

**HOUSE OF REPRESENTATIVES***Wednesday, May 09, 2007*

The House met at 1.30 p.m.

**PRAYERS**[MR. SPEAKER *in the Chair*]**CIRCULATION OF BILL**

**Mr. Speaker:** Hon. Members, on the Supplemental Order Paper, which includes the Homes for Older Persons Bill, 2007, that Bill will be circulated in about five minutes time. It is just not quite ready.

**HOMES FOR OLDER PERSONS BILL**

Bill to repeal the Homes for Older Persons Act, 2000 and provide for the licensing, regulation and control of Homes for Older persons, brought from the Senate [*The Minister of Social Development and Minister in the Ministry of Housing*]; read the first time.

**ORAL ANSWERS TO QUESTIONS**

**Dr. Hamza Rafeeq** (*Caroni Central*): I just wanted to find out why questions that would have qualified are not on the Order Paper. There are some questions that were deferred and some that were qualified since last week and were not answered. I am talking about those questions that were not even deferred. You do not have any questions on the Order Paper.

**Mr. Speaker:** Questions that were deferred on the last occasion for two weeks would not appear on the Order Paper today, but any questions that were approved and qualified to be on the Order Paper would be on the Order Paper. I think the Member for Caroni Central is reminding the Government about some written questions. Proceed.

**DEFINITE URGENT MATTER****(LEAVE)****Indiscipline and Violence  
(Primary and Secondary Schools)**

**Dr. Adesh Nanan** (*Tabaquite*): Mr. Speaker, thank you. In accordance with the provisions of Standing Order 12(1) and (2), I hereby seek your leave to move the adjournment of the House on Wednesday, May 09, 2007 in order to discuss a

*Definite Urgent Matter (Leave)*  
[DR. NANAN]

*Wednesday, May 09, 2007*

definite matter of urgent public importance, to wit, the failure of the Government to curb the upward spiralling of indiscipline and violence in the primary and secondary schools in Trinidad and Tobago.

The matter is definite, because as reported in the newspapers, there was an incident yesterday at the Barataria Junior Secondary School where one student and a relative were attacked and stabbed at the school compound by two classmates.

On Monday, May 07, 2007 there was an incident at the Montrose Vedic Primary School where scores of students witnessed a scuffle between the principal and a teacher that left the said students traumatized and with no way of escape since the gates of the said school were locked.

The matter is urgent because there is a growing sense of unease pervading the nation's schools as the safety of the principals, teachers, students and auxiliary staff cannot be guaranteed.

The matter is of public importance because the said incidents could have a ripple effect that could result in the closure of many schools, thus jeopardizing the education of thousands of students who are sitting the CXC, CAPE and GCE examinations. [*Desk thumping*]

**Mr. Speaker:** Hon. Members, this Motion fails under Standing Order 12, Perhaps, if you want to discuss it, file it under the appropriate Standing Order.

#### STATEMENTS BY MINISTERS

#### **Piarco Fraud Criminal Trials (Developments of)**

**The Attorney General (Sen. The Hon. John Jeremie ):** Mr. Speaker, I wish to take the opportunity to inform this honourable House on the latest developments arising out of the Piarco fraud criminal trials in the United States of America. We recognize that there is an abiding interest of the national community in these matters. They have been the subject of frequent parliamentary questions from my Friends on the other side, and Cabinet agrees that given the great expense incurred on behalf of the taxpayers of Trinidad and Tobago; in the construction of the Piarco International Airport Terminal Building, as well as the expenses necessarily incurred, in pursuing Trinidad and Tobago's interest in the prosecution of these matters in whatever jurisdiction possible, the people of Trinidad and Tobago should be informed of the full resolution of these cases.

Mr. Speaker, today the citizens of Trinidad and Tobago can, without regard to party affiliation, hold their heads high and feel a sense of pride. This Government, as promised, has triumphed in its quest to promote the highest standards of

integrity in public life and to reconstruct integrity in the wasteland that had developed in this nation between the years 1996 and 2001.

Indeed, so great was our task in relation to the Piarco Airport Project, that no less a person than the political leader of the Opposition, described it to be “a feeding frenzy”, in one of his more candid moments, and before he, himself, was the subject of a charge of corruption in relation to that very matter. *[Interruption]*

Mr. Speaker, today, the Government announces with pride in our efforts that the Hon. Justice Paul C. Huck has awarded TT \$8,626,420.74—*[Interruption]*

**Mr. Speaker:** Order!

**Sen. The Hon. J. Jeremie:**—or US \$6,100,000 at the current exchange rate by way of restitution; this is criminal restitution, from those who pleaded guilty, in the United States District Court in the Southern District of Florida in January this year. Mr. Speaker, this marks the first time in the history of Trinidad and Tobago and this region, that any government has successfully pursued criminal prosecution in relation to state corruption, and ensured successful prosecution of the individuals involved, not all, but some, since there are other matters pending which the Standing Orders do not allow me to raise. *[Interruption]*

The following restitution orders were entered by the hon. Justice—

**Mr. Speaker:** One minute. Hon. Member for Couva South, I am appealing to you—

**Mr. Ramnath:** He is not even a Member of this House.

**Mr. Speaker:** Please, the Minister is entitled to attend this House and he is making a statement.

**Mr. Ramnath:** This is not a PNM general council.

**Mr. Speaker:** Order, please, Member for Couva South.

**Mr. Bereaux:** Mr. Speaker, I did not hear the sum of money.

**Mr. Ramnath:** You do not hear very well. *[Laughter]*

**Mr. Speaker:** The Minister would repeat it. Let me appeal to Members to be civil. The Minister is making a statement; let him make his statement.

**Sen. The Hon. J. Jeremie:** Mr. Speaker, thank you for your protection. The following restitution orders were entered by the Hon. Justice Paul C. Huck, in the Miami Division of the Southern District Court. On January 29, 2007, Mr. Eduardo

Hillman Waller was ordered to pay US\$2 million or TT \$12,664,400 to the Republic of Trinidad and Tobago.

On March 16, 2007, Mr. Raul Gutierrez was ordered to pay US \$4 million; that is to say, TT \$25,328,800 to the Republic of Trinidad and Tobago. Mr. Leonardo Mora-Rodriguez was ordered to pay US \$100,000 or TT \$633,320. Mr. Speaker, all payments are to be to the Government of Trinidad and Tobago. We can announce this afternoon that we have, in fact, already received substantial payments of the proceeds.

Mr. Eduardo Hillman-Waller, a former partner in the Birk Hillman group, has materially complied with the court order through the payment of US \$1,514,927.44. At today's exchange rate, that is TT \$9,561,010.06. This money, millions of dollars, has now been returned to the Treasury of Trinidad and Tobago and to the people of Trinidad and Tobago to whom it rightfully belongs.

A further US \$5,000, TT \$31,600 was paid by Mr. Mora-Rodriguez yesterday and approximately \$1.3 million is due to be paid the day after tomorrow, by Mr. Hillman-Waller, to the Republic of Trinidad and Tobago. This brings the amount paid to TT \$9,592,610.06 as of today's date and with a further \$1.3 million to be paid on Friday, May 11, 2007; the figure should then be \$10,892,610.06. [*Interruption*]

**Mr. Speaker:** Order.

**Sen. The Hon. J. Jeremie:** Mr. Speaker, to underscore the gravity of the crime committed against the Government and the people of Trinidad and Tobago—

**Mr. Ramnath:** They should lock you up.

**Mr. Speaker:** Please. I would deal with the hon. Member for Couva South, and I am issuing a warning to the hon. Member. I really would not like to put you out of the House, but if you persist I would have no alternative.

**Mr. Ramnath:** You can do that; you have the power.

**Sen. The Hon. J. Jeremie:** Mr. Speaker, to underscore the gravity of the crime committed against the Government and the people of Trinidad and Tobago, let me remind you that the Piarco Airport Terminal Building was completed in the year 2000, and that in this very House, in that very year, and before this economy doubled in size under our watch, the then Minister of Finance, with the support of those sitting opposite me, made bold to announce a monthly increase of \$150 for retired public servants in his budget speech in that year. [*Crosstalk*]

Mr. Speaker, for those retired workers who had served the Government and the people of Trinidad and Tobago, the then Minister of Finance and those sitting opposite could only find an additional \$150 per person, amounting to \$25 million in the state expenditure in 2000. Mr. Speaker, that is right, \$150 increase for retired public servants; \$25 million cost to the State, while more than \$39 million was being handed to three or four rich Americans who were defrauding the State at the Piarco International Airport. [*Desk thumping*]

Mr. Speaker, in that very year, the Public Assistance Grant for the most vulnerable in the society, was increased to \$222 per person, at a cost of \$52 million to the Government. Those facts place these crimes in their proper contexts. In terms of the people of this country, the victims of the crimes, these then are crimes that shall live in infamy in our nation's history.

Mr. Speaker, I also wish to let our citizens know, whether you support this Government or not, that those who have been convicted have agreed to repay you, the people, this sum of money, and they have also begun to serve time in jail, in federal penitentiary in the United States of America, for the crimes committed against the citizens of Trinidad and Tobago, for this is a matter which transcends politics and affects the life of every citizen.

The details of the prison terms are as follows: On March 19, 2007, Mr. Raul Gutierrez surrendered to the US Federal Prison in Pensacola, Florida. He is now serving a sentence of six years of 72 months. He is scheduled for release in the year 2013.

On April 09, 2007, Mr. Richard Lacle surrendered to US Federal Prison in Georgia, and began serving a sentence of 16 months to be followed by three years of supervised release.

On Wednesday April 25, 2007, a fortnight ago, Mr. Rene Diaz de Villegas surrendered to a US Federal Prison in South Carolina to begin serving a sentence of 12 months and one day to be followed by three years of supervised release.

On Monday, April 30, 2007, last week, Mr. Eduardo Hillman Waller, as I have said, a principal of Birk Hillman, was to begin serving a term of 37 months in a United States Federal Prison to be followed by a three-year supervised release. He obtained a one-month deferral from Judge Huck to allow him time to complete his payment obligations to the citizens of Trinidad and Tobago. He is scheduled for release sometime in mid-2010.

On Friday, June 15, 2007, in about one month's time, Leonardo Mora-Rodriguez will begin serving six months at the US Federal Prison in North Carolina, to be followed by three years of supervised release.

Mr. Armando Paz, who was sentenced to four years probation with six months home confinement, has already begun serving his confinement and is subject to a 24-hour electronic ankle bracelet.

Mr. Speaker, permit me to read into the record of this House, the apologies to the people of Trinidad and Tobago which were tendered voluntarily by one of those convicted. I shall read one of three letters of apology. I have circulated the others to Members opposite, who have started a rather curious strategy aimed at defending the impossible by simply stating that the airport is there; it is there to be used and that it is some twisted type of envy which, in fact, drives our anti-corruption efforts in relation to that matter. Mr. Speaker, this afternoon, this issue would be moot.

It is noteworthy that those who were involved in the corruption and who are not even citizens of this beloved nation, like Members opposite, do not clearly think so, viewed the matter seriously. I quote from the letter of Mr. Leonardo Mora-Rodriguez. This was written on January 16, 2007, to the Attorney General. Mr. Speaker, this is Mr. Leonardo Mora Rodriguez speaking:

"I do not write well in English, so I have relied upon the assistance of a friend to transmit my sense of embarrassment and remorse for my actions during the time that I worked on the construction of the Piarco Airport in Trinidad.

I want to begin by telling you that I come from Colombia, a country like yours, which is in the process of developing and fighting to eradicate poverty and in search of justice and opportunity for all. I recognize then the grave damage inflicted by corruption on our societies and how it generates more poverty. I have also been a witness to the abuses that certain businesses that come into our countries inflict by employing corrupt practices, corrupting public officials, and, ultimately, disrespecting the very nations that are welcoming them. It is because of this that it is most difficult to have found myself as part of a criminal enterprise created to defraud the Republic of Trinidad and Tobago. Without obtaining meaningful personal gain, I allowed, collaborated in, and facilitated the execution of several of the frauds during the construction of the Piarco Airport, through the use of my bank accounts as well as through the subcontracts into which I entered. What was originally

a work opportunity for me and dozens of Colombians who traveled to your country to flee the violence in our country and find work due to a recession in Colombia, was ruined by my actions.

For the above, I want to express my most profound apologies to the people of Trinidad and Tobago and to recognize my obligation to make amends for the damage caused, be it through my testimony or my continued commitment to collaborate with you and your counsel so that justice may be done, as I have been doing for some time now.

Again, I am truly sorry for the damage to which I contributed.

Sincerely,

Leonardo Arturo Mora Rodriguez”

Mr. Speaker, justice required that in bringing closure to this matter, the guilty person should not only acknowledge their guilt through pleas before the court, but should also agree to make restitutions, and to serve the requisite terms of imprisonment. The matter cannot be closed, however, until all those who are guilty of defrauding the people of Trinidad and Tobago make similar restitution and serve their appropriate sentences. I say no more on this matter at this time.

All that is left for me to do is to record my thanks to my colleague, the Attorney General of the United States of America, Mr. Alberto Gonzales and Mr. Richard Gregory, the career prosecutor, who at great personal sacrifice and risk to himself, has ended the criminal careers of certain unscrupulous individuals.

The American investigations were aggressive and utilized federal officers from ICE and the Treasury. Wiretap evidence was used and the Grand Jury process was fully utilized. All of this was done so that substantial results could be achieved in just over one year.

Mr. Speaker, we on this side recognize the evils of corruption and the need to fully fund corruption investigations. [*Interruption*] We accept that we are not above the law. All Members on this side, including the Prime Minister on at least four occasions, and his Attorney General in relation to a suit, described as “Land Deal”, have been investigated by the police. The point is not the investigation, but its results. Here we have results to make us proud as citizens of Trinidad and Tobago.

We wish to assure the people of Trinidad and Tobago, including my friends sitting opposite, that the Government would press ahead with its \$1 billion monetary and benefits claim in separate civil proceedings in this matter, and in

others now before the courts. We will continue to pursue this matter, in particular, until every cent is returned, and all of the perpetrators are made to repay their debt to society, whatever the cost, and whatever battlefields those who have made themselves the enemies of the poor, choose.

Mr. Speaker, I thank you. [*Desk thumping*]

**Transfer of Shares of the Home Mortgage Bank  
(Andre Monteil)**

**The Prime Minister and Minister of Finance (Hon. Patrick Manning):** Mr. Speaker, at a sitting of this honourable House held recently, the hon. Member for Caroni East raised an issue involving the transfer of shares of the Home Mortgage Bank to Mr. Andre Monteil Chairman of the Bank, Chairman of the Housing Development Corporation, Chairman of the Education Facilities Management Company Limited and Treasurer of the People's National Movement.

He alleged:

- (1) conflict of interests, and
- (2) possible impropriety in the transaction.

Prior to the matter being raised in this House, it had indeed come to the attention of the Minister of Finance and Prime Minister, and an investigation was already under way. The Minister of Finance and Prime Minister is now in receipt of a preliminary report on the matter, and a number of related issues which have been raised by the report are now the subject of continuing investigations.

The Prime Minister gives this House the undertaking that as soon as a final report is available, he will report to this honourable House, indicating the actions taken and contemplated as considered appropriate.

Mr. Speaker, I wish to reassure this House and the national community that the Government will adhere to the highest standards of integrity in the conduct of our affairs, and that no one, however high or low, is above the law of this land.

Mr. Speaker, thank you very much. [*Desk thumping*]

**PERSONAL EXPLANATION  
Parliamentary Banter**

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, parliamentary banter or asides is a tradition of this honourable House and is often not published in *Hansard* for a

number of good reasons. It may be that such banter is not related to the subject of debate, or that the banter is between Members who are seated and not addressing the Chair, or that the entire discourse cannot be properly recorded.

It is against this background, Mr. Speaker that I draw your attention to an article captioned. “Judge Tewary-Reddy A Politician—Valley” which was published on page five of the *Sunday Guardian* dated May 06, 2007.

Mr. Speaker, the banter that formed the subject matter of this and other reports in Sunday’s newspapers was not reported in *Hansard*, the Official Report of proceedings of this House, on Friday, May 04, 2007, nor in that day’s tape recordings, both audio and visual.

**Hon. Member:** So, you did not say it. [*Interruption*]

**Hon. K. Valley:** Indeed, there has been banter on previous occasions in this House, commenting on judicial officers that were never recorded, nor have I seen such banter being the subject of comment in the newspapers by commentators, judicial or otherwise. [*Interruption*]

**Mr. Speaker:** Order!

**Hon. K. Valley:** It is, therefore, passing strange that on Saturday, the holder of a high judicial office issued statements to the press purporting to chastise me for comments that went beyond the appropriate bounds of judicial criticism.

**Mr. Partap:** Quite rightly so.

**Hon. K. Valley:** The high official’s statement continued, “Valley’s conduct could have been found to be in contempt of court were it not protected by parliamentary privilege.” Note well, Mr. Speaker, that these statements were made on Saturday, prior to the *Sunday Guardian* publication of the banter occurring in the House on Friday. The high official’s press statements made on Saturday were also reported in the *Sunday Newsday*.

Another statement without recourse to *Hansard* was made by a politically motivated columnist, who even chastised you, Mr. Speaker, for tolerating an abuse of parliamentary privilege.

