



# JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY

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## MEDIA RELEASE

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FOR IMMEDIATE RELEASE

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### START OF MEDIA RELEASE

**PORT OF SPAIN** – The Editor, I was astonished to hear the remarks of PNM Senator Faris Al Rawi on a popular radio program on Sunday 8th March 2015 as he linked the emerging land controversies at CDA and Caroni to alleged shortcomings in the new [Public Procurement & Disposal of Public Property Act](#).

Given the importance of this new law, it is essential that the record be set straight. Al Rawi advanced three points which need to be addressed –

1. The new law does not deal with disposals of land at all, so that is a major defect.
2. The Regulator will not be strong & independent since that official can be dismissed by the Minister.
3. The PNM was opposed to the new law for those reasons and will bring amendments to those sections if elected.

**Firstly**, on Disposals of Public Property - Public Property and Real Property both include land. The new law includes for control of disposal of public property at the definitions section -

- page 3 - "...*disposal of public property*" includes the transfer without value, sale, lease, concession, or other alienation of property that is owned by a public body;..."
- page 7 - "...*public property*" means real or personal property owned by a public body;..."

In terms of the regulation of Disposal of Public Property, S.13 (1) requires the Regulator to establish standards, guidelines and rules which will be enforceable by the Regulator with heavy penalties. In terms of powers, S.14 1 (a)

*"...14. (1) In the performance of its functions, the Office may— (a) monitor the procurement of goods, works and services, and the disposal of public property, by public bodies to ensure compliance with this Act;..."*

The decisive phrase being '*to ensure compliance*'.

Further, according to S.24 the Annual Report of the Regulator is to be submitted to Parliament -

"...24. (1) The Regulator shall submit his reports annually to the Speaker of the House of Representatives, the President of the Senate and the Minister..." - and S.24 (2) (d), specifies that its contents must include

"...(d) a summary of transactions in respect of each public body concerning the disposal of public property— (i) in respect of real property, the address and other identifying details of the property disposed of, including value, to whom it was disposed, date of disposal, means of disposal and consideration ;and

(ii) in respect of property other than real property, details of the property disposed of, including value, to whom it was disposed, means of disposal, and consideration;..."

So, the new law requires that the Regulator's Annual Report lists all property disposals.

**Secondly**, on the alleged lack of Independence of the Regulator, according to S. 12 -

"...12. The President may remove a member from office..."

Only the President of the Republic has the power to remove members from the Office of Procurement Regulation. In addition, S.13 (2) (b) specifically insulates the Regulator from external or political instructions -

"... (2) In the exercise of its functions, the Office shall— (b) not be subject to the direction or control of any other person or authority in the performance of its functions, but shall be accountable to the Parliament..."

**Thirdly**, on the PNM objections, the record shows that Al Rawi was one of five PNM Senators who voted in support of this new law on Wednesday 11th June 2014. I was present for most of the long Senate session the previous day at which the entire Bill was reviewed, clause by clause, with Al Rawi playing an active part in that discussion. The law Al Rawi is now attempting to criticize is identical to the one he voted for in June 2014, not one word is different, so one can only wonder what the meaning of these baseless criticisms. Further, on November 18th 2014, the Private Sector Civil Society group, of which the JCC is a member, replied to the points raised by the PNM in the Parliament - see <http://www.ttparliament.org/publications.php?mid=28&id=700>.

The JCC is aware that this new law is incomplete and that further work needs to be done if we are to properly tackle the huge issues arising from waste and theft of public money. We identified those issues in our Press Release of 13th June 2014.

The reality is that this new law is a huge step towards curbing the excessive waste and theft of Public Money with which our country has been beset for too long. It is expected that the Regulator would approach Parliament to make Improvements to the law if any shortcomings are identified during implementation. Our emphasis is to have this new law implemented as swiftly as possible, so it is critical that the record be set straight in this important matter.

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