



REPUBLIC OF TRINIDAD AND TOBAGO

Debates of the House of Representatives

5th Session – 10th Parliament (Rep.) – Volume 32 – Number 14

**OFFICIAL REPORT
(HANSARD)**

THE HONOURABLE WADE MARK
SPEAKER

THE HONOURABLE NELA KHAN
DEPUTY SPEAKER

Friday 7th November, 2014

CLERK OF THE HOUSE: JACQUI SAMPSON–MEIGUEL

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(TYPESET BY THE HANSARD STAFF, PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, CARONI,
REPUBLIC OF TRINIDAD AND TOBAGO— 2022)

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THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT
IN THE FIFTH SESSION OF THE TENTH PARLIAMENT OF THE REPUBLIC OF
TRINIDAD AND TOBAGO WHICH OPENED ON JUNE 18, 2010

SESSION 2014—2015

VOLUME 32

HOUSE OF REPRESENTATIVES

Friday, November 07, 2014p

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the following Members: Dr. Glenn Ramadharsingh, Member of Parliament for Caroni Central, is currently out of the country and has asked to be excused from sittings of the House during the period November 01—09, 2014; Mrs. Patricia Mc Intosh, Member of Parliament for Port of Spain North/St. Ann's West, has asked to be excused from sittings of the House during the period November 07 to December 12, 2014. The leave which the Members seek is granted.

PAPERS LAID

1. Annual Audited Financial Statements of the Petroleum Company of Trinidad and Tobago for the year ended September 30, 2013. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Annual Audited Financial Statements of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 2013. [*Hon. R. Indarsingh*]
3. Annual Audited Financial Statements of the Export Centres Company Limited for the financial year ended September 30, 2010. [*Hon. R. Indarsingh*]
4. Annual Audited Financial Statements of the Export Centres Company Limited for the financial year ended September 30, 2011. [*Hon. R. Indarsingh*]
5. Annual Audited Financial Statements of Caribbean New Media Group Limited for the year ended December 31, 2012. [*Hon. R. Indarsingh*]

6. Annual Audited Financial Statements of Caribbean New Media Group Limited for the year ended December 31, 2013. [*Hon. R. Indarsingh*]
Papers 1 to 6 to be referred to the Public Accounts (Enterprises) Committee.
7. Ministerial Response to the Eighth Report of the Joint Select Committee of Parliament on Ministries (Group I), and on the Statutory Authorities and State Enterprises on the Administration and Operations of the Ministry of Education (MOE) with specific focus on Primary School Education. [*The Minister of Education (Hon. Dr. Tim Gopeesingh)*]
8. Response of the Police Service Commission to the First Report (2011/2012) of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on an Evaluation of the Service Commissions. [*The Deputy Speaker (Mrs. Nela Khan)*]
9. Police Service (Amendment) Regulations, 2014. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]
10. Trinidad and Tobago Millennium Development Goals Report 2014. [*The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie)*]
11. Administrative Report of the Tobago House of Assembly for the year 2013. [*The Prime Minister (Hon. Kamla Persad-Bissessar SC)*]
12. Ministerial Response to the Fourteenth Report (2013/2014) of the Joint Select Committee appointed to inquire into and report to Parliament on Municipal Corporations and Service Commissions on a Review of the Administration of the San Fernando City Corporation. [*Hon. Dr. R. Moonilal*]
13. Administrative Report of the Arima Borough Corporation for the period October 01, 2012 to September 30, 2013. [*Hon. Dr. R. Moonilal*]
14. Administrative Report of the Penal/Debe Regional Corporation for the period October 01, 2007 to September 30, 2008. [*Hon. Dr. R. Moonilal*]
15. Administrative Report of the Penal/Debe Regional Corporation for the period October 01, 2008 to September 30, 2009. [*Hon. Dr. R. Moonilal*]
16. Administrative Report of the Penal/Debe Regional Corporation for the period October 01, 2009 to September 30, 2010. [*Hon. Dr. R. Moonilal*]

17. Administrative Report of the Penal/Debe Regional Corporation for the period October 01, 2010 to September 30, 2011. [*Hon. Dr. R. Moonilal*]
18. Administrative Report of the Couva/Tabaquite/Talparo Regional Corporation for the period October 01, 2009 to September 30, 2010. [*Hon. Dr. R. Moonilal*]
19. Annual Administrative Report of the Couva/Tabaquite/Talparo Regional Corporation for the period October 01, 2010 to September 30, 2011. [*Hon. Dr. R. Moonilal*]
20. Administrative Report of the Couva/Tabaquite/Talparo Regional Corporation for the period October 01, 2011 to September 30, 2012. [*Hon. Dr. R. Moonilal*]
21. Administrative Report of the Couva/Tabaquite/Talparo Regional Corporation for the period October 01, 2012 to September 30, 2013. [*Hon. Dr. R. Moonilal*]
22. Annual Administrative Report of the Livestock and Livestock Products Board (LLPB) for the period October 01, 2008 to September 30, 2009. [*Hon. Dr. R. Moonilal*]
23. Annual Administrative Report of the Livestock and Livestock Products Board (LLPB) for the period October 01, 2012 to September 30, 2013. [*Hon. Dr. R. Moonilal*]
24. Report of the Parliamentary Delegation on the 131st General Assembly of the Inter-Parliamentary Union. [*Mr. Terrence Deyalsingh*]
25. Report of the Parliamentary Delegation on the 1st Inter-Parliamentary Union Global Conference of Young Parliamentarians. [*The Minister of State in the Ministry of Works and Infrastructure (Hon. Stacy Roopnarine)*]

ORAL ANSWERS TO QUESTIONS

Point Fortin e Teck Park (Details of)

1. **Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Trade, Industry, Investment and Communications:

With regard to the e Teck Park in Point Fortin could the Minister state:

- a) the proposed location of the park; and
- b) when the park will be commissioned?

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, on behalf of the hon. Minister of Trade, Industry, Investment and Communications, the following is the reply to the question asked. The e Teck Park in Point Fortin is to be located on a parcel of land situated at Point Fortin Main Road and Techier Village Road. Commissioning of the park will take place after the completion of the following works: the installation of a wastewater treatment plant, the installation of a lift station and other remedial infrastructure works, resurveying, redefining of all lot boundaries, reinstallation of manhole covers, repairs to all street lighting, corrective works to the water supply and sewer distribution system, desilting and reshaping of retention ponds and repair works to the road network.

Mrs. Gopee-Scoon: Supplementary question. Has it been confirmed that the Point Fortin hospital will in fact be built on the very same site?

Hon. Dr. R. Moonilal: Mr. Speaker, the Point Fortin hospital is a separate question. If the Member would file the question to exactly—we prefer to give you the exact location, and if it is filed we will answer such a question.

Mrs. Gopee-Scoon: Supplementary. At the same time, it has been confirmed in this House that that is in fact so. Could you please advise the acreage which is allotted to the hospital and the acreage which is allotted to the e Teck Park and whether Town and Country approval has been obtained for the siting of both institutions on the very same piece of land.

Hon. Dr. R. Moonilal: Mr. Speaker, if the question is filed in this way—we prefer to give you the specific answer rather than just an answer in an ad hoc way like this. So, if you can file the question we will certainly give you the exact coordinates of the hospital.

Pointe-a-Pierre/Marabella Oil Spill (Investigation Details)

2. **Mrs. Paula Gopee-Scoon** (*Point Fortin*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister state whether the investigation into the recent Pointe-a-Pierre/Marabella oil spill has been concluded?

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you, Mr. Speaker. With regard to question No. 2 on the Order Paper from the Member of Parliament for Point Fortin, the answer is as follows:

Petrotrin's internal business operations investigation into the Pointe-a-Pierre/Marabella oil spill was initiated on August 06, 2014 and concluded on October 09, 2014. The investigation was carried out by a cross-functional team comprising persons in the following positions: Manager, Utilities; Manager, Hydro Processing; ULSD; Unit Plants Superintendent Production; Manager, Performance/Improvement; Manager, Engineering Services; head, Maintenance/Improvement; Head, HSC Audit; and a representative of the Oilfield Workers Trade Union.

Arising out of the tank MP6 internal investigation, recommendations related to systems and procedures were made to ensure that there is no recurrence of an oil spill from the Pointe-a-Pierre tank farm. An independent investigation and root cause analysis was conducted by PricewaterhouseCoopers into the tank MP6 leak. This investigation also confirmed the need for observance and updating of systems and procedures. The report was submitted to the Board of Petrotrin on October 06, 2014 and was referred to the management of Petrotrin by the Board on October 31, 2014.

With regard to a third investigation—this is an industrial relations investigation which was conducted by the company's industrial relations department to determine whether due process was followed in the maintenance and operation of tank MP6. Arising out of the investigation, three managers were terminated or resigned from the company. It is anticipated that there will be another termination or resignation of a manager shortly, and further disciplinary action is to be taken against two employees.

That concludes my answer, Mr. Speaker, to question No. 2.

Mrs. Gopee-Scoon: Could the hon. Minister advise which are the three managers whose services have been terminated and for what reason?

Sen. The Hon. K. Ramnarine: I do not have the names and positions of the managers who were terminated or suspended, but the second question, that is question No. 3, actually relates to that. So I could treat with that in question No. 3, part of that supplementary question.

Mrs. Gopee-Scoon: Supplementary. So you would treat with it in question No. 3, but these findings, have they been made public and will they be made public?

Sen. The Hon. K. Ramnarine: The findings have not yet been made public. They have been referred to the management of Petrotrin and the purpose of that referral is to look at the implementation of the recommendations from these reports, specifically from the first two reports, the internal business operations report and the Pricewaterhouse report, which is the internal report and the external report.

Mrs. Gopee-Scoon: When?

Sen. The Hon. K. Ramnarine: When? Mr. Speaker, I would have to discuss that with my colleagues on the Board of Petrotrin and so on, but the Ministry is finalizing its own report, and I do not have any—that is a public document. So the Ministry's report which will entail the findings of all the reports from Petrotrin, that report could easily be made public as a public document.

Petrotrin Vice President Position (Details of)

3. Mrs. Paula Gopee-Scoon (*Point Fortin*) asked the hon. Minister of Energy and Energy Affairs:

Could the Minister please indicate:

- a) whether the Vice-President, Refining and Marketing of Petrotrin, is still on suspension with full pay; and if yes,
- b) who is acting in the said position, his substantive post and what are this person's qualifications?

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. Speaker. Question No. 3, the answer reads: Mr. Mado Bachan, Vice-President, Refining and Marketing is no longer on suspension with full pay. Mr. Bachan tendered his resignation from Petrotrin effective October 10, 2014.

With regard to part (b), during the period of Mr. Bachan's suspension, Mr. Jonathan Barden acted as Vice-President, Refining and Marketing. Mr. Barden's substantive position was Senior Manager, Refining. Subsequent to Mr. Bachan's resignation, Mr. Barden was appointed to the newly created position of Vice-President, Refining, effective October 11, 2014.

1.45 p.m.

Mr. Barden's qualifications are as follows: 25 years' experience in oil refining in four different countries including the USA, the UK, Australia and Holland; 16 years' experience at bp where his career progressed from a process engineer through optimization team leader, operations manager, North-Western Europe development manager and deputy business leader.

Mr. Barden has a proven track record of delivering improved business performance in refineries. He managed a three-year plan to move a 170,000-barrel-per-day refinery from a fourth quartile benchmark performance to a second quartile/third quartile level and improved energy efficiency by 20 per cent during the same period.

Mr. Barden possesses a BSc in Chemical Engineering from the Imperial College in London and is a fellow of the Institution of Chemical Engineering. That concludes my answer to question 3.

Mr. Speaker: Yes, hon. Member for Point Fortin.

Mrs. Gopee-Scoon: Supplementary to the hon. Minister. You have said that Mr. Bachan had resigned rather than he was terminated. Was he asked to resign on the basis of the investigations which had been conducted into the Pointe-a-Pierre/Marabella oil spill and also the La Brea oil spill?

Sen. The Hon. K. Ramnarine: Sorry, I cannot—Mr. Speaker, thank you very much. I cannot speak for the reasons why Mr. Bachan resigned. He was on suspension when he resigned. He took a personal decision to resign from Petrotrin. So he was not terminated, he resigned from the company. But his suspension, which preceded his resignation, was as a consequence of the events of the Marabella/Pointe-a-Pierre oil spill.

Mrs. Gopee-Scoon: So you are saying that his suspension and his resignation had no link?

Sen. The Hon. K. Ramnarine: I did not say that.

Mrs. Gopee-Scoon: Was there a link between his suspension and his resignation?

Sen. The Hon. K. Ramnarine: Well, we cannot speculate as to what is in the mind of a man. His decision was to resign and I think that is a personal decision. So I cannot speak for what is in Mr. Bachan's or was in Mr. Bachan's mind.

Mrs. Gopee-Scoon: What kind of package did Mr. Bachan receive when he resigned from Petrotrin?

Mr. Speaker: That is a new question. That is a completely new—

Sen. The Hon. K. Ramnarine: [*Inaudible*]—prepared with that information.

Mrs. Gopee-Scoon: One more question.

Mr. Speaker: No, I think—[*Interruption*]

Mrs. Gopee-Scoon: He had said there was a connection.

Mr. Speaker: Continue.

Mrs. Gopee-Scoon: Thank you, Mr. Speaker. The hon. Minister had said that there was a connection between question 2 and question 3 with regard to the three persons who were terminated from Pointe-a-Pierre and that you would have dealt with it in this question. I revert now: who are these persons whose services were terminated as a result of the Pointe-a-Pierre/Marabella oil spill?

Sen. The Hon. K. Ramnarine: What I was trying to explain while you were asking the supplementary question with regard to question 2 is that one of the three managers mentioned in question 2 is, indeed, Mr. Bachan, which is the subject of question 3. All right? I said terminated or resigned.

STATEMENT BY MINISTER

Ebola Virus Disease (Government's Preparedness)

The Minister of Health (Hon. Dr. Fuad Khan): Thank you, Mr. Speaker. The Government of the Republic of Trinidad and Tobago led by the hon. Kamla Persad-Bissessar, Prime Minister, has taken full cognizance of the dangers presented by the worst outbreak of Ebola virus disease which began in Guinea in December 2013. As of October 27, 2014, there have been a total of 13,700 either confirmed, probable or suspected cases in eight countries namely Guinea, Liberia, Mali, Nigeria, Senegal, Sierra Leone, Spain and the United States of America.

The Government has always taken this latest Ebola outbreak seriously and while some may have attempted to profit, so to speak, from peddling fear and hysteria, I wish to present the facts as they exist to this honourable House and to the people of Trinidad and Tobago. And I am confident, Mr. Speaker, that our citizens will use these facts to make a full assessment of the true nature of the disease and the possible exposure to the latest outbreak, also to our state of full preparation.

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The Caribbean Public Health Agency, CARPHA, has assessed that the likelihood of a person with Ebola coming to the Caribbean region is very low, based on the low level of traffic with the affected countries. That, in addition to the screening at ports of exit in the affected countries and ports of entry throughout the world, including Trinidad and Tobago, have mitigated the risk of international transmission.

Given the scenario that we now face, the Government of Trinidad and Tobago took the lead in the Caribbean region. We called for a meeting of the Conference of the Heads of Government of the Caribbean Community, and that occurred on November 04, 2014, to develop a regional response to Ebola. The Heads of Government have committed to an action plan and we move forward, confident that the region will be ready to effectively tackle any possible outbreak of Ebola within our shores. As it relates to Trinidad and Tobago, Mr. Speaker, significant progress has been made in our country ready to control any possible outbreak of Ebola through good preparation, proactive public education, early detection and rapid response, isolation and treatment, contact tracing, coordination between agencies and investment in early response.

Mr. Speaker, on October 17, 2014, His Excellency the President, on the advice of Cabinet, declared Ebola as a dangerous, infective disease, and as such, the Chief Medical Officer was given the authority to direct surveillance and implement special measures deemed appropriate under the Quarantine Act. Travel restrictions were imposed on travellers from Sierra Leone, Liberia, Guinea and the Democratic Republic of Congo and Nigeria. Given the recent of declarations of the World Health Organization declaring Nigeria Ebola free, restrictions were subsequently lifted for that territory.

