



Tel.: 639 – 2616

Email: aslegsec@tha.gov.tt

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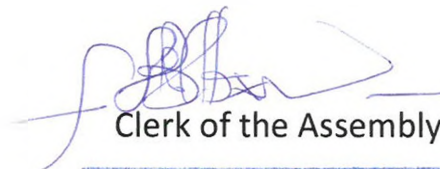
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CLERK OF THE ASSEMBLY

TOBAGO HOUSE OF ASSEMBLY

THURSDAY, SEPTEMBER 22nd, 2022

The House met at 1.52 p.m.

PRAYERS

[MADAM PRESIDING OFFICER *in the Chair*]

ANNOUNCEMENTS

LEAVE OF ABSENCE

MADAM PRESIDING OFFICER: Members, request for leave from today's Sitting was submitted by:

- (a) Assemblyman Watson Duke.

Members, the leave is granted.

PAPERS LAID

- (i) Tobago House of Assembly Monthly Budget Report as at the end of April, 2022. [Secretary of Finance, Trade and the Economy (Mr. Farley Chavez Augustine)];

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Papers (Cont'd)

MADAM PRESIDING OFFICER (Cont'd)

- (ii) Tobago House of Assembly Monthly Budget Report as at the end of May, 2022. [Secretary of Finance, Trade and the Economy (Mr. Farley Chavez Augustine)];
- (iii) Tobago House of Assembly Monthly Budget Report as at the end of June, 2022. [Secretary of Finance, Trade and the Economy (Mr. Farley Chavez Augustine)];
- (iv) Tobago House of Assembly Monthly Budget Report as at the end of July, 2022. [Secretary of Finance, Trade and the Economy (Mr. Farley Chavez Augustine)];

ORAL ANSWERS TO QUESTIONS

MADAM PRESIDING OFFICER: *Minority Councillor.*

COUNCILLOR PETAL DANIEL-BENOIT (Minority Councillor):

Thank you, Madam Presiding Officer.

OVERSEAS TRAVEL

- 14.** The Minority Councillor asked the Chief Secretary and Secretary of Finance, Trade and the Economy the following question:

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Oral Answers to Questions (Cont'd)
COUNCILLOR P. BENOIT-DANIEL (Cont'd)

“As it relates to the official overseas travel of the Deputy Chief Secretary to Miami, Dubai and New York, can the Chief Secretary indicate the following:

a. Whether reports were submitted for each trip as promised?”

MADAM PRESIDING OFFICER: *Chief Secretary.*

**HON. CHIEF SECRETARY AND SECRETARY OF FINANCE,
TRADE AND THE ECONOMY** (Hon. Farley Chavez Augustine):

Thank you, Madam Presiding Officer.

Reports were submitted for the Miami and New York trips.

COUNCILLOR P. DANIEL-BENOIT: Follow-up, Madam Presiding Officer.

MADAM PRESIDING OFFICER: Sorry, I did not hear you.

COUNCILLOR P. DANIEL-BENOIT: Follow-up, Madam Presiding Officer.

MADAM PRESIDING OFFICER: Okay, go ahead.

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Oral Answers to Questions (Cont'd)

COUNCILLOR P. DANIEL-BENOIT: Thank you, Madam Presiding Officer.

SUPPLEMENTAL

Can the Member indicate why there was no report for Dubai and if so, when will the report...

MADAM PRESIDING OFFICER: Can you repeat that for me, Minority Councillor? I am sure that everyone did not hear you.

Members heard? Okay. Would you want to respond to that, Chief Secretary?

HON. CHIEF SECRETARY: Thank you, Madam Presiding Officer. I cannot at this time, say why a report for Dubai was not submitted. And as for when that will be submitted, I think the Councillor opposite might do well to ask their new found Colleague, a Member on their side as to when he will submit same.

COUNCILLOR P. DANIEL-BENOIT: Madam Presiding Officer, one follow-up, please.

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Oral Answers to Questions (Cont'd)

MADAM PRESIDING OFFICER: Okay.

COUNCILLOR P. DANIEL-BENOIT: Madam Presiding Officer, to the Member.

SUPPLEMENTAL

Can the Member also make the reports that are currently available public?

MADAM PRESIDING OFFICER: She asked if the reports can be made public.

HON. CHIEF SECRETARY: Thank you, Madam Presiding Officer. More than making them public, I can have them forwarded to your office as well.

MADAM PRESIDING OFFICER: Okay.

Minority Leader.

MINORITY LEADER (Mr. Kelvon Morris) Thank you, Madam Presiding Officer.

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Oral Answers to Questions (Cont'd)
MR. K. MORRIS (Cont'd)

TOBAGO JETTY PROJECT

15. The Minority Leader asked the Hon. Chief Secretary and Secretary of Finance, Trade and the Economy the following question:

As it relates to the 'Little Tobago' jetty project, can the Chief Secretary confirm the following:-

- a. The process utilized to select the contractor for the project?
- b. The name and address of the contractor, and the contract sum at the time the contract was awarded?
- c. If you or any Member of the Executive met with the contractor prior to the award of the contract?

MADAM PRESIDING OFFICER: *Chief Secretary.*

HON. CHIEF SECRETARY: Thank you, Madam Presiding Officer.

The Speyside Tourism Stakeholders led by Sean Robinson of 'Tobago Dive' and inclusive of representatives of all the reef boat operators; scuba dive shops; tour guides; restaurateurs and guest house owners presented the Division of Infrastructure, Quarries and Urban Development with a

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Oral Answers to Questions (Cont'd)
HON. CHIEF SECRETARY (Cont'd)

proposal in December for a quick and efficient repair to the 'Little Tobago' jetty that will not require the driving of piles or an extension of the jetty and thereby, no need for an EMA Certificate of Environmental Clearance. This was to allow them to be able to have the jetty for some usage in the Easter season of 2022, after missing many peak seasons.

This proposal came with drawings from an established contractor who previously worked on the Speyside Mainland jetty and the building of the Roxborough jetty.

The Division at that time already had an existing proposal of three point one million dollars (\$3.1m). It was reviewed and that proposal was compared with the one received from the community stakeholders, and the decision was made by the Division to go with the one presented by the community stakeholders.

The name of the contractor is 'Macrill & Associates Limited.' The address of the contractor - No. 7 Hillcrest Drive, Petit Valley, Trinidad; contracted sum - four hundred and forty-nine thousand, two hundred dollars

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Oral Answers to Questions (Cont'd)

HON. CHIEF SECRETARY (Cont'd)

(\$449,200.00), VAT exclusive. A difference or saving of approximately two point six five million dollars (\$2.65m).

A singular meeting was held between the Secretary in the Division of Infrastructure with the principals at 'Macrils & Associates' and that meeting was held on the February 01, 2022.

MR. K. MORRIS: Can the Chief Secretary confirm whether he himself has a personal relationship with the contractor?

MADAM PRESIDING OFFICER: *Chief Secretary.*

HON CHIEF SECRETARY: Madam Presiding Officer, I can confirm that I do not have a personal relationship with the contractor. I heard of that contractor sometime in 2019/early 2020, when the stakeholder team brought the proposal to my attention as the then Area Representative. That was the first time I heard of this contractor, but I do not have a relationship with the contractor at all.

MR. K. MORRIS: Madam Presiding Officer, seeing that the Chief Secretary is now saying that this stakeholder meeting was in 2020, and the Division of Infrastructure would have engaged a process in 2021, which was

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Oral Answers to Questions (Cont'd)
MR. K. MORRIS (Cont'd)

utilizing another contractor then, can the Chief Secretary bring some clarity as to how he would have had this engagement with the said contractor?

HON. CHIEF SECRETARY: Thank you, Madam Presiding Officer. The community of Speyside was incensed that after nearly twenty (20) years, the promise of repairing the jetty at 'Little Tobago' was not done. The stakeholders, the community - and let me repeat the persons involved:

- The Reef Boat Operators;
- Scuba Dive Shops;
- Tour Guides;
- Restaurateurs; and
- Guest house owners.

They met sometime late in that year 2020 and they decided that they would start to pool their monies together to repair the jetty themselves.

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2022.09.22 HBA
2.02 – 2.12 p.m.

Oral Answers to Questions (Cont'd)
HON. CHIEF SECRETARY (Cont'd)

In fact, the intention of the community was to go behind the back of the Division of Infrastructure and repair the jetty without the Division having any knowledge or expressed permission of same.

After the election in 2021, the stakeholders who at that time were still unable to raise all the monies required, came to the Division with that said proposal and at which time I asked the Secretary of the Division to treat with the matter and have the Division consider both proposals. In fact, it was only upon getting into office that we learnt that there was in fact, a plan to treat with the 'Little Tobago' jetty, a three point one million dollar (\$3.1m) plan. The Division looked at both plans, juxtaposed them and decided to change the scope of works and went with the cheaper plan.

MINORITY LEADER: It is important to note that the plan the Chief Secretary speaks to, is a temporary adjustment to the situation, whereas the three point one million dollars (\$3.1m) that the...

