injury to property or persons, if not addressed immediately.”

Where an emergency exists, a procuring entity may pursue procurement contracts without complying with formal competitive bidding requirements. So an emergency—in the Glossary of Terms, it describes “emergency” as a situation that leads:

“…to serious damage, loss or injury to property or persons…”

So therefore, Madam Speaker, as a country, the issue at the Caroni Water Treatment Plant, under this legislative framework, does not qualify for an emergency. A blackout does not qualify for an emergency in accordance with Glossary of Terms as established by the Office of Procurement Regulation. And
therefore, it is for that reason I am saying, I will not be surprised if we were to return to Parliament—if we have to come back to Parliament in the not too distant future to continue to pass laws, to continue to make amendments, to continue to develop regulations as we seek to advance the public procurement jurisprudence in Trinidad and Tobago. Most countries have done that. Most countries have done that and we will continue to do so for years, Madam Speaker, because this is very new territory for all of us, and for all our citizens, and for all our practitioners in public procurement.

Madam Speaker, in the utilities sector, I am advised, that we have approximately 15—1,000 or 1,500 suppliers of goods and services both at T&TEC and WASA. T&TEC and WASA both have a number of foreign suppliers of very important services for the running of the both utility companies. And I am advised, Madam Speaker, that a number of those foreign suppliers are refusing or finding it difficult to be pre-qualified under the OPR. What do we do in the circumstances? Because of the cumbersome nature and the rigid requirements to submit certain documentation and financial documents, audited financials, et cetera, they are finding difficult to register.

And in many instances, some of them have opted not to register because that is something that is unique to them, because they are accustomed to providing the very services all over the world, but in Trinidad and Tobago it is very difficult for them to register and to be pre-qualified so that they can continue to provide the services to both T&TEC and WASA. And if this continues, Madam Speaker, I dare to say that we can face a very, very difficult challenge in this country. And that is the reason why I am saying that I will not be surprised if we have to convene this Parliament at some point in time as the year progresses to continue to

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make regulations and develop this piece of legislation, because as this law takes effect, a number of issues are arising.

Madam Speaker, we are told that over 900 suppliers have been pre-qualified in the OPR. Under the utilities sector alone, as I have explained, 1,500 suppliers of goods and services. So therefore, there are a number of suppliers of goods and services in the utilities sector that cannot meet the requirements of registration in the depository in the OPR, as well as to be pre-qualified. These are some of the challenges that we face, Madam Speaker.

Madam Speaker, under the Ministry of Public Utilities, we have a number of social programmes. And these social programmes, Madam Speaker, are geared towards assisting a number of our vulnerable citizens, because the UNC has a habit of going all over the country and saying that we are heartless, we do not care about the people, we do not provide for people. Nothing could be further from the truth. As a matter of fact, our social safety programme, under the Ministry of Social Development and Family Services, is $5 billion, and $5 billion spent on our social safety net to protect the most vulnerable citizens of this country, and we had that expenditure even in the height of COVID. And this country, despite falling revenues, committed to spending $5 billion to protecting the most vulnerable citizens of this country.

Under the Ministry of Public Utilities, Madam Speaker, we have a programmed that is called the Residential Electrification Assistance Programme, a programme that is designed to assist a lot of our vulnerable citizens who cannot afford to wire or rewire their homes so that they can get access to electricity. A number of the contractors who participate in this programme are small electricians in communities in Diego Martin, in east Trinidad, in Fyzabad, in Tobago,
Arima, in Arouca; electricians. And one programme would afford the citizen $20,000 in order to get this qualified electrician to go in and install, you know, the electricity on their homes. We are now asking this electrician to be registered in the depository, as well as to be prequalified. Since this law has passed, Madam Speaker—since this law has been passed, it is very unfortunate that we cannot get one of the electricians to be registered and to be pre-qualified in order to continue with this very vital service to protect our vulnerable citizens. Those are the challenges that face.

We have another programme, Madam Speaker, the Water Tank Assistance programme.

Madam Speaker: Hon. Member for Lopinot/Bon Air West, you have two more minutes of your original speaking time. You are entitled to 15 more minutes extended time.

Hon. M. Gonzales: I will take the 15.

Madam Speaker: You may proceed.

Hon. M. Gonzales: Thank you very much, Madam Speaker—Water Tank Assistance programme, Madam Speaker, where we allow persons who do not have access to the water distribution grid and do not have access to sufficient storage, the Government of Trinidad and Tobago, under this Water Tank Assistance programme, will purchase the water tank for the citizen and other supporting infrastructure where they can have access to a storage of water to the tune of $5,000 or so; 1,000 gallon storage and supporting infrastructure where we utilize the hardwares or some of the small trade business people in communities. Madam Speaker, I can tell you since this law was passed, given the onerous requirements to be registered and to be pre-qualified, we are finding it difficult to continue to
roll out some of these programmes to assist the most vulnerable citizens in the country.

Street lighting, Madam Speaker: one street light installation, because we are supported—the T&TEC is supported by some private contractors, one street light installation would cost over $2,000. Most of these contractors have not yet been pre-qualified or registered, finding it absolutely difficult because they cannot meet some of the statutory requirements. And our Street Lighting Programme in the circumstances is faced with challenges, because many of these small contractors cannot meet requirements because the OPR is inundated and somehow finding it difficult to register and pre-qualify a number of these contractors.

So, Madam Speaker, the last programme, not under the Ministry of Public Utilities, but I am quite familiar with it because a number of my constituents are beneficiaries, this is the Housing and Village Improvement Programme, where the Government is committing to providing over $170,000 to assist many of our vulnerable citizens all over Trinidad and Tobago to improve their homes and their living conditions. And often times, if not in most times, we utilize some of the small contractors, the carpenters, the masons in many of these communities to undertake this work to improve the lives of many of our communities and citizens. This HVIP programme has been a success story. But unfortunately, Madam Speaker, since the coming into effect of this law, very important programmes like the HVIP is also facing difficulties because of the challenges faced by the OPR to register some of our contractors.

And in the circumstances, Madam Speaker, that is reason why we are here. The Government is saying that we cannot allow the services of the Government to grind to a halt because of some of the things that we have not envisaged when the
law came into being. And all we are saying then is that the Minister of Finance will now have the authority, removing some of these contracts under the threshold of $1 million, the Minister of Finance will now pass regulations that will be subject to the negative resolution of Parliament. Negative resolution of Parliament means that these Regulations will be laid in Parliament and Members opposite will have the opportunity to look at it, and if there is any reason to raise an objection, the parliamentary process allows for these objections to be raised, debated in the Parliament. Nothing is going to be done in the dead of night, as hon. Members seem to be postulating.

9.00 p.m.

That is not true. It is not true. But it is just that we recognize that there are some absurdity, there are some anomalies in law that we did not cater for, and as legislators our responsibility is to come before the Parliament and make sensible amendments to the law so that we can continue with the governance of Trinidad and Tobago. Very simple. And therefore, Madam Speaker, I want to commend the Minister of Finance, the hon. Attorney General, and all other speakers in this House—on this side of the House for their studied and well-prepared contribution.

And before ending, Madam Speaker, I wish to point Members to section 5 of the Public Procurement and Disposal of Public Property Act, 2015, section 5 of the Public Procurement and Disposal of Public Property Act, 2015, the Act which we are amending now. And section 5 spells out the objectives of the Act, and it states as follows:

“…to promote—
(a) the principles of accountability, integrity, transparency and value
for money;

(b) efficiency, fairness, equity and public confidence; and

(c) local industry development, sustainable procurement and sustainable development,

in public procurement and the disposal of public property.’”

Madam Speaker, I would have just mentioned a number of challenges that are faced by a lot of our small contractors all over Trinidad and Tobago, the plumbers, the electricians, many of them providing services to the Government of Trinidad and Tobago. And I am saying that if we do not make the changes that we are making here today it may well be an affront to section 5 of the Act which says that the very law is:

“to promote—

(a) the principles of accountability, integrity, transparency and value for money;”.

And if we do not create this level playing field for some of these small micro-enterprises in Trinidad and Tobago, Madam Speaker, we will be setting the stage for monopoly in Trinidad and Tobago, and that will not be value for money, and it is not protecting the interest of the citizens of Trinidad and Tobago.

**Hon. Members:** [Desk thumping]

**Hon. M. Gonzales:** It is not protecting the interest of Trinidad and Tobago, and therefore this simple amendment that we are making here it will cater for efficiency in Government as section 5 is stipulating. It will cater for and facilitate fairness, and most importantly, Madam Speaker, it will facilitate equity in the distribution of resources in Trinidad and Tobago. Because if we do not do that we will set the stage for monopoly and for big businesses who have all the resources at
their disposal to be registered and to be pre-qualified and then squeeze out the little doubles vendor, or the pan player, the little caterer in the various communities. They simply do not have the resources to do it.

And now that this amendment will give the Minister of Finance the power to make regulations he will now take into consideration the interest of some of these small operators in businesses and in communities all over Trinidad and Tobago, thereby giving credence, thereby giving force, to section 5 of the Public Procurement and Disposal of Public Property Act to ensure that we promote local industry development, sustainable procurement, efficiency, fairness, equity and public confidence. If we do not do that and we set the stage to lock off some of these operators from public procurement and engaging in government services, Madam Speaker, that is not going to instil public confidence in our procurement process. It is not going to do that. As a matter of fact, Madam Speaker, this very amendment that we are making is going to instil public confidence.

Ms. Cudjoe: “Dey doh care about that”.

Hon. M. Gonzales: But they do not care about that.

Ms. Cudjoe: They gone political meeting.

Hon. M. Gonzales: But 217hey do not care about that.

So, Madam Speaker, I want to commend the Minister of Finance, the hon. Prime Minister, the Member for San Fernando West and all Members on this side of the House who would have come here and conduct ourselves and discharge our duties as legislators to deal with an issue that confronted us, that could have grind Government to a halt and undermined the peace, order and the interest of citizens of Trinidad and Tobago. That is our responsibility, Madam Speaker. That is our responsibility. And if we have to come here during the parliamentary recess to do
that then our time is not wasted, Madam Speaker.

**Hon. Members:** [Desk thumping]

**Hon. M. Gonzales:** Our time is not wasted. So therefore, Madam Speaker, I give full support to these amendments, and I wish to also serve notice that we will be coming to Parliament, I am pretty certain, to continue to develop our jurisprudence on public procurement in Trinidad and Tobago as other countries have done. Madam Speaker, I thank you very much.

**Hon. Members:** [Desk thumping]

**Madam Speaker:** Member for Oropouche West.

**Mr. Davendranath Tancoo (Oropouche West):** Thank you, Madam Speaker, for the opportunity to contribute briefly to this very critical piece of legislation. Madam Speaker, having listened to Members on the opposite side speak, one would think that what is being proposed here in the current Bill before the House is minor. It is mild.

One Minister referenced that it was only three pages long and six clauses long. But the devil is in the details, Madam Speaker. And the fact is that these fixed amendments are substantial to change the very purpose that the procurement legislation was first put in place to serve. It is ironic that the Member before me who spoke referenced the principles of good governance, referenced the objective of the 2015 legislation which was brought before this House and passed, well, in 2014/2015. It is ironic that the Member would have referenced good governance and principles, et cetera, and chose to ignore the reason we are here today. It is not all of that fluff. So I want to draw the Member’s reference to section 8 of the Act 1 of 2015, which is the Public Procurement and Disposal of Public Property Act, Madam Speaker. And that Act says at section 8:

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“This Act binds the State”.

Simply put, Madam Speaker, it means that this Act, the public procurement Act, generally as it is referenced to, is binding on the State. That is the first issue. The other issue comes under section 7(7), which current legislation section 7(7) says:

an Order made under subsection (5) shall be subject to affirmative resolution of the Parliament.

So on the one hand the existing legislation says that any Order made under subsection (5) shall be subjected to affirmative resolution, and the subsequent clause says that the Act binds the State.