Mr. Speaker, the Government of Trinidad and Tobago had approved the visit of a designated team from the Ministry to a bio containment treatment facility in the United States of America in order to have the most up-to-date understanding of procedures that need to be undertaken in the unlikely event of the arrival of a passenger exhibiting symptoms of Ebola virus disease. Also, the training of staff at health facilities and at ports of entry to detect and isolate suspected cases is ongoing and Cabinet is giving consideration to the remuneration of healthcare workers treating Ebola cases.

As of November 04, 2014, there have been several collaborative meetings between the relevant agencies to ensure that we are prepared to tackle Ebola in the shortest possible time frame. The National Operations Centre had nine meetings

Statement by Minister
[HON. DR. F. KHAN]

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thus so far to ensure coordination between the relevant agencies. The regional health authorities have had seven meetings and the recently established National Ebola Prevention, Information and Response Task Force headed by Brigadier Spencer, met on October 09, 2014 and continues to meet.

Central to all these activities is the role of the Ministry of Health and the preparation of an Ebola virus disease preparedness and response plan. Based on the recommendation by the Ministry of Health, several measures were taken at the Cabinet level to approve a number of initiatives. Among them, the purchase of the personal protective equipment called PPE, the category 3 coverall-type of hazmat suits, the N95 masks, overhoods, overboots, rubber boots and face shields. Standard PPEs were distributed to all health facilities between October 03 and 19, and the category 3 coveralls have been ordered and are expected to be delivered between November 07 and 10, 2014. Mr. Speaker, 20 hand-held thermal scanners for ports of entry have been ordered and are expected in two weeks; 30 hazmat level A suits are expected in four weeks; specification for two mass screening thermal scanners are being evaluated and expected to be ordered, if necessary, within the next week with delivery within three weeks.

Cabinet has also approved the facility at Caura as a designated Ebola treatment centre and pursuant to such, upgrades have begun at Caura and are almost completed and at the Piarco International Airport. At the Caura facility, there will be an isolation unit with final upgrades to facilitate negative pressure and oxygen generators. I wish to announce that the Cabinet has approved the importation of an Odulair unit, a two-bed isolation Ebola treatment unit; build and delivery time is estimated at four to six weeks.

Mr. Speaker, we have prepared a national Ebola response plan. The Ministry of Health has embarked upon an aggressive education campaign together with the Ebola response team through the use of all communication media to ensure that citizens have been sensitized. There needs to be greater awareness among the population on how Ebola is transmitted and what measures must be taken if one comes into contact with a suspect case. The Government and the Ebola prevention team and the Ministry of Health all make decisions based on careful analysis of all the facts available. May I state, Mr. Speaker, that the Government has been active in preparation from day one and will continue to be vigilant in preparing for any possible outbreak while maintaining a sense of collective calm in the society.

Trinidad and Tobago, and by extension, the Caribbean Community, to the recently adopted 10-point action plan will close any gaps in regional health

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security, and we are taking all possible steps to ensure that if the Ebola virus reaches our shores, we are ready to activate all agencies at a moment's notice to enact all contingencies that have been agreed upon. Mr. Speaker, we will face each challenge with the courage and convictions of our people who are ready, willing and able to overcome this disease.

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

Mr. Speaker: I recognize the hon. Member for Chaguanas West.

Mr. Warner: Thank you, Mr. Speaker. Minister, thanks for your statement. Am I to assume that following the meeting of the Caribbean leaders, there is now a regional concerted effort to fight Ebola? And if the answer is yes, is there an evaluation committee that will check what the other people are doing? And if, of course, you also have subsequent meetings planned?

Hon. Dr. F. Khan: Thank you, Mr. Speaker. Member for Chaguanas West, yes, there is—after the meeting of the Caribbean Heads, there is an action plan for the Caribbean Community and they will be meeting regularly. They have already co-opted the Cuban Ebola team to assist in the development of a react team in Antigua and different parts of the Caribbean, and also, the Caribbean Heads have decided on having a fund to assist the countries that are not able to do so.

Mr. Speaker: The Member for Diego Martin Central.

Dr. Browne: Thank you, Mr. Speaker. Minister, since the United Nations declared Ebola an international public health emergency on August 08, 2014, why has it taken so long—four months and counting—to procure basic essential protective and containment equipment and materials to help protect health care workers and other responders from this epidemic?

Mr. Speaker: The hon. Minister of Health.

Hon. Dr. F. Khan: Mr. Speaker, could I get some clarification about the number of questions after a statement?

Mr. Speaker: [*Inaudible*]

Hon. Dr. F. Khan: One question is allowed or two?

Mr. Speaker: Each, each—from each party.

Hon. Dr. F. Khan: Mr. Speaker, it has not taken long based on the procurement methods in our country that were left to us by the regime that is sitting on the other side. However, we have done quite well using the regional

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health authorities to procure. Initially, what we have done, the personal protective equipment, they have been handed out already for any such persons that may be suspected of having Ebola. So there is ongoing training and we were looking at the best equipment to purchase.

However, one must be aware that Ebola has taken this world at a very short notice and everyone is in the process of procuring hazmat suits, isolation chambers and everything else for themselves. So, at the end of the day, we have gotten a response in under four months and we are going to be having our equipment done in about two weeks' time to three weeks' time based on the isolation chambers and suits, et cetera.

So, I think that the Ministry of Health and the National Ebola Prevention, Information and Response Team has done quite well in preparing this country for Ebola. [*Desk thumping*] And I commend them for it and for that movement, and they are in a process of developing plans and protocols to assist anyone who may enter with Ebola as well as our population to prevent any Ebola outbreak in this country and in the region.

Thank you, Mr. Speaker. [*Desk thumping*]

TRADE MARKS BILL, 2014

Bill to repeal and replace the Trade Marks Act, Chap. 82:81 and to provide for the law relating to trade marks and related matters [*The Minister of Legal Affairs*]; read the first time.

TRINIDAD AND TOBAGO PANAMA PARTIAL SCOPE TRADE AGREEMENT BILL, 2014

Bill to give effect to the Partial Scope Trade Agreement between the Republic of Trinidad and Tobago and the Republic of Panama and for related matters [*The Minister of Trade, Industry, Investment and Communications*]; read the first time.

2.00 p.m.

JOINT STANDING COMMITTEES (APPOINTMENT OF)

Mr. Speaker: Hon. Members, we have to announce a number of committees today but I would, with your leave, defer the announcement of these committees until before the adjournment of this honourable House today. So the names of the Members of these committees will be announced before the adjournment the House.

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

Order for second reading read.

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Mr. Speaker. I beg to move:

That a Bill to provide for 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, the establishment of the Office of Procurement Regulation, the repeal of the Central Tenders Board Act, Chap. 71:91 and related matters, be now read a second time.

Mr. Speaker, hon. Members of the House of Representatives, I thank you for the opportunity to present the Public Procurement and Disposal of Public Property Bill for the second time in this honourable House. Members are well aware of the circumstances which have led to this situation and so I will not dwell on this matter.

The Bill before us here today, Mr. Speaker, is the Bill which was passed unanimously, after extensive committee stage deliberations in the other place, taking into account a significant number of amendments. The Bill, because of the consultative and collaborative approach, is also fully endorsed by the private sector civil society group consisting of the main business organizations of our country and the major civil society actors concerned about procurement issues. I therefore look forward to easy passage of this Bill now before this House.

The objects of this Bill are, first of all, to promote the principles of accountability, integrity, transparency and value for money; secondly, to promote efficiency, fairness, equity and public confidence; and thirdly, to promote local industry development, sustainable procurement and sustainable development in public procurement and the disposal of public property in Trinidad and Tobago.

The clamour by citizens at large came to a crescendo with the publication of the Uff Report in 2010. The 2007—2010 administration of the People's National Movement, which was repudiated by the citizenry in 2010, found itself mired in a series of controversies in 2009 and 2010 especially. The Uff Commission of Enquiry was appointed to conduct investigations and ultimately produced a report containing 91 recommendations. Following publication of that report, there was a strong call by civil society groups and citizens at large for procurement legislation, as at least one window of opportunity to establish a platform of good governance in Trinidad and Tobago.

Public Procurement Bill, 2014
[SEN. THE HON. DR. B. TEWARIE]

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The Uff Report, as I indicated, made 91 recommendations. Many of the recommendations focused on transparency, avoidance of corruption and good governance. I will mention just three of the recommendations. Recommendation No. 1 in the report is this, and I quote:

“Money assigned for public construction project must not be allowed to be corruptly diverted and thereby stolen from the public.”

Members of this honourable House and citizens of our country can draw their own conclusions about what was taking place under the last administration that would lead Mr. Uff to make such a recommendation focused on the avoidance of corruption as its number one recommendation. I will not seek to speculate or to elaborate.

Recommendation No. 2: this focuses on value for money issues and this is the recommendation, and again I quote:

“Management roles should be preformed only by experienced persons, who should be motivated to take positive and pro-active decisions and to take the initiative when the project so demands.”

This has to do with the extent to which management systems need to be part of the procurement execution process so that value for money is achieved and, therefore, strikes at the heart of how much time is spent to complete a project and how much money is spent beyond what is projected to complete a project.

I will mention just one more, and this is recommendation 40, and this has to do with local content. I quote recommendation 40:

“A reserved quota or subsidy in favour of local contractors or consultants could be justified by the need to protect particular sectors of the local construction industry where there is public interest in developing or preserving local skills or capacity.”

Clearly, therefore, there was an issue with local content and local inclusion and participation issues in the pre-2010 era.

So, from these three recommendations only, from the Uff Report—and there were 91—we see that there were problems in the last administration of the People’s National Movement having to do with corruption issues, having to do with value for money issues and having to do with local content and local participation and inclusion issues.

Public Procurement Bill, 2014

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Let me say that under this Kamla Persad-Bissessar People's Partnership administration almost all of the 91 recommendations of the Uff Report have been implemented. [*Desk thumping*]

UDEcOTT, which under the last administration, was at the centre of endless controversies, has been an exemplar in this regard, under the stewardship of the hon. Minister of Housing and Urban Development and his board and management at UDEcOTT. [*Desk thumping*]

Secondly, let me take this opportunity to inform the citizenry that all three issues earlier mentioned: corruption, value for money and local content, have been frontally addressed in the Bill now before this honourable House for debate. So this Bill addresses the issue, therefore, of reform of the procurement processes head-on and establishes a system of accountability, which will allow for effective scrutiny of procurement transactions to facilitate the eradication of any untoward or corrupt practices.

How does it do this? It does so, that is to say the Bill, by establishing and incorporating through clause 9, the Office of Procurement Regulation. This office is established independent of any political interference and appointed by the President after consultation with the hon. Prime Minister and Leader of the Opposition. This body then has scrutiny of all procurement transactions and establishes guidelines for procurement processes and is itself subject to the scrutiny of Parliament, that is to say, the Office of Procurement itself.

The Office of Procurement Regulation also has powers of investigation as well as enforcement. But with due protection for the legal rights of the citizen, there are as well heavy fines for contravention of the law for both public officers and private sector entities in breach.

Clause 40 of the Bill also provides protection for whistle-blowers. The Bill addresses the issue of procurement as a development mechanism as well. This is an important consideration. One of the objects of the Bill is identified as local industry development, sustainable procurement and sustainable development, Mr. Speaker.

In clause 28(1), it is clearly stated that

“a procuring entity may limit participation in procurement proceedings to promote local industry development”—as well as—“local content”. So there is a fair amount of flexibility and there are options that can favour both local content and local industry.

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In clause 7(2)(c) it is clearly stated that even in matters involving government-to-government arrangements, procurement policies:

“shall promote the socio-economic policies of Trinidad and Tobago and shall adhere to the objects of this Bill.”

This means that any my local content or local industry inclusion/participation policies shall prevail. The Bill calls for higher standards of accountability from both the public and private sectors and demands greater transparency from all sides.

Clauses 30—40 set out pretty clear criteria and establish high standards for procuring entities and these will be further buttressed by regulations. These include matters such as split procurement, transparency in the dissemination of information, the management of the procurement process and the award of contracts or cancellation of the process altogether.

Clause 41 deals with the matter of bid rigging and violations of the Act, the process to be followed, the penalties attending such violation if guilt is established and both public and private sectors are required to maintain high standards of ethical conduct by the way these clauses are set out.

The Bill represents landmark legislation of a very far-reaching nature, which is part of a whole range of initiatives that have to do with good governance in the society. It speaks to the issue of what kind of ethical framework by which we wish to govern ourselves. As I have had the opportunity to say before, this is an important issue, because the manner in which we conduct public business and the manner in which private business is conducted under the scrutiny of the general public, that is to say, under the scrutiny of citizens, has implications for the ethos of the society itself and the examples that are followed.

Let me not forget, Mr. Speaker, citizens of Trinidad and Tobago, that our hon. Prime Minister met with members of the private sector civil society on the issue of the recommendations of the Uff Report and on the issue of procurement itself, prior to her emergence as Prime Minister and gave, during those meetings, certain assurances.

A commitment to procurement legislation was, therefore, made formally in the 2010 manifesto and this legislation therefore represents the fulfilment of that promise, in spite of every attempt by some on the other side to undermine, sometimes delay, the process. But this procurement Bill is but one aspect of the People’s Partnership Government’s commitment to principles of good governance.

Let me mention some of the others. I will mention the passage of the Planning and Facilitation of Development Bill. Once enacted, this Bill will govern land use planning and development throughout the country, so that development can take place in a coherent and orderly and sustainable manner.

2.15 p.m.

Comprehensive administrative and policy reforms are being effected now, prior to the proclamation of this Bill. I can mention as well, and the Members of this honourable House can be very proud of the new Standing Orders in House of Representatives which came into effect at the start of the Fifth Session of the Tenth Parliament. [*Desk thumping*]

Standing Order 26 makes provision for the Prime Minister's Questions and says that:

“During the second sitting of the House each month there shall be Prime Minister's Question Time at the time designated in the Order of Business.”

Secondly:

“During Prime Minister's question time, questions may be put to the Prime Minister relating to current matters of national importance or on the general performance of the Government and Government agencies.”

This is unprecedented in the history of our Parliament, [*Desk thumping*] and is part of the governance advance that this country has made over the last four years, certainly, and we must thank the hon. Speaker as well for his initiative.

Standing Finance Committee, 82(1) of the Standing Orders:

“There shall be a Committee of the whole House, to be called the ‘Standing Finance Committee’, which shall be chaired by the Speaker. It shall be the duty of the Committee to consider the Estimates and the Appropriation Bill. The deliberations of the Standing Finance Committee shall take place in public.”

In the past, the work of the Standing Finance Committee was done in private. For the first time in the history of Trinidad and Tobago this process was televised this year, and there was high public interest and strong citizen viewership during these sessions.

Constitutional reform: legislation regarding this issue was brought to Parliament during the Fourth Session and passed. This was done following nationwide consultations, publication of a report, as well as the issuance of an

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addendum following additional consultations and deliberations by the Cabinet-appointed committee. And notwithstanding controversies—some of them manufactured because of political self-interest, and other factors—the nation as a whole seems to appreciate that first of all, we have met our manifesto commitments, we have succeeded in deepening the democratic process, and we have also advanced the constitution reform process. [*Desk thumping*]

The Municipal Corporations (Amdt.) Bill, 2013 provides for an increase in the number of aldermen that may be elected to a municipal corporation, and provides for the election of such aldermen by proportional representation.

Miss Cox: Mr. Speaker, Standing Order 48(1), please. What is the relevance of all of this?

Mr. Speaker: Member, please? [*Mr. Speaker motions for Hon. Dr. Tewarie to take his seat*] I think that the hon. Minister is developing his point in the context of the presentation. But Minister, again, there is a very—this Bill is a very thick Bill, and I would ask you in developing your point, if you could make reference to the clauses, [*Laughter*] so that at least, those points that you are making could be properly connected, please.

