



**JOINT CONSULTATIVE COUNCIL FOR
THE CONSTRUCTION INDUSTRY**

The Professional Centre Building
1st Floor Unit B202, 11-13 Fitzblackman Drive, Wrightson Rd. South, Port of Spain
Tel: (868) 623-9396/ 627-2522 Fax: (868) 625-5749
jcctt1@gmail.com www.jcc.org.tt

24th October, 2012

Mr. Reynold Cooper
The Permanent Secretary,
Office of the Prime Minister,
#13-15 St. Clair Avenue,
St. Clair,
Port of Spain

Dear Sir,

Re - Freedom of Information application for the Bernard Report

This Commission of Enquiry into the Piarco Airport scandal submitted its Report in August 2003.

The JCC has requested publication of the Bernard Report on numerous occasions, most recently in our letters to the Prime Minister on 24th April and 3rd October 2012.

In that connection our S.13 application for the Bernard Report is attached and we await your early written response.

Yours faithfully,

**JOINT CONSULTATIVE COUNCIL
FOR THE CONSTRUCTION INDUSTRY**

A handwritten signature in dark ink, appearing to read 'Afra Raymond', is written over a horizontal dashed line.

Afra Raymond, BSc, FRICS
President

SCHEDULE

(Section 13)

THE FREEDOM OF INFORMATION ACT, 1999

Request for Access to Official Document(s)

(pursuant to section 13)

1. Name of Public Authority...OFFICE OF THE PRIME MINISTER
2. Name of Applicant. JOINT CONSULTATIVE COUNCIL FOR THE CONSTRUCTION INDUSTRY
3. Address of Applicant, 11-13 FITZBLACKMAN DRIVE, UNITB202, WRIGHTSON RD, SOUTH, POS
4. Telephone Number of Applicant 623-9396; 6272522

5.	Doc. No.	Description of Document Requested	Form of Access
	1.	REPORT OF THE COMMISSION OF ENQUIRY INTO THE PIARCO AIRPORT PROJECT UNDER THE CHAIRMANSHIP FORMER CHIEF JUSTICE CLINTON BERNARD SUBMITTED 30TH AUGUST 2003	COPY
	2.		
	3.		

[Note: Applications shall identify the document(s), or provide sufficient information to enable an officer/employee of the public authority who is familiar with the relevant documents, to identify the documents, to identify the document(s) with reasonable effort.
Continue on a Separate Page if necessary.

Subject to the provisions of the Act access to a document may be granted by supplying a printed copy of it or by making it available for inspection or, if appropriate, by supplying a copy of a tape, disk, film or other material containing the information, by supplying a transcript of such tape, film or other material or by making arrangements for the hearing or viewing the such tape, disk, film or other material].

6. Assuming that all documents requested are exempt documents, give the Document Number of the documents described above of which you would like to have access to an edited version, if possible.

The making of this request is free of charge, but where access to a document is to be given in the form of a copy (printed or otherwise), the applicant shall be required to pay the prescribed fee.

Date of Application... 24th October 2012
Signature of Applicant... 



RECEIVED JAN 17 2013

OFFICE OF THE PRIME MINISTER

#13-15 ST. CLAIR AVENUE, ST. CLAIR
REPUBLIC OF TRINIDAD AND TOBAGO

OPM: 14/4/5 Temp. (12) #166

January ¹⁵, 2013

Mr. Afra Raymond
President
Joint Consultative Council for
the Construction Industry
1st Floor Unit B202
11-13 Flitzblackman Drive
Wrightson Road South
PORT OF SPAIN

Dear Mr. Raymond,

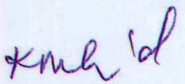
**Re: Application under the Freedom of Information Act
(F.O.I.A.) submitted by Mr. Afra Raymond**

I acknowledge receipt of your request for information under Section 13 of the Freedom of Information Act 1999 (F.O.I.A.) which was received in the Office of the Prime Minister on October 24, 2012.

In this connection, enclosed is the Certificate of Exemption dated January 09, 2013 issued by the Secretary to Cabinet under section 24 of the said Act.

Please be informed accordingly.