And the reason we are here today is because the Government has been caught in-fragmented in breach of this law. It is ironic that none of the Members opposite were willing to explain why. None of the Members opposite have indicated the rationale for this breach of the law. You see they want to create the perception, Madam Speaker, that this was a mistake. It was an error in execution. The fact is, Madam Speaker, that the law was broken with the first legal notice referenced previously, that is, Legal Notice 164 of 2023. The law was breached then and they got away with it, so they came back again and breached the legislation again by Leal Notice 206 of 2023, and that, Madam Speaker, is the Minister of Finance breaching the law, and others have spoken to the fact that the Minister already knew. He had announced previously so he knew very well what the law was. He himself had repeated in this very House what the law was, and in so doing admit—effectively has admitted to breaking the law. But today he has not come to explain why, what was the fault. Why exactly did he choose to breach the existing legislation and not bring it to Parliament, Madam Speaker?
To date all we have to say with regard to that right now, Madam Speaker, enough has been said about it, is the Minister has breached the law. He has violated the law, and to date he has indicated that the entire Cabinet, and especially the Attorney General, is liable. They had supported him. They had guided him, and up to now nobody is being held accountable for millions of dollars spent illegally, because it was in breach of the law. And what the Minister, the hon. Minister of Finance is trying to do is to come here to the Parliament and wash it over as if it never happened. This is not the first time, Madam Speaker. It seems to have become a pattern by the Government to break the law, the very laws that they are familiar with, the very laws that they themselves have implemented, to break the law and then come to Parliament afterwards to whitewash it, to make it legal.

Madam Speaker, that cannot be acceptable, but it has become the pattern of those opposite. It is fact that you cannot then trust this Government to do the right thing in even the easiest, the most minor of things. How difficult would it have been, Madam Speaker, to come to this very House, they had enough time, and enough persons have mentioned that, but they choose not to do the right thing so that they could do the wrong thing. And the only reason we are here during this recess, Madam Speaker, two reasons; one reason is to correct the breach of the law made by the Minister. But we are in an election season, Madam Speaker, and therefore the other amendments—So my colleague from Chaguanas has already indicated that that should have been the only matter before the House today, because that is the emergency. The other matters are not emergencies, at least not in terms of the law and not in terms of our side. Why then would a Minister of Finance use this opportunity to empower himself, to give himself authority, to
produce Orders of all sorts and any sorts without having to come to Parliament given that he is already been showing his willingness to breach the law? Why then during an election season would the Minister—

Mr. Imbert: Madam Speaker, that is imputing improper motives, Standing Order.

Ms. Mohit: Which Standing Order?

Mr. Imbert: My willingness to breach the law. Please.

Madam Speaker: Okay, so Member I will ask you to withdraw that. Find another way to say what you are saying. I also want to say that at this time we are sort of bordering on tedious repetition. A lot of these things has been ventilated before by the many speakers who have gone before you, so to watch at the points you are going to develop.

Mr. D. Tancoo: Madam Speaker, I withdraw the allegation that the Minister might be willing. The fact is that the Minister has broken the law. So just by that, just by that, we have now to question the sincerity of the Minister and his intent, Madam Speaker, of coming to add to the legislation things which are not considered urgent. And one of those things, Madam Speaker, as I mentioned, is the fact that we are in an election season. It is ironic but informative that at the very time when this breach was announced and highlighted that in the very newspaper which reported it first, after it was raised by my colleague the Member for Baratania/San Juan—

In that very newspaper, right next to the fact that procurement legislation was breached, was another report by a Minister of Energy and Energy Industries in which he was saying, by all means we are now opening up the bids, we are now willing to accept bids for the Petrotrin refinery. So on the one hand we have a Minister who is now proposing to waive the requirement for procurement
regulation—for the Office of Procurement Regulation to monitor, evaluate procedures, et cetera, et cetera, for specific purposes. The Minister is now putting into his own hands the ability to do that. And on the other side we see that another Minister in the same Government who presided over this breach, another Minister is now saying, please bring forward proposals for the disposal of public property, which falls under this same legislation, Madam Speaker. Two days before that, or three days before that there was another reference to another expense—

now these are multi-billion investments that are owned by taxpayers of this country. Two or three days before that, Madam Speaker, there was another newspaper article that referenced the Caribbean Drydock Limited, CARIDOC, which is in a state of total disrepair having gotten like that. And there were also conversations about acquiring that piece of property and putting that up for sale as well. We are also aware of some other issues relating to Trincity Mall. Madam Speaker, the entire issue here is—

Mrs. Robinson-Regis:Madam Speaker, Standing Order 48(1) please.

Mr. D. Tancoo: Oh you do not understand where I am going? Pay attention. Pay attention.

Mrs. Robinson-Regis:“Wuh you saying?”

9.15 p.m.

Madam Speaker: So Member for Oropouche West, I will give you a very short leeway to tie that into the point of the substance of this debate—

Mr. D. Tancoo: Yes, Ma’am.

Madam Speaker:—because I myself am a bit confused. So please tie it in quickly.

Mr. D. Tancoo: Thank you, Madam Speaker. Madam Speaker, the point I am
making, is it is ironic that at this debate the Minister is now putting in place the legislation so that he can issue orders, he can publish orders without having to come to Parliament seeking affirmative resolution. He can issue orders to facilitate the bypassing of the procurement regulations before the approval is secured here in the Parliament. And it is ironic then that at the same time that we are seeing an expeditious, an urgency of some sort to dispose of specific pieces of expensive state-owned, taxpayer-owned property, Madam Speaker. There is an obvious cause for concern, especially coming from on our side whether given the Minister’s willing—

**Mr. Imbert:** Madam Speaker—

**Mr. D. Tancoo:**—well, not willingness, but the Minister’s history in breaching the legislation—

**Mr. Imbert:**—Standing Orders 55 and all of 48.

**Madam Speaker:** Minister, I cannot rule on all of 48. But as I have said while you have brought in a new enterprise, really and truly the point about affirmative resolution and negative resolution has been flogged in the number of hours we have been here. So Member for Oropouche West, I will ask you if you could develop another point. Remember this is about eight hours we have been here on six clauses. So lots of the ground has been covered. So be careful with tedious repetition please.

**Mr. D. Tancoo:** Thank you, Madam Speaker, and I will move on. I have already made the point that there is a different rationale for why the Minister would have acted the way he has acted, and why he would have switched from affirmation to negative resolution.

Madam Speaker, I want to reference clause 5 because I think that we have
not yet touched that part of it. Again, it is intriguing, because by clause 5, this new amendment that the Minister is proposing gives the Minister, in his own discretion, the ability to make regulations to give effect to the provisions of the Act. So it gives the Minister the ability to make in his own discretion. A Member before, the Member for Lopinot/Bon Air West, actually said something totally different. What he said, Madam Speaker, is that the legislation will give the Minister under the guidance of the OPR the ability—but that is what is in existence now, the guidance of the OPR. The OPR would have guided the Minister. Instead now what we have, Madam, is the Minister in his own discretion, without necessarily having the guidance or the direction from the OPR coming in to make regulations to govern the provisions of this Act. And one part of it is very intriguing to me, Madam Speaker, and that would be 63(1)(c)—sorry, 63(1)(b), the Minister is now able on his own discretion, on his own volition, and on his own initiative for his own purposes to make regulations to treat with the implementation of the Act.

“(b) the addition to, or removal from, an ineligibility list…”—Madam Speaker.

Previous to that, Madam Speaker, the Act as it stands today, the OPR is the one responsible for that list. The OPR, not the Minister. The Minister will make the regulations based on the—

Mr. Imbert: [Inaudible]

Mr. D. Tancoo: With the greatest of respect. Moving on, Madam Speaker.

Hon. Member: [Inaudible]

Mr. D. Tancoo: You will have your chance, Sir. You will have your chance. If only you would focus on telling the country why you broke the law.

Ms. Cudjoe: 48(1). It is a disrespect—
Mr. D. Tancoo: My apologies. Madam Speaker, I will focus on you and ignore the bleating coming from the other side.

Madam Speaker, I am referring to an ineligibility list, and for the benefit of the listening audience, for the benefit of those on the opposite side, the ineligibility list is actually a list which is created, which prevents persons seeking to engage in procurement activities to use suppliers who are on that list. So now we have the opportunity for the Minister to himself without the direction or guidance of the OPR, the Minister on his own discretion can now make those regulations. It is very curious as to why the Minister will want to do that. Madam Speaker, and again as I indicated before, the Minister’s history has not been in a willingness to abide by this legislation, as proven by the fact that he has breached it as least twice as far as we know.

Madam Speaker, the Member before who spoke as well went back to the much traversed road about this burst pipeline, trying to create the impression that this amendment would have treated with that. I have not seen a Legal Notice, Madam Speaker, that would have been used to bypass the procurement regulations with regards to this particular burst waterline. That is impractical. What has happened is under the existing legislation without the amendments being made by anybody, without all of these amendments here today, under the existing legislation that pipeline was repaired. Unless the Minister is saying that he breached the law, the current law is what was used to treat with that particular practice, that particular instance. So bringing it here to say that breached pipeline and toilet paper and all, Madam Speaker, there are already line Items in the annual budget which treat with a lot of those factors.

The emergencies. The Minister himself read out the requirements for what
Mr. Tancoo (cont’d)

an emergency is supposed to be, and it is ironic that the existing law treated with exactly that issue that he raised before. So that too is a misdirection. And much headway was also made in terms of the other side speaking about the legislation not being gutted by these amendments. The fact of the matter, Madam Speaker, is this Government was never in favour of procurement legislation at all.

Hon. Members: [Desk thumping]

Mr. D. Tancoo: In fact the evidence is that in 2014 when this legislation was brought, the Government did not support it, which is why it is not surprising to anyone that in 2015 and thereafter, the Government left the legislation fallow and will come today, eight years afterwards, to complain that—and it is ironic that the Member for San Fernando West was talking about it. This is the first Government I have ever heard in my life, Madam Speaker—and I have been down here for 57 years. This is the first Government that I have ever heard boast about their failures as if it is something that they should be commended for.

When the Minister of Rural Development and Local Government, the Member for San Fernando West spoke, and he spoke about the small number of persons, the small number of entities which were registered with the OPR and the amount of applications pending, that is an indication of the failure of the Government to properly enforce the legislation, to properly put the resources in place prior to the enforcement of the legislation, to properly put the infrastructure in place for eight years, Madam Speaker. The reason why there are so few persons who have the relevant documentation, who have made the relevant submissions, et cetera, et cetera, is the failure of the Government to properly educate, inform and equip the population, the relevant tenderers, et cetera, and the OPR to do their job.

It is a failure of the Government, but they come today to create the
impression all of a sudden, Madam Speaker, that if these regulations are passed somehow it will make it easier for small businesses to be registered, for the carpenter, and the pan man, and the parang singer. Somehow this legislation would make it easier for those individuals to be registered, and the fact of the matter, Madam Speaker, is that that is not true. This legislation does not treat with that at all. It is a misnomer, it is an attempt to misguide and mislead the population.

Madam Speaker, other speakers on this side have already indicated—and I do not want to re-traverse that ground—that the members of the public, members of the media, business community, business houses, Chambers of Commerce, a lot of other entities have already expressed tremendous concern about the direction that this Government is going. I urge the Government to listen to the population, listen to those entities because I am curious now. I am curious now that if all of these stakeholders are now cautioning the Government about the direction that they are traversing with this legislation, with these amendments, who exactly then is this Government representing? And, Madam Speaker, I join with my colleagues to indicate that we will not support this legislation.

Hon. Members: [Desk thumping]

Mr. D. Tancoo: We will not support this legislation, Madam Speaker. It is impractical. It is misdirected. It is inappropriate for the current circumstances. It does not engender any sort of confidence that the Government has any respect for the population and the people of Trinidad and Tobago, Madam Speaker.

It is Ironic, Madam Speaker, that none of those on the other side have spent any kind of time explaining why these specific requirements, these specific amendments, are critically needed except for the amendments which would have
covered the act of the Minister. None of those. And even the Minister did not defend that. Even the Minister himself, the Minister of Finance, did not explain why this was required. He bypassed that completely, going all over the world to treat with all other kinds of matters, rather than to treat with the matter which is what we are here about to deal with today.

Madam Speaker, and what we are here to deal with today is to treat with this amendment and validation Bill, 2023, what it is, what it does, what it can do and what it causes. And one of the obvious results that this amendment and validation Bill will have, Madam Speaker, is to so undermine and water down the existing 2015 Act. And so today, Madam Speaker, based on the predictable results of this proposed amendment Bill which the Prime Minister and others have already indicated that they will use their simple majority to pass, I wish to hereby announce, Madam Speaker, with your permission, the death of the Public Procurement and Disposal of Public Property Act, 2015.

Hon. Members: [Desk thumping]

Mr. D. Tancoo: This Act also known as the procurement legislation has been put to death by the Bill before the House today and several previous amendments. This Act being put to rest by the Government’s action today has been ailing since 2015, starved of critically needed attention, resources and nurturing which would have facilitated accountability and transparency in the award and operation of state contracts.