Sen. The Hon. Dr. B. Tewarie: Thank you very much, hon. Speaker. Hon. Speaker, before I started to speak to the governance issue, hon. Members as well, I spoke to specific clauses in the Bill that addressed certain things. And what I am seeking to do here is to indicate that this Bill before this honourable House, while it is important in its own right, is part of a whole governance agenda on the part of this Government. It is important that the public understands that even if other Members—Members on the other side—do not wish the public to know, it is important that we indicate to the public what we are doing and how we are doing it. [*Desk thumping*] So I am placing in context the procurement Bill. [*Desk thumping*] [*Crosstalk and interruption*]

So through that Bill, Mr. Speaker, that is to say, the Municipal Corporations (Amdt.) Bill, 2013, at the local government level, proportional representation was, in fact, introduced as part of the governance system and part of the electoral process in Trinidad and Tobago. Consultations are an important part of democracy, and in the procurement Bill there were a number of consultations including at the Joint Select Committee level. Consultations have been held over the last three years on the following:

- National Spatial Development Plan, about 20 consultations of different kinds;
- National consultations on constitutional reform, about 18;
- Public consultations on the Draft National Wildlife Policy;
- National consultations on local government reform, 14;
- National consultations on the National Policy on Gender;
- National consultation on rent restraint;
- Consultation with the private sector on the Caribbean Growth Forum, in which Trinidad and Tobago is seen in the context of a region;
- Consultations on the National Innovation System;
- National ICT Plan consultation;
- National Heroes Policy consultations;
- Public consultations on a National Mentoring Policy;
- National Energy Policy consultations;
- National consultations on earthquake safety in Trinidad and Tobago;
- Consultations on primary school curriculum;
- National consultation on Tertiary Education Policy, going forward, ongoing;
- National consultations for the development of a micro, small and enterprise policy;
- National consultations on securing and expanding the GATE Programme;
- National stakeholder consultations on proposed refrigerant labelling standards for Trinidad and Tobago.

Miss Cox: Mr. Speaker, I rise again, Standing Order 48(1). Are we allowed to speak on all of this now that he has widened the debate? [*Crosstalk*]

Dr. Rowley: Irrelevance!

Mr. Speaker: I need no help, but hon. Member—[*Interruption*] hon. Minister of Planning and Sustainable Development, I understand the context in which you

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are presenting the Bill. All I am asking is that if you can make reference to clauses in the Bill as you proceed, so that you can develop this governance principle in the context of clauses that are before us? That is all I ask of you. Thank you. [*Crosstalk*]

Sen. The Hon. Dr. B. Tewarie: Thank you very much, hon. Speaker. I was simply outlining this to indicate clearly to the population, at large, that over the last four years this Government has not only governed, this Government has consulted, this Government has been involved in serious policy making, this Government has been involved in delivery, and this Government has been involved in the fulfilment of its commitments and promises. [*Desk thumping*] But I will hold on the list, which is quite long, of things [*Interruption*] that have been done.

The modus operandi of the Opposition is to peddle misinformation, and to prevent you from providing information, and basically they are to retard every progress we seek to make to advance the welfare of the population, so that they may use as strategy, the fact that things might not be happening in a certain area fast enough, as they have done with this very procurement Bill, and the consequence of this is that—[*Interruption*]

Miss Mc Donald: Mr. Speaker, Standing Order 48(6), imputing improper motives to the Opposition. [*Crosstalk*]

Mr. Speaker: I did not get from what he is saying that he is imputing improper motives. Continue, please.

Sen. The Hon. Dr. B. Tewarie: Not at all, Mr. Speaker. [*Continuous interruption*] All I would say at this point is that, given the manner in which we have governed, given the manner in which we have delivered—[*Interruption*]

Mrs. Persad-Bissessar SC: Let them repeat what he said. Unbelievable! [*Crosstalk*]

Sen. The Hon. Dr. B. Tewarie: Mr. Speaker, all I would say, given how we are proceeding, is that we are in a good position in Trinidad and Tobago today.

Mr. Speaker: Members, you know, it is healthy to engage in crosstalk sometimes, but I did not hear what was said, so I cannot comment. But from the reaction, whatever was said—[*Interruption*] Wait, I am simply saying that crosstalk is healthy, but your language must never be abusive, must never be objectionable—[*Interruption*]

Mrs. Persad-Bissessar SC: Or obscene.

Mr. Speaker:—or obscene or abusive. So I want to guide Members. I did not hear. So I just want to ask Members, when you are speaking across the floor, at least your language needs to be dignified and civilized, please. Continue, hon. Minister, please.

Sen. The Hon. Dr. B. Tewarie: Thank you very much. The procurement Bill before this honourable House—[*Interruption*] [*Desk thumping*] I think has gotten to the point, having been through both Houses, where it needs more than speaking to the Bill. It needs action and it needs action now. This is a good Bill and I am calling through you, Mr. Speaker, to Members of this honourable House for its passage. This matter has been too long delayed and we need to move on.

On July 21, the Private Sector Civil Society Organization encouraged parliamentarians to complete work on the procurement Bill, and to support it in its current form—this was in the *Guardian* of July 21. In this Bill, what we have is a hybrid procurement system; this is what is proposed. So that the role of procurement office is not just to administer, but to monitor, regulate and to ensure compliance with this Act, as one needs to make a distinction between the office and the regulator. The two are by no means the same.

Issues have been raised in various quarters about the influences on this Bill. And some attempt has been made to suggest that we copied from the Kenyan Bill, but did not include certain checks and balances. This Public Procurement and Disposal of Public Property (No. 2) Bill, 2014 used as its model, after looking at a number of Bills in various parts of the world, used as its model the most recent version of the UN model Bill known as UNCITRAL, and many nations used that model to fashion their own Bills. The Kenyan legislation is one such case. It is inevitable, therefore, that if Kenya used UNCITRAL to formulate its Bill, and we are using UNCITRAL to do ours, that there will be similarity between the two Bills.

As far as checks and balances are concerned, we have the checks and balances that we need in our Bill. We need a clean Bill that will work, not another bureaucratic nightmare or a contradictory system which succeeds in disabling itself, and frustrating the intentions and objects of the Bill in the first place.

A review board tribunal was considered, and the idea was rejected after due and deliberate consideration. We have a precedent in Trinidad and Tobago that does not work—the National Insurance Appeals Tribunal—and if necessary, when I wind up, I will say more about this particular matter.

2.30 p.m.

In case of any challenge requiring review, this Bill requires a decision within 20 working days and does not interfere with the right of the citizen to use the court thereafter. There are other related issues connected to this which I will not address at this time. I also want to give the assurance that the Procurement Regulator cannot be a runaway horse or a law unto himself or herself in the context of this particular Bill.

Clause 12(c) of the Bill speaks to, and I quote, removal of a member who “has neglected his duties or has engaged in conduct that would bring his office into disrepute”, and that includes the regulator and all members of the board. This is very broad and covers many eventualities and, therefore, creates the conditions for action within several contexts.

Secondly, the office reports to Parliament and is subject to parliamentary scrutiny and, in the case of removal from office of the Procurement Regulator, the Cabinet does indeed have a role and this is guaranteed under the Constitution—section 80(1) of the Constitution—which requires Cabinet advice for His Excellency The President to act.

Mr. Speaker, charged with the mandate of managing the process to facilitate passage of an enlightened and progressive Bill, I have done the best I can under the circumstances and I think those who are honest with themselves will know what those circumstances are and the extent to which they contributed to these circumstances.

The procurement Bill is an element of good governance and I sought in my presentation to indicate that it was one commitment delivered. It was one commitment made that we were seeking to deliver as part of a holistic strategy in improving the governance framework and context in this country.

It is also linked to good policy and we are in a good position in Trinidad and Tobago today where, not only has growth returned with prospects for sustained growth, not only has investment averaged US \$2 billion annually since 2012, not only is unemployment low, not only is inflation under control, with more people in the workforce, with more local investment, new entrepreneurship and a greater sense of well-being in the country, with development initiatives taking place north, south, east, west and central across the country, but we are in this good place with a sustained approach to citizen consultation and participation, to greater democracy, commitment to a free press and with economic policy

directed, not only at growth and diversification and competitiveness and innovation—all of which underscore the procurement Bill itself—but through commitment to putting people at the centre of the sustainable development process, policies which also focus on greater equity in the system and more inclusive economic and political participation.

I would just like to share with the population that this procurement Bill is coming at a time—though later than we anticipated—where we have succeeded in breaking the trend of decline for the last several years in, for instance, the Competitiveness Index, where we have moved up for the first time by three points. This is at a time when Trinidad and Tobago has the highest number of cell phones per capita of any country in the world; where we have moved up several notches on the Ease of Doing Business Index; that within the last week we have been ranked 43 of 142 countries on the Legatum Prosperity Index which ranks countries on the basis of the following things:

- entrepreneurship and opportunity related to procurement;
- education related to procurement;
- health;
- safety and security;
- personal freedom; and
- social capital.

And we have done better than countries such as Argentina, Brazil and Malaysia. We are soon to launch our population policy and our innovation policy after a most successful Americas Competitiveness Forum in which 46 countries and over 1,000 persons participated. And in our Action 21 Policy and Plan, which will outline the way forward for Trinidad and Tobago until 2021—in addition to the five priorities which we have been pursuing over the last four years—we are adding infrastructure development and governance to make the seven priorities going forward.

The idea is to open up our country further, bringing opportunities for all and bringing the world to Trinidad and Tobago; connecting with the world around us and strengthening our institutions so that our system of governance is better, our democracy is stronger, our economy more robust and resilient, our delivery systems and execution more effective and our people happier and more satisfied. Charged with the mandate of managing the process to facilitate passage of an enlightened and progressive Bill, I have done the best, as I said, under the circumstances.

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In the process, we successfully achieved policy clarity on the issue in collaborative mode in Cabinet as well as in the joint select committee. We were also able to secure consensus at the joint select committee stage and then acceptance of the report by both Houses of Parliament.

We were able to collaborate with the private sector civil society group to fashion a way forward when it seemed at one point that the Bill was doomed to failure. With the active support of Independent Senators, we were also able to pass this Bill unanimously in another place. And here we are now, having missed an opportunity to bring closure to this matter in the Fourth Session of the Tenth Parliament. We have the opportunity to do so in the Fifth Session of this Tenth Parliament.

Hon. Speaker, when you picked this Bill up after a challenge by one of the Members on the other side, you indicated that this was a fairly hefty Bill with substantial issues in it. Prepared with this Bill and circulated basically are the essentials of the Bill, which is passed on to every single parliamentarian and the Bill itself was in fact debated in this honourable House before the end of the Fourth Session.

To go into the details of this Bill again, I do not know if it is necessary. I have made the point that the Bill is the same that was there on the last occasion. I have made the point of the establishment of the procurement regulatory agency. I have established the reality of its powers. I have showed what the Bill seeks to do in terms of its objects—and I read from the Bill as far as those are concerned. I showed the link between what the Bill is seeking to do and what transpired in terms of the recommendations of the Uff Report and I tried to locate the Bill in the context of good governance.

The details of the Bill are really to allow the procurement system to function. What it calls for is the repeal of the Central Tenders Board and the establishment of this procurement agency in order to administer the process of procurement. It is a hybrid system as I mentioned, which allows for a tremendous amount of freedom on the part of individual entities and, therefore, it is decentralized to that extent; but it does call for strict accountability in terms of reportage to the Procurement Regulator in which every procurement execution is actually scrutinized by that entity. And that is where the crux of the matter hinges.

The other issues are pretty straightforward: how it will function, the details of how it will operate, what entities can and cannot do, who will give guidance—all of these matters are essential to the Bill. My own feeling is that Members are well

aware of the issues in this Bill. There is nothing difficult, problematic or contentious that needs to be explained in this Bill.

Let us not squander this opportunity to do something of value. Let us not disappoint the expectations of the people of Trinidad and Tobago and let us rise to the challenge of leadership in this particular matter.

I must say that, as I close, I am quite sceptical of the Opposition's commitment to procurement reform and I want to say so categorically.

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

Mr. Speaker: Not sustained. Continue please.

Sen. The Hon. Dr. B. Tewarie: I am also sceptical about the [*Interruption*]

Dr. Rowley: We are sceptical about you.

Sen. The Hon. Dr. B. Tewarie: That is fine. That is well within your rights.

Mr. Speaker: Please, please. Listen. Hon. Members, please, the Member is on his legs. He is making his presentation. Take notes. You will get a chance to respond.

Mr. Imbert: How much time he has?

Mr. Speaker: You do not worry how much time he has. When you speak, I will let you know how much time you have. Hon. Member, continue please.

Sen. The Hon. Dr. B. Tewarie: Any scepticism I have is based on conduct exhibited at the joint select committee stage, [*Desk thumping*] abstention when the joint select committee report to Parliament was passed, [*Desk thumping*] their thunderous silence when the private sector civil society group called for withdrawal of the Bill and the approach displayed on the last occasion when the Bill was debated in this honourable House. But I will suspend my scepticism and wait for reality to manifest itself. [*Desk thumping*]

Meanwhile, I want to take this opportunity to thank the hon. Prime Minister for her leadership and commitment to this procurement reform issue [*Desk thumping*] and on so many matter of importance to our country and region and I thank the hon. Members of the People's Partnership Government representing the people in this honourable House of Representatives for their support, teamwork and genuine commitment to Trinidad and Tobago and all its people.

I beg to move. [*Desk thumping*]

Question proposed.

2.45 p.m.

Mr. Speaker: The hon. Member for Diego Martin North/East. [*Desk thumping*]

Mr. Colm Imbert (*Diego Martin North/East*): Mr. Speaker, in listening to the last speaker, I reflected on certain classics, such as *Alice in Wonderland* and *One Flew Over the Cuckoo's Nest*, [*Laughter*] because the presentation of the Minister was symptomatic of a lame-duck Government oblivious to reality, living in its own little silo, disconnected [*Desk thumping*] from the population and realities. The Minister pretended that we had not come here in July of this year to debate this very Bill. He did not tell us that on the last occasion when we pointed out the flaws in the Bill, the Leader of Government Business abruptly adjourned the debate on July 04, 2014, giving an undertaking to consider the amendments proposed by the Opposition, and the Government then allowed the Bill to lapse.

So let me put history into perspective, Mr. Speaker. This administration put in its manifesto that it was committed to procurement legislation. By some fluke they managed to win 29 seats in the 2010 election—fluke. [*Interruption*] Yes, it was a fluke, f-l-u-k-e, fluke, because the madness of that outcome was amply demonstrated in 2013 when the Government lost every single election, [*Desk thumping*] all four: Tobago House of Assembly, Chaguanas West, local government, St. Joseph, so that the population returned to its senses.

But be that as it may, in 2010 this Government came in with 29 seats, meaning it had a special majority, meaning that it had sufficient votes to pass any legislation that it wanted to in this House. It did not require a single vote from the Opposition, even though we have had the departure of the Member for Chaguanas West, and we now have an additional PNM Member on our side—the Member for St. Joseph, and “a cuckoo has flown the nest” on that side, the former Member for D’Abadie/O’Meara—so they are now down from 29 to 26. Twenty-six is still the minimum number required to pass a Bill that violates sections 4 and 5 of the Constitution and, thus, requires a three-fifths majority.

For the record, a three-fifths majority in this Parliament is 26 votes. This Government had 26 votes in June 2010, it has 26 votes now, but for four years, notwithstanding the fact that this Government could pass any legislation it wants to, and it has demonstrated this with the Constitution (Amdt.) Bill, the run-off Bill, the local government Bill; whenever they are ready to railroad legislation through this Parliament, the Government knows what to do, it uses its majority conveniently, but for four years they have pussyfooted with this procurement

legislation and pretended—[*Interruption*] “Pussyfooted” is a word in the English language. It means procrastinate, prevaricate and just play the fool. That is what “pussyfoot” means. So this Government has pussyfooted with this legislation for four years while pretending that it required the support and the votes of the Opposition.

Nothing could be further from the truth. It was so on July 04, when the Leader of Government Business just abruptly got up and said, “I want to move that this House do now adjourn to Friday July 11”—just so. We were in the middle of debate on this procurement legislation, the Leader of Government Business gets up and just adjourns the debate, and then a couple of days later—lapse. That was the end of that, Mr. Speaker. Now they come back. We are in November, that was July; they come back four months later and the same Bill, word for word, no explanation. There was an altercation between the Leader of the Opposition and the Prime Minister recently about the unusual recess that this Parliament had, because you know, Mr. Speaker, we passed new Standing Orders where we have set aside the months of July and August for the recess. The Government opted to violate that agreement and have sessions in August. You violated it.