CHIEF SECRETARY: Is that a question? Is there a question?

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Oral Answers to Questions (Cont'd)

MINORITY LEADER: The three point one million dollars (\$3.1m) that he refers to, was a complete arrangement and therefore, I want to find out...

MADAM PRESIDING OFFICER: Please ask the question, Minority Leader.

MINORITY LEADER: I would want the Chief Secretary to...

CHIEF SECRETARY: Point of order, Madam Presiding Officer. A question must be asked.

MADAM PRESIDING OFFICER: Please. Minority Leader, is there a question that you are getting to?

MINORITY LEADER: What is the status of this project seeing that the decision of the Division was that we would have had this project ready in time for Easter? We are now at the point of September. We would have missed the Easter; we missed the summer and now I am asking, what is the status of this project?

MADAM PRESIDING OFFICER: Understood. Chief Secretary.

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Oral Answers to Questions (Cont'd)

CHIEF SECRETARY: Sure. I am happy to say that the stakeholders did not miss the Easter of 2022, because at that juncture, after a very long time, the reef boats could have actually docked safely at the jetty.

Currently, the jetty now has railings that it did not have before; one can dock at the jetty and the Division now has some 'on-land' works to complete because beyond the jetty, the Division used its staff to repair the house there; to do the trail; to do railings on the trails and so while the jetty aspect is now more or less completed, on the island itself it is about ninety-five percent (95%) completed on the island itself, separate and apart from the jetty. And I will love to invite the Minority Leader to join me on a tour. I will be happy to take him on a tour so that he can see the facility if he so obliges.

MINORITY LEADER: Can the Chief Secretary...

MADAM PRESIDING OFFICER: Minority Leader, any further question can you please be short or else you would have to put it in writing.

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Oral Answers to Questions (Cont'd)

MINORITY LEADER: Can the Chief Secretary confirm whether there is any variation to the agreed contracted sum?

MADAM PRESIDING OFFICER. Chief Secretary:

HON. CHIEF SECRETARY: I am not in a position to confirm that. He may wish to direct that question to the Secretary of Infrastructure. I would not be able to say that from where I sit.

MADAM PRESIDING OFFICER: I think that that is fair enough, Minority Leader. So we move on. Next question.

SCHOOL REPAIR PROJECT

16. The Minority Leader asked the Secretary of Education, Research and Technology:

“As it relates to the School Repair Programme, can the Secretary indicate the process by which contractors were engaged?”

SECRETARY OF EDUCATION, RESEARCH AND TECHNOLOGY (Hon. Zorisha Hackett): Thank you, Madam Presiding Officer.

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Oral Answers to Questions (Cont'd)
HON. Z. HACKETT (Cont'd)

The Procurement Unit, in collaboration with the Project Implementation Unit under the guidance of the Administrator of the Division of Education, Research and Technology (DIRTEC) commenced the execution of the School Repair Programme for July/August 2022.

In alignment with the Tobago House of Assembly's desire to encourage local content by way of contractor engagement, contractors were selected to be invited to tender for projects within their electoral districts on the island. Procurement and PIU examined the PCO listing of prequalified contractors and selected contractors for invitation to tender, based on their registered location and financial capacity as indicated in the PCO office listing of prequalified contractors. The selected tender process began in July as contractors were invited to attend site visits and were subsequently issued tender documents to utilize in submitting their quotations.

The quotations were received via tender box deposits and were opened and registered by senior officers within DIRTEC. The Tender Evaluation Committee was formed by the Administrator comprising senior subject matter experts from different Divisions throughout the Tobago House of Assembly. They evaluated the

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Oral Answers to Questions (Cont'd)
HON. Z. HACKETT (Cont'd)

quotations based on the criteria listed in the request for quotations issued to contractors.

- The evaluation reports were submitted to the Evaluation Subcommittee who subsequently approved the recommendations for award of contracts;
- Negotiations were conducted with contractors to ensure that their quotation was within internal budget and letters of award were issued subsequently.

Subject to the evaluation process of the phase one works, it was noted that time was a challenge and the extensive procurement process for invitation, selection, evaluation and award would render the process ineffective, as it would not allow for the completion of the contracted works in time for the reopening of schools on September 5th, 2022, especially considering the magnitude of the works and the number of packages that DIRTEC wanted to execute.

As a result, the Executive Council by way of ECM No. 332 dated August 10th, 2022 which I have in my possession right here, Madam Presiding Officer, a decision was made to continue the remaining SRPs by selecting the schools where high

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Oral Answers to Questions (Cont'd)
HON. Z. HACKETT (Cont'd)

priority works were identified and assigning contractors to each school to complete said works.

A sole-select tender process was therefore utilized with the justification that it was exigent circumstances that required works to be completed as a matter of urgency.

The Executive Council approved the engagement of PCO registered contractors within the construction industry on the island of Tobago with the criteria for selection being that the contractors, would:

1. Have the financial resources to commence works without a mobilization fee;
2. Have the necessary resources to mobilize and commence the works immediately;
3. Be able to complete the works within the limited timeframe requested; and
4. Provide high quality results.

To ensure that the criteria was met, a contingent of contractors was selected based on assessments conducted from Divisions within the THA, with the focus

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Oral Answers to Questions (Cont'd)
HON. Z. HACKETT (Cont'd)

for recommendation being the contractors' track record of completing projects within the specific timeframe within budget and to industry standards.

The contractors were invited to site visits with a specific deadline to provide quotation via tender box deposit. The quotations were opened, registered and evaluated by senior officers within DIRTEC.

The subcommittee conducted the reviews; negotiations were completed and letters of award were issued subsequently.

Thank you, Madam Presiding Officer.

MINORITY LEADER: Madam Presiding Officer, to my dear friend for Bethesda/Les Coteaux - can she confirm whether in terms of the sole selection process, if any new contractor and by 'new,' I mean contractors who had not, according to the requirement of sole selection, provided any previous service to the Division. Were there any such situation where there were new contractors added to the pool of sole selected contractors?

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Oral Answers to Questions (Cont'd)

HON. Z. HACKETT: Madam Presiding Officer, it seems as if the Minority Leader has more information than I do. I just expressed that these contractors needed to have a track record of executing works within the Tobago House of Assembly and I would like to urge the Minority Leader to stop paying attention to the news of fake profile.

Thank you.

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Oral Answers to Questions (Cont'd)

MR. K. MORRIS: Madam Presiding Officer, I again repeat, can the Secretary confirm 'yes' or 'no.'

MADAM PRESIDING OFFICER: Members, this is not a debate.

HON. Z. HACKETT: Madam Presiding Officer, 'no.' Thank you.

MR. K. MORRIS: Madam Presiding Officer, follow-up.

SUPPLEMENTAL

Can the Secretary confirm whether she herself sat in any of those tender processes at the time of the evaluation?

MADAM PRESIDING OFFICER: Minority Leader, are you inciting that the Secretary or the Member is collusive?

MR. K. MORRIS: I am simply asking a question, Madam Presiding Officer.

HON. Z. HACKETT: Madam Presiding Officer, that is the exact question I wanted to ask the Minority Leader. Are you inciting that I was a part of the procurement process, Minority Leader?

MADAM PRESIDING OFFICER: This is not a debate, Members. A

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Oral Answers to Questions (Cont'd)
MADAM PRESIDING OFFICER (Cont'd)

simple answer would suffice.

HON. Z. HACKETT: Madam Presiding Officer, may I take my seat, please? Thank you.

MADAM PRESIDING OFFICER: *Minority Leader.*

MR. K. MORRIS: Madam Presiding Officer, I will simply repeat, can the Honourable Secretary confirm or deny?

HON. Z. HACKETT: No.

MADAM PRESIDING OFFICER: Thank you. Moving on, Minority Leader. Next question. This is not a debate.

If you require any follow-up questions to be answered in its totality, I suggest that you direct your question to the Secretary of Education, Research, and Technology.

Minority Leader, next question.

TOBAGO HOUSE OF ASSEMBLY SPONSORED UTOPIA JAZZ

17. The Minority Leader asked the Secretary of the Division of Tourism, Culture, Antiquities and Transportation the following question;

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Oral Answers to Questions (Cont'd)
COUNCILLOR T. BURRIS (Cont'd)

“As it relates to the recently held Tobago House of Assembly sponsored UTOPIA JAZZ experience, can the Secretary indicate the following:

- a. Whether the Tobago House of Assembly through the Tobago Tourism Agency Limited made arrangements for a chartered flight for performing artistes?
- b. What cost was incurred by the Tobago Tourism Agency Limited, to charter the flight?”

MADAM PRESIDING OFFICER: *Councillor Burris.*

SECRETARY OF TOURISM, CULTURE, ANTIQUITIES AND TRANSPORTATION (Councillor Tashia Burris) Thank you, Madam Presiding Officer.