The procurement legislation was a child of the people of Trinidad and Tobago, delivered by the political leader of the UNC and then Prime Minister Kamla Persad-Bissessar in 2014. The procurement legislation leaves to mourn 1.4 million citizens of Trinidad and Tobago. I want to publicly express our
condolences, we on this side, to the joint consultative council—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:**—the Chief Parliamentary Counsel, and the hundreds of persons and entities consulted, the thousands of persons who took their time to directly participate in the consultations that resulted in the original Act as we knew it and with today’s amendment is being put to rest.

Madam Speaker, I support all the colleagues on this side who would have spoken before, and to say quite frankly that this Bill before the Parliament is a desperate act by a desperate Government to cover up their misconduct—

**Hon. Members:** [*Desk thumping*]

**Mr. D. Tancoo:**—and we will not tolerate it, Madam Speaker. Thank you.

**Madam Speaker:** Member for Diego Martin West.

**Hon. Members:** [*Desk thumping*]

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, I have to join this debate not because I want to embellish or gild the lily of what was presented by my colleagues on this side because that is not necessary. But I want to say that from the onset that if the people of Trinidad and Tobago are not thoroughly confused by now, they have a resilience that is beyond comprehension. So let me make it very clear that as head of the Government of Trinidad and Tobago, in this Parliament, in this debate, I support everything that was said by every speaker on this side of the House.

**Hon. Members:** [*Desk thumping*]

**Hon. Dr. K. Rowley:** And that means, Madam Speaker, that the normal proceedings in this House in terms of support or lack thereof continues.

9.30 p.m.
Because the walls of this Chamber would be reverberate on a regular basis with our colleagues on the other side regardless of what the issue is that detains us in this House—

**Hon. Members:**  [**Interruption**]

**Hon. Dr. K. Rowley:**  Sounds like Frederick Street moved.

**Madam Speaker:**  Continue, Prime Minister.

**Hon. Dr. K. Rowley:**  Madam Speaker, the walls of this House would be familiar with the refrain from the other side on any and every issue that comes to the House and that is, “We do not support it, we do not support it”. I cannot think of a single piece of legislation that came to this House where the position at initiation of my colleagues on the other side is that “I do not support”. So I am not surprised and I am not worn down by the refrain from the other side that “I do not support it”.

What is worrisome though is the reasons on this occasion, like many others, that they try to give for not supporting it and they will invoke, Madam Speaker, a whole lot of accusations against those of us who support the measures that we are advocating. If I did not speak in this debate, Madam Speaker, I am confident that that would have been raised by my colleagues on the other side, and interpreted as some shying away on my part from the outcome of the debate and from the accusations that were made. And that is why I stand here to say I want to identify—

**Hon. Members:**  [**Desk thumping**]

**Hon. Dr. K. Rowley:**  I want to identify with the positions put. But in the complications, Madam Speaker, let me simplify it for the public because a lot has been said and a lot has been confusing. The requirement for procurement legislation is a given. The support to have procurement legislation is a given.
Madam Speaker, before some of my colleagues here, who making noise here, were on it, I was on the committee when this matter was before a committee of this House.

Mr. Imbert: I too.

Hon. Dr. K. Rowley: My colleague from Diego Martin North/East, we were on the committee at the onset. So those who are claiming that they were midwife to it and it is they who passed it, Madam Speaker, they are simply trying to take credit—

Mr. Charles: [Inaudible]

Hon. Dr. K. Rowley: Madam Speaker, I do not want to be disturbed by the Member for Naparima. I wish to keep my thoughts clear and work under the Standing Orders of this House. I have not said a word to any of them while they were pontificating for the whole afternoon.

So, Madam Speaker, I was on the committee when this matter was in the committee and, Madam Speaker, this has always been a complicated matter. In fact, there was a change of government. You hear this afternoon that it was passed by the UNC in 2014. I did not know that we had objected to the passage of this law. The House was grappling with this law for a long time and if it was so easy to proclaim it and bring it into being, why then was it not done on the initial passage? It was because Members of this House had realized that there were serious complications which had to be worked out before you proclaim the law to make it workable.

But today we are debating this amendment and you heard the most ridiculous statement from a Member of Parliament who obviously either is just thick in the head or he is just piling on the coals of misrepresentation. My
colleague from Oropouche West just said that we do not need to interfere with procurement for small purchases because it is already passed, it is there in the budget. So a line Item in the budget means the matter is dealt with. It does not have to be subject to top procurement process. We are here responding to the difficulties of the procurement process, not what is in the budget of a line Item, for heaven’s sake.

**Hon. Members:** [Desk thumping]

**Hon. Dr. K. Rowley:** We are here all afternoon, and at 9.35 in the night, the shadow, so-called, Minister of Finance will make a statement like that to the public, that: “The matters are already passed in the budget so the Government has some ulterior motive, so the Government should not ask”. Madam Speaker, that is precisely where the problem is. Persons in the House and outside of the House, when they go out there, are deliberately misrepresenting the situation and deliberately trying to fool and insight the public. That was a classic statement. It has gone pass foolish, it is wicked.

**Hon. Members:** [Desk thumping]

**Hon. Dr. K. Rowley:** Because they all know, Madam Speaker—

**Mr. Charles:** Standing Order—

**Hon. Dr. K. Rowley:** They all know—

**Mr. Charles:** Standing Order 48(6).

**Madam Speaker:** Overruled.

**Hon. Dr. K. Rowley:** They all know, Madam Speaker, that the issue is that the law as it exists now does not differentiate between “ah billion million bridge” and “ah box of donuts”.

**Hon. Member:** Correct.

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Hon. Dr. K. Rowley: The law does not differentiate between the building of a road and buying “ah pack of toner for ah photocopier”.

Madam Speaker, what we are seeking to do is to treat with those situations, where in an unforeseen circumstance you are required to not let the want of “ah nail cause a shoe to be lost and the loss of ah shoe cause ah horse to be lost and the loss of ah horse cause the war to be lost”. What they are asking us to do is to stand still while we go through a process which has, as its very nature, consuming time. Because, Madam Speaker, nobody has said in response to the Minister of Finance that in following the step by step of the law in its majority, in its totality, that it involves the fluxion of time.

So as you are complying with the law, you have to do so with time as a factor, but there are certain circumstances which may or may not be emergencies, which require that you have the ability to do something in a short space of time otherwise the consequences will be costly and avoidable. What is wrong with that, Madam Speaker? We have been doing that all along but as we proclaim the law, we will realize that there is this difficulty of the small purchase under a million dollars, and it could even be $10, it could be 100, it could be 100,000. And we are saying if you do not have the ability to be nimble in procuring at that level, you could end up with serious costly inconveniences.

I had to ask if my Member for Oropouche West was here when the Minister spoke because I could not believe he can get up here and say that the Minister of Finance has not explained why he did what he did. The Minister of Finance opened up with that. But you see, there is mention of elections. If there is anybody feeding into this for election, it is my colleagues on the other side, not us.

Hon. Members: [Desk thumping]
Hon. Dr. K. Rowley: When we first set about to try to proclaim this law many, many, many, many months ago, or years you could say, because every 12 months is a year, the first thing we had to do was set about to amend the law to avoid this kind of difficulty being discovered and after you discover it, you come and say, “There is the problem”. We discovered the difficulty before. That was the first time it became a public issue in this country that after the law was passed, that the law needed to be amended. It had to do with the Government deciding that it was not in the country’s best interest to have certain specialist kind of arrangements fixed in law that you cannot do it. So it was asking us to give a legal brief to the first lawyer who runs to the door.

Madam Speaker, people run behind ambulances to get the job to bury the dead. Lawyers running to the door, you do not take the first one that comes, there must be some other consideration when you hire a lawyer or doctor or even a dentist, and we said that should not be in the law. And it is not special to Trinidad and Tobago and our politicians. All over the world, there are precedents for that because it is reasonable. If you do not feel well, you want to be comfortable, you are choosing the best doctor for the situation. If you have a legal case, you want to know that you chose the best and you want that option to do that. Of course, they think everybody is “ah thief” and therefore, because we made that amendment, they created all kind of mayhem in the country.

On further examination of the law, as we proceeded towards proclamation, we received information, pointed out to the Minister of Finance by the regulator himself, asking for an amendment, saying to us, this law has a problem here because it is asking us in the regulator’s office to deal with disposal of property and we cannot be regulator and disposer at the same time so we have to amend the
law. Madam Speaker, it makes clear sense, it was discovered in the heap of the—we came back to the Parliament to—oh, man, we were beat up and down over that, accused the Government of all manner of evil.

My Cabinet colleagues will tell you that there was a very long period of time when the Regulations were being formulated by the regulator’s office. It was not the Government, you know. I was there asking the Cabinet when will this regulatory process come to an end so that we could proclaim it. Look they are all here, I am speaking in front of them. But out there in the country, my colleagues in the Parliament were telling people, “The Prime Minister and the Government does not want the law because they want to do as they please”. I am saying ever so often in the Cabinet, when will this process end, it is with the regulator. It eventually came and it was settled so, okay, we proceeded. And then, of course, you see other difficulties.

I could tell you, Madam Speaker, I could tell you directly it could have been that we could have delayed that proclamation a little bit further and come back to the Parliament and say there are a few points which we need to smooth out. But I had given the assurance to this country a little earlier on that the law will be proclaimed by the first quarter of 2023 because I always was behind Cabinet to get it done, but they were still looking at it, and “lawyer saying this and lawyer saying that”. Madam Speaker, I am not a lawyer but sometimes you get—it becomes tedious. I gave that assurance.

When March came and there was still concern, I insisted there is a demand to proclaim this law. It is being said that we are hiding from the controls of this law, we are going to proclaim and if it has to come back to the Parliament, we will but we will proclaim it as it is being demanded, and that is what the Cabinet did.
Hon. Members: [Desk thumping]

Hon. Dr. K. Rowley: At the time, when it was done, I said publicly and the Government said publicly that there would be need to make some adjustments here. What is the first thing that happened, Madam Speaker? I hear people who do not know or who even—the ones who know and talking and making those statements are the ones who I am worried about because they just decide to peddle untruths or just create mayhem. We had a situation where the law had just been proclaimed in April; April.

Mr. Imbert: 26th.

Hon. Dr. K. Rowley: 26th of April.

Mr. Imbert: 26th.

Hon. Dr. K. Rowley: Three weeks later, an election is called, and we are hearing in the debate here that we want to use X, Y, Z for election. It is my colleagues who are trying to create mayhem to make it look in the election season as though the Government is doing something wrong.

As a matter of fact, the proclamation that took place at the end of April, right, was a commitment given a long time ago but the calling of the election was forced in a way by the Privy Council decision, not that they ordered an election, but when the judgment came, the Government said, well, look, let us go with 90 days; 90 days and everybody knew election is due and then election season. They are not linked, they are not related. I do not know what is it that we are going to do between now and August 14th with the procurement legislation that had Members of Parliament saying, we want to abuse the legislation for election purposes. That is just so much hogwash.

But, Madam Speaker, you see, the Member for Oropouche West also said
that it is Government’s fault why in that said window there, as the new law is coming into effect, requiring pre-qualification for contracts, which eats up a lot of time; requiring registration in a repository, we are in the early stages with those requirements as a raison d’être, you have to do that before you can be dealt with. Nobody could do business with the State unless measure you out there.

9:45 p.m.

Madam Speaker, I know for a fact how much effort the Ministry of Finance made in trying to get the public, especially those who do business with the State, to pay attention to this law, and to be ready to use it. But, Madam Speaker, there are a lot of people who have reasons not to want to register, but they do business with the State. The Ministry of Finance put significant effort but you cannot force people to register, and you cannot force them to want to do business with the State. It is the other way around. If they have services and goods that the State needs, it is the State that has to literally coerce them to go and qualify to be able to do business because I need your service. But tonight, Oropouche West comes here and said it is the Government’s fault that people were not forced to register, and forced to put themselves in a corner.

**Mr. Imbert:** You cannot force them.

**Hon. Dr. K. Rowley:** I mean how could you? It is voluntary. It is voluntary, but of course you want to blame the Government for something, so you will blame the Government because only about 10 per cent of the business houses of the country have less than ten per cent of the business houses.

**Mr. Imbert:** Less than that. [Inaudible] 5 per cent.

**Hon. Dr. K. Rowley:** But you would not believe the clamour to proclaim the law came largely from the business sector. They are demanding, proclaim the law. In
fact there are certain voices from the private sector, one of whom I saw this morning on television, saying that the Government today is doing what happened in section 34, and the Parliament is being abused today. Madam Speaker, I want to say I resent that comment.