We agreed we would go on recess in July and August. That is in the Standing Orders, and it says it is only if you have an emergency that you would have a session. [*Interruption*] No, I am not giving way to you, hon. Prime Minister.

Mrs. Persad-Bissessar SC: On a point of order, Mr. Speaker.

Mr. C. Imbert: No. No.

Mrs. Persad-Bissessar SC: Mr. Speaker—

Mr. C. Imbert: What is the point of order?

Mrs. Persad-Bissessar SC: On a point of order, imputing improper motives, 48(6). [*Crosstalk*]

Mr. Speaker: Member for Diego Martin West, just cool it. [*Crosstalk*] You do not have to be shouting across the floor. [*Interruption*] Please. Please. Please. Please. Listen, next year, before September is election—[*Interruption*]

Dr. Rowley: You know?

Mr. Speaker: Yeah, well I know, [*Laughter*] 17th, but, you see right now, let us conduct ourselves in a dignified fashion. This kind of orang-utan behaviour, [*Laughter*] I do not like it. I do not like it. [*Interruption*] Yeah, “I am telling yuh I doh like it”. So I want hon. Members to conduct themselves honourably, and I do

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not think it is fair to say what you just said. I have made it very clear that the records would show, and I made a statement when we closed, some time ago, that when the Leader of Government Business moved for the adjournment of the House, not a single Member of the Opposition objected. If a Member of the Opposition had objected, the Speaker would have had to reflect and take a decision on the matter.

So, I do not think that it is fair to say that the Government abused its authority. [Interruption] No. No. No. I am saying that it was a decision of the entire House [Desk thumping] to adjourn. The House took a decision of which the Speaker carried out that mandate.

Dr. Rowley: Mr. Speaker, you are in the debate now?

Mr. Speaker: No, I am not in the debate, I am clarifying. I am clarifying. I am clarifying. [Crosstalk]

Mr. C. Imbert: You are taking my time, Mr. Speaker.

Mr. Speaker: Yes, you will get it back. [Interruption]

Dr. Rowley: What is the Government's point?

Mr. Speaker: Yes, but the point I am making is that I would not like you to misrepresent the facts.

Dr. Rowley: Mr. Speaker, that is for debate.

Mr. Speaker: Yes.

Dr. Rowley: That is not proper.

Mr. Speaker: No, but I ruled on this matter.

Dr. Rowley: Can I respond on it?

Mr. Speaker: No. No, you cannot respond on a matter—[Interruption]

Dr. Rowley: Then I am being oppressed.

Mr. Speaker: No. Well, listen—[Interruption]

Dr. Rowley: Then you are oppressing me. You are accusing me of misrepresentation—

Mr. Speaker: Do not argue whilst I am on my legs.

Dr. Rowley: Mr. Speaker, you are accusing me of—

Mr. Speaker: Member, I am on my legs.

Dr. Rowley: I know that.

Mr. Speaker: Yeah, well do not speak whilst I am on my legs. *[Interruption]* I am saying do not speak whilst I am on my legs. That is what I am saying. If you have a problem with the Speaker, you file a substantive Motion.

Mr. C. Imbert: Mr. Speaker, may I continue?

Mr. Speaker: No, you wait.

Mr. C. Imbert: You are taking up my time.

Mr. Speaker: No, do not tell me to wait—*[Interruption]* No, I am saying that you allow the Speaker—hon. Member, continue, please, Diego Martin North/East.

Mr. C. Imbert: Mr. Speaker, I am making a formal request now. Three and a half minutes of my time were taken up in that discourse, and the point I was going to make is that when the Leader of the Opposition and the Prime Minister had a difference of opinion, a disagreement over this alleged vacation that this Parliament was on in October, one of the things the Prime Minister said in the Government's defence is that we are coming to Parliament to deal with the procurement legislation to consider the amendments proposed by the Opposition on the last occasion. That is the point I was going to make.

Mr. Speaker, the Minister did not address a single one of the amendments proposed by the Opposition. Let me see, one, two, three, four, five pages of amendments, Mr. Speaker, not one, and when the Minister made his presentation—that is why I said it reminded me of *Alice in Wonderland* or *One Flew Over the Cuckoo's Nest*—I felt like I was in some other place because the Minister did not address the substance of the legislation, the issues raised on the last occasion or the proposed amendments by the Opposition. Now it falls to me to deal with those issues as usual.

Mr. Speaker, you know, it is ironic to hear the Minister talk about so many consultations on matters of public interest because I—while the Minister was talking I pulled up a *Guardian* story of just a few days ago about Invader's Bay, October 26, and you know what the Joint Consultative Council, the point they were making?—that on the Invader's Bay issue, a \$5 billion project, there was inadequate or zero public consultation, and the JCC accused this Government of double standards, that they have consultations on all sorts of trivial things, but then when it comes to important procurement matters, such as that \$5.5 billion

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Invader's Bay project, where a lawyer working for the State has given the Minister a legal opinion which has been published in the public domain, that the Minister breached the Central Tenders Board Act in seeking to dispose of the lands at Invader's Bay.

All of that in the public domain, the Minister would not talk about that. He would not talk about the fact that the industry is saying that the Government is guilty of double standards, on important matters they do not consult. They did not consult on what they were doing down on the San Fernando to Point Fortin Highway. That is one of the problems with that project, no or inadequate public consultation on matters of national importance, but they consult on trivia. That is what they consult on, and the point is, Mr. Speaker, in all of this, this Minister and this Government has not explained why this public procurement legislation, which is repealing the Central Tenders Board legislation, does not deal with the disposal of land.

Now, Mr. Speaker, the Government is the largest landowner in this country. The land that belongs to the State is in excess of 50,000 acres. I am sure my number is correct. "Ent, Member for La Horquetta/Talparo?" In fact, I believe it is 72,000 acres. The largest landowner in this country is the State and you are going to tell me that this Government, always mouthing empty platitudes about process and consultation, comes to this Parliament with a procurement Bill—it is a sham. They have deleted what is in the Central Tenders Board, the disposal of land from the rules [*Desk thumping*] that govern procurement.

This Minister is embroiled in a public spectacle with the Joint Consultative Council now for more than two years over the improper, irregular practices with respect to disposal of land at Invader's Bay, and not one word about why the Government has decided that the disposal of land will not be included in this procurement legislation, where the State is the largest landholder in the Government.

The only conclusion I can draw, Mr. Speaker, is that the Government wishes to dispose of state land to friends and family. This is the conclusion I am coming to without the strictures that would be imposed by this public procurement Bill. [*Desk thumping*]

Dr. Gopeesingh: I wish a retraction of that statement.

Mr. Speaker: I want to sustain that, and, Member, you could withdraw that statement, please?

Mr. C. Imbert: I withdraw, Mr. Speaker.

Mr. Speaker: Thank you.

Mr. C. Imbert: Now, let me move on. *[Interruption]* Oh, be quiet. I am dealing with the Speaker, not you. Mr. Speaker, I am talking to you, not him.

Mr. Speaker: Yeah, please. Please.

Mr. C. Imbert: “He cyah tell me what to do.”

Mr. Speaker: Yeah, but, hon. Members—may I appeal again to Members, you cannot tell a Member to shut up, only the Speaker can tell a Member to take his seat, not a Member telling another Member. So, please, let us know our space and our place. Please, continue.

Mr. C. Imbert: Thank you, Mr. Speaker. You know, the problem with this administration is they cannot handle the truth. The truth offends when you are talking to this administration. For four years—four and a half years, Mr. Speaker, as I said, they have played around with this campaign promise to enact procurement legislation—for four and a half years, and they have deliberately brought defective legislation. They had a parliamentary committee, we were going good; it was the Member for Caroni East—*[Interruption]* The Member for Caroni East was the Chairman and we had more or less reached consensus on the way forward, a framework for procurement legislation, when out of the blue, after a year of meetings and reaching consensus, out of the blue, they disposed of the Member for Caroni East and just dumped him, and inserted the hon. Minister from the other place to start the thing all over again, Mr. Speaker.

3.00 p.m.

They wasted two years on that and then they brought an argumentative, combative Minister who likes to fight over everything, who does not want to listen; who is stubborn and self-opinionated, and “we sit down there and he will not listen to reason”, Mr. Speaker. *[Interruption]*

Hon. Dr. Tewarie: Do not talk about yourself.

Mr. Speaker: Please, please, you cannot get personal. No, no, no, no, you cannot make these kinds of reflections. *[Interruption]* Member for Diego Martin West, I am seeking your cooperation for the afternoon. You are turning your back on the Speaker while you are speaking away from the Speaker. I have to maintain order here.

Hon. Member for Diego Martin North/East, you cannot reflect on any Member’s character or conduct. You know that better than anybody else here. If

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you want to raise a Member's conduct or reflect on a Member's character, you bring a substantive motion. Do not make these personal reflections upon any Member, and no Member on the Government side can make any personal reflection on any Member of the Opposition. It is not permitted, so, please, do not go there.

Mr. C. Imbert: Mr. Speaker, as soon as you sit they start with their bad behaviour, grumbling. The Member for Chaguanas East, who will soon lose his seat—grumbling. *[Interruption]* “Look he grumbling still.” I am speaking to you. Could you control that side, Mr. Speaker? You say yes, but they are still grumbling. Well, the next one over there, Mr. Speaker, grumbling over there. *[Laughter]*

Mr. Speaker: Please address the Chair.

Mr. C. Imbert: And one in the back there grumbling, Mr. Speaker.

Mr. Speaker: You are wasting your time. *[Laughter]*

Mr. C. Imbert: Oh, Mr. Speaker, after five minutes of my time has been wasted by others, you are telling me I am wasting my time. Okay, I hear you, Mr. Speaker.

Mr. Speaker: Please Members, allow the hon. Member for Diego Martin North/East to speak. Member for Couva South, please.

Mr. C. Imbert: I need to reinforce the point: this Government has brought a Bill that is so defective, so bad, as I said it leaves out the disposal of land, so that there will be no framework to regulate the disposal of state land. The Cabinet will be able to do whatever it wants with respect to the disposal of state land, without any checks and balances and controls by any procurement regulator—and that may be what they want.

When the Minister came here on the last occasion, do you know what he said? “I am not entertaining any amendments.” He got up in this Parliament, “I am not entertaining any amendments.” Now, that certainly sounds to me like the statement made by a very stubborn, self-opinionated person.

Let me go into the meat of the matter, Mr. Speaker.

The Minister has failed to address a fundamental flaw in this legislation. He claims that this legislation is copied or modelled on the UNCITRAL model for procurement law—joke. On the last occasion when I spoke on July 04, I read the Kenyan Act into the record. I read this Act word for word, full stop for full stop,

semicolon for semicolon, copied straight out of the African legislation. The point I made then, and I will make it now again, is that this Government, for reasons best known to itself, is introducing into our governmental system this creature called the “Procurement Regulator” who is appointed by the President in his own discretion, who will have office for seven uninterrupted years and can only be removed by the President for the usual things: bankruptcy, being of unsound mind, and so on. That terminology is contained in a lot of legislation, that the President could remove a member of a tribunal or a board because they become of unsound mind or they become bankrupt or something like that.

Mr. Speaker, in your experience, how many people in this country, in the last 25 years, have been removed from office by a President because they became of unsound mind or bankrupt, or any of those other things? I am not aware of any—not one. The point that was made then, I need to repeat it now: in all other progressive countries, where they introduce the office of the procurement regulator or any similar creature, they put on top of the regulator a review panel or a review board. The Minister made the very flimsy defence in passing, of his refusal to acknowledge that fact that is in all the legislation, that you have a review panel, that, “Oh, these things do not work”, and “There is a panel in the National Insurance Board that does not work”, and he would talk about that. Mr. Speaker, I have to listen to that?

We have a Tax Appeal Board here created by statute, and one of the closest parallels to the review panel that is in the procurement legislation all throughout the Commonwealth that works, is our Tax Appeal Board. The Tax Appeal Board was created because it was recognized that you are dealing with large sums of money. So the Inland Revenue with their process will determine that somebody is in default of taxes to a certain amount of money—it could be a huge sum, millions of dollars—and there is an intervening panel that will review the decision of the Board of Inland Revenue before it gets to the court.

You wonder if the Ministers on the other side do not read the newspapers and do not read what is on their desks in their Ministries. That same Invader’s Bay project has been tied up in court for years—for years. The Minister, in his sober moments—I was tempted to say whenever, but I will not—the Minister in his sober moments must have had an experience where he had some association with a judicial review application, and therefore must remember, at some point in time, that under our laws if you have to file for judicial review of the decision of a public authority—and a public authority is a Minister or a Government

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department—in this case the regulator is a public authority—if you want to review the decision of a public authority, you first have to apply for leave. It is a long, convoluted, drawn-out process.

You are not allowed to go straight to the court, you know. You have to go before a judge, and convince a judge that you have an arguable case, so he will grant you leave to make a judicial review application. So you have to go and hire senior counsel and pay them \$300,000, \$400,000, and “de junior getting 60 per cent of that and de instructing attorney getting 60 per cent of that”. So before you finish your application for leave, you are out half a million dollars. Then when the judge grants you the leave to apply, you have to submit your witness statements, your evidence and so on, and pay another half a million dollars, to argue the matter in a hearing before a judge. By the time “you done” is about \$1 million gone and about two years have elapsed. Every progressive country in the world has recognized this does not work.

In the United Kingdom you have the Adjudication Act to deal with construction disputes expeditiously. They have a panel of adjudicators in the United Kingdom, and once there is a construction dispute, before it gets to the court—because they recognize the problems in England too, that you need to have deep pockets and you have to have a lot of time, because it is going to take you years and it will cost you millions of dollars to challenge a decision of a procurement entity like the National Gas Corporation or even the Education Facilities Company, or even the Unemployment Relief Programme—something as small as that—LifeSport. It will take you years and it will cost you billions of dollars to challenge the decision of a public authority to award a contract.

So in England, they have the Adjudication Act, that has been out now in excess of 10 years, where you have a panel of qualified adjudicators, experienced professionals, and when there is a dispute, before it gets to the court, it goes to an adjudicator selected from the panel, who has 28 days to review the evidence and make a decision as to whether they will confirm or overturn the decision of the procuring entity. That is what has been going on in England for more than 10 years.

I want to give an example of little Grenada. I have in my possession the Public Procurement and Disposal of Public Property Act of Grenada, 2014. Grenada is a country that does not have our resources. It does not have our complexity in terms of procurement, but they chose to put in place a public procurement Act; and they did not pussyfoot with it. In this Act, look at what they put in their legislation. At

least whoever was the Minister who passed this legislation in Grenada, he had some common sense, because Part II says:

“BODIES INVOLVED IN THE REGULATION OF PUBLIC PROCUREMENT

There is hereby established a Board of Directors of the Authority...”

The Public Procurement Board in Grenada is the equivalent of our Office of the Procurement Regulator.

After the establishment of the Public Procurement Board which has similar powers, duties and functions as our Office of the Procurement Regulator—and they go through a whole long list of the powers, functions and duties of the Office of the Procurement Board in Grenada, they then say:

“For the purposes of this Act there is hereby constituted a body to be known as the Public Procurement Review Commission...”

Grenada, little Grenada—at least they have a Minister over there with common sense.

Hon. Member: Balls!

Mr. C. Imbert: So in Grenada, they have now passed a law where they have a procurement board which will review the decisions of procuring entities such as state enterprises, Ministries and so on. The procurement board would do the first review based on a complaint, and then the review commission would review and make a decision within 28 days—they also have a period, within 28 days—before it goes to the court.

I am embarrassed that an island with the limited resources such as Grenada, could have such progressive and modern legislation, and recognize the need for dispute resolution, alternative dispute resolution, and our great fantastic Government with a \$60 billion budget, cannot see that.

Hon. Dr. Tewarie: Did you read the clause?

Mr. C. Imbert: Mr. Speaker, what is wrong with him? This legislation before us, word for word, is the same as it was before. There is no body that reviews a decision of the regulator, other than the High Court. No person reviews the decisions made by the regulator other than the High Court. We must be the only country in the world that has that kind of situation, because you are talking about the country’s development programme.

