HOUSE OF REPRESENTATIVES

Wednesday, January 20, 2016

The House met at 1.30 p.m.

PRAYERS

[MR. DEPUTY SPEAKER *in the Chair*]

PAPERS LAID

1. Annual Audited Financial Statements of the Trinidad and Tobago International Financial Centre Management Company Limited for the year ended September 30, 2015. [*The Minister of Planning and Development* (*Hon. Camille Robinson-Regis*)]

   To be referred to the Public Accounts (*Enterprises*) *Committee*

2. Annual Report of the Industrial Court of Trinidad and Tobago for the period September 22, 2014 to September 14, 2015. [*The Attorney General* (*Hon. Faris Al-Rawi*)]

3. Administrative Report for the National Commission for Self Help Limited for the period October 2013 to September 2014. [*The Minister of Community Development, Culture and the Arts* (*Hon. Dr. Nyan Gadsby-Dolly*)]

4. Annual Report and Unaudited Financial Statements of the Trinidad and Tobago Civil Aviation Authority for the financial year ended September 30, 2015. [*Hon. C. Robinson-Regis*]

5. Administrative Report of the Occupational Safety and Health Authority and Agency for the period October 2013 to September 2014. [*Hon. C. Robinson-Regis*]

6. Administrative Report of the Board of Directors of the National Entrepreneurship Development Company Limited for the period October 2013 to September 2014. [*Hon. C. Robinson-Regis*]

7. Administrative Report of the Board of Governors of the Cipriani College of Labour and Co-operative Studies for the period October 2013 to September 2014. [*Hon. C. Robinson-Regis*]

8. Administrative Report of the Criminal Injuries Compensation Board, Ministry of National Security for the year 2012/2013. [*The Minister of National Security* (*Hon. Maj. Gen. Edmund Dillon*)]

PRIME MINISTER'S QUESTIONS

Mr. Deputy Speaker: Hon. Member for Siparia.

Economic Development Advisory Board
(Recommendations Received)

Mrs. Kamla Persad-Bissessar SC (*Siparia*)**:** Thank you very much, Mr. Deputy Speaker. Question 1 to the hon. Prime Minister. Do I read the question?

Mr. Deputy Speaker: Yes, you can.

Mrs. K. Persad-Bissessar SC: Has the Government/Prime Minister received any recommendations to date from the Economic Development Advisory Board chaired by Dr. Terrence Farrell?

The Prime Minister (Hon. Dr. Keith Rowley): Mr. Deputy Speaker, hon. Members, the Economic Development Advisory Board has actually been meeting and they have made one or two recommendations to the Government, and those recommendations have to do with some tweaking of the terms of reference, and also some recommendations with respect for consideration with respect to the composition of the board itself. And those are the only recommendations that we have had so far on which we have had to make any decision.

Mrs. K. Persad-Bissessar SC: Thank you.

Mr. Deputy Speaker: Hon. Member for Siparia.

Mrs. K. Persad-Bissessar SC: Thank you, hon. Prime Minister. Just for clarity, are we to understand that no recommendations have yet been made apart from tweaking of the composition—tweaking of terms of reference on the composition of the board—no other recommendations. Is that what I am to understand?

Hon. Dr. K. Rowley: Well I thought I was very clear in saying that those are the only ones. So "only" means that there are no other.

Mrs. K. Persad-Bissessar SC: Thank you.

Mr. Deputy Speaker: Hon. Member for Siparia again.

Economic Development Advisory Board
(Remuneration)

Mrs. Kamla Persad-Bissessar SC (*Siparia*)**:** Thank you, Sir. Can the Prime Minister indicate what remuneration is being paid to the chairman and members of the board, the Economic Development Advisory Board?

The Prime Minister (Hon. Dr. Keith Rowley): The persons—chairman and others—who have agreed to do this exercise have done so against a background of no financial consideration as a condition for service. However, it is the intention of the Government to provide them with some kind of honorarium which has not yet been decided upon at this stage. [*Desk thumping*]

Mr. Deputy Speaker: Hon. Member for Tabaquite.

Point Fortin Highway
(Continuation of)

Dr. Surujrattan Rambachan (*Tabaquite*)**:** Thank you, Mr. Deputy Speaker. Could the hon. Prime Minister indicate what are the Government's plans for financing the continuation of the Point Fortin Highway?

The Prime Minister (Hon. Dr. Keith Rowley): The Government's plan is to first determine how much public moneys have been spent and how much overpayment has been made before we determine any future payments. [*Desk thumping*]

Dr. S. Rambachan: Does the hon. Prime Minister at this point in time have an idea that he can let the public know through the Parliament as to how much money has been reportedly spent by NIDCO who has been overseeing the project?

Hon. Dr. K. Rowley: Well, considering the volume of work that we have to do to determine what overpayments or what underpayments have been made, that—and we also have to determine how the designs have been changed in the context of the financial arrangements. I am not in a position today to answer the question as posed, but however in the not-too-distant future an appropriate statement will be made in the Parliament.

Dr. S. Rambachan: The Prime Minister might be aware that NIDCO produced a monthly report on the progress of the highway which included the amounts of money spent. Would the Prime Minister be willing to bring to the Parliament and lay in the Parliament the last report of NIDCO which would have put in perspective exactly what was spent and how much of the highway was in fact completed?

Hon. Dr. K. Rowley: I do not know that the bringing of that report would in any way change the picture because we do not have much confidence in such reports where overpayments and redesigns have been hidden from the public. [*Desk thumping*]

Mr. Deputy Speaker: Hon. Member for Siparia.

Law Faculty at the South Campus UWI
(Registration of Students)

Mrs. Kamla Persad-Bissessar SC (*Siparia*)**:** Thank you, Mr. Deputy Speaker. Could the Prime Minister state whether the Law Faculty at the South Campus of the UWI will be registering students for the 2016/2017 academic year?

The Prime Minister (Hon. Dr. Keith Rowley): UWI is a regional institution and the campus in Penal/Debe is a matter under the control of the University of the West Indies, and I do not want to give the impression to this Opposition or to anybody that the Government of Trinidad and Tobago is somehow involved in the management at the university. As I speak to you now, I have no information from the university as to whether the campus is in a position to receive students or whether the university has taken the relevant steps to ensure that the physical facilities become operational.

Importation of Foreign Used Vehicles
(Revising of Government's Policy)

Mr. David Lee (*Pointe-a-Pierre*)**:** Given that the foreign used car industry is a source of economic activity and employment, would the hon. Prime Minister reconsider revising Government's policy on the importation of foreign used vehicles?

The Prime Minister (Hon. Dr. Keith Rowley): The Government's policy as outlined is about a week old and arose as a result of a revision of the existing arrangements and we do not at this time propose to revise a policy that was revised a week ago.

Scholarships Awarded to T&T Nationals
(Cutting back of)

Mrs. Kamla Persad-Bissessar SC (*Siparia*)**:** Thank you. Could the hon. Prime Minister advise whether cutting back on the number of scholarships awarded to T&T nationals in pursuit of tertiary level studies is proposed by his Government as a cost cutting initiative?

The Prime Minister (Hon. Dr. Keith Rowley): The Government of Trinidad and Tobago has taken no decision at this stage to specifically cut scholarships. What we have done, we have indicated that there is a requirement to cut back operational expenses to the extent that we are being advised by the relevant Ministry as to how those cuts can be made, we will so be advised. But separate

and apart from that, we anticipate that given our straitened circumstances that the level of generosity that existed before may not be prevailing. However, we have taken no position at this stage.

Cane Farmers
(Payment of Second Tranche)

Mrs. Kamla Persad-Bissessar SC (*Siparia*)**:** Would the hon. Prime Minister indicate when payment of the second tranche due to cane farmers in December 2015, made possible by the EU grant, will be made?

The Prime Minister (Hon. Dr. Keith Rowley): The Member for Siparia could assist me in answering this question by telling the House why only half of the money was paid before the election and the other half promised after the election. [*Desk thumping*]

Mrs. K. Persad-Bissessar SC: Through you, Mr. Deputy Speaker, would the hon. Prime Minister be kind enough to indicate when the second tranche will be paid to the cane farmers?

Hon. Dr. K. Rowley: The Government is aware that the payment of a tranche—any tranche—to the cane farmers, that the legal advice available to the Government of Trinidad and Tobago as led by the Member for Siparia—the legal advice—was that it was not in order to make that payment, and the Government went ahead and made that payment against the advice of the Attorney General, and for election purposes offered to make a payment, paid half and is now asking me when I will pay the other half. If what the Member is asking me to do is to disregard the legal advice of her Attorney General, then maybe on this occasion I will not. [*Desk thumping*]

URGENT QUESTIONS

Mr. Deputy Speaker: To the Minister of Education, I now call on the Member for Naparima.

Barrackpore ASJA Primary School
(Accommodation of)

Mr. Rodney Charles (*Naparima*)**:** To the Minister of Education: Could the Minister tell us when will students of the Barrackpore ASJA Primary School be properly accommodated?

Mr. Deputy Speaker: Hon. Minister of Education.

The Minister of Education (Hon. Anthony Garcia): Madam Speaker, the Barrackpore ASJA Primary school is 30 years old. [*Interruption*] Mr. Deputy Speaker, my apologies. The Barrackpore ASJA Primary School is 30 years old and repair was promised by the last Minister in 2012. Nothing was done. The students are in the mosque at a prefab building. The building is condemned, but as a result of the land slippage, EFCL advised of the issue that there are lands at Petrotrin and that is being sought so that a new school will be completed within 10 months time.

1.45 p.m.

Housing Development Corporation (Measures taken at OASIS Greens Community)

Dr. Fuad Khan (*Barataria/San Juan*)**:** Thank you, Mr. Deputy Speaker. Could the Minister indicate whether the Housing Development Corporation (HDC) has taken urgent measures to address the recently reported incidents of theft and vandalism at housing units in OASIS Greens Community in Endeavour?

The Minister of Housing and Urban Development (Hon. Marlene Mc Donald): Thank you, Mr. Deputy Speaker. The HDC has indeed taken the following measures to address the recent vandalism at the OASIS housing development**:** The HDC has reinstated the mobile security onsite and this would be for 24 hours every day. Twenty-four hours—all day there will be surveillance. The HDC has also replaced all broken locks on 49 units, and has replaced all 29 broken doors.

Mr. Deputy Speaker: To the Minister of Public Utilities. The Member—

Dr. Khan: Supplemental.

Mr. Deputy Speaker: You delayed on me.

Dr. Khan: No, no, when the Speaker says to rise you rise.

Mr. Deputy Speaker: Proceed, hon. Member for Barataria/San Juan.

Dr. Khan: Thank you. Could the Minister indicate whether these measures and implementing measures will be done throughout the HDC complexes?

Hon. M. Mc Donald: Certainly. I have been advised that this would be done throughout.

Water and Sewerage Authority
(Functioning of)

Mr. Ganga Singh (*Chaguanas West*)**:** Thank you, Mr. Deputy Speaker. Could the Minister state what urgent steps are being put in place by Water and Sewerage Authority (WASA) to ensure the Authority is functioning effectively after the recent fire at its Head Office?

The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine): Thank you, Mr. Deputy Speaker. WASA has implemented the following steps to ensure that the authority is functioning effectively after the recent fire at its head office. Approximately 600 employees are being relocated to non-affected areas on the property, and a property was recently rented in Curepe as well. A mobile centre was established on the premises, and today a payment centre was located at the head office as well. The telephone systems are up and running in the head office; a call centre was established at 800-4420. IT connectivity was re-established at the head office as well. Air quality was tested by CARIRI and the fire service and declared to be good. Thank you, Mr. Deputy Speaker.

Mr. Singh: Could the hon. Minister indicate whether the authorities have determined the cause and the seat of the fire?

Hon. Brig. Gen. A. Antoine: This matter is being investigated both by the fire service and the police service, and I am still awaiting their report. Thank you.

Mr. Deyalsingh: Do not look so nervous.

Mr. Deputy Speaker: Members! Members!

H1N1 Swine Flu Virus
(Steps taken)

Dr. Fuad Khan (*Barataria/San Juan*)**:** Thank you, Mr. Deputy Speaker. Minister of Health**:** Is the Minister aware that there is a high likelihood that patients are being diagnosed with viral pneumonia when in fact they are affected with the H1N1 swine flu virus and what is the Minister doing to address this?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Mr. Deputy Speaker. In response to the question**:** not only is the Minister aware, but the World Health Organization is aware that viral pneumonia is the most common finding in severe cases of H1N1 and is also the most frequent cause of death. The WHO is aware. Not only is WHO aware and I am aware, PubMed, a peer review site, cites that most countries reported severe viral pneumonitis requiring ICU admission, especially for the at-risk groups.

What we are doing at the Ministry is that we are sending all samples to CARPHA for testing, and as the Minister would know, testing for H1N1 takes usually between one to two weeks. Especially if the first test is inconclusive, we have to repeat the test. What we are doing as part of protocol now, once a patient is suspected of being afflicted with H1N1, we immediately vaccinate all his relatives, his friends, everyone who is in contact with him, and we start that patient immediately on Tamiflu. And I want to urge all at-risk persons to please make yourself available at the health centres for the free vaccinations, and we are assuring the country that we have three times more vaccines in Trinidad and Tobago now than last year. We have brought in an extra 37,500 vaccines [*Desk thumping*] so the country from 2009 to 2015, where we only had roughly 10,000 doses, we now have approximately 40,000 doses of vaccines. Thank you very much. [*Desk thumping*]

Dr. Khan: Thank you very much, Minister. Could you indicate how many deaths from viral pneumonia have taken place over the last, let us say, two months that are really due to H1N1 that were not diagnosed? Thank you.

Hon. T. Deyalsingh: I cannot at this—that question was not asked, so I cannot give you a number of deaths of viral pneumonia. What I could confirm—which I confirmed via a press release today—we have now confirmed six deaths due to H1N1. The latest tragic case was a 61-year-old male at the Sangre Grande Hospital, who was in ICU for 26 days. He was hypertensive and overweight. Therefore, he had the co-morbidities which we had been speaking about. So, we want to assure the country that we are not hiding behind a blanket number of suspected cases as was the practice in the past, but we are coming to the population with honesty and saying exactly, that we have six cases of confirmed deaths due to H1N1. Thank you, hon. Members. [*Desk thumping*]

Dr. Khan: Yes, you forget to say value for money. What I would like to find out is, are you stereotyping all cases of viral pneumonia or just those suspected of H1N1?

Hon. T. Deyalsingh: That was not part of the original question. It requires a very detailed clinical response, and if you file it I could get a clinical response for you.

Dr. Gopeesingh: Supplemental. Could the hon. Minister indicate if the Ministry is using any methodology or scientific process to differentiate the viral pneumonia from bacterial pneumonia which is also a cause of death in the H1N1?

Hon. T. Deyalsingh: As the hon. Member would know, very often, according to both WHO and CODMED, secondary bacterial pneumonia also occurs with primary viral—and you would know that. That question, again, requires a very detailed clinical response, and I would be happy to provide such if you ask the appropriate question. And I would do the research for you.

ORAL ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Mr. Deputy Speaker. I would like to request a deferral of two weeks for the answer to question No. 25. The other questions will be answered today.

The following question stood on the Order Paper in the name of Mr. Barry Padarath (Princes Town):

Princes Town Presbyterian Primary School No. 1 (Details of Commencement)

25. Could the hon. Minister of Education indicate when the construction of the Princes Town Presbyterian Primary School No. 1 will commence?

Question, by leave, deferred.

Water and Sewerage Authority Installation of Water Mains

13. Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Public Utilities**:**

With respect to Water and Sewerage Authority projects in the constituency of Mayaro, could the Minister state**:**

a) when will the installation of (1300m of 150mm PVC) water mains commence at Poole Valley Road, Rio Claro; and

b) what is the expected duration and cost of this project?

The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine): This project comprises the installation of 1,300 metres of 100 feet 50 metres PVC pipeline. The feasibility study is completed and the project is scheduled for implementation this year once funding arrangement for this project is finalized.

WASA
(Connection of Water Mains)

14. Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Public Utilities**:**

Could the Minister indicate**:**

a) when will WASA connect water mains to the following streets in Union Village, Rio Claro**:**

i. Guppy Hill;

ii. Oilfield Road;

iii. Moonan Avenue;

iv. Teemul Trace;

b) when will WASA connect water mains to the following streets in Biche**:**

i. Rodney Street;

ii. Well Street;

iii. Baptiste Street; and

iv. Lassalle Road?

The Minister of Public Utilities (Hon. Brig. Gen. Ancil Antoine): Mr. Deputy Speaker, the projects at Guppy Hill and Moonan Avenue in Rio Claro have already been completed. It is the intention of WASA to implement the projects at Oilfield Road and Teemul Trace in Rio Claro this year.

With respect to part (b), the four streets identified in Biche which are Rodney Street, Well Street, Baptiste Street, Lassalle Road. These projects are intended for implementation this year 2016. It is important to emphasize, however, that funding for these projects is to be identified as the cost of implementing three of the four projects is estimated at $7.9 million. Lassalle Road project is still being assessed for its feasibility and cost.

Guayaguayare Fish Landing Facility
(Details of)

15. Mr. Rushton Paray (*Mayaro*) asked the hon. Minister of Agriculture, Land and Fisheries**:**

With respect to the Guayaguayare Fish Landing Facility, could the Minister state**:**

a) the works to be undertaken for the facility to become operational;

b) the time frame for the completion of works and opening of this facility; and

c) the type of management and security systems to be instituted at the facility?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Member for Mayaro, thank you very much, Mr. Deputy Speaker. On behalf of the Minister of Agriculture, Lands and Fisheries, the Guayaguayare facility was constructed by the National Energy Corporation of Trinidad and Tobago as part of its social responsibility programme to the Guayaguayare community. As such, the facility is currently owed by the National Energy Corporation, and at the request of the Ministry of Agriculture, Land and Fisheries the NEC has committed to hand over the facility. Before the facility is handed over, NEC has advised the Ministry that it will install a fence around the facility.

It is my understanding that the design of the Guayaguayare fish landing facility does not fully complement the current operations undertaken by fisherfolk in the Guayaguayare area. However, the Fisheries Division, Ministry of Agriculture, Land and Fisheries, through consultation with the NEC and representatives of the fishing associations in Guayaguayare, that is South-East Fishing Association, Guayaguayare/Ortoire/Mayaro Fisher-Folk Association and Women in Fishing Association have agreed that the following works were deemed critical to allow the facility to become partially operational**:**

1. Expansion of the net repair shed as the area provided is inadequate for the large volume of nets that are repaired on an ongoing basis;
2. Installation of engine racks in individual locker rooms which would facilitate the storage of engines thereby increasing the usage of the lockers;
3. Extension and smoothing of the timber skids on the existing slipway as well as installation of the machinery to accommodate a winch to assist in the convenient hauling up of vessels, especially during extreme weather events;
4. Installation of security wire-wall fencing to deter larceny; and
5. Installation of additional electrical poles and associated electrical works to enhance lighting at the facility to act as a deterrent to larceny, and as a general health and safety measure.

The Ministry has advised NEC that notwithstanding the handover it will expect NEC to continue to review the problems associated with the use of the facility's jetty, and on the basis of consultations with the fisherfolk, advise the Ministry of the options to resolve the problems and make the Guayaguayare facility fully operational.

In answer to part (b), the time-frame for the completion of the works and opening of this facility with the exception of the issues related to the jetty, the other works identified in response to (a) are expected to be completed in the second quarter of 2016. The timing for the full use of the facility will depend on the resolution of the jetty issues.

In answer to part (c), the facility will be managed by the Seafood Industry Development Company Limited in partnership with the stakeholder groups in the community. In relation to the security of the facility, and as highlighted previously, a security fence would be constructed, and the Seafood Industry Development Company Limited will make appropriate arrangements for security.

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

Mr. Deputy Speaker: Hon. Member for Princes Town.

Mr. Barry Padarath (*Princes Town*)**:** Mr. Deputy Speaker, through you, to the hon. Minister of Education, question No. 25.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Sorry. If I may, Member, that is the question that we asked to be deferred. Thank you very much.

Mr. Deputy Speaker: For two weeks, she did mention that, hon. Member for Princes Town. Hon. Member for Princes Town, again.

Health Facility in Tableland
(Details of Construction)

26. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Health**:**

Could the Minister indicate whether the Government plans to build a health facility in Tableland and if yes, what is the expected completion date?

The Minister of Health (Hon. Terrence Deyalsingh): Thank you, Mr. Deputy Speaker, for the opportunity to address the question. As part of Government's new thrust in rural development, the Ministry of Health will be working very closely with all health sector stakeholders and the Ministry of Rural Development and Local Government in particular to determine the need for, health centres in all rural areas, inclusive of Tableland.

2.00 p.m.

It is expected that this review process will be completed within the next three months, at which time I can give you a more definite answer. However, hon. Members can rest assured that no area in this blessed land of Trinidad and Tobago will be left out of this process. [*Desk thumping*]

Hon. Member: Good answer.

Mr. Padarath: Would the hon. Minister indicate whether or not sites have been identified for such projects?

[MADAM SPEAKER *in the Chair*]

Hon. T. Deyalsingh: As part of this Government's policy of health care reform, we are going beyond mere site identification. In order to put down health centres let me alert the population, this country has nine hospitals; seven district health facilities; 97 health centres of which three are outreach centres and two are enhanced health centres.

Your question is not properly phrased because the question you are speaking to, the type of health centre you need in Tableland and we are moving on an evidence based process to determine where health centres are needed. So, for example, what are the social determinants of health in Tableland? What are your demographics? What is the age of the population? That will determine whether we put a health centre, an outreach centre or an enhanced health centre. And this is all part of this Government's thrust into primary health care. And no area in this blessed land of Trinidad and Tobago, inclusive of Tableland, will be left out. [*Desk thumping*]

Brian Lara Stadium
(Details of Repair/Completion)

38. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Sport**:**

Could the Minister provide the reason(s) for placing priority on the repair and/or completion of the Brian Lara Stadium?

The Minister of Sport and Youth Affairs (Hon. Darryl Smith): Thank you, Madam Speaker. The Government of Trinidad and Tobago in its national policy document has presented a suite of development initiatives, one of which articulates that modern and strategic plan infrastructure is essential for the future development of Trinidad and Tobago. Significant focus has been placed on creating and enabling environments for our athletes to achieve excellence in

sports through access to facilities that are of international standards. To this end, the long overdue completion of the Brain Lara Stadium has been identified as a priority or the Ministry agenda of capital projects.

Madam Speaker, this project was initiated in 2003 when the Cabinet, by Minute No. 29/42, dated November 20, 2003, agreed to construct a multipurpose sporting complex at Union Park, Marabella. The location for the proposed facility was subsequently relocated to Tarouba.

Cabinet Minute No. 33/06, dated November 25, 2004. The development of this complex was envisioned to serve as an elite sport training facility and to provide a myriad of benefits to the citizenry which included, generation of revenue to the hosting of competitions at national and international levels; assist in the preparation of potential young competitors in the development of sports skills for national and international competitions; generation of foreign exchange by facilitating programmes for university students and international athletes during the winter months; to encourage and promote healthy lifestyles by engaging in sports and leisure activities.

Madam Speaker, to date, 12 years post the inception of this project the citizens of Trinidad and Tobago have been unable to benefit from this addition to the State's complement of sporting facilities. The development of this complex is of greater significance, when juxtaposed against the pressing need for economic transformation and the international growth of sports tourism sector.

Madam Speaker, our Government is cognizant that mega and small scale sport tourism have the potential to contribute to the social and economic development of our country and as such, the benefits to be achieved from the establishment of the Brian Lara Stadium supersedes that of the completion cost.

Madam Speaker, equal consideration is the fact that the facilities named was derived from the recognition of the achievement of Mr. Brian Lara in his international sporting fraternity. As such, the completion of this high performance complex is imperative for not abdicating Government's responsibility to the upholding of Mr. Lara's signature standard of excellence which we recognize the world over.

At present, the Urban Development Corporation of Trinidad and Tobago, UDeCOTT is presently engaged in determining the scope of works to be conducted at the stadium. In addition, the technical staff of the Ministry, Project, Management and Monitoring and Evaluation Unit will be involved in the implementation of the project to ensure completion consists with the proposed budget estimated and timelines. Madam Speaker, I thank you.

Mr. Padarath: Madam Speaker, through you to the hon. Minister. The hon. Minister will recall that this Brain Lara Stadium started at the cost of over $200 million, went up under the present administration to over $1 billion. Can the hon. Minister indicate whether or not this additional $90 million that has been identified for works at the Brian Lara Stadium, how did they arrive at that figure?

Hon. D. Smith: Madam Speaker, through you, as I said in my contribution we are still working with UDeCOTT to come up with the final figure and, of course, the timeline. So I cannot answer that with regard to that, Sir.

Mr. Padarath: Madam Speaker, could the hon. Minister indicate whether or not contractor or contractors have been identified for this project and whether or not the Government believes that this is a project that should be pursued at this time?

Madam Speaker: Hon. Member, I would not allow that question as a supplemental question.

Dr. Khan: To the Minister of Sport, do you think that the opening of the Brian Lara Stadium is much more important than the opening of the Couva Children's Hospital? [*Desk thumping*]

Madam Speaker: Hon. Member, I will not allow that as a supplemental question.

STANDING FINANCE COMMITTEE

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, in accordance with Standing Order 82(6), I beg to move that this House now resolve into Standing Finance Committee to consider proposals for the variation of the 2015 appropriation.

Question proposed.

House resolved itself into Standing Finance Committee.

Madam Chairman: Hon. Members, in accordance with Standing Order 82(6) and 87, this meeting of the Standing Finance Committee was convened to consider proposals for the variation of appropriation for the fiscal year 2015.

Hon. Members, I am to advise that in accordance with Standing Order 45(1) the speaking time in Standing Finance Committee shall not exceed five (5) minutes on each intervention.

The procedure shall be as follows**:**

The proposals for decrease will be considered prior to the proposals for increase.

The Head and the amount to be decreased or increased will be announced.

The Chairman shall then propose the question that the Head be increased or decreased.

The Minister of Finance will then be invited to explain the purpose for the decrease or increase and Members may seek clarification from the Minister.

Once this is concluded, the Chairman will then put the question that the sum to be decreased or increased be approved. The procedure will be repeated for each Head. A similar procedure will be followed for the approval of the write-off of losses.

The Committee is being asked to note that the Minister of Finance has approved the transfer of funds in the sum of $1,396,805,793 between Sub-Heads under the same Head of expenditure for fiscal year 2015. These transfers do not require the approval of the Committee.

Hon. Members, we shall now consider the proposals for decrease for fiscal year 2015.

*Head 40***:** Ministry of Energy and Energy Affairs.

Question proposed: That Head 40 be varied by a decrease in the sum of $200,000,000.

Mrs. Persad-Bissessar SC: Hon. Speaker, may I seek your guidance? Would you be kind enough to point us to which page in our document you are referring to?

Madam Chairman: Hon. Member for Siparia, if we look at Item 01, pages 2 and 3 of the agenda for the second meeting of the Standing Finance Committee.

Question put and agreed to.

Head 40 varied by a decrease in the sum of $200,000,000.

Head 69: Ministry of Works and Transport.

Question proposed: That Head 69 be varied by an increase in the sum of $200,000,000.

Question put and agreed to.

Head 69 varied by an increase in the sum of $200,000,000.

2.15 p.m.

Madam Chairman: We now move to "write-off of losses". This would be at page 4 of the agenda. Hon. Members, we shall now proceed to the consideration on the proposals for write-off of losses.

*Head 18***:** Ministry of Finance and the Economy, $32,976.40.

*Question proposed***:** That the write-off of losses in the sum of $32,976.40 for Head 18 be approved.

Madam Chairman: I now invite the Minister of Finance to give an explanation for this loss.

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, the notes are quite clear. Because of an administrative error this particular individual was overpaid because it was believed that she had attained certain qualifications, which she, in fact, had not attained and the overpayment was first discovered in 2011. I think if you look at the explanation on pages 4 and 5, it is self-explanatory.

Dr. Tewarie: A question to the Minister of Finance.

Madam Chairman: Hon. Member for Caroni Central.

Dr. Tewarie: Would you confirm, as it is written here, that it was a matter which began in 2004?

Hon. C. Imbert: Yes.

Dr. Tewarie: Okay.

Question put and agreed to.

The write-off of losses in the sum of $32,976.40 for Head 18 approved.

*Head 56***:** Ministry of the People and Social Development, $45,368.21.

*Question proposed***:** That the write-off of losses in the sum of $45,368.21 for Head 56 be approved.

Madam Chairman: I will now invite the Minister of Social Development and Family Services to give an explanation.

The Minister of Social Development and Family Services (Hon. Cherry-Ann Crichlow-Cockburn): Madam Speaker, in 2013 when the Human Resource Officer III in the Ministry of the People and Social Development retired, it was

discovered that she would have been overpaid. This overpayment arose as a result of an administrative error, in that when Mrs. Joseph-Bishop was on secondment and when she returned to the Ministry of Legal Affairs, she would have been placed at the incorrect incremental point. This resulted in her being overpaid over the period 2003 to 2011. The Minister of the People and Social Development felt that in light of the fact that the overpayment would have been due to an administrative error and given the lapse of eight years over which she would have been overpaid, felt that it would have been unfair for her to have to effect the repayment. Accordingly, a minute was taken to Cabinet and Cabinet agreed that the sum be written off. The Standing Finance Committee is therefore now being asked to approve the write-off of the sum of $45,368.21.

Madam Chairman: Hon. Member for Caroni East.

Dr. Gopeesingh: Could the Minister indicate from what period of time the overpayment began?

Hon. C. Crichlow-Cockburn: The overpayment began in 2003.

Dr. Gopeesingh: Thank you.

Question put and agreed to.

The write-off of losses in the sum of $45,368.21 for Head 18 approved.

*Head 61***:** Ministry of Housing and Urban Development, $383,229.13.

*Question proposed***:** That the write-off of losses in the sum of $383,229.13 for Head 61 be approved.

Madam Chairman: I now invite the Minister of Housing and Urban Development to give an explanation for this loss.

The Minister of Housing and Urban Development (Hon. Marlene Mc Donald): Madam Speaker, the sum of $383,229.13 was owed to the Sugar Industry Labour Welfare Committee (SILWC) by eight former sugar workers. The then Minister of Housing was of the view that six of the defaulters were unable to meet their financial obligations because of debilitating health challenges and two of those workers are now deceased. The members of the Lands and Arrears subcommittee undertook site visits to the homes of the eight persons and based on their assessment of the subject the families were unable to meet such payments. The total debt, as I indicated, is in the sum of $383,229.13. As a consequence, the then Minister succeeded in getting Cabinet to agree to the write-off of the mortgage debt.

Madam Chairman: Hon. Member for Siparia.

Mrs. Persad-Bissessar SC: Thank you. Just for the record, there is a name which carries my married name, "Bissessar". Just for the record to indicate that person is not of any relationship known to me.

Mr. Hinds: Shocking.

Mrs. Persad-Bissessar SC: Out of an abundance of caution.

Question put and agreed to.

The write-off of losses in the sum of $383,229.13 for Head 61 approved.

Madam Chairman: Hon. Members, this meeting of the Standing Finance Committee is now adjourned. I would wish Members to note that the Committee's Report will be circulated tomorrow to all Members. I now call upon the Leader of the House.

Mrs. Robinson-Regis: Thank you very much, Madam Chairman. [*Interruption*] Sorry.

Madam Chairman: I am sorry. Member for Caroni Central.

Dr. Tewarie: I just wanted to ask if we are not going to examine the ministerial—[*Interruption*]

Dr. Gopeesingh: The various Heads.

Madam Chairman: This is Item No. 03?

Dr. Tewarie: I am just asking. I mean, I have no compulsion to do it.

Madam Chairman: No, hon. Member. I indicated when we were about to start that these transfers are done by the delegated authority—

Dr. Tewarie: Of the Minister of Finance.