Owing to the absence of sufficient flights between the islands, the principals who promoted the Tobago UTOPIA JAZZ experience found themselves in a situation where they could not get the performing acts into the island to satisfy requirements for that event. They reached out to the Tobago House of Assembly with their challenge and the Tobago House of Assembly responded positively by way of sponsorship. That sponsorship

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Oral Answers to Questions (Cont'd)
COUNCILLOR T. BURRIS (Cont'd)

was in the form of the charter for a flight for those performing acts to get into the island. The contract negotiations were done by the Senior State Counsel, the Protocol Department of the Office of the Chief Secretary and cosigned by the Chief Administrator and the Chief Secretary on June 17th 2022.

The Tourism Agency Limited was asked to service the charter bill, as it is the only agency with a vote dedicated for paying charters and for air service agreements. The cost of that charter was thirty thousand US dollars (\$30,000US) or two hundred and three thousand, nine hundred and seventy-nine TT dollars (\$203,979.00TT).

Thank you.

MR. K. MORRIS: Wow, wow, Madam Presiding Officer. In a place where people cannot get basic food items [*Interruption*] [*Crosstalk*]

MADAM PRESIDING OFFICER: Members! Members!

Minority Leader, please ask your question.

MR. K. MORRIS: This hurts me because two hundred and ten thousand TT dollars (TT\$210,000.00) to charter, how many artistes?

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Oral Answers to Questions (Cont'd)

MADAM PRESIDING OFFICER: That is not a question.

MR. K. MORRIS: How many artistes - two hundred and ten thousand dollars (\$210,000.00).

MADAM PRESIDING OFFICER: Minority Leader, that is not a question. Please get to the question now. Thank you.

MR. K. MORRIS: How many artistes did this two hundred and ten thousand (\$210,000.00) hard earned taxpayers' dollars covered? How many persons were brought over on this flight?

MADAM PRESIDING OFFICER: *Councillor Burris.*

COUNCILLOR T. BURRIS: Thank you, Madam Presiding Officer. I do not have that information at hand. However, if he wishes to reach out to the principal's opulent events - I think he knows them very well, they are his friends, they can indicate to him who was brought over on that chartered flight.

In any case, the THA has a responsibility to all promoters in the space to ensure that not only the Tobago House of Assembly has events, but we encourage promoters to have events on the island's 'Event and Festivals

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Oral Answers to Questions (Cont'd)
COUNCILLOR T. BURRIS (Cont'd)

calendar' to contribute to our tourism product. The THA was a minor sponsor of this event. That was a minor cost compared to what we would normally spend for our Jazz Festivals, somewhere in the region of fifteen (\$15m) and eighteen million dollars (\$18m). This event was hosted as a result of our absence of having Jazz this year. And I see that as an investment that the THA has made to ensure that promoters on the island can have quality events to ensure that we could bring visitors to the island.

Thank you.

MADAM PRESIDING OFFICER: Councillor Burris, I believed he ask, 'who.' Did you answer that part? I am not hearing too well up here.

COUNCILLOR T. BURRIS: Yes, I did answer. I said that I do not have that information at hand, but it can be provided subsequently.

MADAM PRESIDING OFFICER: Okay, thank you.

Minority Leader, any follow up questions?

MR. K. MORRIS: So we cannot pay ex-gratia, but we have enough money to...

MADAM PRESIDING OFFICER: Minority Leader!

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Oral Answers to Questions (Cont'd)

MR. K. MORRIS: I am just asking. So, we have enough money to charter a flight?

MADAM PRESIDING OFFICER: That is not a question, Minority Leader.

MR. K. MORRIS: Okay, thank you.

WRITTEN ANSWERS TO QUESTIONS

MADAM PRESIDING OFFICER: Questions for written answers.

In accordance with Standing Order 21 (3), Honourable Members the written responses from:

- Assemblyman Trevor James;
- Assemblyman Farley Chavez Augustine; and
- Assemblyman Nathisha Charles-Pantin

would be circulated at the next Sitting.

Leader of Assembly Business.

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Written Answers to Questions (Cont'd)

STATEMENT

HON. Z. HACKETT: Thank you, Madam Presiding Officer. I rise to move a Motion to have Standing Order 29 (2) suspended to allow the Chief Secretary and Secretary of Finance, Trade and the Economy to present his Statement in its entirety.

Question put and agreed to.

MADAM PRESIDING OFFICER: Honourable Chief Secretary, you may present your Statement.

MR. K. MORRIS: Madam Presiding Officer, similarly, I would like to rise on Standing Order 91 (1), to ask this Honourable House to also join me in suspending part of Standing Order 29 (3), where the Opposition party would be allowed (given that the Chief Secretary will be speaking for a lengthier time than ten (10) minutes) more than one question that is allowed at the end. So we are asking if we will be allowed to ask about five (5) questions, given that fact.

MADAM PRESIDING OFFICIER: The statement...

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Statement (Cont'd)

MR. K. MORRIS: The statement is usually ten (10) minutes and therefore the Standing Order would have catered for such. But we are asking, because if we are waiving the Standing Order to allow the Chief Secretary to speak longer, we are also asking if in all fairness, that we are allowed additional questions?

MADAM PRESIDING OFFICER: So you want me to put that to the House? Okay.

Question put and agreed to.

HON Z. HACKETT: Madam Presiding Officer, may we have a specific number of questions to be asked, please?

MR. K. MORRIS: I did ask for five (5) please.

MADAM PRESIDING OFFICER: You are asking for five (5) questions to be asked at the end of this statement by the Chief Secretary?

MR. K. MORRIS: Yes, Madam Presiding Officer.

Question put and agreed to.

Chief Secretary, we are all in consensus that at the end of the statement, the Minority bench would be able to ask five (5) questions.

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Statement (Cont'd)

MADAM PRESIDING OFFICER (Cont'd)

Is that clear, Minority?

MR. K. MORRIS: Thank you.

MADAM PRESIDING OFFICER: Proceed, Chief Secretary.

**PRELIMINARY FINDINGS OF THE FORENSIC AUDIT IN THE TOBAGO
HOUSE OF ASSEMBLY ROAD RESURFACING PROGRAMME FOR THE
PERIOD OCTOBER 01, 2019 – NOVEMBER 30, 2021**

HON. CHIEF SECRETARY: [*Desk thumping*] Thank you very much, Madam Presiding Officer; thank you, Members.

I wish to welcome back to this House for our first regular Sitting post the statutory or the mandatory July/August recess.

I also wish to take this opportunity to bid good afternoon to not just all Members present in the House, but also to all Tobagonians looking on with keen interest and those from further afield.

I believe, Madam Presiding Officer, that this is one of the most important Sittings that this Legislature will have in this calendar year.

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Statement (Cont'd)
CHIEF SECRETARY (Cont'd)

Madam Presiding Officer, I wish to inform this Honourable House of the preliminary report submitted on September 9th, 2022 by the Caribbean Institute of Forensic Accounting, the firm engaged by the Tobago House of Assembly to conduct the forensic audit into the five (5) Development Programmes under the then DIQE and the DFPFF. Madam Presiding Officer, the Caribbean Institute of Forensic Accounting (CIFA) - their lead engagement partner is the head and founder of CIFA Consulting and the head of investigation at Baker & Partner in the United Kingdom. He is also one of five (5) experts in the world selected by the International Bar Association Assets Recovery Subcommittee and has served as an Adviser in the Implementation of Assets Recovery in the Caribbean and East Africa. He is also a Certified Fraud Examiner and Forensic Auditor with eighteen (18) year's experience.

His professional affiliations include:

- The International Bar Association;
- The Association of Certified Fraud Examiners;
- The Institute of Internal Control Auditors;
- The Forensic CPA Society, United States of America and; the

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Statement (Cont'd)
CHIEF SECRETARY (Cont'd)

- Caribbean Institute of Forensic Accounting.

In other words, the main principal is that he is more than expertly qualified to do this job.

Today, Madam Presiding Officer, I will present this report by taking you through this condensed yet comprehensive version of the preliminary report headlined in the following areas:

- background;
- the engagement and the findings;
- the procurement process;
- examination of the contractual agreements;
- examination of the contractual costs;
- examination of the engineer's estimates;
- inflation of material quantities;
- apparent mismanagement of funds;
- apparent overpayment of funds; and
- the conclusion to this said report.

Statement (Cont'd)
CHIEF SECRETARY (Cont'd)

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Further, I will be using this opportunity to share openly with this House, the steps taken by a few nefarious characters to derail this presentation in this House at this time, and the most progressive step taken by this country, by this THA leading as an example in our effort to tackle the problem of corruption head on. (We need back those wooden desks, Madam Presiding Officer).

The base of the report is ninety (90) pages long, exclusive of the appendices.

I wish to also indicate at the very start of this presentation, Madam Presiding Officer, that at this time only a handful of public servants are in receipt of copies of this report. Even as I am presenting this report, I have not given a single copy to any Member of my team. We kept this report as close to our chests as possible because there remain three (3) steps which I will not identify, that must be taken by the examiners and the auditors which will then allow for us to move from the reporting stage to the public, to move to the place where we can report this matter to the relevant authorities to treat with, as a criminal matter.