**Hon. Members:** True.

**Hon. K. Valley:** Mr. Speaker, neither commentator cited the official *Hansard* record as the source of information. In their haste, they have raised questions that may remain unanswered, and have done little to defend the institution they claim or seek to protect. [*Interruption*]

**Mr. Speaker:** Order!

**Mr. Ramnath:** You attacked the woman.

**Hon. K. Valley:** Mr. Speaker, indeed, for strangers, regardless of office, to criticize a Member of this honourable House, as occurred, without recourse to the official report, is unfortunate at the very least. [*Crosstalk*] It suggests to me that in the future, I must be prudent when engaging in parliamentary banter with my friends opposite. In this regard, the crosstalk that occurred on Friday last is regretted. I have to pick my people.

Mr. Speaker, I thank you. [*Desk thumping*]

**Mr. Panday:** Look at *Hansard*! [*Crosstalk*]

#### RELATED BILLS

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Speaker, I beg to move that a Bill to amend the Constitution, be now read a second time. Mr. Speaker, in moving the Motion of the second reading of this Bill, I seek the leave of the House to discuss along with this Bill, the Police Service (Amdt.) Bill, 2007.

*Assent indicated.*

#### CONSTITUTION (AMDT.) BILL

*Order for second reading read.*

**The Minister of National Security (Sen. The Hon. Martin Joseph):** Mr. Speaker, I beg to move,

That a Bill to amend the Constitution, be now read a second time.

On March 27, 2006, the hon. Prime Minister, in this House, referred to as landmark legislation, the passing of what has been popularly called the Police Reform legislation package. This package included the Constitution (Amdt.) Bill, 2006, the Police Service Bill, 2006 and the Police Complaints Authority Bill, 2006.

The legislation was subsequently passed in the Senate on March 28, 2006 and proclaimed on December 26, 2006, and came into force on January 01, 2007. The result was the enactment of the Constitution (Amdt.) Act, Act No. 6 of 2006, the Police Service Act, Act No. 7 of 2006 and the Police Complaints Authority Act, Act No. 8 of 2006.

Let me take this opportunity to thank our friends on the other side for the support given to this Government and, indeed, the country, in putting the much needed legislative measures in place.

Subsequent to the enactment of these three pieces of critical legislation, it was noted that there was need for clarification of a number of issues and inclusion of other pertinent matters. Mr. Speaker, coming out of the debate at the time, there were some proposals made by Members on the other side, related to improving aspects of the legislation.

Since the passing of the Police Reform package in March 2006, the Government has engaged in a number of initiatives to make provisions for the transitional arrangements, relative to the implementation of the recently enacted Police Reform Bills. The first of these initiatives was the appointment of a senior planning group.

In April 2006, Cabinet granted approval for the appointment of a senior planning group to comprise one legal expert, one financial expert, one human resource expert, one law enforcement professional and one law enforcement professional with administrative skills, designed to operationalize the legislation within the time frame in which it would have been required to be fully implemented. Mr. Speaker, that time frame is by July 01, 2007.

Mr. Speaker, the senior planning group looked at the Constitution (Amdt.) Bill, the Police Service Bill and the appropriate regulations, to make sure that we covered all bases and that any issues that would have made the implementation of the legislation difficult would have been addressed. It is in that regard that we are before this honourable House today seeking to make some amendments to the Constitution (Amdt.) Bill.

Mr. Speaker, let me go specifically to the amendments themselves. Before this House is the Constitution (Amdt) Bill, 2007, which seeks to amend the Constitution to effect certain consequential changes in relation to the operations of the Trinidad and Tobago Police Service and the Police Service Commission. The primary amendments are: one, expanding the appellate jurisdiction of the Police Service Commission with respect to matters of promotion.

In the original Bill, we only gave the Police Service Commission that remit as it related to discipline and, inadvertently, we left out that responsibility as it related to promotion, bearing in mind that the commissioner is now given complete autonomy to run his police organization. Remember, the concern was the extent to which we could have the management of the police service in the hands of the leaders of the police service. So, the commissioner now has the complete authority to run his organization.

We want the Police Service Commission to serve as an appellate body as it relates to decisions the commissioner would have taken, as it relates to

promotions and discipline. For some reason, all we had in the original Act was the question of discipline, and we left out promotions. So, we are here to address that and to include promotions as part of the appellate responsibility of the Police Service Commission as it relates to the review of the commissioner, in discharging his responsibilities for both promotions and discipline. So, it is to deal with promotions.

The second area is expanding the authority of the commission to direct the Commissioner of Police to produce certain documents in relation to the management of the police service. The commissioners, in looking at how they are going to operationalize the new legislation, recognized that the legislation—I do not think that it is silent—is not as clear as it relates to the commission having the responsibility to be provided with whatever documents they need to be provided with, as they relate to the reviewing of the performance of the commissioner and deputy commissioner.

Well, in reviewing the performance of the commissioner and deputy commissioner, it has to be dealt within the context of how he or she manages the police service. So, they wanted to remove the ambiguity and, as a result, we have now ensured that the Act now says specifically that whatever the service commission requires as it relates to the various documents; whether it is legal documents, personnel documents or financial documents required in order to ensure that it can discharge that responsibility is provided. So, we are expanding the authority of the commission to direct the Commissioner of Police to produce certain documents in relation to the management of the police service. That is the second major amendment that is taking place.

The third amendment is that the Act says that the commissioner is to report every six months on the management of the police service, and it did not say in writing. I mean, one would have expected that it would be in writing. Again, in order to ensure that there is absolutely no ambiguity, an amendment is being made to say that reporting is to be in writing.

In the fourth amendment we are restructuring the clause that treats with terminating the services of the Commissioner of Police and the Deputy Commissioner of Police.

The fifth amendment is removing the Police Service Commission from the application of section 136(15) of the Constitution. Clause 6 seeks to amend section 136(15) of the Constitution to exempt the Police Service Commission from the application of certain subsections of section 136, that is, subsections (5) to (110). Let me briefly explain what is happening here. The relevant provision,

section 136(15) states that subsections (5) to (11) apply to numerous entities including a service commission which would include the Police Service Commission.

Subsection (5) provides that the salaries and allowances of certain office holders will be a charge on the Consolidated Fund.

Subsection (6) provides that after appointment, the salary allowances and other terms of service of certain office holders will not be altered to their disadvantage.

Subsection (7) specifies the grounds of their removal.

Subsection (8) provides for the investigation of an office holder when the issue of his removal is in question.

Subsections (9) and (10) set out the removal procedure.

Subsection (11) provides for suspension from office, pending the decision whether to remove. Hon. Members may recall that some of the matters mentioned in these subsections, which pertain to the Police Service Commission, were addressed in the Constitution (Amdt.) Act, 2006, for example, grounds of removal and method of removal in section 122(A). However, the Government recognizes that it would be unfair to treat the members of the Police Service Commission differently from the members of other service commissions as seen in the application of section 136(5) and (6). Surely, the members of the Police Service Commission have every equal right to have their salaries and allowances protected and their terms of service after their appointment not to be changed to their disadvantage.

To this end, the Government would amend section 136(16), to include the Police Service Commission under that subsection which speaks specifically to subsections (5) and (6). The amendment would be circulated at the appropriate stage. *[Interruption]* We saw it when we were preparing this package. When Members receive that amendment, you would see that clause 6 of the Bill is deleted, and a new redrafted clause 6 is being substituted to effect the change to subsections (15) and (16) jointly. Mr. Speaker, that speaks to the amendments that pertain to the Constitution (Amdt.) Bill.

Mr. Speaker, let me move to the Police Service (Amdt.) Bill. If I may remind you, section 123 of the Constitution (Amdt.) Act No. 6, gives the Commissioner of Police the complete power to manage the police service. This includes the power to promote and confirm appointments, and the power to remove police officers from office in the exercise of disciplinary control. In particular, subsection (6) of Act No.

6 of 2006 amended section 123 of the Constitution, and empowered the Police Service Commission to hear and determine appeals from decisions of the Commissioner of Police, or any person to whom the powers of the Commissioner of Police have been delegated, as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner of Police. This was further supported by section 23(2) of Act No. 7 of 2006, the Police Service Act.

What the proposed Constitution (Amdt.) Bill, 2007 purports to do, is to give the Police Service Commission the power, as I said, to act as an appellate body where an officer is aggrieved as the result of decisions made by the Commissioner of Police on issues pertaining to promotion. In the circumstances, the Police Service Commission will now act as an appellate body in matters dealing with both promotion and discipline. Another area addressed in this clause of the Bill purposes—

**Mrs Persad-Bissessar:** Would the hon. Member give way? Thank you very much. Whilst you have given the new Police Service Commission powers of an appellate body, with respect to promotions and discipline, would this preclude an aggrieved officer from pursuing legal remedies within the courtroom, if he is not happy with the decision of that appeal body, namely the Police Service Commission?

**Sen. The Hon. M. Joseph:** I think the person has a right to recourse. Mr. Speaker, let me then move on to the Police Service (Amdt.) Bill. The essential purpose of this Bill is to amend the Police Service Act, 2006, Act. No. 7 of 2006, to effect certain consequential amendments, and to clarify certain matters dealing with the issue of promotion within the police service and other matters.

On the issue of promotions, we all know that the role of promotions is primarily to select people who are best able to perform the jobs defined. A corollary to this is that it ought to motivate employees by linking compensation packages to high levels of performance, while at the same time developing employees to enhance their current performance at work. With promotion comes not only monetary satisfaction, but a sense of achievement. Promotion should not only motivate our police officers, but create and sustain the continued desire to do their jobs in the interest of the citizens of this country. Our officers must feel appreciated and valued. They must be rewarded for their efforts. In this regard, this Bill attempts to create an improved system of promotion which I am positive will contribute to a reformed law enforcement agency.

Clauses 4 and 5 seek to address the deficiencies of the system of promotion set out in Act No. 7 of 2006. Clause 4 treats with promotions of officers to and

within the first division. Applicable ranks are inspector, assistant superintendent, superintendent and senior superintendent. Promotions would be based on a point system and based on an officer's performance appraisal report together with the results of a promotion assessment process, which comprises a written examination and an oral assessment. The details of this system are outlined in the regulations supporting it.

Clause 5 deletes and substitutes sections 17, 18, 19 and 20 of Act No. 7 of 2006. Firstly, it addresses in detail, the nature of the promotional assessment process, which will be used to determine an officer's suitability for promotion to and within the first division. The Commissioner of Police is given the power to hire on contract, a person to conduct the promotional assessment process which would determine suitability for promotion. This "person" is defined in the Police Service (Amdt.) Bill as including a corporation, whether aggregate or sole, and an unincorporated body of persons, but it does not include an individual.

For an officer to be eligible to take part in the promotional assessment process, he must first score at least 60 or more points in his performance appraisal report. The promotional assessment process is a two-stage process consisting of an examination and an oral assessment which may include role plays and simulation exercises. Only the top performers in the examination will move to the oral assessment.

Consequently, an Order of Merit list will be completed, based on the officer's performance appraisal reports and the results of the promotional assessment process. The Commissioner of Police will then use the Order of Merit list, as a tool in determining selections for appointment to and within the first division.

Mr. Speaker, let me just indicate to this honourable House that 270-odd police officers are entitled to participate in the process. These officers were provided with the necessary source material that will be used as the basis for both assessments. For the information of hon. Members, let me indicate what the source materials are: the *One-Minute Manager*; *Supervising Police Personnel*; *The Fifteen Responsibilities*. I need to put on record those 15 responsibilities and they are:

- (1) decisions;
- (2) values;
- (3) ethics;
- (4) vision;

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- (5) communications;
- (6) time management;
- (7) team building;
- (8) empowerment;
- (9) team training;
- (10) vitality;
- (11) organization;
- (12) performance;
- (13) conflict;
- (14) community-oriented and problem-oriented policing; and
- (15) anticipation.

The third material is *International Perspectives on Community Policing and Crime Prevention*; then there is the *First Division Incident Command Systems Training Manual*; the *High Impact Supervision Training Manual*; and the *Values-Based Planning and Change Management*.

Mr. Speaker, as indicated, all the officers received the source material. The written assessment will take place by mid-July of this year; the oral assessment will take place sometime by the end of August. By August 20, the oral assessment is to be completed and by August 27 the merit list is supposed to be provided, so that the Commissioner of Police would be in a position to ensure that future promotions will be based on the combination of the assessment process and the performance management system. Mr. Speaker, just to inform hon. Members, the assessment centre process is something that is now state-of-the-art in most police jurisdictions around the world.

Mr. Speaker, with respect to promotions within the second division, second division officers will be promoted by way of a promotions board and that is indicated by way of the amendment to the Police Service Bill.

The other amendments are incidental to ensure that the Police Service Bill is in keeping with the requirements to support the regulations of the Police Service Bill.

Mr. Speaker, as I indicated, promotions within the second division, there shall be established a Promotion Advisory Board with responsibility for considering

and recommending promotions in the second division. The board shall comprise five members who are a deputy commission of police who shall be chairman, an assistant commissioner of police, director of human resource of the police service, a senior officer from the Ministry of National Security who is not a police officer and an independent management consultant appointed by the Commissioner of Police.

Officers eligible for promotion will first be required to pass a qualifying examination before being interviewed by the promotion advisory board which would sit as often as it thinks fit to consider promotions. There was a promotion advisory board established under the Police Service Commission Regulations. Amongst other functions the board's role was to determine whether a police officer, in the second division, who applies to take a promotion examination is a suitable candidate. Where the officer is successful in the exams, he was interviewed jointly by the Police Service Commission and the Chairman of the promotion advisory board. This board was revoked in 1995 and, thereafter, the Commissioner of Police would make recommendations to the commission on officers whom he considered suitable for promotion. The commission then endorsed the recommendations of the commissioners. The regulations will lay out this procedure in greater detail.

Another major amendment is introduced in clause 10 of the Bill. It provides for the President to make regulations, exempting a constable under the Special Reserve Police Act from qualification requirements for appointment as an officer in the second division. Let me advise hon Members that this amendment is designed to take care of a specific situation that currently exists.

You would recall that there was a project called "SRP 1000". This came out of the Ken Gordon committee back in 2003 that made recommendations at that time to increase the number of police officers by 1000—hire SRPs—and we went ahead and hired 490, because we felt that was not the best thing to do. Having hired these SRPs, they were subjected to a six-week training programme, and they were put out there. We stopped the programme and, as a result, did not go to "SRP 1000". What has happened is that Cabinet took a decision that says—first of all, let me just back up. These SRPs were provided with a three-year contract. That three-year contract was extended by an additional two years, so they now have a five-year contract. Cabinet said that at the end of their five-year contract, if it is that some of them are suitable to be incorporated into the regular police service, they ought to be incorporated. Mr. Speaker, we have already raised the requirement for permanency in the police service to five O levels. So, in order to

be able to accommodate these SRPs, it is necessary for us to make an amendment and the amendment is a one-off—

**Dr. Khan:** Did you just say that for permanency in the police service you must have five O levels?

**Sen. The Hon. M. Joseph:** The answer is yes. Those regulations have been changed. What I am saying is that as it relates to this specific batch of Special Reserve Police, coming out of “SRP 1000”, who are now in possession of a five-year contract, one expects that during those five years they would have had in-service training; they would have been provided with ways and means in which at the end of the contract, when it is time to determine suitability for permanent employment in the police service, that would be done, but in order for that to happen you will have to waive. I do not know how many of them would not have been in possession of the five O levels because of the way in which they were recruited. I just want to advise hon. Members that this is a one-off situation. It is designed to accommodate that particular batch of SRPs.

**Mr. Panday:** There were 44 officers who have been trained. Why have they not been absorbed so far?

**Sen. The Hon. M. Joseph:** There is another batch of SRPs that did not fall under the “SRP 1000”. My understanding is that they would have gone through certain procedures, I think, psychological testing and some other things and those who would have satisfied the requirements are going to be absorbed. I think there is a number, but I do not know if it is 40-something, who did not meet the necessary requirements. Unfortunately, I do not have that detailed information, but I can provide the information because a question was raised and I answered that question on the basis of the information provided. I would be glad to provide you with the information as it relates to those individuals. You see, the Government is making every effort to include persons who can be incorporated into the regular service. So the fact that those 49 could not have been included was because of circumstances which—I would provide you with the information.

Mr. Speaker, this is the sum total of the amendments that are before us. Just to reiterate, the amendments that are before us as they relate to the Constitution (Amdt.) Bill. Those amendments, as I said, are designed to correct certain deficiencies that existed before, to meet the primary one is the fact that the Police Service Commission is to serve as an appellate body, as it relates to both promotions and discipline. We had inadvertently left out promotions and we are now including promotions as part of that appellate responsibility.

**2.30 p.m.**

Let me just say something else; the Police Service Commission is being provided with the means to strengthen its ability to discharge the new responsibilities. Come July 01, Mr. Speaker, when everything has to be operational, it will be both as it relates to the Police Service Commission and the Commissioner of Police taking on his new responsibilities for the management of his organization, to provide promotions and discipline.

Secondly, it is to ensure that the Police Service Commission can summon whatever documents they need to be provided with as they review the performance of the police service and by extension the commissioner and deputy commissioners who are the leaders of the organization.

Thirdly, to ensure that there is no ambiguity with respect to the reporting, it has to be in writing and it has to be every six months. Then there are the other consequentialia that relate to the commissioners—you notice I had to read verbatim because I am not a lawyer, and as a result I had to be guided in terms of those amendments in that particular regard.