Madam Chairman:—of the Minister and therefore it is really for the noting.

Dr. Tewarie: Right, okay. Noted.

Madam Chairman: Hon. Leader of the House.

Mrs. Robinson-Regis: Thank you very much, Madam Chairman. Madam Chairman, I beg to move that the House be resumed.

Question put and agreed to.

House resumed.

Madam Speaker: The Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. The proposals for the variation of appropriation for the fiscal year 2015 were considered in Standing Finance Committee and approved. I wish to advise that the debate for the adoption of the Committee's report will take place on Friday, January 22, 2016 at 1—[*Interruption*] May I—[*Interruption*]

Mr. Singh: I just want to interrupt you. Friday, January 22 is the fourth Friday of the month and in accordance with the Standing Orders, it is Private Members' Day. [*Desk thumping*]

Mr. Hinds: Are you all prepared to make any sacrifice for this country?

Hon. Member: Yes, quite a lot. [*Crosstalk*]

Madam Speaker: The Leader of the House.

Hon. C. Robinson-Regis: Thank you very much, Madam Speaker. Madam Speaker, we are well aware that that is the fourth Friday. Luckily, the month of January has five Fridays and we are very willing, given the fact that we have a deadline to meet, and I am sure those opposite us are well aware of the deadline given that for the last five years they were on this side of the House. We have a deadline to meet and consequently we are saying that we would give the fifth Friday of January. [*Desk thumping*] We have no intention of not giving the Opposition their day.

Madam Speaker: The hon. Member for Chaguanas West.

Mr. Singh: Madam Chair, it is not within the remit of the Leader of Government Business to give us Private Members' Day. [*Desk thumping*] The Standing Orders are very clear, and I want to point to Standing Order 33(5)**:**

> "The fourth Friday of each month shall be Private Members Day." [*Desk thumping*] "Government Business shall have precedence on every day except Private Members' Day."

Hon. C. Robinson-Regis: Madam Speaker, as you are well aware, the Parliament regulates its own business. And, Madam Speaker, with your leave, I would like to put this to the House in an effort to allow the House to regulate its business, given the fact that there is a time limit for this closing of the accounts—[*Interruption*]

Hon. Member: By law. It is their accounts.

Hon. C. Robinson-Regis: And it is the accounts of those opposite us during their tenure. And we do not intend to go against the spirit or the letter of the law [*Desk thumping*] which indicates that January 31 is the last day. So, Madam Speaker, we would like to take this opportunity to put a Motion to the House that we will comply with the laws of Trinidad and Tobago, and we are saying that Friday 22nd January, 2016 at 1.30 p.m. this House will resume to debate the report of the Standing Finance Committee.

I beg to move.

Madam Chairman: Hon. Members, Leader of the House, Member for Chaguanas West, this is just putting the House on notice, and before we adopt any formal procedure, might I ask that the notice be deferred to later in the proceedings and that both the Leader of the House and the Member for Chaguanas West hold some discussions on this issue, please.

2.30 p.m.

Dr. Rowley: Madam Speaker, since this is the direction that we are going and I am very glad for your intervention and your guidance, but permit me to offer some guidance to the Members on the other side who are bent on being as obstructive as possible, that the same Standing Orders that are being quoted now where it says that we shall do this on the fourth Friday, it also says that Parliament should not meet in August, and it was those on the other side who met here in August to change the voting system in this country. [*Desk thumping*]

This House met in August in the middle of the night to attempt to change the voting system in Trinidad and Tobago. And lest it be seen, based on the mischievous intervention, that we are acting improperly, Parliament regulates its own business and on this occasion we regulate it to comply with the law. [*Desk thumping*]

Madam Speaker: Leader of the House.

Hon. C. Robinson-Regis: Thank you very much, Madam Speaker. And may I indicate that the Member for Chaguanas West and I did have discussions on this issue. So if you want us to have further discussions, we will do so. But, Madam Speaker, again, we are intent on complying with the laws of Trinidad and Tobago [*Desk thumping*] and we are intent on meeting the time.

Madam Speaker: Members, I will therefore advise that on the Motion for the Adjournment that this notice be given, and if there is to be a debate, the debate will then take place.

Hon. C. Robinson-Regis: As you please, Madam.

COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER OF POLICE (SELECTION PROCESS) ORDER, 2015 (ANNULMENT OF)

Madam Speaker: Member for Chaguanas West.

Mr. Ganga Singh (*Chaguanas West*)**:** Thank you very much, Madam Speaker. I beg to move the following Motion standing in my name**:**

Whereas it is provided by section 123(2) of the Constitution that the Commissioner and Deputy Commissioner of Police be selected by criteria and procedure prescribed by the Order of the President subject to negative resolution in Parliament;

And Whereas the Commissioner of Police and Deputy Commissioner (Selection Process) Order, 2015 was published on December 16, 2015 by Legal Notice No. 218;

Be It Resolved that the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2015 be annulled.

Madam Speaker, it is—[*Interruption*]

Madam Speaker: Hon. Member, did you beg to move?

Mr. G. Singh: I beg to move.

Mrs. Robinson-Regis: Madam Speaker, if I may? Madam Speaker, I would like to ask the Member for Chaguanas West if they will be doing both Motions together please, because they are interrelated and it would be useful to do both at the same time.

Mr. G. Singh: Madam Speaker, I indicated to the hon. Member that we in fact, the Opposition, will be dealing with each Motion separately.

Madam Speaker: Hon. Member for Chaguanas West.

Mr. G. Singh: Madam Speaker, it is generally accepted that the primary duty of a State is to secure its citizenry. In a text entitled *State Failure and State Weakness in a Time of Terror* edited by Robert I Rotberg, Brookings Institutions Press, at page 3 it states and I quote**:**

"There is a hierarchy of political goods. None is as critical as the supply of security, especially human security. Individuals alone, almost exclusively in

special or particular circumstances, can attempt to secure themselves. Or groups of individuals can band together to organize and purchase goods or services that maximize their sense of security."

The quotation continues**:**

"Traditionally, and usually, however, individuals and groups cannot easily or effectively substitute private security for the full spectrum of public security. The state's prime function is to provide that political good of security—to prevent cross-border invasions and infiltrations, and any loss of territory; to eliminate domestic threats to or attacks upon the national order and social structure; to prevent crime and any related dangers to domestic human security; and to enable citizens to resolve their disputes with the state and with their fellow inhabitants without recourse to arms or other forms of physical coercion.

The delivery of a range of other desirable political goods becomes possible when a reasonable measure of security has been sustained."

So, it is the first political good of a government to provide security of its citizenry, and when you read the newspapers today, when you look at what is happening today in our country, you realize our nation has become a virtual killing field. Every citizen is in danger, from cook to captain. You look at the *Guardian*; the *Guardian* headline today, "Murders Soar".

"• Mentally ill student shot…

- Ex-prisoner ambushed, woman shot
- Man killed outsider Edinburgh home
- Body found under burning tyres".

That is today's *Guardian*.

The *Newsday***:** "4 murders in 12 hours

GUN CRAZY

- Chaguanas man gunned down
- P/Town man gunned down
- Midnight limer gunned down".

Headlines.

*Daily Express***:** "Former prisoner shot dead while trying to murder ex-girlfriend. LOVE KILLS".

Madam Speaker, this is why every citizen in this country has an interest for their personal safety and that of their family. They have an interest in getting this process for the selection of a Commissioner of Police and Deputy Commissioner of Police right.

My constituents of Chaguanas want an open, transparent and accountable process which will provide the offices of the Commissioner of Police and Deputy Commissioner of Police with the legitimacy for the task which they will face. My constituents, Madam Speaker—and I want to indicate they voted overwhelmingly for the UNC. [*Desk thumping*] In fact, I might add, Madam Speaker, amongst all 41 representatives gathered here in this honourable House, I received the highest number of votes in Chaguanas West. [*Desk thumping*] My constituents do not want a process for the selection of a Commissioner and DCP to be tainted and contaminated by unilateral political intervention.

My constituents, and indeed the national community, want the process to be open, transparent, widely communicated. Unfortunately, Madam Speaker, this Government, led by the hon. Dr. Keith Rowley, hon. Member for Diego Martin West, is already taking an approach of the betrayal of the trust of the people in this selection exercise of a Commissioner and Deputy Commissioner of Police.

There has been no consultation with the independent service commissions. The Chairman of Police Service Commission in the *Newsday* of Monday, January 18, says, and the headline reads, "PSC head says no consultation on top cop post". Disrespect the Chairman of the Police Service Commission and I read from the article at page 3, Monday 18, 2016 by Andre Bagoo**:**

> "THE CHAIRMAN of the Police Service Commission...—the Constitutional body charged with the appointment of the Police Commissioner—yesterday said the PSC was not consulted by Cabinet prior to last year's issuing of two legal notices which propose a new process by which the country's top cop is to be chosen."

And I quote**:**

> "'The PSC needs to be consulted and there has been no consultation', said Dr Maria Therese Gomes in an interview with Newsday. 'This is disconcerting and disrespectful in light of the constitutional role which is meant to be played by the PSC as well as the need for teamwork and combined expertise in reforming this process.' Under Section 123 of the Constitution, the PSC is...charge"—with the appointment of—"a Police Commissioner and Deputy Police Commissioner, as well as making promotions, disciplining, monitoring

> and appraising officers and reviewing some of the decisions of the country's top cops. The chairman's call for consultation comes ahead of the planned debate, in"—the House.

But there has been no consultation and the Government has been quiet on whether or not they plan to have any consultation whatsoever. But the horse has already bolted, so they have total disregard and disdain for the service commissions, the Police Service Commission in particular.

Madam Speaker, so there has been no consultation, there has been disrespect meted out. In fact, the former chairman of the Police Service Commission, Prof. Ramesh Deosaran in the *Newsday* of the 19th of the first, 2016 at page 7**:**

> "FORMER chairman of the Police Service Commission…Professor Ramesh Deosaran yesterday warned against what he termed the 'privatisation' of the process by which a Police Commissioner is chosen, calling instead for a greater role to be played by the PSC as a Constitutional body.
>
> Deosaran noted that the new procedure which has been proposed for the selection of the top cop…calls for 'an appropriate local firm' to be contracted by the PSC to recruit officers for the posts of Police Commissioner and Deputy Police Commissioner."

Importantly, Madam Speaker, it goes on to say this**:**

> '"I do not want to interfere in the tenure of the current chairman, but what I will say is this**:** the"—Police Service Commission—"will have to decide whether it wants to be a docile agency, or an assertive Constitutional body.'"

So this is what is happening. You have an independent constitutional body that looks after the appointment, looks after the disciplining of members of the police service, but yet you have absolutely no consultation.

You know, Madam Speaker, if one were to review the budget presentation of the hon. Member for Diego Martin North/East, this hon. Member mentioned consultation at least 20 times in his budget presentation. [*Desk thumping*] There has been no consultation with the NGOs, no meaningful consultation with the representative police association.

2.45 p.m.

Madam Speaker, when you look at the genesis of this legislation, which I will deal with subsequently, you would see that there was undertaking that in the event of any changes having regard to the manner in which this piece of legislation

evolved, that there will be consultation with the Opposition. Absolutely no consultation with the Opposition. So no consultation. This is a Government in which the hon. Prime Minister is saying to the country, "Let us come together; can we count on you; let us do it together". Well, you are doing this one alone by yourself [*Desk thumping*] because of your lack of consultation. Clearly, Madam Speaker, what this Government—as I indicated, the Minister of Finance, in his presentation, mentioned consultation 20 times, but it is clear they are keeping to their mantra**:** do what I say, not what I do. [*Desk thumping*]

In addition to the disregard and the disrespect meted out to the Police Service Commission, Madam Speaker, this very Parliament was treated with disdain bordering on contempt. Let us look at the timeline. The Orders before us, 218 and 219, were published on December 16, 2015. They were made and, no doubt, signed by the Minister on the 14th.

Mrs. Persad-Bissessar SC: Cabinet Secretariat.

Mr. G. Singh: Cabinet Secretariat, I am advised by the hon. Leader of the Opposition. So for purposes of—to negative a Motion, the 40 days began to run from December 16, when it was published. Standing Order 80(1) says**:**

> "A Statutory Instrument which is required to be laid in Parliament shall be submitted forthwith to the Clerk for laying on the Table simultaneous with its submission for publication."

Why was there a delay? It was sent to this Parliament on January 04, notwithstanding signed on the 14th, published on the 16th, sent to this honourable House on January 04 and laid in this Parliament on the 11th. And it is only then, when it was laid, Madam Speaker, could there have been the opportunity for us to negative this Motion, these Orders before us by way of a Motion.

Now, why was this Parliament treated with such disdain and contempt? Madam Speaker, whilst I ascribed no sinister motive to the late delivery to the Parliament, perhaps, the hon. Minister or Attorney General, in his reply, can explain. I hope it is a better explanation than mere incompetence. What is the impact of this late delivery? The late delivery means—and that is why we have all this complication now with the Government business of the day because—

Mrs. Robinson-Regis: "Dais ah complication?"

Mr. G. Singh: Madam Speaker, by virtue of Standing Order 93, which provides for a Statutory Instruments Committee, the Standing Order states very clearly**:**

> "The Statutory Instruments Committee shall consider Statutory Instruments that are subject to the negative resolution. It shall have the duty, *inter alia*, of bringing to the attention of the House any such instrument—
>
> (a) which involves the expenditure of public moneys or…
>
> (b) which cannot be challenged in the Courts on the ground that it is *ultra vires*…"

And at (e)**:**

> "the publication or the laying before the House of which, appears to have been unduly delayed;
>
> (f) in respect of which there has been unjustifiable delay in notifying the Speaker that the instrument had come into operation before it was laid before the House; or
>
> (g) the purport or form of which appears to require elucidation."

Madam Speaker, other relevant—Members will know that the Opposition Members made themselves available because of a Statutory Instruments Committee was convened. My colleague, hon. Member for Couva South, Rudranath Indarsingh, wrote—he is a member of the Statutory Instruments Committee—and he sent to a functionary at the Parliament and I quote from the letter**:**

> "I refer…to the captioned subject and correspondence dated 8th January, 2016 and wish to advise that Standing Orders 80 and 93 have been breached in relation to Legal Notice"—218 and—"219 and therefore indicate my formal objection."

Mrs. Robinson-Regis: What is the date on that letter?

Mr. G. Singh: The date, Thursday, 14th January. So it is laid on the 11th, we put in our objection on the 12th, there is a Statutory Instruments Committee convened and then abandoned on the day of the meeting. Meeting abandoned because, we are told, of the filing of the Motion to negative or to annul the—[*Interruption*]

Mrs. Robinson-Regis: So it is your fault.

Mr. G. Singh: No, no, Madam Speaker. What it is, if the Government had arranged their business properly and brought these Orders to the Parliament in a timely fashion, the Statutory Instruments Committee could have done their job [*Desk thumping*] and therefore, we would not have to place ourselves in this position we find ourselves. [*Interruption*] So as a result, the parliamentary committee was undermined and subverted.

Madam Speaker: Members, could we have some order, please?

Mr. G. Singh: Undermined and subverted the parliamentary committee, so you understand. Disregard and disdain for the Police Service Commission, disrespect; subversion of the process in the Parliament by its delay. I ascribe no sinister motive, I just want a proper explanation as to why it took so long to reach, having regard to the fact there is a time constraint associated with these matters. [*Interruption*]

Mrs. Persad-Bissessar SC: He said he does not ascribe.

Mrs. Robinson-Regis: No, he said "subversion" so that is a sinister motive.

Mr. G. Singh: Madam Speaker, it is to the eternal credit of the Leader of the Opposition that she maintained her vigilance of this matter [*Desk thumping*] and it is clear that it is her vigilance that is, in fact, why we are, in fact, debating these annulment Motions here today. It is clear that we have to be very vigilant with the manner in which this administration is conducting their business, eternally vigilant to protect our democracy.

Madam Speaker, and you know, as I read the contributions of hon. Members of this honourable House previously, I happen to come across a comment made by the hon. Member for St. Joseph, hon. Gerald Yetming and I quote from the *Hansard* of Wednesday, March 15, 2006**:**

> "I want to comment on certain aspects of the order you have put in the package before us. Tomorrow morning the President could issue new orders amending the criteria or the process. That is possible. I am making the suggestion that the orders of the President, relative to that section, should be decided after, if you wish, negative resolution. At least, if the Government decides that it wishes to change the criteria—the criteria which are spelt out in the package sounds fine—who is to say that somebody would not wake up one Monday morning and change the criteria to suit the particular candidate and the next thing is that the order is issued and we do not know?"

[*Desk thumping*] I think that the hon. Member for St. Joseph, Gerald Yetming, was prophetic. He goes on to say**:**

> "I am simply suggesting. You may not always be there. It could be somebody else…it could be a rogue and a vagabond in that position, who can do all…things with the right to do them."

Madam Speaker, so you understand the context in which there was haste, incompetence, a lack of consultation with these Orders. It is perhaps for the benefit of the national community and those on the other side who are not aware of the manner in which the primary legislation, the enabling Act for these Orders, how they came into being. Because many on that side is suffering from newness and nothing is wrong with that.

Mr. Young: Suffering from what?

Mr. G. Singh: Newness and nothing is wrong with that.

Madam Speaker, you may recall, Members will recall, that there was a package of three pieces of legislation**:** Constitution (Amdt.) Bill and this was in 2006, which was a Bill to amend the Constitution to reform the Police Service Commission, confer powers on the Commissioner of Police to control and manage the Police Service and for other related matters. The second piece of legislation was the Police Service Bill. This was a Bill to consolidate, amend and revise the law relating to the Police Service to ensure efficient and transparent management of the service and to provide that the principle of equity and meritocracy shall be applied at all times, and for other related matters. And the third element in this package of legislation was that of the Police Complaints Authority Bill, 2006 and this Bill was to establish an independent body to investigate criminal offences involving police officers, police corruption and serious police misconduct and for other related matters.

Madam Speaker, it was a rare and historic occasion in this House. It was a rare and historic compromise between the Opposition led by the hon. Basdeo Panday, then Member for Couva North, and the Government led by the hon. Patrick Manning, the Prime Minister and Member for San Fernando East. On these three pieces of legislation, there was a historic and very rare compromise. You see, we cannot even agree on what is Private Members' Day, notwithstanding the Standing Orders. This accord, whilst not as foundational and fundamental as the Marlborough House compromise, was very important for the progress of our nation faced, as it then was as it is today, with runaway crime.

Madam Speaker, you may recall that the Marlborough House compromise between Dr. Eric Williams, the founding father of our nation and then Premier, and Dr. Rudranath Capildeo was very important for establishing the architecture of our society.

3.00 p.m.

Selwyn Ryan in his book *Race and Nationalism in Trinidad and Tobago* states at page 330**:**

> "At the opening of the Marlborough House Conference of May 29, 1962, the last of those frustrating pilgrimages to London, the leader of the DLP stated succinctly but emphatically, what his delegation was after**:**
>
> We want a Judiciary which is independent, we want provisions which really guarantee effectively the rights and freedoms which ought to exist in a democratic society**:** we want Parliament democratically constituted, we want a procedure for the amendment of the Constitution, which effectively protects us from arbitrary exercises of the power to amend. We want the various commissions so constituted, to ensure they function effectively and impartially."

Madam Speaker, it is that kind of compromise that we saw. In the words of Mr. Basdeo Panday as reported in the *Hansard* of March 15, 2006, and I quote at page 11**:**

> "…we have had great difficulty in arriving at the methods for selecting both the members of the Police Service Commission and the Police Commissioner himself.
>
> When we first met with the Government to tackle the problem of kidnapping by making kidnap for ransom an unbailable offence, we faced many problems. We demanded, however, that in order to resolve these problems we should stick to three basic principles to see whether the laws we proposed to this Parliament satisfied those conditions. The three basic criteria we proposed to the Government, to which I believe they agreed, were that laws must not lead to an abuse of power. They must not lead to the introduction of violence into the political system and they should in no way facilitate discrimination of any kind, but rather they should promote meritocracy."

The hon. Member for San Fernando East had a lot to say on that occasion. He piloted the Bills, the hon. Prime Minister as he then was. So, Madam Speaker, I quote from page 5 of the *Hansard* of March 15, 2006.

> "I am pleased to advise this honourable House today that the Bills that are being debated have been the subjects of agreement with hon. Members opposite."

And he go on to say, Madam Speaker, paying tribute to Sir Ellis Clarke and so on. It says that, and I quote this at page 6**:**

> "Members on this side to the process of consultation on critical issues which is an essential element of the system of democracy as it is practised here in Trinidad and Tobago."

You have not consulted with anybody; nobody. You have abandoned the system of democracy in accordance with your former leader. The hon. Member for San Fernando East then goes on to talk about the various changes. What was important he indicated that now, the power of the veto has been removed from the Prime Minister. So that, therefore, the political process is that the Prime Minister no longer has that power of veto, but there is the involvement of the parliamentary process in the selection; that you have Parliament getting involved.

So the Prime Minister is giving up a veto power, but in that legislation that is the spirit, that is the intention to remove the politician from engineering the process, but rather to have open, transparent process before the Parliament and before country. [*Desk thumping*] What do you have today? You have through a backdoor where the Minister of National Security has a wrong side veto. He has to trigger the process and if he does not trigger the process, there is no power in the Police Service Commission for that process to be started. So, this is what they have done with this order, but I come to that.

Madam Speaker, it is the politician now once more intervening undoing the historic accord entered into with the Opposition and the Government of the day. That is the kind of subterfuge and stealth that is taking place. [*Desk thumping*] This is what the hon. Prime Minister had to say then**:**

> "What the legislation now before the House proposes, is that the prime ministerial veto disappears but that the name, as identified by the Police Service Commission, will itself come before the Parliament and also will be the subject of affirmative resolution."

This is what that historical accord was for, to remove the politician. It was the intention of the legislation, to remove the sitting politicians from engineering the process. So as to provide legitimacy to the Commissioner of Police and Assistant

Commissioner of Police. At the end of the process, this is what the hon. Member for San Fernando East and Prime Minister had to say at page 140**:**

> I thank and congratulate my hon. colleague for sitting with us and arriving at modifications to the initial proposal, that could meet with the appropriation of honourable Members on both sides. It is a historic day and while we would not expect that there will be a change in the crime situation tomorrow, what this certainly does is set the stage for better arrangements.

Madam Speaker, we are faced in this country with a combination of a precipitous decline in the standard of living and quality of life as a result of the deterioration in oil and gas prices, and a meteoric rise in criminal activity. This is what is impacting upon our nation at this point in time.

When you recognize that that is what is happening and when the Prime Minister says, can we count on you? Who are you counting on when you polarize the country by your lack of consultation? You polarize the country and you expect progress. You cannot polarize this country. This is a plural society. There are fears amongst the people about the manner in which you are seeking to appoint a Commissioner of Police and a Deputy Commissioner, and there are real fears. There are tangible fears. There is a perception that you want to engineer the process.

Madam Speaker—how much time?

Madam Speaker: You have 19 minutes.

Mr. G. Singh: For original or…?

Mr. Al-Rawi: Full time.

Madam Speaker: You have until 3.19.

Mr. G. Singh: Madam Speaker, I move to—you look at the *Guardian* of today, in which the editorial says very clearly**:**

"Clearer process for appointing CoP needed"

[*Desk thumping*]

My colleagues will deal with that. I want to deal with this whole question of the nature and the unconstitutional nature of this selection order. This selection order is repugnant to the Constitution. This selection order is ultra vires the Constitution. [*Desk thumping*] Madam Speaker, the Police Service Commission is established as an independent body under section 122 of the Constitution. In

Thomas v the AG, Lord Diplock at the Privy Council enunciated the central reason why service commissions must be independent. And I quote**:**

> "The whole purpose of Chapter VIII of the Constitution which bears the rubric 'The Public Service' is to insulate members of the civil service, the teaching service and the police service in Trinidad and Tobago from political influence exercised directly upon them by the Government of the day. The means adopted for doing this was to vest in autonomous commissions, to the exclusion of any other person or authority, power to make appointments to the relevant service, promotions and transfers within the service and power to remove and exercise disciplinary control over members of the service."

Madam Speaker, Lord Diplock goes on to say that under**:**

> "…the Westminster model, dismissal at pleasure would make it possible to operate what in the United States at one time became known as the 'spoils' system upon a change of government, and would even enable a Government, composed of the leaders of the political party that happened to be in power, to dismiss all members of the public service who were not members of the ruling party and prepared to treat the proper performance of their public duties as subordinate to the furtherance of that party's political aims. In the case of an armed police force with the potentiality for harassment that such a force possesses, the power of summary dismissal opens up the prospect of converting it into what in effect might function as a private army of the political party that had obtained a majority of the seats in Parliament at the last election."

So the Privy Council saw the potential if you seek to bring political engineering to the appointment of a police commission, and they saw the potential of the creation of a private political army.

Madam Speaker, it is clear that when you look at the selection order, it is clear that under the Order, the trigger for the process is the Minister. So there is ministerial intervention, and it is clear that the PSC will not be able the trigger the recruitment process on its own in the absence of ministerial fiat. So that, therefore, what you have effectively, it can only be triggered with ministerial intervention; political intervention.

The 2009 selection order, Madam Speaker, had authorized the contracting of a firm to conduct an assessment process of candidates, and to prepare a short list of candidates. What is of note was the PSC was given discretion to discuss the results of that short list with the firm.

The 2015 selection order now contemplates a local firm which is currently not defined, to conduct a recruitment process including inviting applications. The PSC's discretion to decide the length of time and vacancies which would be advertised, has been removed and they are required to inform the prospective applicants of where pertinent information is to be found, has been removed. The firm now has complete control over the inviting of applications, and there is no longer any requirement for a vacancy to be advertised.

So the firm is given a discretion as to how and who to invite to apply. There is no longer any transparency in the process of inviting applications. [*Desk thumping*] More importantly, the contracted firm appears to be given a discretion to pick and choose who may apply. This taints the nomination process from the start, since the firm may very well deliberately exclude certain individuals from the application process, the result being that the PSC would not have before it the fullest information before making a nomination.

3.15 p.m.

Madam Speaker, it is clear. It is clear that when you say local firm, you have not defined that. I want the hon. Prime Minister to tell us, having regard to the extent of which he, no doubt, as the Chairman of the National Security Council is aware, the extent of organized crime in this country. Is there a firm in Trinidad and Tobago that is insulated from the reach of organized crime in Trinidad and Tobago? [*Desk thumping*] It is clear, Madam Speaker, that when you look at the separation of powers principle, when you look at the whole question of the separation of powers you will recognize that once more that there is an interference in the process. Once more there is a breach of that process that the hon. Member—by virtue of the intervention of the Minister of National Security.

Madam Speaker, it is clear with the case of *R v Hinds*, that is relevant that the Minister, a politician under section 76 of the Constitution, that he has no role to perform in the process, no role to perform other than to subvert the independent service commissions. When you look at the case of *Liyanage v R*, the very structure, it is indicated at [1966] 1 All England 650, it is clear that in those circumstances that service commissions, whilst it applies to judges, it is similarly applicable to the service commissions.

So it is a basic rule of statutory interpretation that subsidiary legislation cannot be used to expand the remit or jurisdiction or powers conferred by the primary legislation. To do so is contrary to the ultra vires principle. [*Desk thumping*] Order 218 is a constitutional instrument which has to be assessed against the

constitutional powers of the Police Service Commission under section 123. The issue of course is directly relevant. This order seeks to give power to the Minister to trigger the recruitment process in relation to the functioning of the Police Service Commission. This conflicts with the pronouncement of Lord Diplock in *Thomas v the AG*. The words on request of the Minister of National Security are repugnant to the constitutional powers of the Police Service Commission under section 123(1) of the Constitution.

Consequently, Madam Speaker, it is clear. It is clear that these orders, the manner in which they came into being, by stealth, the manner in which they were not published and circulated to this House, the manner in which, given the primary legislation of consultation with the Opposition, consultation with the Police Service Commission, there has been utter disrespect and disregard. It is clear, as we face the twin attacks in this country from the precipitous decline in oil prices and the meteoric rise in murder and criminal activity in this country that you have a Government calling upon us to come together, but doing one thing, unilaterally engaging in a process in which they do not want the country to come together.

They are polarizing the country but saying, come together, and, that, therefore, if you polarize the country you will have no progress. Therefore, I call upon this Government as the *Express* has indicated. Withdraw these orders, have the necessary consultation, come back to the people, have the widest possible consultation. People have a real fear, and, hon. Member for Diego Martin West, long in this politics, perhaps the longest-serving Member, he knows the nature of this—[*Interruption*]

Madam Speaker: Hon. Member for Chaguanas West, your speaking time has expired.

Mr. G. Singh: I beg to move, Madam Speaker. [*Desk thumping*]

Madam Speaker: Member for Siparia.

Mrs. Kamla Persad-Bissessar SC (*Siparia*)**:** Thank you, Madam Speaker, I beg to second the Motion and reserve the right to speak.

Question proposed.

Madam Speaker: The Attorney General. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, I rise to contribute to this Motion before the House. Madam

Speaker, I listened with great intent to my learned colleague, the Member for Chaguanas West, who spent the first 30 minutes of his time speaking about a lack of consultation. If I were to summarize the arguments presented this afternoon, and I do not mean to be uncharitable but I had expected a little bit more of my learned colleague whom I have great respect for. But if I were to put his arguments in summary they would be, one, lack of consultation; two, an attack on democracy; three, that there was a challenge in a failure, supposed failure to allow for this Motion to negative these orders to be considered; four, that there was an improper application of the Minister of National Security—what he called a wrong trigger—to engage in the process prescribed by the Constitution; and then, fifthly, that there was an unconstitutional argument. That is the sum total of what my learned colleague has said opposite.

Madam Speaker, let me put this out, through you, most respectfully, for the honourable people of Trinidad and Tobago. We stand here today, as the last Government did, pursuant to section 75(1) of the Constitution. We, Madam Speaker, stand here quite properly under the rubric that**:**

> "There shall be a Cabinet for Trinidad and Tobago which shall have the general direction and control of the government of Trinidad and Tobago and shall be collectively responsible therefor to Parliament."

When we go to section 53 of the Constitution, Parliament sits under the heading, Powers, Privileges and Procedure of Parliament, Part II, section 53**:**

> "Parliament may make laws for the peace, order and good government of Trinidad and Tobago, so however that the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) the Trinidad and Tobago Independence Act, 1962 of the United Kingdom may not be altered except in accordance with the provisions of section 54."

We are here pursuant to section 123 of the Constitution which allows for Members who wish to have a statutory instrument revoked, annulled or negatived, we are here to allow that process to continue in a Parliament of Trinidad and Tobago, the supreme lawmakers. Let me deal, disaggregating my learned colleague's arguments as follows, relative to the supposed denial of the opportunity to negative or annul this particular standing, this Order which we have before us now, my learned colleague has no further to go than to say we are here today dealing with a Motion to negative—full stop. He made great complaint that the Statutory Instruments Committee could not consider supposed breaches of the Standing Orders 80 and 93, raised at the behest of the learned Member for

Couva South, and yet, the fact is, the only reason that the Statutory Instruments Committee could not consider that is because they filed a Motion.

So you have defeated yourself by your own actions and we are here before the Parliament and we are engaged in the process. That is point number one, dealing with the smaller issues first. Point number two, we heard a lot from the hon. Member that the Member for Diego Martin North/East had mentioned the word "consultation" 20 times. He took time to consider it 20 times in his budget contribution, and he stands up today and, in relation to the issue of consultation, seeks to strike fear into the hearts of the people of Trinidad and Tobago and not once did he reflect upon two things which are of great import for Trinidad and Tobago**:** one, that the subject of the amendment of the process of appointment of a Commissioner of Police and a Deputy Commissioner of Police has been with this Parliament, the Tenth Parliament of the Republic of Trinidad and Tobago, specifically, since 2010.