**Hon. Members:** [Desk thumping]

**Hon. Dr. K. Rowley:** It is the purveyors of section 34 who here playing that they are great guardians and custodians of the country's resources when in fact, in the context of that comment, it is my colleagues on the other side, Madam Speaker, who carried out the greatest deception in this country, with section 34. Today this is not deception, this is full parliamentary public views.

**Hon. Members:** [Desk thumping]

**Hon. Dr. K. Rowley:** Complete opposite. Complete opposite. Coming to the Parliament to say to the Parliament, we should not have inconveniences to spend $10 or $100, because we make the same arrangement as awarded in a billion dollar contract. We are here saying that the same thing that existed before to deal with this issue of wanting to be able to spend small amounts as and when required in emergencies or on other exigencies that you allow it to happen under the procurement legislation. Because before a Permanent Secretary had up to a billion dollars, today we are asking for the same million dollars but under the procurement legislation. What is so wrong with that? What is wrong you all?

**Hon. Members:** [Desk thumping]

**Hon. Dr. K. Rowley:** And that is all we are doing. You twist it, you turn it, you turn it upside down to confuse the public. We are saying that the procurement of a bridge, or a road, or an airport, yes you can spend months doing that and preparing to do that. But if you want to buy a box of anything in a company, or in a
Ministry, a toilet seat is broken, they tell you no. Take what? It is two months? Find out who is suppling it, let them prequalify. Come on man that is not what we are about. But all these accusations, these accusations, these accusations coming from the wrong people. I could say, Madam Speaker, without fear of contradiction, it is the level of corruption that the UNC carried out in this country that has this country so frightened for corruption.

Hon. Members: [Desk thumping]

Hon. Dr. K. Rowley: One term. One term between 2010 and 2015 behaviour of the UNC was so outrageous in so far as corruption was concerned that everybody now know about corruption, everybody is afraid of it, and everybody think every office holder is a thief. That is what happening in this country right now. And they are out there now, carrying on, misleading—and then what is worse, Madam Speaker, they get some help from some elements in the media.

The Opposition Leader came here today, a major part of her presentation was reading the editorial in the Guardian. One of the country’s main newspaper. And, you would think, Madam Speaker, that whoever is writing an editorial would know what they are talking about, because that is why it is called an editorial. Let me quote the end of the editorial, Madam Speaker, the summary of the editorial. I know it was quoted before but I crave your indulgence just to quote just the last three paragraphs. All feeding into the hysteria that the Opposition has been stirring up. It is—I am quoting here:

“It is sinister beyond belief that Cabinet should be seeking to remove from parliamentary scrutiny and debate the Minister's ability to add or remove from the ineligibility list.”

Madam Speaker, I want you to hear me so I want the silence from my colleagues
please. I want to quote it again, in silence.

"It is sinister beyond belief that Cabinet should be seeking to remove from parliamentary scrutiny and debate the Minister’s ability to add or to remove from the ineligibility list.”

Hon. Member: Rubbish.

Hon. Dr. K. Rowley:

“Clause 5 of the July 2023 amendments also empowers the Minister of Finance to not only act on the advice of the office of procurement, but also on his own.

That clause, then, would give a Minister of Finance the ability to use the ineligibility list to punish opponents of a ruling party and reward its friends and financiers.”

Madam Speaker, I hear from the other side “true, true”, trying to pretend that they do not know the difference between truth and untruth. Madam Speaker, what aspect of the Bill that is before us today, the amendments, has anything to do with the eligibility list?

Mrs. Robinson-Regis: Exactly.

Hon. Dr. K. Rowley: None. We have are not touching that section of the law. Yet it is said in an editorial that what we are doing here today will allow the Minister to do that.

Mr. Imbert: Add and remove people.

Hon. Dr. K. Rowley: To say with which contractor is on the list—

Mrs. Robinson-Regis: Exactly

Hon. Dr. K. Rowley:—and to take off who is there for punishment, and allow them to continue as though— How can an editorial say that, Madam Speaker,
when it is not even part of the proceedings of the House today? And you know something, Madam Speaker? Some of my colleagues are lawyers. The one form Siparia is a Senior Counsel, albeit self appointed; lawyer—

Hon. Member: Bartaria/San Juan.

Hon. Dr. K. Rowley:—Bartaria/San Juan, lawyer—

Mrs. Robinson-Regis: Chaguanas West.

Hon. Dr. K. Rowley:—Chaguanas West, lawyer—

Hon. Member: Rumour.

Hon. Dr. K. Rowley:—and others. So you have in this House, you have in this House a Senior Counsel, and a battery of other lawyers, officers of the court who know that this is not true. What the editorial says here is not true. It is not. No part of the amendment is seeking to amend eligibility of contractors on the list or off the list. But you know what they did? They come and quote the said editorial in support of the argument today. Dishonesty of the worst kind.

Hon. Members: [Desk thumping]

Hon. Dr. K. Rowley: Because one would think that if the non-lawyers in here made a mistake, there is no excuse for the lawyers in here to support what is in the editorial. They should be here to be able to say to the House that that is not true or it is a mistake but instead they quote it in support. Madam Speaker, that is the kind of dishonesty that is seasonal.

Mr. Imbert: Not seasonal with them anymore ‘nah’.

Hon. Dr. K. Rowley: Now, that is the kind of dishonesty that is now a tool—

Mr. Imbert: It is chronic.

Hon. Dr. K. Rowley:—misrepresented to the public, it does not matter how blatant it is, and cast aspersions and other people. That is what is going on. I think
the lawyers in this House who did that today should be ashamed.

**Hon. Members:** [Desk thumping]

**Hon. Member:** Where is Senior Counsel now?

**Hon. Dr. K. Rowley:** Madam Speaker, a few months ago, and it is not only—it is not only here, Madam Speaker, there is a tendency that is taking place now and you hear it over and over. Only today, only a few minutes ago before I came back into the Chamber, our colleague for Siparia was out there fuming at her mouth, jumping up and down saying that the Prime Minister should not have any contact with the security services of the country. But yet—

**Hon. Member:** What?

**Hon. Dr. K. Rowley:** But yet—

**Hon. Member:** [Inaudible]

**Hon. Dr. K. Rowley:** Yeah, true. Idiot that you are. Madam Speaker—

**Hon. Members:** [Crosstalk]

**Hon. Member:** He is an idiot.

**Hon. Dr. K. Rowley:** Madam Speaker, I withdraw.

**Madam Speaker:** Please.

**Hon. Dr. K. Rowley:** I withdraw.

**Hon. Member:** Madam Speaker, apologize.

**Hon. Dr. K. Rowley:** Madam Speaker, the Prime Minister is supposed to chair the National Security Council yet colleagues are saying he must have no contact with the security services either singly or collectively. So, on what basis would the Prime Minister carry out a Chairmanship of a National Security Council? If you cannot interact with them singly, is conspiracy, or collectively as a group, right?

And, Madam Speaker, I could tell you the experience—

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Hon. Dr. K. Rowley (cont’d)

9.55 p.m.

Mr. Charles: [Inaudible]

Hon. Dr. K. Rowley: I do not need any help from Naparima, Madam Speaker. I could tell you, Madam Speaker, in the context of procurement, in carrying out my duties as Head of the National Security Council, in learning from what is happening in the coast guard, a few months ago, senior coast guard officials reported to the Government that one of the problems they are facing with keeping vessels at sea is the fact that you require continuous maintenance, sometimes of small items, small purchases. And sometimes, out of a dedication to their duty, because there was no system and arrangement for them to spend on the spur of the moment on small items, sometimes they pay for it out of their pocket. And when it was enquired as to whether they did not have a float, like a petty cash to allow that this situation can be handled, so a vessel would not be kept; small or medium sized vessel would not be kept ashore, whether it is a ring, or a spring, or a screw or a small item. It was not there. And, Madam Speaker, you know what we did? In order to ensure that the officers have available the ability to spend small sums of money to keep vessels in the ocean, the Ministry of Finance was directed by the Cabinet to provide them with a credit card system up to a limit.

Right, like a petty cash imprest. Now the coast guard, for small purchases, can do it immediately, up to $100,000. Madam Speaker, that—

Mr. Charles: [Inaudible]

Hon. Dr. K. Rowley: Madam Speaker, I do not want to be provoked by Naparima.

Madam Speaker: So, Prime Minister, you have one minute left of ordinary speaking time. You have 15 more minutes after that, extended time, if you wish to avail yourself of it. Okay? Again, I have asked all Members to please comply
with Standing Order 53. And for the rest of the Sitting, if Members will stop the crosstalk. Prime Minister.

Hon. Dr. K. Rowley: Yes, Madam Speaker, what I was saying is that here was a situation where a problem of small intervention, if not dealt with could have serious larger consequences. And, therefore, to prevent that from happening, you do the commonsense thing and put something in place. And on the national scale, I am saying that this is what this is about. And we have thoroughly confused the population by all these accusations and all these sanctimonious defence of the public good, when all we need to say, whether you agree or do not agree, all we need to say to the public is that we are putting something in place in the major law of procurement to allow quick action facilitation of small purchases where the limit is put for those officers or departments who will do it, a million dollars.

So we now, having passed this as we would, is to take care of all those situations where small, frequent purchases, sometimes unannounced, will allow us to smoothly conduct public business without in fact endangering the loss of public procurement and its benefits. All this talk about gutting law and who does not want it and who wants to be dishonest, it is totally unnecessary and it is pure political theater; pure political theater. And pretending that you are so concerned about public money, you who raided the Treasury the way you did?

Hon. Members: [Desk thumping]

Hon. Dr. K. Rowley: Madam Speaker, I fully support the amendment to the legislation and I disagree that this is any disemboweling of the legislation. The power of the legislation will remain for the mass of our activities. We have already made some major exemptions and we stand by those exemptions, because they are commonsense exemptions. And this is the other end of scale when we say

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that departments will have flexibility to do it.

Madam Speaker, let me just flag something else here. It was not part of the debate but I want to flag it. Because of the behaviour of people in the political arena and some in the media, many of whom I am suspecting are not familiar with the legislation and just speaking out of emotion and causing disturbance. In this law, there are either implied or stated penalties for public servants who are involved in the management and operations of this law. The behaviour around this law is having the effect of scaring public servants away from having anything to do with it. And what that means is that when you behave the way you are behaving here now, especially those who are threatening, and threatening, and threatening, public servants are already taking the position, one, they do not want to be procurement officers.

The law called for designation of a procurement officer in each department. That is what the law calls for, that you designate public officers, procurement officers. I can tell you, Madam Speaker, we are already experiencing an unwillingness by those designated officers to say I do not want to be so designated. Then you go down to another level. In some departments you are now down almost to the doorman, and nobody wants it because they do not wish to face the personal liabilities and the threats that are implied there.

A month ago, I was talking to the Prime Minister of a Caribbean country that is well ahead of us. In fact, we used them when we were working on this law in committee. We had that country come to us with chief expert. I was present when the expert actually came and gave us insights of what is happening in their country and gave us ideas as to what should go into the law and so on. I enquired about a month and a half ago from my colleague there, how is that situation working in
Hon. Dr. K. Rowley (cont’d)

Jamaica, and I was told that everybody wants the procurement legislation as is here in Trinidad and Tobago. But what we have observed, Madam Speaker, because of what is happening with the public servants’ unwillingness or lack of enthusiasm to associate with the procurement process, that it has resulted in about a 25 or a 30 per cent reduction in efficiency in the public sector programme.

Madam Speaker, we in Trinidad and Tobago are on that track. They are already on that track. And it is not helped by the misrepresentation, the outright untruths, the threats and the emotional uninformed interventions, largely led by politicians for their own individual benefit.

Hon. Members: [Desk thumping]

Hon. Dr. K. Rowley: There is also a view that the law is a panacea for corruption. Madam Speaker, nothing is further from the truth. The law is a tool. What is happening now, Madam Speaker, is that a whole fleet of new known and unknown people are now responsible for procurement in the state sector. That is what it is. And heaven alone knows what is going to happen in that situation. We are on a road with a leap in the cloud. We will discover. We will learn as we go along.