I know there are sensible people over there—I know—so let us assume that they are listening, because this Government has a development programme of \$10 billion or thereabouts, more or less, and then within the state enterprise sector you have another development programme of considerably more. What is going to

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happen when they pass this defective piece of legislation, and they put in place this regulator for seven years, who is appointed by the President and who will never—we have not yet had a President who has decided to remove someone from a board, for those reasons that I outlined for you, which are in this legislation.

So you are putting this man or woman for seven years, and that person staying there, unless you “ketch dem tiefing” or some other gross, immoral conduct or something like that. You know what that person can do? That person can suspend procurement, he can terminate procurement, he can overturn a contract, and if you do not like it, you have to go and apply for leave for judicial review, and then if you are lucky enough to be granted leave, after you spend half million dollars and you waste about a year, then you go and do your judicial review application, which will take you a next couple years and a next couple of million dollars.

3.15 p.m.

There is no progressive country in the world that does not recognize that you cannot have that. Because what the Executive is doing, is handing over its development programme to an unelected official who cannot be removed by anybody—will not and cannot be removed by anybody in practice—and would have supreme power, and that person can be a bureaucrat, could just be pedantic and go through the regulations and say, you did not comply with regulation 29(2)(3)(iii). You did not comply with that, so I suspend this and I overturn this contract.

Now, the Government is—I have said this before—free to do it, you know. You could do it if you want, you know, but that is not what any sensible country does, Mr. Speaker.

In Jamaica, in the Caribbean—and Jamaica has had a history of more than 10 years, I think it is almost 20 years of procurement administration, Mr. Speaker. What they do in Jamaica, if you have a rogue regulator, because a regulator could be at large for all “kinda” reasons, you know. A regulator could be corrupt. A complaint could be made by one contractor, and he bribes the regulator, and the regulator then goes through the regulations with a fine-tooth comb, finds some minor irregularity, and cancels the contract. That is one possible scenario. Or the regulator could just be biased, and again, looks at something and makes a decision that on the balance of probability this does not look right, and they cancel the procurement, Mr. Speaker.

In Jamaica, because of their long experience with their contractor general legislation, they have a system where, if a regulator is, at large, guilty of misconduct, is obviously not acting in the public interest, all that is required is a resolution by both Houses of Parliament that the Governor General appoints a tribunal—and the tribunal is comprised of retired judges and so on—to investigate the conduct of the regulator. And the tribunal, after looking at all the evidence and holding hearings and whatever other mechanisms they want to use to determine the facts and the truth, would recommend to the Governor General whether the regulator should be kept in office or whether he should be fired. That is what they have had in their Jamaican legislation for more than 10 years.

Now, we made this recommendation to this Government on the last occasion. I drafted an amendment along those lines, that this regulator can be removed by way of the findings of a tribunal appointed by the President, following a resolution of both Houses of Parliament—straight, modelled from the Jamaican legislation. I did not hear the Minister talk about that. He did not deal at all with any of the issues that the Leader of Government Business said would be dealt with, and the Prime Minister said would be dealt with in the context of the amendments that we proposed, Mr. Speaker—has not dealt with it at all.

Mr. Speaker: The speaking time of the hon. Member—I have added three minutes to your original speaking time. So, you were supposed to finish at 3.15 p.m. So, the original speaking time of the hon. Member has expired. Would you be interested?

Mr. C. Imbert: Yes.

Mr. Speaker: Hon. Members, the question is that the speaking time of the hon. Member for Diego Martin North/East be extended by 15 minutes.

Question put and agreed to.

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

Mr. C. Imbert: Thank you, Mr. Speaker. And, Mr. Speaker, may I tell you, I deeply appreciate the additional three minutes that you have given to me. Thank you very much. [*Desk thumping and crosstalk*] It is all right.

Now, Mr. Speaker, the other feature of the Jamaican legislation which is absent from this Bill is that the regulator, the Contractor General is not allowed to trade with the Government of Jamaica. He is not allowed to provide goods and services, he is not allowed in any way to be associated with procurement or the delivery of goods and services to any arm of the Government of Jamaica. That is

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in their legislation; and it makes sense. And their legislation also says, the Contractor General must be full time. So, he must devote himself to his job which is to review and manage procurement, and he must not have any business dealings with any state agency, and he must be full time.

In this legislation there is nothing like that. All the regulator has to do is to declare that he may have a conflict of interest, but he can trade with the Government Trinidad and Tobago. And again, when these points are made to the other side that in other countries, their equivalent of regulator is not allowed to trade with a government agency; must devote himself full time; must be like a judge, because this person has a quasi-judicial function, so, they must be like a judge. They must insulate and isolate themselves from the ordinary day-to-day activities of the Government, Mr. Speaker. That is what is in all other progressive countries. Not in this legislation. And this is one of the amendments that was proposed to the Government. And let me read into the record what was proposed to them.

Removal of the regulator from office. Insert new clause 13 and renumber accordingly. In addition to the provisions of clause 12, the regulator may be removed from office for inability to discharge the functions of his office, trading with the Government of the Republic of Trinidad and Tobago without the approval of the Parliament.

Only the Parliament in Jamaica could approve the Contractor General having any business relationship whatsoever with any arm of Government.

And for the purposes of this section, the regulator trades with the Government, if while holding office he becomes party to or is partner in a firm or director or manager of a company which to his knowledge becomes a party to any contract with the Government of the Republic of Trinidad and Tobago for and on behalf of the public service.

Modelled straight out on the Jamaican legislation. This amendment was proposed to them. Not a word from the Minister, Mr. Speaker. So, perhaps you could understand why I might have become a bit irritated by the Minister, Mr. Speaker. And it goes on:

If the question of the removal from the office of the regulator has been referred to a tribunal, and the tribunal has recommended to the President that the regulator ought to be removed, the President shall forthwith remove the regulator from office.

So, all of this was recommended to the Government, that we establish a procedure where, if we have a rogue regulator, the Parliament based on a Motion tabled, debated and passed, would recommend to the President that a tribunal comprised of judges and other suitable people, review the conduct of the regulator, and if they find that the regulator is guilty of misconduct, then the President will remove the regulator from office.

Now, why is the Government fighting this? Why are they fighting this? Why it is they want to hamstring themselves? So, you put this man in and he could do what he wants, and you find all sorts of irregularities with respect to his conduct, but you cannot do anything about it? You cannot even debate the thing in Parliament? You cannot cause for the behaviour of the regulator to be investigated, Mr. Speaker? Why are they fighting that? I would like an answer from somebody on the other side. Why are you disposed to insulating this regulator from any accountability to the Parliament whatsoever?

In the report of the Joint Select Committee headed—the second one—by this hon. Minister, Mr. Speaker, this is what the Minister said, and I read from the *Hansard* of July 04, and this is referring to the document laid in the Parliament in 2012 by the Minister of Planning and Sustainable Development, and this was a recommendation accepted by the Parliament:

“That to oversee the reporting of the Procurement Regulator to Parliament, the Public Accounts Committee be made to perform the oversight function, and...the Procurement Regulator be accountable to the Public Accounts Committee;”

That was a recommendation straight out of the Joint Select Committee report laid in this Parliament by that Minister which does not find its way into this legislation. It does not.

All it says is that the report shall be laid in Parliament. Nothing else. It does not say that the regulator must account to the Parliament through the Public Accounts Committee. And the Minister has not told us why. He has not told us why after all of these recommendations in the Joint Select Committee report, tabled in this Parliament, accepted by this Parliament, they have disappeared. Why, Mr. Speaker? And you know, we deserve better than this in this Parliament. We deserve better than this. [*Crosstalk*]

Mr. Speaker, there is a level [*Crosstalk*] of arrogance on the part of the Government. [*Crosstalk*] A level of arrogance on the part of the Government. It is unconscionable that we came into this Parliament in July of this year, all of these

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points were raised then, the fact that there is no provision for the Parliament to regulate the behaviour of the regulator. There is no provision to review decisions made by the regulator, other than going to the court and spending millions of dollars and years of your life trying to argue a matter. Nothing inside of there. There is nothing in there to prevent the regulator from trading with state enterprises.

All of these points were made in July, Mr. Speaker, and when they were made, the Leader of Government Business adjourned the House stating that they would take these matters into consideration. Four months later the Minister comes back, not a word about these issues. So, one has to assume that it is the Government's policy that the regulator will be allowed to trade with arms of the State because they have said nothing. [*Crosstalk*]

We have recommended, Mr. Speaker, that there be an expressed provision that the regulator will not be allowed to do business with the State. We want that in the law. It is in the Jamaican law. We asked for that. The Minister comes back, not a word. No changes to the Bill. So the inevitable conclusion you have to come to is, that is what they want, that you put a regulator in and he will trade with the State. [*Crosstalk*]

Mr. Speaker, the other thing that one has to assume, because the Minister did not deal with it, is that you do not want the Parliament to monitor this regulator at all. I have to assume that. I have to assume that what you want is an unelected official, appointed by another unelected official to control the development programme of Trinidad and Tobago or somebody who is not answerable to the people, somebody who is not answerable to his peers, somebody who is not answerable to the Parliament, having the ability to shut down the country's development programme. I have to assume, because the Minister has indicated that he is not making a single amendment to the legislation, that that is what you want, Mr. Speaker. I have to assume that.

And the irony of all of this is that we have made these amendments, we have sent them to the Government in writing. They got this four months ago with the explanatory notes explaining the principle behind each amendment, and I will go through them: the need for the review board under the current form of the Bill, the regulator reviews decisions made by procuring entities and confirms, varies or revokes these decisions. After that, the only recourse for the Government, if it is dissatisfied with the regulator's decisions, is to sue the regulator. Now, that again, Mr. Speaker, does that make sense?—the Government of Trinidad and Tobago,

being dissatisfied with a decision of the regulator, takes the regulator to court. [*Crosstalk*] That is what this legislation caters for, Mr. Speaker.

In every other progressive country, you take that away from the regulator, you put it in the hands of quasi-judicial body, a tribunal comprised of retired judges and other people with expertise, and you let them make the decision, and that is what the court reviews. So, you separate the Government from the regulator, and you put in place a neutral, independent commission which then reviews the decision, and that is the matter that is contested in court, Mr. Speaker. Explain all of that to them.

Mr. Speaker: Five more minutes.

Mr. C. Imbert: Thank you. Not a word. Not a word. We explained to them “removal of the regulator”. An errant regulator could profoundly and adversely affect a government’s development programme. However, under the current Bill only the President can remove the regulator for the usual things, as I said bankruptcy and so on, Mr. Speaker. But in doing so, the President is required to come to his own determination regarding the unsuitability of the regulator—
[*Interruption*]

Hon. Dr. Tewarie: That is not true.

Mr. C. Imbert:—which puts the President in a very difficult—[*Crosstalk*]

Hon. Dr. Tewarie: Section 80(1) of the Constitution, I said so. You are simply misleading the House.

Mr. Speaker: Hon. Minister, you had your turn.

Hon. Dr. Tewarie: Sure.

Mr. Speaker: Just take notes, and you have the right of reply, but do not disturb the Member while he is speaking. Please, continue.

Mr. C. Imbert: It is very difficult to deal with people who are uninformed, and just do not understand basic common sense, Mr. Speaker.

Mr. Speaker: No.

Mr. C. Imbert: There is no—I am not talking about him. I am talking about whoever is advising him, because there is nothing in this legislation that gives the President a framework to review the conduct of the regulator. Nothing! Just the usual clause—if he is of unsound mind; if he is unable to discharge his functions; if he is bankrupt.

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But in every other progressive society, you put in place a review panel, an adjudication board, they have regulations, it is well documented, the rules are known in front, and therefore, the decisions would—most of the decisions of these review panels are not challenged in other countries, Mr. Speaker. Ninety per cent of the decisions made by these adjudication boards or review panels are accepted by the parties involved because of the sophisticated nature of the framework that is put in place to review the decisions of the regulator. But here you are throwing the President to the wolves. You tell him check him out. He is guilty of misconduct. There is no framework, Mr. Speaker.

3.30 p.m.

All of this was made known to the Government. They have not answered a single point and, as I said, the most glaring omission is that they have refused to include the disposal of state land, and I find it reprehensible that the Minister who is embroiled in an ugly dispute with the industry over the disposal of land at Invaders Bay has refused to allow this legislation to apply to the disposal of land at Invader's Bay, \$5.5 billion. I do not want to make this speech again. It is a waste of time.

So, I urge the Government, deal with the written amendments that were given to them; go through them in a serious manner, not a flippant manner, and treat with them and correct the unconscionable defects in this procurement legislation.

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

The Minister of Works and Infrastructure (Hon. Dr. Surujrattan Rambachan): Thank you very much, Mr. Speaker. What we are witnessing in this House here today, or what we have been witnessing over the last couple of years, is a progressive Government, a Government that is intent upon bringing change and bringing legislation that advances the system of governance, that advances governance as a whole, in terms of positive impacts upon the citizenry of this country.

Mr. Speaker, this is a piece of legislation that when you look at it in a very holistic fashion, is intended to de-bureaucratize aspects of how Government operates. It virtually decentralizes authority in terms of procurement, but does so in a way that places responsibility for what might be described as a new freedom in terms of procurement, but places emphasis on freedom with accountability. In other words, while you decentralize and you provide greater opportunity, and you make the ease of doing business greater, at the same time you ensure that there are checks and balances in the legislation that prevent abuse and reduce the potential or negate the potential for corruption.

Mr. Speaker, this Government is about improving the ease of doing business and, as you have seen recently in the reports that have been coming out, we have advanced substantially in terms of where we were a year ago to where we are now in terms of the ease of doing business in the country. Early in the contribution of the hon. Member for Diego Martin North/East, he referred to the fact that this Government came in with a majority and that majority would have allowed it to pass any legislation that we would wish to pass. He also indicated that we still have 26 seats and 26 votes and we can use it to pass legislation.

One must also keep in mind that despite having a mandate as we had, a mandate given to us by the population and a mandate which they will renew next year, so we will continue the work we have been doing and complete and further advance the interest of this country when the next elections are held, because there is no way that this Government can be faulted for its record of achievements and for its very high performance [*Desk thumping*] which everyone is beginning to see.

Mr. Speaker, the record of performance and the achievements of this Government have been so substantial that the population has begun to note it, that it has now created anger and anxiety, especially in the Leader of the Opposition, who seems to be very annoyed with the advertisement, “Your Government working for you” or the series that is called, “Voices” that appear on the television channels. So, they cannot fault this Government with respect to its performance record.

The performance record of this Government, I need not repeat it here, but now everyone is beginning to speak about it, the conversation on the ground has changed and there is but gratitude and congratulations on the part of the population for the goods and services that are being delivered in the country. [*Desk thumping*]

Therefore, Mr. Speaker, the only intent of the Opposition will be one, in the words of the hon. Minister who presented, Sen. The Hon. Dr. Bhoë Tewarie: to retire the progress that the Government wants to make with respect to governance in the country as the citizens would like to see it.

So, while the Member for Diego Martin North/East referred to the 26 votes we have which we can use to pass legislation, let me say that despite having that, there are certain laws which in the interest of national consensus, it should always be preferable to have agreement on all sides, and this Government governs not for one group, governs not just for one party; this Government has always

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demonstrated, there is a Government for all, not just for those who voted for us. We are a national Government and we will continue to behave in the national interest governing for all of Trinidad and Tobago. [*Desk thumping*] That is what we are about.

So, the People's Partnership Government will not abuse power, like has been the pattern of the PNM. Mr. Speaker, what we saw here today, in one Member, the Member for Diego Martin North/East, shouting across and telling another Member to sit.

Dr. Gopeesingh: Bully. Bully.

Sen. The Hon. Dr. S. Rambachan: Mr. Speaker, it requires a comment, because the public must note what can happen and what is likely to happen.

Dr. Gopeesingh: And what has happened already when they were in Government.

Sen. The Hon. Dr. S. Rambachan: Not a damn person speak or whatever has been said. What is likely to happen if they will ever see the corridors of power? [*Interruption*] That is a kind of bullying that we are trying to eradicate from the society, and what kind of example is being set by people who profess to want to be leaders in the country?

Miss Mc Donald: Standing Order 36, please.

Mr. Speaker: All right, I do not think that he is imputing improper motives. But, hon. Member for Tabaquite, I have ruled on that matter, I do not think that we should go there. Please!