In fact, the contributions on the *Hansard*, which I will come to in a moment, demonstrate that there has been an active process of consultation commenced by the last Government. The second thing which he studiously avoided, and I cannot understand how he could have, I cannot understand it; I cannot for the life of me appreciate how the hon. Member could have skipped so nimbly past a document called the Report of the Multi-Sector Review Team on the Police Service Commission, dated March 19, 2013. I want to put on the record the issue of consultation because, by my estimation Madam Speaker, far from the need to count the Member for Diego Martin North/East referenced 20 times to consultation, the hon. Minister could have counted the 29 events of consultation in the last six years on this issue.

Let me tell you what the 29 events of consultation are, set out in black and white in over 100 pages of report, not even mentioned by my learned colleague. Listen to this, Madam Speaker, there was a review team, a Multi-Sector Review Team, created to consider the issue of the Police Service Commission, and, specifically, as one of the head items, the manner in which the Police Service Commission appoints a Commissioner of Police and a Deputy Commissioner of Police. Who comprised this? Prof. Ramesh Deosaran, Chairman; Sen. The Hon. Anand Ramlogan; hon. Jack Austin Warner; Carolyn Seepersad-Bachan; hon. Donna Cox, Mr. Ian McIntyre SC, Mr. Samraj Harripaul SC, Dr. Kerry Sumesar Rai, Secretary; Mr. Aldwyn L. Daniel; Sgt. Anand Ramesar.

How many times did that particular committee meet? In black and white in the Multi-Sector Review Team it says that they met six times as a review team. A

subcommittee was appointed which met 15 times thereafter. An addendum report was had by way of telephone conferences reports and one other meeting; But not only that, the records inside the Ministry of National Security show further, post the delivery of the final report to the Prime Minister then—the Member for Siparia still—that December 17, 2012; December 10, 2012; February 18, 2014; February 28, 2014; May 13, 2014; June 16, 2014; July 17, 2014. But in that I did not count yet, Note went not only to the Cabinet of the last Government, the full multisectoral report, it went to the Finance and General Purpose Committee on May 25, 2015; it went to the F&GP as well on May 27, 2013; it went as well Cabinet Minute No. 1399 of May 23, 2013 shows that it went to F&GP; Cabinet Minute No. 1563 of June 06, 2013 shows that it went to F&GP.

Madam Speaker, we heard the hon. Member say, no consultation. The documents in the last Tenth Parliament show that there has been significant consultations. [*Desk thumping*] Let me say what the consultation has been—and hon. Member said, this Government; I would like to put on the record, this Government's approach to governance is that the governance is a continuity issue, and that we having stepped into the saddle now of government by an election process we are obliged to pick up with documentations that we meet, which demonstrate conclusively that Trinidad and Tobago has had nearly six years of consultation on this issue in a wide aspect of perambulations.

Madam Speaker, that is not all, there is more. There is more. These are the *Hansard* records where Members sitting opposite condescended to putting onto the record the fact that consultations were going on. Friday, June 25, 2010, the first matter that the Parliament then dealt with, under the leader of the Government then, the Prime Minister then, the hon. Mrs. Persad-Bissessar, as the Member for Siparia was Prime Minister, put onto the record the whole history of the legislation coming forward, the three Bills, Act No. 6, Act No. 7, Act No. 8 of 2006.

3.30 p.m.

She went on to deal with the fact that for the Penn State University to undertake the process was a difficult and expensive process. She lamented at how much it cost, some $3.4 million in one year to cause the selection, utilizing the firm externally as it was then. She went on at page 37 of her *Hansard*, she said**:**

> "The objective to have a commissioner with the power to manage the service to ensure human, financial and other resources of the service are used in an efficient and effective manner is in effect being frustrated because of this process. As an Opposition then..."

The hon. Member went on to say that it cost, in the last four years, $8 million to go through that process.

In fact, the hon. Member went on to say—[*Interruption*]

Hon. Member: She?

Hon. F. Al-Rawi: You know there is nothing wrong with a pronoun as it follows "hon. Member." It would be repetitive. Do not lose your cool over the use of the word.

Madam Speaker, the fact is the hon. Member then went on to say that a joint team would be set up to deal with this**:**

> "We cannot afford that there is no commissioner of police whilst another two- or three-year process takes place, so we to continue with the existing law."

That was on June 25, 2010; we are now January 20, 2016**:**

> "This was a joint position with the view to review that law, but in the interim…"

The hon. Member said we could not wait. That was not all.

What happened on Friday, July 02, 2010? There was a gentleman, hon. Member who is quite silent these days, he was then Leader of Government Business, the hon. Member for Oropouche East. What did the hon. Member have to say? He lamented at page 73 of his *Hansard*—another $8 million, three years, effectively that the process was too long. The hon. Member went on to say that after several years there was bloodshed, et cetera, eventually a bipartisan approach came on. The hon. Member said that the process of using the foreign firm was a convoluted process. The hon. Member went on to speak to the issue of the 2006 process being flawed. The hon. Member had a lot to say then—July 2, 2010.

What next, Madam Speaker? The hon. Member said specifically at page 73**:**

> "We have made the commitment to work swiftly and urgently with the Opposition to ensure that we review the relevant law, we review the order.
>
> Two things**:** We can remove the cumbersome nature of this process, remove these delays so that you can get to an outcome quickly and also reduce the costs. Mr. Speaker, earlier in the evening, like you, I was shocked to hear the revelations from the Minister of Works and Transport. Let us not fool ourselves; this three-year process has cost the taxpayer almost $8 million to

appoint a commissioner of police. Even when he is appointed, that man would not earn $8 million by way of wages and salaries; so it cost more to appoint than it would cost to pay the officer; that is where we are."

That is what the hon. Leader of Government Business had to say on July 02, 2010.

April 01, 2011, the hon. Member for Oropouche East, Leader of Government Business again recapped the process, but he went further**:**

I would like to indicate to this House as well, this is in keeping with the last established in June 2010, to record that during the debate of the appointment of the Commissioner of Police**:**

"It was a commitment made by the Government and the Prime Minister,…"—the hon. Member for Siparia still—"and I also want to record that the Attorney General has, indeed, taken steps to seek consultation with the relevant stakeholders to ensure that we have the best advice and the best guidance and we participate with the major stakeholders, so that we will be coming in due course with some alternative method and some amendments to the existing law. The Attorney General has pursued that and has written to all stakeholders, including the police service."

Madam Speaker, the hon. Attorney General then, Mr. Anand Ramlogan SC, went on to describe that the issue of appointing a police commissioner as a red herring, insisting that someone will be forced to perform to the maximum if left in an acting position, since if that person did not meet the grade someone else will be placed at the helm.

The hon. Attorney General spoke in the Parliament then on a private Motion brought by Sen. Fitzgerald Hinds then, in the period October 25, 2011 to March 27, 2012, the hon. Attorney General, entrusted with the charge to carry this on says, relative to the Commissioner of Police, he lamented over the four-year period that had gone on. The hon. Member said**:**

There was an acting Commissioner of Police under the previous regime. There was no confirmed Commissioner of Police...—and hear the words—Now, when someone is acting, acting appointments in these serious critical offices connotes something to the person who is acting. It sends a signal to the wider population at large and it carries with it a certain undermining of the authority of the institution of the State that is involved.

So that runs to the integrity. The hon. Member made a case then, alleging that the last government prior to his was guilty of not taking steps to appoint the Commissioner of Police.

Madam Speaker, for the record, the multisectoral committee in dealing with this matter, specifically delivered a report to the government then, a report which we picked up on coming into office, demonstrated wide and serious consultation. In the report, at pages 32 to 34 specifically, a wide range of events specifically contemplating significant amendments to the Police Service Commission were traversed. That it should be expanded; that it should have its own autonomy; that the positions should be broadened in terms of consideration. It specifically went on to say that the process of the appointment of the Commissioner of Police and Deputy Commissioner of Police—at 4.27—that the selection criteria should be amended—and elsewhere in the report. This is what was recommended. What happened next?

We heard the hon. Member—consult, consult he says. Failure to consult he says. But what happened then? All of this work going on, what did the reference that he made to this Parliament today relative to the last Commissioner of the Police Service Commission bring? He said that that gentleman had been recently quoted as saying that it could be a privatization effort, et cetera. But the hon. Member studiously left out the fact that Prof. Ramesh Deosaran submitted a resignation to the then government to the President, on August 6, 2014. It was published August 01, 2014, and he cited, as covered in the newspapers then, the *Guardian* newspapers specifically**:**

> The hon. Member in a publication of Wednesday 6, 2014, failed to note that Prof. Deosaran said the multisectoral review team which I chaired, had submitted its report since March 2013, proposing the required reform to the administrative and legislative framework within which the Police Service Commission now operates.

Madam Speaker, not a mention of Prof. Deosaran's disdain, it appears to me, and frustration. The fact that he ended his second term there prematurely on the failure of the then government to deal with this multisectoral report; not a mention of that. Not a mention of the amount of consultation that was had; simply skipped over it; jumped to today. And I want to put for the record that this Government, in amending the Orders as we have, considered the wide consultation in black and white, dealt with the amendments that we had considered, went into the Ministries that we took control of and carried on with the work of governance of Trinidad

and Tobago, for the benefit of people. Where we do agree is that—[*Interruption*] The hon. Members are really abusing the silence in this House.

Madam Speaker: Members.

Hon. F. Al-Rawi: Madam Speaker, the hon. Member failed to acknowledge that governance is a continuing process, and that there has been a serious amount of consultation. So what do we do as a Government? Do we engage in analysis paralysis? Do we continue? Madam Speaker, most respectfully, the last Commissioner of Police to resign in this country resigned in 2012. The Parliament I want to commend for having produced an information bulletin, shows squarely that Commissioner Dwayne Gibbs served for the period 2010—2012; so let us count that**:** 2012, 2013, 2014, 2015, 2016. If you count it just in numbers, we are five years, three years, five months, four years—where are we four years later? Do we have to engage in a process and millions of dollars? Where is the report that a selection of a firm has even happened?

But I want to put onto the record another point. Could it possibly have been that the hon. Member failed to also acknowledge that notwithstanding the fact that the Attorney General then, Mr. Anand Ramlogan SC, had condemned the entire process of using an Acting Commissioner of Police, he failed to recognize what the Attorney General appointed by the last Prime Minister had to say? Because it is a matter of public record that the hon. Attorney General then, Mr. Anand Ramlogan SC, specifically told the nation that it was better to have an Acting Commissioner of Police, that he was not inclined, nor his government inclined to use an official police commissioner, because then there would be no motive to act better? He went on to say in the newspaper clipping, that it would be better to, in fact, test him out or test drive him, words to that effect, because if you had appointed him and within six months you were not satisfied, how could you get rid of him? That was the position taken by the Attorney General of Trinidad and Tobago, who had a multisectoral report in his hand, recommending amendments to the process for appointment of Commissioner of Police. .

So you go in 2011 in a Private Member's debate in the Senate from saying, "Shame on you PNM for having an Acting Commissioner of Police", you go for the Member of Siparia, the Leader of Government Business then, Dr. Moonilal, the Member for Oropouche East, saying, "We will accelerate the process. We have consultations", to all of a sudden your Attorney General saying it is better to have an acting appointment because "he go work harder". Government policy in the public domain. So how do we take them seriously today?

Let us deal with the deeper issue. Madam Speaker, what time will my time end?

Mr. Imbert: 4.05.

Hon. F. Al-Rawi: Twenty-two minutes; lots of time.

That deals with consultation. Simple fact, clear evidence in writing of deep consultation, clear evidence that that was a broad sectoral committee approach, including all bodies involved in it. From this party as well—and I want to point out again—a Member of the Leader of the Opposition's team, in the person of Miss Donna Cox, Member of Parliament, sat on that committee and participated.

3.45 p.m.

Madam Speaker, that is consultation. We heard that this is an assault on democracy. We have dealt with the Standing Orders and the manner in which we can negative a Motion. That is a non-issue. We are now onto the crux of an argument which is whether there is any merit in the truth, supposed to operate in this instance as proffered by the Member for Chaguanas West. The Member for Chaguanas West has essentially said that the wording of section 3(a) of this Order which is being considered is offensive because it utilizes language as follows**:**

> "The Commissioner on request"—the commission which is the Police Service Commission defined in Order—"of the Minister of National Security shall, in accordance with section 20(A)(1)(c) of Central Tenders Board Act, contract an appropriate local firm (hereinafter referred to as "The Firm") to conduct a recruitment process including inviting applications for the positions;"

That is the 2015 Order. And I would like to put this into context. The 2015 Order is law right now. It was law the moment it was published and it is so by virtue of section 12 of the Statutes Act of the Laws of Trinidad and Tobago. It is only if it is negatived that the negativing takes effect from the date of the resolution that negatives it. So let us get that straight to assist the hon. Member.

The law which previously existed by virtue of the Order was in section 3(a)**:**

> "…the Director of Personnel Administration shall, in accordance with section 20(A)(1)(c) of the Central Tenders Board Act contract a firm experienced in conducting assessments of senior police managers to conduct an assessment process and the firm so contracted (hereinafter referred to as 'the Firm') shall consult with the Commission upon completion of each stage of the process;"

I would like to state the following for the record. What we have done by virtue of this Order, Madam Speaker, is to adopt a framework approach to the manner in which the firm operates. The hon. Member complained that "the Firm" was not defined. The firm was not defined in the 2009 or 2007 Orders. [*Interruption*] Member for Siparia, you will have your chance. So the Orders would have effect. The point that there is no definition of "firm" is a non-issue because there was none in 2009 and none in 2007.

Secondly, what the Order has done is to recognize a broadening of the powers of the Police Service Commission. And I am stating this for the record. The Members have said that they wish to go to court. So let me put now for the use of the *Pepper v Hart* principle, as an aid for statutory interpretation, that we have broadened the powers of the PSC, consonant with the recommendations contained, the spirit of recommendations contained, in the multi-sectoral report which they did nothing with—the last Government. And in fact what we have done is by recognizing that the process must go through the Central Tenders Board through the exception to the Central Tenders Board where NIPDEC can, in fact, have the control of the process, it is the client, the Police Service Commission, which dictates the terms of reference by which the firm is to operate. And in removing the prescriptive approach which the last Orders have and put in effect a framework approach allowing the autonomy, broadening the autonomy of the Police Service Commission to do as it wishes in the selection criteria process, by setting terms of reference, et cetera, we have in fact broadened the powers.

Madam Speaker, I wish to add, we have removed restrictive conditions contained in the 2009 Order. In the 2009 Order, Madam Speaker, the old section 3(1) said that**:**

> "…the Commission shall conduct its own assessment of not more than the five highest graded candidates on the short list;"

Why? If they want to conduct an assessment on all of them, they should have the power to conduct an assessment on all of them. We have broadened the power. What we have said is that there is a distinction between selection and assessment, between selection and recruitment, and by using carefully crafted terms such as "recruitment including applications"; ejusdem generis not being limited, by making sure that there are full assessment criteria because the Central Tenders Board Act exception allows the client which is the Police Service Commission through the Director of Personnel Administration, which is the administrative arm; it allows the client to dictate the terms of reference. And far from being a

restriction upon the PSC this is a broadening of its mandate which it has been crying for, for the last umpteen years. [*Desk thumping*] Madam Speaker—[*Interruption*]

Madam Speaker: Hon. Member, your 30 minutes have expired. You are entitled to a further 15 minutes on an extension.

Hon. F. Al-Rawi: If you so please, Madam Speaker, I wish to take avail of same. Thank you.

Let us deal with the fact further inside of what has been removed. Is it necessary that the old section 3(k) by which enquiries prompted an adverse reference needed to be put in a prescriptive order? It is basic principle of law that Salmon letters must be written if an adverse consequence is to be drawn. You do not need to put that into a prescriptive tendency because it is the law. So that is something that is otiose, Madam Speaker, and in adopting the position of a framework piece of guidance, it is by far better to broaden the powers.

Let me put it simply. Under the Companies Ordinance, Ch. 31 No. 1, there used to be the law that you had to prescribe every single power that a company could do, and if you did not have a power, you could not do it. They amended the Companies Ordinance, by way of example, to the Companies Act, and we took the Canadian model which said, listen, no longer are we going to prescribe your powers, we are going to broaden all your powers. And let us make this clear**:** The Constitution is the supreme law of the Republic of Trinidad and Tobago; so says section 2 of the Constitution.

When you look to the Interpretation Act, section 47 in particular, you see that no subsidiary instrument or law can be viewed any way other than—and I am going to paraphrase—than for a purposive construction so as to enable the power and not restrict the power. It is true that you cannot be ultra vires and go outside of the power, but the fact is the law must be read within the Constitution. Section 23(1) provides specifically in the Constitution that the power to appoint a Commissioner of Police vests in the Police Service Commission. This Order is to be read subject to the Constitution.

Question**:** Does the mere use of the words "Minister of National Security" cause problems? That is the issue before us. I was very surprised that the hon. Members opposite left out what is perhaps the locus classicus in terms of the law, and that specifically is the case of *Cooper v the DPA*. That case, Madam Speaker—if I can find it—is the place from which we find the best form of guidance. And what does Cooper say? Cooper establishes clearly that it is not

every form of reference essentially to the Executive that is to be frowned upon. The question is always**:** where is the line to be drawn between the arguments as to intrusion by the Executive or Legislature into the powers of the Judiciary or quasi judicial entities? Where does the separation of powers line go? That is the essential argument. And the case, Cooper in point there, was the utilization of the examinations conducted by the Public Service Commission since 1966 by the Police Service Commission. And it fell on a publication by the PSC then which said, we do not have the power to set these exams that solely the Executive using the public service's examination route.

And the Privy Council held that that was, in fact, misleading and condemned it because it would have given a restrictive approach, and there would have been intrusion along the lines of that which was frowned upon by Lord Diplock in 1982, appeal cases 136 in that often quoted paragraph that has been cited here by the hon. Member opposite.

Mrs. Persad-Bissessar SC: 1981.

Hon. F. Al-Rawi: 1982 appeal cases is the citation. Thank you. So, Madam Speaker, the fact is, do we now by use of the phrase "Minister of National Security" accept the argument that that is the only trigger? I wish to put on the record the following points.

Number one, the use of the "Minister" as prescribed now on the Parliament record is merely in addition to the Police Service Commission. It is not to the exclusion of the Police Service Commission.

Secondly, that in fact is something which is to be encouraged. And I wish to point hon. Members to the fact that in allowing the Police Service Commission the discretion to choose whether it accepts a process or not, that is what this Order is intended to put in place. And the Police Service Commission has onto itself its full autonomy. What we have done is give it the process by which it is not left in an analysis paralysis, where the Director of Personnel Administration, DPA, takes four and six and eight years to ensure that a process is carried out. Which is the fact on the record from the Members opposite themselves.

Madam Speaker, what further needs to be said in relation to constitutionality. That approach finds favour—as I have just enunciated—in the entirety of the judgment of *Cooper v the DPA* 2007, 1 Weekly Law Reports. And I wish to refer Members specifically to paragraph 26 onward. And I wish Members to reflect upon the fact that in the Court of Appeal in Trinidad, albeit their decision was reversed, but on a different point, that it was demonstrated that it is not correct to

say that any involvement by the Executive in the affairs of the police service was unconstitutional. It was that publication which narrowed the approach the Police Service Commission took then that caused the problem. We are stating on the *Hansard* record today that the Minister of National Security, in merely requesting that the process continues, is not to the exclusion of the PSC.

Secondly, they maintain onto themselves their autonomy in a framework environment where the prescriptive, unduly prescriptive approach, has been removed. They as the client, through the Central Tenders Board Act, have the liberty to dictate their own terms of reference through the DPA, because the DPA is the performing entity that does it. They also have the ability to choose what they wish out of it. Because make no bones about it, the Order prescribes, the 2015 Order, that the entire autonomy is left in the Police Service Commission, and if they have full autonomy you cannot possibly be complaining about it.

I have heard the hon. Member for Siparia say across the floor, "he is reading a different Order". Well I would like her to consider the fact. If the commission still has in section 3(f) now which is the old section 3(m)**:**

> "The Commission shall select the highest graded candidate on the Order of Merit list and submit that candidate's name to the President…"

It is the commission and only the commission that has the power to select/appoint. They could turn it upside down. They could get a list from the firm. They could take number five and put it number one, words repeated. They can do anything they wish with the firm's recommendations, but it is their power alone.

And, Madam Speaker, contemporary jurisprudence is very useful. If we were to accept the argument of the hon. Member opposite, then in fact the use of the DPA alone may very well have been an unconstitutionality. And the fact is because the DPA, notwithstanding the fact of being a public officer, can be viewed to be acting at the Executive's discretion. And in fact, they are not a member of the Judiciary and they are not a member of the Legislature so they must be a member of the Executive.

You could take a strict argument that way and you cannot approbate and reprobate the same argument. But contemporary jurisprudence, Madam Speaker, is to be found with specifically in *Fundamentals of Caribbean Constitutional Law* by Tracy Robinson, Arif Bulcan, Adrian Saunders, judge of the Caribbean Court of Justice going backwards**:** Arif Bulcan, lecturer, Faculty of Law, University of the West Indies; Tracy Robinson, senior lecturer of the Faculty of Law, Mona.

And there is specifically for commendation at page 334 under the rubric the need for operational flexibility there is the following**:**

> A rigid separation of powers is neither desirable nor possible. Modern government requires the cooperation of various personnel and powers so that maintaining a rigid separation among the branches would be counter-productive and inefficient. In the worse-case scenario it could thrust the Executive and Legislature into antagonistic positions leading to a deadlocked government. By contrast participatory processes of decision making can promote good governance through collaboration and efficient use of scarce resources. The permeability of boundaries between the branches of government is a contentious issue even in the American jurisprudence whose system espouses the purest form of the doctrine."

Madam Speaker, it goes on. It says here**:**

> The latter has been unavoidable in the context of modern realities where…—listen to this—…the government we have built and now live with has attained a complexity, an intermarriage of function, that beggars the rationalistic tripartite schemes of the 18th Century."

How much more time do I have, Madam Speaker?

> **Madam Speaker:** Five minutes.
>
> **Hon. F. Al-Rawi:** Thank you. Madam Speaker, the authors go on to say**:**
>
> Some difficulty of function allows one…—he says here—…another dimension of overlap between the branches is counter intuitively perhaps its potential for promoting intra-branch accountability by preventing the concentration of power on any single branch. Some diffusion of function allows one organ to act as a check on the other, reflecting in the Constitutions by provision which facility interplay between the branches of the appropriate processes for higher offices. The doctrine is only violated where one branch purports to exercise the whole of the power of another. Whereas diffusion in the form of a partial spread of powers operates as checks and balances would. The search is for maintaining fidelity to the paradigmatic function which each branch alone is in empowered to serve even if some aspects are shared with another branch to some degree.
>
> Also important is for each branch to maintain and retain its autonomy which is another way of saying that even where powers are diffuse, one branch cannot dictate what the other must do.

> With these safeguards the outcome is a system which operates with checks and balances designed to prevent an overconcentration of power on any one branch of government. In its practical application, therefore, the doctrine accommodates a degree of overlap among the branches of the interest of efficiency and democracy.

And they rely specifically upon the DPP—sorry, the *Cooper v the DPA* case in the Privy Council, James Maddison, Peter Strauss, Bata Shoe Company versus CIRG, et cetera. And applying the present circumstances to the learning, both the contemporary law, beyond Leenarge 1956; beyond Thomas 1981, reported in 1982. Beyond all of these, Cooper coming forward suggests what we have done is purely within the remit of the law and constitutionality. It is proportionate in that it allows a process to move faster. The PSC does not lose any of its autonomy. It and it alone makes the decision for a Police Service Commission to act within the appointments of a Commissioner of Police and a Deputy Commissioner of Police. It and it alone, by the preservation of the old sections in the 2009 Order, it is their autonomy wholly and solely the use of, as the hon. Member calls it, the trigger of the Minister of National Security is only ancillary. And why?

Because the PSC can in fact deny the request and if the PSC denies a request it must give reasons. And if it gives reasons it must do so lawfully, and it therefore allows for a co-sharing to agitate through due process to move the system along. And that is what we agree must be done. In the *Hansard* debates from 2006 go forward in the Police Service Commission reports, all of them, 2013, 2009, 2010, 2011, all of which I have, all of them complained bitterly about the complexity, the expense and the timeframe.

4.00 p.m.

In this circumstance the word "shall" in the Order in countenance with the law in relation to the statutory interpretation of "shall" and "may", and I wish to put it on the record, the extract from Crabbe, et cetera, from Bennion, et cetera, all say, that "shall" is to be interpreted as "may", and that is in the law of the well-established principles in Trinidad and Tobago, both common law and otherwise.

So, Madam Speaker, most respectfully, I do not think that the hon. Member has crossed the bar of showing a disproportionality in the law. The autonomy is reserved specifically unto the Police Service Commission; the Minister's activity or trigger as he puts it, is entirely ancillary to their position, and it only goes to ensure that there is at least another arm watching but not crossing the line as the

Privy Council considered in the *Cooper* case of where that boundary should stand in the separation of powers principle.

Madam Speaker, I thank you for the opportunity to contribute with my time having run. [*Desk thumping*]

Dr. Roodal Moonilal (*Oropouche East*)**:** Thank you very much, Madam Speaker.

Mr. Al-Rawi: Who is that? Who is that?

Dr. R. Moonilal: In addressing you, I thank you for the opportunity to contribute on this very important debate before us, and the speaker before appears to be seeking me out, by pointing out statements made over the past on this specific matter and indicating—

Mrs. Robinson-Regis: Nobody was looking for you. [*Laughter*]

Dr. R. Moonilal: Madam Speaker, please.

Madam Speaker: Members, I would like to hear the contribution of the hon. Member for Oropouche East.

Dr. R. Moonilal: I am sure you would. Madam Speaker, let me begin by complimenting the Member of Parliament for Chaguanas West [*Desk thumping*] who filed such a Motion to ensure that the country—first to begin—and the Parliament take note of what took place in December.

The Member for Chaguanas West must be complimented for filing such a Motion and bringing this issue to the national community, and this afternoon, in making such a comprehensive presentation to the House, on the evils that such an approach holds for Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, the hon. Attorney General, and might I say, worthy Attorney General, really sought to respond to some of the issues raised by the Member for Chaguanas West. But, in doing so, I respectfully suggest, confused, and confusing, and confused and introduced issue upon issue, layer upon layer of jargon, of vocabulary, of convulsion, of everything, [*Continuous desk thumping*] and the matter before us is a simple matter.

You produced two Orders, they were made on December 14, 2015. You did that. In 2016 it became law because of the process involved. Why could you not have produced those Orders in a draft form, entertain the Police Service Commission, the police association and other stakeholders, the Opposition, [*Desk thumping*] and the goodly Attorney General would have had an opportunity to

bring that presentation he brought before. And we would have heard about crab, and shrimp, and dumpling, and so on, that you were quoting there. But, the Attorney General did not answer one fundamental issue. Why did you not produce your draft orders and take it to the stakeholders and say, look, we are moving swiftly, let us discuss this issue, let us get your views and we shall go forward. And we will go forward.

They made law and then it was left to the vigilance of the Opposition to come to Parliament [*Desk thumping*] to alert the nation. But, this is the law, as the Attorney General said. What we are debating is the law. It is a difficult proposition in that sense, because normally we come here to make law. Today, we are not here to make law. This is the law. We came here to "negatize" the law. And the Government of this country today should join the Opposition in supporting this Motion to annul the Orders on several grounds. [*Desk thumping*] One, there was no need to do it in this surreptitious manner, in this manner that, you know, you do not care. You do not care about consultation on the specifics.

The issue is not the 29 consultations that comprised the formation of the strategic subcommittee report. It is not the 29 consultations, you know. It is how much consultation did you have on these two specific Orders? That is the issue. [*Desk thumping*] None. Absolutely none, and there are elements of the Orders that cannot be found in the report of the subcommittee. Simply put. Now, is that a difficult proposition to understand? No. And it does not require at this stage all the quotation of law, and case work, and so on. It is you produced Orders and you did not consult.

The Chairman of the Police Service Commission raised a red flag, today the Opposition is doing the same. I imagine given your recent history, you may treat the Chairman of the Police Service Commission as you treat the former Governor of the Central Bank. [*Desk thumping*] You are in charge. You could throw the Commission chairman off the window. Throw them out the window. And I am sure the Member for Diego Martin North/East will find a way as he did before. As he found a way. [*Desk thumping*]

So, Madam Speaker, that is what we wanted to hear. We wanted the Attorney General to tell the country the dates and time that they consulted with the stakeholders on these specific Orders, 218 and 219. [*Desk thumping*] But, the Attorney General came to tell us that we had the strategic subcommittee of the multi-sectoral review team. We know of that. At least those of us on this side, we know of that, and we know the recommendations. And I put it to the Attorney

General and to the House that these specific elements of both Orders are not in the subcommittee report. They are not there. [*Desk thumping*]

Madam Speaker: I just want to remind you, it is only one Order being debated here.

Dr. R. Moonilal: Sure. So, these elements of the Order are not in the report so why did you have to go about doing it? Now, it could well be that the Government means no wrong. I am not ascribing any sinister motive at this stage to the Government. They come into office, they realize, look, we have had acting police commissioners here for years, we want to do something and we want to do it quick, because we have accused the former administration of not doing anything. We want to do it quick, so let us do it quick. That could be the approach.

And in doing that it lands you into the terrain of incompetence. So, you then become incompetent, and this is why it could not be hurtful to the Government to sit down with an almanac and work out the days. You know, you now get the parliamentary diary here, but you could have sit down with an almanac and work out backwards the days, and we would not have this problem of having to debate a Motion on the Adjournment as to when is Private Members' Day and when it is not. You could have just sat with an almanac and work out the days. This has a certain time-frame, filed here, debate here, but they did not. So at best, it is incompetence that is showing itself now. [*Desk thumping*] This is a level of incompetence, and they are eager to do something.

It would not hurt to wait 14 days again, invite discussions with the stakeholders and say, listen, this is our approach, we have considered that, what is your view? What would have been difficult with that? We waited five years, as you admitted, five or six years. What would have gone wrong with one month again? But, no, you did this in this way, and we have also recorded the Member for Chaguanas West, the very deep concern that the procedure and the law was not followed in terms of the publication, and concurrently the matter coming to the House of Representatives, so that the parliamentarian could become aware—

Dr. Gopeesingh: Two-one days later.

Dr. R. Moonilal:—twenty-one days later. Madam Speaker, we register our concern with that. Now, what is the Attorney General going to say about that? Well, that was an oversight; they were busy. But, we have serious problems with the Order before us, and later, I imagine, today, on the second Order. You see, the country is taking note of this, and the *Express* today, the Member for Chaguanas

West raised the matter, I will just continue it here. The *Express* editorial today, "Please, no cloud over how to choose top cop", and they agreed that we need change and we need reform. We need that. But they conclude, because I do not want to read the entire thing**:**

"…the Government must get the process right."

Meaning you got the process wrong.

To come to the Parliament to tell the country—because it is the Opposition who called you here today, eh. [*Desk thumping*] Today you are here because of the Opposition. This is not Government Business. You are here because the Opposition filed the Motion. So, the Opposition has called you today to explain to the country your incompetence and your lack of policy direction on this matter.

4.15 p.m.

Madam Speaker, the Government came, and the Attorney General spoke on the recommendations of the Police Service Commission, the subcommittee. And it is clear, anyone reading it, it states at page 34, just to read a couple of lines, Madam Speaker, that the ambit of the Police Service Commission, it is recommended, should be amended to include other offices. It should be expanded, an expanded role for the Police Service Commission [*Desk thumping*] that the Police Service Commission should be subject to greater and wider parliamentary reform, legislative reform.

