



TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

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REAPPOINTMENT OF MEMBERS TO THE ADOPTION BOARD

IT IS NOTIFIED for general information that, in accordance with the provision of section 3(1) of the Adoption of Children Act, Chap. 46:03, of the Laws of the Republic of Trinidad and Tobago, Cabinet has agreed to the reappointment of the undermentioned persons as Members of the Adoption Board for a period of six (6) months with effect from 1st January, 2010:

Ms. MARCELLE FERDINAND—*Chairman*
DR. VANESSA STEWART
Ms. OCTAVIA NOEL
Ms. TARA RAHAMUT

A. POPPLEWELL
Permanent Secretary,
Ministry of Social Development

9th March, 2010.

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REPUBLIC OF TRINIDAD AND TOBAGO

IN THE MATTER OF
THE LEGAL PROFESSION ACT, 1986
and

In the Matter of

THE APPOINTMENT OF MEMBERS OF THE DISCIPLINARY COMMITTEE

AFTER consulting with the Council of the Law Association pursuant to section 1(1) of the Fourth Schedule of the Legal Profession Act, 1986, I hereby appoint the following persons to be members of the Disciplinary Committee for a period of three (3) years from the 10th day of March, 2010:

Ms. BIJILI LALLA
MR. ROBIN OTWAY
Ms. JOANNE JULIEN
Ms. VEENA BADRIE-MAHARAJ
MR. JASON MOOTOO
Ms. VANESSA GOPAUL

MR. HARRIKISSOON
MRS. NADIA KANGALOO
Ms. MARCELLE FERDINAND
MRS. JOAN BYRNE
MR. DARRELL ALLAHAR
MR. IAN BENJAMIN

After consulting with the Council of the Law Association, I hereby appoint Mr. GILBERT PETERSON, S.C., and Mrs. DEBORAH PEAKE S.C., to be respectively the Chairman and Vice-Chairman of the Disciplinary Committee as from the 10th day of March, 2010, pursuant to section 1(4) of the Fourth Schedule of the Legal Profession Act.

Dated this 16th day of March, 2010.

I. ARCHIE
Chief Justice



LAW ASSOCIATION OF TRINIDAD AND TOBAGO

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COUNCIL FOR THE TERM 2010/2011

The following are the names of the OFFICERS AND ORDINARY MEMBERS who shall form the new Council of the Law Association of Trinidad and Tobago for the term 2010/2011 having been elected at the 24th Annual General Meeting held on Friday 19th March 2010 at the Convocation Hall, Ground Floor, Hall of Justice, Knox Street, Port-of-Spain.

Mr. Martin G. Daly S.C.	<i>President</i>
Mr. Alvin Fitzpatrick S.C.	<i>Vice-President</i>
Mr. Kemrajh Harrikissoon	<i>Treasurer</i>

SENIOR ORDINARY MEMBERS

Mr. Darrell Allahar	Mrs. Janice Clarence-Quamina
Ms. Patricia Dindyal	Mrs. Nadia Kangaloo
Ms. Bijli Lalla	Mrs. Lesley-Ann Lucky-Samaroo
Mrs. Donna Prowell-Raphael	Mr. Ricky Rahim
Mr. Ravi Rajcoomar	Mrs. Lynette Seeberan-Suite

JUNIOR ORDINARY MEMBER

Mr. Shankar Bidaisee	Mr. Daniel Khan
Mr. Dinesh Rambally	Mr. Haran Ramkaransingh
Ms. Sophia Vaillo	

By Order of the Council
Dated this 22nd day of March 2010

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EXTENSION OF THE TIME FOR THE REPORT OF THE COMMISSION OF ENQUIRY INTO THE
CONSTRUCTION SECTOR

(*The Commissions of Enquiry Act, Chap. 19:01*)

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of the Republic of Trinidad and Tobago, notice is hereby given that on the 16th day of March, 2010, His Excellency, Professor GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 3 of the said Act, altered the time for the report relating to the Commission of Enquiry into the Construction Sector in Trinidad and Tobago issued on the 9th day of September, 2008 and *Gazetted* on the 11th day of September, 2009, as follows:

REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency Professor GEORGE MAXWELL RICHARDS, T.C.,
C.M.T., Ph.D., President and Commander-in-Chief of the
Republic of Trinidad and Tobago.