But what is happening right now, we should stop pretending as though the perfection is being interfered with. It is not perfection. It is a work in progress. It is a work in progress. And that progress involves asking the Parliament today to make regulations to allow departments to make necessary small purchases frequently and account for it. Account for it. It will end up in front of this Parliament. If you want to move the Parliament for a debate to debate whether San Fernando Hospital should buy 10 bails toilet paper, come and debate it. You would be given a period of time to do that. But do not tell me that while you want to go to the bathroom, when there is no toilet paper, you must wait for days for the
process to kick in. It is all about time, Madam Speaker, and we are saying here for those small instances, where that time is going to cause serious inconvenience, that we have to trust somebody in this country. You have to trust somebody.

**Hon. Members:** [Desk thumping]

**Hon. Dr. K. Rowley:** I know some of them are not trustworthy at all but, Madam Speaker, you have to trust somebody.

Madam Speaker, I am not going to belabour this anymore. I am saying anybody who knows the operations of the State, with the public sector in supplying goods and services, especially in a period of transition, would know that this is reasonable, it is not frightening and it requires no doomsday emotion. Madam Speaker, I support everything that we put here today.

**Hon. Members:** [Desk thumping]

**Madam Speaker:** Minister of Finance.

**The Minister of Finance (Hon. Colm Imbert):** Thank you very much, Madam Speaker. Madam Speaker, listening to Members opposite, the contributions of Members opposite fall into two categories: one, blatant untruths; and two, shameful. Let me start with the contribution of the last Opposition speaker, the Member for Oropouche West, I believe he is.

The Member for Oropouche West made heavy weather of what he thought was a big point, the Hon. Member that is. He wanted to know why I broke the law. Now, Madam Speaker, what this debate has illustrated to me, Members opposite just do not read anything. They do not bother to read. They do not care to read. And even when they read and they know it is wrong, they misrepresent. Because what is in the law? What is in the law? In section 7 of the law, there is a reference to the making of orders under section 7(5), by affirmative resolution.

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But there are no orders to be made under section 7(5). So, Madam Speaker, I could not make them. Because of the error in the law, there cannot be an affirmative resolution of orders under 7(5), because 7(5) does not refer to exemptions. So what Members opposite do not understand, or some of them, perhaps they understand—

**Hon. Member:** [Inaudible]

**Hon. C. Imbert:** Madam Speaker—

**Madam Speaker:** So again, it is late. Any Member who cannot comply with the decorum, as I say, you are free to take a walk and come back when you feel you can. Okay?

**Hon. C. Imbert:** Thank you, Madam Speaker. I made the point at the beginning that as Minister of Finance I received written advice from the Legal Advisor to the Cabinet who advised me that under the law, as it currently stands, affirmative resolution was not required. But I go further to say that affirmative resolution was not possible. Because the law, as it currently stands, refers to orders made under section 7(5), with respect to exemption. Subsection (5) does not refer to exemption orders and, therefore, we could not, by affirmative resolution, make an order.

What hon. Members opposite do not understand, or they know and they wish to perpetuate untruths, is that the first thing we would have had to do, in order to make an order under affirmative resolution, was to come to the Parliament and amend the law to change 7(5) to 7(6). And that makes nonsense of the contribution from the Member for Siparia, because the Member for Siparia said, “Oh, they had time, we had sittings”. Madam Speaker, the first thing we would have to do is to convene the Parliament to change the law, the parent Act, and change 7(5) to 7(6); have a whole debate to change a “5” to a “6”.

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Both Houses of Parliament. And having done that, then the law would be correct and then we come back to Parliament and have another debate, both Houses of Parliament, to make orders by affirmative resolution. That makes nonsense of the contribution of the Member for Siparia that we had lots of time, because we would have had to come here twice—twice to change a “(5)” to a “(6)” in the parent Act and then come back for the affirmative orders.

But the Member for Oropouche West stands out on his own. The hon. Member stands in the category of shameful because in attempting to make a relevant contribution, which was difficult for the hon. Member, this is what he said, “They want to wave the requirements of the procurement Act, they are looking to divest the Petrotrin refinery, Trincity Mall and CARIDOC”. Figments of his imagination.

However, what the Member for Oropouche West demonstrated was complete ignorance of the law. And that is why I say, some of them do not read, some of them cannot read, some of them read and then perpetuate untruths. Because, Madam Speaker, if the hon. Member had bothered, or if he understood what is in the section of the law that refers to divestment of property, which is section 57A, the very section that the hon. Prime Minister spoke about, that the Regulator came to us as Government and said, “Amend the law, I recommend you amend the law because I cannot be the disposer of property and also the regulator of the disposal of property”—so we came to this Parliament and hon. Members on the opposite side voted with their eyes wide open to amend the law. They voted, they did not object, and that is what the law currently says with respect to the disposal of property. It says:

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“Notwithstanding the State Lands Act and any other written law to the contrary…”

The Minister may make regulations in respect of:

“(a) State Lands;
(b) real property owned by the Government;”

And:

“(c) real property owned by…”—state-controlled enterprises.

And it goes on to say this, surprise, surprise, regulations made under this section shall be subject to negative resolution of Parliament.

So the law already says that if we want to dispose of the Petrotrin refinery, the Minister can make regulations for that subject to negative resolution of Parliament. That is already in the law. So the entire contribution of Oropouche West was nonsense, just like the premise from the Member for Siparia that we could easily have come here and done the affirmative orders. We could not. We had to correct the error in the law first.

Dr. Rowley: [Inaudible]

Hon. C. Imbert: Exactly. So, Madam Speaker, that is why I say the contribution opposite fitted into two categories: blatant untruths or just shameful ignorance. And it is just like this inheritance tax thing, if I digress, as an example of blatant untruth. There is a culture of untruths in this country.

Mr. Young: Only on that side.

Hon. C. Imbert: The Member for Siparia is all over the country talking about a fictional inheritance tax, in the same way—in the same way that the Member for Siparia came in this Parliament and read out that foolish editorial from the Guardian.
Hon. Members: [Desk thumping]

Hon. C. Imbert: The Member for Siparia is a purported senior counsel; purported senior counsel—

Mr. Hinds: From the cookie jar.

Hon. C. Imbert:—but made sure, as the hon. Member completed her contribution—

Hon. Member: [ Interruption]

Hon. C. Imbert: Madam Speaker—

Mr. Hinds: Ram ram.

Madam Speaker: I think it is happening on your side too, eh. So, Members, please.

Hon. C. Imbert: Madam Speaker, they are truants in here, Member for Barataria/San Juan, Member for Naparima, Member for Couva South. You cannot talk without them grumbling and mumbling.

Ms. Ameen: Diego West, Port of Spain North, call their names too.

Madam Speaker: So—

Hon. C. Imbert: Classic.

Madam Speaker:—please. All right? You have just joined us here, maybe you have missed the ground rules. All right? Maybe you have missed the ground rules. And if you are saying you were here and you did not miss the ground rules, it means that you are deliberately disobeying them. Continue, Minister of Finance.

Hon. C. Imbert: Thank you. Madam Speaker, what is in that editorial that the Member for Siparia found so attractive? It was these words. The hon. Member for Siparia made sure, before she took her seat, to utter these words, to repeat these words of the editorial:
“It is sinister beyond belief that Cabinet should be seeking to remove from parliamentary scrutiny…”

Mr. Hinds: Wow.

Hon. C. Imbert:

“…and debate the minister’s ability to add or remove from the ineligibility list.
Clause 5 of the July 2023 amendments also empowers the Minister of Finance to not only act on the advice of the Office of Procurement Regulation but at his own discretion.
That clause, then…”

And the Member for Siparia made sure to repeat this verbatim:

“That clause, then, would give a Minister of Finance the ability to use the ineligibility list to punish opponents of a ruling party and reward its friends and financiers.”

Nonsense. Absolute nonsense. I can understand an editorial writer for whatever reason, out of ignorance, somebody told them and they did not pay attention, mischief—who knows what motivates an editorial writer to write that level of nonsense, but this is what is in the law, Madam Speaker. In the law it states:

“(1) The Office shall be responsible for preparing and maintaining an ineligibility list”—the office, not the Minister—“in accordance with this section.”

(2) The Office”—not the Minister—“may add a supplier or contractor to the ineligibility list where the supplier or contractor—

(a) consistently fails to provide satisfactory performance;
(b) is found to be indulging in corrupt or fraudulent practices; or
(c) is convicted of an offence under this Act.”

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“It ha no Minister in dat section”. The Minister is not mentioned at all; at all. And worse, Madam Speaker, with the question of regulations to govern what the office will do—

Mr. Hinds: “Silk fig say that”?

Hon. C. Imbert:—the law says that these Regulations shall be made on the advice of the office. So not only can the Minister not add or remove suppliers and contractors from the ineligibility list—the Minister “cyah” do that because it is not in the law—but in terms of regulations to say how the office will do this, the Minister has no say in the matter. The Minister has to act on the advice of the office.

In fact, the Minister is just a rubber stamp in this process of making regulations, but the power to add or remove rests with the office and the office alone.

Mr. Hinds: “Silk fig say that”.

Hon. C. Imbert: It is not being touched. So this Bill does not give any Minister any power to add or remove anybody from any list, to punish anybody, to reward anybody, and not friends and financiers. It is rubbish. And now, it is all very well for an editorial writer to write this rubbish because they do not know what they are doing or somebody prompted them to write this rubbish, but for a senior counsel—

Mr. Hinds: Self-appointed.

Hon. C. Imbert:—aided and abetted by junior counsel— they have three of them in here; three junior counsels, one senior counsel—knowing that this is not true, knowing that the Act says it is the office that adds or remove, not the Minister—

Hon. Members: [Desk thumping]

Hon. C. Imbert:—knowing that the Bill does not give the Minister power to
interfere with the list, to repeat that as a big point in the crescendo to her contribution is just a culture of untruths.

Hon. Members: [Desk thumping]

Hon. C. Imbert: You repeat untruths long enough, that is the classic Goebbels Hitlerian tactic, the big lie, you say the untruth. So that is just a definition of that technique, Madam Speaker.

Madam Speaker: You know we have certain rules here, all right? So withdraw that.

Hon. C. Imbert: [Inaudible]

Madam Speaker: Yes, please.

Hon. C. Imbert: I am afraid I will have to amend what is in the books and call it the big untruth, although that is not what it is. But in Nazi Germany they had this theory, if you repeat an untruth often enough, however prosperous it is, by sheer repetition it will sink in and people will believe it. That is this foolishness about inheritance tax. Foolishness.

Mr. Hinds: Yes.

Hon. C. Imbert: Foolishness.

Mr. Hinds: And still saying it.

Hon. C. Imbert: So, Madam Speaker, as I said, a newspaper could write what they want, but for a senior counsel to repeat something that is patently wrong is just perpetuating untruths.

Mr. Hinds: “Dat eh no silk, dais silk fig”.

Hon. C. Imbert: Now, the other thing that I think is very, very important here—because I notice senior and junior counsel on the Opposition Bench made this mistake as well, whether it was deliberate, or whether it was unintentional, I do not
know, but it is a shameful mistake. It is trite law that a subsidiary legislation cannot override the provisions of a parent Act. That is trite law; trite.

Hon. Members: [Desk thumping]

Hon. C. Imbert: Regulations, et cetera, cannot change the meaning, effect, import of a parent Act; cannot. The Member for Siparia, in attempting to justify the Opposition’s—

Hon. Members: [Interruption]

Hon. C. Imbert: Madam Speaker, look, you may think, Madam Speaker——this is ridiculous.

Madam Speaker: All right. You know, so for the entire day we have been doing this over and over. All right? So, again, I appeal to you all, we do not have much longer here, so let us try, in silence, low tones, to allow the Minister to finish his contribution. Minister, I know the walls are very sensitive today.

Hon. C. Imbert: Thank you, Madam Speaker. The Member for Siparia attempted to justify their unjustifiable opposition to this Bill by reading out various parts of regulations and saying, “Oh, you could establish thresholds and use this part of the Regulations and use that part of the Regulations”. But the senior counsel, who is the Member for Siparia, must know that regulations cannot supersede the parent Act.

Mr. Hinds: [Inaudible]

Hon. C. Imbert: My colleague——

Madam Speaker: Just now, Member for Laventille West, even you will be disturbing the Minister of Finance. Okay? Minister of Finance.

Hon. C. Imbert: My colleague for Lopinot/Bon Air made the point that even if you have an emergency—and it is very difficult under this legislation to define
what an emergency is. In fact, the first emergency that would be used, they will run to the court, as my colleague from Port of Spain North/St. Ann’s West said, with Mr. Balgobin, and ask for a judicial interpretation as to what is an emergency. You could bet your bottom dollar, Madam Speaker, that that problem that we had with the island-wide outage of electricity, when that tree fell down in Gandhi Village and disrupted electricity in the whole country for a day, they would find a way to make an argument to the court. I am not saying that the court will accept it, they just waste people time, but they would find a way to make an argument that that was not an emergency.