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Statement (Cont'd)
CHIEF SECRETARY (Cont'd)

I wish to also begin in the most unusual manner, unusual and if you will allow me – the Standing Orders require that I speak to and through you, Madam Presiding Officer, but allow me to speak directly to the team I lead at the start of this presentation. I hear they are calling us, '*Farley and Friends*,' now.

In circumstances like this one, it is quite usual for the one making the presentation and the team in power, to use the opportunity to berate the team that preceded it and the team guilty of the incursions and yes, there will be points of the presentation where that will be done. But I want from the onset of this presentation, to admonish the team I lead and to let the team I lead understand that the same rule that applies to those that this report will reveal have either defrauded or attempted to defraud the government and people of Tobago, applies to all of us too. And as much as this signals what happened in the past, this is very much a warning to all of us that form part of a significant majority. You take the same kinds of actions and I would be left with no choice, but to take the same kinds of actions against you.

Madam Presiding Officer, the Executive Council of the Tobago House of Assembly via Executive Council Minute No. 51 of February 9th 2022, approved the

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execution of an Independent Forensic Audit into the following specific development projects under the Division of Infrastructure, Quarries and Urban Development (DIQE) and the Division of Food Security, Natural Resources, the Environment and Sustainable Development for the period October 1st 2019 – November 30th, 2021, namely:

- The Road Restoration Programme;
- Road Resurfacing Programme;
- Emergency Restoration Works Programme;
- Emergency Infrastructure Rehabilitation Programme; and
- the Agriculture Access Roads Programme.

Madam Presiding Officer, it is important to note that a phased approach is being used to execute this audit because of the quantum and the different levels of work that is required for the investigation. Accordingly, for the purpose of this report, the examiner looked at the Road Resurfacing Programme. Let us get that clear. This first report we have received, is on the Road Resurfacing Programme. The auditors are still working on their reports for:

- The Road Restoration Programme;

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- The Emergency Restoration Works Programme;
- The Emergency Infrastructure Rehabilitation Programme; and
- The Agriculture Access Roads Programme. (We expect all reports before the end of calendar year 2022).

Madam Presiding Officer, the Forensic Audit Examination included:

- Reviews of relevant records;
- Analysis of policies;
- Procedures and regulations; and
- Interviews and witness statements from appropriate personnel.

The Forensic Examination included a review of the overall decision-making process regarding the DIQE's Road Restoration and Resurfacing Programme for fiscal year 2020/2021. Remember there are four (4) other programmes for which we have not received the reports as yet. So this is for the Road Restoration and Resurfacing Programme for fiscal year 2020/2021.

In this regard, decisions were taken by the Executive Council which had a major impact on the programme and can be found in ECM (that is Executive Council Minute) No. 09 of January 6th, 2021, wherein the Executive Council considered,

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agreed and approved recommendations made by DIQE; EC No. 08 which asked (1), that the ECM No. 423 of November 4th, 2020 be amended to include Executive Council approval for the DIQE's use of specific contractors on the Road Construction/Rehabilitation Programme DIQE financial year 2020/2021 and; (2), that said road works valued at two hundred and six million, four hundred and sixty-eight thousand and nine hundred and twenty-five dollars (\$206,468,925.00) be allocated in stated percentages between those specific contractors.

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Appendix 3 to the Note, Executive Council No. 8 that is, which listed eighty (80) roads to be resurfaced, also identified three (3) specific contractors (only 3) and showed the respective suggested allocation of the road works between these three (3). In other words, Madam Presiding Officer, the former Executive did not just agreed to do these projects, but also made the decision on the selection of the three (3) contractors to do eighty (80) roads.

Madam Presiding Officer, a basic understanding of Road Resurfacing is as follows: -

Resurfacing of asphalt involves the placing of new asphalt over existing surface. This is typically required to restore asphalt, or correct some other defect, usually restricted to the upper asphalt layer. In Trinidad and Tobago, resurfacing is used to correct minor cracking, fatigued asphalt, rotting and skidding issues and extending life of the asphalt pavement. Asphalt used in resurfacing is typically made from a combination of fine and coarse aggregate. The aggregates will be combined with bitumen in specific proportions to produce asphalt, which meets the agency's specifications.

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That is why we are very clear as to the kind of work that we are talking about and that we either paid for, or are to pay for.

Madam Presiding Officer, I now turn to the Executive Summary.

THE PROCUREMENT PROCESS:

The examiner commenced the examination by reviewing the procurement process used by Division of Infrastructure, Quarries and the Environment (DIQE) to get a firm understanding of the process. The examiner found that DIQE did not apply the typical tendering of three (3) quotation process to the special bonded rate system. Notwithstanding this, as noted above, the Executive Council approved the use of specified three (3) contractors and specific allocations of work to them. However, the examiner was not provided, or in other words, there exists no detailed written or oral information including on the DIQE's senior staff's 'technical deliberations' which drove the use of specific or specified bonded contractors, and allocation of works as recommended in Note No. 2 and Executive Council No. 8. In other words, there exists no explanation of how they arrived at

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these three (3) contractors and there was no justification for why the usual three (3) quotes or three (3) company rule was not used in this instance.

Madam Presiding Officer, there exists in the 'technical deliberations' of the senior staff at DIQE, no explanation, similar to what the Secretary of Education gave today. And so the examiner found a lack of information in that regard.

Since the selection process did not follow a typical procurement process, none of the usual supporting documents such as the:

- Request for Proposal;
- Evaluation Report;
- Letter of Award -

that would usually accompany such typical process and from which details of cost could be obtained, were available upon request, nor has to date been received for examination.

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In addition, none of the contracts (not one of them) contained a detailed breakdown of cost. To put it in simple words, these findings seem to suggest that:

- No competitive tendering process for eighty (80) road projects valued at two hundred and six million dollars (\$206m);

It also suggests that:

- The contractors were handpicked and the two hundred and six million dollars (\$206m) in Road Resurfacing works was shared among them on the approval of the last Executive Council;
- No technical or other justification was found to support the decision and the method used to share the TT two hundred and six million dollars (\$206m) in contract among the three (3) selected contractors;

EXAMINATION OF THE CONTRACTUAL ARRANGEMENTS

We are looking at the contractual arrangements now.

Upon examination, none of the contracts used by DIQE for the road resurfacing works contained critical items that government agencies

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typically use and rely upon for protection. These critical key terms and details of key documents that would normally be included in such contracts are as follows. I need for everyone to listen carefully, because whether you are sole select; selective tendering; open tendering - these are typical elements of contract and none of these, Madam Presiding Officer, were contained in the contracts issued.

- Specifications or drawings depicting the scope of works, location and/or boundaries of the site, nor any setting out of relevant data, tests conducted and samples of materials used;

So no scope of work; no drawing; no specifications; no boundaries identified. So God alone knows how they found them.

- Secondly, contractual provisions dealing with Safety or Quality Assurance - that is not existent in the contracts;
- The commencement date of the contracts and/or its duration completion date were not defined in these contracts;

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- The Bill of Quantities breaking down the contract sum to be used to re-measure the works or to value variations to the works, not existent in these contracts;
- Contractual provisions dealing with who had responsibility for insurance of the works; i.e the Tobago House of Assembly, DIQE, or the contractor. This suggests that the works may have been uninsured;
- Contractual provision allowing the THA to give instructions or make variations to the works. Such a variation clause is particularly useful, as there would be no need to modify the contract or vary the scope of the contract if required, but none of that exists in the contracts that were given;
- Contractual provisions for extending time and associated costs, subject to and depending on uncontrollable third party delays that are non-compensable or the THA/DIQE delays that may be compensable. That will include false Majeure events such as natural disasters, pandemics, etcetera, not included in the contracts;

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- Contractual provisions dealing with liquidated damages for late completion caused by contractor delays - nowhere about in the contracts.

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- Contractual provisions setting out detail obligations of THA's representatives - nowhere about in the contract;

Contractual provisions for regular process reports and or other features, by which the contractor might support their payment applications - non-existent.

There were no payment terms in the contract. (Let me repeat that). There were no payment terms in the contracts including for advance payments covered by the advance payment bond; timing of contractor application for payment; withholding payment for defective work or Assembly claims, or retention of payment until the end of maintenance period, etcetera. None of that existed in the contracts given.

- Contractual provision for the contractor to provide a performance bond as security for their completion of work - not in the contracts.
- Contractual provision for less expensive dispute resolution methods such as mediation through dispute adjudication boards - also non-existent.

Simply put, Madam Presiding Officer, there were no proper written contractual arrangement between the contractors and DIQE to protect the public interest in two hundred and six million dollars (\$206m) in road resurfacing works

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which were given out to three (3) selected contractors. In fact, Madam Presiding Officer, I will shock you by telling you that the majority of the contracts remain unsigned. The majority of the contracts are written, but they remain unsigned.