As it relates to the Police Service (Amdt.) Bill, the primary amendment is to deal with the assessment process, to make sure that the assessment process is clearly articulated, and it is clear in terms of how the process is going to be used as part of the means of determining suitability for promotions in the police service. It is to make sure that we move away from seniority, that it is now to be based on merit and we now want to make sure that the police organization has available to it individuals who could manage the affairs.

We are involved in a transformation of the police service and we are saying that the result of this transformation is to build an organization that is built to last; it is not a superficial transformation. We have gone into the organization, it is taking some doing but we are satisfied that when we have completed—I recall that there were those on the other side who felt that the Police Service cannot be transformed. We say it can be transformed. It is being transformed, it is the primary law enforcement agency in Trinidad and Tobago and it is the agency that will provide this country with the resources.

Let me just say one final thing, Mr. Speaker—

**Miss Lucky:** Minister, before you go would you give way? Thank you so much, hon. Minister, I just want to get it clear. One of the proposed amendments with respect to the Police Service Act is the destruction of the certificate of analysis dealing with fingerprints, when people have made applications for a

Certificate of Good Character. Could you just explain the reason why that is now being included please? The destruction then of the analysis of a fingerprint impression where the person who made the application does not collect it within a three-month period?

**Sen. The Hon. M. Joseph:** Because of the logistics; just the clear administrative—

**Mr. Panday:** Storage!

**Sen. The Hon. M. Joseph:** Storage. It is a problem of storage.

**Miss Lucky:** At this juncture because I will be making a contribution, but at this juncture could you consider that in the same way with DNA legislation, there is an attempt to keep on record and create a database, somebody might have applied for a certificate of good character knowing full well he really has a bad character, that will be important information that the police will now have. I think even if the logistics would be a problem there are enough places that are available to this Government showing where buildings could be created and storage departments because then you would be creating a very important database whereby you would already have the analysis and when you do fingerprinting you would be able to do some checks. I think it is something that you should consider.

**Mrs. Kamla Persad-Bissessar:** You can just scan it. [*Crosstalk*]

**Sen. The Hon. M. Joseph:** I do not think it is a question about the database and the storing, I think it is the question of the person who does not come back to—the paper certificate that is what is being destroyed. The record is there but it is the certificate—

**Miss Lucky:** That is what I want to find out. I want to ensure there is record; it does not say so. [*Crosstalk*]

**Sen. The Hon. M. Joseph:** Let me just make one comment and I think I need to put it on the record. Mr. Speaker, in March 2007, the United Nations office on drugs and crime in Latin America and the Caribbean Region of the World Bank submitted a joint report called “Crime, violence and development trends, cost and policy options in the Caribbean”, it is being quoted selectively by various commentators.

**Mr. Singh:** It is a 200-page document.

**Sen. The Hon. M. Joseph:** Yes, but there is an executive summary and the executive summary gives us the key messages and recommendations from the report. We have been saying for the longest while that the primary cause of some of the crime and violence taking place in the country is drug related, is gun

related. We have been saying that our location, where we are, is fuelling that—supported—and as a result, the *modus operandi*, the approach that this Government is taking, this report clearly indicates that we are on the right path in terms of what it is that we are doing. [*Desk thumping*]

I am not going to bore this honourable House with all of the details of it, okay, but we are certainly on the right path, we are transforming our law enforcement, we are strengthening its capability and the state-of-the-art technology and the other things that the Government is embarking on to ensure that we can bring Trinidad and Tobago back to the level of security and safety this country is entitled to. We are on the right track! The legislative agenda, what we are doing here today is going to help us.

I want to thank hon. Members on both sides because it is clear, Mr. Speaker, the Constitution amendment requires a special majority in order to amend these deficiencies that I have identified in my presentation.

With those few words, I beg to move.

*Question proposed.*

**Mr. Speaker:** Let me remind hon. Members, they can contribute both to the Constitution (Amdt.) Bill and the Police Service (Amdt.) Bill. The hon. Member for Princes Town.

**Mr. Subhas Panday (Princes Town):** Thank you, Mr. Speaker. I am happy that the hon. Minister has given a history of these pieces of legislation. This Government had indicated that they wanted to pass this legislation for a number of years and the Opposition was a stumbling block. Since about 2004—2005 there was negotiation between the Government and the Opposition and the Opposition had agreed to give the Government support to pass these pieces of legislation.

As a result, as the hon. Minister indicated, when one looks at the Police Service Act one will see that the Police Service Act was passed in this honourable House on March 27, 2006, and they were so hurry to have this legislation put in place, the following day March 28, 2006, it was passed in the other place and it was assented on April 13, 2006. Why was this legislation not proclaimed long ago?

**Mr. Hinds:** That is a stale question.

**Mr. S. Panday:** It says, the Act shall come into operation on such a date as the President may appoint by proclamation. You had the Bill passed; you had the

legislation in place since March 28, 2006, but yet on December 26, 2006 it was proclaimed and it came into effect this year. Why? If you were so hurry for the legislation to deal with crime, why did you allow the criminal elements to get away? Why did you allow crime to spiral in the way in which it did and you sat and did nothing?

**Mr. Hinds:** Stale.

**Mr. S. Panday:** Why for a whole year you had to have this implemented and you did nothing? And they summon this Parliament today as though it is so extreme, it is so important that we have this done, but, Mr. Speaker, whom are they trying to fool? It is an election year and they are coming in Parliament to say they are dealing with crime, because they had all this information since last year. Last year they had the Constitution (Amdt.) Bill, 2006.

**Mr. Hinds:** Rubbish!

**Mr. Speaker:** Order!

**Mr. S. Panday:** They had the Police Service (Amdt.) Bill, 2006, they had the Police Service Regulations, 2006. For the whole year they sat on it! Why? If one looks and compares the Constitution (Amdt.) Bill, 2006, the Police Service (Amdt.) Bill, 2006 and the Police Service Regulations, 2006 one will see that they are identical with the Constitution (Amdt.) (No. 2), Bill, 2007, the Police Service (Amdt.) Bill, 2007 and the Police Service Regulations, 2007. So whom are you trying to fool? Whom are you trying to “mamaguy?” If you were so interested that you wanted the Oppositions support in having this legislation put into place so quickly, why did you have it—you published it in 2006 and you never brought it before the Parliament. We ask these questions! Answer those questions! So do not come here and say that you are now on the right track. When you had all these documents in your hands that you could have brought a long time ago to the Parliament, you failed so to do.

**Mr. Hinds:** What is the point?

**Mr. S. Panday:** Why belabour the point? It is laziness! It is incompetence on the part of Government! *[Interruption]* And it is because it is an election year—*[Interruption]* we are close to election—you want to give the impression something is happening.

**Mr. Hinds:** Get on with it.

**Mr. S. Panday:** You had an opportunity to have this legislation passed since 2006. You had an opportunity to have this legislation proclaimed and implemented

since 2006, but here we are more than a year thereafter, nothing has been done and you are giving the impression that you are on the right track.

**Mr. Hinds:** Okay, next point.

**Mr. S. Panday:** Mr. Speaker, what is so sad, is what was the objective of the principal legislation. That is, the Constitution (Amdt.) Bill, 2006 which eventually became Act No. 7 of 2006. What was the gist of it? What was the aim of it? All that argument, and if one looks at *Hansard*, one would see exactly what the hon. Member said here today is exactly what everybody spoke on; that is to have more effective management of the police service. The most important thing they had argued. I remember the hon. Prime Minister was saying that the Police Service Commission was a waste of time and they wanted to give the Commissioner of Police powers. That was the debate, that was the gist of the whole debate on Act No. 7 of 2006.

**Hon. Member:** True.

**Ms. S. Panday:** But, Mr. Speaker, incompetent as they are, the most important part of the Bill, the main mischief which we were trying to deal with, they omitted from the parent legislation. [*Interruption*] Why? We were saying that when we argued on this side; they said that the problem in the police service was recruitment and promotion. That was the aim of the Bill, and being the lazy, incompetent and inefficient Government, that they are, they left out that most important part of the legislation.

Mr. Speaker, I wonder if they held it back because the people who are advising them wanted to create a situation so that they can mamaguy them and make money on them, and I will show you when one looks at the Police Service (Amdt.) Bill. You cannot trust anything this PNM is doing, so what they did here is that they are bringing this now because they are going on these consultations, talking about crime. For five, six years you were there, you never consulted with the people, with the population on crime; now you are discussing and you are trying to say, you want to talk to the population about crime. So you are bringing everything together to make crime the platform, the plank for the campaign in the next election.

Mr. Speaker, it says in the Police Service Act, and I wonder if the persons who have advised them have really thought it out. They said the Police Service

Act, section 16(1) is amended by deleting paragraph “a” and substituting the new section, and it says:

“in the case of promotion to and within the First Division, the points awarded to an officer based on his performance appraisal report and the results of the promotional assessment...”

will be taken into consideration.

What did the former Bill say? The former Bill spoke about assessment. In that other Bill it spoke about—

**Mrs. Persad-Bissessar:** Assessment centre.

**Mr. S. Panday:** An assessment centre. What is the great difference? Is it your advisors merely tinker with law? We ask this question because you are talking about assessment centre and now you speak about assessment process. It says:

“A police officer shall not be considered for promotion to and within the First Division unless he has attained the prescribed points.”

And they went on further, Mr. Speaker, they are saying therefore, it is merely an assessment process, and hear the trick in that. When one goes down later in the Act it says:

“Where there is a vacancy in the First Division, the Commissioner may cause to be contracted...”

Hear what is happening! This assessment centre and this assessment process, look how it is developing:

“...the Commissioner may cause to be contracted a person to design and implement a promotional assessment process in accordance with internationally accepted promotional assessment standards to determine the suitability for promotion of a police officer to and within the First Division.

The person...”

And I will come to that person.

“shall conduct the promotional assessment process to determine the suitability for promotion to and within the First Division to the next higher rank of a police officer from the rank of Inspector through to Senior Superintendent and shall submit its results...”

Of that assessment—

“in the form of an Order of Merit List to the Commissioner...”

But who is this person, Mr. Speaker? Who is this person? If one looks, there is a definition of person in this Bill and the definition of person says, a person shall be an organization whether it is corporated or incorporated, and that is the organization that will do this assessment. We ask, Mr. Speaker, who will be this person? They say it is an organization, a corporate or incorporate body. Is it that the people who are advising you now advised “Mas”—or however they call him.

**Mr. Imbert:** Mastrofski.

**Mr. S. Panday:**—Mastrofski? Are they really creating employment for themselves? Because when you contract this organization, will this same organization, as it says here, set the parameters for the development of this process? Also, they will do the testing and they will be making the recommendations to the Commissioner of Police. Why do we have to hire that organization to do this? Why is it we cannot have a Promotion Advisory Board similar to the Promotion Advisory Board as they have for the Second Division? Why do we have this closed-shop assessment process by this person?

Mr. Speaker, it goes on to say that if even this corporate or incorporate body; draws up a Merit List and if after they proposed that Merit List they send that Merit List to the Commissioner, you know, Mr. Speaker, the police officer—it says in new section 17A(3):

“A police officer shall not be appointed to an office in the First Division if the Commissioner objects to the appointment of that officer to that office.”

So, you have this organization which should be doing this appraisal, which would of course, be probably setting up exams and would have taken into consideration recommendations from senior officers and when they have made this merit list the Commissioner of Police could say, I object. We ask the hon. Minister to answer, why should the Commissioner of Police be given that power to reject a recommendation from that organization which has tested and recommended that senior officer. Is that, Mr. Speaker, leaving room for discrimination?

**Mr. Imbert:** Discrimination.

**Mr. S. Panday:** Yes. Why would the Commissioner of Police be given that power then to block somebody who has been recommended? Why? Because if there are any problems with that officer, I am certain that that could be unearthed while they were doing the assessments, because they will have examinations, maybe; they will have appraisals and they will be doing background research, but

yet after all that is done the Commissioner of Police has the power to object to that officer being appointed.

**Hon. Member:** It will be like the Ramjohn case.

**Mr. S. Panday:** Mr. Speaker, it says:

“Subject to section 16(2), to be eligible for promotion to the rank of Assistant Superintendent through to Assistant Commissioner, a police officer from the rank of Inspector through to Senior Superintendent shall be subject to the promotional assessment process by the person.”

And that person is that organization.

So you see what is happening here. There is a process that is taking place, a promotional assessment process; after all that is done why are we giving the Commissioner of Police the power and the authority to merely blank that officer? Why? It did not say for good cause; it did not say that the Commissioner has to give reasons, it just says that the Commissioner could blank him.

Mr. Speaker, it says again:

“For the purpose of assessing the suitability for promotion of a police officer to the rank of Assistant Superintendent through to Assistant Commissioner, the person shall take into account...:

That is the organization which is dealing or assessing the First Division officer—

“the criteria and procedure prescribed.”

So you are having criteria and a procedure in place to which this First Division officer has to subject himself, and yet at the end of the day you are giving the Commissioner that power to block the person from promotion. Why? What is the rationale? What is the reason for that? You could tell me, oh, if he does not like it he could appeal to the Police Service Commission. Why are we putting that in the legislation?

We are humbly saying that we are going to support this legislation because it was our drive to have this legislation put in place, but at the same time while we support it we are attempting to draw some pitfalls.*[Interruption]* No. You have now from police officer coming up to Inspector which is the Second Division; why do you have a form to assess officers in the Second Division different from that of the First Division? And it says:

“For the purpose of conducting promotion in the Second Division...”

So you have the First Division now, a certain procedure, but when it comes to the Second Division it says:

“For the purpose of conducting promotion in the Second Division, there is established a Promotion Advisory Board which shall comprise five members as follows:

- (a) a Deputy Commissioner...
- (b) an Assistant Commissioner...
- (c) the Director Human Resources...
- (d) a senior officer, who is not a police officer, from the Ministry of National Security...
- (e) an independent management consultant, appointed by the Commissioner.”

So, Mr. Speaker, we could probably vary the composition of that board to give it the expertise and the power to deal with promotion in the First Division also. It is nice to see that you have the Director of Human Resources, you have independent management consultant appointed by the Commissioner or whomsoever, because if you have that fresh element in the promotion process in the police service, officers will feel that they are being given a fair chance or a fairer chance.

But in the First Division you have this person and this person who is a corporate or incorporate body, has that power, and this person is merely a company which is contracted by the Commissioner. It does not say what is the composition of this person. Who will be the members of that person; what will be the criteria that person will be applying; what will be the qualification of that person, of the members of that person. But for the Second Division we have persons who are clearly defined in the Act, we know those are the persons whom we are going to meet. I humbly submit that we pass the legislation, but review that aspect for promotion in the First Division.

It says, Mr. Speaker, they have a secretary who shall keep the minutes of this board. I want to agree with that procedure, but when one comes to the Police Service Regulations and one looks at the regulations, one would see that the aim of this legislation is being frustrated by the regulations. Prior to this legislation what they had was a points system on seniority and what not and the officer who was in charge of you could have applied to you the points system. Then it says that if he gives you the required points, he submits that to the Commissioner of Police and the Commissioner of Police sets up a list of merit and then they

appoint from that list. But also in that list—before this time—the Commissioner had four points, which he could give to whom he wanted. So, if you had to have 85 points to be promoted under the old system and somebody got 82 and you got 84, all the Commissioner had to do then was to give that person three points and leave you standing.

Many officers felt that the Commissioner of Police did not know the officer and they were wondering how could this Commissioner of Police give three points to officers in promotion and prevent other people who would have been more qualified for promotion from getting it. What this legislation is trying to do is take away or to remove that discretion of the person who is just above you. But when one looks at the regulations, one sees that there is an examination and in that examination you will be given 25 points. You will write an examination and you will get 25 points; you will go to an interview before this police promotion board and they will give you 25 points. Then there is something called performance appraisal, that is, the officer who is just above you, that officer can give you a maximum of 50 points. So when this police promotion board is tabulating the points, 50 points have been taken away from the Board and given to the officer who is above you.

So it says that in order to be promoted from the Second Division, the Promotion Advisory Board shall interview an officer who has passed the qualifying exam for promotion, and—I am consulting the regulations:

- (i) is recommended for promotion by the officer in charge of his division;
- (ii) was allocated 50 points or more at the previous interview;
- (iii) is eligible under sub regulation. (3).

An officer—and hear the thing—shall not be interviewed by the board unless he has been allocated 55 points or more based on the criteria of that interview.

**3.00 p.m.**

Mr. Speaker, if this officer gets 55 marks in his examination, but his supervisor does not like him for some reason or the other and gives him 25, that officer cannot face the board.

**Mr. Hinds:** [*Inaudible*]

**Mr. S. Panday:** No, because you would not have acquired the 55 points. In order to face the board to get that other 25 points, you need to have 55. It goes on to say—[*Interruption*]

**Mr. Hinds:** Do you not think that the only reason why the officer would [Inaudible]

**Mr. S. Panday:** Or for many other reasons. Many other reasons. But what I am saying, is that we should take away that discretion from an officer who has a day-to-day reaction and give it to the board and to the examination so that an officer cannot prevent somebody from facing the board. This is the catch; the officer can prevent you from facing the board.

**Hon. Member:** [Inaudible]

**Mr. S. Panday:** I know. But the question is—before this, this was the complaint we were having, that the officer had too much discretion because he had total power to give you all the points, and when he refused to give you the points, you could not make the merit list and that is the argument we are having. Since we are reducing that discretion, it should be reduced to a position where the officer, your supervisor, will not have that power to prevent you from even facing the board. Mr. Speaker, it says:

"...an officer who is allocated less than sixty points is eligible to be interviewed at the next sitting of the board."