They would find a way to make an argument that that pipeline that burst up by the treatment plant and disrupted water in Port of Spain for three/four days was not an emergency—they will find a way. They will want to go to the court and argue that. But even if one were to have—

Hon. Member: [ Interruption ]

Hon. C. Imbert: Even if one were to have consensus on what is an emergency, what the Member for Siparia omitted to tell us or maybe does not know—I “doh” know what is the problem. I “doh” know if it is just a culture of untruths or it is just ignorance, I “doh” know. But even if something is defined as an emergency, so you do not have to go through the process of competitive tendering, you still have the requirement to register, you still have the requirement to prequalify, you still have the introduction of the Procurement and Disposal Advisory Committee, you still have the standstill period and so on. All of that you still have inside of there. So even if you remove the requirement for competitive tendering, it is still taking you a month to six weeks using the current law as it now stands.

You see, I heard this in another place, you know. I had a discussion with
some other people about the legislation and they said, “But why you doh use this Regulation 4 and Regulation 10?” And I had to explained to them, very patiently, the Regulations do not supersede the parent law. The parent law requires registration and prequalification.

And the Member for Lopinot/Bon Air made a point. They do not have that in Jamaica, you know. In Jamaica, all you require is registration not prequalification, because they understand that once you introduce layers and layers of bureaucracy within your procurement system, all you are going to do is grind everything to a halt, Madam Speaker.

10.25 p.m.

And I want to make a signal. I have already had discussions with the office about this. And that is something that we will have to look at as a Parliament—

Hon. Members: [Desk thumping]

Hon. C. Imbert:—whether you bring in—whether you have to combine registration and prequalification within the depository before somebody can be invited to tender. Because if you go to—it is not done in Jamaica. In Jamaica they waive the requirement for prequalification. That is the public body to do that and then a complaint can be made, an enquiry can be held, an award can be nullified, reversed, et cetera, but they do not bring that all together, but it just does not work.

But Madam Speaker, what I find interesting in all of this, the Member for Siparia made a point, the hon. Member was— No the hon. Member was reading a prepared speech. The Member has a habit of doing that. Somebody prepares a speech for the hon. Member, the speech makes no sense, it is illogical, it is invalid, it is null and void, but the hon. Member reads the speech. So, I made a point today. I read from a letter in the newspaper that said that:

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This contention that we had 50 years to plan the 50th Anniversary was laughable because adjustments were made in the Heads of Government Meeting in Bahamas to have the event in Trinidad.

I subsequently have learnt—

**Mr. Young:** Dominica.

**Hon. C. Imbert:**—is Dominica. No, I have subsequently have learnt that what really happened is that the incoming Chairman of Caricom made a request of Trinidad and Tobago to make all the events one event, the Heads of Government Meeting the 50th Anniversary, have all of them held in Trinidad. That required the approval of the outgoing Head of Caricom and all of that did not occur until May of 2023. So it was only in May of 2023 that it was determined that the Caricom Heads of Government Meeting, and the 50th Anniversary of Caricom would be held in Trinidad and Tobago. That decision was made in May, not 50 years ago. So I made this point. And the letter writer made the point it is laughable because the venue moved from Dominica to Trinidad just a couple of months ago—

**Dr. Rowley:** [Inaudible]

**Hon. C. Imbert:** Yeah. And therefore, it is absurd to say they had 50 years. The hon. Member for Siparia had a statement in her speech that you know, the Member for Diego Martin North/East is not speaking the truth, because they had endless time to prepare. That was in the speech. After I made the point that we only had a couple months, a couple of weeks actually to deal with this thing, the hon. Member still read the same speech.

**Mr. Young:** Well she is incapable.

**Hon. C. Imbert:** So that is a culture inside of here. It is just perpetuate untruth, send it out into the public domain, keep repeating it, untruth on top of untruth, on
top of untruth, a whole barrage of untruths, hoping that people will listen and believe. But let me come back to this thing. When the Caricom Heads of Government Meeting was combined with the 50th Anniversary celebration, and since the Summit of Americas in Los Angeles, Caricom has begun to move as a united body. Contrary to the allegations of the Member for Siparia, Caricom is now moving together as one in many things.

In that Summit of Americas, the world began to recognize that Caricom is now moving as a united body in terms of many—the way it deals with many things. So that the combination of the Caricom Heads of Government Meeting and the 50th Anniversary in Trinidad then created an event that had much more stature than either one of them on their own. And this is why you had the introduction of the congressional delegation, the US Secretary of State, the UN Secretary General, the President of Rwanda, the Prime Minister of South Korea, and so on, because they began to look at Caricom in a different way.

So in Trinidad, you having Heads of the Government Meeting, 50th Anniversary of Caricom, and all of these foreign officials began to confirm their attendance. Some of the attendance was only confirmed mere days before the event, mere days. And it would have been highly irresponsible, highly irresponsible, of this administration not to accept the offers of attendance and confirmations of attendance by all of these distinguished personalities, making this a very high profile, diplomatic event of high stature for enhancing the image of diplomacy in Trinidad and Tobago.

**Hon. Members:** [Desk thumping]
Hon. C. Imbert: But yet, you hear the honourable men on the other side, the honourable men and women on the other side, honourable gentlemen and ladies, saying they had 50 years to plan for this thing.

So, Madam Speaker, now let me come to some of the commentary made by the speakers on the other side. Let me deal with them one by one. Let me start with the Member—the other points made by the Member for Siparia. The Member for Siparia, pooh-poohed the concept of Caribbean States agreeing to the—

Hon. Members: [Crosstalk]

Madam Speaker: If I think I heard the word right, I think that word is unparliamentary so I think—all right. So if you could withdraw that word, I am sure you could find another word.

Hon. C. Imbert: Madam Speaker, that is a perfectly acceptable English word, but it is okay. The Member for Siparia ridiculed the idea of Caricom countries agreeing with the protocol on procurement. But for the information of hon. Members and the general public, so far Antigua and Barbuda, Barbados, and Belize have signed on to the protocol of procurement, the Caricom model so far. So that is an answer to that.

The Member for Siparia also complained about the Bill, because it refers to all statutory instruments that were purported to have been made with respect to section 7 of the Act. But Madam Speaker, a statutory instrument does not have legal effect unless it is published in the Gazette. And a senior counsel must know that.

Dr. Rowley: Not that one for what purpose.

Mr. Young: Under the Interpretation Act.

Hon. C. Imbert:—a senior counsel must know—
Dr. Rowley: “Dat is wah you feel.”

Hon. C. Imbert:—that a legal notice does not have effect unless it is published in the Gazette. And why is it published in the Gazette? So the public will know that a legal notice has been published, Madam Speaker, and therefore, there cannot be any secret or hidden legal notices. It could only be those notices that have been published in the Gazette that we are seeking to validate, which is 206 and the other one of 2023. So that too was a nonpoint coming from the Member for Siparia.

The other untruth was that after an Order is published in the Gazette, the Opposition has to wait 40 days before they could move a Motion to nullify it. That is a blatant untruth. That is not what the law says, Madam Speaker. The law says that a Motion to negative a statutory instrument must be made within the prescribed period. It is a maximum of 40 days they have—

Mr. Young: Correct.

Hon. C. Imbert:—but the Member for Siparia could come the next day, and file a Motion in the Parliament to nullify an Order made by negative resolution by the Minister of Finance; the next day. That is what the Interpretation Act says. It does not say you have to wait for 40 days. So this mythology that you have to wait 40 days, and during that 40 days all kinds of mischief going on and it is only after that you could—that is simply untrue.

Madam Speaker: So Minister of Finance, you have two more minutes of ordinary time. You have 15 more minutes available to you to wind up your presentation if you wish. So—

Hon. C. Imbert: Thank you very much. I will take all 17, Madam Speaker.

Madam Speaker: You may proceed.
Hon. C. Imbert: All 17. So, Madam Speaker, it is just patently untrue for the Member for Siparia to try and pretend that with this instrument, with this mechanism of negative resolution, the Government can hide and do all kinds of wickedness in a 40-day period, and it is only after that 40-day period is over that the Opposition can move a Motion or lay a Motion to nullify it. Nonsense. You could do it the next day. You have 40 days within which to bring a Motion to nullify.

With respect to the regulations I spoke about as well, the hon. Member for Siparia tried to tell us that single source procurement could be used and that would solve the problem. Not true. All single source procurement does is that it removes the competitive bidding process. It means you can go to one supplier. But hear this the Member for Siparia did not read out the other parts of the regulation that deal with single source. You know what qualifies single source procurement? The person must have supplied goods to you within the last 12 months. They must have performed satisfactorily. No benefit would be obtained by going out into the public for competitive tendering. [Laughs]. So that, Madam Speaker, if you have a problem, and there is no contractor that you have contracted with within the last 12 months to do a particular thing, and a matter arises, you cannot use single source procurement. It applies only to somebody who you already had a contract with, it is in its essence a continuation of an existing contract with an existing supplier for a particular thing within 12 months of the period. It completely confines you to existing suppliers. You cannot go into the market and find somebody to deal with an emergency or a problem. A complete misunderstanding of the law, Madam Speaker.

Hon. Member: [Inaudible]
Dr. Rowley: “Yuh crazy?”

Hon. Members: [Crosstalk]

Hon. C. Imbert: And the last point that I need to debunk with respect to the Member for Siparia, is this concept that subsidiary legislation could trump or override the parent Act, cannot. So even if the regulation mentioned thresholds, those thresholds do not remove the requirement for prequalification registration, standby period, PDAC, et cetera, et cetera. So that is the Member for Siparia. There was not a single point the Member for Siparia said that was valid or made sense. Let me go now—

Dr. Rowley: [Inaudible] she took charge of her rubbish.

Hon. C. Imbert: [Laughs] Let me go now to the junior council from Barataria, the hon. Member for by Barataria/San Juan.

Dr. Rowley: Corduroy, the little boy.

Mr. Young: The most senior MP on your side [Inaudible] a little boy.

Hon. C. Imbert: I did not say that. I did not say that.

Mr. Young: With a curl, the little girl.

Hon. C. Imbert: The Member of Barataria/San Juan repeated the egregious untruth about negative resolution that you have to wait 40 days before you could file a Motion to annul the Order. Same thing, repeated what his leader said, Madam Speaker.

Mr. Young: They did not read Standing Order 18.

Hon. C. Imbert: The Member for Barataria/San Juan also repeated the nonsense about single source for emergencies, repeated it. I have my notes. Just—I would say that was tedious repetition of the Member for Siparia and tedious repetition of
nonsense. And that is all the Member for Barataria/San Juan did, is simply regurgitate the nonsense uttered by the Member for Siparia.

Mr. Young: Like he wrote Siparia speech.

Hon. C. Imbert: That is probably why. Let us go now to the Member for Point-a-Pierre. The Member for Point-a-Pierre wanted to know why are we changing this thing from “affirmative” to “negative?” That was made very clear in my presentation, Madam Speaker. Madam Speaker, come on, talk to Naparima for me please.

Madam Speaker: Naparima has recognized and he will comply from here on.

10.40 p.m.

Hon. C. Imbert: Madam Speaker, you are very generous and hopeful. One second later he will be grumbling and mumbling, but let us move on. The Member for Pointe-a-Pierre wanted to know why we are changing it to negative resolution, as if I did not spend about half an hour talking about that. I made it crystal clear that all the other countries in the world, with a few exceptions, use negative resolution. In Australia the Minister of Finance can make amendments to the procurement regulations by statutory instrument and then the Australian Parliament can move a Motion to annul the statutory instrument, just identical to what we are trying to do here; that is Australia, an advanced economy. What else did the Member for Pointe-a-Pierre have to say? That you do not need to use negative resolution. Madam Speaker, the reason why other countries do it, the reason why Australia does it, the reason why New Zealand does it is because these things are time sensitive. You cannot come to the Parliament every day because you want to amend the Regulations to deal with a simple problem that can have far-reaching implications. The other countries have recognized. They do not waste
parliamentary time with that. That is why you go through the process of the
Minister publishing an Order and then giving the Parliament an opportunity if they
think the Order is a bad Order to file a Motion to annul it and then you have a full
parliamentary debate, which is what our system is. That is why those other
countries do it.