Let us examine the contractual costs. What I just stated - the examiners sought to therefore reconcile the contracted prices with the engineer's estimates, taking into consideration the DIQE's apparent special bonded rate system for road paving. There were eighty (80) projects in the DIQE's road resurfacing works programme of which the examiner was presented with seventy-eight (78) contracts; no contracts were produced for two of the projects and as indicated, the majority of these seventy-eight (78) contracts remain unsigned to this day.

The examiner found that ninety-six percent (96%) of the seventy-eight (78) contracts - (signed or unsigned) their prices could be fully reconciled with the engineer's estimates. Let me read that again. The examiner found that ninety-six percent (96%) of the seventy-eight (78) contracts (signed or unsigned) the contract price could be fully reconciled or one hundred percent (100%) the very same price as the engineer's estimates.

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The remaining four percent (4%) that could not be fully reconciled were on average, plus three percent (3%) to minus nine percent (9%) difference from the engineer's estimates. These results indicate that the engineer's estimates were used to determine the prices of the contracts, (signed or unsigned) so there was apparently no negotiations; no request of the three (3) special, blue eyed contractors to provide any quotation, but for ninety-six percent (96%) of the works done, the prices on the eventual contracts (both signed and unsigned), were identical to the internal estimates done by the engineer. Given such circumstances, the examiner then sought to test the accuracy of the engineer's estimates, so since ninety-six percent (96%) of them were one hundred percent (100%) reconciled with the internal engineer's estimates, the next best option for the examiner that came from the auditing firm, was to look at the actual accuracy of the engineer's estimate.

Of initial concern, Madam Presiding Officer, is that the engineer's estimates show an estimates average cost of eight hundred and forty-eight dollars and fourteen cents (\$848.14) per square metre, over an estimated total of two hundred and sixteen thousand, four hundred and seventy-four point five one square metres (216,475.51

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sq m)for the entire eighty road projects. This compares very unfavorably to an estimated average cost of seven hundred dollars (\$700.00) per square metre over the entire project produced in the Independent Cost Expert's estimates as the average cost for road resurfacing in Tobago which we have grown to expect to be a bit higher than in Trinidad. In other words, when the examiner asked an Independent Cost Expert to redo the estimates done by the engineer internally and to line it up with the going rate for Tobago at that time, it is found that the average cost for Tobago was seven hundred dollars per square metre, yet the engineer's estimates ran us at eight hundred and forty-eight dollars and fourteen cents (\$848.14) per square metre. The latter estimate was derived from guidelines (that is the seven hundred dollars (\$700.00)), set out in the International Standard Method of Measurement of Building Works 7, known as SMM7 and the Institute of Surveyors of Trinidad and Tobago. So the Auditors did their work. They found that Independent Cost Expert; they took the International Standard Method for Measurement of Building Works 7 and the Institute of Surveyors of Trinidad and Tobago and got an accurate average cost of seven hundred dollars (\$700) per square metre for road resurfacing in Tobago, while the engineer's estimates to which the contracts (signed and unsigned) were pegged

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fully, was at eight hundred and forty-eight dollars and fourteen cents (\$848.14) per square metre. Therefore, Madam Presiding Officer, when the total square metres for the eighty (80) projects were multiplied first by the cost of seven hundred dollars (\$700.00) per square metre as estimated by the Independent Cost Expert, totalling one hundred and fifty-one point five million dollars (\$151.5m); secondly the engineer's estimate at eight hundred and forty-eight dollars and fourteen cents (\$848.14) per square metre totaled one hundred and eighty-three point eight million (\$183.8m). That results in a difference or a reduction of the estimated total cost of approximately thirty-two point one million dollars (\$32.1m).

In other words, the difference between the engineer's inflated estimates and the real estimates as per the Independent Cost Expert, was a difference of thirty-two point one million dollars (\$32.1m). So you see we are going down from the two hundred and six million dollars (\$206m). With the above in mind, Madam Presiding Officer, the examiner reconciled therefore the quantities of materials in DIQE's engineer's estimates against those shown by the Independent Cost Expert to understand how we came up with the thirty-two point one million dollar (\$32.1m) difference.

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Because the Independent Cost Expert - they wanted to know if it is by oboeah we came up with the prices, or if somebody just got a dream and wrote it down. So they looked at the quantities of materials in the engineer's estimates against those of their very own, in order to ascertain whether the differences were reasonable. The result shows, that except for 2mm coarse sand, the DIQE engineer's estimates were for all other materials except for 2mm coarse sand - for all other materials the Engineer's estimates were over quantified to the Independent Cost Expert's estimates, based on the square metre requirements. And that is because, Madam Presiding Officer, resurfacing a road is science, and you could pretty much use a scientific method to determine how much materials are needed. And it was found by the examiner, Madam Presiding Officer, that except for 2mm coarse sand, the DIQE's engineer's estimates for all other materials were over quantified. In other words, the engineer put plenty extra materials in there.

Madam Presiding Officer, I share with you now 'Inflation of Material Quantities.'

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INFLATION OF MATERIAL QUANTITIES

The differences in the estimated quantities between the Independent Cost Expert's and the apparent over quantification by the DIQE's engineer, ranging from nineteen percent (19%) to fifty-three percent (53%) when reconciled as an adjustment to the total project cost - an overall inflation or reduction of the accumulated contract costs by an estimated seventy-nine point eight million dollars (\$79.8m). So we spoke about the thirty-two point one million dollars (\$32.1), which was based on an over-estimation in the cost per square metre to do a road. Then the auditors looked at the actual materials used, the materials written down by the engineer in his estimates and found that that inflation in the amount of materials required, comes up to seventy-nine point eight million dollars (\$79.8m).

Let me give you some specifics, Madam Presiding Officer.

- Crusher run by the metric tonne, the engineer's estimate was over quantified by sixteen thousand, eight hundred and eighty-one point seventy three metric tonnes or a cost of three

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- four seven two million dollars (\$3.472m) or nineteen percent (19%);
- CRS 2 bituminous emulsions by the gallon - the engineer's quantities were over-estimated by nineteen thousand, five hundred and sixty-seven point four eight (19,567.48), which is a cost of one point eight six two million dollars (\$1.862m) or twenty-one percent (21%);
- Rotten rock by the metric tonne, the engineer's estimates in quantities were over by seventy-eight thousand, one hundred and eighty-three point three six metric tonnes (78,183.36) or, a value of thirteen point four million dollars (\$13.4m) or forty-three percent (43%);
- Hot mix asphalt by the metric tonne - the engineer's estimate was over by forty-six thousand, six hundred and thirty-nine point one one metric tonnes or an estimated cost of sixty-one point zero nine four million dollars (\$61.094m) or fifty-three percent (53%), totalling seventy-nine million, eight hundred and thirty-three thousand, two hundred and ninety-one dollars and eighty-five cents (\$79,833,291.85) to the dollar.

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That is the estimated cost, Madam Presiding Officer, of the over quantification of materials in the engineer's estimate. And bear in mind, that the contract price for ninety-six percent (96%) of them were identical to the engineer's estimates.

Going out to **APPARENT MISMANAGEMENT OF FUNDS.**

Arising, Madam Presiding Officer, from the reconciliation of estimated quantities, determined by the Independent Cost Experts, and DIQE's engineer which resulted in an inflation/reduction of the accumulated contract cost by an estimated seventy-nine point eight million dollars (\$79.8m), the examiner concluded, (this is the auditors talking) that it was necessary to conduct site visits for the re-measurement of works. Particular attention was given to the re-measurement of the hot mix asphalt which accounted for seventy-nine percent (79%) of the estimated deduction of the total project costs.

So we did not take it for granted, Madam Presiding Officer, that the Independent Cost Experts were saying it was over quantified. The decision

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was made to go and look at the actual roads, Madam Presiding Officer, and to do the necessary quantity surveying to see what was actually used.

Twenty-one (21) randomly selected roads of the eighty (80) road projects were selected for re-measurement testing. This represents a forty-five percent (45%) testing random sample of the total project costs. The auditors selected the twenty-one (21) most expensive roads to do their testing. So, that results to forty-three percent (43%) of the sample of the total project costs. Of concern, is the fact that the estimated difference for the over quantification of hot mix for each of the twenty-one (21) road projects tested and by extension, all of the eighty (80) road projects - that estimation was exactly fifty-three (53) percent, despite the area of each road project being different in size and nature. Let me say that again. **Of concern, is the fact that the estimated difference for the over quantification of hot mix asphalt**, which I just pointed out, the engineer over-estimated by forty-three thousand, six hundred and thirty-nine point one one metric tonnes and a difference in project cost of sixty-one point zero nine four million dollars (\$61.094m), that for all of the eighty (80) roads.

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That over calculation was exactly fifty-three percent (53%), despite the area of each road project being different in size and nature.