GEORGE MAXWELL RICHARDS
President

Greetings:

To: Professor JOHN UFF
KENNETH SIRJU, Esquire
DESMOND THORNHILL, Esquire
ISRAEL KHAN, S.C., Esquire

WHEREAS by section 2 of the Commissions of Enquiry Act, Chap. 19:01 (hereinafter called "the Act") it is provided, *inter alia*, that the President may whenever he shall deem it advisable issue a Commission appointing one or more Commissioners and authorizing such Commissioners or any quorum of them to enquire into any matter in which an enquiry would in the opinion of the President be for the public welfare:

And whereas on the 9th day of September, 2008, GEORGE MAXWELL RICHARDS, President and Commander-in-Chief of the Republic of Trinidad and Tobago, issued his Commission under section 2 of the Commissions of Enquiry Act, Chap. 19:01, appointing you, JOHN UFF, KENNETH SIRJU, DESMOND THORNHILL and ISRAEL KHAN, Commissioners to enquire into the Construction Sector in Trinidad and Tobago in accordance with the following terms of reference:

1. To enquire into—
 - (i) The procurement practices in the public construction sector;
 - (ii) The effect of the use of provisional sums, prime cost sums, nominated suppliers and nominated contractors in construction contracts in the public sector;
 - (iii) The effect of incomplete designs, design changes, variations, poor supervision and poor management on the cost and delivery of construction projects in the public sector;
 - (iv) The performance of local and foreign contractors and consultants in public sector projects;
 - (v) The effectiveness of the turnkey approach, also called the design build approach, for the delivery of public sector construction projects as compared to the traditional design and tender approach;
 - (vi) The reasons for and the effect of cost overruns, delays and defective workmanship in public sector construction projects;
 - (vii) The existence of price gouging and profiteering in the public construction sector, and
 - (viii) The procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT).
2. To make recommendations and observations arising out of its deliberations, as may be deemed appropriate, to ensure that:
 - (i) With respect to public sector construction projects and the procurement practices and methods of operation of Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT), taxpayers get value for money;
 - (ii) The delivery of projects and the highest standard of workmanship are achieved and maintained;
 - (iii) There is free and fair competition, full participation and access for all citizens in the public procurement process; and
 - (iv) Integrity and transparency in the public procurement practice are assured.

And Whereas on the 10th day of December, 2008, the President on the advice of Cabinet altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to include inquiry into:

- (i) The procedures, practices and procurement processes employed by the Trinidad and Tobago Housing Development Corporation in the award of the contract to NH International (Caribbean) Limited to develop the land and infrastructure and to build 408 houses at Cleaver Heights Development Project ("the Cleaver Heights Development Project");
- (ii) Whether the procedures, practices and procurement processes employed in the award of the Cleaver Heights Development Project were in compliance with the tender rules and/or other rules, regulations, procedures, practices and processes of the Trinidad and Tobago Housing Development Corporation and consistent with the procedures, practices and procurement processes employed in the award of similar types of contract;
- (iii) The nature and consequences of the contractual arrangements;
- (iv) Whether the Cleaver Heights Development Project was a fixed price contract and if so, what was the contract price;
- (v) Whether there was a variance between the negotiated price and the contract price and if so, the reasons for/or the circumstances which caused and/or contributed to such variance; and
- (vi) The circumstances which resulted in a variance in the costs incurred in the execution of the Cleaver Heights Development Project as evidenced in Valuation Report No. 38 for the period ending August 2008.

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EXTENSION OF THE TIME FOR THE REPORT OF THE COMMISSION OF ENQUIRY INTO THE
CONSTRUCTION SECTOR—CONTINUED

And Whereas on the 20th day of May, 2009, the Acting President on the advice of Cabinet further altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to include:

- (1) Whether the procurement process for, and commencement and/or execution of, the project was in accordance with the statutory and regulatory requirements and/or approvals applicable to a project of its nature;
- (2) The consequences and/or implications of the findings at (1) above;
- (3) Whether any specific agency, entity, body and/or contractor can be identified as responsible for the consequences and/or implications at (2) above;
- (4) Whether the project was in accordance with the Cabinet approved guidelines for joint venture projects;
- (5) The consequences and/or implications of the result of the findings at (4) above.