There was not really much else that the hon. Member for Pointe-a-Pierre
said, except to repeat the nonsense that clause 4 of the Bill “guts” the whole Act.
So let us see what clause 4 says. Clause 4 says that:

“Subject to regulations made under section 63, the procurement of goods
and services up to one million dollars are exempt from the procurement
requirements under this Act.’.”

That “guts” the whole Act? So we are reintroducing a system that has been
enforced in Trinidad and Tobago for 60 years. Thresholds under which simplified
procurement rules will apply, because we are not saying it is not subject to
regulation, we are saying it is. So the Minister of Finance will have to come to the
Parliament and deal with regulations that would govern procurement under $1
million. How could that “gut” the Act, Madam Speaker? How does that “gut” the
procurement depository for items above $1 million? How does it “gut” the
requirement for a pre-qualification? How does it “gut” the powers of the regulator
to vary, amend, overturn, investigate contract awards? It is just hyperbole in the
extreme. Let me move on because the Member for Pointe-a-Pierre made no other
point.

The Member for Couva South. “The Bill does not meet the objectives of the
Act”. The objectives of the Act—ah-ha—value for money, transparency in
procurement; those are the objectives of the Act. If something is subject to
negative resolution, if it must be published in the *Gazette*, if a Member of the Opposition can move a Motion to annul it, how is that not transparency? What is that? And I have made the point that “the Opposition can come the next day after it is published in the *Gazette* and move a Motion to annul the Order”. So this was just like more hyperbole again, more hyperbole.

What else did the Member for Couva South say? That foreign dignitaries would not have attended if they knew the law was broken. I have made the point, the law did not allow for an Order by affirmative resolution. The law did not allow it. We would have had to change the law to have affirmative resolution. You really think that the Secretary of State, United States, the UN Secretary General, have to worry with that level of foolishness, Madam Speaker? They would not come because the Member for Couva South “say that de Minister of Finance break the law?"

**Hon. Members:** [Desk thumping]

**Hon. C. Imbert:** The Secretary of State will cancel the trip? [Laughter] That is what he “go” do, and tell President Biden, “I aint going again because the Minister of Finance break the law because the Member for Couva South say so”? That the President of Rwanda will turn around in his jet “because he find out”, or the Member for Couva South “say de Minister of Finance break the law”? Preposterous! This is what I have to listen to in this Parliament? Ridiculous. Ridiculous. Ridiculous. And then the Member for Couva South repeats the nonsense uttered by the Member for Siparia, and the junior counsel from Barataria, that we could use the Regulations to lower the threshold and reduce the limits and wave all the requirements of the Act; utter rubbish. And they are lawyers, you know. They say they are lawyers.
Let us go to the next one, another lawyer. I do not even know what constituency this is; I think it is Chaguanas West.

**Dr. Rowley:** Lawyer again. Another lawyer.

**Hon. C. Imbert:** Lawyer again. This particular lawyer says, “It is ah good thing; this is ah good thing that a pre-occurring entity must ensure that suppliers and contractors have the legal capacity to enter into procurement and not insolvent, have not been convicted, have fulfilled their obligations to pay all required taxes, have the necessary professional and technical qualification”.

The Member for Port of Spain North/St. Ann’s West made the point that Permanent Secretaries are now confused. You want to buy a box of juice from Massy, you want to buy meals from Town Restaurant, you have to go and check and see whether they have the legal, technical capacity and the human resources capable to make that food to supply it to the Parliament. In fact, I understand we are not getting dinner tonight because of the procurement regulations. I was told that.

**Hon. Members:** [Desk thumping]

**Mr. Hosein:** So how we get lunch?

**Hon. Members:** [Laughter]

**Hon. C. Imbert:** I think you better file a Motion in the court. The point is—

**Hon. Members:** [Crosstalk]

**Hon. C. Imbert:** Madam Speaker, what is this cacophony all about?

**Madam Speaker:** You realize that you are creating it.

**Hon. Members:** [Laughter]

**Madam Speaker:** You realize that you are creating it, okay? So maybe you can control it.
Hon. C. Imbert: Madam Speaker, in law there is something called strict liability. It is strict liability of Members opposite to keep silent when another Member is talking, no matter what. So anyway, let us move on. What else did the lawyer from Chaguanas West have to say? The lawyer from Chaguanas West also repeated the falsehood that Regulation 14 can be used to do the procurement. It is a falsehood. Regulation 14 does not supersede the requirements in the parent law for registration pre-qualification, PDAC, et cetera, et cetera, et cetera. I “doh” know who they think they are trying to fool, Madam Speaker; I really do not; and these are lawyers, you know.

There is nothing else I could say about the contribution from the Member for Chaguanas West, except that it was just a continuation of that strategy of telling untruths often enough in the hope that they will sink in; misrepresentation, a culture of untruths by this foolishness about inheritance tax. That is a blatant untruth but they are repeating it over and over and over and putting out newspaper ads. There is no discussion. There is no document. There is nothing. No—

Mr. Hosein: Madam Speaker, I think I have to rise on Standing Order 48(1), relevance. Inheritance tax has nothing to do with this Bill.

Hon. Member: What?

Hon. Member: Yes.

Hon. Members: [Crosstalk]

Madam Speaker: Minister of Finance, please continue.

Hon. C. Imbert: Thank you, Madam Speaker. I wonder if there is a Standing Order to rule irrelevant Standing Order objections. So, Madam Speaker, the whole point is amendments have been circulated. We have been having meetings with the persons who are going to be most profoundly affected by this legislation.
These are the small and medium business enterprises, the thousands of suppliers to the Government. I would say, based on our records, there must be at least 30,000 to 40,000 traditional suppliers to the Government and to statutory authorities and state enterprises. At least 30,000 to 40,000, there could be more, and right now only 860 have been registered and pre-qualified, Madam Speaker. So that when the hon. Prime Minister said that maybe only 10 per cent of eligible traditional business, it is not that. It could be 3 or 4 per cent.

If you have 30,000 suppliers and less than 1,000 have been able to pre-qualify, that means it is only 3 per cent of traditional suppliers to the Government who have been able to go through the required regulations and the strictures, leaving out a whole army of small and medium businesses. And it does not just affect small and medium, it affects everyone. Massy is not a big—it is not a small or medium enterprise, but they were not registered or pre-qualified when this Act—after this Act was proclaimed, Madam Speaker. It would be foolish in the extreme of the Government to listen to the barrage of untruths and propaganda coming from the Opposition. It would be foolish in the extreme for the Government to allow the noise coming from the Opposition, the falsehoods, the untruths, the obstructionism, to grind this country to a halt and to disadvantage thousands and thousands of little businessmen and small people in this country who, for one reason or another, cannot qualify under this law to provide goods and services, and that is why we want this threshold. There is a threshold all over the world, and that is why we want it, to help the little people, to help the small business, and with that, I beg to move, Madam Speaker.

**Hon. Members:** [Desk thumping]

*Question put and agreed to.*

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Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3.

Question proposed: That clause 3 stand part of the Bill.

Madam Chairman: Minister of Finance.

“Delete and replace with the following:

‘Section 3. Section 7 of the Act is amended—
(a) in subsection (6) by deleting paragraph (e) and substituting the following:
‘(e) such other services as the Minister may, on the recommendation of the Office or upon the initiative of the Minister in consultation with the Office, by Order, determine.’;
(b) in subsection (7) by—
(i) deleting the words ‘(5)’ and substituting the words ‘(6)’; and
(ii) deleting the word ‘affirmative’ and substituting the word ‘negative’.”

Mr. Imbert: Madam Speaker, I beg to move that clause 3 be amended as circulated. And what we are doing here is that we are understanding— We as a Government are understanding the issues, the concerns that have been ventilated in the society by reasonable people, and we feel that we can amend this particular...
clause so that the Minister would not have absolute discretion to amend the Regulations, but would do so on the recommendation of the Office of Procurement Regulation or on his own initiative after consultation with the office.

10.55 p.m.

We feel that is an appropriate balance, bearing in mind the fact that this is brand new legislation, and this is the purpose of this amendment. But this would also convert affirmative to negative with these circumstances, so the Minister would be not acting unilaterally.

Madam Chairman: So I will take Member for Naparima and then, Member for Barataria/San Juan. Member for Naparima.

Mr. Charles: Given that the Minister, in his infinite wisdom, after listening to the Opposition, has decided that it is necessary to circumscribe the discretion of the Minister, may I suggest an amendment to section 7(6)(e), “such other services as the Minister shall”—instead of “may”—“on the recommendation of the Office or upon the initiative of the Minister in consultation with the Office, by Order, determine”. So I am suggesting you change “may” to “shall” to give it that level of definitiveness in terms of the consultative process.

Madam Chairman: Minister of Finance.

Mr. Imbert: You see, Madam Chair, it is really something that is being initiated by two entities, the Office of Procurement Regulation and the Minister in consultation with the Office. There is no need to say “shall”. “May” is softer than “shall”. Why would you want to put a hard word like “shall” in there?

Mr. Charles: I would like to make it that he must, in a sense, consult—
Mr. Imbert: No, no, no, no, no, no.

Mr. Charles:—or act on the recommendation of the Office.

Mr. Imbert: I think that is a misunderstanding of the language. The “may” refers to the Minister getting involved in the process.

Mr. Charles: And “shall” puts a certain onus on him so to do.

Mr. Imbert: It does not deal with what is in the Order. It deals with the actions of the Minister to get involved in the process. It does not mean—

Mr. Charles: You have the majority—[Inaudible]

Mr. Imbert: No, well, I am listening to senior counsel at my left, and I accept the advice from the senior counsel at my left. Okay? So I would like to leave it as “may”. It is softer than “shall”.

Madam Chairman: Member for Barataria/San Juan.

Mr. Hosein: Thank you very much, Madam Chair. Minister, I am at the clause that amends 7(e) of the Act, and there are two triggers now for the Minister to make an order to exempt services. The first we are seeing is on the recommendation of the Office of the Procurement Regulation, or upon the initiative of the Minister in consultation with the Office. I am focusing on the latter one, Minister.

If the Minister writes to the Office of the Procurement Regulation consulting to exempt a particular service, and the OPR says they are not in agreement with the Minister, what is the position then with respect to the promulgation of that Order to exempt a particular service?

Mr. Imbert: It would be as it is written, that after the consultation, if the Minister
is of the view that the Order should proceed, it will proceed by way of negative resolution and be dealt with in accordance with the rules dealing with negative resolution. I wish to make the point, I do not want to leave this hanging, that in all other countries where you have negative resolution for the making of regulations, there is no requirement for consultation with the procurement office or for a recommendation from the office.

I read out the Australian statute, where the Finance Minister in Australia can simply make an order, and then it goes through the process of annulment if somebody manages to file a motion and get the necessary majority to annul it. So in other countries, it is far more extreme than this. This now brings in the procurement office into the process, which does not occur in other countries. So it is our intention to seek approval of these words in consultation with respect to that second part.

**Mr. Hosein:** So basically even if the Office of Procurement Regulation does not agree with the Minister’s recommendation, or he has any changes, and the Minister does not agree, the Minister can still act on his own initiative to exempt the services?

**Mr. Imbert:** [Inaudible]—then go ahead and publish the Order, which will be subject to negative resolution. I may point out that these words appear in numerous pieces of legislation, for example, where the President is required to consult with the Prime Minister and the Leader of the Opposition.

**Mr. Hosein:** And in those circumstances the President can ignore either the Prime Minister and the Leader of the Opposition and act on their own initiative.
Mr. Imbert: I think the meaning of these words is clear.

Mr. Al-Rawi: Hon. Minister, Madam Chairman, if I may, the example given by Barataria/San Juan just now has constitutional grounding under section 80. But what Minister Imbert, Minister of Finance, is pointing out, the consultative route, remember that the OPR is an independent entity, so after consultation there is upfront knowledge. The OPR is aware there are conditions precedent and reports that have to happen. There is nothing on the record per se that would stop an OPR who disagrees with the Minister from taking another step. It may be unprecedented, but the law specifically says it binds the State, and the OPR is independent and free. So the approach for consultation is a hugely important one because the Minister is putting whatever it is the Minister may, in his discretion, consider before the OPR for the consultative process, before coming to Parliament.

Madam Chairman: So the question is that clause 3 be amended as circulated.

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed: That clause 5 stand part of the Bill.

Delete paragraph (a)(i) and replace with the following:

(i) by deleting the chapeau and substituting the following:

“the Minister may, on the recommendation of the Office or upon the initiative of the Minister in consultation with the Office, make regulations to give effect to the provisions of this

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Act, including regulations with respect to——”.