So it seems to me that you have to have 60 points before you can really be interviewed. So if you do not get 60—I do not know what criteria you are using, but they say the next time you will come.

One would have thought that if you did not make the 60 points on merit, why not tell him that he did not make the 60 and to go back and do the exams; go back and face the interview so that you can build yourself up. Why did you leave him to sit there and say, "Okay, you did not make the marks this year; you do not have to do any further examination or performance appraisal, next year we will see about you?" Why? My humble view, Mr. Speaker, this is indeed confusion in the process.

Mr. Speaker, it also says that before a police officer could even be considered for promotion or the opportunity to write the exam, he has to make three years. It says however, that if he makes the three years and he writes the exam and that officer is not promoted, it does not give you an opportunity even passing all your exams and you are being recommended on the merit list. But maybe, there are not sufficient vacancies and you are not permitted to be promoted. It says that they can keep you another three years. It says if after three years you have not been promoted, although you have satisfied all the criteria, all you will get is an increment. That is all you will be getting, an increment.

Mr. Speaker, it says that probation is one year and if you are promoted before that year, they will waive the promotion. We ask the question, if an officer is held back and he has passed all his examinations and is fit for promotion, while he is waiting there for no reason, waiting there to be promoted and not being promoted for reasons beyond his control, why is that officer not being permitted to write the exam of the next higher level? Why? Why is it that you say that you only gave him that benefit of an increment? Why? We humbly submit that that officer should be given the opportunity—while he is waiting there for three, four or five years as the case maybe—to better educate himself [*Desk thumping*] and be permitted to write the exam. This new regulation does not make that provision.

Mr. Speaker, when one looks at the regulations again, one will see that if in that First Division, a person or officer is not promoted within the required time, that officer has to come back and face the person again. Why? We asked him why, if he has been put on the merit list, is his stay on the merit list not permanent? Why is it after a certain period of time his name comes off the merit list? That is an officer in the First Division. We humbly submit that these are the intricacies that we would like the Government to look at and to ensure that officers feel comfortable with the system. The further amendments to this Bill are merely renumbering the sections, so there is really not much more on the Bill.

Mr. Speaker. This law and this Act. We have spoken about having persons who are qualified in the police service to be prosecutors. There has also been an argument that we should have professional persons prosecuting. But, what is happening is this: there are about 24 police officers who are qualified as lawyers and the police service has not found it possible; the Commissioner of Police nor anyone else, has found it possible to create certain positions in the police service so that those officers could become prosecutors. [*Desk thumping*]

**Dr. Moonilal:** Good ideas.

**Mr. S. Panday:** And you know, hear what they say—if you want to be a prosecutor, you must not be below the rank of an Acting Sergeant.

There was a joke in the court the other day, where you had a police officer who was qualified and when he went to prosecute, they say no, you are only a police, get out of there. No even a corporal. You know what this regulation is creating? This regulation says that if you are qualified in the police service as a lawyer, although there is a need for professional prosecutors, if you are not an Acting Sergeant, you cannot prosecute.

**Hon. Member:** That is so?

**Mr. S. Panday:** Yes. So you know what they said? We will give you something for it. Some legal department gives you \$1,000 as an emolument for your qualification. Why does the regulation and the law, or the regulation in particular, make provisions for police officers who are qualified as lawyers to prosecute matters? Why? For example, you say take \$1,000 for having qualified. He asked the question, “Why must I go and do the work of a State attorney for \$1,000 more?”

Why do we not revamp the whole system and say that if you are a prosecutor, we would take into consideration your experience as a police officer which the State’s attorney would not have—that experience as a police officer, the nitty-gritty of the police service? We take your qualifications, and you as a prosecutor now, will get the same fee or the same salary as a State Prosecutor I or even II.

**Hon. Member:** Brilliant ideas, good ideas.

**Mr. S. Panday:** Why? Why are we not using the human resource? So all this legislation we are passing here, we are missing the main points. We are not on the ground. We are not cognizant of what is taking place in the police service, so that we could develop the police service.

Mr. Speaker, you know what has happened? Ninety-nine per cent of the persons who have qualified as attorneys-at-law have now left the police service. They have left. You would say they have left for greener pastures, of course. There was one in San Fernando who left and has gone to the Immigration Department as a State attorney. Do you really want to deal with crime? Do we really want to harness the problems? Look, we have in our possession talent; we have in our possession expertise, why are we not using it?

All this legislation is merely creating bureaucracy because the Commissioner of Police with this legislation and these regulations will not be able to create that cadre of policemen who are young—who might not be corporals and who are not sergeants—and who could give a longer period of service to the public service. This is where we stand today. So to say “Oh, we hurry and we want to deal with crime, and we know we are on the right track”, you are probably on the right track, maybe, but we are on the wrong road.

Mr. Speaker, that is one issue that we would like to deal with. Another issue is degrees, education in the police service. When one looks at the regulation, it says that if you have a degree, you can enter the police service in the First Division.

**Mr. Speaker:** Hon. Member, I think we will be coming to the regulations after. [*Inaudible*]

**Mr. S. Panday:** [*Inaudible*] regulations now? What happened, Mr. Speaker, the regulations and the Act are tied into one.

**Mr. Speaker:** No, but we are doing the Motion on the regulations after, so you may be guilty of anticipation at this point.

**Mr. S. Panday:** Okay, Mr. Speaker. What I am saying is, it is said that if you come into the police service with a degree, you come at that level. We asked the question, what kind of degree? Any kind of degree in English and in literature? Because it says that the only qualification that you need to have, is that you must have your size; five feet, 173 centimeters; you must pass this test and that test, so therefore, what separates you from the rest is that degree and you could come in at the top. What we would have thought was, in the police service itself, they should develop a system of education where persons who are in the Second Division can do degrees pertaining to police work and crime scene detection. We should get COSTAATT to develop those programmes—police detection, human resource management—and based upon that, we could say, only when the police service requires somebody with a degree in a particular field, then we should bring him in and put him in the Second Division.

Because all the problems that the officer has in the Second Division where he has to go through all those promotion boards and all those things, you are allowing this person from the outside who is green and fresh to come in at the top, when people at the bottom who have this yearning and this training, you put him under all these pressures to reach on top and you take a "fella" who is green and you put him at the top. We should look at the law in that regard and change the law so that we could develop a better police service.

Mr. Speaker, I say that this piece of legislation merely deals with promotion of officers in the police service. We have said before that indeed we must do other things to ensure that the other aspect of police work is dealt with. We support the regulations; we support the Act and we support the amendment. But before I close, since we are speaking about the amendments, I want to move an amendment to the Constitution and it says—we are in this stage moving amendments to the Constitution, and since we are in this process we could save time and do something for the future.

One would have looked at the decision in a certain matter of a certain judge in the Court of Appeal. He spoke about a certain piece of legislation and he said sections 42 to 46 of that piece of legislation will be impossible to be implemented unless the Constitution is amended; he says in particular, section 111. We, today, have that opportunity to take steps to prevent problems in the future. In that

regard, it said that in the Equal Opportunity legislation the Judicial and Legal Service Commission is a creature of statute. When one looks at section 111(2) of the Constitution it says:

"Before the Judicial and Legal Service Commission makes any appointment to the offices of Solicitor General, Chief Parliamentary Counsel, Director of Public Prosecutions, Registrar General or Chief State Solicitor it shall consult..."

It says that the Equal Opportunity legislation cannot be effected; cannot be implemented unless there is a change in the Constitution giving the Judicial and Legal Service Commission the power to make certain appointments.

Mr. Speaker, in that regard, I humbly submit that I would like to move an amendmen, which I shall circulate in a few minutes, to section 111 of the Constitution. And it says, "Section 111 is amended in subsection (2) by inserting after the words 'Chief State Solicitor' the words 'the Chairman of the Equal Opportunity Tribunal'." So that when we come to debate the legislation, we would have already laid the groundwork and the foundation to have that legislation implemented. [*Desk thumping*]

Mr. Speaker, when we come to deal with the regulations—as you said I cannot speak on the regulations now—I will make my further points. As I say, we stand to support this legislation because we always believe that we can deal with crime. But we ask the question: Will this legislation solve anything? Because the PNM had this legislation for so long and they never implemented it. They are incompetent. They come here just to embarrass people in Parliament, that real estate agent, today. A real estate agent came here to embarrass people, when he interfered with the judicial system, undermining and perverting the course of justice. [*Desk thumping*]

**Mr. Ramnath:** McNichols, Andre Monteil.

**Mr. S. Panday:** Mr. Speaker, the Prime Minister, as he walks around the country holding consultations, fooling and mamaguying people, making make-believe calls with URP workers.

**Mr. Partap:** And CEPEP.

**Mr. S. Panday:** He says, "We want to implement legislation, but the Privy Council is preventing us from doing it." Mr. Speaker, they blame everybody for everything, except their laziness, their tardiness, and their incompetence. [*Desk thumping*] He says:

"We want to hang, you know, I am an advocate of hanging, but the Privy Council is preventing us."

To show you how this PNM lies to the people—[*Interruption*]

**Mr. Ramnath:** That is right.

**Mr. S. Panday:** I will draw something to your attention in a minute. We want to ask him, was the Privy Council abolished when the United National Congress were in office and they hanged Dole Chadee? Nine men were hanged. If you ought to do it and you have the will to do it, you will do it, but you do not want to deal with crime. [*Desk thumping*]

Further than that, the Director of Public Prosecutions recently said the murder rate is up, but the conviction rate is down. And even when the conviction rate is down, the few that you have condemned say you refuse to implement the law.

**Miss Lucky:** Correct.

**Mr. S. Panday:** So we ask the question here today, will passing this legislation help anything? Because you have a history. The legislation was passed since March last year and you never proclaimed it. You never implemented it. Whom are you coming here to fool?

Mr. Speaker, this Government is really trying to hoodwink the population. To tell you why I say so, that Member for Laventille East/Morvant, in February, you know what he said? He said, "Before we resume hanging, we should have a national debate." [*Crosstalk*] He said we must have a national debate.

**Mr. Hinds:** I said so?

**Mr. S. Panday:** Yes. You said we must engage the population before we resume hanging. Yes, you said it.

**Mr. Ramnath:** Remember you spoke.

**Mr. S. Panday:** So, it seems to me that you and the Prime Minister are on the same frequency or you are fooling people. You all do not want to implement the law; you all do not want to have an execution because I do not know if your friends are in there.

**Mr. Hinds:** If you will give way, I would—[*Inaudible*]

**Mr. S. Panday:** No, you will have your time. [*Crosstalk*] Did you ever say that you must engage the population?

**Dr. Moonilal:** Enill is National Security Minister. [*Crosstalk*]

**Mr. Hinds:** Coward. But, however, let me tell you what I said. I am grateful to you for giving way; I thought that you were coward.

**Mr. Speaker:** Order!

**Mr. Hinds:** Let me correct you. What I said was that I see no reason why we should not engage as a nation in a discussion and a debate on the question of the death penalty, but I never said that before we resume hanging, we should. I never said that. Okay? [*Crosstalk*]

**Mr. Singh:** They hang and kill at the same time.

**Mr. S. Panday:** You have now confirmed that you have patented stupidity.

**Dr. Moonilal:** Oh yes.

**Mr. Speaker:** No, no. I am sure you really do not mean that. [*Crosstalk*] No, if you said the hon. Member was called that, that is equally—[*Crosstalk*] Okay, I am on my feet. Right! Just listen. If you would listen, you would hear me. If you accuse the Member of being a coward, that is equally unparliamentary, as well as, if he is saying that—

**Mr. S. Panday:** I will show him that I am a man, I withdraw.

**Mr. Speaker:** Very good.

**Mr. S. Panday:** I withdraw now. [*Desk thumping*]

**Mr. Speaker:** You do the right thing.

**Mr. Hinds:** Mr. Speaker, what I said—I will never be so discourteous to my friend. What I said is, when he was [*Crosstalk*]—let me speak—failing to give way, I said I thought he was being coward.

**Mr. Singh:** Same thing.

**Mr. Hinds:** That is what I said. However, to please my friend, I withdraw that without more. [*Crosstalk*]

**Mr. S. Panday:** I accept that on my feet, Sir. [*Laughter*] Mr. Speaker—[*Interruption*]

**Dr. Rowley:** [*Inaudible*] guinea pig.

**Mr. S. Panday:** I will put some of Scarborough gravel on you [*Laughter*]—so the point I am making is, that they will not implement the law.

**Mr. Speaker:** You see, you have gone away with 3 minutes of your time already. Hon. Members, the speaking time of the hon. Member for Princes Town has expired.

**Mr. Hinds:** Thank God!

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Dr. H. Rafeeq*]

*Question put and agreed to.*

**Mr. S. Panday:** I want to thank Members on both sides and to thank the Member for Laventille East/Morvant for confirming what I have said, that he had indeed said that we shall engage the public in a debate on hanging. Why? I ask you why. The law is to hang. Why do you want to have a national debate on it now?

**Mr. Ramnath:** And blame Privy Council.

**Mr. S. Panday:** The other question we ask, Mr. Speaker, if you are saying that the Privy Council is hindering and preventing you from working, we ask the question, are you saying that the CCJ will do your bidding?

**Miss Lucky:** That is why they said it was a hanging court and that is the problem.

**Mr. S. Panday:** Are they saying that the CCJ will do their bidding? And that is the point. The Member for St. Augustine made that point also. The question is, is it because the CCJ is funded by the Caribbean countries and the nearness to the state apparatus that you want the CCJ? Or is it for the other point, that you want the CCJ because there are so many cases which are being determined in the courts which are going against the Government, for interference, victimization [*Desk thumping*] and which are being upheld by the Privy Council? [*Desk thumping*]

**Dr. Rowley:** [*Inaudible*]

**Mr. S. Panday:** Because you are independent, you all have carried this country to a banana republic. [*Desk thumping*] You have made here worse than Zimbabwe.

**Dr. Rowley:** That is why you are a traitor to the country.

**Mr. S. Panday:** Traitor to the country?

**Dr. Rowley:** That is what you are.

**Mr. S. Panday:** Mr. Speaker—

**Mr. Ramnath:** The country is PNM?

**Mr. S. Panday:** You would call me traitor and you have the Member for Diego Martin Central who is attacking the Judiciary. Who is attacking the Judiciary and calling the Judiciary political. [*Desk thumping*] Is that not a traitor, but you all want to control everything. You are controlling the housing. You are vote padding with housing. That is what they are doing. [*Desk thumping*] You would not get to touch—

**Mr. Speaker:** Hon. Member, I think you are beginning to stray from the Bills before us.

**Mr. Singh:** You have malice. You have malice

**Mr. Speaker:** Order, please! Hon. Member for Caroni East! Order! I am on my feet. Hon. Member for Nariva, you remember the little word I had with you. Yes, maybe you can share it. Hon. Member for Princes Town, you were actually going quite well until you began to stray; please come back to the Bill before us.

**3.30 p.m.**

**Mr. S. Panday:** Mr. Speaker, what I am saying is that this legislation is to deal with crimes, and to develop law and order so that we could develop a good democracy where we would have separation of powers and the rule of law. This is the purpose of all these pieces of legislation, but when the Government attacks the Judiciary in such a manner, one asks the question: “Where we are going with this legislation?” We are going nowhere.

Imagine today we witnessed the most disgraceful thing in this House, where, instead of apologizing to the Judiciary for the remarks he made, he said it was an aside. Aside? We have the *Hansard* report here and it says the said person was a UNC functionary.

**Mr. Speaker:** That is all irrelevant to what is before us. [*Interruption*] Order! I am on my feet. If you want to bring a motion to deal with it, you can do that, but do not go there in this debate.

**Mr. S. Panday:** Mr. Speaker, with the greatest respect, it is you I am trying to protect because people are saying how the Speaker allowed something like this to pass. Does the Speaker only hear one side and not the next side? There was bantering taking place and we are merely trying to protect the dignity of the House and the Office of the Speaker. [*Crosstalk*]

**Dr. Rowley:** You are bad talking the Speaker?

**Mr. S. Panday:** We know the Black Caucus wants to get rid of the Speaker. [*Crosstalk*]

**Mr. Speaker:** Order! Member for Princes Town and Member for Diego Martin West, it is midweek and the Prime Minister has not said anything about an election, let us relax.

**Dr. Moonilal:** He is under pressure, charges coming.

**Mr. S. Panday:** I was saying that if this Government wants to pass laws, it cannot attack the Judiciary. [*Desk thumping*] We must know our functions and our roles. We are here today to pass legislation, we are legislators. The Executive is to carry out the law we have passed, and the Judiciary must interpret the law and protect the citizens. That is what is meant by separation of powers and the rule of law but this Government is engaging in thuggery, and we will speak about it.

**Hon. Member:** Dey lock up the Chief Justice.

**Mr. S. Panday:** The reason we do not want to raise it much more is that we do not want to bring the esteemed Office of the Speaker into the debate, but we must defend the Judiciary. [*Desk thumping*] We must know our functions, we cannot come to Parliament and make those kinds of remarks especially where the Prime Minister is concerned and where the court says, the Prime Minister, who is the head of the Government, has acted in such a way that he must be condemned. That is what we are here to protect. This piece of legislation means nothing; it is almost insignificant in the big picture. What we are trying to do is ensure that our democracy continues.