The Government today did not tell us whether this is a piecemeal approach, whether they have other legislative measures to reform the entire process as per the recommendations of the subcommittee. Do you have other recommendations that you are contemplating? You did not come today to tell us whether you agree with the recommendations of the report that the Police Service Commission should play an integral role and not be sidestepped. As the former chairman said, you are trying to privatize the selection of a Commissioner of Police and a Deputy Commissioner. [*Desk thumping*] And that has severe repercussions for this country.

As it is now, without reading in detail the Order, why did you bring the Minister of National Security, and at no time am I referring to the specific Member for Point Fortin, a distinguished public officer. At no time am I referring specifically to this Minister, but why are you bringing the Minister of National Security into this in the first place, at the request. Suppose the Minister makes no request. What happens? Once he makes no request, nothing happens? Suppose a

Government of the day prefers to leave a particular individual in place on one condition or another and the Minister makes no request? What happens? Why are you bringing the Executive, and the Member for Chaguanas West [*Desk thumping*] raised the issue.

Why are you polluting that boundary between the Executive and the service commissions, the independent commissions? Why are you making the Police Service Commission a mailbox, that a local firm will make a recommendation, and remember, Madam Speaker, remember, before in a previous incarnation you heard of a company called Eastman and Associates and others in the health sector. And we had enormous difficulty with governance—now is what?

Dr. Gopeesingh: Watkins.

Dr. R. Moonilal: Watkins. That is not a DJ, "eh"?

Dr. Gopeesingh: No, Watkins was the musician. [*Laughter*] Madam Speaker, and today you are encouraging this process and tainting and undermining the process.

So while we had a difficult process before and we all agree it was long, it was drawn-out and possibly expensive, yes, what did you remove that to put? A process now that lacks transparency, lacks elements of good governance, encourages Executive abuse, [*Desk thumping*] an Executive abuse in an area of security. [*Desk thumping*] This is a country where over the years we have had a problem, the Bajan fishermen issue that nothing came out of it. No investigation, no arrest. Drugs and ammunition found in the former Minister's water tank. No arrest, no prosecution.

Mr. Indarsingh: A former Prime Minister taking out a driver.

Dr. R. Moonilal: And we have had so many allegations, serious allegations of the abuse in the security sector, of abuse in the police service, of collusion between politicians and police. When the time comes now for you to put a system in place to ensure that separation, that transparency, that good governance, you fuse it into one and bring your Cabinet involve. [*Desk thumping*]

So the Minister of National Security has a function here, a politician for all intents and purposes. And a politician will go by the Prime Minister and say, Prime Minister we have to do so and so, the law provides that I ask so and so, what do you think? Who we looking at? Which firm? And the firm could be given a mandate that we would like officer X or officer B, because who knows, I am not speaking about any other Order but the one before us. Who knows the qualifications may be watered-down. [*Crosstalk*]

It may be, I do not know, I do not know if we are speaking about that now. The qualifications may be watered-down in terms of the criteria, in terms of the years of service. That may be so. So that you may have someone in waiting, he or she has to fit a particular bill, you change the Order and you bring a politician into it to direct the Police Service Commission on firms to request that they undertake this process. And that is a danger in a society where we have had no shortage of allegations about collusion between politicians and police and the defence sector. It is a sector that you must keep very far from politicians.

And this is the Order that we face today. And that is why we are here to reflect on the law and ask the Government to support a Motion to annul, to undo it. And we are saying, Madam Speaker, that far from what the Attorney General reported, there was absolutely not one hour of consultation on these specific Orders as drafted. [*Desk thumping*] Therefore, to say that you had 29 consultations on the subcommittee report, that included issues of legislative reform, of administrative reform and so on, and the Police Service Commission Report itself, the subcommittee suggested that the Commission play a greater role in the selection recruitment.

Today, the effect of these Orders is to have a mailbox where a firm is hired and the firm goes, select five persons, a postbox and give them and say look, pass this to the President, tell the President this is the Order. Pass that, tell the President this is the Order. That is the effect of this. And it is bad governance. It is a trip. It is a major, major crisis that you can create with this type of Order. And to read out all of these elements of the cases and law and so on is fine, but it does not take away from the elements of the Order.

You look, Madam Speaker, at the qualifications and what is required. Not the qualifications, sorry, I am looking at 3(d), the selection process. The process of**:**

a) application of the candidate;

b) biography…

c) assessors' scores;

d) assessors' feedback;

e) medical examination report;…

f) security and professional vetting report;"—et cetera.

And the role of the commission is to pass this information on to the President. That is the role of the commission. Essentially, it is not to investigate itself. It is

not to get involved in any assessment of the Order of Merit List. It is to submit that candidate's name to the President. That is what the role is.

Dr. Gopeesingh: So they get their firm to select the person.

Dr. R. Moonilal: So you have a firm to select the person—[*Interruption*]

Dr. Gopeesingh: Then give it to the President and say, "Here is your man".

Dr. R. Moonilal: Yeah, and those with the experience reminded us over the years of the conflict between former administrations of the PNM and the Police Service Commission. They have always been at loggerheads under former chairman, I believe it was, Kenneth Lalla in 1993 or thereabout. We have always had this problem of PNM administrations in conflict with Police Service Commissions over what they wanted to do.

Today, they have brought this Order, well they have brought disorder as well. And look at the timing, December 14th, December 16th, when reminded somewhere in January it came to the Parliament, when I believe the Leader of the Opposition reminded everybody to follow the law. It came to the Parliament. So they chose a time when the country may not even be taking note, "eh", because I think this is between the "Red Fete" and the "LIME Fete". That is the time they come to Parliament to discuss this. You know, they are busy trying to out fete each other at this season and hope that the country will not take note of these very serious changes, very serious changes.

Mr. Indarsingh: What is the one in Tobago?

Dr. R. Moonilal: I do not know if it is anybody from any other place but—[*Interruption*]

Dr. Tewarie: And this was not mentioned in the legislative agenda.

Dr. R. Moonilal: And when they were boasting earlier about the legislative agenda nobody told us about this. And, Madam Speaker, on the basis alone of that lack of consultation on these specific proposals this Motion should be carried. But more than that, the Attorney General mentioned procedures and the work of the former administration on this matter, and at least quoting from several of us at that time, where we saw this as an important issue.

But, Madam Speaker, what the hon. Attorney General did not have time to say, because he would have said it, but his time ran out, is that the former Attorney General had written to the former Opposition PNM on several occasions requesting meetings, requesting proposals, requesting submissions on the

Opposition's view on making reform to the system. [*Desk thumping*] The Attorney General did not say it because he had no time, his time ran out, that it was the former Attorney General, Anand Ramlogan, that communicated with the then Opposition and made a request on several occasions giving reminders that we would like to hear your submissions. We would like to meet with you to discuss this matter. And it is our information, Madam Speaker, that the then Opposition was not forthcoming with recommendations. [*Desk thumping*] But suddenly, within a few short months coming into office you then have a full Order published. When for five years you could not make a recommendation, in a few weeks you came out with the Order and made it law, "eh". Five years, not one recommendation made to the Government, in five weeks, three, four months you published Orders that became law.

In this manner where the national community and the stakeholders who are key to this are saying, hold on, mash brakes, mash brakes, let us talk about this, it is an important process. And they disguised it by saying we waiting so long, 29 consultations, report, we waiting long, we must do this now, as if two weeks or four weeks would really undermine the effectiveness of this measure. It would not. And there are political questions to be asked because this is essentially a political issue as well. Does the Government of the day, does this Government have a particular candidate in mind and who is that that you are trying to bring in in this way, [*Desk thumping*] who did not have 12 years and have 10 years.

Hon. Member: Yes.

Dr. Gopeesingh: His first name start with Harold.

Dr. R. Moonilal: Who may not have had sociology but have psychology. Why did you change that today? We do not know. Why are you relegating the Police Service Commission to a postman to get your way with an executive member, with a politician to be recommending firms? And we say local firm, proud, it was recommended, local firm be involved. But what is a local firm? Is it a multinational human resource company with an office in Port of Spain?

Dr. Gopeesingh: Is it Ernst & Young, PwC?

Dr. R. Moonilal: Is it a regional consultancy group? What really would be a local firm for this purpose? Is it Eastman and Associates? Is it Watkins? Is it—who else?

Dr. Gopeesingh: Harold Phillips and Associates.

Dr. R. Moonilal: Harold Phillips and Associates is a company? So I do not know the company but if you say so—[*Interruption*]

Mr. Indarsingh: Jacob and Associates.

Dr. R. Moonilal: Is it Jacob and Associates? Who would be the firm doing this? And while we agree that we would like local input in this and cut the cost and the time and so on, is it Imbert and Company? But you can do that because you throw out the Governor of the Central Bank, so you think you can do that as well. [*Desk thumping*] You see, that is their approach, Madam Speaker, from Jwala to Jearlean, gone. [*Desk thumping*] That is how they operate. [*Desk thumping*]

So, Madam Speaker, they operate because—

Madam Speaker: I will just like to remind you of the rule related to relevance, please.

Dr. R. Moonilal: Thank you very much, Madam Speaker. I am sure that nobody for the Commissioner of Police job will be Jearlean or Jwala. So on the Commissioner of Police work it would not be them.

Madam Speaker, the Government should tell us as the debate goes forward the exact reasons why you changed, you make these changes. And where did [*Desk thumping*] these recommendations come from. That is the issue. Where did it come from? Because it is not in the report of the strategic subcommittee. Where did these recommendations come from? Unless I am mistaken, having read this about once or twice, where in this report here did they recommend that the firms must be done and shall be done on the request of the Minister of National Security? Where? Where did that come from? And be brave enough to say that you would like to get the politician involved in the process of selecting a Commissioner of Police.

Dr. Tewarie: And tell us why.

Dr. R. Moonilal: And tell us why, because that has been a complaint in this country, an allegation that on coming into power you want to effect certain things, you want to do certain things, you want to investigate certain issues, you want to proffer charges and so on and you have someone who is compliant with the dictate of the political directorate. [*Desk thumping*] Is that the agenda?

Madam Speaker: Hon. Member, Members it is 4.30 p.m. Might I ask the hon. Member how much longer you would have?

Dr. R. Moonilal: My full time, Ma'am.

Madam Speaker: Your full time? Might I suggest then that we break at this time and resume in 30 minutes, where the Member for Oropouche East would have 20 more minutes if he be granted the extension. This sitting is now suspended for 30 minutes.

4.31 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam Speaker: The Member for Oropouche East. [*Desk thumping*]

Dr. R. Moonilal: Thank you very much, Madam Speaker. Madam Speaker, before we took the break for tea, I was making the point that I want to just continue for a couple minutes again, on the issue of consultation. And the Government and the country, indeed, may ask well, we are raising these issues, what do we propose, given where we find ourselves? And it is not too late for the Government to contemplate adopting another strategy today, a strategy that would lead to the Orders—these Orders having no effect if the debate is adjourned. The Government may contemplate adjourning this debate to ensure that the process is not completed and the Orders lapse by that effect. And the Government would give themselves an opportunity to engage in some meaningful dialogue with the Opposition, with the Police Service Commission, with the police association and other stakeholders to have some meaningful dialogue in a very short term—14 days, 21 days, as the case may be—over these matters.

So that there is, in a way, an escape hatch here because this is not a Bill where you can propose amendments and you adopt amendments and so on. This is the law. We are debating the Orders to "negatize" the Orders. So that you can find a way to allow this law—the Orders—to lapse and let us engage in some meaningful dialogue over the specific elements of the Order before us. And if you do that, you would be faithful to your own commitment. Because this is a Government, as the Member for Chaguanas West said, at every juncture they indicate that they are consulting**:** consulting on economy; consulting on society; consulting on foreign affairs; consulting on everything.

Mr. Indarsingh: Foreign used dealers.

Dr. R. Moonilal: But today the Orders are here. We are debating the first Order and the critical stakeholder community is saying, "We were not consulted". The newspapers are saying. "Mash brakes. You will crash." And the Government has developed, in quick order, a certain trend—a pattern—that we are seeing.

There was no consultation on the change of the foreign used car regime; [*Desk thumping*] there was no consultation on the VAT; there was no consultation on other things. And in this matter as well, before us, the Order, there has been no consultation.

So they have developed this reputation of talking consultation and doing the opposite. So you talk consultation and then do what you want. That is the trend that is developing. And the Government will be well advised on this matter because, you see, if they take our recommendation and allow the Orders to lapse because the process could not be completed, they lose nothing. You lose nothing. This is not collecting revenue that you will lose millions of dollars. This is nothing—there is no loss if you postpone this matter for a couple weeks and engage the stakeholders, because it is a very, very serious matter, dealing with rights, dealing with policing, security and so on.

Madam Speaker, I want to return to 3(a) of the Order where it states that**:** "At the request of the National Security Minister in accordance with the CTB Act, you contract an appropriate local firm." I already raised the issue about what is a local firm in this context. What is an appropriate local firm? Is it a firm with five years', 10 years' experience in recruiting security officials? Is it a firm with six months? We have had a history in this country where a company created overnight, named Sunway, went on to get a contract for $365 million in the Government Campus—a company created overnight, Sunway. Is there another Sunway to come here—a "Daughterway", that you will then contract out to this appropriate firm? How long is this firm required to be in business? What is the business of this firm that makes it appropriate? What is the expertise of the firm? Is it a firm that is an office, a local operation of a multinational company?

Madam Speaker: Member, might I remind you of the rule against tedious repetition? I grant you the extension of time of 15 more minutes.

Dr. R. Moonilal: Thank you, Ma'am. Ma'am, to avoid incurring your wrath on repetition, I would just repeat the three points. [*Laughter*] But, Madam Speaker—

Madam Speaker: Member, I would just like to guide. No one will be incurring my wrath. I am just here to invoke the rules.

Dr. R. Moonilal: Okay, Ma'am. That being so, may I carry on?

The Order also speaks to medical examination reports, appropriate security and professional vetting reports and so on, and it is connected. The appropriate

firm is connected to what it is required to do. Because I want to advance, as well, that unless we can get concrete examples from those opposite, which firm in this country today would you say have a track record of selecting persons in accordance with this type of criteria; with selecting persons in accordance with security vetting and medical examination report, doing heavy forensic work on biographies of persons and so on?

You do not have firms that regularly do this. So this is not the normal firm that you are talking about. Which firm will you bring, given that they have to engage in this type of activity? This is why it was better in the Order if you clarify the firm, because it may not be necessary, Madam Speaker, to only talk of a local firm. You may have wished to look at firms that are regional or operate in the hemisphere that have significant experience in security recruitment. This is an interesting question as well. What is to prevent a major security provider from using a subsidiary firm within its ambit to conduct this assessment, where that firm is part of a wider operation in the security sector—maybe the private security sector in the region—and the firm is also involved in recruiting?

Madam Speaker, this is a small island where, when you do a drug bust and you seize illicit items and so on, you run up to the tune of $600 million [*Desk thumping*] on a drug bust. You run up to the tune of $1 billion over time in illicit items. Those persons that are involved in that can buy out, undermine and form their own firm for the purpose of recruiting a Police Commissioner. [*Desk thumping*]

So while we talk about vetting the commissioner—the candidate—we need to vet the firm, and that is a process that the Police Service Commission should be involved in. [*Desk thumping*] And they alone should be involved in that. No one else, no other authority. The Police Service Commission should be the only authority involved in recruiting, and be in a position that they exercise authority, not through this process. Because if it is we continue with this, nothing will stop a drug baron, a drug lord, operating in this country from establishing a firm, buying out an existing firm and having that firm recruit a Commissioner of Police. [*Desk thumping*]

A Commissioner of Police has enormous responsibility under our amended Constitution, including the promotion of police officers, including the formation of squads within the police, including dealing with terrorism. International terrorist syndicates and their local allies and cells can easily buy out firms—big, big firms—and have them involved in recruiting and approving a Commissioner of Police. Because the effect of this Order is that the firm approves the

Commissioner of Police, [*Desk thumping*] not the Police Service Commission. Because when the firm submits their report based on (a) to (f) as it is in the Order, all the Police Service Commission does is look at, look at the grades and they put the Order. So if someone gets 75 and someone gets 55, they cannot change it around by engaging in another process, or a related process.

That is the point. They cannot. It is left to a private, local firm that could be undermined in any way, by politicians, by drugs, by terrorists, to select a Commissioner of Police for Trinidad and Tobago. [*Desk thumping*] And I am sure my friends opposite understand the danger of that. They must understand the danger that. They must understand the danger of having the Executive participate in this process as well.

Over the years, I am reminded, in 1993 or thereabout, when a former Minister of National Security tried to get a sitting Commissioner of Police to retire on public interest grounds. I do not know how much of you could remember that—Jules Bernard—where a Minister of Government of National Security took action to have him retire on public grounds. And we are going back to those days if, today, you pollute this line [*Desk thumping*] between the Executive and the independent commissions.

The Member for Chaguanas West made the point that over the years in everything we have done, from Dr. Eric Williams to the Member for Siparia, we have been pushing, pushing, pushing the envelope towards greater transparency and depoliticizing processes. Today, we come full circle and we go back to the politicization of the public service. And if you can do this today, you will do it again [*Desk thumping*] with the Teaching Service Commission, with the Public Service Commission. You will do it again and take us backward, where successive administrations and Prime Ministers of all parties have taken the country more and more towards independent institutions, even if they might not like the final choice of the independent institutions. But this Government is demonstrating a frightening tendency to revert back to politicization of independent institutions. And you saw it with the Central Bank, which I will not discuss because that would be moving outside the Order as well. But you saw it there and you are seeing it here today.

And the Order of Merit List, I wanted to get to that as well. The Order of Merit List, in this set-up here that they are proposing in the Order, can the Police Service Commission reorder the merit list based on any criteria? I suggest, no, they cannot. And if you would have amended this, using any strategy we spoke about before, you can give the Police Service Commission more leeway, more

independence, to exercise a professional judgment based upon the work done by a firm. But to contract out and privatize the appointment of a Commissioner of Police to a private firm is wrong. [*Desk thumping*] And the Government says, as well, in the presentation of the hon. Attorney General, reading from the records, that we were very concerned, as we are, with the time taken to do this, and the money—the expenditure and the time, the process, cumbersome and so on.

5.15 p.m.

But yet, at No. 5, the Order of Merit List is valid for a period of one year. What happens now when one year expires? You have to go through the process again because that Merit List for any reason in this process, for any reason it could be bureaucracy, it could be someone on leave and nobody replaced them. We know the system, some of us. Someone could go on leave, and in that time the person is on leave the bureaucracy has not yet appointed properly a person who has the legal authority to do something. We saw it I think in the area of land and so on. So for any reason you could have a delay in this process, but when you pin down the Order of Merit List, you pin that down, it is validity, it is pinned to 12 months. What you are saying is if 12 months and one day goes by, that list is not valid. You know you have to go and get another firm or the same as the case may be and go over the process again.

If you had consulted with the stakeholders, you had consulted with the Opposition on this matter, we may have been in a position to make some suggestions and recommendations to you, and we could have suggested that an Order of Merit List be valid for two years or three years as the case may be. Otherwise there is a real problem that you could have an Order of Merit List, the process takes a few months and one day goes by after 12 months and you have to go through the process because someone can take you to court and say, "Listen, I was not appointed, the system was unfair to me. My rights have been violated because the Merit List expired—the validity of the Merit List." These are some of the nitty-gritty detail issues that we could have raised if we had sight of it before it became law, because this became law and the Draft Order we had to read about it in the newspapers.

I remember sometime in December reading in the newspapers that the Government approved Orders, two Orders for selection and appointment and criteria, and I am there thinking well this has to be a Cabinet decision, so maybe at a Cabinet press conference the Member for La Horquetta/Talparo—unless I am mistaken I stand corrected, Member for La Horquetta/Talparo, did you present

yourself as you normally do on Thursday afternoon and indicate to the country that you have passed these Orders and these are the effect of the Orders and these are the elements?

Mr. Cuffie: Yes, I did.

Dr. R. Moonilal: Okay. Fine. You did. So then if you had done that, why could you not have given us a draft as Minister of Communications; given the country and the stakeholders a draft Order before you went ahead to publish and make law?

Mr. Cuffie: This is the right forum.

Dr. R. Moonilal: The right forum when it is law already. I do not know if they appreciate and understand that process. The Member for La Horquetta/Talparo says it is the right forum when the thing has become law already. You are saying that listen, you really do not care. The effect of this is to say I do not care. The Cabinet approved it, it is law and I do not care. You all do what you have to.

Mr. Indarsingh: He told journalists that too, you know.

Dr. R. Moonilal: Well, I would not want to ask him any questions because I know he takes questions only from reporters, not Opposition Members.

You see, Madam Speaker, the deep issue here is that it is in the most significant area. Economy and crime are almost running together and they are interrelated. They are running together as the dominant issue of our day. Every single day you open the papers, is either fete or murder on the front page, or murder in fete on the front page, and that you will treat a matter like this in such a flippant manner that you say bring it to Parliament. The Member for La Horquetta/Talparo is new. He is a colleague, I have known him for a long, long time. He is new and I would remind him that it is the Opposition who brought it to the Parliament, not the Government.

You are here because the Motion has been filed by the Member for Chaguanas West. [*Desk thumping*] You did not bring it to the Parliament. [*Desk thumping*] In your world you made law and you all do what you want. So the Opposition is here bringing the Government to the Parliament to indicate to the country. So it is not you brought it to the Parliament to say this is the right forum and so on. It is the right forum and you did not bring it.

Madam Speaker, the related issue here is, of course, the timing and the parliamentary system itself. Other speakers who would have much more time than

me would also speak to this issue of the undermining of the Parliament, that the Parliament has been undermined where the committees relevant to this could not do its business because of the timing that we found ourselves in. The Government may have a point, it might be timing, but they are in Government, they are in charge. They should look at almanac and work out their agenda. Do not wait to come here to scramble over which day is Private Members' Day and which is not, and whether the Standing Orders could be amended or what. Work out your agenda properly, otherwise you will be accused in the first instance of sheer incompetence and maybe by extension something else.

So our message today, Madam Speaker, is for the Government to take note of these issues; to recognize that the country and critical stakeholders are very concerned with the process, the timing, the lack of consultation, and the details of this and how it can be abused—in an arbitrary manner it can be abused—and to take a responsible step by triggering a process as well to ensure that the law is not valid in this case while we all are committed to implementing the law and bringing the change.

A few weeks, a few days more will really do nothing, will change nothing because if you go ahead and you vote against the Motion of the Member for Chaguanas West today, you are not appointing any Commissioner of Police here. It is Carnival. When Carnival is finished, a few months after you will probably get a firm and so on. Nothing is going to happen in the next week or two. You can take the time to consult with the stakeholders.

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

Madam Speaker: Hon. Member for Diego Martin North/East.

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. I shall now do what the speakers opposite have not done and I shall look at the matters before the House, something they have failed to do whether deliberately or otherwise.

Madam Speaker, the Motion before the House seeks to nullify, annul or negative the Legal Supplement Part B, Vol. 54, No. 128; Legal Notice No. 218; Constitution of the Republic of Trinidad and Tobago; Order made by the President under section 123(2) of the Constitution; the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2015.

Now, Madam Speaker, this Order replaced the previous Order which was Legal Supplement Part B, Vol. 48, No. 59, Legal Notice No. 102 of May 2009,

and it is important for this Parliament and for the wider public to understand what we are about today and the things that the Members opposite have left out of this debate. In the previous Order which they did not object to, the selection process for the appointment to the offices of the Commissioner of Police and Deputy Commissioner of Police was as follows, and this is section 3 of the 2009 Order.

"The selection process for appointment to the offices of Commissioner of Police and Deputy Commissioner of Police shall be conducted in the following manner**:**

(a) the Director of Personnel Administration shall, in accordance with section 20A(1)(c) of the Central Tenders Board Act, contract a firm experienced in conducting assessments of senior police managers to conduct an assessment process and the firm so contracted…shall consult with the Commissioner upon the completion of each stage of the process;

(b) the Firm shall advertise each vacancy for a period to be determined by the Commission, of not less than seven days;

(c) an applicant shall apply in the forms specified by the Firm…shall submit to the Firm…

(i) …his rèsumè;

(ii) references"—et cetera

"(d) the Firm shall indicate in every advertisement…

(i) the guidelines for the assessment process;"

Supply a copy of the Order or say where it would be found.

"(iii) a written prospectus of the Police Service

(e) the Firm shall select, from the applicants received, the most suitable candidates for the assessment process;

(f) the firm shall ensure that the candidates referred to…are subjected to the best practice security vetting…;

(g) at least one of the persons serving on the assessment panel shall be an equivalent or higher rank or in an equivalent or higher office than the candidate;

(h) the Firm shall submit to the Commission—

(i) the results of its assessment process in the form of a short list and the Commission may consult or discuss those results with the Firm;

(ii) a report on its assessment of the entire…process which shall include recommendations for improvement…;

(iii) in respect of the candidates…the following documents**:**

(A) application of the candidate;

(B) …résumé;

(C) assessors' scores;

(D) assessors' feedback;

(E) medical…reports;…

(F) security… report;

(i) the Commission shall conduct its own assessment of not more than the five highest graded candidates on the short list;

(j)" they—"may gather such other information…as"—they—"considers necessary…;"

It goes on to say if enquires by the Commission result in an adverse report…"—they will notify the candidate, allow him to make representation, et cetera.

"(l) the Commission shall then take into account all information on the candidates and thereafter establish an Order of Merit List"—and then send that list to the President."

That is the old Order. Let us see what the new Order says.

"Selection process for appointment of the offices of Commissioner of Police, Deputy Commissioner of Police shall be conducted in the following manner**:**

(a) …Commission on the request of the Minister of National Security shall in accordance with section 21A…of the Central Tenders Board Act, contract an appropriate local firm…to conduct a recruitment process including inviting applications for the positions;

(b) the Firm shall select, from the applicants received, the most suitable candidates;

(c) the Firm shall ensure that the candidates…are subjected to the best practice security…vetting;

(d) the Firm shall submit to the Commission—

(i) the results of its assessment process in the form of a short list…

(ii) a report on…the entire assessment process; and

(iii) in respect to the candidates…**:**

(A) application…;

(B) …résumé;

(C) …scores;

(D) …feedback;

(E) medical…report;

(F) security…report;

(e) the Commission shall then take into account all information on the candidates…thereafter establish an Order of Merit List;"—and send it to the President.

So what is the difference, Madam Speaker? There is one substantial difference. One! And that is, instead of the Director of Personnel Administration contracting a firm, the Minister will ask the Commission to contract a firm. That is it. Everything else is simply stylistic or cosmetic, superfluous or redundant.

So the only matter we are about today is, should it be the DPA contracting the firm, or should it be the Minister asking the Commission to contract the firm using the DPA. So let us see what Members opposite had to say. The Member for Oropouche East said the terms of reference could be watered down. That is impossible because if one goes to the actual document that we are all supposed to be looking at and debating—not some imaginary thing—it says the commission shall "contract an appropriate local firm". It does not say the Minister, it does not say the Government, it says the commission shall "contract an appropriate local firm" and the old Order says the DPA shall "contract a firm".

What is the difference? In fact, this is stronger, because the DPA is not a member of the Public Service Commission. So we now have a situation where instead of the DPA, a public servant, doing the contracting of the firm, it is now the Public Service Commission that has the authority to contract the firm. It is a superior alternative, Madam Speaker, [*Desk thumping*] but that is not all. So how on earth could the terms of reference be watered down when it is the Commission that will be doing the engagement and the contracting? So the only entity that

could water down these terms of reference would be the Public Service Commission because we are now telling them to contract the firm.

Number 2. The firm could be identified by the Minister. What—let me find a word—an irrational argument. Because it is the Public Service Commissioner doing the contracting. So how could the Minister—all he is doing is asking them when there is a vacancy; when the post of Commissioner of Police is vacant and there is a need to appoint a permanent Commissioner of Police, all the Minister is saying is, "Please appoint a Commissioner of Police."

And they are the ones who will identify the firm. It is entirely up to the Commission in its absolute discretion. The only discretion it does not have is that it must be a local firm.

5.30 p.m.

And while that was said by the hon. Member later, I am appalled that the hon. Member could be so dismissive of local expertise and local talent and local professionals. [*Desk thumping*] This is some kind of self-loathing that we, in this country, are not good enough, that all the professionals with 10 years of GATE, with billions of dollars spent on higher education in this country under successive administrations, and billions of dollars spent otherwise, that they could say there is not a local firm in Trinidad and Tobago that has the ability to advertise, interview, evaluate and make a recommendation. They are saying that! Self-hating. That is how I term that. Self-hating. I condemn those statements. I condemn them, Madam Speaker. [*Desk thumping*]

The absurdity that a local firm could be bribed by a drug lord. So a foreign firm could not? We do not make drugs here in Trinidad and Tobago, except maybe a little marijuana in parts of Trinidad. I do not want to call any places. But we do not make cocaine here, we do not make heroin in Trinidad and Tobago, it is made overseas. So a foreign firm is more likely to be corrupted by drug traffickers because they are in the environment of drug traffickers. But he is saying that if it is a local firm, they could be corrupted by drug traffickers, so a foreign firm could not? Imagine that. Imagine that. The argument is absurd, Madam Speaker, it is absurd.

But let us move on. [*Interruption*] Yes, they are not in influence, eh. All the drugs coming from foreign, eh. All the cocaine coming from foreign, all the heroin coming from foreign, but foreigners would not be corrupted, only locals. Trinidadians will be corrupted by drug dealers. That is the thesis of the Member for Oropouche East and that is the dissertation of the honourable Opposition. That

is what we are being told, that local firms will be corrupted but foreigners will not, but let us move on. That is why he could only get a handful of votes in the recent leadership elections, these spurious, specious, tenuous, vacuous arguments.

What is the next one? The Public Service Commission could be mandated, could be ordered to do certain things. By who? What does the Order say? The Order says**:**

"(a) the Commission on request…"

All the Minister is doing is asking and this deals with a fundamental problem because the hon. Members opposite sat down from July 2012 when they summarily removed Ewatski and Gibbs and pretended that the two honourable gentlemen resigned. "Cyah fool me with that. Halfway through dey contract, men just ketch ah vaps and gone". And paid them for the full contract.

When the hon. Members opposite constructively dismissed Gibbs and Ewatski, July 2012, 2013, 2014, 2015, "wha went on"? What happened? The process was not dealt with. The Director of Public Administration did what? Was a firm contracted in 2012, in 2013, in 2014, in 2015? We are in 2016 and up to now, [*Desk thumping*] the Director of Public Administration has not done what is required in this Order, that the Director of Public Administration shall contract a firm. "Now how long we go wait?" Until 2029?

Because, you see, the weakness in this Order is that it was up to the DPA to decide, when, how and if a firm would be contracted. There was no timeline. But now the Minister will ask the Commission to do the engagement so at least there is some sort of process, some kind of trigger, where by the Executive could say, "Well, look, we have a problem in this country. We do not have a Police Commissioner". [*Desk thumping*] You are independent, you are autonomous, would you please do what you are supposed to do and recruit a Police Commissioner? So there is a level of interplay and there is a level of communication. [*Desk thumping*] In the past, no communication. "Nobody could ah tell the DPA" whether it should be done in 2012, 2013, 2014 or at all. Or at all and that was what was wrong. And what is amazing is that Members come in here, sat down and did nothing for three years, nothing. The mantra of the Members opposite was, oh, it is a good thing to have an acting Commissioner of Police, because "when ah man is acting", he will be under pressure and he will be motivated and he will be anxious.

Madam Speaker, I am sure in the distant past, as I, when you were an undergraduate at university, you learned about theory X and theory Y, and you

know motivation by fear and motivation by encouragement. And the old theory of motivation by fear went out in the 1970s and was replaced by motivation, by encouragement. But we come now in 2015 to hear them say the way to motivate a Police Commissioner is to make sure he never gets a permanent appointment. You leave him in fear so that he will be afraid, you know, that he will strive to do better because he is in mortal fear of his appointment not being renewed. And you know the hard part about it? The Government has no say in that.

