



TRINIDAD AND TOBAGO GAZETTE (EXTRAORDINARY)

VOL. 55

Caroni, Trinidad, Tuesday 23rd August, 2016—Price \$1.00

No. 98

1271

EXTENSION OF THE TIME FOR THE REPORT OF THE COMMISSION OF ENQUIRY
INTO THE ENTIRE PROCESS WHICH LED TO THE CONSTRUCTION OF THE LAS
ALTURAS TOWERS LOCATED AT LADY YOUNG GARDENS, MORVANT
(*The Commissions of Enquiry Act, Chap. 19:01*)

IN ACCORDANCE with section 15 of the Commissions of Enquiry Act, Chap. 19:01, of the Laws of the Republic of Trinidad and Tobago, notice is hereby given that on the 22nd day of August, 2016, His Excellency, ANTHONY THOMAS AQUINAS CARMONA, President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago, in the exercise of the powers vested in him under section 3 of the said Act, altered the time for the report relating to the Commission of Enquiry into the entire process which led to the construction of the Las Alturas Towers located at Lady Young Gardens, Morvant, issued on the 2nd day of December, 2014, and gazetted on the 3rd day of December, 2014, as follows:

COMMISSION

REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency ANTHONY THOMAS AQUINAS CARMONA, O.R.T.T., S.C.,
President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and
Tobago.

ANTHONY THOMAS AQUINAS CARMONA

President:

Greetings:

TO: Mr. Justice Mustapha Ibrahim, C.M.T. (Retired)
Dr. Myron Wing-Sang Chin
Mr. Anthony Farrell

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

EXTENSION OF THE TIME FOR THE REPORT OF THE COMMISSION OF ENQUIRY INTO
THE ENTIRE PROCESS WHICH LED TO THE CONSTRUCTION OF THE LAS ALTURAS
TOWERS LOCATED AT LADY YOUNG GARDENS, MORVANT—CONTINUED

AND WHEREAS on the 2nd day of December, 2014, ANTHONY THOMAS AQUINAS CARMONA, President and Commander-in-Chief of the Armed Forces of the Republic of Trinidad and Tobago issued his Commission under section 2 of the Act appointing you, Mr. Justice Mustapha Ibrahim, Dr. Myron Wing-Sang Chin and Mr. Anthony Farrell, Commissioners to hold an enquiry into the entire process which led to the construction of the Las Alturas Towers located at Lady Young Gardens, Morvant, with the following terms of reference:

I. To enquire into:

- (i) the entire process which led to the construction of the Las Alturas Towers at Lady Young Gardens, Morvant, and all other acts, matters or decisions done or undertaken incidental thereto up to and including the construction thereof;
- (ii) the advice, reports and minutes which were made available to the Trinidad and Tobago Housing Development Corporation (hereinafter referred to as “HDC”) and the Urban Development Corporation of Trinidad and Tobago Limited (hereinafter referred to as “UDeCOTT”) and/or the relevant Director and/or Board of HDC and UDeCOTT and/or the Ministry of Housing (later known as the Ministry of Planning, Housing and the Environment) concerning the suitability or unsuitability of the site for the construction of the said Las Alturas Towers (hereinafter referred to as “the Project”);
- (iii) the consideration, if any, given by the Board of HDC and UDeCOTT and/or the relevant Director and/or representatives of HDC and UDeCOTT and/or the Ministry of Housing (later known as the Ministry of Planning, Housing and the Environment) of the said advice and report and the action, if any, taken by the Board of HDC and UDeCOTT or the relevant Director and/or representative of HDC and UDeCOTT and/or the Ministry of Housing (later known as the Ministry of Planning, Housing and the Environment) in respect of the said advice and report;
- (iv) whether the Board of HDC and UDeCOTT and/or the relevant Director, or Directors and/or representatives of HDC and UDeCOTT and/or the Ministry of Housing (later known as the Ministry of Planning, Housing and the Environment) commissioned proper advice and reports into the suitability of the site at Lady Young Gardens, Morvant, for the construction of the Project;
- (v) the reasons for and effect of the site selection for the Project, including the advice and reports which were made available to or requested by the Board of HDC and/or UDeCOTT and/or the Ministry of Housing (later known as the Ministry of Planning, Housing and the Environment) concerning the suitability or unsuitability of the site for the Project; whether the Board of HDC and/or UDeCOTT and/or the Ministry of Housing (later known as the Ministry of Planning, Housing and the Environment) commissioned proper advice and reports into the suitability of the site for the Project;