Mr. Speaker, you said bring a motion, but the way they behave there it will be a waste of time. So with those few words I want to say that we are concerned also with the police service and we ask them are they really only mamaguying us? There is something called the Municipal Police Officers in the corporations. Do you know those officers in the municipal corporations are not in any way hired by the Police Service Commission? Instead they are appointed by the Public Service Commission, so when the Public Service Commission appoints them they are appointed basically on civil public service rules. There is no angling towards the police service. After they are employed, they sit for one year as civilians and it is only after about a year they are sent for training and when they come back they come into the system.

We ask the question: What is the status of these officers vis-a-vis the Police Service Commission? Those people are under the purview of the public service so if they commit a wrong, all this legislation we are passing here today on promotion, discipline, et cetera, we ask the question, does this law we pass today

cover those officers? The answer is no, and they are important officers. The law says that there should be a certain number of officers at the municipal corporations and we ask the question today, when was that law passed and how many officers have been appointed to the Municipal Police Service? Mr. Speaker, if you get two in each municipal corporation you get many.

Why are you not implementing the law? This legislation at some point will deal with crime. These municipal officers are the ones who are on the beat, they are in the towns, they are in the boroughs, on the ground and could help deal with crime. If you go to Chaguanas you will see four, five, or six policemen in the station but nobody on the streets. Go to San Fernando, there are no policemen on the streets; Princes Town, no policemen are on the streets.

**Mr. Ramnath:** The highway, no policemen.

**Mr. S. Panday:** On the highway, no policemen and you have the law which has already been passed which says that the municipal corporation shall have police officers. It is said that Chaguanas has five police motorbikes and no rider. What are you doing? Are you merely passing laws for the sake of doing so? These are the questions we ask today and although we will be supporting this legislation, we have no confidence in you.

Mr. Speaker, let us talk now about the estate police. What improvement has been done to the legislation as it pertains to the estate police? Nothing at all so there is no holistic view to deal with the police service. They are merely taking that group of policemen, who are high profile, and saying they are dealing with it, when there are other police officers spread throughout the country whom they are not addressing. Therefore, at the end of the day I am certain this will not go very far.

Mr. Speaker, when they come here today one would have thought they would have spoken about the Amy Annamunthodo matter, that could have been a ministerial statement—

**Mr. Ramnath:** Where is the Minister?

**Mr. S. Panday:**—because it impinges upon the Judiciary and the police. If you remember the police officer said that there was no or little evidence at all and his boss made him do it.

You are here today to deal with police legislation; you should have told us that you are so interested in police legislation and discipline that you have moved on it. It should have been the basis of a ministerial statement. [*Crosstalk*] It says:

“Cop: I was pressured into charging mother”

Look at how the entire system is a conspiracy against the people. It goes on:

“Police acted wrongfully when 19-year-old Anita Annamunthodo was arrested and slapped with six counts of wilful neglect of her murdered four-year-old daughter Emily Amy Annamunthodo.

...stated that he laid the charges unwillingly, because he felt he could not challenge the instructions of a senior homicide officer.”

That is a serious matter, Mr. Speaker, and the senior officer who is involved in this is saying that the boy should not be disciplined, he needs help, and he is weak. They know what they did, and this is what the police are doing to people.

**Dr. Rowley:** Would the Member give way?

**Mr. S. Panday:** Stones and gravel coming from Scarborough in a minute. [*Laughter*] It continues:

“He said he did not shy away from his duty, but was unable to produce sufficient evidence for the court matter.”

Imagine an officer is saying so.

“Hamilton said the senior policeman told him: ‘There is an outcry for Anita to be charged. It is in the public’s best interest.’”

Charging somebody against whom they had little or no evidence, and you are talking about public interest? We on this side—and the Member for St. Augustine has said it before—cannot give you that extra power. We must not give you that extra power because it is abused.

“He claimed that the statement was again echoed in the Director of Public Prosecutions’ (DPP) south office after King’s arrest.”

So the DPP is saying there is insufficient evidence, and the police say charge in the public interest. So it is a charade.

**Mr. Singh:** Just like Zen.

**Mr. S. Panday:** Just like Zen. It is a charade and we are passing this law just to give the public the impression that we are doing something just as they are saying here, “...in the public interest.” We agree that the public interest is always greater than the private interest, but it must not be exercised in such a callous and tyrannical manner. [*Crosstalk*]

**Dr. Rowley:** Would the Member give way?

**Mr. S. Panday:** “You want to cuss de Judge too, or you want to cuss the DPP?”

“The discussion took place in the presence of the Deputy DPP Roger Gaspard.

The Deputy DPP warned the senior policeman that charges could not be laid unless there was substantial evidence.”

The DPP is advising the senior police officer, and yet he proceeded to charge her, she was kept in custody until the matter was heard. But God has a—

**Hon. Member:** Eleven months.

**Mr. S. Panday:** Yes. I want to say those are the same police officers who were hounding the UNC people; the blue-eyed boys of the homicide squad.

“The senior officer asked Gaspard if hospital records showed that Emily had to seek medical attention because of neglect, if it would be sufficient evidence...”

Mr. Speaker, he did not want to do it, his conscience was bothering him. Although Officer Hamilton was a young man, he did not want to do it. We are passing law to discipline policemen and this is what they did to a junior policeman.

“Hamilton stated further in the report that after the discussion, the senior officer handed him a file...and told him to proceed with the charges.

However, Hamilton stated that after the charges were laid he realized they did not correspond with the hospital records.”

And senior police officers are charging and locking up people, keeping them in custody, and to this time we have not heard any Member of the Government come before this House and apologize to the lady.

**Mr. Partap:** They would not do that.

**Mr. S. Panday:** That is why when the Member for Laventille East/Morvant said the man is above you, and he is the best person to give you your ratings—hear what this officer told this junior officer, that is why we are saying when you pass legislation; the junior officer must be protected from unscrupulous senior officers. [*Desk thumping*]

It continues.

“When he asked the senior policeman how to proceed with the case he was told: ‘It is your case. Handle it.’”

So he handled it. The question is: if this went along as it did, what would be the position with that officer's confidential report? What would be his position in terms of promotion? That senior officer was the person to recommend him, that is why we are saying in the promotion process you must not give 50 points to the officer just above you because you need 55 or 60 points before you can face the board. Examination 25, interview 25, and that officer can keep you down. So you can do everything right in the interview, everything in the exam and that officer can keep you down. This can be a case like that, so we are saying that his number of points should be reduced so he will not be in a position to prevent the officer from being promoted. [*Interruption*]

“At the time the charges were laid, Hamilton was assigned to Homicide (south office).”

Remember we always accused them of being a PNM party group?

Mr. Speaker, that is what we have, but what compounds the agony and the suffering, is that the moment the matter was discharged by His Worship, Senior Magistrate Mark Wellington, the Director of Public Prosecutions ran to the press saying that charges will be re-laid. How can poor people feel they are getting any justice in this country? After the matter was discharged, the DPP, instead of looking at the files, said that charges will be re-laid.

Mr. Speaker, I am saying that officer may be disciplined or dismissed, but he has done yeoman service to this country by letting us know how the police service operates. [*Desk thumping*] It operates in such a manner to oppress people, and we as legislators in passing legislation we must take into consideration the situation in which we are. We must be careful when we pass laws, especially draconian laws, we must not give a Government like this, draconian laws in its hands, because this is a Government that is not only involved in real estate, but is also involved in taking advantage of the helpless in the society. [*Desk thumping*]

My friends supported the Bail Bill; we too had supported the Bail Bill in the past. We ask you, do you know what you have done? Automatically by that one line in the Bill you have increased the prison population drastically. You are coming before the Parliament as an Executive and asking it to pass laws; when you do so you overcrowd the jail. We ask the question: Have you made arrangements to accommodate these extra people? No.

I just toured the jail and saw its condition; the Commissioner of Prisons says that is so, and that is why when you see us on this side, standing against draconian

legislation which will summarily take away rights of citizens, we stand up against you, that tyrannical PNM Government. Some say it is incompetence. I say no, it is calculated. It is deliberate.

Mr. Speaker, I am certain that very soon we will be advocating—we are doing so now—to give this law, although it does not have a sunset clause, some time to run and return soon to make whatever amendments are necessary to ensure that it works.

With these few words, I thank you.

**Miss Gillian Lucky** (*Pointe-a-Pierre*): Thank you very much. Mr. Speaker, having heard the contribution made by the Member for Princes Town, if I were in a courtroom I would simply have to stand and say I adopt all that has been said by the Member. [*Desk thumping*] And, therefore, what I want to do, not to be guilty of tedious repetition, is to take that golden thread that the Member for Princes Town has already spun very effectively to show that this Government is full of a lot of talk and not enough action. [*Desk thumping*]

The irony, and I say the contempt also, with respect to this piece of legislation is that it is a piece of legislation that is meant to promote accountability, transparency and better management, and commendably so, but let us look immediately across at the Government benches. Where are the senior Member, the Minister of National Security and the junior Member? Mr. Speaker, I feel that shows a level of contempt and I will be brave enough to say it because from time immemorial the point has been made that there are too many occasions in which the public has been saying that we are not taking our jobs seriously.

The hon. Minister who presented this piece of legislation this afternoon, even if he disagrees—as most likely he would—with the points being raised on this side, at the very least, he owes us the courtesy of listening to us. [*Desk thumping*] And to say that you are somewhere else on the premises and can look at it on a television screen somewhere is not good enough. Even in courtrooms—and Mr. Speaker, I am not bringing you in the debate—anybody who presides over any tribunal or a place where people make contributions, from time to time there may be contributions that may be deemed not worthwhile or irrelevant, but this afternoon you cannot say what the Member for Princes Town said was irrelevant. [*Desk thumping*] You cannot.

The Member went through the legislation and made suggestions. He even dealt with a creative manner of dealing with the issue of police prosecutors, something which has always been very close to my heart and I too will be dealing

with that issue to see how—with the wealth of talent we have—instead of chasing people away we can ensure that we bring them and make them feel a part of an institution rather than make them feel they are not worthwhile and let them give their services to somebody else. That is what concerns me.

May I say from the outset that I support this legislation, because it is clear that some of the provisions or clean-up exercises where, when one reads the legislation that was passed last year, there were certain things that went through that needed to be tidied up, so to speak, and some provisions deal with fundamental changes.

Let me jump immediately to one of the points made when the Minister of National Security was making his contribution. I asked why is there a provision being put forward that when the certificate that deals with the analysis impression is being destroyed, why not start the database? And immediately you hear rumblings on the other side that we are not really getting rid of the certificate but even though we are destroying the certificate we will be keeping the fingerprint.

Mr. Speaker, the reality is that you want to ensure if or when somebody applies for a Certificate of Good Character, he will be giving his fingerprint. There will be a certificate of analysis, and we are in the age of technology where it can be scanned and stored so when we need to go to a database we have it, but this Government just does not think ahead and the concept of saying 2020 vision without any action that is showing that there are proactivity and creativity in dealing with crime is the reason we are still in the same situation we were in last year before this legislation was passed.

Mr. Speaker, you would remember that this Government said once the laws were passed we would see a significant dent in terms of criminal activity. We and the nation were told how delinquent the Opposition was because it did not want to give its support. The Opposition collectively gave its support and you know what this Government has not yet explained, and the Member for Princes Town began his contribution there—why was it proclaimed only on January 01, 2007? Why did it take over one year? So all the millions that Mastrofski and Giuliani and whoever else have been getting, at the end of the day money wasted when local expertise—Do you know how many police stations could have been built?

Mr. Speaker, has anybody sat down and said with all the millions that have been squandered on these experts, and I am not here to judge whether they are experts or not, all I am saying is that money could have better been spent implementing what we already know we have to do. But this Government is just about going from constituency to constituency having crime talks and you see the

beautiful advertisements in the newspapers, and unless they are being covered free, and I am sure they are not, money is being spent and spent on advertising.

How many police cars could have been bought? How many police stations could have been built? That is what we need at the end of the day. Yes, we need laws, but we need to make sure they are passed and the resources are given, and even with the best of laws, unless you could ensure that there would be a system of meritocracy within the police service, the reality is, as the Member for Princes Town was saying, there will be further demoralizing of our police officers within the service, and that is the harsh reality.

Mr. Speaker, I am asking how the passage of this legislation is ever going to help us to find out who really gave the instruction to release the two Bajan fishermen in Scarborough. [*Desk thumping*] How is that going to help us? Things in this country have to work in tandem and to this day, the simplest of matters to investigate concerning those Bajan fishermen is such an easy call trail because the prosecutor must know who said what, but big time cover-up that laws will not solve.

Mr. Speaker, I will not be dealing with the regulations because I am of the view that has to come through a separate motion, I think it needs affirmative resolution. What concerns me is that there is this propagation in the public domain that crime is being dealt with and that the Government is succeeding.

Mr. Speaker, I have the statistics, these are not numbers that I just bring to the Parliament to create an impression, and I want to read them into the record because I want Members to hear these figures and come to their own conclusion as to whether we are really dealing with crime.

Let me point out that these figures give the numbers of serious crimes reported. It tells the number of those crimes which have been detected but you know what kind of figures the Minister of National Security and the junior Minister should give us? Of those detected, how many have been successfully prosecuted. [*Desk thumping*] It is very easy to bring people before a court and then find out either at the Magistrates' Court level, High Court level, Court of Appeal, or Privy Council that the convictions are quashed and no retrials ordered.

Those are the kinds of figures we want to have because in Trinidad and Tobago when we have a low detection rate of 22 per cent, what percentage goes on to become successful prosecution? That is accountability and transparency and those are the figures we want to know, because if you can tell us and show us this is where we were at, this is where we are now, and this is where we intend to be, that is what you call scientific accountability and transparency.

This Government knows nothing about it and that is what we find very worrying. It is not because we want to embarrass the Government, but because we want to make sure at the end of the day we get it right.

**4.00 p.m.**

Mr. Speaker, let me go to the figures. Total serious crimes reported, detected, March 01 to March 31, 2007; all the divisions are given. I am just giving the totals.

Twenty-two murders, seven solved; 46 wounding and shooting, 19 solved; 70 rape, incest, sexual offences, 45 detected; 6 acts of serious indecency, 5 detected; 18 kidnappings, 9 detected; Mr. Speaker, this figure worries me. Burglaries and break-ins, 432, imagine only 46 detected; 414 robberies, 62 detected; 16 fraud offences, 15 detected; 318 general larceny, 46 detected; 161 larceny of motor vehicles, only 10 detected; 54 larceny dwelling house 4 detected; 59 narcotic offences, 59 detected; 72 serious other crimes, 42 of them detected. Overall total serious crimes, 1,688; total detected 369 giving us a detection rate of only 22 per cent. What these figures show is that one of the major areas of serious offences, that is, the robberies, burglaries, break-ins, the larceny of motor vehicles and larceny dwelling houses, that is where the detection rates are pathetically low, and single digits in some instances.

Mr. Speaker, I have highlighted, and this is what you call giving scientific analysis for accountability and transparency so we could move ahead. How are we to move ahead? We will continue spinning top in mud, fighting crime if we do not take figures and try and do analytical breakdowns. You do not need Stephen Mastrofski to tell us how to look at this. Look at the figures. Where are the detection rates now? Rates at the lowest.

Mr. Speaker, in the Western and in the North-eastern divisions. In the Western division the detection rate is 13 per cent. In the North-eastern division it is only 16 per cent. With respect to the divisions where it is higher, you have 41 per cent in the South-western division, 34 per cent in the Eastern division. So when you look at where the detection rates are at their highest, and where the detection rates are at their lowest, you look to see what may account for that. What is happening in the areas where it is at its highest, perhaps, we do not have areas where they are at the lowest. How can we make sure that resources are, in fact, better deployed so that we would be able to ensure that the entire detection rate is increased from 22 per cent and in all the areas where it is pathetically low, it is raised? That is what you call really dealing with criminal activity.

I remember the very stirring contribution made sometime ago, I think it might have been with the Bail legislation when the Member for Tobago West made the

point that if we felt in Tobago crime was not a big issue it was, in fact, a big issue, and Member for Tobago West, if I am incorrect you can correct but I think it was your contribution to the Bail legislation. We do not hear enough from the Members for Tobago West and Tobago East so I listen very attentively when they make their contributions even by the way of political asides, as long as it does not offend and not deemed to be offensive. The Member for San Fernando East will be ill-advised to get rid of the Members for Tobago East and Tobago West.

In Tobago, the total number of serious crimes just for March, one month, is 84; 21 were detected and, therefore, you find yourself in Tobago just above the 22 per cent average. You are 25 per cent. So, at least I have told you in Tobago where you are at. You are 3 per cent above the average, but for an island that is so beautiful, that should better be controlled and monitored, that really it is our flagship for tourism and I am saying that straight: your island is our flagship for tourism, you are the cheer leader in that regard.

I lived for two years in Barbados when I was studying and Barbados, with the greatest respect to all Bajans including the fishermen, is inferior to the island of Tobago. It is! I say that not to score political points but to say that is how I feel about Tobago, even though I missed the Jazz Festival. The point is for Tobago to be only 25 per cent, it means that the Government is not doing something right and what is not being done right is that the Government is becoming too carried away with using propaganda and PR machinery to hoodwink, some will say fool, some will say camouflage.