Sen. The Hon. Dr. S. Rambachan: All right. Mr. Speaker, the People's Partnership Government recognizes and will always recognize the rights and interest of all citizens, and while we may rule by the majority principle, because that is what democracy is all about, we will not abuse parliamentary power. If there is one Government and one leader in this country who has tried to achieve results through consensus, it has been Prime Minister Kamla Persad-Bissessar and this Government. [*Desk thumping*]

Mr. Speaker, it might take us longer to get to a decision, but we believe in leadership by consensus. Earlier on, for example, the Member for Diego Martin North/East talked about lack of consultation and so on, and referred to the San Fernando highway as he called it, I think he meant, really, the Point Fortin Highway. Mr. Speaker, consultation was a requirement in terms of getting the

CECs for that highway, and you could not proceed unless you had the CECs, so consultation is at the heart of the approach of this Government. And to put the record straight, because there have been several comments going around about this matter of CECs for the highway, and based on consultation—just to put the matter straight I would show you that all the CECs for that highway project were achieved: CEC Paria Suites to St. Mary's Junction, CEC No. 2824 of 2010, granted for the proposed upgrade and development of the Southern Main Road at Paria Suites to St. Mary's Junction; CEC St. Mary's Junction to Dunlop, 1321 of 2006, granted to carry on at Corner South Trunk Road and Ciperio Road, St Mary's Junction to Dunlop Roundabout, Point Fortin; CEC Golconda to Debe, 1143 of 2005.

Mr. Speaker, I give you the years, because these were the years when we were not in office. So, when you talk about consultation, consultation was done in order to arrive at these CECs, granted to carry on from the Solomon Hochoy Highway in Golconda to the intersection of the M2 Ring Road with the SS Erin Road in Debe; CEC Debe to Mon Desir, 1372 of 2006, granted a Certificate of Environmental Clearance to carry on from the intersection of SS Erin Road and M2 Ring Road, Debe to Mon Desir.

Mr. Speaker, these CECs do not come about except you have consultation and you follow a process. So, to say that we do not engage in consultation is really not correct at all. This Government has been engaging in consultation and continues to engage in consultation. This is why this Government will continue to engage in dialogue with those who oppose the policies of this Government. Because we believe that dialogue is very important, and we will continue dialogue, even with the Highway Re-route Movement we will continue dialogue. [*Desk thumping*] We may not agree, but it is important that people be given the opportunity to put forward their views and to have a very healthy dialogue about these matters.

Mr. Speaker, the Member for Diego Martin North/East also made reference to the fact that land is not included in this Bill. Mr. Speaker, I began to think about what is his obsession with land. What is his obsession with land? Had he been in the House I would have asked him what is his obsession with land because we should go through the records to see which associates of the PNM got Caroni lands. We should go through the records to see that, and where they got these lands, and how these lands were given out. We should really go through to see that, and maybe Mr. Indarsingh who was very au courant with that period of time—

Dr. Browne: The Member for Couva South.

Hon. Dr. S. Rambachan: The Member for Couva South, MP Indarsingh, would probably take the opportunity to speak about that in the domain of this House.

So, one must be very careful when one makes such accusations that one is not reflecting a particular kind of cultural behaviour on the part of those particular people. But I want to go to this matter of what he is talking about, land. Mr. Speaker, if you look at the State Lands Act, Chap. 57:01, section 4:

“All rights of ownership vested in the State in respect of State Lands may be exercised by the President on behalf of the State.”

Mr. Speaker, the President is the custodian of all state lands, and section 4 subsection (2) says:

“The President may by Order empower the Commissioner of State Lands or any Deputy Commissioner of State Lands to exercise any of the rights exercisable by him under subsection (1).”

Mr. Speaker, this means that the President gives delegated responsibility to the Commissioner—[*Interruption*]

Hon. Dr. Tewarie: Delegated authority.

Hon. Dr. S. Rambachan: Delegated authority, sorry, to the Commissioner of State Lands. The Central Tenders Board Act, as far as I know, does not have anything to do with the disposal of state lands, to the best of my knowledge. So, I cannot see how the procurement Bill which is set up to achieve certain specific objectives will have to do with state lands.

But, in this Bill there are some very important clauses. Like on page 3 of the Bill, Mr. Speaker, it says here, Part I, clause 4, in this Act:

“‘disposal of public property’ includes the transfer without value, sale, lease, concession, or other alienation of property that is owned by a public body;”

3.45 p.m.

If by chance, a public body owns land or is given land which it has to lease and so on, then it is subject to this definition. So, the Member for Diego Martin North/East is being disingenuous by trying to read part of it all and not talking about the whole story. So it is here:

“‘disposal of public property’ includes the transfer without value, sale, lease, concession, or other alienation of property that is owned by a public body;”

Mr. Speaker:

“‘public body’ means—

- (a) the Office of the President;
- (b) the Parliament;
- (c) the Judiciary;
- (d) a Ministry or a department or division of a Ministry;
- (e) the Tobago House of Assembly...or a division of the Tobago House of Assembly...”

And we know the Tobago House of Assembly is now a big landowner, so maybe we will have an opportunity to see, now, how the THA is distributing lands, and whether the THA is guilty of what the Member for Diego Martin North/East was trying to pin upon this Government.

- “(f) a Municipal Corporation established under the Municipal Corporations Act;
- (g) a Regional Health Authority established under the Regional Health Authorities Act;
- (h) a statutory body, responsibility for which is assigned to a Minister of Government;
- (i) a State controlled enterprise;”

So State controlled enterprises that have lands which they are leasing out, maybe, for industrial purposes or what have you, they are covered here.

- “(j) a Service Commission established under the Constitution or other written law; or
- (k) a body corporate or unincorporated entity—
 - (i) in relation to any function which it exercises on behalf of the State; or
 - (ii) which is established by virtue of the President’s prerogative, by a Minister of Government in his capacity as such or by another public authority;” or
- (l) a body corporated—“or unincorporated entity in relation to any function, project, scheme or arrangement which involves the use by him or it, of public money;”

And to complete the definition, Mr. Speaker:

“‘public property’ means real or personal property owned by a public body;”

So, Mr. Speaker, for the best of my understanding, I cannot see how—what the hon. Member for Diego Martin North/East holds any truth at all.

Hon. Dr. Tewarie: Has no basis of facts.

Hon. Dr. S. Rambachan: Mr. Speaker, so I just wanted to point out that.

The other point that was raised by the hon. Member for Diego Martin North/East has to do with the Regulator, and in particular, he is concerned about the process by which the Regulator should be removed. Mr. Speaker, in clause 12 of the Bill the removal of a member:

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

- (a) is declared to be bankrupt;
- (b) is incapable of performing the duties of a member;
- (c) has neglected his duties or has engaged in conduct that would bring his office into disrepute;
- (d) has been absent, without the leave of the Board, from three consecutive meetings...
- (e) has been convicted of an offence involving dishonesty;”—and (f) in this clause 12—
- “(f) has been convicted of an offence under the Integrity in Public Life Act; or
- (g) has been convicted of an offence punishable by imprisonment for one year or more or an offence under this Act.”

So the Regulator comes under the Integrity in Public Life Act, and that is important, so too do the members, Mr. Speaker.

We cannot create institutions to do a job, and then, not only deny the institutions at present, but disallow the institutions from doing their work. If it is that we have created the Integrity in Public Life Act and the Integrity

Commission, we have incorporated that in this Act so that they can also have oversight and people can report matters to the Integrity Commission, and they can carry out their functions with diligence that they are accustomed to carrying it out.

Mr. Speaker, it raises a point though, as to, in terms of what the hon. Member was saying, because the decision, you see, the hon. Member for Diego Martin North/East is of the view that some tribunal should be established to hasten the removal of the Regulator where deemed necessary, and he referred to the Jamaican legislation and what have you. But I think that he was overlooking the fact that we are trying not to have processes that are cumbersome and perhaps unnecessary, and just creating an institution solely for that kind of purpose.

Mr. Speaker, the decisions of the President to remove the Regulator from office should the need arise, is not a decision that will remain unilaterally, and it is provided for under section 80, subsection (1) of the Constitution which states:

“In the exercise of his functions under this Constitution or any other law, the President shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet, except in cases where other provision is made by this Constitution or such other law, and...in cases where by this Constitution or such other law he is required to act—

(a) in his discretion;”

So, Mr. Speaker, having said that and having looked at the provision of the Constitution in terms of section 80(1), clause 12 of the Bill will states:

“President may remove...upon being satisfied”—means, it is not the President acting in his own discretion but rather the President acting on the advice of the Cabinet.

And so, although the office of the Procurement Regulator, correctly, is insulated from political interference, it is not absolved from accountability to government authority, and that is the point. There is no question in our minds of making sure that the Office of the Procurement Regulator is insulated from political interference, but, Mr. Speaker, it is not absolved from accountability to government authority.

The next point made by the hon. Member of Diego Martin North/East had to do with the reporting of the Regulator. Mr. Speaker, clause 13(2) of the Bill says:

“In the exercise of its functions, the Office shall—

(a) act expeditiously and take such other steps as it thinks fit in order to minimize any negative economic impact arising out of the performance of its functions; and

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- (b) not be subject to the direction or control of any other person or authority in the performance of its functions, but shall be accountable to the Parliament.”

But, Mr. Speaker, both clauses are important, both subclauses. Subclause (a) is important because it notes, up front, that the duty of the Regulator is to act expeditiously and to take steps as it thinks for it in order to minimize any negative economic impact arising out of the performance of its functions. And there are other parts of the Bill which say how many days and so on they are expected to do certain things.

Hon. Dr. Tewarie: Twenty.

Hon. Dr. S. Rambachan: Right. So, Mr. Speaker, the Regulator cannot just get up and decide that I will put pressure on some body and I will do this and so on. It is not like that at all. It cannot happen like that. So there are checks and balances in the Act to deal with these particular matters.

So, Mr. Speaker, 13(2)(b) of the Bill provides that the Office of the Procurement Regulator:

“shall not be subject to the direction and for control of any other person or authority...but shall be accountable to the Parliament.”

This means, that true reports submitted to the Parliament, either by a joint select committee which is intended to be created, pursuant to section 66A(1) of the Constitution to enquire into and to report to the Parliament in relation to the affairs of the office, or, the Public Accounts Committee with respect to the reports of accounts of procuring entities, any misbehaviour of the Regulator may be noted by a committee of Parliament, and remember, Mr. Speaker, we now have these as public sessions in which the public who have an interest in these matters or any other person who has an interest in these matters they can publicly view what is taking place.

So, any misbehaviour may be noted by a committee of Parliament and debated in Parliament if necessary, and the Minister of Finance and the Economy can then make recommendations to the Cabinet for the removal of the Regulator and this can then be put to the President for action, Mr. Speaker, and this is not what the Member for Diego Martin North/East spoke about.

Dr. Gopeesingh: He omitted it deliberate.

Hon. Dr. S. Rambachan: He omitted it, Mr. Speaker. It is our duty to point out the checks and balances upon the Regulator. This Parliament is supreme. You cannot say that you want the Parliament with “teeth” and then you take away the bite from the Parliament, you just cannot do that. You have to give the Parliament its true place, and this Government has done that, Mr. Speaker. [*Desk thumping*] Just look at what has happened to the Standing Orders in the Parliament, and you will see how much power we gave to the Opposition in order to be a more effective Opposition, if they choose not to use those powers, that is their affair. They will be failing the population and so far they have failed miserably, [*Desk thumping*] failed miserably to use the new powers vested under the Standing Orders in order to create more activity and thinking in the population.

Mr. Speaker, you just judge by the quality of questions that they have been asking the Prime Minister when she has to answer questions here—fish market bill. Just judge, Mr. Speaker. There is a paucity of intelligence and intelligence thinking on the other side. [*Desk thumping*] There is a disconnect there between what are the real issues in the country that they should be asking about, and what instead they seek. What is here is that they are skimming the surface because they have never gone into the depths of representation. [*Crosstalk*] Bereft of philosophy and bereft of intellect will be two good descriptive phrases of our friends on the Opposition side.

Mr. Speaker, I wanted therefore to make these couple of points in response to my friend, the Member for Diego Martin North/East, on the other side. You know, we have talked about procurement, and these days procurement is a big discussion in the country especially with relation to the highway project to Point Fortin, and everything is about procurement and everything is about consultation.

Mr. Speaker, if I had the time I would go through, even the manner in which the procurement was done for the construction of the Solomon Hochoy Highway extension to Point Fortin, and you would see, you know, even due process was followed there. And while the Opposition at times wants to make out that we have not done things the right way or things were not done the right way, you know, the dates on which things were done would reveal that the Opposition also had a role to play in the procurement process for the highway.

Dr. Browne: Who is denying it?

Hon. Dr. S. Rambachan: Sorry?

Dr. Browne: Somebody denying that?

Hon. Dr. S. Rambachan: Mr. Speaker, it was in February 2010, that is way before May 24, 2010, that requests for proposals were issued by NIDCO for the construction of the Solomon Hochoy Highway extension to Point Fortin, using, the design/build method of procurement. Twenty-nine entities, construction entities or companies bought the RFPs, 29, and by 1.00 p.m. on May 7, 2010 which was the tender closing day, only three entities submitted tenders: China Railway Construction Corporation Limited, Construtora OAS Limited and GLF Construction Corporation.

4.00 p.m.

So those tenders came in way before May 24, 2010. I just wanted to make that point because I think it is important to do that and to reemphasize that the lowest price was, in fact, the price put in by Construtora OAS Limited. In fact, China Railway's price was \$6,366,168,205. GLF Construction Corporation was \$5,378,320,097 and OAS Limited was \$5,285,400,000. Those were the prices. So China Railway was almost \$1 billion higher, and GLF about \$100 million higher than OAS in this particular thing.

Mr. Speaker, Trintoplan's estimate in December of 2010 was \$5,229,081,883.07. I am just giving you that to tell you that the engineer's estimate was also very close to the bid estimate by the OAS.

Mr. Speaker: Hon. Member, your original speaking time has expired. Would you want to have an extension of 15 minutes?

Hon. Dr. S. Rambachan: Yes, Sir.

Mr. Speaker: Hon. Members, the question is that the speaking time of the hon. Member for Tabaquite and Minister of Works and Infrastructure be extended by 15 minutes.

Question put and agreed to.

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

Hon. Dr. S. Rambachan: Thank you, Mr. Speaker. The other thing that I see being bandied about all the time is that people keep saying that the price of the highway is \$7.5 billion. Mr. Speaker, one has to understand and put things in perspective. The construction cost of the highway is \$5,213.8 million. Let us make that clear—the construction cost of the highway. The land acquisition costs—and these are moneys allocated; it does not mean to say we are going to use all of it—is \$700 million. Construction oversight, \$393.9 million; construction contingencies, \$556.9 million, and there is an escalation cost of \$350

million but it is limited to things like cement and steel, and so on. It is limited; it is capped at \$350 million.

Dr. Browne: Why is it the most expensive highway?

Hon. Dr. S. Rambachan: Mr. Speaker, my friend from Diego Martin Central is asking why it is the most expensive highway in the world. My friend will do wise to accept my invitation to take him on a visit—on a tour of the highway for him to really see what is happening on the highway, to see the soil conditions that exist on the highway, to understand it is a design/build contract. I will gladly take you, whether it is on an aerial tour or a ground tour. I will take you to lunch; I will make sure you are properly entertained by the people of Point Fortin, and you would be able to get a first-hand view—

Dr. Browne: Point Fortin?

Hon. Dr. S. Rambachan: I know that the Member for Point Fortin will arrange lunch for you, to see that.

Dr. Browne: That is why it is so expensive.

Hon. Dr. S. Rambachan: Mr. Speaker, I wanted to make these points here this afternoon in order to put it in perspective. But while we speak of the highway, I want to refer to an article by Mr. Afra Raymond on the 29th of October 2014 in the *Business Express* in which Mr. Afra Raymond, under a subheadline says: “Tender Truths”. He says there—it is a whole article:

“Lastly, there is now a series of new statements emerging from the HRM and its supporters which did not form part of the original concerns of that group.”

This is Mr. Afra Raymond:

“The most striking of these is that the highway contract was not tendered.”

Imagine where it moved from. I am giving the evidence of the tendering that was done under the former administration, but here, you know, Mr. Raymond is acknowledging that—he said “Tender Truths”—they are saying now the contract was not tendered, and he gave the reference.