You would have seen recently that the present Acting Commissioner was given another six months extension on his acting, the seventh six-month extension on his acting appointment since they did what they had to do in 2012. Madam Speaker, the Government has no say in that. There is a lacuna in the Constitution and the Commission uses the doctrine of necessity in order to appoint an Acting Commissioner in the absence of a completion of a recruitment process. This has happened seven times already and the Commission has decided, in using the doctrine of necessity, that they will use seniority as the basis to continue or to appoint a Commissioner of Police. So that is where they have put this country. Since 2012, put us back 50 years whether seniority and not, merit is the criterion for the appointment of an Acting Commissioner. That is what they have done to us.

You have to believe that their actions were deliberate. From July 2012 to September 2015, nothing was done by the Members opposite to accelerate the process, to assist the Public Service Commission. Absolutely nothing, leading to the resignation of the said Prof. Deosaran, in 2014, in total frustration, [*Desk thumping*] because the poor gentleman sitting down there waiting for something to be done. Two years afterwards nothing and they have the audacity to come into this House where you have a Commissioner who has suffered under acting appointments for the last three years, a police service where you cannot have a permanent appointment to the police service and it causes all sorts of consequences and adverse repercussions throughout the service, because the head is acting so you cannot have proper appointments coming up below in the First Division. That is what they have done, that is what they have foisted on this country, and they have the brass face to come into this Parliament today and complain about this [*Desk thumping*] and make it up as they go along.

But let us go further. The reasons for the changes? Steups. Which firm in Trinidad and Tobago has the capability? Well, I dealt with that already. I find their comments reprehensible. [*Interruption*] Yeah, talking about local content but we must buy foreign. Can the Public Service Commission reorder the next list

based on any criterion? Well, it is in English, let me read it for them, so that they will understand hopefully the English language. What does it say? It says—this is section 3(e) of the Order that we are debating now**:**

> "the Commission shall then take into account all information on the candidates and thereafter establish an Order of Merit list;…"

That means all the Commission has to do, all is required to do by law, is to look at the report it has received from the firm and then it uses its own absolute discretion to establish the Order of Merit list. So what is the difference? In the past, it was the DPA that would contract the firm and then the process follows. Now, it is the Minister asking the Commission to contract a firm. As I said, I am of the view, it is a superior alternative, but let us go into the learning and let us go into the law because I think it is really necessary to look at one of the more relevant decisions of the Privy Council with respect to this matter.

This is the case of Cooper and another versus the Director of Personnel Administration [2006], UKPC 37, Madam Speaker and at paragraph 25. What does it say? It says Kangaloo J.A. said in para 15 of its judgment that it was demonstrated by the passage in Lord Diplock judgment—and the Diplock judgment they are referring to is the *Thomas* case 1982, AC 113. So that Kangaloo J.A. said in para 15 of its judgment—this is the Court of Appeal because it went through High Court, Court of Appeal and then it went to the Privy Council. This is the *Cooper v the DPA* at 128**:**

> That it was not correct to say that any involvement by the Executive in the affairs of the Police Service was unconstitutional.

And I want to repeat that**:**

> It is not correct to say that any involvement by the Executive in the affairs of police was unconstitutional.

And Madam Speaker, the fact of the matter is that what is going on here? What is the involvement of the Executive in this process? The only involvement of the Executive is that the Minister, on observing a vacancy for the post of Commissioner or Deputy Commissioner, would request—not instruct—the Police Service Commission to engage a firm to go through the process of coming up with a shortlist so that they could then establish their own Order of Merit list which is sent to the Parliament which is sent to the President which is then sent here for us to debate. So the only involvement of the Executive in that whole thing is that the Minister is asking the Commission to start the process and that is the tragedy that we are being faced with.

It is the tragedy that we are now in 2016, more than three years after 2012 when Gibbs and Ewatski left the shores, and up to now, the Commission—that same Commission—is saying to us it is incapable of completing this process. And how long must a population wait? How long must a Government wait? Because we are responsible for running this country within the constraints of the separation of powers between the Legislature, the Judiciary and the Executive. We follow the Westminster model. There is a general election and the people vote and the party that gets the majority is made the Government and given the responsibility for running the country for a five-year period, or less if the Prime Minister decides to call another election, and we, on this side, have been given this responsibility and we take our responsibilities very seriously. [*Desk thumping*] And if you think this Government is going to sit down—and I do not want to say on what—like them, hon. Members opposite, and twiddle its thumbs and push paper around and engage in consultation after consultation—how many times it was? About 29 times and it went to F&GP twice—[*Interruption*] and four times to F&GP and 20 other times, it went here, there and everywhere, over 50 attempts.

5.45 p.m.

They attempted, hon. Members opposite attempted to address this process or pretended to address this process over 50 times, and at the end it, "wha happen? Nutten". Election come, election gone, they went out of office without dealing with the most important aspect of security in this country, and that is provide permanent leadership for the police service. [*Desk thumping*] And they want us to wait and consult "dem", they? With their prevarications and their procrastination?

You know I have to say this. I remember Basdeo Panday very well, and he used to say, "coulda, woulda, shoulda". He was referring to the Government before him, and he was doing things and we would get up and say**:** "Well, we were going to do that." And he say, "coulda, woulda, shoulda". So, you think we are going to be "coulda, woulda, shoulda" like you? That is not going to happen, Madam Speaker. It is not going to happen.

We have a responsibility to protect the citizens of this country. We have a constitutional mandate to make laws for the good order, peace and good governance of Trinidad and Tobago. [*Desk thumping*] That is section 53 of the Constitution that you do not know. It is a duty of this Executive to make laws for the good order, peace and good governance of this country. [*Hon. Imbert pounds the desk*]

I want the others to tell me, you tell me, you show me, how a request from the Minister of National Security crosses the constitutional line. How does it take

away from the Police Service Commission, the ability to set the criteria to determine which firm should be appointed, to set the terms of reference for this firm, to determine the timetable? How does a request, a mere request coming from the Minister to the Police Service Commission, "Please start the process", how does that cross the separation of powers? That is what they have to tell us. Not all of this convoluted foolishness, completely irrelevant, completely missing the point, misrepresentation, fearmongering as they are good at, trying to frighten people. Madam Speaker, let them drill into what we have done.

As I said, a lot of the other changes are completely cosmetic and irrelevant. Why should we—in fact, I am of the view that when you dictate to the commission as was done in the previous Order, Madam Speaker, you are telling them that they have to go in the local, regional and international print media. You are telling them, that they have to have written guidelines for the assessment process, and a written perspective of the police service. As far as I am concerned, this previous Order crossed the line. It, in fact, was telling the commission how to go about the recruitment process. It was tying the hands of the commission, and we have decided that "all ah dat done". We are simply going to ask the commission, "Go ahead. Do what you are supposed to do, and recruit a police commissioner for us please."—by engaging a firm of your choice, using a procedure that you will determine, using terms of reference that you will design, and using an assessment process that you will create. [*Desk thumping*]

To me, the less you tell the commission to do, the less it infringes on the separation of powers. [*Desk thumping*] The fateful flaw in the 2009 Order was the fact that it was up to the Director of Personnel Administration to decide when to initiate the process. We see the—if I could use a word—the "evil" that has come out of that; the mischief that has come out of that. Once you leave it up to somebody else, who has no role to play in the process, the DPA has no constitutional mandate. The DPA is not a Member of the Executive. The DPA has no responsibility to get this thing done in any period of time. The DPA was not elected, had no manifesto, made no pledges to the population to contain and manage crime; "doh face de polls".

So, you leave it up to an individual that has no accountability to the Parliament, to the people, to the Executive, to decide when to invoke the process, to start advertising and interviewing people for the post of such an important post. You leave it up to somebody who has no accountability, that is in no man's land, that reports to no one, and look at the results. You know, if you jump off a 10-storey building without a parachute, I doubt you would fly. You are going to hit the ground and die.

So when we look back at this, and we recognize that we have taken all of the actors out of it, and put it in the hands of a person who has no accountability, the end result was inevitable. The DPA would work at his or her pace, would make decisions in his or her time, would decide to do it or not do it, as he or she feels/deems appropriate. That is why so much time has elapsed.

How could it possibly be so hard? How could it take three years going on four to advertise and engage a firm just to pick one individual? Is that efficiency? Is that what the population wants, that you leave it in the hands of somebody, and three years passed and nothing happens? While, as the hon. Member for Chaguanas West has said, "when yuh open"—or was it the Member for Oropouche East in his jocular fashion? "Yuh open de papers, is either fete or somebody dead, or somebody dead at ah fete." How could we allow such an unconscionable situation?

Madam Speaker: Hon. Member for Diego Martin North/East, your 30 minutes have expired. You are entitled to avail yourself of an additional 15 minutes.

Hon. C. Imbert: Thank you, Madam Speaker. I would not use the entire 15, but I would like an extension. The reason I do not need 15 minutes is that the point is obvious. The hon. Members opposite have not dealt with the issues at hand. They have not dealt with the facts. They have not read the Order. They have not analysed the differences between the old Order and the new Order. They have not done any analysis of our Constitution. They have not looked at case law. They have not defined what is interference by the Executive, or involvement of the Executive in the context of *Thomas (Endell) v Attorney General of Trinidad and Tobago* or *Cooper and Balbosa v Director of Public Administratio*n. They have not studied Lord Diplock's judgment. They have not looked at the Privy Council's judgment in the cases. [*Desk thumping*] They have done no research. They have not checked the facts and therefore, it will not take me 15 minutes.

As far I am concerned, Madam Speaker, until and unless we hear cogent, sensible and potent arguments from the other side dealing with the matter at hand, which is the difference between the 2009 Order and the 2015 Order, until and unless we hear from the other side, an argument that makes sense, that deals with the matter at hand, we on this side will not support this Motion to nullify the Order. I thank you, Madam Speaker.

Dr. Bhoendradatt Tewarie (*Caroni Central*)**:** [*Desk thumping*] Thank you very much, Madam Speaker. The—[*Crosstalk*]

Madam Speaker: Members, could we have order, please. I would like to hear the contribution of the hon. Member.

Dr. B. Tewarie: The hon. Member for Diego Martin North/East talked about the fact that we have not examined the law and the Attorney General, in his contribution, took us through a long, intricate contribution about legal matters. But the Member for Chaguanas West on our side, in his presentation, Madam Speaker, took us through the legal history and evolution, which led to the 2009 legislation. He also addressed the issues that had come up under scrutiny in the courts of law that made the resolution that he had brought on behalf of the Opposition, relevant and pertinent and important, in the debate which seeks to annul the Order that has been placed before us today.

So the issue is not an issue only of law. The issue is really an issue of power and politicization, [*Desk thumping*] and I want to stress that to the citizens who are operating. The Parliament addresses the matter of lawmaking, and Bills are brought here and we make laws. Yes, that is true, but that is rooted in a system in which you have an Executive branch which, on the basis of the law, executes power, and that is related to the Judiciary or the judicial branch, which interprets the law, if matters were to come before it, and on the basis of that interpretation, makes decisions. That is what the separation of powers is about.

You have an Executive that executes, a Parliament that makes the laws and treats with the lawmaking, and a Judiciary which makes an interpretation of the law and then determines, on the basis of the law, what is right, what is wrong, what is appropriate, what is not.

So the really key question for us here, Madam Speaker, is whether the introduction of the Minister in a process, in which ministerial office was not involved in the 2009 legislation, whether introducing it now is adding to the politicization of the process. [*Desk thumping*] And once you raise that question, you have got to ask the other question, whether the capacity, the ministerial capacity for intervention to trigger the process of recruitment, can also facilitate two things**:** ministerial inaction in order [*Desk thumping*] not to trigger the process for whatever reasons? And more than that, ministerial action in order to terminate a Commissioner of Police, [*Desk thumping*] because the Order is silent on that matter.

So if ministerial intervention can initiate the process, ministerial non-intervention can also not initiate the process, and ministerial intervention to trigger the process can also, it would seem to me, if that matter is not

circumscribed in some way, begin the process of termination of an existing police commissioner. And, therefore, that is where the issue of separation of powers begins to blur, and begins to cross the line. And that is why it is important to scrutinize this process, and to get answers for the questions that we are asking here. This is not a simple matter of law. This is not a simple matter of coming here and asking, "How long we go wait". This is not a matter of saying that the People's Partnership did not do anything for three years about this matter.

6.00 p.m.

This is also not a matter of talking about seniority and merit, and I want to deal with that a little bit because the Member for Diego Martin North/East, you know, he spoke in the Parliament on the appointment which came before this House in 2008, and he had a long speech, and a lot of things to say. I want to make reference to that and I want to say that the real tragedy in this situation is not what the Member for Diego Martin North/East is talking about, the real tragedy is the fact that they really tried to pull one over the Parliament. [*Desk thumping*] They got caught and what is happening now, Madam Speaker, is that they are trying, basically, to browbeat us on the matter, and to tell the population that we are causing a problem by bringing it to the attention of the population that they are doing something which they should not in fact be doing. [*Desk thumping*]

So I rise to support the annulment of this Motion. The first thing about these Orders is the sleight-of-hand approach which got us to this point of debating the matter. These Orders were signed, as the Leader of this side of the House indicated, by the President on December 15, 2015, and up to January 04 no related documents were laid in the Parliament. I came to a session here on January 08 that had to do with parliamentary scrutiny, and in a conversation on the matter I realized that this Order had not been laid in Parliament. I did not know at that time the Leader of the Opposition had in fact entered into enquiry with the Parliament on what was happening to this matter, but up to January 08 we had not in fact had sight of that matter. [*Desk thumping*] It was not laid in Parliament until the last sitting of the House that we had here when we had a debate, and I think that was January 11, or something like that.

The Government was very aware that you need 40 days to respond to that resolution, because in the speech by the Member for Diego Martin North/East, he raised that matter several times in his presentation. So they were very alert to the fact that for a negative resolution you had 40 days, and that time was of the essence and things were required to be done in a certain way, but for whatever reason they chose to proceed in the way that they did and that is how we have

ended up here having a debate today. So, quite frankly, they tried a fast one to get the Orders through, and they wanted to do that without a debate. I think it is a tribute to the Leader of the Opposition [*Desk thumping*] and the Leader of Business on our side that we are debating this matter today.

I want to say that the Police Service Commission is a creature of the Constitution; that is a fact of life. The Member for Chaguanas West indicated how that evolved from the Marlborough House discussion to become a creature of the first, the 1962 Constitution, and was retained in the 1976 Constitution, which now governs this country. Now, the whole idea behind the constitutional provision which guards the Police Service Commission is that you want to take that process out of the hands of the political directorate. [*Desk thumping*] That is the whole point of it. When in 2009 there was consultation between Government and Opposition, and the—2006, leading to a 2009 legislation, when that process was completed it is Parliament that was given the opportunity, which still exists, to scrutinize the appointment of the Commissioner of Police, again to take it out of the hands of the Executive.

Now, I think that to try to use Executive Order and to try to undermine the parliamentary process, or to undermine constitutional intent, I do not think this is something that the Government should have done. I really think it was not necessary. It could have been a straightforward process. We could have had a discussion about it. The issue could have been made more transparent, and there would have been no need for contention. [*Desk thumping*] But at the end of the day on these specific Orders, even though you may go around the world and talk from 2013, and talk about the number of consultations that were held, when you ask the question on these specific Orders, and on this specific Order which we are debating now, who did you consult with? With whom did you consult? The answer is really, no one. [*Desk thumping*]

If you ask the question why are you trying to sidestep a duly constituted, constitute, constitutionally empowered entity, such as the Police Service Commission, that would be a very, very hard question to answer. If you ask the question ascribing no motive, but ask the question, did you really want to manage the negative resolution process to avoid a debate? Were you really trying to do that? And if you were, it is really uncalled for in terms of the parliamentary process. [*Desk thumping*] There are basic, basic questions, why do you want a Minister to initiate the process? Why take it there?—understanding how sensitive this matter of the Commissioner of Police is, and understanding how big the crime

question is, understanding the complications of a small society, and understanding the constitutional provision which led to the creation of the Police Service Commission.

Other Members have already raised the issue of how you define a local firm. There is the issue of how do you—I mean, all of us know who a national is, but, for the purpose of this, how do you define who a national is for this purpose, what are the definitions in the Bill, or the legal notices, so to speak, and I think that kind of clarity is important for us to proceed, because there is a certain uncertainty now that the issue of the political factor has been added to the Motion here, the Order before the House.

Now, the issue of abuse of Executive authority is not something that the Government would like me to raise. I know that for a fact, but it is an important matter given how things are evolving. [*Desk thumping*] Now, it seems to me that you came to the Parliament "red and ready" to politicize the process, you had that on your minds; you came here "red and ready" to abuse the parliamentary process; you came here "red and ready" to abuse the constitutional process, and this is not the first time, and I am talking only in the last four and a half—[*Interruption*]

Mr. Deyalsingh: Madam Speaker, I rise on Standing Order 48(6). We are not here to abuse the Parliament or abuse the Constitution.

Madam Speaker: Member for Caroni Central, may I ask you to withdraw that statement, you can say it in another way, I am certain.

Dr. B. Tewarie: Okay. I withdraw what I said, but I would like to express the sentiments, it could not be that the Members on the other side wanted to abuse the constitutional process, to violate the Constitution. I cannot believe that they wanted to bypass or abuse the parliamentary process, but when I look at the pattern in terms of parliamentary committees, when I look at the flippancy with which they respond to some of the questions of the Parliament, when I look at the dismissiveness with which they respond to real issues that we raised in this Parliament, I have to question and to ask the Government, please, as we proceed with the business of this country, to understand that in the parliamentary process, which we have identified as having a role in relation to the separation of powers, I ask the Government to understand that there is a role for the Opposition in the Parliament of this country. [*Desk thumping*]

There is a way that Parliament is supposed to operate, and the Government respect of that is important as is the Opposition's respect of the parliamentary

process. So I want to leave this a little bit. I want to leave this for a while and I want to go to the 2008 debate that had to do with the Police Service Commission, at that time, putting forward the selection and recommendation of then Senior Superintendent Stephen Williams as Commissioner of Police. At that time—the Government may not like to hear this, hon. Speaker of the House, but at that time there was political interference. [*Desk thumping*] There was a direct intervention by the then Prime Minister of the country, it is a matter of public record, and in the debate here it became clear that there were political preferences at work in the confirmation debate for that particular Commissioner of Police.

At that time there was, in a sense, a problem of Executive authority. At that time you might say the Police Service Commission was undermining the Parliament, because when this recommendation came here there were many spurious arguments advanced by Members of this House at the time, but, importantly, from the Member for Diego Martin North/East, who argued the case against confirmation of the then recommendation of the Police Service Commission.

6.15 p.m.

I am looking for his contribution, Madam Speaker; please bear with me. At that time he made a long contribution and he argued that there was a flaw in the process. He talked about an obvious error that had appeared on the Order Paper. He talked about the fact—and that was how I raised the issue of the negative resolution. The Order which was laid in the Parliament was subject to negative resolution and therefore was not debated, has some issues in it, which, in my opinion, creates—[*Interruption*]

Madam Speaker: Hon. Member, could you kindly indicate what you are referring to.

Dr. B. Tewarie: I am referring to the contribution in *Hansard* of the Member for Diego Martin North/East on July, Friday 04, 2008. In that he argued the case for a flaw in the process and he basically argued for seniority, because he listed all the people in the police service that were senior to the then superintendent. He went on to point out very strongly that the Government had no hand in the proposal of that recommendation, and this was done very independently by the Police Service Commission and that there was an arm's length relationship between the Police Service Commission and the Government. [*Interruption*]

I hope you understand the point I am making.

Mr. Young: I am trying to.

Dr. B. Tewarie: He went on, of course, to argue against the confirmation of the police commissioner. He also chose the opportunity—I had written an article at the time in the *Guardian* in which I said that the manner in which the Government had dealt with this in the Parliament resulted in their presenting no case. They had a lot of talk and they ended up wounding the institution that was the Police Service Commission. [*Desk thumping*] For that he attacked me in the Parliament at that time.

Madam Speaker: Member, could you refer to the Member as the "hon. Member" or by his portfolio.

Dr. B. Tewarie: The Member for Diego Martin North/East. I thought I had done that on several occasions, mentioning that I would speak to his issue, but I am guided, Madam Speaker.

On that basis he argued the case against confirmation. He then went on, because Mr. Kenneth Lalla who had been the police service head before had also written an article, not necessarily sharing my view but expressing another view, indicating that the manner in which things were proceeding was really undermining the Police Service Commission and, more than that, in fact, by the process of legislation the Police Service Commission had been undermined in terms of its powers from the 1962 case to the situation that they found themselves in 2008.

I am not bringing these old arguments up just to make a point for the sake of a point. I am bringing these arguments up to really make the point that under the old system, the system had been politicized, and that in the parliamentary process the Government actually did not take seriously the recommendation of the Police Service Commission that had gone through the entire process—it had taken fully 10 months I believe—and had not, in fact, honoured that process in a way that was acceptable to the population. [*Desk thumping*] Therefore, when we come to raise the issue of politicization of the process of selection of the Commissioner of Police, it is not without a history. [*Desk thumping*] This is a very, very important thing. This is a very important thing for the country.

If you have a situation where there is doubt about whether the process is fair and open and transparent, and you have doubt about whether there can be political interference, if you have doubt in the population about whether the process is controlled by the political directorate, if you have doubt in the population that the outcome has been predetermined, then you are dealing with a situation that is very troubling for democracy in the country. [*Desk thumping*]

I want to lay that squarely at the feet of this Parliament in support of this Motion by the Leader of Business on the Opposition side. It is a very important Motion. Some of us have explained the tortuous route it took to get here, which led to the Resolution, and I am raising the issue of the clouds, of the doubts, of the opportunities for politicization, of the opportunities for control of the outcome, and I think that this is something that is serious in the country.

We have a situation in this country where this is seen as expeditious handling of an important matter, a matter that is a priority. But there are other important matters and we are not seeing any expeditious handling of that. We have an economic challenge before our country and a lot of things have been said which have created a lot of doubt and uncertainty in the country. We have a national security situation in terms of crime and the murders, in which, obviously, we have a major challenge on our hands, and while this is one measure to address that, the point remains that this situation needs to be contained. It is a matter of great urgency.

We have a major energy challenge on our hands emanating, first of all, from the price of energy resources worldwide, and this is a matter of some urgency that requires action on different fronts, and we are not seeing urgency in these areas. We have this situation of the police commissioner's appointment and the process to make that appointment possible, and I want to say that I agree with the Government, it is an urgent matter and we should deal with it expeditiously. But we should also do it properly, and that is what I am insisting on; that is what this side is insisting on in this country. On this occasion that is what we are insisting on.

The issues have been raised about politicization. The issues have been raised about the process that has been followed to get us to this point where we are actually debating a resolution to negatize the Order. Other issues have been raised which have to do, you might say, with the smallness of our country, the relationship among entities in this country that are almost sometimes invisible. The fact that you have problems in the police service that are real challenges. We know it from having been there. We know that it is a matter that you have to deal with as challenges as well. Because in this country, you know—[*Interruption*]

Madam Speaker: Hon. Member, your 30 minutes have expired. You are entitled to an additional 15 minutes.

Dr. B. Tewarie: I will like to continue, Madam Speaker.

The issue of the police commissioner is so important precisely because of the problems that we have in the police service itself. There is nothing in the Order which really addresses what are the results that a police commissioner will deliver to the country. I think that is an important thing. I know that there are things which explain the job specifications. I know that there are things that identify objectives. I know that there is a 2014 to 2016 plan, with four major heads that are being pursued—I do not know if that is continuing to be pursued—and I know that there are objectives to be achieved. I know that there are problems that we need to solve and resolve**:** the murder rate obviously, the detection rate, the ability to win the cases once we get them in court. All of these things, which come ultimately in the system that we have, under the jurisdiction of the Commissioner of Police and in collaboration with a number of institutions that support the police service, and we have had real problems in the police service.

I am going to say something that will perhaps make some Members of the House uncomfortable. But if we are going to deal with this matter of crime in the country and if we are going to deal with the issue of the police commissioner as a professional, non-political entity, and if we are going to gain control of the crime situation in this country, we have to be alert to certain things in the country.

We had a situation in this country in which a very senior officer in the police service of this country at the level of Deputy Commissioner was actually seriously alleged to have been involved in a major kidnapping incident in this country. That matter was whistling through the country. The entire police service knew about it. People on the street knew about it, but nothing was ever done about it.

We also had a situation in which a senior superintendent in charge of crime, eventually murdered in the country, on the eastern part of the country, was, in fact, alleged to have been a major person involved in crime in this country. These things happened before our time. They happened before our time, and I want to say that in this kind of scenario where you have a situation—[*Interruption*] what is the Standing Order?

Mr. Hinds: Madam Speaker, I rise on a question of Standing Order 48.

6.30 p.m.

Madam Speaker: Member—[*Crosstalk*] Members, please. [*Crosstalk*] Hon. Member, if you are rising on a matter of—raising that it is out of order, could you kindly point out with some specific reference?

Mr. Hinds: I should do so, Madam Speaker. Madam Speaker, I need your guidance. [*Crosstalk*] I need your guidance. I crave your guidance.

Madam Speaker: Hon. Member for Laventille West—[*Crosstalk*] Members, could you kindly, please, allow me to conduct the business of this House. Hon. Member, an interruption is allowed on a point of order, but one has to state with specific reference the point and the order that you are referring to so that I can rule.

Mr. Hinds: 48(2), Madam Speaker.

Madam Speaker: And 48(2) refers to a matter which is sub judice?

Mr. Hinds: Yes, indeed.

Madam Speaker: And hon. Member, I will have to rule against you that there is any matter that has been referenced here that is sub judice.

Mr. Hinds: I have not indicated what the matter was.

Madam Speaker: Well, Member, it would have to arise out of what the hon. Member said. [*Crosstalk*] Hon. Members, I rule that it is not sub judice so far what the Member has said. [*Desk thumping*] Continue.

Dr. B. Tewarie: Thank you very much, Madam Speaker. I will not pursue this matter. The only point that I am making is that the issue of the commissioner, the jurisdiction of the commissioner, the lack of politicization of the role of the commissioner is very, very important in the context of the evolution of development of the police system in this country. Just as in politics you are not dealing with all purity; just as in business you are not dealing with all purity; just as in any profession in this country you are not dealing with all purity; in the police service you are not dealing with all purity either. [*Desk thumping*] And I say that with the deep understanding that there are large numbers of people in the police service who would like to see a clean, fearless, [*Desk thumping*] independent police service that has the power to clean up the place. [*Desk thumping*] And that is why it is more important than ever that we guard the process by which this is done.

Mr. Hinds: For five years you "aint" do it.

Dr. B. Tewarie: Look, I can tell you stories in the case of the state of emergency in this country that you would not believe.

Hon. Member: Tell us the reason why. [*Crosstalk*]

Madam Speaker: Do not be distracted. Please, direct your contribution to the Speaker. [*Crosstalk*]

Hon. Members: Tell us. Tell us.

Dr. B. Tewarie: I am guided. [*Crosstalk*] That is okay. That is okay.

Hon. Members: Tell us. Tell you why you had the state of emergency.

Dr. B. Tewarie: That is okay. Do not come with all that nonsense.

Madam Speaker: Order, please.

Dr. B. Tewarie: Yeah, Madam Speaker, thank you for your protection. I understand the disarray in which the Members on the opposite side find themselves at this time. [*Desk thumping*] They come here with a bogus strategy to achieve a limited objective; they have been found out and now they have got to deal with this reality. But I want to say, the issue of national security—[*Crosstalk*] I will tell you when I am ready. The issue of national security and I think the leader of business on the opposition side said it well when he said that the main duty of a government is, in fact, to provide human security, and it is really an important duty. I understand the complexities.

A government is elected and the demands from the population is that the Government deliver. And if there is crime in the country, the Government has the duty and responsibility, and the Minister of National Security, in particular, to manage that process. But that does not mean—because there is a relationship between the political directorate and the citizenry that the institutions in between are not to be guarded and secured. [*Desk thumping*]

And this is the point that we are making on this side. We are making the point for democracy; we are making the point for transparency. [*Desk thumping*] We are making the point for accountability; we are making the point for separation of powers; [*Desk thumping*] we are making the point for independent institutions of the State; [*Desk thumping*] and ultimately, we are making the point that the citizens of this country are protected more if these things that I just mentioned—transparency, accountability, democracy, independent institutions, separation of powers—are jealously guarded. Thank you very much, Madam Speaker.

Mr. Prakash Ramadhar (*St. Augustine*)**:** Thank you very much, Madam Speaker. What a wonderful country this is to stand here in this Parliament, first of all, to have heard the clarity of delivery of the Member for Chaguanas West, to be followed by, once again, the eloquence of the Member for San Fernando West. It was as if one witnessed making love to the English language; [*Laughter*] then of course, the very frank delivery of the Member for Oropouche East, and then to be slammed with the insult to intelligence and common sense of the Member for

Diego Martin West, and then to the professorial discourse—[*Crosstalk*]—North/East, I beg your pardon; I shall not interfere with the Prime Minister. The professorial discourse by the Member for Caroni Central. [*Desk thumping*] Both sides are professing rightness on this matter.

But I ask a simple test. If what the Members of the Government are saying is correct, if they are right, why is it that the independent institution called the Police Service Commission, not just its present chairman, but its past chairman, are raising not just red flags, but certainly speaking publicly about the process used to bring what is before this Parliament? [*Desk thumping*]

You know, I think we need clarity here more than ever. Because, you know, the Member for Diego Martin North/East appeared to make a lot of sense, but selective reading is a very dangerous thing that we all learnt in day one in law school, and if not before, in Common Entrance class—selective reading. You see, he sought to so simplify the issue that the only change before this honourable House and the consequence to this country is really removing the need for the DPA to make the call to trigger the process to one where it is triggered by the Minister of National Security.

What he failed to tell this honourable House and this nation is that there was a process under the old form, gentlemen. Yeah. There was an old form under the process that exists until this becomes law, if at all it should in the true sense. And I will take a few moments just to read what they are because it is my humble submission that this new process that is being instituted or attempted to be instituted for the case of pragmatism and for the sake of quickness, guts out those very, very important oversights that the independent Police Service Commission must have in the process to select the Commissioner of Police.

Madam Speaker, if I may be permitted, and once again I have to put on record the gratitude, I think, we must all feel to your staff here in the Parliament for the information brief. [*Desk thumping*] We had done it on our own, but certainly to have seen the clarity with which this document has been put before us in terms of, you know, the tabular fashion so one could, in a moment, see the fundamental changes that have come not just calling on the commission by the Minister of National Security as this thing from the DPA that my friend from Diego Martin North/East wishes us to believe. The process says under the old law**:**

> "The Director of Personnel Administration shall, in accordance with section 20A(1)(c) of the Central Tenders Board Act, contract a firm experienced in conducting assessments of senior police managers to conduct an assessment

process and a firm so contracted (hereinafter referred to as 'the Firm') shall consult with the Commission upon the completion of each stage of the process;"

The new process**:**

"…the Commission on request of the Minister of National Security shall, in accordance with section 20A(1)(c) of the Central Tenders Board Act, contract an appropriate local firm (hereinafter referred to 'the Firm') to conduct a recruitment process including inviting applications for the positions;"

6.45 p.m.

Fundamental difference here is that the commission is not entitled, step by step, to have oversight of this firm. [*Desk thumping*] So, whether one wants to suggest that locals are inappropriate, or whether it even is a foreign firm, the big difference is that the commission under, if you would permit me to say, the old law and the new possibility, had a step-by-step control and oversight of everything this firm did. And I shall go further, at 3(b)**:**

"the Firm shall advertise each vacancy for a period to be determined by the Commission, of not less than seven days, utilizing —

(i) effective information communication technology;

and

(ii) local, regional and international print media;"

That has been completely removed. So, basically, once the job is given to this firm hands off. They can do what they want in quiet, in silence, and certainly in darkness. [*Desk thumping*] That is a dangerous thing. That oversight has been removed in the new possibility.