One thing I will say of the PNM when it comes to PNM propaganda machinery, it is really hard to beat, top of the line because you go into areas having these crime talks but the real issues are not being debated. I quite enjoyed that level of contribution on the issue, the contribution by the Member for Princes Town, when he spoke about what we are really doing with the death penalty. Why are we not implementing it? That decision of the Privy Council coming for what was described as the most outrageous murders in Saint Lucia—it was a nun and I think a priest. In the region, it caused great outrage.

The Privy Council for legal reasons found that the defence was not properly put, the convictions for murder were quashed and the Court of Appeal in the relevant jurisdiction now has to determine whether there ought to be a retrial.

But the big issue for us here in Trinidad and Tobago is, we have the law that says anybody who unlawfully kills another human being if found guilty of murder, the penalty shall be death by hanging. If it is an issue that people are concerned about, because there are some persons who are firm in their minds that

we should abolish the death penalty, there are others who are firm and say we want the death penalty, why are we sweeping the whole issue under the carpet? Why are we not going to get some kind of referendum, some kind of view as to whether people want the death penalty or not and more importantly, if not the death penalty, then what else? Because there is a solution in my view at this juncture and a healthy compromise comes from legislation that has not yet been proclaimed but which was passed in 2000. It is, in fact, Act 90 of 2000 and by virtue of that piece of legislation, what was done is that there was the categorization of murder.

I have made the point over and over again, that there are some persons who in their minds are very comfortable in accepting that there will be the execution of death by hanging, for persons who are the cold-blooded killers and immediately you think of the Chuck Attin's situation in Westmoorings or the Cascade killings, or in those robberies where people go into stores or shops, and even though the owners say take everything, they say we are taking everything but we want blood and they shoot. For those kinds of murders in the first-degree, we accept death by hanging, but we want categorization to ensure that people do not fall through the cracks, in instances where it is not cold-blooded, in instances where it has not been enough to promote a defense to reduce murder to manslaughter but it is still not murder in the first degree.

We do not want for those kinds of killings the penalty to be the death penalty. The point is there is legislation. Act 90 of 2000. It is already passed. If there is a problem with it, bring it to this House and let us deal with it. Let the referendum begin in the Parliament because we are the legislators.

There are other persons who are making the point that worse than death by hanging bearing in mind the state of the prisons is to impose the life sentence because in that way, whereas, with hanging from a noose around your neck you are dead within seconds, leaving somebody to live in prison as we have them, that will in fact, be a life that is much worse with no hope of any kind of parole. You are staying there for the rest of your natural life until you drop dead. That might even be a worse sentence than the implementation of the death penalty.

Again, for some reason these issues are not addressed and when they are not addressed—and I do not know if it was deliberate or inadvertent, when the Member for San Fernando East suggests, because of the Privy Council decision coming out of that Saint Lucia case, that is why we need the Caribbean Court of Justice. It raises the problem that had to be dealt with in the Caribbean three years ago when the CCJ was deemed to be a hanging court and that also caused a problem in the region, because persons were of the view if the CCJ is a hanging

court—some people say we do not want to support the CCJ; we want to retain the Privy Council. So, we are losing focus on the issues because we are not doing what we are supposed to do.

At least I am gratified that even though we do not have the Minister of National Security or his Junior Minister, at least we have the Attorney General who would be able I am sure to transmit and assist with respect to some of the legal issues raised. I have often made the point that there is an inevitable connection between the two ministries, the Ministry of National Security and the Ministry of the Attorney General and, therefore, even though legislation may touch and concern a particular ministry, the fact is at the end of the day the Minister who is in the position of the Attorney General needs to have a level of input.

**Sen. Jeremie:** I thank you, Member for Pointe-a-Pierre. Mr. Speaker, I understand there was some discussion about the death penalty and why the sentence of death was not being carried out. It is on the books. The position is that the Sooklal case was reversed in 2004 by Charles Matthew. At the time Charles Matthew was decided, the Privy Council said that because of their previous error in the Rodney Sooklal, they expected us to commute the sentences of all persons on death row, that is to say, persons who fell within the Pratt and Morgan ruling and who would have fallen within the Sooklal case.

One would remember that in the Charles Matthews case you had an enlarged Privy Council; the largest Privy Council to ever sit on an appeal from the Caribbean, so what happened the clock started ticking again. There are now 22 persons on death row, but only two persons who have exhausted their appeals are at present before the Privy Council. So that is the reason why there have been no hangings.

**Miss G. Lucky:** We will convey that to the Member for Princes Town. He had raised it, but hon. Attorney General, I understand the law as you have explained it. It is something we understand, but the debate is at a little different stage right now and that is not an insult. I am just explaining the concerns—the implementation of the law and the various hurdles and hamstrings if you want to call them that. We understand that, but it does not change the fact that we have on the law books, though not yet proclaimed, categorization of murder, which was meant to be a piece of legislation to appease some of those who felt that the death penalty was applied too much across the board for all types of murder. And, therefore, there was the categorization.

Secondly, we have really not had meaningful debate on the issue. So what the Member for Princes Town was saying, is let us have that level of meaningful debate and let us make a decision where we are going so that we will know for a fact this is the way we intend to go and this is how we are going to do it. But to have laws and the public not properly understanding, from their perspective why they are not being implemented, continues to be a major problem. That is the point that is being raised.

**Sen. Jeremie:** If I could take the last point first. The Prescod Commission recommended by over 95 per cent that the death penalty should be retained in Trinidad and Tobago. I think there is a consensus in the country that the death penalty is something which we as a nation wish to retain.

The Government is committed to the death penalty. It made that statement two years ago in unambiguous terms but it can only proceed as quickly as the courts will allow it. The point is there are now two cases decided after Charles Matthew which are pending before the Privy Council and those would represent our first opportunity to carry out the sentence of death. It was a major victory for Trinidad and Tobago and Barbados to get the Privy Council to change back from Rodney Sooklal to allow the mandatory imposition of the death penalty in Trinidad and Tobago.

**Miss G. Lucky:** Hon. Attorney General, and this is not an insult, I am saying I am glad and we have been victorious and so forth. That is still not the point I am at. I am saying even though you got the report and I am one of those very much in favour of the retention not only of the Privy Council at this stage, but also with respect to the retention of the death penalty—I am saying the public needs to be aware because as attorneys-at-law we understand and are familiar with all the authorities. The Government is in duty bound to go one step further to make sure that the public understands. Because the public does not understand and still we have to decide, are we going with categorization of murder or not, because in some Caribbean territories they have said they are not prepared to go categorization, others have said yes. For example, we have it as law. I do not know what the position of this Government is on categorization of murder.

**Sen. Jeremie:** The point is that in jurisdictions where that law has been proclaimed and enforced, the Privy Council has held that the savings law clause in the Constitution does not save the old grandfather provisions in the law, so if we had gone the route of categorization, what would have happened to us would be

what has happened today to Jamaica, so that in Jamaica it is not possible to carry out the sentence of death. That is why we have kept very far away from the categorization.

**Miss G. Lucky:** If that is the case, then what ought to be done is that piece of legislation that was passed has to be repealed and then in this instance, not replaced. You cannot just have things hanging, no pun intended. I do commend you that during my time—the reason I have given way is that I realized the relevant Ministers are not here and I think you are educating us and I am very glad. You have more than made up for their absence. I thank you very much for that.

I am saying, at the end of the day, these are serious issues and are issues that we are going to have to deal with. If it is we have laws that are not relevant or would cause more problems then we are in duty bound to replace them.

Mr. Speaker, I go now to the Constitution (Amdt.) Bill. As I said before, I understand the need to pass the legislation, but there are just two clauses that have me concerned. I just want, if I could get some explanation, or there could be consideration for it. It is, in fact, on page 5 of the Bill as circulated dealing with paragraph (d):

“in subsection (8), by deleting paragraphs (c) and (d) and substituting the following:”

I have looked at the Constitutional (Amdt.) Act, 2006, paragraph (c) is being deleted by another paragraph (c) which, in fact, is the same in terms of words but a semicolon is being replaced instead of the comma that exists. One understands that, and that is to get it, I suppose, grammatically and technically right.

The old paragraph (d) says where the officer holds a permanent appointment on dismissal in consequence of disciplinary proceedings, and the rationale for changing that now to a new paragraph (d) that would read: as a consequence of disciplinary proceedings after giving him an opportunity to be heard, was meant to deal with a lacuna, whereby in the 2006 amendment the relevant officer was not getting that opportunity to be heard. In other words, there were disciplinary proceedings, there was a dismissal and, of course, one has the right to be heard and that is now included in the 2007 Constitution amendment.

Mr. Speaker, however, as it is drafted at present, I still think there is a problem because what the amendment is really trying to capture is that the Police Service Commission may terminate the services of the Commissioner or Deputy Commissioner of Police on certain grounds. One of them being that there has been

dismissal of the relevant presiding Commissioner or Deputy Commissioner as a consequence of disciplinary proceedings after he has been given the opportunity to be heard, but more importantly, those proceedings must have been determined.

My suggestion then is that we take a hybrid of what is in the 2006 Act and what has been put, into the 2007 Act, so that instead it would read: "on dismissal in consequence of disciplinary proceedings after giving him an opportunity to be heard." So, it means that the proceedings have been really concluded because it could mean that you have disciplinary proceedings, yes, he has been given an opportunity to be heard but before the determination he could in fact, if it is left the way it is, be told we could terminate you, and I am clear that is not what it means.

It means that, he had the opportunity to be heard, the proceedings in fact, have been dealt with in a proper manner, there is a determination and now the Police Service Commission can say we terminate you.

Mr. Speaker, I do not understand why paragraph (f) is included which says that the Police Service Commission will be able to terminate the services of the Commissioner or the Deputy Commissioner on resignation. I do not understand why on resignation because clearly if the Commissioner or the Deputy Commissioner resigns, that would mean the services are terminated.

Once you resign, it means that you are making that particular position vacant, so I do not understand why one is putting in "on resignation". To me there may be a reason but I really think that it is duplicitous, superfluous, and sometimes when things appear that ought not to be there, they may raise some kind of question as to why they were put there, and you do not want to create more problems. I am just asking if that could be considered, whether it ought to be there or not but I would like an explanation as to why that is being included.

Mr. Speaker, I still feel and I had raised it before, and I am concerned with respect to the Police Service (Amdt.) Bill, 2007, the clause and the subsection being included to deal with the destruction of the analysis of fingerprint impressions. It says:

"The Police Service shall destroy the analysis of a fingerprint impression where the person who made the application under subsection (1), fails to collect the analysis within three months of the application."

The particular section that is dealing with the application is a person who is applying for the purpose of getting a Certificate of Good Character. If there is destruction of the analysis of fingerprint impressions, it would mean that the

information will also be destroyed because you give your fingerprint, as I am aware of how it operates even in criminal law cases— finger print given there is, in fact, a match or search—it is sometimes sent worldwide, Interpol and then you get a report. Why is that report not being scanned and the scanning then would become part of a database? And that is my concern?

I discussed it with the Member for Barataria/San Juan and this is his analogy. He said it is very much like keeping blood without keeping the results of the blood test. I am saying in wording, you have to be cautious to make it clear that you are keeping the results because that is going to come in very handy even though you may keep what is called the hard copy print. Why would you want to duplicate the process? It is the print that is important but equally important is the information that you have got relative to the print.

And, therefore, I am suggesting that we look carefully at this subsection to see whether it is, in fact, a subsection we ought to keep.

Mr. Speaker, I am also concerned. It says: “The Police Service shall destroy”, so it is mandatory. It is not even the police service may destroy. So, in three months, it shall be mandatory. What if an applicant for a Certificate of Good Character made the application in a timely fashion but for some reason within the three months that analysis could not be performed, maybe because the fingerprint had to be sent elsewhere or there is some backlog? Why are we making it three months from the date of the application? Perhaps, the better wording would be within three months from notification of the availability of the certificate of analysis. In other words, the results have been received and now you have three months within which to collect it. I am saying let us get it right especially since it is now being introduced. We do not want to put an unnecessary bugbear on the service and I think we want to be fair too. To cater for a situation as we must do when we are passing laws, we might just have a problem in the service itself because of the number of applications; breakdown of machines; a report has not come back in time, it has been misplaced by the Police Service itself. Why put those three months from the date of application? I am asking that we look into that.

A very interesting point was raised by the Member for Princes Town, dealing with the issue of police as prosecutors and I can tell you from my vast experience prosecuting and defending in the criminal courts throughout Trinidad and Tobago limiting, my comments to the Magistrates’ Courts, because the section deals with giving power to a police officer who is at the rank of sergeant or above, to prosecute. The problem remains that some of the officers who have gotten their

LLB degrees have not gone to Hugh Wooding Law School or one of the institutions and have gotten the LEC, so they have the LLB. Most times via external study had not reached to the stage of sergeant and those officers have been replaced now by police officers who are sergeant or above that rank but who actually have less legal acumen than those who were below the rank of sergeant.

The reason this particular issue concerns me, and bear with me if I have to spend a little time on it. I made the suggestion and the Government accepted it and the front bench Opposition, that we did not leave the law the way it was, which is, any police constable. I said put a rank and make the rank sergeant and above and, now I see the system collapsing because the necessary infrastructure I suggested has not been put in place.

I had suggested sergeant and above, but at the end of the day we want to remove police as prosecutors. That is not going to take away those police officers who are doing a very good job as prosecuting counsel in the Magistrates' Court. I had suggested that those police officers who have their LLBs be given the opportunity to go to either Hugh Wooding Law School, Norman Manley or to the Bahamas to get their LECs and when they return they remain within the police service. They could still prosecute because they would be bona fide, attorneys-at-law, qualified to appear in courtrooms but they prosecute, of course, with the necessary fiat or set up a structure where, at least the police service will have a cadre of very experienced police officers, yes, but with the necessary legal training.

What has happened instead in many of the jurisdictions, is that police officers who have the rank but not the experience are prosecuting and you are back to the problem of no-case submissions made or legal submissions made by defence counsel; the file still has to be sent to the DPP.

State Counsel comes and you must recognize when a lawyer takes over a case on a limited point in the middle of the case, it is not the same as being there following the matter. You can read the notes, but that in itself is sometimes difficult because reading the notes involves setting a time, getting the clerk, sitting down. I think we have to come to terms with the fact that we have to remove police as prosecutors but those who have indicated their intention or their desire to be prosecutors facilitate it. Find a way of facilitating.

One of the suggestions is that those police officers who have their LLBs, who for some reason have not been able to write the exam to gain entrance to Hugh Wooding Law School, or who have failed, if there could be some system put in

place to enable them to get entry into one of the institutes that offer the LEC within the Caribbean because I know in terms of numbers the Bahamas has means. I know it means uprooting and so forth.

Hon. Attorney General, I am asking you to consider it in the same way those of us who studied at the University of the West Indies got automatic entry to Hugh Wooding Law School, if a similar system could be set up for those police officers who got their LLBs, because they cannot be incompetent if they have gotten a University of London LLB which is normally the degree that is offered by external means.

To get a University of London external degree LLB, it is the same as though you were on the campus of the University of London. I have looked at the examinations, I lecture for the course. It is a very difficult course, it is intense. So, it is not an inferior qualification to anybody who is actually on the campus in London at the University of London, either King's College or any of the other colleges there.

**4.30 p.m.**

Mr. Speaker, I would like to finish this particular point. I would not be able to finish the contribution. I interacted with two police officers recently who told me that they had gotten the LLB. They wrote the examination to go to the Hugh Wooding Law School and they just could not get in. They had failed because there is a limited number taken. Hon. Attorney General—just as I have your ear on this point—I will end until I come back from the tea break.

Hon. Attorney General, I have been thinking about what could be done to ensure that a greater number of people have access to the Hugh Wooding Law School. Can consideration be given to making the Hugh Wooding Law School operate on a full-time and a part-time basis? I know it is not a new idea. If there is a full-time student teaching, and part-time, it also means that practitioners who cannot lecture during the course of the day would be able to attend on evenings after they have finished their appearance in court—especially the advocate—so it would not compromise the teaching or the lecturing.

Could that be a level of creativity used so that we can have more persons going to that law school and coming out qualified? Even though every year it is said that we have too many lawyers, when you look at the advertisements in the newspapers and the number of vacancies, there are not too many good lawyers. There is always room for good lawyers and many institutions are looking for people to perform the services of attorneys-at-law.

At this point, I will just end for the tea break.

**Mr. Speaker:** The sitting of the House is suspended for tea and will resume at 5.05 p.m.

**4.31 p.m.:** *Sitting suspended.*

**5.05 p.m.:** *Sitting resumed.*

**Miss G. Lucky:** Thank you very much, Mr. Speaker. I thank all hon. Members, whoever made sure that they came back here after that lovely tea so that we have the numbers, especially the Member for Siparia.

During the tea break, the Member for San Fernando West and I had an interesting discussion on the point of the police as prosecutors and what could be done. I reiterate that there are many police officers who are prosecutors and who, in terms of their skill, are equivalent and, I dare say, in some instances, even better than state counsel attached to the Office of the DPP. It is really unfortunate that they are not given the opportunity, because of the lack of academic qualifications—and even some who have it—to continue prosecuting, something they certainly like.

We were doing some quick brainstorming and I want to make these quick suggestions for consideration by anybody on the opposite side who might be able to assist. I look to the Member for Laventille East/Morvant and the person sitting in the chair of the Member for Diego Martin Central and, of course, the Member for San Fernando West.