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I opine, Madam Presiding Officer, that perhaps that engineer should be the Minister of Finance because it would appear that that engineer accurately calculated the true cost for the hot mix and purposefully inflated all by exactly fifty-three percent (53%). The maths ain't 'mathsing.' Well, I guess for them it is 'mathsing out,' but for the people of Tobago, it ain't 'mathsing.'

Madam Presiding Officer, of utmost concern, is the fact (and I need to go slowly here) that there was no evidence of any scheduled works having been commenced or in progress. (Let me use simpler words). There was no evidence of any work at all being commenced or having begun, or start, or in progress, or in train on eleven (11) of the twenty-one (21) road projects selected for re-measurement. Let me say it again - eleven (11) of the twenty-one (21) roads selected by random - the auditors selected the twenty-one (21) most expensive roads that accounted for some forty-one percent (41%), Madam Presiding Officer, of the total cost of two hundred and six million dollars (\$206m) - twenty-one (21) roads, and of the twenty-one (21)

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roads, Madam Presiding Officer, eleven (11) of them have not gotten any work that started or any work in progress. Notwithstanding that fact, Madam Presiding Officer, these eleven (11) roads unbelievably, have certification of completion or they form (and hear how brazen and bold some of these thieves are) part of claims being made by contractors even in the courts.

Adding to that concern, Madam Presiding Officer, is the fact that four (4) of these eleven (11) road projects were referenced in the Tobago House of Assembly vote book account 15/09/003/15/D/690. The vote book for those who do not know, is an accounting book used in the public sector to track and monitor expenditure and to ensure that there is no extra budgetary spending. Madam Presiding Officer, four (4) of these eleven (11) projects from that vote book that I just quoted, have been paid for in full (in full) amounting to fifteen point five million dollars (\$15.5m), Madam Presiding Officer. So not only did they over-estimate the quantities to be used to some seventy-nine point eight million dollars (\$79.8m); not only did the

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engineer's estimates for doing the road for over eight hundred dollars (\$800) when the true value was seven hundred dollars (\$700), resulting in over thirty million dollars (\$30m) in overage. Unbelievably, Madam Presiding Officer, we paid for four (4) roads that have not been done as yet - fifteen point five million dollars (\$15.5m) of THA ... and people in this House will stand and talk about hard earned taxpayers' dollars, asking, Madam Presiding Officer, for their ex-gratia payment after they knocked it left, right and centre during the election, but fifteen point five million dollars (\$15.5m) paid out and the roads have not been done as yet - fully paid. (I did not pay for the road; it was paid for by your party that was in power - already paid before we came into office).

APPARENT OVERPAYMENT OF FUNDS

Madam Presiding Officer, let me go to the Apparent Overpayment of Funds. Madam Presiding Officer, a total of ten (10) road projects were re-measured and asphalt cord cutting tested. These ten (10) projects totalled forty-nine thousand, six hundred and forty-three point nine nine square

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metres per the engineer's estimate. The re-measurement was obtained through geomatics surveying instruments such as a total station and data collectors to get and store data measurements of the roadway and upload it to auto-CAD. The roadway was plotted with precise area measurements and was calculated by the programme using plotted data points.

Further, Madam Presiding Officer, the winding road lengths were also measured accurately using the programme. The roadways were cord at two (2) arbitrary points to retrieve quarrying samples. In other words, they dig a small hole, not the size that the Water and Sewerage Authority wants to dig) pull up the sample so that they can check the layers placed on the road. The method used to calculate the depth data was the two (2) samples taken. Of concern, Madam Presiding Officer, the re-measured square metres footage for the ten (10) road projects was twenty-three thousand and sixty-five point four zero square metres, when compared to DIQE's engineer's estimate of forty-nine thousand, six hundred and ninety-nine square metres (49,699 sq m), a difference or a shortage of twenty-six thousand, five

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hundred and seventy-eight point four two square metres (26,578.42 sq m). The re-measured ten road projects showed shortages ranging from four hundred and sixty-two point three three square metres (462.33 sq m), to six thousand, one hundred and forty-two point two seven square metres. The accumulated shortages in the ten (10) road work projects of twenty-six thousand, five hundred and seventy-eight point four two square metres (26,578.42sq m) amount to an estimated difference of approximately twenty-two point seven million dollars (\$22.7m) or twenty-seven percent (27%) of the total project cost.

Let me break it down simply, Madam Presiding Officer. We ask contractors to pave forty-nine thousand, six hundred and forty-three nine nine square metres (49,643.99sq m) of road. They only did twenty-three thousand and sixty-five point four zero square metres, which results in about twenty-two point seven million dollars (\$22.7m). And do you know what are the facts, Madam Presiding Officer? We have a certificate of

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completion; we have contractors and might I add, we have minority voices demanding that we pay people for works that they did not do.

MINORITY LEADER: Madam Presiding Officer, Standing Order 45 (5) - the Member is imputing improper motives.

MADAM PRESIDING OFFICER: Who are the Members?

MINORITY LEADER: He said, "Members of the Minority," of which I am a part.

CHIEF SECRETARY: Madam Presiding Officer, I am prepared to withdraw and rephrase.

MADAM PRESIDING OFFICER: Please do.

CHIEF SECRETARY: The Minority held a press conference telling Tobagonians that the Chief Secretary should pay the contractors, pay them their money. That time, Madam Presiding Officer, the contractors are trying to thief out the eye of Tobagonians. Let him take ownership of that.

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MR. K. MORRIS: Madam Presiding Officer, based on 45 (5), I made no such pronouncement and I am asking the Member to withdraw that statement.

MADAM PRESIDING OFFICER: Member, withdraw and continue.

HON. CHIEF SECRETARY: Madam Presiding Officer, I am prepared to withdraw and I am also prepared outside of the parliamentary privilege here, to make the said statement outside. [*Laughter*] Because I not only have courthouse clothes, but I have courthouse evidence. [*Desk thumping*]

MINORITY LEADER: Is you who promised to pay the people...
[*Interruption*] [*Crosstalk*]

MADAM PRESIDING OFFICER: Members, I am on my feet.

HON. CHIEF SECRETARY: Is that a point of order? [*Crosstalk*]

MADAM PRESIDING OFFICER: Members! Chief Secretary and Minority Leader.

HON. CHIEF SECRETARY: Madam Presiding Officer... [*Crosstalk*]

MADAM PRESIDING OFFICER: Listen to me. I have no qualms in

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putting people out of this House, none whatsoever.

Did you withdraw the statement?

HON. CHIEF SECRETARY: I withdrew the statement.

MADAM PRESIDING OFFICER: Continue, please.

HON. CHIEF SECRETARY: Madam Presiding Officer, it was found that seven (7) of these ten (10) road projects re-measured, were referenced in the THA's vote book account - 15/09/003/15/D/690 as having been paid for in full. These payments amount to thirty-two point three million dollars (\$32.3m) or twenty-two point seven million dollars (\$22.7m) over what we should have paid. So not only did they give us short road, but we paid them for what was written in the engineer's estimates. They have certificate of completion - and unbelievably, you are telling me that nobody checked to see that they did not complete the full amount of roadway as indicated in their contracts and the engineer's estimates? That, Madam Presiding Officer, amounts to fraud; it amounts to theft and it also amounts to collusion, and I am putting this on the record, that I am of the firm belief, Madam Presiding

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Officer, that these overpayments were used in an effort to swindle monies for an election campaign that happened in December and they still got their tails cut. [*Desk thumping*]

As it relates to the calculation of the hot mix asphalt, the actual square metre footage of the hot mix asphalt for the ten (10) roads were re-measured, Madam Presiding Officer, to two thousand, five hundred and forty-three point one nine metric tonnes (2,543.19) in comparison and we are talking about actual work that we paid for - 2,543.19 metric tonnes of hot asphalt was used in comparison to the engineer's estimate of nineteen thousand, three hundred and sixty-one point two five metric tons (19,361.25). This represents a calculated over-estimated difference, of the sixteen thousand eight hundred and eighteen point six metric tonnes, which results in an estimated difference of approximately twenty-three point five million dollars (\$23.5m) or forty-five percent (45%) of the total project cost. So the hot mix - over estimate; they gave us short road - they over estimate all the materials used in doing the road, and we just paid. And that is why from day one, Madam Presiding Officer, I indicated that we will pay. We will only

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pay a small part and wait on the audit report to determine how much more to be paid.

Madam Presiding Officer, in recognition of the fact that the forensic audit is actively ongoing and in acknowledgement of the strong findings pointing to possible organized - (in fact, let me reframe this) pointing to actual organized criminal conduct which seemingly may have involved active participation of very senior members - leaders; operatives and business associates of the last Administration.

I ask again, how much of this overage in payments went back to fund PNM's failed political campaign? How much of this over-estimation was paid forward to PNM's failed political campaign in hopes that they will win the election and get the money back on the back end?

Madam Presiding Officer, it is unbelievable – unbelievable that not only have the THA paid for works not done; the THA paid for works that were underdone and THA signed contracts that were super-inflated. And yes, I know it is grammatically incorrect (before Assemblyman Hackett points it out) to say 'super-inflated', but it is with deliberateness that I use

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the term 'super-inflated,' in this instance. And this, Madam Presiding Officer, explains the anxiety people have with trying to get all their monies.