"3(c) an applicant shall apply in the form specified by the Firm and shall submit to the Firm his application accompanied by—

his biography or his résumé;

references in the number to be determined by the Firm, with current contact information of each referee;…"

This is very important, you see.

"any other relevant information which the Firm thinks appropriate;"

—completely deleted from the new possibility. The PSC has no idea of this process, who the referees might be, and I will come now to the conclusion very shortly, if you will permit me. We go further 3(d)**:**

> "the Firm shall indicate in every advertisement where the following may be found**:**
>
> written guidelines…"

—and it goes through. That, too, has been deleted. But we come down now to 3(h)**:**

> "…the Firm shall submit to the Commission—
>
> the results of its assessment process in the form of a short list of the candidates…"

That, of course, is retained in the new possibility. But, how would the commission know, first of all, if there was any real advertisement? Be shielded from that. Why is that taken from the commission?

Mr. Al-Rawi: They do it themselves.

Mr. P. Ramadhar: You want to speak again?

Mr. Al-Rawi: Yes, if you give way.

Mr. P. Ramadhar: Not at all.

Mr. Al-Rawi: Or, so you just offered.

Mr. P. Ramadhar: You must understand rhetoric. [*Laughter*]

So that what we have at the end of the new possibility is a shortlist that comes out of the dark, here you are. And it is a teenager I heard discussing this. He said, listen if you want at the end of a selection process to choose a red puppy, whatever you do you want to get the red puppy; you just put four red puppies on the list. So that if you pull one at the end of it, this shortlist—and you see this is the danger, and forgive the skepticism. But, I can tell you in a few moments why I am very skeptical, and the rest of the society looks on with a great deal of alarm of what is happening in this nation in terms of the constitutional abuses that we have seen in the past, and the fear of it recurring in the future. [*Interruption*] Madam, I am hearing some prattling from that corner, could we have a "lil" bit of silence?

Madam Speaker: May I have some order, please! There is a Standing Order that relates to interruption, and therefore if a Member wishes to interrupt, could he interrupt in accordance with the Standing Order. Please proceed.

Mr. P. Ramadhar: Thank you so much, Milady. [*Desk thumping*] So, we are on the point of the shortlist that the PSC had no oversight from the moment they say, take this job, to when it is handed to them, what went in that. And it goes further, where there are reports handed over to the PSC under the old law, and then at 3**:**

> "the Commission shall conduct its own assessment of not more than the five…"

—hear this one, eh**:**

> "…not more than the five highest graded candidates on the short list;"

That will no longer exist in the new possibility.

So, they could give you a shortlist of two, two red puppies. These are real concerns and that is why when the Member for Caroni Central spoke about institutional strengthening and the independence of institutions, we must appreciate that whatever we do—you may have the noblest of intent here today, you may, but when we do things it must be the subject of long scrutiny and long practice, and with a sense always looking into the history of where we were and where we wish to be.

This new possibility goes against the grain of all jurisprudential meanings, which is transparency, accountability and all those fancy but important terms used, because we are in a new democracy, the old age must be behind us, where there is political interference in almost everything. And we have stood here in this Parliament debating many different things, constitutional amendment with great uproar on both sides for what they wish to have, but what is always very important is that the country at the end of the day must feel confident that whatever we do, and in particular something as serious as the fight against crime, is left unadulterated, untouched by suspicion.

The next Commissioner of Police must be one that the entire country believes and has confidence in, that is not a political stooge. [*Desk thumping*] He must have the moral authority, beyond reproach, that he was not put there to do a job at the behest of any political governments. And for those who may not remember, it was not that long ago, but it is sometimes easy to forget the very painful and distasteful occurrences where there has been actual interference with the police in the control and in the prosecutions/persecutions of persons in this country.

It is vivid in my mind today that in the year 2000, there was a rush of allegations of voter padding; that a political party was changing votes, registration from one district into another, and this country was riveted on the daily news—front page most times—of persons arrested for voter padding. Do you know what happened then? When murder was at a very high but not certainly as high as it is now, the Homicide Division of Trinidad and Tobago Police Service was taken off their routine of investigating murders and put to investigate voter padding cases.

Hon. Member: Not true.

Mr. Young: Where is the evidence of that?

Mr. P. Ramadhar: I was the lawyer for most, and I will tell you why. [*Desk thumping*]

There was a terror that was unleashed on the society for many persons who may have, for one reason or the other, changed their residency, which, for many of us that is a big word.

Mr. Young: Madam Speaker, 48(1), relevance.

Madam Speaker: Hon. Member, I will allow you to continue. I will give you—[*Desk thumping*]

Mr. P. Ramadhar: I thank you so much. It could not be more relevant in terms of what the people believe. [*Desk thumping*] The long and short of this thing, was that the allegation having been made, we saw many persons prosecuted throughout the length and breadth of this country, paraded in handcuffs before the courts. And you know what? At the end of it there was one successful prosecution, for a young lady and her mother, I think from Laventille West, who moved their vote, for whatever reason, to Barataria in the year 2000.

Dr. Khan: That is the PNM.

Mr. P. Ramadhar: Yes, it was. [*Laughter*] All the others, and there were not all that many, but the country was led to believe that there was this huge tsunami of voter padding, at the end of which all cases have been dismissed.

Hon. Member: All, but one.

Mr. P. Ramadhar: I will tell you—

Hon. Member: All, but one.

Mr. P. Ramadhar: Yours. The long and short of this thing is that the country believes, whether it is real or unreal, that at that point in time there was the use of

the police by a political party to effect their ends. [*Desk thumping*] That is not the end of the story. For those who do not remember, around that time, [*Interruption*] and of course I make no mention to the Member for Toco/Sangre Grande, a lady of the highest quality, but I want to say this, Madam Speaker—

Madam Speaker: Yes, with the direction of the Speaker.

Mr. P. Ramadhar: Of course, yes. May I also say this, in and around the period of the 2000's, Minister of Government Sadiq Baksh—

Mr. Imbert: Opposition at the time.

Mr. P. Ramadhar: He was then in Opposition, former Minister. I remember the day and I had given the story because it is real and it is as vivid today as it was then.

Madam Speaker: And I hope it is relevant. [*Laughter*]

Mr. P. Ramadhar: Very relevant. As relevant as it could possibly be.

Early one morning, Madam Speaker, I received a phone call from someone I knew, person of noted creditworthiness and believability, and I was told, listen, there is a plot to set up Sadiq Baksh with cocaine and mortars put into his water tank. I was, of course, taken by shock that early morning. I could not believe it, but because of the sense of urgency that the messenger had, had the certainty of the information that he conveyed to me, I said let us not risk this thing.

I also, from that conversation received from that informant, I will use that term, that there was a squad of senior police officers from Port of Spain on the way to San Fernando that morning. I immediately called for Sadiq, he was out of the country. He called me from Canada learning that I was looking for him, and told him of the plot. He said protect my family. I then, as a lawyer, Member for Laventille West, called San Fernando police and told them of what my information was—raced down to Sadiq's home, and we got there at the same time that the police from San Fernando got there. I was almost joking and telling them, listen, this is the information, I do not know, go check it. Guess what? That information turned out to be real. [*Desk thumping*]

Now, if the information, that a former Minister, and I think he was party organizer for the UNC, was going to be set-up, and the Member for San Fernando West was going to be set-up with cocaine, kilograms of the thing, and mortars, and that it was a set-up by—and included members of the police, I cringe to say—but the other part of the information is that they were coming down to raid him,

his family, his property, and if they had got there before and found it, then Mr. Baksh, his wife and children would have been the victims of prosecution. But, because of timing we were able to get there beforehand to avoid this. [*Desk thumping*]

Listen, we do not have to look far but I look to my left, the Member for Caroni East, once again, busy as I was, received a call that they lock up Tim. Handcuff this man, a man who had the highest reputation in his field, paraded him through the streets, to the court, in handcuff, eh, after spending untold, I shall not say—

Mr. Hinds: Eric Williams and Franklin Khan, too.

Mr. P. Ramadhar: Exactly. Thank you. So, there is real danger. Sir, thanks for accepting that.

Madam Speaker: Hon. Member, I have allowed you latitude, but I would like you to tie, and while we might be very entertained with the real stories I would really like you to tie it to the relevance of this Motion.

Mr. P. Ramadhar: Thank you very much. I do not intend to be entertaining, I intend to be enlightening of a past history, [*Desk thumping*] and therefore the skepticism that we have in relation to the choice of police commissioner, and the control over the police commissioner. [*Desk thumping*]

At the end of the prosecution it turned out that the Member for Caroni East was charged under an offence unknown to the law. [*Desk thumping*] And I could go on, I could tell you about Dhanraj Singh; I could tell you what happened at the Police Administration Building where he was offered a deal—I was the lawyer—we had not yet written up the charges. If you should say to the public that Mr. Basdeo Panday, the former Prime Minister, was a very corrupt man, that he was the bagman collecting money on his behalf, they would not prosecute him for murder. [*Desk thumping*] That went on affidavit. It was a constitutional motion before the High Court.

So, this is the sordid history we have. So, as we proceed forward, and I knew this is a new dispensation, and we had great expectations for great things. But, I want to tell the present Prime Minister, that when he campaigned and shortly thereafter, he grew a reputation for being a straight-talking man. I also want to warn that straight talk must never be followed by crooked walk. [*Desk thumping*] You must talk and do things, and I have had cause to reflect with some level of consternation as to what we have already seen.

The Member for La Horquetta/Talparo now controls the post-Cabinet. Many have said this is a silencing of the democracy, you have no access to your Ministers to ask them questions. That is one thing. You have heard, of course, others mention about the removal of a Central Bank Governor, under very questionable circumstances. And therefore, the Constitution itself is in danger. We have a Police Service Commission that was created to insulate against the very thing that we are talking about here today. [*Desk thumping*]

What we are doing, if we should allow this to go forward, is really to subvert the very powers of the Police Service Commission, and for what purpose? To what end? Why is it? And the big question is, why do you want to do this in this manner? So that they will be presented with a shortlist that they have no control over the process as how you arrived at it. And then out of that very shortlist, "the two red puppy, or the three red puppy, or the four red puppy", choose one and send it off to His Excellency.

That is where we are. And as I speak to many people in the society they are very worried about this. I think it is quite right, because I do not like, to tell you the honest truth, to assume the worst intent on things. But, when I see what is happening here, the unnecessary efforts to do this, because the first question that any common sense person would ask you then, well listen, why do we need a firm to advertise or to do this thing? Why could the PSC itself—Member for Princes Town, why could they not just put out an ad in the newspapers? Put it out on their website or put it out wherever and short circuit this unknown entity, a local entity, and we know this is a small country, neither too large nor too small, but just small enough that everybody knows everybody else. With the CTB, and we have heard of things happening there.

So, I do not want to cast aspersions on institutions, but when we do this it raises those questions that will indeed cast aspersions on the institution of the PSC, because they have now truly become, if we allow this to go forward, the new possibility, nothing other than a rubber stamp for a firm, an unknown, anonymous firm, the processes of which we have no clue. It is as simple as that, you know, Madam Speaker. So that we could regale each other on and on about who is right, who is wrong. But, at the end of day, we must ensure that the citizens feel confident that whatever we here decide at the end, that they will get a Commissioner of Police who is alert to his duty, a person who has the utmost integrity, who is impartial and does his work without fear or favour across the board.

7.00 p.m.

You see, still fresh in our minds, even now coming out of five years of Government there was a simple investigation that was put before the police service, the Calder Hart investigation. To this day the country—and I want to tell you one thing about the Government of the People's Partnership, we never crossed a line in trying to influence one thing or the other [*Desk thumping*] in relation to prosecutions. To this day—[*Interruption*]

Hon. Member: Section 34.

Mr. P. Ramadhar: Which you voted for, Sir. Which you voted for.

Madam Speaker: Members, Members, may we have some order, please. Member for St. Augustine, please continue.

Mr. P. Ramadhar: Thank you so much, Milady. [*Desk thumping*] We could talk section 34 a thousand time over. They voted us out, you are in and you want to create your own 34 under this number.

But, Madam Speaker, I was making the point that the Calder Hart investigation after these years, still, simple enquiry, no response, no closure. A sitting Prime Minister, serious allegations of the worst kind of conspiracy to murder and to do all sorts of hideous things. Email, we forgot about that. That investigation, everybody else included except the police. We went into an election—[*Interruption*]

Mr. Al-Rawi: Standing Order 48(6).

Madam Speaker: In terms of that, I do not rule that there is any breach of this order.

Mr. P. Ramadhar: I am most grateful to you, Milady. [*Desk thumping*] I will make it clear, whenever I speak, I do not ever intend to hurt or harm. What I always intend to do is to speak what I know to the best of my ability. So the point being that, why is it that we have these "inefficiencies" in relation to some political investigations. And then you have a speedy resolve of others. "They cyah wait to do it. They just cyah wait to do it." And you see, that is why, Madam Speaker, that we today must be very, very cautious as we proceed.

I do not know if my friends realize it, but the accolades they came in on in September have evaporated. [*Desk thumping*] There is now, I want to say this, a fear and an anxiety gripping this nation, at all fronts, not just in crime, in terms of the murders and I want to congratulate the present Acting Commissioner of Police

for the work he and his men have done in dramatically reducing crime according to the statistics over the last five years. Serious crimes. Murders, of course, as we say, unacceptable and it just seems to be getting worse—bloodier, more brazen, more regular and there is that serious fear factor now that we have the ability because there are so many CCTVs that the former Government ordered and installed and then the people in their homes and in their businesses. So you are actually seeing live killings. What an anomaly, live killings. But that is the world we live in today.

So there is that fear, but there is the other fear, the economic gloom and doom that we all feel, waiting for the other shoe to drop. Being warned on the one hand, threatened on the other. The oil price slipping. So therefore what we have is who we are and if we do not look after who we are we are in big trouble because [*Desk thumping*] the Member for Caroni Central hit on a most significant point but the country is not yet waking up to appreciate.

When things get tough in a society, when incomes drop, you know what happens first when their fear and anxiety rivets the nation. You look to blame someone or something. This is not the first country that has gone through this and I do not wish, as some have accused me of fearmongering, but what happened in post-First World War, Germany? Their economy went into ruins; unemployment shot through the roof; men and women were made beggars; a once proud nation. Out of that anguish rose a leader of darkness and what he did to inspire his people was to create a common foe which was the Jews.

Madam Speaker: Member, again, I have given you some latitude but I really, in terms of relevance, I would like you to tie your contribution to the Motion before the House.

Mr. P. Ramadhar: Absolutely Milady, I am most grateful. I will show you the relevance of the thing, that the requirement now for law and order and the institutions to be respected could not have been higher [*Desk thumping*] because—and if you permit me this indulgence, I am seeing across the board fingers pointing, who to blame, who to blame.

Mrs. Robinson-Regis: But you are only pointing.

Mr. P. Ramadhar: No, no, all sides, all sides. Personalities have been identified, who to blame. Communities are being identified, and forgive me, I mean no disrespect but I am hearing about the Syrian community, big business, SIS, you name it, names are being called and then put into the public space in an

era of high anxiety, therefore the need for law enforcement, and the respect for those who have that duty, is the highest now. And that is the point I wanted to make.

So, Madam Speaker, I do not wish to burden you any further, except to say that, unfortunately, maybe with the best of intent, they have failed miserably in this effort because they have now gone against the wind of change, against the grain of modern thinking of transparency, accountability and openness in the process of a most important choice for an office holder. And therefore I for one cannot support it. I am very grateful to you, Milady. [*Desk thumping*]

The Minister of Communications (Hon. Maxie Cuffie): Thank you, Madam Speaker. I had not intended to contribute to this Motion, but given that I have been invited by several Members on the other side I decided to make a small contribution. Madam Speaker, my friend, the Member for Oropouche East did mention that I announced this in the post-Cabinet press conference. Now, that announcement was made on December 10th, and it has taken a long time for us to get to this Motion. I understand my friend's predicament, because when I made the announcement on December 10th he was busy looking for ballots on the banks of a river in Penal. You see, it was just after their party's internal election and everybody was playing police to find ballots and to account for the surprising victory of the Member for Siparia. So I can understand their predicament.

Now, I also understand the difficulty of my friends opposite over the choice of a recruitment firm. Now my friend, the Member for Oropouche East said that he does not know any firms that can do the job that we have put in this Bill for them. Now I know, having perused their tenure in Government over the past five years that they are not very acquainted with recruitment firms. So that when you had [*Desk thumping*] things like the appointment of Resmi Ramnarine to a state police agency, a senior position, they did not understand the recruitment process.

Now it is not the same process as envisaged in this Bill, but it certainly did not [*Desk thumping*] contemplate that you get a phone call and you appoint the most junior person. And we saw that throughout the administration. So I can understand their fear that with this Bill something like that could happen. But we are not the UNC, we are not the People's Partnership and we have brought these amendments with the assumption that we have a decent Government in place. [*Desk thumping*]

If you examine—a lot had been said about the independence of the Police Service Commission. I want to remind my friend, the Member for St. Augustine,

who just spoke and gave us several anecdotes about what transpired under a previous administration. I just want to give him one story about what happened under the last administration.

Now, we had an incident of a plant-like substance being found allegedly at the home of the then Prime Minister. I do not know who set-up who and I do not know whether people threatened or promised to rush back from New York to Trinidad. What I do know is that all the policemen who were doing that investigation suddenly had their leave bought out. [*Desk thumping*] I also know that senior police officials have been suspended as a result of that investigation. I also know that the then Minister of National Security has gone on affidavit as to what transpired over that incident. So it is highly hypocritical of the Members on the other side to talk about the independence of the police and how by bringing this amendment to the Motion that we somehow intend to interfere with the independence of the police.

Madam Speaker, over the last five years the police association has been complaining about the political interference in the police service by the decision of the Government of the day to buy out police officers' leave. So that if you are conducting critical investigation and you want to influence, all you needed to do was to curry favour with the investigating officer or to buy out his leave, to send him on a course, to do whatever they did. But over the last five years we had several instances of that which brought the police independence seriously into disrepute.

So that when they come here and talk about the independence of the police and the Police Service Commission, they seem to forget that it was under their tenure that the Chairman of the Police Service Commission demitted office, resigned suddenly, as a result of the failure of the then Government to do anything [*Desk thumping*] about this Bill. And we did not just suddenly pounce this on the population as we are being led to believe.

Over the last year as we campaigned it was made clear that one of the things that this PNM administration intended to do was to amend the regulation to ensure that a national would be appointed the Police Commissioner of Trinidad and Tobago. And having been elected to office we quickly took steps to put that into the legislation and that is why we are here today. It was not a thief in the night. [*Desk thumping*] It was a promise and a promise to keep.

Madam Speaker, I did not want to go on long, but when I listened to the Members opposite, I have to wonder whether they are truly interested in getting

an efficient police service. They had five years to fix this, they never tried. Every six months there was no embarrassment with the fact that you have a police commissioner coming back, again and again.

7.15 p.m.

They had a Constitution majority. We on this side, even back then, were always willing to support the appointment of a police commissioner, any process that would lead to a quick appointment. The then Opposition Leader went on record offering his assistance in getting this done and it was never done. So this leaves me with only one conclusion. They, for whatever reason, do not want the appointment of a police commissioner. [*Desk thumping*] They do not want a secure commissioner who can assist in treating with the issue of crime, and they know that the insecurity that goes with the job of an Acting Commissioner cannot be to the benefit of the incumbent or any other officer, seeking to combat the serious crime problem.

So, Madam Speaker, with those few words, I thank you. I just felt the need to put some perspective based on the comments I was hearing from the other side. Thank you. [*Desk thumping*]

Madam Speaker: Hon. Member for Oropouche West. [*Desk thumping*]

Mrs. Vidia Gayadeen-Gopeesingh (*Oropouche West*)**:** Thank you, Madam Speaker. Madam Speaker, the hon. Member for La Horquetta/Talparo spoke this afternoon with such fluff and made such vacuous and inane statements that it reminded me of when I sat in your tutorial sessions and we did not answer what your ladyship, Madam Speaker, would have expected, that you would pull your glasses to your nose and look at us. And I saw a similar look this afternoon when the Member for La Horquetta/Talparo was speaking. [*Desk thumping*]

Madam Speaker: Hon. Member, please leave me out of the debate. [*Laughter*]

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, the Constitution of the Republic of Trinidad and Tobago is the supreme law of the land. It guides us on how laws are to be made and the process of changing these laws. Madam Speaker, this debate may be both irrelevant and an insult to the Constitution since the relevant section of the Constitution was not taken into account by this 2015 Selection Order, contrary to what the Government wants people to believe.

The arrangement for selecting a Commissioner of Police is not simply a matter of mere change of process to get the best qualified local persons. It is, what

we call, an existential matter for the State of Trinidad and Tobago. Madam Speaker, the use of a foreign firm in the 2009 Selection Order was not trivial. It was animated and it was based on well-founded understanding of our history and fear of local corruption in the whole process.

When Trinidad and Tobago came into independence, we felt that the promotion of nationalism was its purpose. However, there were questions even before that. In 1958, when the PNM had lost the Federal elections, Dr. Winston Mahabir, Minister of Health, walked into Woodford Square, while the Opposition was being described as hostile. This is a backdrop of what I am going to deal with in this selection process. And I said, this Opposition is not really hostile to any national purpose promoting national interests [*Desk thumping*] for the welfare of every citizen in this country.

Yesterday, Madam Speaker, the chairman of the Police Service Commission expressed horror at the actions of this Government with respect to this matter, which I would speak to later on. We share a culture that is common with the Caribbean. We share a culture that is common with Haiti and other Caribbean countries, and the selection of a Commissioner of Police is, as I said before, existential for the citizens of this country and the State and the wider region.

Madam Speaker, the former President of Mexico, López Portillo, selected as the police chief of Mexico City, his boyhood friend Arturo Durazo, who had been the driver and the bodyguard of the capital's most notorious gangster. The Mexican police, as then and as now, they gouged the public mercilessly. And then we know about the third recent recapture of El Chapo Guzman. He was a Mexican billionaire drug trafficker.

Madam Speaker, I am saying all this in light to the backdrop of how are we to select a police commissioner, and what we look at, even in Trinidad and Tobago, we are yet to tell the country about who invented this emailgate comess that we had. Madam Speaker—

Madam Speaker: Member, I have allowed you some latitude, but I would certainly ask you to be guided by the Standing Order with respect to relevance and tie what you have said into the Motion that is before this House.

Mrs. V. Gayadeen-Gopeesingh: Madam Speaker, I will be guided. Madam Speaker, we know that some governments are really some fronts for criminal enterprises. We know of those things. We say that people with money buy governments and sometimes they buy also commissioners of police. We can never

be careful in what we do to save ourselves from men who lust for powers and so, and it is really a warning for us to select a just and righteous person for a high office.

Madam Speaker, when we go into the details—and I would now go into the details as to why this Government wants to trivialize this matter, by looking at it just as a simple selection process. Removal of the foreign firms may seem patriotic, even nationalistic, but we live in a real world. Why do we still need a Police Service Commission? When we look at the process of how this Government—the Order Paper that they have placed before us—they are going, perhaps, to select a Commissioner of Police according, perhaps, with their political desire. The chairman of the Police Service Commission, Dr. Maria Therese Gomes, was quoted in the *Newsday*, Monday, January 18, 2016—and I quote**:**

> "The PSC needs to be consulted and there has been no consultation. This is disconcerting and disrespectful in light of the constitutional role"—that has—"to be played by the PSC…"

And I continue with the quotation by the Chairman of the PSA. She continued and said**:**

> "…as well as the need for teamwork and combined expertise in reforming this process."

Madam Speaker, I checked again in the budget by the hon. Minister of Finance and we really have counted the word "consultation" was used 20 times, and I went on further and I saw the word "review" was used 21 times. An important matter of this name, the PSC was never consulted. [*Desk thumping*] The Chairman is burdened by section 123 of our Constitution which has not been repealed.

Madam Speaker, this is a country not like Zimbabwe or Ghana under Nkrumah when a chief justice was fired because he did not make the judgment. We can have order without law, but that is the condition that, we describe it as being a fascist state, the condition where you have total control by an executive.

We have a Constitution for a reason, Madam Speaker. We have to obey it in every detail until we change it. And until that is done, the public must know that the PSC chairman was signalling the unfolding threat to the rule of law. The removal of foreign inputs perhaps makes it imperative that we focus on local. This question of *de jure*, Madam Speaker, it is an action consistent with the

Constitution. It becomes burdensome and more imperative when sometimes it is realized that party partisan intentions could decide which firm and which persons are to be given the task of scrutinizing candidates for two important posts. Madam Speaker, how are these persons to be chosen, given the nature of influence peddling? Or in the recent statements of the hon. Prime Minister, and I quote him from the Sunday, January 17, *Express* editorial**:**

"Rowley Golden Rule vs 'morality in public affairs'"

That is the quotation, and I did not say it. It was from the editorial of the *Express.* And I continue**:**

> "So far from mounting any moral high horse, Prime Minister Rowley has more or less admitted to have done much the same himself."

I am talking about the peddling and the interference. Madam Speaker, we will continue—and as I say, the *Express* editorial said that and as we look at the speeches or the contributions made by the other side, we are seeing that some of us really are sleep walking into a new paradigm of softly spoken words with no content.

Madam Speaker, we have several reports which were done by different persons in this country. We have reports done by Prof. John La Guerre, Prof. Selwyn Ryan, and they all produce reports which can assist the Government in how they can move ahead and be guided into the selection in a transparent way, of these persons to these two positions.

The role of the Public Service Commission is really to scrutinize every matter this Government may think is their Executive preserve, to donate jobs as poor relief or vote bank pay back. The 2009 Selection Order which was done before, they did not include the role of the PSC. The PSC retained the right to know every detail on every aspect of the process of selection. The PSC was never left out. It discussed everything with the recruiting process.

This unconstitutional 2015 Selection Order now excludes the PSC from the invitation to applicants, or having anything to do with what applicants may be told by the firm. Madam Speaker, when we look at the selection of the firm, we do not know what the prerequisite for that particular firm is. The firm can decide who to ask to apply, and this may be a flagrant recipe for nepotism. Madam Speaker, we live in a Republic and it is governed by a Constitution.

7.30 p.m.

When we look at the way this Order was done, there was no transparency, and if we look at Lord Diplock in *Thomas v the AG*, I quote**:**

"The whole purpose of Chapter VII of the Constitution which bears the rubric…"—I quote**:**

"'The Public Service' is to insulate members of the civil service, the teaching service and police service…"—[*Interruption*]

Mrs. Robinson-Regis: Would the Member give way? I would just like to ask a question, please. Would you give way?

Mrs. V. Gayadeen-Gopeesingh: No, I—[*Interruption*]

Mrs. Robinson-Regis: No, you are not giving way?

Mrs. V. Gayadeen-Gopeesingh: No.

Mrs. Robinson-Regis: Okay. Can I just ask what page you are on Diplock's judgment?

Mrs. V. Gayadeen-Gopeesingh: It is Chapter VIII. I will get it for you. I will forward it to you.

"'The Public Service' is to insulate members of the civil service, the teaching service and the police service in Trinidad…"—[*Interruption*]

Mr. Deyalsingh: Madam Speaker, just for clarity. Judgments do not have chapters, paragraphs.

Madam Speaker: Hon Member, if you are referring to a source, you would need to cite the source properly, and the question being asked is what paragraph or what page of the judgment. Members, may we have some order, please. Yes, Member.

Mrs. V. Gayadeen-Gopeesingh: It was indeed the Court of Appeal, but I will get the reference, Madam Speaker, and forward it.

Madam Speaker: Please Member, I will not permit you to refer to a reference unless you can particularly cite the reference. Remember this is a debate and other Members may want to respond and, therefore, you will have to descend to some sort of specific reference, please.

Mrs. V. Gayadeen-Gopeesingh: I will move on, please, Madam Speaker. The Constitution has not been overthrown in this country. This Government has

no authority to shackle the country with a process devoted to produce the exclusion of the Police Service Commission.

The 2015 selection Order is perhaps similar to the Prime Minister's order recently where he asked working women to learn to peel cassava. Madam Speaker, it symbolizes a mind blind to the meaning of section 123 of the Constitution. We must face reality—[*Crosstalk*]

Madam Speaker: Members, may we have some order please.

Mrs. V. Gayadeen-Gopeesingh:—and the truth. And when we look at this (Selection Process) Order, 2015, it reminds us of George Orwell's *Animal Farm* and the hero was Napoleon, the head pig. [*Desk thumping*] He controlled the police, he decided who must drink milk or eat. It is always so when politicians think that the purpose of the police is to protect and serve party leaders.

Madam Speaker we need at this time to hear a different story. We need to know how this Government is going to deal with this process; how the people selected to review applicants—[*Interruption*]

Mr. Deyalsingh: Madam Speaker, I stand on Standing Order 44(10).

Madam Speaker: In terms of the point of order, I rule that the Member could continue with respect to her references. Please limit your references and also cite your references. But more importantly, Member, I have cautioned on relevance before and I would wish you to really stick to the Standing Order with respect to relevance, and also to remind that the Speaker has power if you continue to be irrelevant to ask you to discontinue your contribution.

Mrs. V. Gayadeen-Gopeesingh: Thank you, Madam Speaker. Madam Speaker, I am just almost to wrap up please. We are now looking at the review process. We are saying how this firm is to be selected, and I am saying that we need to hear another story from the Government and that is how I am now saying what we need to do to assist in this process. We are asking how the people are to be selected to review applicants in this particular firm; we ask who is this local firm? What are the criteria used to select the persons? What is this firm? Is the firm a subsidiary; is it an international company? We do not know, Madam Speaker. [*Crosstalk*]

Madam Speaker: Members, may I have some order please. Member for Oropouche West, I caution you for the final time that your contribution is amounting to tedious repetition and, therefore, if you persist I would really have to invoke the Standing Order and ask you to discontinue.

Mrs. V. Gayadeen-Gopeesingh: Sure. Madam Speaker, as I wrap up I am saying that this Order lacks merit. It is dangerous. It allows a local firm to decide without the PSC input or reference to veto or to decide on anything. The PSC is excluded from shortlisting applicants. We do not know the whole process and we are saying this Order is a veneer.

Madam Speaker, I am saying as I close that we need to have more transparency and we have to comply with the supremacy of the Constitution.

Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: Hon. Member for Port of Spain North/St. Ann's West.

The Minister in the Office of the Attorney General and Legal Affairs (Hon. Stuart Young): Thank you very much, Madam Speaker. It is with great pleasure that I have the privilege to rise to briefly contribute to this debate tonight with one single purpose, and that purpose is to bring us back on track, to bring us back to a level of sanity of debate and also relevance. It is our duty respectfully as parliamentarians not to mislead the members of public as to what it is before this House for debate here today.

Having said that, Madam Speaker, I would like to start by saying that there is no unconstitutionality whatsoever in the Order that is before us, if I may call it the (Selection Process) Order for Commissioner and Deputy Commissioner, Legal Notice 218 of 2015. We have heard a lot of contributions here tonight about and surrounding the selection of a firm. And the simple question to the other side and to those who may wish to continue the contributions is, what is different with respect to the selection of a firm between the 2009 Order and the current law of 2015? The only difference with the firm is that now it is stipulated it be a local firm.

The second point and the point when it comes to constitutionality and all of this discourse about the shackling of the hands, the minds and the powers of the Police Service Commission is a completely fallacious argument. There is absolutely no merit in that whatsoever. Madam Speaker, it is actually arguable that the prior Order, that is the 2009 Order, fringed on the breaching of constitutionality. As it said at 3(a), the 2009 Order**:**

> "the Director of Personnel Administration shall, in accordance with section 20A(1)(c) of the Central Tenders Board Act, contract a firm experienced in conducting..."

So it was the DPA who, under the previous Order, was mandated in accordance with section 20A(1)(c) of the Central Tenders Board to contract a firm. It was not even the Police Service Commission.