1271—Continued

EXTENSION OF THE TIME FOR THE REPORT OF THE COMMISSION OF ENQUIRY INTO THE ENTIRE PROCESS WHICH LED TO THE CONSTRUCTION OF THE LAS ALTURAS TOWERS LOCATED AT LADY YOUNG GARDENS, MORVANT—CONTINUED

- (vi) the procedures, practices and procurement processes employed by the Board and Management of UDeCOTT and HDC in the award of the contract to undertake the Project;
 - (vii) the circumstances concerning the procurement process and the award of all contracts from the inception of the Project;
 - (viii) whether the Board of HDC and UDeCOTT and/or a Director or Directors of HDC and UDeCOTT fulfilled or complied with the responsibilities and duties imposed upon them by law and by good corporate governance and practice, by commissioning the construction of the Las Alturas Towers on the site at Lady Young Gardens, Morvant; and
 - (ix) the identity of the officials, if any, who have so failed in their duties.
- II. To make such findings, observations and recommendations arising out of its deliberations, as may be deemed appropriate, in relation to:
- (i) whether there are any grounds for criminal and civil proceedings against any persons or entity;
 - (ii) whether criminal proceedings should be recommended to the Director of Public Prosecutions for his consideration; and
 - (iii) whether civil proceedings should be recommended to the Attorney General for his consideration.

AND WHEREAS on 27th day of March, 2015 the President deemed it fit to alter the terms of reference of the Commission of Enquiry into the entire process which led to the construction of the Las Alturas Towers located at Lady Young Gardens, Morvant, issued on the 2nd day of December, 2014, to include the causes, events, matters, circumstances and considerations which led to the decision to demolish buildings H and I of the Las Alturas Towers located at Lady Young Gardens, Morvant, including the demolition thereof;

AND WHEREAS, on the 2nd day of December, 2014, I directed that the Commissioners report to me in writing on the said matters within a period of five (5) months of the first sitting of the Commission;

AND WHEREAS the first sitting of the Commissioners was held on the 26th day of January, 2015 and as such the Commissioners were due to submit their report on or before the 25th day of June, 2015;

AND WHEREAS by an instrument dated 11th day of February, 2016 I altered the commission by directing that the Commissioners report to me in writing on or before the 31st day of March, 2016;

1271—Continued

EXTENSION OF THE TIME FOR THE REPORT OF THE COMMISSION OF ENQUIRY INTO
THE ENTIRE PROCESS WHICH LED TO THE CONSTRUCTION OF THE LAS ALTURAS
TOWERS LOCATED AT LADY YOUNG GARDENS, MORVANT—CONTINUED

AND WHEREAS by an instrument dated 25th day of May, 2016 I altered the commission by directing that the Commissioners report to me in writing on or before the 30th day of June, 2016;

AND WHEREAS the Commissioners have advised that they are requesting an extension of the time by which they are to report due to the fact that in keeping with the rules of procedural fairness all parties and witnesses were given the opportunity to make further submissions with respect to all matters which may attract negative criticism although all the evidence hearings of the enquiry were completed in April 2016.

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

NOW THEREFORE, I, ANTHONY THOMAS AQUINAS CARMONA, President as aforesaid, in exercise of the power vested in me under section 3 of the Act do hereby further alter my commission by directing that the Commissioners report to me in writing on the said matters on or before the 30th day of August, 2016.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St. Ann's,
this 22nd day of August, 2016.

Dated this 23rd day of August, 2016.

L. RODRIGUEZ
Secretary to Cabinet