Madam Presiding Officer, I am therefore constrained to conclude, by only saying that this Administration, my Administration, '*Farley and Friends*,' stands resolutely committed to providing all the resources and administrative support to the independent forensic audit team towards ensuring that the audit is conducted with the level of efficiency and effectiveness necessary and required.

As indicated, there are three (3) steps remaining to be taken for which I will not mention here for the integrity of the outcomes. When those three (3) steps are completed, Madam Presiding Officer, there are a couple steps that I will take.

- (1) I will provide the evidence, Madam Presiding Officer, to the necessary law enforcement agencies for their follow-on investigation and interviewing of those that are so guilty;

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- (2) Madam Presiding Officer, I will be naming and shaming all of the contractors involved in this thing; [*Desk thumping*] and
- (3) Madam Presiding Officer, I wish to say that as an island, we have to take some steps to self-correct -

because this matter has been going on for a long while. We have heard rumours before; we have heard talks before and, Madam Presiding Officer, we have evidence of the shenanigans at work.

More importantly, Madam Presiding Officer, I wish to guarantee that anyone (and let me repeat – **anyone**) who may be eventually culpable of any wrongdoing or criminal conduct, that they face the full and total weight of the laws of the land, and that every single penny, every single shilling, unlawfully and illegally taken from the island's treasury, be recovered and returned to Tobagonians. [*Desk thumping*]

Madam Presiding Officer, part one of the progressive steps that I wish to take, is that I wish to ask of this House, ask of the Executive Council, that we eventually agree to set up our own 'Whistle Blower' system in Tobago.

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Statement (Cont'd)
HON. CHIEF SECRETARY (Cont'd)

I am aware that the Government tried in 2018, and that there is a pending 2022 proposal that requires the support of the Opposition in Trinidad, but at the rate at which they are going in the House of Representatives and the Senate, it seems unlikely that we will get 'Whistle Blower' Legislation for the country anytime soon.

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Statement (Cont'd)
HON. CHIEF SECRETARY (Cont'd)

And so I will be proposing that the Tobago House of Assembly establishes a Core Council of no more than seven (7) people, seven upstanding Tobagonians which must include among the seven (7):

- a trained Investigator, someone who is either retired or is active in service, in the Trinidad and Tobago Police Service;
- a certified auditor or financial analyst;
- an experienced attorney of law;
- a member of the clergy;
- and any other three (3).

And that this Council be furnished with a web-based software to allow people to anonymously, to secretly submit any claims and accompanying documentary evidence without them being compromised, their security being compromised.

I recognize, Madam Presiding Officer, that the 'Whistle Blower' legislation that we are supposed to get and that we have been talking about for a long time was meant to combat corruption and other wrong doings by encouraging and facilitation disclosures of improper conduct in the public and private sector to protect persons from making such disclosures from



Statement (Cont'd)
CHIEF SECRETARY (Cont'd)

detrimental action to regulate the receiving investigating or otherwise dealing with disclosures of improper conduct and to provide for other matters connecting therewith.

I wish to also take this opportunity to invite the Minority Leader at some time of his choosing, to join me in building out this proposal for the THA's very own 'Whistle Blower' legislation. Because this matter, Madam Presiding Officer, is not just the job of this team that is in power, but it must be the job and the duty of the entire Tobago House of Assembly.

Madam Presiding Officer, I cannot end my reporting to the House without pointing out that on the road today, several actions/inactions/steps were taken to attempt to derail this process to stop me from presenting this information to the House. In fact, I could tell you that up to 9.56 p.m. last night I saw a pre-action protocol letter coming in from one of the three (3) contractors. Well I casted it into the legal dustbin because that pre-action protocol letter did not worth the *e-mail* it was sent on. And then on my way here I saw another *e-mail* threatening to go to court over the matter. Beyond that, Madam Presiding Officer, I wish to share with you, verbatim a

Statement (Cont'd)
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'*Whatsapp*' conversation that I had with someone from Trinidad purporting to be one of the political colleagues of the former Deputy Chief Secretary and she sent me first Madam Presiding Officer, a screenshot of a conversation that she was having with one of the three (3) contractors for this particular project.

MINORITY LEADER: Just a point of clarification please, Madam Presiding Officer. Can the Chief Secretary just clarify if the '*Whatsapp*' is part of the written statement?

HON. CHIEF SECRETARY: The '*Whatsapp*' is part of the written statement and we also waived the Standing Orders governing the sharing of statements in the House.

We purposefully as a House decided a short while ago that we will waive the Standing Orders over the construct of statement.

MINORITY LEADER: The Standing Order is 29 (2) and 29 ...

MADAM PRESIDING OFFICER: Sorry.

MINORITY LEADER: The Standing Orders waived were 29 (2) and 29 (3) which allowed for the Honourable Chief Secretary to speak beyond the

Statement (Cont'd)
MR. K. MORRIS (Cont'd)

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ten (10) minutes and 29 (3) which allowed me to ask more than one question.

MADAM PRESIDING OFFICER: What is the query? Sorry, I did not hear.

HON. CHIEF SECRETARY: There is no query and yes, I wrote it here and I also wrote on the statement, “Read into the records of the House directly from your phone” in square brackets.

Do you have my statement before you? Do you have my statement before you?

MINORITY LEADER: But you said its ...

HON. CHIEF SECRETARY: There is no requirement.

MADAM PRESIDING OFFICER: Members, Members, please. Please.

HON. CHIEF SECRETARY: Madam Presiding Officer, there is no requirement for the statement that is being read ...

MADAM PRESIDING OFFICER: Is it part of the statement?

HON. CHIEF SECRETARY: Yes, it is. And the statement ...

Statement (Cont'd)



MADAM PRESIDING OFFICER: Minority Leader, are you in receipt of a copy of the statement?

A copy would be provided to everyone, I am sure, by the end of this presentation.

MINORITY LEADER: Madam Presiding Officer, Standing Order 29 (1) is clear. The Chief Secretary ought to have circulated you with a copy of the statement.

MADAM PRESIDING OFFICER: Me?

MINORITY LEADER: Yes.

HON. CHIEF SECRETARY: He is asking if you have a copy.

MADAM PRESIDING OFFICER: I am not engaging getting into an argument with anyone.

Minority Leader, please have a seat.

HON. CHIEF SECRETARY: Thank you, Madam Presiding Officer. And just to be clear, the statement to be read into the House can be both on paper and also electronically. It does not have to be all on paper.

Madam Presiding Officer, and I understand...

MINORITY LEADER: Madam Presiding Officer...

Statement (Cont'd)

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MADAM PRESIDING OFFICER: Minority Leader, the last time anyone checked, I am still the Presiding Officer.

If he provided me with a copy of the statement, I am in receipt of it.

MINORITY LEADER: But the statement reflects...

MADAM PRESIDING OFFICER: Chief Secretary, continue.

HON. CHIEF SECRETARY: I understand why some people in this House would not want this evidence to come before the people of Tobago. Yes, Madam Presiding Officer.

And so in this conversation, the screenshot of a conversation being held between this young lady and one of the three (3) contractors being held for this project was sent to my phone and the message says, "Afternoon..." name of contractor and ...

MADAM PRESIDING OFFICER: This House stands suspended for five (5) minutes.

3.30 p.m.: *House suspended.*

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HON. CHIEF SECRETARY (Cont'd)

3.40 p.m.: *Sitting resumed.*

MADAM PRESIDING OFFICER: *Chief Secretary, you may continue.*

HON. CHIEF SECRETARY: Thank you, Madam Presiding Officer

Madam Presiding Officer, I was at the juncture of reading an interesting telephone ‘WhatsApp’ conversation, between myself and a colleague of the former Deputy Chief Secretary. In that conversation Madam Presiding Officer, a screenshot of a conversation she had with one of these three (3) contractors was sent to me, with the words, “Afternoon, message from... and the name of the contractor listed.” That was on the August 03, 2022. Then on August 06, 2022, after having not responded, I received another message. “Hi Farley, have a great weekend there.” I said, “Have a good weekend too.” And then recognizing for the first time, that a message was sent previously, I replied, “Actually, (this is Farley the Chief Secretary talking here, and this is my reply, to the request as per the screenshot sent from this female colleague of the former Deputy Chief Secretary) I have discovered significant discrepancies amounting to close to

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HON. CHIEF SECRETARY (Cont'd)

eighty million dollars (\$80m) on this programme.” At that point, I did not realize that the discrepancies will be closer to one hundred and six million dollars (\$106m). So I said, “Actually I have discovered significant discrepancies amounting to close to eighty million dollars (\$80m) on this programme that he is a part of, that caused the delay.” The person said, “Okay, understood.” I said, “but even (this is Chief Secretary talking here now) them (meaning the Company) will get some payments; we are working feverishly on it.” The response which was a strange one came, and it says, “Thank God, because he has business set up in my constituency in Trinidad, and he has influence over some community leaders.” And it is at that juncture, I stopped talking, because now this strange request coming in directly to pay one of the three (3) contractors, Madam Presiding Officer, was coming through somebody who was supposed to be a colleague, but it was coming, Madam Presiding Officer, in hopes that the Tobago House of Assembly (THA) making all the payments as demanded, would assist for some political gain on the ground in Trinidad. Madam Presiding Officer, this Chief Secretary is not a part of that. [*Desk thumping*]

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So, Madam Presiding Officer, when over the last two (2) weeks, started seeing some strange, public behaviours, and people who I thought were colleagues, being antagonistic towards me, I could not understand where that was coming from, all of a sudden.