In the present instance and in the Order brought by this Government, Madam Speaker, it is now the Police Service Commission who is being mandated to contract a firm. So they are being put in charge of their own process. They are being put in charge of the process of contracting a firm, and obviously one would expect that the Police Service Commission would contract a firm with the proper and the appropriate qualifications for such a process.

All of the suggestions with respect to the contracting of a firm are misdirected at the Government, because it is the Police Service Commission that is contracting the firm [*Desk thumping*] not the Government of Trinidad and Tobago. So for those on the other side to stand here for six hours now and to try and mislead the public of Trinidad and Tobago, we take great umbrage to that, [*Desk thumping*] not on our behalves, but on behalves of those that we represent and every right-thinking citizen of Trinidad and Tobago. Stop misleading the public. It is the Police Service Commission that will be contracting the firm. So we would expect the Police Service Commission to fulfil its constitutional mandate and to do so in a proper manner, and to contract a firm that will carry out its duties.

Madam Speaker, I was distressed here this afternoon into the night to hear suggestions by those on the other side of the process being manipulated by the underworld, and I call upon them, if it is that they have connections or knowledge of the underworld trying to manipulate any legal process in Trinidad and Tobago, to take it immediately to the authorities. [*Desk thumping*] This Government standing on this side is not encouraging and will not encourage any underworld activity in Trinidad and Tobago.

The Commission on the—[*Interruption*]

PROCEDURAL MOTION

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, colleague. Madam Speaker, in accordance with Standing Order 15(5), I beg to move that the House continue to sit until the conclusion of the business before it.

Question put and agreed to.

COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER OF POLICE (SELECTION PROCESS) ORDER, 2015

Madam Speaker: Continue, hon. Member for Port of Spain North/St. Ann's West.

Hon. S. Young: Thank you very much, Madam Speaker. Madam Speaker, I would like, through you, to let the public know that the only interaction that the Executive has in this whole selection process—and it is worthy of repeating because we have been misled here for hours today—the only interaction and participation in this whole selection process by the Executive, that is, the Government of Trinidad and Tobago, is the proverbial pulling of the trigger by the Minister of National Security where he requests that the Police Service Commission do its job.

There is no other interaction in the process by the Executive. So it is extremely misleading to suggest that the Government, and this Government, is attempting to influence the selection of a Commissioner of Police in any underhand manner whatsoever. [*Desk thumping*] The Commissioner of Police, there has been no—[*Interruption*]

Madam Speaker: Hon. Member for Caroni Central, please.

Hon. S. Young: I answer questions that are asked which are sensible questions, Member for Caroni Central. [*Desk thumping*] I shall not waste my time, Member for Caroni Central, answering irrelevant questions.

Madam Speaker: Hon. Member, please direct your contribution to the Speaker, please.

Hon. S. Young: Madam Speaker, I apologize. Madam Speaker, again, it comes back to this simple premise. The only interaction and participation by the Executive is when the Minister of National Security requests that the Police Service Commission commence a much simplified process. That is the simple and only interaction by the Executive in the selection of a Commissioner of Police.

And that can only arise, with the greatest of respect, Madam Speaker, on the occasion where there is not a Commissioner of Police or a Deputy Commissioner of Police in office. It cannot arise legally in any other situation, and to suggest otherwise is once again unnecessarily misleading.

7.45 p.m.

So then after we have crossed that hurdle, which is the only interaction by the Executive and we look at the process that we are now, I respectfully submit, is a much simplified process. We respectfully submit that the simplified process takes nothing away from the prior selection process Order. In fact, the PSC and the firm have the same powers they did before in selecting, assessing and deciding the criteria of assessment of a Commissioner of Police and to suggest otherwise is, again, very misleading. Listening to the contributions from the other side, is it that there is a mistrust on their part with respect to the Police Service Commission? Because there is certainly no mistrust on our part with respect to the Police Service Commission. [*Desk thumping*]

When one does a comparative between the preceding Order and the current law which is the Order as per 2015, one sees, when you come down to 3(e), that**:**

"the Commission shall then take into account…"

—after the assessment process done by the firm and the firm is still required under 3(d) to submit to the Commission**:**

"(i) the results of its assessment process in the form of a short list of candidates;

(ii) a report on its assessment of the entire assessment process; and

(iii) in respect of the candidates referred to…the following documents**:**

(A) application of the candidate;

(B) biography or résumé of the candidate;

(C) assessor's scores;

(D) assessor's feedback;

(E) medical examination report; and

(F) Security and Professional Vetting Report;"

So, Madam Speaker, in other words, what the process expressly requires the firm to do is provide the Police Service Commission with the results and the score cards utilized in its assessment process. The Police Service Commission shall then take into account all information on the candidates, and it does not expressly hamper the Police Service Commission from doing its own homework on the candidates, and any information that the Police Service Commission finds that is

of concern to it, it is allowed to adopt that into the process. One does not have to express every single ingredient of reasonableness that will be carried out in a process. We expect the Police Service Commission to do its job in accordance with the normal tenets of public law**:** follow natural justice, follow proper procedures, follow fairness and follow what the Constitution stipulates they must do as per the *Cooper* case that was referred to earlier.

The power in appointing the Commissioner of Police lies in the Constitution with the Police Service Commission, and I repeat, at the risk of being accused of tedious repetition, that the Executive plays an extremely limited role in this selection process. The only injection by the Executive and participation in this process is the Minister of National Security requesting that the Police Service Commission commence the process. And how could that ever be unconstitutional? [*Desk thumping*]

So, lest the citizens of Trinidad and Tobago had any fear or any apprehension by listening to those on the other side here today, that this was a process that was being created to cherry-pick anyone, disperse and dispense those fears immediately because this Government does not intend to interfere in the process. What we are looking to do is fix a current problem which exists for the last three and a half years, and for the last three and a half years when we were not in Government but we were in Opposition and nothing was done by the former Government to ensure that there was a permanent Commissioner of Police. [*Desk thumping*] So in keeping with the promise of the hon. Prime Minister and this Government, we moved very quickly on coming into office to simplify the process of the appointment of a Commissioner and Deputy Commissioner of Police and quite frankly, there is nothing that can be argued to be wrong with that process.

Madam Speaker, there is a desire on the part of this Government to govern the country properly and to find solutions to problems that exist, to rebuild our society and to move us towards a first world status. As I said before, Madam Speaker, a lot of fuss has been made here today about the selection of the firm and in conclusion, I say one, we have in no way whatsoever restricted, hampered, or, to use the language that came from the other side, albeit mispronounced, shackled the Police Service Commission. In fact, what we have done is provided them with a much simpler process. There can be no argument about the choice of a local firm. The candidates must be nationals of Trinidad and Tobago. I have heard it suggested here tonight that we have not defined who is a national of Trinidad and Tobago.

Hon. Member: That is the second one.

Hon. S. Young: As it is pointed out, that will come in the second Order. But the simple point I was going to make is how could there be any disparity or any uncertainty, any lack of clarity, as to who is a national of Trinidad and Tobago, especially for current purposes.

So, Madam Speaker, in closing, I would like to thank yourself, the citizens of Trinidad and Tobago and the Members of this House for the opportunity to allow me to rise and hopefully to clarify and to bring some sense to the debate that there is no interference taking place on behalf of the Executive in the selection process. We are attempting to find a solution to ensure that this country gets a Commissioner of Police, a permanently appointed Commissioner of Police, and that task is completely mandated and in the hands of the Police Service Commission, working along with an appropriate professional firm in locating and finding a national of Trinidad and Tobago who will serve Trinidad and Tobago as a Commissioner of Police.

With those few words, Madam Speaker, I thank you. [*Desk thumping*]

Mr. Rodney Charles (*Naparima*)**:** Thank you very much, Madam Speaker. I rise and I stand representing the 15,000 loyal, hard-working citizens of the constituency of Naparima and they have advised that we support the view that Legal Notice No. 218, brought by the hon. Member for Chaguanas West, be annulled. In rising, we wish to state categorically that we support the appointment of a chief Commissioner of Police with the utmost dispatch. We do support. We understand the challenges with crime. The Minister of National Security is a person who we feel has the credibility to deal with the problem but he needs the support of a permanent Commissioner of Police.

We also have no objections to the view that the Commissioner of Police should be local. We have no problem with that. In fact, it was under their watch that they created a system and a procedure that led to the appointment of a foreign Commissioner of Police and a Deputy Commissioner of Police. [*Interruption*] In fact, as I am advised, denied a local—a qualified local.

Madam Speaker: Hon. Member for Naparima, please do not be misled. We are talking about the Selection Order. This is the one we are talking about. There is no qualification, so please be relevant to the Motion.

Mr. R. Charles: Okay. We support the use of the local firm for selecting the Commissioner of Police, but we will not support a unilateral approach in the

appointment of the Commissioner of Police. [*Desk thumping*] We believe that it ought to be done in consultation with the Opposition, the Police Service Commission and the people of Trinidad and Tobago. We do not support a process which relegates the Police Service Commission to being largely a post-box function to ratify decisions taken by the Executive.

And thirdly, we do not support a process for selecting a Commissioner of Police which reduces the qualifications of the Commissioner of Police or acts in a manner that is ultra vires the Constitution. The reason why we say that is we believe fundamentally that we are dealing with a broader issue of the separation of powers. We understand that in the separation of powers, you have the Legislature, which makes laws and that is why we are here looking at this legislation and reviewing it; the Executive, they carry out and implement a policy; and the Judiciary is responsible for making decisions with respect to the legality of the actions of the Executive. I come from a media background and we include in our discourse, in the protection of our democracy, the concept of the fourth estate, which is supposed to provide information to the citizenry—and we are doing that here today via the media—so that they can make informed decisions.

Now, in looking at the selection process and the qualifications, we have to understand what was the thinking by the framers of our Constitution about the role and function of the Police Service Commission. And if you look at the independence Constitution in 1962, we see that it established the Police Service Commission where the chairman and four members of which were appointed by the Governor General acting on the advice of the Prime Minister. So initially, the Police Service Commission was brought in as an institution to protect the process and keep the Executive at an arm's length relationship. The safeguards for the independent Constitution, credit has to go to Mr. Lionel Seukeran and to Mr. Tajmool Hosein who insisted and said that this was their gift to the people of Trinidad and Tobago. We find it a little surprising that the grandson of Lionel Seukeran and the hon. Member of Parliament for San Fernando West will be part of, in our view, a process which we see as weakening the power of the Police Service Commission. I will say why subsequently.

You see, our republican Constitution went further to insulate the Police Service Commission from the long reach of the Executive. Members of the Police Service Commission were appointed by the President after consultation with the Prime Minister and Leader of the Opposition. Now, we are told by the Member for Diego Martin North/East that we have been discussing this matter for years

and there has been no action, and he made reference to a report of the Strategic Sub-Committee of the Multi-Sectoral Review Team dated June 12, and which they had representation from the Opposition.

Hon. Member: What year?

Mr. R. Charles: June 12, 2012. It recommended, inter alia, that the selection process for the offices of the Commissioner of Police and Deputy Commissioner of Police should be changed to give the Police Service Commission the jurisdiction to select and appoint persons to those two offices. In other words, it was speaking to the empowerment of the constitutionally established institution to carry out its functions to appoint a Commissioner of Police. That report said and I am quoting**:**

> This would eliminate the roles currently played by the office of the DPA and the firm and simplify the procedure.

8.00 p.m.

So the question we are asking is, if they had gone into the consultations that were necessary to develop the legal notice, they would have understood that discussions had taken place, and the discussions had pointed to the empowerment of the Police Service Commission. [*Desk thumping*] They cannot come here and tell us that the only difference is that they have replaced the Director of Personnel Administration with**:**

> "the Commission on the request of the Minister of National Security shall, in accordance with…20A(1)(c) of the Central Tenders Board Act, contract an appropriate local firm…to conduct a recruitment process including inviting applications for the…"

It is not only the change of a firm, they have fettered in this notice, they have fettered the Police Service Commission by developing a process, and telling them that they need to hire a firm, and telling them the process. For example, under 3(e)**:**

> "the firm shall select, from the applications received, the most suitable candidates for the assessment process;"

In other words, whereas section 123 of the Constitution, which I understand is still the guiding legislation in Trinidad. Section 123, it says**:** The Police Service Commission shall have the**:**

> "Power to appoint"—and I quote from the Constitution—"…persons to hold or act in an office…"—of Commissioner and Deputy Commissioner of Police.

It does not say that they have to be advised by a firm, and the Executive cannot develop a process that limits what the Constitution tells us is the purview and remit of the Police Service Commission.

This points us to the point, and we could look at this as the creeping overreach of the Executive, [*Desk thumping*] in the governance of Trinidad and Tobago. A creeping overreach where you look at—and if you look at them singly, you can perhaps dismiss it, but if you look at it in its overall context, you can see that there is a tendency to not act consistent with the principles of separation of powers. I know you are going—but this is relevant because it speaks to an attitude on that side.

We are concerned about the overreach of the Executive. We see it in other instances which we could ignore. The oversight committees being chaired by Cabinet Ministers, sworn to the principle of Cabinet collective responsibility, and a foreigner has to come here and take up our foreign exchange, to tell us what we already know, that if you want to have oversight, it is better not to have control, and to fetter Parliament in that regard.

We have had instances where, for example, you know, you increase the borrowing ceiling and you do not tell us why in Parliament. That speaks also to the process of hiring this commissioner, where the Parliament is being put into a straitjacket and not being given the freedom to carry out its constitutional mandated responsibility.

We could speak also of the firing of the Governor of the Central Bank, which in addition speaks to that overreach. And in a previous incarnation, a Speaker was placed under house arrest through—[*Interruption*]

Madam Speaker: Member, in terms of relevance, I would like you to withdraw that, and continue with your contribution, please?

Mr. R. Charles: Our concern in terms of the selection of the police commissioner is not without a history, and personal experiences. It is important that the commissioner be selected in a transparent, open [*Desk thumping*] process, that we can all abide by, whoever it turns up.

We have, and reference was made to it, where—and I will speak for—I, myself, being subject to a police search in respect of offices in Chaguanas years ago, regarding voter padding. Police knocked on the door of the office, and they came looking for, in an intimidatory way, looking at the question of voter padding. We understand that no one was charged. [*Interruption*] No one was convicted. They were charged, but not convicted.

Just a couple months ago, there was a five-hour search of our campaign head office in Chase Village, on the eve of the last September general election. That, in a sense, five hours—[*Interruption*]

Hon. Member: You were in office then.

Mr. R. Charles:—that has to do with our concern about the independence of the police, and the independence of the leadership of that institution. [*Desk thumping*] We had the Sadiq Baksh affair, when cocaine in his tank—[*Interruption*]

Mrs. Robinson-Regis: Madam Speaker, I rise on Standing Order 48(1).

Madam Speaker: Member, Standing Order 48(1) and that is with respect to relevance. Member, I have cautioned you before. Apart from that, I think some of the matters you are raising, have already been ventilated by Members on this side. I am cautioning Members about tedious repetition. Continue, hon. Member for Naparima.

Mr. R. Charles: We are going to ask the question, for example, about the process of selecting, and we are of the view, and we call on this—to understand that all we are asking for is a process that is transparent, and a process that recognizes the fact that it is important to all of us citizens that we have something that we could abide with. In terms of—we ask the question about the qualifications from a university.

Mrs. Robinson-Regis: Madam Speaker, that is not before us.

Madam Speaker: Hon. Member for Naparima, there is one Motion that is before the House, and this is the selection process.

Mr. R. Charles: Okay. We are saying, all I wish to say is that many of us are prepared to defend with our lives, the rights and privileges afforded us by the Constitution. We know that the Constitution, and the rights assured therein, may be our last bulwark against any Government which wishes to ride roughshod over our democracy. We understand that this is not their country. It belongs to all of us, and we will defend our rights and the system that will lead to a transparent process for identifying a Commissioner of Police.

We call on them to honour their pledge to uphold the Constitution and the law, and not in any way undermine our institutions and our democracy, a key element of which is our independent service commissions. I think the population owes a debt of gratitude to this Opposition, this Leader of the Opposition, this

alternative Government, this Government in waiting, led by our Leader, who will rescue our country from the investigation of crime, and the vacuity of ideas on that side. I thank you. [*Desk thumping*]

The Minister of National Security (Hon. Maj. Gen. Edmond Dillon): [*Desk thumping*] Thank you very much, Madam Speaker. I stand today to speak on a Motion that I believe is extremely important to the peaceful citizens of Trinidad and Tobago. I stand here to give my support to this Government's courageous initiative, to make right an untenable situation that has been left in abeyance for far too long.

I speak about the appointment/selection process for the Commissioner and Deputy Commissioner of Police. I want to thank the Members before me, in particular**:** the Member for Diego Martin North/East, for doing an intense comparison of the Motion; the Attorney General, for the legal and implications and the processes.

Madam Speaker, when I look at the amendment, it is but a simple amendment from the previous version, and it simply states that**:**

> "…the Commission, on request of the Minister of National Security shall, in accordance with section 20A(1)(c) of the Central Tenders Board Act, contract an appropriate local firm **(**hereinafter referred to as 'the Firm') to conduct a recruitment process including inviting applications for the position;"

A very simple amendment. I cannot understand why the Members on the other side are having so much indifference about this statement. It appears as though, to use a Shakespearean term**:** the eye sees not itself, but by reflection. It appears as though they are seeing ghosts. They are seeing nefarious activities behind this statement, and I wonder why. [*Desk thumping*]

This Motion is much more about the legal processes and so on. This Motion is about leadership and governance in the police service. As you are no doubt aware, Madam Speaker, the positions of Commissioner of Police and Deputy Commissioner are the nucleus of leadership of the Trinidad and Tobago Police Service. The Commissioner of Police is the highest ranking officer. He is at the pinnacle of the organization. He is the ultimate leader. He is the jefe among constables. In some jurisdictions in the UK, he is referred to as the Chief Constable. When one understands the importance of that leadership, understand what that does to the organization, then you must understand the urgency and the importance of the leader, the Commissioner of Police, in the selection process in Trinidad and Tobago.

Madam Speaker, the Trinidad and Tobago Police Service is both a civil and paramilitary organization, which functions in accordance with the Police Service Act, Chap. 15**:**01 of the Laws of Trinidad and Tobago. The TTPS is charged with the maintenance of law and order, the prevention and detection of crime and the prosecution of offenders.

Madam Speaker, the Police Service Commission in July 2012 appointed Mr. Stephen Williams, Deputy Commissioner of Police at the time, as the Acting Commissioner of Police, with effect from August 07, 2012. What is important is at that very same appointment, and I quote, the Police Service Commission says**:**

> In this regard the commission has today instructed the Director of Personnel Administration to invoke the provision of Legal Order No. 102, to ensure that the offices of the Commissioner and Deputy Commissioner of Police are filled permanently in the earliest possible time. [*Desk thumping*]

Madam Speaker, I repeat**:** the earliest possible time. [*Desk thumping*] It is now three years and five months since that statement of the Police Service Commission was made and, to date, the definition of the earliest possible time and the importance of this matter appears to have had no significance on this past administration. [*Desk thumping*]

The present Acting Commissioner is now in his seventh six-month extension in an acting position as the head of an important institution, as the Trinidad and Tobago Police Service. This situation is untenable, unbearable and shows a lack of political will or an outright lack of care and concern for the peaceful existence of the people of Trinidad and Tobago by that former administration. [*Desk thumping*]

Madam Speaker, Geisha Kowlessar writing in the Trinidad *Guardian* dated June 30, 2015 stated, and I quote**:**

> "…it is reported that there are concerns among the first division officers regarding length of time it was taking to recruit and appoint a substantive Police Commissioner.
>
> One senior officer said…it was demoralising"—and insulting to the organization.
>
> The *Newsday* of today's date in an article written by Andre Bagoo, page 18**:**

The President of the Social Welfare Association said, Madam Speaker, and permit me to quote, the need for a Commissioner of Police to be appointed has**:**

> "…overriding importance if we want to be serious about improving national security and public safety.
>
> The Police…is suffering too much. We must all adopt a mature approach."

That is instructive, and a sense of the importance from adopting these procedures, the police welfare and social association is in support of the measure, and I can quote from the newspaper clipping. [*Desk thumping*]

8.15 p.m.

Permit me to quote from the *Newsday*, page 18, dated Wednesday, January 20, 2016. President of the Police Service Social Welfare Association, Insp. Anand Ramesar is quoted as saying**:**

> "He said he had no problem with a proposed requirement that the recruitment firm to be hired by the PSC to oversee the recruitment be limited to local firms."

This is a Social Welfare Association, Madam Speaker. So they are agreeing with the proposal here because they understand the importance, they understand the significance of appointing a Commissioner of Police in today's security environment.

Let us remind ourselves that the TTPS is a paramilitary organization, and like all other such organizations, as the military for instance, at the core, at the very foundation is the twin philosophy of leadership and in governance. Madam Speaker, in the military and paramilitary institution, such as the Trinidad and Tobago Police Service, the Trinidad and Tobago Defence Force, the Trinidad and Tobago Fire Service, the Trinidad and Tobago Prison Service, some members bear arms on behalf of the State, and at times are expected to make the ultimate sacrifice in the performance of their duties.

In fact, many lives have been lost in the performance of their duties in some of these institutions. The leader in these institutions must be able to provide an environment in which the morale of the subordinates are high. We have heard the voices of the senior officers with respect to their morale, the morale of the officers and men in the Trinidad and Tobago Police Service. Madam Speaker, in the military theorists, such as Sun Tzu, Confucius, General Patton and General Montgomery, they have all declared that morale is a fuel that drives the individual to beyond the call of duty. [*Desk thumping*] What we have seen over the last five years, over the last three years, Madam Speaker, is a demoralization of the persons [*Desk thumping*] in the Trinidad and Tobago Police Service.

There is no incentive. There is no motivation to go beyond the call of duty because of the absence of a legitimate leader, and this is what this Government is trying to put right. This is what this Government is trying to fix. This is the

problem. This is the remedy. This is what we are trying to fix at this point in time. It is to put right what has been wrong over the last three years and five months. [*Desk thumping*] So it is against this background that it is fundamental to the very existence of these institutions that are very hierarchical in nature, that strong and sustainable leadership be executed from the top echelon.

The leadership of the Trinidad and Tobago Police Service, like any military organization, must be provided with the proper instruments of legitimate authority, Madam Speaker, [*Desk thumping*] because a leader of this most important institution must never be subjected to the vagaries of political decisions, but must be a substantive office holder to execute the business of policing effectively and efficiently without having to wonder whether or not, at the end of every six months, whether he is going to get the contract or not. It leaves a sort of state of disrepair in these institutions.

One can remember how former Commissioner of Police, James Philbert, was given two weeks' notice because he was in an acting position, Madam Speaker, two weeks' notice to demit office, and humiliated publicly after a man who had served for more than 40-something years in Trinidad and Tobago as a dedicated and patriotic citizen in Trinidad and Tobago. He was humiliated and literally hounded out of office, why? Because he was in a six-month contract, Madam Speaker. You see, and, therefore, it is important for these institutions to have this legitimate authority.

It is generally accepted that our police service suffers from security of tenure at the leadership level. The leadership of the police service has been in a state of instability for the past five years. Despite having a special majority in Parliament, the past regime made absolutely no effort, no effort whatsoever, to improve the system, yet they come here today to negative the attempt by this responsible Government to make it right, Madam Speaker. [*Desk thumping*]

Madam Speaker, a Commissioner of Police must keep his organization strong. He must dedicate to its task and communicate with the public under very demanding and stressful situations. The Commissioner of Police and his deputies must set the tone for their officers, especially in leadership position, but without security of tenure at the top how can there be meaningful governance and improvement? How can there be, Madam Speaker. [*Desk thumping*] It filters down throughout the organization, the sense of insecurity filters down.

As mentioned before, the morale, the fuel that drives people to go beyond the call of duty is non-existent, Madam Speaker, and so the Ministry of National

Security has a critical responsibility in setting the police framework and the strategic agenda for the administration and operation of the police service. So it is in this context the role of the Ministry of National Security must inevitably involve policy directions in relation to the Government's responsibility to the public for the strategic leadership and governance of the Trinidad and Tobago Police Service. But it must be based on a Commissioner of Police who is legitimately there to receive the kind of instructions, the kind of directions that is required to effectively and efficiently deal with the situation in today's security environment.

Madam Speaker, it is known to all that the incidence of crime and violence and disorder in society today is one in which we are treating with, but for us to treat with the issues of crime and security we must have that willingness, we must have that sense of security, we must have that sense of authority to treat with it, Madam Speaker. No doubt, if we have to keep over our heads that any point in time our security could be taken away from us. It creates a vacuum, Madam Speaker. So it is important for us in treating with the Motion before us to understand it is not merely in terms of the legal terms and processes, and so on, which we have explored tremendously throughout this debate. It is about leadership, it is about governance, and those are the important, salient factors for me as Minister of National Security that I see that is warranted as a matter of urgency to assist in treating with the issues of crime and criminality in Trinidad and Tobago. [*Desk thumping*]

So, Madam Speaker, reform efforts have already been produced in terms of strategic perspective for the Trinidad and Tobago Police Service. However, a new phase of reform calls for development of good police governance in accordance with Government's policy. What we seek to build is a modern-driven and proactive police service, with a leader who has the commensurate authority that is practical and motivated to meet the service's annual benchmarks and surpass them. Such a police service would be manifested by the following personnel and organizational features**:** a police service that is accountable to the public for its action; a police service that operates within the framework of the law and international policing standards; a police service committed to the promotion of high standards of moral and ethical conduct; a police service whose policing priorities and strategies are based on the needs and demands of local communities; a police service with a comprehensive, structure and disciplined approach to the management of financial, technical and operational resources. Madam Speaker, all of these I mentioned could only take place if the police

service is structured with strong leadership and strong governance, and that can only be possible—and I repeat it—it would only be possible if we go through the processes as placed here by this Government to ensure that we have a Commissioner of Police who has the legitimate authority to execute these actions, Madam Speaker. [*Desk thumping*]

Madam Speaker, it is not today or yesterday, or even just prior to September last year that we have been calling for changes to be made to the way that we chose our Commissioner of Police and Deputy Commissioner of Police. This is not just yesterday. The records will show that as far back as July 02, 2010, the Member of Parliament for Diego Martin West, the then Opposition Leader and now the hon. Prime Minister of Trinidad and Tobago, spoke out vehemently against the shortcoming of these constitutional Orders that are now the subject of this debate, and which were the basis, to a large extent, for the selection of Dr. Dwayne Gibbs and Mr. Ewatski. Recognize, Madam Speaker, that the processes used to select a commissioner and his deputies are indeed cumbersome, protracted, and, of course, incurs great expenditure.

As recent as yesterday, in one of the daily newspapers, a former Chairman of the Police Service Commission has reiterated the need to amend the Orders, which he termed as convoluted, and he is a former chairman. We have listened and we have taken note of the many calls for change. This Government is about keeping its promises, as indicated in our manifesto. One of the first matters at hand we address is in fact, and we talked about it, the issue of the Acting Commissioner of Police and Deputy Commissioner of Police. Madam Speaker, we keep our promises. [*Desk thumping*]

Madam Speaker, in 2006, when the Constitution was amended to give the Commissioner of Police the complete powers to manage the police service, it was never contemplated that the holder of that office in the police service would be exercising such a critical power in an environment of uncertainty that exists today. It was never contemplated that it would exercise that amount of power in an area, in an environment of uncertainty. This, Madam Speaker, is what we are striving to correct, that the Commissioner of Police would exercise the powers granted to him by virtue of the Constitution in an environment that is stable so that he can execute it effectively and efficiently.

Madam Speaker, while we recognize that there are times when an acting appointment is necessary in order to facilitate, sometimes, the efficient running of the workplace. We do recognize the potential pitfalls associated with such long-term arrangement, and I could just list a few, Madam Speaker, with your

permission**:** there is the perception that holders of acting appointments are not given the respect that is afforded to substantive holders; there is the perception that holders of acting appointments do not make the decisions that could have far-reaching consequences because of a fear factor; they do not make long-term decisions because of security of tenure. Madam Speaker, there is also the perception that acting appointments, particularly, over a long period of time, give the impression that management does not care, either for the person or for the organization. Finally, there is also the perception that our regional and international partners may see us as not being serious in dealing with us, in giving us information, or treating with us in the area of crime and security, Madam Speaker. It is a very untenable situation.

I want to make it abundantly clear, Madam Speaker, that we are not here to talk about the performance of any specific individual, we are here to talk about the benefits and the importance of changing what exists today to better be able to select a Commissioner of Police that has the legitimate authority. This is what we are about today, one that will execute good governance and good leadership for the benefit of the security and the people of Trinidad and Tobago, Madam Speaker. We are here today to fix that problem. We are here to fix that, Madam Speaker. We are here to put in place what is constitutionally required to ensure that the best possible candidate from Trinidad and Tobago, whether living here or abroad, is chosen to lead the Trinidad and Tobago Police Service. That is why we are here today, Madam Speaker.

So, therefore, Madam Speaker, let me say that today we live in a world of interdependence, one in which no entity can treat with the many things that confront us, and, therefore, we expect a responsible Opposition. We expect an Opposition that understands the security climate that we exist in today, and, therefore, do not look for things that do not exist, do not look for a simple process that is put forward to you and come to this House without taking full consideration that we are treating with the security of Trinidad and Tobago. We are treating with issues that are pertinent to all of us, every single citizen of this country, and everyone has a role to play in treating with issues. Let us not be show stoppers, let us understand the bigger picture, and the bigger picture is that every citizen of this country has a role to play in the security of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, let me say, as we go forward, as we go forward with this Motion, we have to once again lift the morale of the members of the Trinidad and Tobago Police Service, and by extension, the entire national security apparatus,

because they work in proximity, one affects the other. If morale is going on one side, it is low on the other, so we take a holistic approach. Let us ensure that the apparatus of the Ministry of National Security, the morale is lifted by ensuring that we put in place a legitimate individual as the Commissioner of Police.

8.30 p.m.

Madam Speaker, one only has to look at what happened in the defence force quite recently, and I bring that just to show by matter of comparison. We are talking about morale—the last administration in their wisdom, or probably lack of wisdom, extended the service of a former Chief of Defence Staff pass his retirement age, pass his compulsory retirement. Do you know what that did to the defence force? The morale of the senior officers, those who had legitimate expectations of moving to the next higher rank, went down. The defence force, the bastion of defence of this country, interference with the structure of the defence force. In fact, yes, past the retirement age.

At one stage you say you are not buying out people's leave, yet you are buying the leave of the other person right now, and then you extend them beyond the compulsory retirement age, so that those who had legitimate expectation had to go home without reaching to the point of Chief of Defence Staff. Madam Speaker, I may get emotional because I am, when you see the interference that took place in one of the contributors of security in this country. [*Desk thumping*] Yet you come here to tell us, "You are interfering with the governance and leadership of the institution that has the responsibility for security of this country". This Government is here to fix that. [*Desk thumping*]

And we said we were going to fix it in the shortest possible time, because we understand the need, we understand the urgency, we understand the importance of security in Trinidad and Tobago. It is the framework, it is the bedrock by which everything else takes place. If we do not take care of the security, nothing else takes place in Trinidad and Tobago, because this Government understands the importance, hence the reason we said in our campaign, we said in our lead-up that questions dealing with the Commissioner of Police and the Deputy Commissioner of Police is something that we would address very urgently, and we have kept our promise. [*Desk thumping*]

Madam Speaker, in closing, may I say that as the Minister of National Security, I urge Members on the other side to get beyond the politicizing of crime, get beyond the partisan approach, because crime and criminality in Trinidad and

Tobago is everybody's business. Understand the big picture. Be mature in your approach, and let us treat with this as we ought to be, as citizens of Trinidad and Tobago.

Madam Speaker, I thank you.

