



JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY

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13th October, 2014

Mrs. Arlene Mc Comie
Permanent Secretary
Ministry of Planning & Sustainable Development
Level 14 Eric Williams Financial Complex
Independence Square
Port of Spain

Dear Mrs. Mc Comie,

Re - JCC concerns on Invader's Bay Development

Your letter of 26 September was received on 1st October, but I did not read it until my return to office on 8th October, so please accept my apology for this delayed reply.

While it is reassuring to know that "...this information will be provided shortly...", the JCC finds the second sentence of your letter to be baffling- "The Ministry is in the process of collating such relevant information **as is reasonable to provide** (emphasis is ours).

We would again invite your attention to the Minister's statement to Parliament on Friday 18 July 2014 which is absolutely clear- "...The very first point that I wish to make with regard to the High Court ruling is that there is no issue of disclosure here. There is no issue of failing to disclose, or of wanting to withhold disclosures. **The Government is not seeking to prevent disclosure of any matter, nor is the Government fearful of making any disclosure of fact.** The only issue we are contesting is whether the advice of an attorney to his or her client, which is generally regarded as privileged information, is subject to the jurisdiction of the Freedom of Information Act, or whether since it is privileged exchange of information between attorney and client, it is exempt from the Act..." (emphasis is ours).

The Minister stated that the only issue being contested by the government is the legal professional privilege attached to legal advice in this matter and the JCC has not made any further requests in respect of those aspects since the issue is now before the Appeal Court.

The JCC has now been informed by UDECOTT, in its letter of September 25th 2014, that its RFP issued in December 2013 "...for Design Consultancy Services was developed in accordance with a Structural (sic) Plan which was approved by the Town & Country Planning Division in December 2009 for the implementation of drainage and other preliminary infrastructural works on the reclaimed lands...". In addition to the items requested in our initial letter of 9th September, the JCC is also now requesting a copy of the December 2009 Structure Plan upon which UDECOTT is replying in this matter.

2/ In the circumstances...

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In the circumstances, the JCC is expecting a full and detailed reply to all our queries, in conformity with the Minister's formal assurances to our country's Parliament, given that the enquiries set out in the JCC's letter of 9th September 2014 related to matters not before the Appeal Court.

Yours sincerely,
**JOINT CONSULTATIVE COUNCIL
FOR THE CONSTRUCTION INDUSTRY**



Afra Raymond, B.Sc., FRICS
President