I will also report to the House, Madam Presiding Officer, that one individual reported to me (and let me hasten to add, that that report came to me a day ago and I will make the time to make this report to the police) that one of the contractors offered him seven million dollars (\$7m) to use his influence so that he can get paid.

It would appear, Madam Presiding Officer, as if with inflation and time, thirty (30) pieces of silver now stands at seven million TT dollars (TT\$7m) [*Desk thumping*] So beyond an attempt to stop this Sitting by way of pre-action protocol letters and threats to go to court; beyond *WhatsApp* messages seeking to coerce some kind of payment or payments in full, to allow for political gain on the ground and might I add, in a Port of Spain district, despite all the subtle hints of threats; despite, Madam

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Presiding Officer, all the false accusations labelled against me, spitefully in an attempt to sully my name and to destroy the need for this report, Madam Presiding Officer, I am still standing strong. [*Desk thumping*] “*Farley and Friends*” are standing strong. [*Desk thumping*]

I wish to take this opportunity, Madam Presiding Officer, and I said it at the very start of the presentation, that this presentation is not just for those who committed these deeds in the past, but it is a warning to those who are now in power, who are part of my team - the same fate will meet you should you attempt to do the same things, because the moral arch of the universe is long, Madam Presiding Officer, but it always bends towards justice. It always bends towards justice. This is only the beginning of the matter.

This is one, Madam Presiding Officer, out of five (5) programmes that were audited; one out of five (5) programmes audited, Madam Presiding Officer. There are four (4) other audit reports to come. And from all indications thus far, the pattern seems to be the same or worse. And so,

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Madam Presiding Officer, what this audit report shows us, is that when there is a claim for two hundred and six million dollars (\$206m) for Road Resurfacing Programme, in reality, the Tobago House of Assembly (THA) should only be paying a hundred million of those claims. It also shows that the THA have already paid some monies that it should not have paid. I have present in the presentation and omitted to state it, the ledger with the eleven (11) roads; the ledger with the twenty-one (21) roads and when all Members receive their copies, they will be able to see names of companies; names of roadways; cost of roadways and the projects for which they received payments for that were not completed, Madam Presiding Officer.

Even as I stand here today, I am painfully aware, just looking at the opportunity cost of this matter; looking at what we could have gotten for the amount of monies spent; judging from the fact, Madam Presiding Officer, that if we paid for Belle Air Charlotteville Road that I know all too well, because that is the road up until December 12th 2021, I used to take to go and find wife, that I now have, ...

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HON. CHIEF SECRETARY (Cont'd)

...had they really done the work for the monies they received, Madam Presiding Officer, they would be relieved to scores, to hundreds of villagers. That must mean something in this House.

Finally, Madam Presiding Officer, I wish to end on a perhaps, emotional note. The suit I decided to wear today, Madam Presiding Officer, is quite purposeful. I received this suit in 2017 when my closet was still empty. This suit was brought back from London by the then Minority Leader, Watson Solomon Duke, as a gift because he knew his brother did not have any clothes. I did not have all the courthouse clothes that I have now. It pains me, Madam Presiding Officer, to see that at this juncture when we are ready to get rolling, ready to clean up this mess, he is not here and that he has chosen Port of Spain over Roxborough; Port of Spain over Tobago. I will not end this presentation without saying, "Brother Duke, I know there will come a day when I will have to rescue you, because Port of Spain does not love you as much as Tobago loves you."

And so, Madam Presiding Officer, I open myself to any questions at this point.

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MADAM PRESIDING OFFICER: We agreed to have five (5) questions from the Minority bench.

Minority Leader, you may proceed.

MINORITY LEADER: The first question to the Chief Secretary - just for us to get a clear understanding as to - this is the preliminary report, when would we get the final report and what was the need to rush this report if it is not the final report? Why not wait for the final report?

CHIEF SECRETARY: This is only called the 'preliminary report' because there are three (3) steps left to be taken. However, the findings here are facts and will not change. The details of the report will not change. The three (3) steps that are required are administrative steps to ensure that all the legal issues/requirements are met, but the need to bring this report to this House, is because we had several delays in getting the report in the first place, and I promised sometime in August - before August; about July - that I will bring the report to the House in September and true to form, I have brought the report to the House and to the people of Tobago, but I wish to reiterate that this is one out of five (5) - the other four (4) will come.

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MADAM PRESIDING OFFICER: *Minority Leader.*

MINORITY LEADER: Can the Honourable Chief Secretary just give us a time line as to when these other four (4) reports would be ready and would we have to go through this process every time you receive a report, or would we have a comprehensive sort of statement going forward?

MADAM PRESIDING OFFICER: That is two (2) questions or one, Minority Leader?

MINORITY LEADER: [*Laughter*] I would not use the five.

HON. CHIEF SECRETARY: That is fine. Even if he goes beyond the five (5) questions, that is fine.

I am advised that the remaining four (4) reports should all be completed in time for the end of this calendar year, in time for the end of December, so I will like to give myself January month to present the remaining reports. I am hopeful that for the remaining reports, I would not have to single them out, but I can do it as one group presentation of all, to Tobago.

MADAM PRESIDING OFFICER: *Minority Leader.*

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MINORITY LEADER: Based on the findings, there seem to be some insinuations that there are some procedural, administrative steps lapses. What is this current Administration going to do to ensure that going forward, we are in a position to not be in this place where there are reasons to question the process?

HON CHIEF SECRETARY: Thank you and I am happy for that question. You understand why I asked you to join me in the billing out of this 'Whistle Blower' regime that we are to set up, because that is the thought pattern – how do we prevent this from happening again, and it is not just administrative, but the report strongly suggests that there were coercion and collusion between people that we pay in the Tobago House of Assembly to protect our business and the private enterprises that we do business with, and we have to (1), have a zero tolerance on that and make examples of those so culpable; (2), we have to put systems in place such as the 'Whistle Blower' legislation to allow for early detection of this kind of behaviour and (3), I have already asked the Chief Administrator to find some time and some space to have all of our accounting staff - our AE 1's, our AO 11's, our Administrators be retrained in terms of the expectations of the Audit and

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HON. CHIEF SECRETARY (Cont'd)

Exchequer Act, to be trained in terms of the public service accounting principles and regulations that guide the country and that too, should help in us stemming this flow, but I am hopeful that with your help Minority Leader, that we can in fact, find a way to stem this tide and to create a cleaner way of doing business.

MADAM PRESIDING OFFICER: *Minority Leader.*

MINORITY LEADER: I wish to let the Chief Secretary know that we on this side, always call right, right and wrong, wrong, so we stand in the line of right all the time. Given that you would have made a commitment, the Minority raised an issue with respect to some concerns with the School Repair Programme and you publicly indicated no challenge in having an audit done. Would the School Repair Programme be added to the list of audits now that we have an auditor on board?

HON. CHIEF SECRETARY: Oh yes, certainly. Not a problem at all, because I am the Chief Secretary and while I might be the Chief of all Secretaries, I do not run all Divisions. So if you believe something

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HON. CHIEF SECRETARY (Cont'd)

untoward happened, I will certainly like to know and operate from a place of knowledge as opposed to a place of ignorance. So it is not an issue at all. I will give a commitment to add in that programme to the list of programmes to be audited.

MADAM PRESIDING OFFICER: I would allow for one more question if you have any, Minority Leader.

MINORITY LEADER: I have no further question, Madam Presiding Officer. Thank you.

MADAM PRESIDING OFFICER: [*Laughter*] Thank you, Minority Leader.

HON. CHIEF SECRETARY: Madam Presiding Officer, I just wish to thank you, and thank this House, and thank Tobago for listening and thank Tobago for getting a clearer picture - not just - I mean what happened over the last two (2) weeks is now water under the bridge, but to understand why so much went into avoiding the truths being told today. It is critically important, Madam Presiding Officer, and I pray God that as we do the rest

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of audits, *that* no other Member of the team that I guess is now being called '*Farley and Friends*' will be led astray or coerced away in favour of trying to ensure that what must be presented to the people, is presented in due course and that we take the necessary corrective actions.

Thank you very much and God bless you all.

ADJOURNMENT

Motion made: That the House stands adjourned to a date to be fixed.

[Hon. Z. Hackett]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.00 p.m.