Madam Chairman: Minister of Finance.

Mr. Imbert: Madam Chairman, we had sought to—I do not want to use the word “soften”. We have sought to adjust the original wording of clause 5 to allow it to be done on the recommendation of the Office, or in consultation with the Office. This is simply to make the Regulations, such as making that change from 20 working days to 10 days for selective tendering and so on.

Madam Chairman: Member for Naparima.

Mr. Charles: I still have the concern, enlighten me. Given the interpretation of this, is that the Minister is not required to consult before taking action.

Mr. Imbert: [Inaudible]—refers to the making of the Order, but the Minister must do the things that are here in red. They must either act on the recommendation or consult. That is the legal interpretation of this form or words. It is not that the Minister can choose not to do this. That is not what that means. Okay?

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Delete the words “7(7)” where they first occur and replace with the words “7(6)”.

Madam Chairman: Minister of Finance.

Mr. Imbert: We have an amendment here, it is just to change a typographical
error in the Bill. It is 7(6) of the Act that allows the Minister to make an order to exempt services, not 7(7). So that the making of the orders is governed by 7(6) and therefore, the validation has to be that these were purported to be made under 7(6), because 7(7) does not deal with the making of an order. It is just a typo.

Madam Chairman: Member for Barataria/San Juan.

Mr. Hosein: Thank you very much, Madam Chair. The Minister spent about five minutes in his wind up telling us that he did not break the law and that what he had done was legal. Then, why are we including a clause to validate two illegal orders?

Mr. Imbert: I made that clear in my presentation at the beginning. That was one of the first things I dealt with, for the avoidance of doubt and out of caution.

Mr. Hosein: So the Government still maintains that it acted lawfully?

Mr. Imbert: I think I have said that repeatedly.

Madam Chairman: It is not only that. At this stage, we do not really look at the policy. We just really look at the draft. So you got a little “bligh” there. Question asked and answered.

Clause 6, as amended, ordered to stand part of the Bill.

Preamble approved.

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

House resumed.

Madam Chairman: The Minister of Finance.

Hon. C. Imbert: Thank you, Madam Speaker. I wish to report that the Public
Public Procurement and Disposal of Public Property (Amdt. And Validation) Bill, 2023 (cont’d)

Procurement and Disposal of Public Property (Amdt. and Validation) Bill, 2023, was considered in the committee of the whole and approved with amendments. I know beg to move that the House agree with the committee’s report.

*Question put and agreed to.*

*Bill reported, with amendment.*

*Question put:* That the Bill be now read a third time.

**Hon. Members:** Division.

*The House divided:* Ayes 22  Noes 16

**AYES**

Rowley, Hon. Dr. K.
Robinson-Regis, Hon. C.
Imbert, Hon. C.
Young, Hon. S.
Hinds, Hon. F.
Deyalsingh, Hon. T.
Al-Rawi, Hon. F.
Beckles, Hon. P.
Webster-Roy, Hon. A.
Cudjoe, Hon. S.
Gadsby-Dolly, Hon. Dr. N.
Gonzales, Hon. M.
Mc Clashie, Hon. S.
Cummings, Hon. F.

UNREVISED
Public Procurement and Disposal of Public Property (Amrd. And Validation) Bill, 2023 (cont’d)

Forde, E.
de Nobriga, Hon. S.
Leonce, Hon. A.
Manning, Hon. B.
Morris-Julian, Hon. L.
Scotland, K.
Richards, K.
Monroe, R.

NOES
Lee, D.
Charles, R.
Ameen, Ms. K.
Indarsingh, R.
Padarath, B.
Hosein, S.
Paray, R.
Benjamin, Ms. M.
Rambally, D.
Bodoe, Dr. L.
Ram, A.
Mohit, Ms. V.
Tancoo, D.
Haynes. Ms. H.
Madam Speaker: Hon. Members, on a division with 22 Members voting for, 16 Members voting against, and no absentations, the Motion for the third reading of the Bill is carried.

Hon. Members: [Desk thumping]

Question agreed to.

Bill accordingly read the third time and passed.

11.10p.m.

CONDOLENCES

(Prof. Brinsley Samaroo)

Madam Speaker: Hon. Members in accordance with Standing Order 13(4), I seek your leave to convey condolences to the family of Prof. Brinsley Samaroo, who served as an Opposition Senator during the Second Republican Parliament and as a Minister of the Government in the Third Republican Parliament. Is this the wish of the House?

Hon. Members: Yes.

Madam Speaker: Yes? Okay so, that being the case, Prof. Samaroo was a former Member of Parliament who passed away on Sunday July 9th, 2023. Prof. Samaroo served as on Opposition Senator during the Second Republican Parliament and subsequently served as Member of Parliament for Nariva and as a Government Minister during the Third Republican Parliament. I now invite hon. Members to pay their respective tributes to Prof. Samaroo. Member for Diego Martin Central.

Hon. Members: [Desk thumping]

Minister in the Office of the Prime Minister (Hon. Symon de Nobriga): Thank
Condolences
Hon. S. de Nobriga

you very much, Madam Speaker. Madam Speaker, on behalf of the Government of the Republic of Trinidad and Tobago, I wish to offer sincerest condolences to the family and relatives of the late Prof. Brinsley Samaroo, an academic of no mean stature, and one of the few politicians to enjoy the privilege of serving both Houses of Parliament.

Prof. Samaroo first came to national prominence when he served as an Opposition Senator for the United Labour Front in the Second Republican Parliament of 1981 to 1986. He was subsequently elected to the House of Representatives in 1986 as the Member for Nariva under the National Alliance for Reconstruction. During that Third Republican Parliament of 1987 to 1991, he served as Minister of Food Production and Marine Exploitation and as Minister of Decentralization, interestingly enough, the forerunner to the local government reform currently underway.

Madam Speaker, in their purest academic form, historians are under no obligation to address questions of contemporary relevance in their research. There are many who would argue that history has an intrinsic value, irrespective of any implication for the present and their work is to seek historical knowledge for its own sake out of pure intellectual curiosity. There are however, historians like Prof. Samaroo who have maintained that their scholarship should be of current relevance, and in fact, the history derived its legitimacy as a discipline from offering explanations and even guidance on matters of contemporary concern. This was why he devoted himself to curating, as far as was possible, the multitude of documents that survived the closure of Caroni 1975 Limited and the sugar industry until, as one of his fellow academics recently lamented, he was unceremoniously removed as the chairman of the Sugar Museum by the previous administration.
Prof. Brinsley Samaroo was, above all else, an academic and historian. His reputation as a meticulous researcher who unearthed historical treasures in libraries and archives around the world was well deserved. His ability to condense his knowledge into stimulating content with his lively presentations demonstrated his ability to turn a topic that was regularly seen as uninteresting into a paper or discourse that was captivating and entertaining for audiences. It was that, along with his depth of understanding and professionalism, that was at the core of his widespread respect and admiration.

Throughout his career, Prof. Samaroo made significant contributions to academia, and those who had the privilege of learning from him would never forget his passion for learning and teaching about Trinidad and Tobago’s history. Alongside his colleagues, he spearheaded the planning of significant diasporic conferences which gave intellectual impetus and respectability to the debate surrounding East Indian diasporic concerns at The University of the West Indies. His subsequent publications in his field only served to further elevate his intellectual standing in the academic community. Prof. Samaroo’s work in dissecting Trinidad and Tobago’s history, combined with his passion for social justice logically pivoted him into the daring world of politics, where not unalike his work academia, he never stopped appealing for equality, justice and the defence of the working class rights of at the grass roots level.

Madam Speaker, Prof. Brinsley Samaroo will forever be remembered for his contributions to the history and political development of Trinidad and Tobago. We pray that his memory will live on through his achievements and the many persons whose lives he touched with his teachings and humble personality. Thank you.

**Hon. Members:** [Desk thumping]

**Madam Speaker:** Member or Naparima.
Mr. Rodney Charles (Naparima): Thank you very much, Madam Speaker.

Hon. Members: [Desk thumping]

Mr. R. Charles: I rise on behalf of the Leader of the Opposition and all members of the United National Congress in bringing condolences on the passing of Prof. Brinsley Samaroo. Madam Speaker, we both attended the esteemed Naparima College, arguably the best in the planet, but arguably. And as a student of Naparima College he would have sung the anthem every day for seven years:

“Our Alma Mater dear
the school we all revere
make us worthy.
Help us ever to be
all that we ought to be
and always proud of thee:
Naparima.”

And that is—end of quote. And this is what made him and sustained him throughout his life.

He subsequently obtained his Bachelor of Arts and Masters of Arts in History from Delhi University in India and then his PhD from the University of London. As a Professor of the University of the West Indies, he taught new world and South Asian history and was also appointed as a Senior Research Fellow, The University of the West Indies.

Throughout his political career, he served with diligence as an Opposition Senator during the Second Republican Parliament from 1981 to ‘86 and then as MP for Nariva under the NAR administration from 1987 to 1991. He served successively as Minister of Food Production and Marine Exploitation and also as Minister of Decentralization.
But most notably, Prof. Samaroo had a passion for history. He was the former head of the History Department of UWI and held a wealth of knowledge on the Americans of which I am a descendent, African-Muslim history; African-Caribbean history, the First People’s; Indo-Caribbean history; the 1930 labour uprisings; the Black Power movement; race relations and the origins of the oil and gas sector in Trinidad and Tobago.

During the 1990 coup, he was one of the Ministers outside of Parliament who masterminded the State’s response to the insurrectionists which led to their surrender. He published many books and scholarly articles on Indo-Caribbean history as well as the history of Trinidad and Tobago’s working class movement and the political and institutional development of our country. He had a deep interest in these topics and wrote extensively on the Black Power movement and the 1930 labour uprising.

Indeed, he is a person which of all us can be proud. He is a true patriot, he strived throughout his life to educate as many individuals as he could about Trinidad and Tobago’s diverse history and he served with dignity, with honour and integrity.

Prof. Samaroo was a true pioneer, he had no problem speaking truth to power, he provided decades of mentorship and guidance for generations of students. He will be deeply missed but his memory and legacy will live on through his years of contribution. Prof. Samaroo left an invaluable mark on Trinidad and Tobago’s history and we express condolences to his family and hope that his legacy will live on in Trinidad and Tobago.

**Hon. Members:** [Desk thumping]

**11.20 p.m.**

**Madam Speaker:** Hon. Members, I too would like to pay tribute to Prof.
Condolences
Madam Speaker

Samaroo. Prof. Samaroo first served as an Opposition Member under the United Labour Front from November 1981 to October 1986 in the Senate of the Second Republican Parliament. During the Third Republican Parliament Prof. Samaroo was elected as the Member for Nariva and served as a Minister in the Office of the Prime Minister, as the Minister of Decentralization and as the Minister of Food Production and Marine Exploitation from January 1987 to November 1991.

The late Prof. Samaroo contributed to numerous Bills and Motions during his tenure at Parliament, some of those included the Constitution (Amend.) Bill, the Tobago House of Assembly (Amend.) Bill and the Income Tax (Amend.) Bill. Prof. Samaroo not only served earnestly at Parliament for a decade but also dedicated his life to contributing to the preservation of the history of Trinidad and Tobago. He was described by his colleagues as an, and I quote, “an academic legend and a master of his craft”. Prof. Samaroo was a professor and former head of the Department of History at the University of the West Indies, St. Augustine campus. He was also a lecturer at Naparima College.

Prof. Samaroo was also an author. Some of his publications included *India in the Caribbean*, *Glimpses of the Sugar Industry*, *Adrian Cola Rienzi: The Life and Times of an Indo-Caribbean Progressive* and *The Price of Conscience: Howard Noel Nankivell and the Labour Unrest in the British Caribbean*.

Prof. Samaroo has undoubtedly left his mark on our country’s history through his extensive literature and research. His commitment to sharing his knowledge, whether it be through his research, writings, or teachings, has inspired all whom have had the privilege of learning from him. His research and work will continue to inform future generations.

I take this opportunity to express my deepest condolences to the Samaroo family during this time of mourning and I pray that the Almighty grants them
Condolences

Madam Speaker

peace and consolation during their bereavement. I now ask that we stand and observe a minute of silence as a mark of respect.

*The House stood.*

**Madam Speaker:** May his soul rest in peace. Hon. Members, an appropriate letter will be sent to convey our condolences to the family of the late Prof. Brinsley Samaroo.

**ADJOURNMENT**

**Madam Speaker:** Hon. Members, you are reminded that this House stands adjourned to a date to be fixed.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 11.23 p.m.*