“That allegation can be found in HRM’s International Media Release of September 24, 2014 on its Facebook page and on the AVAAZ campaign webpage, as well as in other media statements by various persons supporting the HRM.”

Imagine that! Mr. Speaker, imagine that! You are saying and putting on international—that the highway was not tendered. Distorting the truth! Distorting the truth, Mr. Speaker! Distorting the truth to try to paint this Government in a bad light.

What Mr. Raymond concludes here, he says:

“Secondly, those baseless assertions by the HRM show a lack of familiarity with the contents of the Armstrong Report.”

Shows lack of familiarity with the contents of the Armstrong Report.

Mr. Speaker, I find it very, very challenging when people are trying to distort the truth because I want to refer to an article in the *Trinidad Guardian*, Wednesday, November 05, 2014, Urvashi Tiwari-Roopnarine interviewing Dr. Rae Furlonge, senior traffic engineer, and:

“Furlonge says he used a scientific approach and his views were based on analyses of traffic counts, origins and destination and travel times.”

Here is what he says:

“Antagonists are contesting the viability of many legs of the network, saying there was no need to link rural hubs, but his studies showed that Siparia and Point Fortin were the most inaccessible towns.”

People are saying you did not need to build a highway between Debe, Penal, Siparia, Fyzabad to Mon Desir, and to Point Fortin, but hear what he is saying:

“...Siparia and Point Fortin were the most inaccessible towns.”

The lowest rate of accessibility.

And what Dr. Furlonge said:

“The highway is designed with a practical capacity of 1,600 cars an hour and the route is primarily the same as proposed by consultant LEA-Trintoplan in 2005. Furlonge said the route was designed to fit traffic needs until 2035 and would accommodate an annual two per cent increase in vehicles.”

What is more interesting, he said:

“A second study using geographic information systems...was undertaken and had similar findings. It involves a computer programme selecting the best route by working in restrictions, such as wetlands, protected areas, historical sites and gas pipelines. ‘Amazingly, the computer-generated route was very close to what the manual route done by LEA-Trintoplan achieved’...

Asked to settle the controversy ‘does the route pass through wetlands?’ he pointed at a map showing the lagoon in blue, with the road nowhere close.”—nowhere close.

“‘Look where the lagoon area is’”—he said.

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“...he pointed to a map showing the lagoon in blue, with the road nowhere close.”

This is Dr. Rae Furlonge, senior traffic engineer, who was also used by the former administration.

“Look where the lagoon area is. This is the highway, the west side, and this is Mon Desir and Debe. Where are you seeing blue?”—he asked. “His team also analysed the initial route proposed by the Highway Re-route Movement... ‘That’s absurd, because you are simply looking at lines and saying let it function to move traffic’ was his initial reaction.”

He said:

“You just want to use roads willy-nilly? Those are local roads. People must be able to walk the roads comfortably,”

Mr. Speaker, the highway is not going to be really the end to all traffic problems. Let us say that. But the highway is going to reduce the travel time from San Fernando to Point Fortin in a dramatic fashion. [*Desk thumping*]—dramatic fashion, to Point Fortin, so that that little child in the constituency of Point Fortin in Cedros who won an open scholarship but had to live in San Fernando and had to be away from her family and suffer the emotional stress of that, would not have to do that again.

Dr. Gopeesingh: What about those dying, waiting to come to hospital?

Hon. Dr. S. Rambachan: And all of that. Mr. Speaker, while we say that—so here is a situation where the procurement process was done, the evaluations were done, and, you know, if people want, I can give them—because it is a matter of public knowledge—the names of all the persons who were on the evaluation committee, you know, both the technical and financial evaluation committees. I can give you the names of every single person. And it was not just local people, it was also international people. So that the technical financial committee, you had all the names here, and I can reveal them to you. It is no problem to do that.

But, Mr. Speaker, there is a cost that will be involved in terms of stopping the highway, and Mr. Terrence Bharath, again on Thursday, November 06:

“Route changes could inflate cost.”

But it is not about the route changes. The route has been established as the best route, and now you want to change the best route and you are prepared to inflate

the cost upon the taxpaying public of Trinidad and Tobago. You are prepared to do that.

Mr. Speaker, I want to repeat in this House today that as Minister of Works and Infrastructure, together with NIDCO, we are prepared to dialogue with the people in the Highway Re-route Movement. Only this week they have now sent to NIDCO the formal route that they are proposing, and we have sent it for study and we will dialogue with them. [*Interruption*] Yes, we have now got it officially, only this week.

You see, I just want to warn, in the words of Mr. Terrence Bharath:

“The HRM is calling for a re-route of the Debe to Mon Desir section of the highway, but because the project was a design-and-build package, this would likely involve a price variation.”

That price variation the hon. Member for Diego Martin North/East, who is very au courant with these matters, would tell you:

“According to Fidic it’s always the employers prerogative to terminate the contractor, but not without paying these costs:”—and the costs will be very high. For example, Mr. Bharath points out here:

- “Return performance security
- Pay for the amount of work done
- Cost of plant and material ordered for work
- Cost incurred by expectation of completed works
- Cost of removal of temporary works
- Cost of repatriation of staff and labour”—and so on, and also—“The amount of any loss of profit or other loss or damage sustained as a result of this termination”

But you want to shut down the highway even after you have determined this is the best route, even after the process to get the best price for the job was also done.

Mr. Speaker, I gave an invitation to the civil society groups to go on a tour of the highway and they said no, they were not interested in that.

Hon. Member: Why?

Hon. Dr. S. Rambachan: They were not interested in that. Today, I publicly again invite them to go on an aerial and ground tour [*Desk thumping*] of the highway because at every turn they are challenging the procurement practices of this Government and what we are doing. Let me say, according to the contract, OAS was supposed to have a 40 per cent local content. [*Crosstalk*]

Mr. Speaker: I would like to hear the hon. Minister—and the Hansard reporters would want to take accurate notes of what he is saying—but I cannot, too much crosstalk. Hon. Minister, you may continue, please.

Hon. Dr. S. Rambachan: Yes, Mr. Speaker. Mr. Speaker, they were supposed to have a 40 per cent local content. The local content is up to 91 per cent on the highway—91 per cent on the highway.

This is the vigilance with which we are approaching the construction of that highway.

4.15 p.m.

They said we will cut down a whole mountain from Port of Spain and dump it in the swamp. I want to let you know that we are importing materials from the small islands as well as Nova Scotia to put on that highway, so the degradation of the environment and the hills and so on is not taking place like they claim under all of this. Misinformation at every turn. So we are very vigilant in terms of what we have agreed to in terms of this particular project.

Mr. Speaker: You have four minutes, hon. Member.

Hon. Dr. S. Rambachan: Yes, Mr. Speaker, thank you. And just to let you know and let the population know, there are over 600 suppliers who are supplying goods and services right now to this highway. This is just two pages of the main services: National Quarries, aggregate supply; R. A. Murray, aggregate supply; Mobicare Limited, ambulance and medical team; Junior Sammy, Halcrow, FT Farfan, Tracmac, Paramount Transport and so on, Tropical Maintenance, Universal Projects.

Mr. Speaker, the money is circulating among the local contractors. So it is misinformation to say what they are saying, and just to tell you, the highway is nearing 40 per cent complete at this stage in terms of the work, and the amount of money paid so far is consistent with the percentage of work that is completed.

I was amazed that at one point in time the HRM was saying, “build. You have started to build from Debe to Penal, build it”. Now, they have reversed that and saying, “Do not build it.” The goalpost being shifted all the time, but despite that we are committed to dialoguing and we will dialogue.

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So, Mr. Speaker, I want to thank you for this opportunity to contribute to this debate and I hope that I have been able to remove some of the misconceptions created by the Member for Diego Martin North/East, for which he is well known in terms of diverting attention from the party of which he is now, he said, a leader and for which he is given some kind of position, except that they are doomed to remain where they are next year when the election is called.

Thank you, Mr. Speaker. [*Desk thumping*]

Mr. Speaker: Hon. Members, our next speaker is the hon. Member for St. Joseph, but it is now 4.17 p.m. going on 4.18 p.m. and he will only have about 10 to 12 minutes to speak and then we will have to take tea at 4.30 p.m. So with your leave, I am suggesting that we have an early tea and we shall return at 5.00 p.m. This sitting is now suspended until 5.00 p.m.

4.18 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. Terrence Deyalsingh (*St. Joseph*): Thank you very much, Mr. Speaker. We are here today to discuss a very important Bill, a very important piece of legislation. The title is very long, so I will just refer to it as the procurement legislation. Why is this Bill important? The Bill is important because as Trinidad and Tobago seeks to develop itself, procurement becomes a very major part of that developmental thrust, and this Bill seeks to govern the procurement practices of over 100 entities and billions, if not hundreds of billions of dollars, in much-needed development.

Mr. Speaker, in just 45 minutes I need to take off from where the Member for Tabaquite left off, and when the Member for Tabaquite was closing he mentioned the names of certain firms, certain contractors. It was my intention to mention some contractors—not in a bad light. Let me get that clear—but I want contractors who are listening to this debate and who may be tuned in now and listening to me, to get their legal officers, get their lawyers and have them listen to what is going to be said. So let Junior Sammy get his legal team in place, let Coosal's do it, let Seereeram Brothers do it, let the Joint Consultative Council do it, TTMA, Trinidad and Tobago Chamber of Commerce, civil society, because this legislation has far-reaching consequences for these contractors and for civil society.

It is my intention to go through the Bill slowly, clause by clause, but I want to jump just to show us, to show the national community one clause to illustrate how badly drafted this piece of legislation is, just as an example. And, Mr. Speaker, I refer specifically to clause 58 to be found on page 43 under Part VII, Miscellaneous, and I quote:

“(1) For the purposes of this section—

‘senior officer’ means a managing director, chief executive officer, chief operating officer, deputy managing director, president, vice-president...”

I stop there and nothing is wrong with that because all those positions called are positions of authority and decision-making within these contractual firms, whether you are Junior Sammy, whether you are Coosal’, whether you are Seereeram Brothers, and I want the Joint Consultative Council to pay attention to this. Nothing is wrong with managing director being called a senior officer, but I stopped at a particular point because the next position is the position of “secretary”.

Why is a procurement Bill putting the secretary, who fulfils an administrative function, who sets the calendar for her boss—[*Interruption*]

Hon. Dr. Tewarie: It means corporate secretary.

Mr. T. Deyalsingh: Right! You see, you should not have said that because the same clause goes on to say “corporate secretary”. The same clause goes on to say “corporate secretary”. So the Minister of Planning and Sustainable Development should not have antagonized me. His Bill is saying “secretary”. I stopped, he jumps up, “It means corporate secretary”, but when you read the rest of the provision it mentions “corporate secretary”, and we are here and say, “We must trust you”. Minister, get serious about drafting.

Hon. Dr. Tewarie: Oh Jesus!

Mr. T. Deyalsingh: What, “Oh Jesus”? You jumped up and said to denigrate me, that “secretary” means “corporate secretary”. But then it goes on to say, “corporate secretary”, what is it? Let me tell you why. So we are now putting the secretary to Junior Sammy as a senior officer and we are now holding that person responsible for what, Mr. Speaker? Hear the definition of supplier/contractor:

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“‘supplier or contractor’ includes any person who is a director, manager, senior officer...—and a senior officer includes the secretary.

In that clause it does not say “corporate secretary”. Badly drafted piece of legislation, Minister, replete with errors and that is just one. I do not have time to go through all. So we have come across very clumsy drafting. Very, very clumsy drafting.

Mr. Speaker, let us deal with this thing called the Office of the Regulator. The issue of white-collar crime—and this Bill seeks to address white-collar crime, bid rigging—has not been addressed seriously in the recent past. The last administration in an attempt to deal with white-collar crime sought to introduce something called the Revenue Authority, in which all the tax collection agencies—Inland Revenue, VAT, everything else—will be brought under one umbrella, the Revenue Authority. Mr. Speaker, if you want to “ketch” white-collar criminals, “ketch” them with their tax returns. The United States learned that long time ago with Al Capone. That is what we were attempting to do under the last administration, but that became an election issue just like axe the tax, get away with it.

Mr. Speaker, we have the ineffective financial institution, the unit FIU, ineffective. This piece of legislation alone, as a stand-alone, will have little meaning in the landscape of white-collar crime if we do not have meaningful change in our tax revenue, how we collect our taxes and how we can trace illicit gains.

Clause 10 of this Bill—and if we go to clause 10, it sets out the criteria for appointment to this office, the office of procurement regulations. Unlike legislation governing the appointment of bankers to boards under the Central Bank Act, this piece of legislation where we are appointing this omnipotent omnipresence to lord it over 100 entities and hundreds of billions of dollars, there is no fit and proper test. But what is galling about that, there is no fit and proper test for the office of procurement, but there is a fit and proper test under 16(3) for committee members.

I am suggesting that one amendment that needs to be done is to employ a fit and proper test for the Office of Regulator, because you could have somebody á la Resmi applying for this job and we do not want that. So, Mr. Speaker, the Office of Regulator fails at the very first hurdle unless we have a fit and proper test.

Mr. Speaker, this office we are constructing here, the Office of Procurement Regulator, chaired by the Procurement Regulator, appointed by the President for seven years, becomes an immovable object regardless of what the other side says.

5.10 p.m.

And you know what happens? He could possibly be there for 14 years because he could get a second term. So, for 14 years, you are stuck with this immovable object who is responsible to no one and can only be removed under conditions which I do not think we have ever employed in Trinidad and Tobago.

Mr. Speaker, but what is scary is when you read clause 13(2)(b) under the functions. Clause 13(2):

“In the exercise of its function, the Office shall—”

And this is (b):

“not be subject to the direction or control of any other person or authority in the performance of its functions, but shall be accountable to the Parliament.”

How is he accountable to Parliament? Can we remove him? The answer is no. Can we censure him? The answer is no. We are being ridiculous. Explain to me how this person is accountable to Parliament if the Parliament cannot sanction him, remove him or anything else? [*Crosstalk*] Right? Mr. Speaker, and that is what is scary.

Mr. Speaker: Just a minute. Please, hon. Minister of Planning and Sustainable Development, I know that you are very—you would like to join the debate again, but please, just take notes and do not interrupt the hon. Member whilst he is speaking. It does not go across well and it is not part of our culture that we are trying to foster in this House. So allow the Member to speak without any interruption, please. Continue, hon. Member.

Mr. T. Deyalsingh: Mr. Speaker, I am not surprised because this is a Government that does not know the difference between a secretary and a corporate secretary. [*Laughter and desk thumping*] They do not know the difference between a secretary and a corporate secretary so I excuse them.

We want the ability to remove this man. We want that because if you want to bring legislation to recall MPs, I want to recall this man. This man is more powerful than any of us here. He is more powerful than the entire Parliament of Trinidad and Tobago but we cannot recall him. We cannot recall him. He is omnipotent, omnipresent, this immovable object and the JCC agrees to this. The

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JCC agrees to this? Civil society agrees to this, as stated by the Minister, in their consultations? Junior Sammy agrees to this? Coosal agrees to this? Seereeram Brothers agrees to this when you consulted? He can stop every project that all those companies have and what we could do as a Parliament is nothing. Nothing. Absolutely nothing! So, Mr. Speaker, on that alone, this Bill does not pass muster.

Mr. Speaker, the Member for Diego Martin North/East raised the point that this Bill does not contemplate the disposal of real property, especially Invader's Bay. The Member for Tabaquite says yes it does and let me tell you where they claim it does. They claim it does and I will tell you very soon, Mr. Speaker, if you look at the section that deals with disposal of real property which is to be found on page 21, and hear how it is listed:

“(i) in respect of real property,…”

This is the section that Members opposite are alluding to that governs the disposal of real property which is land, example Invader's Bay.

“(i) in respect of real property, the address and”—any—“other identifying details of the property disposed of,”—example, Invader's Bay—“including value, to whom it was disposed, date of disposal, means of disposal and consideration…”

So if you read that alone, it sounds good, but if you read the qualifying paragraph before, it says:

“(d) a summary of transactions in respect of each public body concerning the disposal of public property—”

And this is where that chapter comes in.