Yours sincerely,


/f/ Permanent Secretary
to the Prime Minister

CERTIFICATE OF EXEMPTION

Issued by the Secretary to Cabinet under section 24 of the
Freedom of Information Act, Chap. 22:02

I certify that the document(s) in connection with the report of the Commission of Enquiry into the
Piarco Airport Development Project under the Chairmanship of former Chief Justice Clinton Bernard, which
is the subject of a Request for Access to Official Documents,
dated 24/10/12, is exempt under section 24 of the Freedom of Information Act, Chap. 22:02, it being—
dd/mm/yy

(Tick as appropriate)

- the official record of decisions of Cabinet
- a document that has been prepared by a Minister of Government or on his behalf, or by a
public authority, for the purpose of submission for consideration by Cabinet
- a document which has been considered by Cabinet and which is related to an issue that is
or has been before Cabinet
- a document prepared for the purpose of briefing a Minister of Government in relation to an
issue to be considered by Cabinet
- a document that is a copy or draft of, or contains extracts from, a document referred to above
being
.....
.....
- a document, other than a document by which a decision of Cabinet was officially published,
the disclosure of which would involve the disclosure of a *deliberation/decision of Cabinet.

Secretary to Cabinet
Certificate of Exemption
Freedom of Information
Act, Chap. 22:02

Dated the *ate* day of January, 2013.

.....
A. Singh-Pereira
Secretary to Cabinet (Ap.)

*Delete as applicable.
G.P., TR/TO. -X 128-20- /06



**JOINT CONSULTATIVE COUNCIL FOR
THE CONSTRUCTION INDUSTRY**

The Professional Centre Building
1st Floor Unit B202, 11-13 Fitzblackman Drive, Wrightson Rd. South, Port of Spain
Tel: (868) 623-9396/ 627-2522 Fax: (868) 625-5749
jcctt1@gmail.com www.jcc.org.tt

6 January 2014

Mr. Reynold Cooper
Permanent Secretary
Office of the Prime Minister
#13-15 St. Clair Avenue
St Clair
Port of Spain

Dear Mr. Cooper,

Freedom of Information request for the Bernard Report

The JCC's original request in this matter was made on 24th October 2012, to which you replied on 15th January 2013, enclosing the Certificate of Exemption (dated 9th January 2013) claiming S.24 entitlements.

That Certificate of Exemption was issued on two grounds -

1. That the Bernard Report was, under S.24 (1) (a), '*the official record of decisions of Cabinet*' - That Report was prepared by a Commission of Enquiry into the Piarco Airport Project, so while it could have noted certain '*decisions of Cabinet*', it cannot possibly be considered '*the official record*' of any such decisions. Consequently, your claim for exemption of the Bernard report under this ground is baseless;
2. That the Bernard Report was, under S.24 (1) (b), '*a document which has been considered by Cabinet and which is related to issues that are or have been before Cabinet*' - That Report was almost certainly considered by Cabinet, so that limb of your claim for exemption is plausible.

The Bernard Report was submitted to the President on 30th August 2003 and there have been repeated promises by various political administrations to publish it. The continued failure or refusal to publish that Report prompted our several public requests, most recently in October 2012 via the Freedom of Information Act.

.... //2 The official

6 January 2014

Mr. Reynold Cooper
Permanent Secretary
Office of the Prime Minister
Freedom of Information request for the Bernard Report

The official Certificate of Exemption to refuse our request was founded on S.24 of the FoIA – the Cabinet exemptions – and it is therefore reasonable to consider those provisions carefully. The JCC is now inviting your attention to sub-section (2) of S.24 -

"...(2) Subsection (1) shall cease to apply to a document brought into existence on or after the commencement of this Act when a period of ten years has elapsed since the last day of the year in which the document came into existence..."

Given that the Bernard Report was submitted in August 2003, the stipulated exemption period of 'ten years after the last day of the year in which it came into existence' ended on 31st December 2013.

The JCC is now restating its request under the provisions of the FoIA for the publication of the Bernard Report.

We await your early, positive response.

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



Afra Raymond, BSc, FRICS
President