As section 64 of the Police Service Act now stands, it says:

“Where a police officer lays an information or makes a complaint against a person, any police officer of or above the rank of sergeant may appear before the Magistrate...”

The problem that is now being experienced, highlighted by myself and the Member for Princes Town, recognized by the Member for San Fernando West, is what happens to a police officer who has an LLB or who may also even have an LEC. For some reason, he has the LEC and he is not yet in the office of the DPP and the only way you can prosecute in this country is if you are qualified under the Police Service Act—but that is limited prosecution—if you have a fiat from the DPP to prosecute, if you are in private practice, or if you are a member of the Office of the DPP. What happens to such a person? What happens to a police officer who is below the rank of sergeant, who, perhaps, has his LLB or is on the way to obtaining same? It is demotivating to those officers.

I was making the point in San Fernando where I am in recent times. One police officer said, “I have my degree and I just was not getting anywhere with it and I am totally frustrated.” It is sad to hear people who have spent so many years—in this case three years—getting a degree, feeling that they have been wasting their time.

I had stated this and it was not done. I had asked and had been given the assurance by the Minister of National Security—not the Minister of State in the Ministry, but he is here and can transmit it; I am sure I am right—that, in the case of all police officers who were prosecutors when this legislation was passed last year, status reports be given by the magistrates in whose courts they prosecute and, based on those performance appraisals, those officers would be promoted from whatever rank they were if they were below sergeant to the position of sergeant or above.

That was not done. Clearly if a constable is prosecuting and he is a good prosecutor, the magistrate in whose court he is appearing would have been able to give the necessary recommendation and there should have been a promotion. To me that justifies a promotion. It was not done. What was done was a helter skelter, last minute approach when the Act was proclaimed to remove all those who were not sergeants and throw in those who were sergeants and above. That is still a suggestion that can be done, but now they will have to go back to those who were displaced and see whether they performed well and bring them back into the prosecutorial process.

There is another way we can solve it; it is the harder way. Having heard the Member for Princes Town and seeing the intellectual delinquency of the Government, is to go back to section 64 and insert a phrase that would solve the problem, so that it should read:

“Where a police officer lays an information or makes a complaint against a person, any police officer of or above the rank of sergeant or who has obtained at least an LLB...”

And let it go on. It means that you would encompass those who have been put aside. I really feel if it means putting in a phrase to start showing the police service, the officers who are committed, that we recognize that they are doing well and encourage them to continue to maximize their potential and enhance their marketability and move up in the ranks, do it the correct way, do not be corrupt; this is the way to solve it.

**Mr. Hinds:** Thank you very much for giving way. Two things: the question of promoting officers who are prosecuting to the rank of sergeant is not easy to deal with because there are other considerations for policing. Remember the policeman's core function is not simply prosecuting. There would be other considerations for promotion to corporal and sergeant, in any event, not specifically because he is a prosecutor. Of course, being a prosecutor does not mean that he cannot be sent somewhere else to work as well. That is the one thing.

Secondly, insofar as rank for prosecuting is concerned, I seem to recall that that was a suggestion that came from somewhere on that side about the rank being sergeant, when there was a view, and a valid one, that it did not have to do with rank; it had to do with capacity. Now your suggestion that you add "or having attained at least an LLB or an LEC" really takes into account the validity of the thought that it does not necessarily have to do with rank but it has to do with his capacity and inclination and perhaps even experience over time.

**Miss G. Lucky:** Member for Laventille East/Morvant, I am sorry to tell you, but you missed that part—

**Mr. Speaker:** Hon. Members, the speaking time of the distinguished Member for Pointe-a-Pierre has expired.

*Motion made,* That the hon. Member's speaking time be extended by 30 minutes. [*Mr. G. Singh*]

*Question put and agreed to.*

**Miss G. Lucky:** Thank you very much, Mr. Speaker and colleagues. I know that the Member for Laventille East/Morvant was not here during my contribution. I do not chastise him for it but, in my usual style, I acknowledged that it was my suggestion. I even began this particular point by saying that I wanted to spend the time necessary on it because I felt that having made the suggestion, having said how it could have been solved, with the infrastructure not being put in place, we now have a massive problem as highlighted and acknowledged by the Member for Princes Town and we needed to take the time. You were not here, but that has already been covered. I made the suggestion.

Your point is not valid because the law before said it was any constable, so we were recognizing from then—I made the point, you know—that we should have gone the whole hog. If you check the record, you would see that I said rank, but I was also saying qualification. The response was that we get a compromise, start with a few baby steps and take it to the rank at least. I had recognized that

problem last year when I made the suggestion, so I am reiterating because I always talk about the cadre of police officers you would have if you had those with their LLBs and LECs staying within the police service. They can now give the legal advice.

We have a problem. I know it is not easy to promote, but even in what you said, it gets me worried because when a person is prosecuting and doing a good job you do not want to lose that person unless it is to another magisterial district where their skill could be better used. You do not want to put them out on the road to be investigating and so they are developing a very important skill and they would be dealing with part-heard matters.

Right now I am involved in several matters in which there have to be adjournments because the particular police prosecutor has had to go to another court to deal with a matter which is also part heard. It is unfair to them, so let us solve the problem. I made the point last year and I am disappointed that it was not taken on board. We had predicted that this would be the problem. My point of view now is: What is the solution? Let us not go back in time. Let us go forward in thought.

The solution is that if you put this in, it solves the problem because if you do not put it in, you are going to have officers below the rank of sergeant who are not being promoted for whatever reason—and sometimes there is no good reason at all—losing their chance to continue doing what they are good at and being replaced by those who do not have the capacity or the competence. To me, this is something, given the necessary consideration—there is no magic in saying we have to pass this piece of legislation this evening.

We sit on Wednesdays; we sit on Fridays, but let us make sure—we have highlighted a problem in the police service; we all know it is a problem; we heard the Member for Princes Town, the Member for Pointe-a-Pierre, and other people who are practising in the courts know it. If we show the police officers who are affected that we are not going to deal with it in a timely fashion, which is now, do you know what message we are sending to them? We send the message that we do not care and that their problem is just a little too big for us to handle right now or we do not have the level of compassion. How could that be right? How is that justice when all it takes is sitting and getting the relevant phrasing? That is the point that was made and that is why I am saying now to go to the further point—and the Attorney General seems to have at least accepted that he would consider making the Hugh Wooding Law School, in terms of its ability to take more numbers, part-time and full time. Right now, there is a limit on the quota of those

who can be taken in and who have done the examination and obtained the LLB by external means. Let us deal with the problems.

I would feel, as a parliamentarian, in a very horrible position, if, having highlighted the problem, we said to those officers affected, “Too bad, we cannot take you all on right now.” It is not a mistake. The mistake was made because this was pegged on the Government doing something which it never said it would be unable to do. The Government said it would have done it and a year passed—

**Mr. Hinds:** [*Inaudible*]

**Miss G. Lucky:**—would have ensured that the police who were prosecuting, who were doing well, when I made the suggestion with the magistrates. It was done. Member for Laventille East/Morvant, if I say something was done, I know it was done. It was accepted because I made the point that it would not have worked unless you promoted them.

In fact, I went to the affected officers and chastised them for not fighting their own cause. I said that the law was passed; it was not yet proclaimed, that they should go to their relevant association and do something. I would go into the courtrooms and stir them into action and chastise them and tell that if they did not care about themselves, they made me wonder why I should care about them. There are officers I went to and said that. I said, “Why will you wait until you are suffering to come crying to ask what to do?” Just because they have been delinquent in not fighting their own case, I cannot sit back and get a level of comfort saying that they did not do what they were supposed to, so I would leave them alone. I am not somebody like that. When someone makes a mistake or is delinquent and does not look after himself, it is for the Government to make sure it still provides.

I made that point to them. You have an association and you are doing nothing? Now some of them are turning around and saying that they should have taken on what I said. I am not going to say that I told them so. That does not solve problems because some of them might have been trying and found that they were getting nowhere with their seniors. Let us solve the problem. We can solve it and we can solve it in a fair way. If we cannot come to a decision today, at least let us give it the consideration that it needs and not do this fast-tracking to the extent that we continue making mistakes and not dealing with them.

Mr. Speaker, as I conclude, I will indicate, in point form, what are the pieces of legislation or suggestions coming from the Opposition, more specifically the back bench Opposition, in terms of what can be done to have a significant impact

on crime fighting. Laws alone will not do it for the level of lawlessness in this country is very high. Look at what is happening in the schools! There students stabbing students; students are “boxing down” principals; students interfering with teachers. There is just lawlessness. Parents now feel they can go and do what they want. There is a total breakdown in law and order and laws alone will not solve the problem because the exemplars are not doing what they are supposed to do as they are breaking the laws too. *[Interruption]*

I continue with some brief points, Mr. Speaker.

There must be the establishment of a criminal justice committee. This has been done in the United Kingdom within recent times. That committee comprises representatives from the Office of the DPP, the Law Association, the police, the prisons, the probation authorities and other relevant support agencies such as the social welfare agencies. This is the committee, it is non-partisan, and comes up with recommendations, time lines and time frames for implementation. The United Kingdom is doing it. We need to establish a criminal justice committee.

The inaction of the Justice Protection Programme with clear guidelines of how it will operate. We keep hearing about the numbers of people who are on the Witness Protection Programme. The rules seem to vary. You hear some people being treated in X way, some in Y way, some in Z way. There must be clear guidelines, so that people know and understand and so that they do not feel that some people get preferential treatment over others.

We must have the establishment of a victims support unit throughout the country, with special emphasis on those persons who have been the victims of kidnapping and sexual offences. There is a Special Victims Unit in terms of the police service. There is a very popular programme, *Law and Order: Special Victims Unit*. Those programmes in the United States have been so successful in terms of programming and of the people who look at them, that the producers have now divided the programmes into the various units that exist so that people understand that we are moving in the world of specialization. Not every officer can investigate a fraud matter; not every officer can investigate a sexual offence matter, so we need the establishment of that victims support unit and a special victims unit in terms of the Police Service.

I know that the Member for Barataria/San Juan will understand. Even in the world of medicine, the way is specialization. They have gone so far to say that they will become so specialized that you will have a doctor for your left eye and a doctor for your right eye; and then they will go to parts of the eye—one for the cornea; one for the pupil. That is the way it is going.

The Forensic Science Centre: I have been making this point over and over and I worry that the Members for Tobago East and Tobago West—I do not want to say they are not brave enough, but I want them to understand that we cannot have a forensic science centre just in Port of Spain. I know that the officers come to work before 8.00 a.m. and leave after 4.00 p.m., but there must be forensic science centres throughout the country, including Tobago.

If you get an exhibit in Tobago that needs forensic analysis, it will have to be transported. Do you know how many things can happen along the way? It makes it more difficult in the courtroom because then you will have defence counsel challenging the chain of custody, and how you know where it went on the boat or on the plane or when it was taken off.

Why do we court all these problems? It will go one way to come back the next. Why do we do it? There are so many buildings going up in this country, do you mean we cannot set up forensic science centres or at least support centres? There is no excuse for it. It must be open on a 24-hour basis because when police officers get exhibits and there are no proper property rooms at the police stations, that the Government is refusing to build or deal with, where will they keep them?

The Member for Princes Town will know that in many instances, because of the contamination of the exhibit, the case gone. This is why I say that detection rate—but how many go on to successful prosecution?

Amendments to the Jury Act. Why are we taking so long to consider whether we need to amend that Act to allow foreigners to sit in cases? Foreigners will be people in the Caribbean area, so that when we have high profile cases where we have to consider moving from Trinidad to Tobago and even when we move them we still have a problem—in one case I have been reading, there is a sequestration of a jury and the jury pool has run out because many people have indicated that they are just not prepared to go.

Should we not now be thinking of moving away from sequestration? This is what a government that is concerned about fighting crime would be thinking. This Government does not think about it. The United Kingdom has said no more sequestration. Jurors will go home and they would send police officers to the home. They recognize that they are uprooting people; the bills are astronomical when they keep people in hotels; people cannot focus because they begin to get—you know there is something called air rage—room rage; some people want conjugal visits and so on. There are lots of problems, so instead of having to bring people, the reality is, stay home and they send officers. That is how we should be thinking.

**Mr. Hinds:** When you say send police officers, do you mean to escort them to their homes or to stay at their homes?

**Miss G. Lucky:** To stay. They do a proper profiling. Member for Laventille East/Morvant, I am quite surprised you asked that question. I have the documents. I will send them to you.

**Mr. Hinds:** That is not necessary; I got the answer.

**Miss G. Lucky:** You are refusing an opportunity to see if you have it. I know you do not have the documents. Just say thank you because the day you offer me documents, I will say thank you, too. I do not know why sometimes the Member just cannot say thank you.

A clear distinction between administrative and judicial functions. Today I was in a magisterial district and we could not start the particular court because the magistrate—no fault of his—had to go to the other courts to adjourn. I am coming to the licensing and traffic cases now. There are Clerks of the Peace and Justices of the Peace; they can go to those courts, adjourn matters, and, where matters involve powers they do not have, they can tell the magistrate that they stood them down to 10.00 or 11.00 o'clock, and the magistrate goes during that time period and deals with them.

There should be separate administrative and judicial functions, so that when a magistrate goes into a courtroom, he is going to hear a case, determine it and focus on the law. It is very difficult for a magistrate to concentrate on hearing evidence and making legal decisions that can be tested in the High Court, Court of Appeal and another place, when he has to run to another court; has to deal with hundreds of other cases and then sit and change from the administrative role to the judicial role. It is unfair and in the Judiciary they have been able to make the level of distinction.

They have been using it in case management. We need case management in the Magistrates' Court. It is not difficult. Let us use the resources we have. I am not asking for new laws to be passed. I am saying that this is one of most basic things you can do with what you have because attached to every court, there is a Clerk of the Peace and a JP. Send the JP to deal with those matters.

I have spoken over and over about the drug court. I am not going to belabour the point, but I am saying clearly that we need a drug court. Separate the users from the traffickers. Make the distinction. Give users the opportunity not to have criminal record, if you can get them into the rehabilitation centres. Give them

community service sentences. Give them an opportunity to give back. It will force all the institutions—if you put pressure on institutions, it forces them to upgrade service.

Enter plea bargaining agreements with offenders who are before the courts for petty crimes or non-serious offences. Mr. Speaker, do you know what they have done in Australia? In Australia, they have recognized that the backlog of cases in their magistrates' courts was just too much. They worked out that even if they had set aside months just to deal with the backlog, nothing would be done. Do you know what they did? They went through the list and anybody charged for an offence for which the maximum penalty was six months or less, they gave them a clean slate. They said to them: it is not that you are innocent, it is just that it is a petty offence; go your way. Understand that the day you come back, the courts are not clear, we will deal with you. We have to start thinking. We have plea bargaining legislation. Is this the way we need to go?

We need an extensive media campaign geared at educating the public about the criminal justice system and how it operates. I commend a lecturer at the Hugh Wooding Law School, Mr. Ronnie Boodoosingh and those students who, every week, write what I see in, I think, the *Newsday* or the *Guardian*. I think it is called *The Law and You*.

Lord MacKay, who visited us some years ago—it was under the UNC administration—looked at the whole process and made the point that he was disappointed that we as attorneys-at-law do not do enough writing. There are lecturers who visit us from the University of London from time to time and they have made the point—these are lecturers who go to Malaysia, Singapore, Hong Kong, the Philippines, Africa, the Indian subcontinent and to the Caribbean; they love Trinidad and Tobago—that for a country that is so dramatic and energetic; for a country that chatters so much—to use their words—how is it that our attorneys-at-law do not write articles in the *Lawyer* or one of the publications or write of the recent laws. They were making the point that we do not write.

I gave excuses on behalf of all of us, but it boils down to intellectual laziness. We really do not write and challenge. The medical profession is more successful in getting to that level. Maybe this is a challenge. When we talk about teaching the law, not in terms of PNM propaganda, I am talking about really teaching people how the criminal justice system operates. There is the simple matter of bail. So many people get charged and they do not understand that money cannot be used as bail and, even if it is used, it can only be used in a limited sense. They have property, but they do not recognize that if it is in their name, they cannot use

their own property. They have the asset and they think about transferring it to somebody. They transfer it, the person takes the bail and they never get back their property.

Why do we not go to removing from the professional bailors and going to the bail houses? That was explained to me. In the United Kingdom it is done. There are licensed bailors. They take out certain insurance and they have a certain amount that is guaranteed with banks and all of this.

**5.30 p.m.**

Professionalize the entire thing with accountability and transparency. That is the way a government that cares would think. That is what could be done.

**Dr. Khan:** There would be no corruption if they do that.

**Miss G. Lucky:** No corruption at all. Thank you very much, Member for Barataria/San Juan. In other words, you are saying that the Government likes it so.

Criminal mediation to be reinstated. That was a system that was working so well. Again, so many cases were being taken off the criminal law list again, helping to ease the backlog. We were promised for four years. This Government said that it will bring back the legislation with the lacuna resolved. It has not been brought back as yet.

Enact legislation to increase the number of judges and state counsel. The interim measures that the UNC introduced, in my time at the DPP, of contract officers, are still in existence.

What is the big problem now? Contract officers, who do not have security of tenure, are now being treated, in their view, unfairly, when compared with those who are in the establishment. Because those in the establishment got all the necessary perks and benefits and their salary, thanks to some people when they were there and left and went to other places, made sure the salaries, terms and conditions were increased for State Counsel, who are appointed by the JLSC. Now the poor contract officers have a problem. Why? That was done as an interim. But everything you give the Government as interim, that is meant to work for a time period, they make it permanent. They make permanent interims.