“(i) in respect of real property…”

In other words, what this Bill envisages is that you get rid of Invader's Bay, you sell it at whatever price and then you tell us ex post facto in a summary of transactions. When you are finished disposing of Invader's Bay, you come to the Parliament and you lay a report, “Well, you know, we sell Invader's Bay—*[Interruption]*”

Mr. Imbert: “For ah dollar.”

Mr. T. Deyalsingh:—for ah dollar”. For “ah” dollar. Ex post facto and the Government tells us that is how this Bill treats real property and treats Invader's

Bay. You dispose of it for “ah” dollar to whomever you choose and then you come to Parliament after the fact and tell us. How disingenuous. And this is where, Mr. Speaker, this accountability of this procurement officer, he reports to Parliament ex post facto. In other words, he does everything during the year and he gives us a report in the first quarter of the following year. What are we to do? The lands have already been distributed, Invader’s Bay already gone for “ah” dollar, and that is called accountability. We call that madness. Total madness! And we cannot sanction him, we cannot fire him. He is omnipotent, omnipresent and immovable, and we are told to trust them.

Mr. Speaker, let me show you another clause in which the nonsensical nature of this Bill comes to light, and I refer to clause 24(3). Clause 24(3) which is to be found on page 22 reads:

“A report under subsection (1) need not include details of contracts less than two million dollars or contracts for the settlement of legal liability other than the total number and quantum.”

Mr. Speaker, what this Bill is saying is that as long as the contract does not exceed \$2 million, it falls under some magical barrier. Question: how did the Minister arrive at this \$2 million figure? Tell us, because I will tell you why it is important. Does this \$2 million refer to the total value of the contract when given? Is it an annual value? Is it the life of the contract?

The reason why we ask this, Mr. Speaker, what happens if a contract is awarded for less than \$2 million and then rolled over or varied to over \$2 million without further tendering? Does this Bill trap that? So \$2 million, the Minister has chosen as this magic bar, but we saw in the Chaguanas West by-election where contracts were split up to fall under the radar, then varied and rise above the threshold. So tell us: how did you arrive at this \$2 million, and if you award a contract for under \$2 million, 1.9, and then you vary it and it goes up to 2.1, whether it now falls for scrutiny? This type of cherry-picking of an arbitrary figure is a recipe for corruption. A total recipe for corruption, because they will just issue contracts for under \$2 million, start it, vary it, it goes up and then what? What does the public find out? Nothing. Absolutely nothing. Absolutely nothing.

Mr. Speaker, the hon. Member for Tabaquite, on his own accord, brought up the whole issue of the Highway Re-route Movement and the highway. Let me ask a question: if this Government is so concerned about due process, transparency and accountability, why do we have an activist, who they once held close to their

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bosoms, on his bed dying bit by bit, day by day? And the only person in the Government with a conscience is the Member for Tunapuna who wants some sort of intervention and some sort of mediation. Why?

Mr. Speaker, we have asked in this Parliament time after time after time: why was this major construction project financed from the current account instead of borrowing? Which country, small as we are, finances \$5 billion or \$7 billion project from your current account? Which country does that? Which country, prudently managed, does that? And the answer is none. But, every time we asked a question, why is this highway being funded from the current account instead of long-term borrowings over 20 years, because those billions of dollars could have been used to purchase other things.

But, Mr. Speaker, I just want to read the conclusion—just the conclusion of the *Report of the Independent Review Committee of the Debe to Mon Desir Segment of the San Fernando to Point Fortin Highway* dated March 03, 2013 because it is good to stand up here and be glib about due process. I heard the words “due process” being used by my colleagues opposite, that they followed due process they consulted, they did that, they did the other. This is the Armstrong report which was prompted by the first hunger strike and I quote:

“A significant concern with the Debe to Mon Desir Highway is whether or not the lawful authority responsible for this large public expenditure is conforming to due process...”

An independent report by a former Independent Senator is questioning whether due process was followed.

“including observance of various oversight statutory requirements for environmental management, the development of land, and due consideration of the socio-economic impacts of the affected persons.

The HRC...”

—that is the commission—

“found that there were significant shortcomings...”

The Member for Diego Martin West did not write this, eh; neither did the Member for Diego Martin North/East write this. This was written by the former Independent Senator James Armstrong.

“The HRC found that there were significant shortcomings which warrant further interrogation to determine the way forward. The complex and sensitive issues involved in this project certainly could not be addressed within

the...60-day”—time—“period.”

That the commission has.

“Should the Government...”

That is my colleagues opposite.

“Should the Government decide to proceed with the construction of the Debe-Mon Desir segment, the HRC is of the considered opinion that shortcomings resulting from the inadequacies of proper assessment of the likely impacts on the human and natural environment must first be determined and resolved.”

That is the “Conclusion” of the Executive Summary of the HRC Report couched in very diplomatic terms.

5.25 p.m.

But basically what they are saying, and this is my interpretation, they did not follow due process, they did not consider people, they did not consider the environment, and what you have now was flooding. And we still ask the question: why is this project being funded from Trinidad and Tobago’s current account? Why? And why is the Government so hard-headed in not agreeing to meet with Dr. Kublalsingh and his family? Why should a citizen of Trinidad and Tobago—because this Bill speaks about challenge proceedings, he is challenging it—why is he being allowed to die? When people went to protest earlier, when the Prime Minister visited a school, they were moved like what? They were told to be moved like a sack of “aloo” by the Member for Oropouche East; a sack of “aloo”. Citizens of Trinidad and Tobago being referred to as a sack of “aloo”. That is procurement. That is procurement.

Mr. Speaker, Trinidad and Tobago needs procurement legislation. But what happens is this, all the multinational agencies and civil society they just hear the words “procurement legislation” and they say: “okay we serious”, without looking at the ramifications of this piece of legislation. If this is what civil society wants, if this is what the JCC wants, if this is what the Chamber of Commerce wants, “we doh want it”. Because this piece of legislation will doom Trinidad and Tobago, doom us. We will be appointing a czar, to oversee all our procurement, who cannot be removed.

But, Mr. Speaker, remember at the very start I said I wanted all the contractors, and I called a few. They have been doing business in Trinidad for time immemorial with different governments, and that is fine. That is excellent. And I said pull up your chair, make a cup of coffee, and call your lawyer, Skype your lawyer, to see if this is what you want.

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Mr. Speaker, Part IV, section 42.(1), under “Investigation and Enforcement” this has to be the most scary draconian part of this legislation. It is scarier than Halloween that just passed. It is scarier than any novel that Steven King could come up with. This is an Alfred Hitchcock phrase in this thing. It is so scary. It is Orwellian. Let me explain. Let me explain. Clause 41(1) of this Bill, under the heading “Investigation and Enforcement”—now remember, we are now creating an office of the Procurement Regulator and we are giving him and we are clothing him with judicial powers, not quasi-judicial, not semi-judicial but almost full judicial powers, with no review, as the Member for Diego Martin North/East has been clamouring for since four months ago, no review, absolutely no review. This is the wording, and it is similar wording to the Integrity Commission Act:

“The Office may on its own initiative, or shall as a result of a complaint made under this Act, consider, inquire into and investigate any alleged breach of this Act.”

Powers, great powers.

But let us go on to clause 42 and let us go on to clause 43. Mr. Speaker, if this does not scare every contractor and the JCC and the Chamber of Commerce, then nothing will scare them. Under clause 43, “Investigations by the Office” let me start this now. I have to read it in so the public will know.

“Any officer in the service of the Office and authorized by the Regulator...”

“So anybody, eh, anybody in the office.”

“(hereinafter referred to as an ‘authorized officer’) may, for the purpose of conducting—”

Hon. Dr. Tewarie: So it is not just anybody, then?

Mr. T. Deyalsingh: “may, for the purpose of an conducting an investigation into any alleged or suspected breach of this Act—

(a) examine and inquire into the affairs of a public body or person in respect of whom the investigation is being conducted;”

In other words, Mr. Speaker, how I read this, and you can tell me if I am wrong, any member of that office, without consulting with the procurement regulator, without a board meeting, without a round robin, anybody in that office can launch an investigation into any contractor. And tell me that is not what this means, with no review.

But, Mr. Speaker, remember Jaws? If you thought it was safe to go back in the water, it is not, because I go now—*[Interruption]*

Mr. Speaker: Hon. Members, the original speaking time of the hon. Member for St. Joseph has expired. Hon. Member, would you like to—

Mr. T. Deyalsingh: Yes, please.

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

Question put and agreed to.

Mr. Speaker: You may continue, hon Member.

Mr. T. Deyalsingh: Thank you, Mr. Speaker. Mr. Speaker, this is going to be my last point and I am hoping by now all the lawyers of all these contractors are sitting down. Mr. Speaker, there is something called an Anton Piller Order or search order. The judge who are presided over that case, and included the name Anton Piller, before he passed he rued and he regretted that term called Anton Piller Order, which he gave birth to. He called it a Frankenstein. The judge was Hugh Laddie. He called his own invention a Frankenstein, because what an Anton Piller Order or search order does, which is what this piece of legislation does, it allows someone to go to the High Court, make an ex parte order and get an order now to search your premises and remove your books and records.

Now, the Judiciary in its wisdom places a very high bar. You must come with some proof there for that judge sitting in the High Court, because you are making an ex parte injunction. I do not know you are coming for me. So the judge, to their credit, judges to their credit, have learnt that these Anton Piller Orders or search orders are to be judiciously granted. The evidence that you are coming with has to be so good—but, Mr. Speaker.

So I am not about the granting of the Anton Piller Order. I am not about the granting of the search order by the judge. What is happening is this. Do you know who can apply for the Anton Piller Order or the search order? Any authorized officer. Anybody, any member of the Office of the Procurement Regulator can simply go to a judge in chambers, a High Court judge, and make an application for an Anton Piller Order. Do you know what that means? That means without any review, without any consultation with his own legal department to see whether you are meeting that burden of proof, without any consultation, without any association with other members of his own board. It says here:

“(3) An authorized officer shall not enter the premises of a public body...unless the Office first obtains...an *ex parte* application...”

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Mr. Speaker, if this is what we are having in 2014, as a Bill before this Parliament that this office, without review, without anybody having a check and balance on them, can go to a judge in a High Court, do you know what that means, even if the judge does not give them the order? Do you the panic that that sets off in those contracting companies? All you have to do is hear that the Office of Procurement Regulator is going to a judge in chambers to get an Anton Piller Order, in which they can come into your premises and surprise you. But there must be an officer appointed by the court to seek your interest. But they could surprise you, once the order is okay, seize your records, seize your files and this procurement regulator is being given—this omnipotent, omnipresent, immovable person appointed by the President can go to a judge in chambers without any internal review and apply for an Anton Piller Order. This has to be madness. This has to be bad. This cannot pass.

Mr. Speaker, and this is from the man who does not know the difference between a secretary and a corporate secretary. We are piloting serious legislation today and he does not know the difference between a secretary and a corporate secretary and we are to trust him.

Hon. Dr. Tewarie: Yeah, you are a genius.

Mr. T. Deyalsingh: Trust him. Would you like to repeat that for *Hansard*, I am a what?

Hon. Dr. Tewarie: No, I did not say that.

Mr. T. Deyalsingh: No, Member for Caroni East, would you like to repeat what you just said sotto voce? Repeat if for *Hansard* “nah”, a lyrical thing on the word genius.

Mr. Speaker: Members, please, just address the Chair. Please, Members, let us avoid the crosstalk “nah”. Let us avoid the crosstalk. Member, if you address the Chair, ignore the crosstalk I will come to your protection.

Mr. T. Deyalsingh: Thank you. So whether I am a genius or the term you labelled me, the fact is I can read and understand. I can read.

So, Mr. Speaker, we have come here again today to waste parliamentary time, to absolutely waste parliamentary time. We did this whole debate four months ago. We have come back again, not considered a single recommendation, none, and they are asking the Parliament to pass it. We cannot pass it. Mr. Speaker, we reject it and I am hoping that civil society pays attention to the draconian nature

of this piece of legislation and the infringement on their basic rights. Mr. Speaker, thank you. [*Desk thumping*]

Hon. Dr. R. Moonilal: Mr. Speaker, I beg to move the adjournment of the debate on the Bill before the House.

**JOINT STANDING COMMITTEES
(APPOINTMENT OF)**

Mr. Speaker: Hon. Members, I want to revert back to an item I told you we were going to address under “Announcements”, that is the whole matter of the appointment of Members to several committees, as outlined in our new Standing Orders. In this regard, I will now call on the Leader of the House to deal with the announcements of Members of those committees.

Public Administration and Appropriation Committee

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate on the Joint Select Committee on Public Administration and Appropriation:

Mr. Wade Mark	Chairman
Mrs. Carolyn Seepersad-Bachan	Member
Mr. Rudranath Indarsingh	Member
Dr. Keith Rowley	Member
Miss Marlene Mc Donald	Member

Question put and agreed to.

National Security Committee

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee on National Security:

Mr. Errol Mc Leod	Member
Mr. Prakash Ramadhar	Member
Mr. Collin Partap	Member
Dr. Keith Rowley	Member
Miss Donna Cox	Member

Question put and agreed to.

5.40 p.m.

Energy Affairs Committee

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee on Energy Affairs:

Mr. Stephen Cadiz	Member
Mrs. Carolyn Seepersad-Bachan	Member
Dr. Delmon Baker	Member
Dr. Keith Rowley	Member
Mr. Colm Imbert	Member

Question put and agreed to.

Foreign Affairs Committee

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee on Foreign Affairs:

Mr. Winston Dookeran	Member
Dr. Surujrattan Rambachan	Member
Mrs. Vernella Alleyne-Toppin	Member
Mrs. Paula Gopee-Scoon	Member
Mr. NiLeung Hypolite	Member

Question put and agreed to.

**Human Rights, Diversity, the Environment
and Sustainable Development Committee**

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee on Human Rights, Diversity, the Environment and Sustainable Development:

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Mr. Nizam Baksh	Member
Miss Ramona Ramdial	Member
Mr. Rodger Samuel	Member
Mr. Fitzgerald Jeffrey	Member
Miss Alicia Hospedales	Member

Question put and agreed to.

Parliamentary Broadcasting Committee

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee on Parliamentary Broadcasting:

Mr. Wade Mark	Chairman
Dr. Roodal Moonilal	Member
Mr. Chandresh Sharma	Member
Mr. Terrence Deyalsingh	Member
Mrs. Joanne Thomas	Member

Question put and agreed to.

Government Assurances Committee

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee on Government Assurances:

Mr. Wade Mark	Chairman
Dr. Tim Gopeesingh	Member
Dr. Lincoln Douglas	Member
Dr. Amery Browne	Member
Mrs. Patricia Mc Intosh	Member

Question put and agreed to.

JOINT SELECT COMMITTEES**Election Campaign Financing Committee**

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following six Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee on Election Campaign Financing:

Mr. Wade Mark	Member
Dr. Roodal Moonilal	Member
Mr. Prakash Ramadhar	Member
Mr. Clifton De Coteau	Member
Mr. Colm Imbert	Member
Miss Marlene Mc Donald	Member

Question put and agreed to.

Draft Legislative Proposal**Houses of Parliament Service Authority Committee**

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on the Joint Select Committee appointed to consider the Draft Legislative Proposal for the Houses of Parliament Service Authority:

Mr. Wade Mark	Member
Mrs. Nela Khan	Member
Dr. Rupert Griffith	Member
Mr. Colm Imbert	Member
Miss Marlene Mc Donald	Member

Question put and agreed to.

**PUBLIC ACCOUNTS COMMITTEE
(APPOINTMENT TO)**

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that the hon. Member for La Horquetta/Talparo, Mr. Jairam Seemungal, be appointed to serve as a Member on the Public Accounts Committee.

Question put and agreed to.

Mr. Speaker: Hon. Leader of the House, I think you have to adjourn the House.

ADJOURNMENT

The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal): Mr. Speaker, I beg to move that this House do now adjourn to Wednesday, November 19, 2014 at 1.30 p.m., and to indicate for the record again, we will be continuing debate on the Public Procurement and Disposal of Public Property (No. 2) Bill, 2014, and the debate on the Trinidad and Tobago/Panama Partial Scope Trade Agreement Bill, 2014.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.49 p.m.