Further that the terms of reference in paragraphs 1(i) through 1(vii) and paragraphs 2(ii) through 2(iv) in the Instrument dated the 9th day of September, 2008, apply to the Cleaver Heights Development Project.

And Whereas it was not explicitly stated in the Instrument dated the 20th day of May, 2009, that the word “project” in the further terms of reference which were added to the Commission referred to the Cleaver Heights Development Project.

And Whereas on the 21st day of May, 2009, the Acting President on the advice of Cabinet further altered the terms of reference of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago to include inquiry into:

- (1) Whether the procurement process for, and commencement and/or execution of the Cleaver Heights Development Project was in accordance with the statutory and regulatory requirements and/or approvals applicable to the Cleaver Heights Development Project and/or project of a similar nature;
- (2) The consequences and/or implications of the findings at (1) above;
- (3) Whether any specific agency, entity, body and/or contractor can be identified as responsible for the consequences and/or implications at (2) above;
- (4) Whether the Cleaver Heights Development Project was implemented in accordance with the Cabinet approved guidelines for joint venture projects;
- (5) The consequences and/or implications of the result of the findings at (4) above.

And Whereas on the 21st day of May, 2009, the Acting President on the advice of Cabinet further extended the terms of reference in paragraphs 1(i) through 1(vii) and paragraphs 2(ii) through 2(iv) of that Instrument to apply to the Cleaver Heights Development Project.

And Whereas on the 14th day of September, 2009, the President on the advice of Cabinet:

1. Altered the instruments dated the 10th day of December, 2008, the 20th day of May, 2009 and the 21st day of May, 2009, to record that they were made in the exercise of the power vested in him by section 3 of the Commissions of Enquiry Act, Chap. 19:01, and all other powers thereto enabling;
2. Prescribed that you the Commissioners make use of and rely on the information, evidence, books, plans and documents obtained by you between the period from the 9th day of September, 2008, to the 7th day of September, 2009, sitting *bona fides* as enquirers into the Construction Sector in Trinidad and Tobago and all other information, evidence, books, plans and documents thereafter obtained by you in the conduct of this my Commission and in reporting thereon to me in writing.

And Whereas in the Instrument dated the 9th day of September, 2008, I directed that the Commissioners report to me in writing on the enquiry in September, 2009.

And Whereas in the Instrument dated the 17th day of November, 2009, the President on the advice of Cabinet further altered my Commission by directing that the Commissioners report to me, in writing, upon the enquiry on or before the 28th day of February, 2010.

And Whereas it has become necessary for the following reasons to extend the time by which the Commissioners are to report to me in writing on the enquiry:

1. That two (2) judicial review applications have been initiated by the Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT);
2. Pending the outcome of the judicial review action filed on the 18th day of September, 2009 and upon advice of counsel instructed on behalf of the Commissioners, the Commissioners have given an undertaking that the Report will not be delivered until the application has been determined; and
3. Attempts are being made to settle the judicial review application filed on the 11th day of May, 2009, in which the Urban Development Corporation of Trinidad and Tobago Limited (UDeCOTT) is pursuing the application of points of criticisms.

And Whereas by section 3 of the Act it is provided, *inter alia*, that any commission may be altered as the President thinks fit by any subsequent commission issued by him.

Now therefore, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me under section 3 of the Commissions of Enquiry Act, Chap. 19:01, and all other powers thereto enabling, do hereby further alter my Commission by directing that the Commissioners report to me, in writing, upon the enquiry on or before the 30th day of May, 2010.

Given under my Hand and the Seal of the President of the
Republic of Trinidad and Tobago at the Office of the
President, St. Ann’s, this 16th day of March, 2010.

Dated this 18th day of March, 2010.

A. LEUNG WOO-GABRIEL
Secretary to Cabinet