**Dr. Khan:** CEPEP.

**Miss G. Lucky:** It does not make sense. CEPEP is going to run short as you know, Member for Barataria/San Juan—problems.

We dealt with the; categorization of murder; we dealt with the police as prosecutors, and also removing traffic cases from the Magistrates' Courts.

The acting CJ, The Hon. Justice Roger Hamel-Smith, made that point in his address at the opening of the Law Term 2007/2008. Nothing was done. He made the point if you got a ticket in Cedros, why must you go back to that jurisdiction to pay? You went to Jazz Festival and you got a ticket because you were hustling to go and see Sir Elton John. You have to go back to Tobago to pay the ticket. If 14 days pass and you do not go, your name would be called all over, Fuad Khan, Fuad Khan. Everybody wants to know why your name is being called. There would be a warrant for your arrest. We do not need this. Are you going to say that the persons, who, because of delay or could not get back to the jurisdiction—make life easy without compromising the rules of natural justice and due process. The Government has done nothing.

We need—this is something that cannot be thought about overnight. I am asking the House to give consideration to it and those who are interested in this point. Maybe it is time that we recognized the United Kingdom, the country and jurisdiction we follow, which is coming about with fundamental change to its own process. Sometimes we like to blindly follow that which was colonial or that which was given to us. We recognize now that many of our laws no longer follow the UK precedent. There was a time when laws were passing and we just said what the United Kingdom has.

Our company law in Trinidad and Tobago is not pegged on to, UK legislation, but North American and Canadian legislation. More and more often when Bills are piloted here, we recognize that we use precedents from countries outside the United Kingdom.

In the United States, in terms of criminal investigation, you see it on the TV shows, a true reflection of what happens, the office of the DPP or in that case the District Attorney gets involved with the investigating officers to give them guidance, from start to finish, as to the kind of evidence that is needed. Those officers do not tell the investigating officers to fabricate or make up, but you would see the member from the District Attorney's Office speaking to the investigating officers and saying: "Listen, that ID was bad. You do not have enough evidence here. That confession is going to be thrown out." From an early stage, guidance is given until the District Attorney says: "Okay we will charge,"—there is satisfaction that there is enough evidence.

In the United Kingdom, they recognize maybe that is the way to go. Because of the UK and United States dynamics, sometimes each country does not like to admit that it is changing to follow suit, so to speak. In the United Kingdom, what is being done slowly, but surely, is that you have people from the Crown Prosecution Service, those who were with the DPP and those who were prosecuting being called upon, when a matter is being investigated, to start testing the veracity and credibility of the evidence at an early stage. Before the matter reaches to court, there is some kind of determination as to whether there has been sufficient evidence to satisfy at least the prima facie case.

Nothing is more frustrating. You save court time. *[Interruption]* I tell you something, Member for Princes Town, I was a prosecutor for nine years. Nothing is more frustrating than when victims of a crime or their relatives, in the case of murder cases, come to a courtroom and find out the investigation was either poor or not conducted in a proper manner, and the case is thrown out. They feel as though justice has been denied. No matter how you try to explain that, there was just not enough evidence initially, or the rules of admissibility did not allow the statements, their point of view is there was a charge and there should be a conviction—*[Interruption]* and the victim was cheated, even in death. I agree with you, Member for Princes Town.

These are the points that we in the back bench Opposition have put forward for consideration. Some offer interim consideration; in terms of implementation. some will call for more thought. But, some can be dealt with right here, right now.

I would like to end by sharing that story that I shared at another forum, but I want to do it in the Parliament.

In the movie Apollo 13, which recognized and reflected a true story, astronauts on that rocket ship, three of them, were supposed to go to the moon.

Because of a mishap on board, all the equipment went totally out. There was an explosion and they ran the risk of not being able to be brought back home. NASA could not deal with the publicity of losing these three astronauts. Of course, they wanted to get them back safely. The astronauts were depending on the scientists at NASA on the ground to help them. The best NASA scientists were called in and they were told: Tell those astronauts, thousands of miles away, what to do on that rocket ship to come back. The commander on the flight, after hearing what he should do, said to those scientists: “You are telling me what I should do with what I do not have. You are telling me to do this and do that, but I

have lost this engine and I have lost that piece of equipment. So, shut up now and let me tell you what we do have. We have a sock, we have shoes, a tape, chewing gum, this and that. You use it, simulate it down on earth and tell us with what we have how you could get us back to earth.” The scientists scratched their heads and said: “You know what—” They collected all their equipment and said: “Okay, bring us now what they have.” They assimilated it and they were able to get those astronauts back to earth.

That is what I am encouraging this Government to do. I am saying to the Government, work with what we have. We are in the Opposition. We cannot go and build the police stations in Manzanilla, which does have one. We cannot go to Carenage or Maracas. We cannot do it. We will be jailed. We will be trespassing. We will be guilty of a criminal offence. What we do is, we try to fix the laws in the Parliament. We try to tell you that this is what you can do; take credit for it. It is all we can do. When it comes to fighting crime, there is no room for the politics. In politics, we cannot sacrifice the security of the nation.

In that regard, I have been extensive, but I am asking that the Government listen to what the Member for Princes Town said, what I said and what others would be saying and let us see how, at the end of the day, we can make sure that we really work as a team to improve and upgrade what is in a pathetic state right now, that is our national security.

I thank you.

**The Minister of Housing (Dr. The Hon. Keith Rowley):** Thank you, Mr. Speaker. I intervene in this debate to make a short comment and to respond, to a little of what was said by my colleagues on the other side.

I want to begin by saying that a lot of what, or most of what, the Member for Pointe-a-Pierre has said, I do not think is open for debate. I think we can agree with a lot of what she has said because they are all issues that we confront day to day as representatives of the people and, at the end of the day, I think there is a problem in this country, in dealing with virtually any issue and until we are able to deal with that problem, or allow the problem to work itself through, we will always have other issues.

The problem is about trust. There is a chronic mistrust in the country, regardless of what you are going to do. Mistrust and good management do not go together. If you have problems like the problems that my friend from Pointe-a-Pierre outlined and the solutions that she gave, are examined closely, and you

would see that most of it at the end of the day boils down to good management. It has to be good management that sees these things as problems, have a willingness to address them, in some cases to be innovative in addressing them, even to take risks in addressing them, because management assumes the responsibility for dealing with those problems.

I am afraid that is not a culture that exists in this country. I do not know why. It does not exist. Because of this general mistrust, you put people in authority and in management and the minute, even as you are doing it, in most instances, you are circumscribing them because you are saying they are going to do this wrong, they will do that wrong, they will abuse, they will discriminate or they will do that. At the end of the day, what we end up with is a set of dysfunctional systems or dysfunctional people in positions and we hope that they will deliver to us the thing that we dream of. It is not going to work.

As we talk about becoming a developed country by 2020, we have to talk about changing our attitude to management. That attitudinal change has to be authority, responsibility and accountability.

Unfortunately, today we are talking about the police service. If there is anything in the country that represents that dysfunctionality, it is the police service. As we try to fix it—we have legislation before us—we can legislate as much as we like. Legislate and try to cover all the bases, it will not be possible to legislate to cover all the bases for all the possibilities. At the end of the day, we will have to rely on good management in the police service, if the police service is going to be effective.

There are many things we have to do to get good management. Structures must be in place to get good management, but at the end of the day, if you do not have good management in the police service, you are not going to get good delivery.

In fact, in many instances, some of the criminal nests are better managed than some elements in the police service. Therefore, we have to focus on this improvement in management. That is what brought us to the Parliament, with this set of legislation which says that we want to change the management approaches in the police service, so as to get the benefit of good management.

In that structure of management, there is the whole question of advancement, promotion, discipline, detailing and tasking. Much of what the Member for Pointe-a-Pierre said, has to do with tasking.

Then in the overall system, let us take an example. She gave a very good example of what we should do to develop those persons who are court prosecutors in the system, who are junior police officers in some instances. She said: let us help them to get their LLBs so that—that is where the argument falls apart—they can come back to the police service and be full-fledged lawyers who can practice in the court. What will happen?

We cannot command people to remain in the police service, so that the police service will have their service. If in fact they do develop and become full-fledged lawyers, when they come back to the country, they will now look at what is available to a lawyer. Why should I remain as a police prosecutor to get a police prosecutor's salary, when I can go out in the open as a full-fledged lawyer and probably do far better practising as a lawyer at large? If we want to keep lawyers who came up through the system, in the police service to provide that element of trained police lawyers, then we have to pay them as such. And, therefore, you have to remove the system of their being tied to a salary, based on a range of something archaic, otherwise you would lose them. For decades you will still have policemen prosecuting because as fast as you train the lawyers, if you put them in the old system of a rank carrying a range, which does mirror what a lawyer can earn, what you will have is many lawyers who were policemen, who are out there practising. That is what is happening. We have to change the paradigm completely.

Yes, we must have these lawyers prosecuting and not constables and corporals. To do that, we have to put what is in place—and then that opens the whole argument of the compensation package. There will be other policemen saying: Oh, I was there before him and he just got a degree. The whole thing has to be looked at overall, in the context of effective management.

It makes you wonder what we are trying to change. How far away are we from the ideal or the goal? I heard my colleague from Princes Town this afternoon read the entire, or almost the entire story as reported in a newspaper about a police constable who did not appear in court. I think it was on 24 occasions; a matter in which he was involved, in which a child was killed. This officer did not appear in court 24 times. When I saw that, what came across to me is what kind of management system would allow that to happen. We only found out when the magistrate took action. Otherwise he might have missed court 50 times.

Then the individual gave a story to the newspapers which said: "I did not really want to charge the woman because I did not have the evidence and some senior officer told me to charge her, because the public wanted her head." My parliamentary colleague read that story in its entirety this afternoon and treated the story as though he believed it.

He did not stop there. He started to accuse the Government of being a threat to the population and saying that we cannot give the Government power because the Government will do what that officer said he did, or he was forced to do by a senior officer. When Members of Parliament who should be the top managers of the public service system, take that position, what do you expect the rest to do?

You are a parliamentarian and you see a junior police officer with a Anancy story like that and rather than call for his head, as I am calling for, you come to the Parliament and seek to accuse the Government of something and saying that—what is even worse is that after he told this Anancy story to the newspapers to explain his misconduct, a Deputy Commissioner of Police came in front the nation and said that his statement is unfortunate, equals, he lied, because the facts will show that under a superior officer he was reviewed, the matter was referred to the DPP and the DPP advised that the lady be charged. That is the statement coming from the highest level of the police service, to refute what that junior officer said in explanation of his misconduct.

The Member for Princes Town came here this afternoon, not a word about the official rebuttal of the police service coming from ASP Piggott, the senior officer who refuted his statement but picks up, lock, stock and barrel, the Anancy story of—[Inaudible] that a senior officer forced him to charge somebody. Do you know what? He took it upon himself and the MP on the other side said fortunately he did something about it. Do you know what he did about it? Since, according to him, he did not agree, he had the matter thrown out by not going to court.

Something has to be radically wrong with the entire system, when a junior police officer could behave like that and get the support of a Member of Parliament, in the Parliament of Trinidad and Tobago. Something has to be wrong with our systems. I am not talking about this in the context of any political party. I am talking about it as a Parliament, which is concerned about management being an issue in the country. Here you have the most glaring misbehaviour and it gets the support of a Member of Parliament, who seems to think that all he has to do is to lay that burden at the Government's feet. What does the Government have to do with a lying constable who should be disciplined in the most serious way? It is not singular.

Let me draw your attention to one that happened a few years ago. The Organized Crime and Narcotics Unit were on surveillance in my constituency, in Carenage, and they apprehended red-handed, I think, two or three police officers with illicit drugs. They were caught with illicit drugs in Carenage. Do you know what their story was? They said that they were peddling these drugs for seniors. Remember that story? Police constables were caught with illicit drugs. Before they end up in the slammer for the rest of their lives, for betraying their trust, they were able to tell this country: “Yes, we know we were carrying drugs but we were doing it for seniors.” One of two problems arises here. It is either the police service is really rotten, where juniors are involved in carrying drugs, or very, very rotten, where seniors send juniors to carry drugs and juniors say: “Okay, my seniors send me to carry drugs so I am carrying the drugs for the seniors because I do not know any better.” When they are caught, is that a defence?

As I am speaking to you now, I do not know whatever happened with that matter. I would not be surprised at all if those officers have been promoted. I would not be surprised if those officers have been promoted and are on their way to becoming the Commissioner of Police.

Once you have systems of management which can allow those kinds of things to happen, and go untreated, or bolstered as they were by my friend from Princes Town this afternoon, no law that we pass in this Parliament will make any difference because, at the end of the day, the law is the framework. The operationalization of the law has to do with the people who are called upon to do certain acts.

When you are in the Parliament in the day time and my friends over there are wherever they are doing what they are doing and I am doing what I am doing, I do not know what is going on in the police station in Carenage, Cunupia or Tobago. There are people who are charged with management responsibilities. What this legislation is asking us to do is to amend the present status quo, to remove the dysfunctions and put in place another kind of structure which will allow managers to manage. I dare say for the first time, to manage the service, but as they do that, there has to be serious accountability for lack of management. If you get that management authority and you do not manage, we might as well not have done this. But we have—as the country's managers, the Government and the Opposition—to ensure that we take a position of what is acceptable. It cannot be acceptable to defend wrongdoing because it sounds politically okay for the season. We know it is the election season.

**Mr. Singh:** I thank you Minister for giving way. I am applying your principle and I agree with it fully. But, I think it also ought to have been applied in the Bajan fisherman issue. You would recall that Corporal Morrison indicated that he received a telephone call and ended the prosecution, and that the telephone call came from the political directorate.

In the investigation, that matter, which my colleague from Pointe-a-Pierre indicated is a very simple matter, has not yet been resolved. It remains a canker on the justice system.

**Dr. The Hon. K. Rowley:** My colleague, I do not know the details, except what I saw in the newspapers. I seem to recall the said officer not being able to remember who called him. Having put in the public domain that he was called by somebody, when an investigation was launched, that person who put that in the public domain said: "I do not know who called me." If my memory serves me right, I saw it was being said from your platform that Minister Knowlson Gift had done so. *[Interruption]* I am telling you. It was in the public domain. A newspaper published that and I think I recall seeing also where Mr. Gift had taken action to protect his name and has been—*[Interruption]*

**Miss Beckles:** Handsomely rewarded.

**Dr. The Hon. K. Rowley:** Was he paid? I saw an apology in the newspapers. I assume the apology has to do with the newspaper that published that story. I do not know the extent. However, whether it is Bajan fishermen, or whatever, we must have management systems, where accountability is upfront and if people cannot perform, then we would also have removals.

There are needs for safeguards and the safeguards have to be there to prevent excesses and abuses. Those safeguards ought not to be fetters on the managers. Even the Industrial Court, from time to time, would make the point that managers have to be allowed to manage.

In the public service it is virtually impossible to remove non-performers, because the way the system works, one appears to get a position as a matter of right and then managers take the position that they are inherently weak and therefore cannot deal with the management issues with respect to removals, or having those who perform leapfrog those who do not perform.

Hopefully, with this system, where one earns points for performance, that will go, but that would not do it. The next thing you would hear is allegations of how the points are earned. Because at the end of the day, it is the humanness that

prevails and it is what we are prepared to tolerate. What there is no excuse for, is tolerating non-performance.

Mr. Speaker, I heard my colleagues from the other side again accuse us on this side of having ulterior motives and having designs.

#### ARRANGEMENT OF BUSINESS

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, we have agreed to adjourn the House to Monday 14, 2007 at 1.30 p.m. when we would continue the debate. In that connection, before we move the adjournment of the House, I have had discussions with the other side and at this time we would like to move Motion No. 2 on the Order Paper.

#### STANDING ORDERS

##### (REFERRAL TO STANDING ORDERS COMMITTEE)

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** I beg to move the following motion:

*Mr. Speaker, Be it resolved* that the Standing Orders of the House of Representatives be referred to the Standing Orders Committee for consideration and report.

**Mr. Ganga Singh (Caroni East):** There is a motion on the adjournment dealing with the failure of the Government to provide alternative facilities to the sports car racing fraternity in the country. It was deferred on the last occasion. I see that the hon. Minister of Sport and Youth Affairs is not here. I would take this opportunity, the agreement the Leader of Government Business, to defer it to a next occasion.

*Question proposed.*

*Question put and agreed to.*

*Resolved:*

That the Standing Orders of the House of Representatives be referred to the Standing Orders Committee for consideration and report.

#### ADJOURNMENT

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley):** Mr. Speaker, I beg to move that the House do now adjourn to Monday, May 14, 2007 at 1.30 p.m.

**Mother's Day Greetings**

**Mr. Ganga Singh** (*Caroni East*): Mr. Speaker, I want to take this opportunity and join with all colleagues on this side, to wish all mothers in this country a happy Mother's Day. I hope that the Members on the other side, through the Leader of Government, will so too join us.

**The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley)**: Mr. Speaker, he has said it for all of us. We have joined him.

**Dr. Hamza Rafeeq** (*Caroni Central*): Mr. Speaker, we also join with them.

**Mr. Speaker**: I only hope when Father's Day comes around, we will also have congratulations.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.02 p.m.*