Mr. Barry Padarath (*Princes Town*)**:** Madam Speaker, I rise to contribute in support of the annulment of these two legal notices, but I will first deal with the first Legal Notice, 218. Today is a watershed day in the history of the Republic of Trinidad and Tobago. It is a day when we in the Opposition stand in this honourable House in support, or more importantly, in defence of the rights of the people of Trinidad and Tobago and the Constitution of our Republic. [*Desk thumping*]

Madam Speaker, the speaker before me, the Member for Point Fortin, the hon. Minister of National Security, spent a lot of time speaking about leadership and governance in the police service. This is a Minister who is on record as saying in this honourable House that despite having 29 murders recorded in the first month in this year, that there is no spike in the murder rate.

When you want to speak about leadership and good governance in the police service, you must first start with the Minister with responsibility for the police service. Time and time again we continue to see from the Members opposite, senior Cabinet Ministers, senior Government Ministers failing to provide that same leadership that they ask for, that same leadership that they speak about in the police service.

The hon. Minister spoke about when we were in government, meaning the People's Partnership. He spoke about having the political will to do what is right, and ensuring that the police service is equipped with the tools that are necessary to get the job done. May I remind the hon. Minister, and the hon. Member for Point Fortin, that it was Members of his own Government—the Member for Diego Martin West and the Member for Diego Martin North/East—who stood in this very Parliament and voted against very important pieces of legislation that could have changed the landscape of this country. [*Desk thumping*] I make particular reference to the hanging Bill, where they refused when in Opposition to give their support to serious pieces of legislation that could have ensured that several persons who were murdered in this country could have had justice today.

But, Madam Speaker, what do you see on the front pages of the newspapers? On one side you see the Prime Minister "wining" in a fete—[*Interruption*]

Hon. Members: Noooo!

Mr. B. Padarath:—and on the next side you see a mother clutching her baby because the mother—

Mrs. Robinson-Regis: Madam Speaker, on a point of order, and I rise on Standing Order 48(1) and also rise on Standing Orders 48(6) and 48(4).

Dr. Rowley: In fact, on all the Standing Orders.

Dr. Moonilal: "De" whole book.

Madam Speaker: Hon. Member for Princes Town, again, on the question of relevance. I will ask you to withdraw that statement and I will again caution you about relevance and the power of the Speaker to call on you to discontinue if relevance is not shown. To the other Members of the House, I would like to remind of the Standing Orders with respect to Members being able to make their contribution in silence and to desist from excessive crosstalk. Continue, hon. Member for Princes Town.

Mr. B. Padarath: Thank you, Madam Speaker, but may I remind the honourable House that I am responding to comments made by the hon. Minister and the Member for Point Fortin.

Madam Speaker: Hon. Member for Princes Town, I ruled that the statement you had made should be withdrawn. That is the statement with respect to pictures with the hon. Member for Diego Martin West "wining" on the newspapers, which I said was not relevant to the issue. So I am asking you to withdraw that.

Mr. B. Padarath: Madam Speaker, I am so guided.

Hon. Members: You have to say "withdraw"!

Mr. B. Padarath: Madam Speaker, I withdraw with a lot of hesitation. [*Crosstalk*]

Madam Speaker: Hon. Member for Princes Town, that is total disrespect for the Chair. I again ask you to apologize, or else I will have to invoke the Order.

Mr. B. Padarath: Madam Speaker, I apologize; I withdraw the comment.

Over the past few decades we have seen many examples of interference by the People's National Movement in the independent institutions in our country. We have seen examples where the hands of politicians in the PNM have "seeked" to influence decisions.

Hon. Members: Sought!

Madam Speaker: Hon. Members, please may we have some order. Continue Member for Princes Town.

Mr. B. Padarath: Madam Speaker, it still does not change the fact that we have seen examples where the hands of the politicians in the PNM have influenced decisions that are politically expedient to them.

Legal Notices of 2015—[*Interruption*]

Mr. Young: It is one notice we are debating.

Mr. B. Padarath: Legal Notice 218 in the criteria for the selection of the Police Commissioner and the Deputy Police Commissioner proposed by this administration is a slap in the face of the Police Service Commission and the role that is afforded to them by the Constitution.

Mrs. Robinson-Regis: Madam Speaker, I rise on—

Madam Speaker: Hon. Members, when one Member stands on a point of order, the other Member should sit. At no time two Members should be standing in the Chamber at the same time. Leader of the House.

Mrs. Robinson-Regis: Thank you very much, Madam Speaker. I rise on Standing Order 8(1) and request that the word "seeked" be expunged, given that it is incorrect English. [*Laughter*] Standing Order 8(1), please, Madam Speaker.

Madam Speaker: Members. I will allow the hon. Member for Princes Town some latitude, in that, while Standing Order 8(1) speaks about the debate being in English—[*Laughter*] could we please have some order, please! I will draw a distinction between the Queen's English and what sometimes—[*Interruption*] Members, please—in Trinidad and Tobago amounts to dialect. Hon. Members, I have made a ruling with respect to the point of order made by the Leader of the House. If I go to invoke standard English in here, lots of us would be outside.

Continue please, Member for Princes Town.

Mr. B. Padarath: Madam Speaker, today once more we in this country are seeing "an intack" on our independent institutions. [*Interruption*]

Hon. Members: Attack!

Madam Speaker: Members!

Mr. B. Padarath: An attack on our independent institutions. We are seeing an attempt by an administration—

Madam Speaker: Members, could we please have some order. If I have to rise again for order, I am going to suspend the sitting. Continue.

Mr. B. Padarath: Madam Speaker, today once more we in this country are seeing an attack on our independent institutions. We are seeing an attempt by an administration who operates like a runaway horse.

Mr. Deyalsingh: Madam Speaker, I stand on Standing Order 44(10) which you have ruled on several times. It is now becoming pathetic.

Madam Speaker: Hon. Member, you are allowed to make some references to your notes, but one is not allowed, unless one seeks leave, to read completely. So while your notes might be extremely full, I would ask you, this is a debate and therefore limit your references to your notes, please.

Mr. B. Padarath: Thank you, Madam Speaker. I make reference to comments made by the hon. Member for Point Fortin, Minister of National Security, and while the hon. Minister went on to quote Anand Ramesar, he was particularly silent with respect to the Chairman of the PSC who spoke about not being consulted with respect to the two legal notices.

Madam Speaker, one would have thought that today the Member for Point Fortin would have come to this House prepared to answer the Chairman of the PSC on those charges. Madam Speaker, the Government continues to speak day after day about consultation with different institutions, about consultation with different sectors of the society with respect to decision-making. Once more we see that the Minister with responsibility for the police service in this country, remains silent, like several of their other colleagues, on very important matters that affect this country.

8.45 p.m.

Madam Speaker, the hon. Member for Point Fortin and Minister of National Security spoke about the demoralization of officers in the police service and generally in the protective services. I am reminded of the years prior to the Partnership coming into Government when day after day after day you had officers who swore to protect and serve this country, facing the brutality of a government who did not put mechanisms and measures in place to protect them.

Madam Speaker, while they speak of demoralization of the police service, let me remind Members opposite that it was a Kamla Persad-Bissessar administration that came into Government and ensured—Member for Siparia—we attempted to ensure that we put mechanisms in place to protect the families of our officers, our

protective officers. And we ensured that over 3,000 police officers in this country received $1,000 extra in their pockets. [*Desk thumping*] We ensured that the families of officers who put their lives at risk everyday were protected in the event of their demise that they would have been able to access $1 million, [*Desk thumping*] that would give their children a start in this country. And, you know, Madam Speaker, they want to speak about all the things that they wish to do to ensure that the police service and the protective services are well equipped to get the job done.

And you hear the hon. Minister and the Member for Point Fortin speaking about demoralization and speaking about all the good things that they can do to lift the morale. And while they want to correct me, it seems that they did of have the same feelings towards their own Member who could not even pronounce the word morale and kept saying moral. [*Desk thumping*]

Madam Speaker, let me remind this honourable House and this nation that when the Partnership came into office, we came into office with a police service that was amounting to just over 2,500 officers. Madam Speaker, there was shortage of 3,000 officers in this country when the Partnership came into office.

Madam Speaker: Hon. Members, I would like to hear the contribution of the hon. Member for Princes Town. Hon. Member for Princes Town, this is the last opportunity I am going to get to caution you on relevance and if you can really bring your contribution and relate it to the Motion in very short order or else I will invoke the Standing Order.

Mr. B. Padarath: Madam Speaker, in my effort to respond to the hon. Minister of National Security he was the one who raised the issue of demoralization. He was the one who spoke about mechanisms being put in place by his administration to make the lives of officers a little bit easier. And, Madam Speaker, what I am simply doing is that I am simply identifying the double standards and hypocrisy of this Government. [*Desk thumping*]

Madam Speaker, as early as 2006 and up to 2009 certain modifications were made by the Parliament with regard to the selection and appointment of the Commissioner of Police and the Deputy Commissioner of Police. And it was done in tandem with groups from civil society and the Opposition so that we could have a meaningful contribution to getting the desired result.

Madam Speaker, while we may not have agreed with all facets of the arrangements, what we were happy with was that the matter was ventilated and the process was not amended in secrecy and in a clandestine manner. There is a

general feeling in this country that the Government continues to operate without consultation. The Government continues to operate in secrecy. The Government is not consulting with the population, and while this Government seeks to undermine the value of the Police Service Commission to regulating them and several of my colleagues used the analogy to a post box or a conduit in the selection process, it was a Kamla Persad-Bissessar, Member for Siparia administration who spoke about strengthening of the PSC through former Minister of National Security Gary Griffith in December of 2014.

Madam Speaker, then Minister of National Security Gary Griffith recommended to Government that the DPA be removed from the entire selection process by bringing amendments that would have strengthened the role of the PSC in the selection process and it would have given full autonomy to the PSC in the process. The Partnership Government was and continues to remain committed to maintaining the independence of our state institutions.

Madam Speaker, under section 123 of the Constitution, the PSC nominates and that nomination is subject to approval by the House of Representatives. The PSC can only appoint once its nomination is approved by the House, but that is the final stages of what happens. We must understand what happens from the very beginning. We in the Parliament must be concerned about what happens at the beginning of the process and not just at the end.

Madam Speaker, the Police Service Commission today is being told that they will be nothing more than a rubber stamp and the fact is they are not even being told because the left hand is not even speaking to right hand. These notices are shrouded, as I have mentioned, in secrecy and they are under a dark cloud cover.

The Police Service Commission is being compromised by this administration by making it answerable to a sitting politician in the person of the Minister of National Security. And you would have heard from speaker after speaker from this side of the House the concern that we have about replacing the DPA with the Minister of National Security.

Madam Speaker, again we are fearful on this side that the political players in the PNM may be at work. And what are the desired outcomes from these emaciations to have the commission directed and ultimately answering to political figure. The brazen attempt by this administration involves political figures not only limited to the PSC, we have seen it right here in the Parliament, where Government Ministers are chairing oversight committees. They are asking their own questions and providing their own answers—[*Interruption*]

Mr. Deyalsingh: Madam Speaker, I rise on—sorry. Go ahead.

Mrs. Robinson-Regis: Sorry. Madam Speaker, I rise on Standing Order 48(1).

Madam Speaker: Hon. Member for Princes Town, again I caution you with respect to relevance. This Motion deals with a very limited matter—the selection process. I ask you again to keep within the confines of the matter before this House.

Mr. B. Padarath: I am so guided. The Government needs to tell the population today what constitutes an appropriate local firm? And what I am seeking to do is indicate again what the Government has said, but to show through their own actions in the past how they have not been able to maintain the accuracy of the statements that they make. And the Government needs to tell the population**:** what constitutes an appropriate local firm? Would an appropriate local firm be a firm in which it is directed by locals purely? Is it a firm where there are no foreign affiliates? Is it a firm that one of their Ministers' spouses would be affiliated to? I do not know, Madam Speaker, I am simply asking. This is the same Government whose chairman's spouse moved from being a housewife to a million-dollar contractor. This is the same Government whose Minister of Finance moved—[*Interruption*]

Mr. Deyalsingh: 48(6).

Madam Speaker: Hon. Member for Princes Town, I would ask you to withdraw that, and this is my very last warning.

Mr. B. Padarath: Madam Speaker—[*Interruption*]

Madam Speaker: Hon. Members, could you all kindly keep silence.

Mr. B. Padarath: Madam Speaker, I am simply asking these questions—[*Interruption*]

Hon. Members: Withdraw.

Mr. B. Padarath: You asked me to withdraw?

Madam Speaker: You have to formally withdraw.

Mr. B. Padarath: My apologies. I withdraw.

Hon. Member: What happen you "doh" like to withdraw. [*Laughter*]

Mr. B. Padarath: What I concerned about again is that while my colleagues would have raised several issues with respect to the Legal Notice and the

provisions made in this Legal Notice, what we are concerned about on this side is that—[*Interruption*]

Madam Speaker: Members, this sitting is suspended for five minutes to get some order in this House.

8.56 p.m.: *Sitting suspended.*

9.00 p.m.: *Sitting resumed.*

Madam Speaker: The Member for Princes Town.

Mr. B. Padarath: Thank you, Madam Speaker. Through the Legal Notice 218, it undermines the confidence in the Police Service Commission through its removal of section 3(j) and 3(k) from the 2009 Order.

The 2009 Order ensured that the commission could make enquiries on candidates, in that the commission may gather such other information on each candidate as it considers necessary and appropriate to determine the merits of his application and suitability for the office for which he is being considered.

Madam Speaker, like my colleagues before me, we have raised several issues of lack of consultation with several clauses being removed from the 2009 Order, and also areas that remain ambiguous and silent. While we on this side of the House support the annulment of the legal notice, we do so on the backdrop of understanding that we have had in the past and even in the recent past several examples where we were not comfortable with trusting this Government, we are suspicious of the political interference as we have indicated before. As time and time again, through our recent history and even over the decades when the PNM was in office, that they come to the honourable House crying crocodile tears about citizen security. But, Madam Speaker, what in fact they are trying to do today, by coming to this House only after being forced by the Opposition through this annulment, that they are trying to hoodwink the population by not answering to the rationale and the reasons being put forward for making these fundamental changes.

Madam Speaker, it is our view that this is why we cannot trust the Government and why we are suspicious about political interference. Madam Speaker, I will remind you of several instances of political interference by this People's National Movement administration. And, as I wrap up I want to remind members of the national community, that we have several of the same players in the Government again, who were in Government before, in the 1994 Government,

in the 2006 Government, who remained silent, who remained quiet on these issues and remained also not only mum but also numb on these issues because they said nothing, they did nothing.

Madam Speaker, I wish to refer to one case as I wrap up, and that is the case of former Chief Justice Satnarine Sharma.

Mrs. Robinson-Regis: Madam Speaker! Madam Speaker, 48(1), again.

Madam Speaker: Hon. Member for Princes Town, having warned you several times, I will then now order that you take your seat and discontinue your contribution. [*Desk thumping*]

Hon. Member for Diego Martin West. [*Desk thumping*]

The Prime Minister (Hon. Dr. Keith Rowley): [*Desk thumping*] Thank you very much, Madam Speaker. It really dampens my enthusiasm to enter this debate, to have to come in after such an unfortunate ruling. But, the rules are the rules.

I join this debate, and hopefully I would not be too long, because I simply want to put on record a response to a couple of the statements made by Members today. I would understand that the new Members would not have the correct breadth of the perspective and the history of this development. So, as I sat here all day today and listened to Members on the other side talk about how the Government has come virtually as a thief in the night and has dropped this thing on the House without consultation. And, in fact, at least two Members have gone as far as to say, as they praised themselves, as they are wont to do, that we are here in this House today because the Opposition brought the Government here.

Madam Speaker, you would know we came here today as per our instructions last time the House met to come to do the Finance Bill. It is the Finance Bill that brought us to the House today, and we took the opportunity, having come here to do the Finance Bill today, to dispense with the Motions filed by those on the other side to seek to stop something which should have happened a long time ago. For the benefit of the new Members and the public, who for the last seven or how many hours were regaled by these allegations of suddenness and unpreparedness by the Government, and unwillingness to consult, let me for the record indicate that this solution which we put to the country, which is in force and is subject to negative resolution, did not suddenly arise in this administration. It is a continuation of something that arose two administrations ago. It started with a

requirement to change laws to respond to crime. And the PNM Government of the day brought to the House a package of legislation which was loosely called the anti-crime Bills, and those Bills required a special majority.

Mr. Al-Rawi: Two-thirds.

Hon. Dr. K. Rowley: Two-thirds majority. But, the PNM did not have two-thirds of the votes in the House. But, there was a requirement in the country to have those elements of legislation passed into law so as to respond to the rampage of the criminals amongst us.

The Opposition at the time agreed that there was need for the legislation, but they placed political strictures on the passage of the legislation. They laid down conditions. It mattered not that the criminals were running up and the street, and that the mounting number of dead was in front of us. They said to pass the legislation they will withhold their votes unless, unless, the Government of the day, the Prime Minister of the day, take steps to remove certain conditions that existed with respect to the appointment of the Commissioner of Police. At that time a Commissioner of Police was appointed by the Police Service Commission, and the Prime Minister held a veto over a nominee that would have appeared before him as a selectee of the commission. It was simple. The Police Service Commission throughout the years would look at the situation and make a selection of a Commissioner of Police, but the law required that the Prime Minister review it and say yeah or nay. That is what we call the veto.

Those in the Opposition said that is tantamount to the Prime Minister appointing the commissioner, and they wanted that changed. And if that does not change they are not going to vote for that legislation which was meant to respond to the crime rampage at the time. The PNM had reservations about what they put forward, and what they put forward, in order to get the Bills passed giving priority to the requirement to pass the law as against preserving any veto, the Prime Minister of the day agreed to have the law amended so that there was no veto, and that Parliament selects the Commissioner of Police. And the reservation is on *Hansard*. The bottom line was, one group of politicians was saying, to have a veto over a recommendation made by the commission was tantamount to the politician, the Prime Minister, the political party appointing the commissioner. But that same group did not see that the party and the Prime Minister who had the majority in the House had even more political clout in appointing the commissioner. Because, with the veto, what would have happened, that if the commissioner came down

the line, it would have taken two or three recommendations for the Prime Minister to have nothing to veto, and the veto would have ended very quickly, because you could not veto the whole police service.

But, in the Parliament, in one stroke, the political majority chooses the Commissioner of Police. So, if we want to talk about Commissioner of Police being chosen by political action, there is no greater political action than parties and politics in the Parliament, selecting the Commissioner of Police. [*Desk thumping*] And the very first time that it was put into use, I happened to have been in the seat where my colleague for Siparia now sits and the hon. Member was sitting here. [*Points at his seat*] She was a brand new Prime Minister, freshly minted, glowing from head to foot. [*Interruption*] As Prime Minister. It was one of the first items we dealt with in 2010, and at that time the Government was in support of Mr. Gibbs, the Opposition was not. The Government used its majority and it voted Mr. Gibbs into office as Commissioner of Police. And the record will show that halfway through his term, all the reservations that we had about that fresh out of Canada Commissioner of Police came to pass and it was the Government itself that terminated Mr. Gibbs' term half way through, and it resulted in a Minister of the Government—I do not want to use an unparliamentary word but—speaking inaccuracies to the country, saying that Mr. Gibbs was fired by the Police Service Commission. It took the commission to come out publicly and say, we did no such thing. It was the Government that negotiated a separation of Mr. Gibbs and Ewatski, and they were paid millions to go, halfway through their term.

I did not make that up. That is the record. That is what happened. But, I will tell you, during the debate when the Government voted in support of Mr. Gibbs, and the Opposition was not in support, the new Prime Minister in response to a claim during debate, gave an undertaking that the cumbersome system which we experienced in the selection of Mr. Gibbs, the new Prime Minister gave an undertaking that in very short order the Government will come back to the Parliament and we will change the existing arrangements. And, as Leader of the Opposition, I gave the assurance that the Opposition will support that move. [*Desk thumping*]

That was in late 2010. No such thing happened except that an Acting Commissioner of Police was put in place after the Gibbs misadventure, and then we had an acting commissioner to this date.

Every six months the press is speculating will he get a passing grade? There were times as he is going up to the commission, there is speculation in the press,

will he be humiliated, will he pass? When he came out they asked him, what did the commission say? And that was how the commissioner was put out in front of the public.

9.15 p.m.

Then, there was a protracted period of increased criminality, violent crimes and murders. I, as an Opposition Leader, initiated contact to the Prime Minister and I asked her for an audience and she graciously agreed. And I took to the Office of the Prime Minister a team of parliamentarians and 10 proposals from the Opposition. Number one proposal was that we should proceed to place someone into the substantive post of Commissioner of Police. [*Desk thumping*] And we told the Government's team then, bring it any Friday evening or call Parliament any day of the week and you are guaranteed to have the Opposition's support. [*Desk thumping*]

At the time, the Minister of National Security, sometime later on, Gary Griffith was the advisor, the Attorney General was Anand Ramlogan. And I distinctly recall in the meeting that both of them and the Prime Minister expressed support and gave us the assurance that it will be done. We left that meeting, having made other proposals, but that was one, there were other proposals made, but that was one, the main one. We expected that the Government will proceed.

The Government of Trinidad and Tobago during the period, subsequent to that meeting of 2013, did absolutely nothing. But that is not exactly correct. They did not do anything about bringing it to the Parliament but a lot happened with respect to discussing it, passing it through the systems, readying it to come to Parliament, but the Government was distracted. Read the papers.

I saw where Minister Griffith is making reference, I have seen the documentation of the involvement of the Police Service Commission in these very discussions, taking a position that the changes to be made ought to be made to simplify the process. That is what. To remove from the process the first three steps that were the impediment to it being done. There was another feature at that period, you know.

When, under the new arrangement, there was to be an appointment of the chairman of the Police Service Commission and the name of my former colleague at the UWI Ramesh Deosaran, came up, I supported it fully and he was made chairman of the commission. After three years, the term expired, but these impediments were in the way and it was a very sorry period. The commission was

eunuched. And it produced nothing, and this impediment of not being able to get a Commissioner of Police into the substantive post was a bone of contention with the commission itself.

And then strangely enough, after all that was ventilated in the public on this issue, the President presented the name of Ramesh Deosaran again to continue into another term as chairman. And I was flummoxed, because here he was in the first term saying how futile were the attempts and how stultifying was the process and how meaningless was the term but he was prepared to take another term, and I asked in this House, to do what? And I led my team in the Opposition to oppose his reappointment. [*Desk thumping*] The Government used its majority and had him appointed and within a matter of—was it six months?

Mr. Deyalsingh: Less than a year.

Hon. Dr. K. Rowley: Less than a year, he, of his own volition, in the ultimate frustration, resigned the position and left. And in the meantime our Commissioner of Police was getting another six months, to get another six months and now he has a record—[*Interruption*]

Hon. Members: Seven times.

Hon. Dr. K. Rowley: I understand he has just been given his seventh extension. And in the meantime we had to listen to the Attorney General making joke of Government policy in the face of public comment on this matter, and Opposition interventions I described, saying—I think it was in this House.

Hon. Members: "Umm hmm."

Hon. Dr. K. Rowley: —that you get more out of the man if he is acting.

Mr. Imbert: Yes, he was not joking.

Hon. Dr. K. Rowley: I do not want to repeat what was said today because others have said it. You get more out of the man because he will work harder because he wants to be appointed. Well, based on that principle, apparently there is no end to how much he has to do to prove to them that he deserved to be confirmed. But that is not the point today. The point today is that this Government had the opportunity to take part in a general election campaign. And while they were running up and down spinning wheel and playing the fool in the election campaign I was telling this country, if you vote for the PNM, if you elected us into office, one of the first things we will do is to come to the Parliament and change the system that is so cumbersome. [*Desk thumping*]

So we have done that and according to the arrangements, from the time we put the Order in place, because it is an Order that was required to be changed and the Government knows it, because Minister Gary Griffith who was Minister of National Security in the Government of the Member for Siparia, had expressed it very clearly, not once, but many times. We knew what had to be done, but it was clear that the Government was either distracted or was not prepared for reasons best known to them, they just were not prepared to do it. They knew what had to be done. And they also knew, most importantly, that they had the support of the Opposition if they came to Parliament to do it.

Hon. Members: That is correct.

Hon. Dr. K. Rowley: And they come here and detained us from half past one today and waste Parliament time for the whole day pretending to be opposing this matter on the grounds that there was no consultation. Well, let me tell you in your fight, something. I was in the Cabinet when a Prime Minister sought to talk to a chairman of the Police Service Commission. I was there. I do not know where you were but I was there. He wanted to talk to him in the same spirit of consultation that you advocated all day today. And I heard his name called here today with great reverence, and what did he say to the Prime Minister? He said, I cannot talk to you. I am independent. I am head of an independent commission and I am not talking to you. I cannot talk to you, and said that to a Prime Minister who sought to consult him.

I had to listen here for the whole day that we cannot go any further, we are undermining the Constitution, we are burrowing underground. We are creating landslide in the Constitution if we do not consult the commission. And then, of course, the current chairman of the commission jumps out to say or to give the impression that something wrong is happening in the Parliament because we had not consulted her. But she is sitting on an impotent commission who is having to watch that it has no role in initiating a process to put a commissioner in place because somebody else did not do what somebody else had to do. And this that is in place now, put there by us, gives the commission the power to act in a similar circumstance in the future.

So I do not know how giving you power to act is undermining you. Where did you get your logic from? We have given by changing the Order, where for four years a commission sat there, a commission chairman resigned in frustration because the existing arrangement gave the commission no opportunity to intervene. And we give the commission now that power to intervene and you spend six hours trying to mislead the country that we are taking away power from

the commission. [*Desk thumping*] It has to be that the election campaign continues. Because you have to think that the people of this country are stupid. Because anybody who listened to you today and understands that what the Order does, is to give the commission an opportunity to intervene, a power it does not have, how could that be undermining the commission?

My friend from Chaguanas West spoke very eloquently and with great aplomb, and it sounded like a good argument. When I was in high school I used to make those arguments because they will give you an argument, one side of the argument, whether you agree or not, argue that. And that was high school argument. Be it resolved that the sun is made of green cheese. [*Laughter*] And you had to argue the colour looks like cheese, it is far away and I took, I got a whiff of the cheese. It is an argument. You are building an argument. It does not have to make sense. It does not have to be true but that is what he does. But he got up here today and quoted law.

Well, of course, I want to congratulate my colleagues, the Member for San Fernando West, the Member for Diego Martin North/East and the Member for Port of Spain North/St. Ann's West, [*Desk thumping*] for three of the most lucid explanations I have ever heard in the Parliament on a matter of substance. [*Desk thumping*] But they were forced to do that because the Opposition came in here today, hell-bent on misleading the public that the Government was doing something that the Government was not in fact doing.

I do not know if they heard the Minister of National Security because the effect of proper arrangements not being made and the demoralizing of the men and women under arms, that went over their heads.

So, one Member equate the pronunciation of morale with "seeked". This is not a place to make jokes. What stands between us and the criminal empire and the criminal industry in Trinidad and Tobago is the police service. And we have to stop playing politics with it. And that is why I led my team to the Prime Minister's Office on the initiation of the Opposition and say, we are available. [*Desk thumping*] We are available to work with you, whatever you want of us in the Opposition, we are available. The opposite was when we brought Bills to the Parliament and blood was flowing in the streets, the UNC said, we are not voting for those Bills unless you give us this convoluted thing, and, of course, the convoluted thing has in the structure this guarantee of perfection, that a foreign firm must choose. And we, the people of Trinidad and Tobago, at the time spent millions of dollars or some similar figure to train people up in the police system. And a man with a degree from Cambridge, prepared, as part of his succession

planning with the police, was passed over. Penn State passed over our home grown. A man trained at Cambridge in policing, paid for by taxpayers, some nameless, faceless, people from Philadelphia told us that Mr. Gibbs was better—[*Interruption*]

Mr. Imbert: A degree from a diploma mill.

Hon. Dr. K. Rowley: He got a PhD and an MSc in the same year—I do not want to waste time going there because that was made clear in the debate, but the Government voted for the Bill. And Mr. Piggott resigned or he left the service and we lost the potential to have him because the Government chose Mr. Gibbs and is telling us, in fact, when we opposed that, they told us we were xenophobic. That means we are afraid of foreigners, we do not like foreigners. But, of course, when they ended with him in the middle of his term there was no talk of xenophobia. It was just rank, unadulterated failure. Basically, what our colleagues on the other side are saying to us tonight is, leave it so; leave it so for another five years.

So when Mr. Williams goes in whatever time he goes somebody else will act because the commission can do no more than that, appoint the next person in line. And then, of course, in all of this pseudo legal argument that I heard here today about the Government wanting to appoint a commissioner, I want to make it clear, as leader of this Government, I have no horse in this race. [*Desk thumping*] I have no idea who will become the Commissioner of Police in the new process. And all I want out of it is that the process works and works transparently. And, of course, I heard a name called of some officer from Tobago who I do not even know. If he walks in here now I do not know him, but they are accusing the Prime Minister of wanting to appoint a Tobagonian. Well if "ah" Tobagonian is next in line and is the best person, if a Tobagonian is the best person—[*Interruption*]

Hon. Member: Then so be it.

Hon. Dr. K. Rowley:—then so be it. [*Desk thumping*]

9.30 p.m.

I do not want to go any further about Tobagonians being the best for the job because we might get a Tobagonian Opposition Leader too. [*Laughter*] But the point I am making, all kinds of accusations being made**:** no consultation; the Government is against consultation and the Government is dictatorial and the Government is—as I speak to you now, there are hundreds of people in Preysal taking part in consultation on local government reform, [*Desk thumping*]

following consultations in San Fernando, where overflowing crowds came from Picton Hall into the Streets—consultation under way on local government. Does that sound to you like a Government that does not know what consultation is? A Government who is now led by an Opposition at the time, an Opposition Leader who walked to the Prime Minister's office to go and listen to the Prime Minister give assurances and then turn back on it; did not do a single one of the things that was said would be done.

But tonight is not the time for that. And, of course, hear the brilliant argument from one of my colleagues on the other side, and I am quoting here because it was so spectacular, I had to write it down. Let me quote it**:**

> "Is there a firm in this country which is beyond the reach of the criminal element?"

Let me tell you all something. There was a time when Colombia did not have an Attorney General in Colombia. The Attorney General of Colombia used to operate out of New York because the criminal element made it impossible for there to be an Attorney General in Colombia. So if you want to talk about the reach of the criminal element, what is the length of the arm of the criminal element? Do you know on the other side?

So when you raise this kind of argument, indicating that we, in independent Trinidad and Tobago, do not have a firm that could do a head hunting and could evaluate applicants in this independent territory, what you are saying, unless it is done by foreigners, it cannot be done on our behalf. It is the same nonsensical argument that keeps the CCJ from not being our final court of appeal. [*Desk thumping*]

And unfortunately the person who led that argument is the same person who is now Opposition Leader and carrying on the same mentality. Now, if it is that that argument holds for this particular operation today, and on this Order, why not let it hold for the head of the FIU? Are you going to say that we cannot find in Trinidad and Tobago a citizen to head the FIU because such a person of Trinidad and Tobago cannot be beyond the reach of the criminal element? Well, let us take it further. Let us not have any local judges and magistrates because they will be within the reach of the criminal element.

Do you all hear yourselves when you talk those kinds of things in the Parliament? It makes absolutely no sense. [*Desk thumping*] But, of course, I could take it further, but the argument today was about wasting time and misleading the population. One Member got up here and say, when they came into office "it had"

2,500 policemen. Now, if you could put on clothes, put on tie, put on whatever you put on and come to the Parliament and stand up on Parliament floor and say there were 2,500 policemen in your time, where you come from?

Mr. Al-Rawi: And a serious face.

Hon. Dr. K. Rowley: Eh? A serious debate is taking place in the Parliament where the Opposition is accusing the Government of undermining the Constitution, giving guarantees outside the Parliament that under no circumstance will you support this measure, but of course, hear your argument, that there were 2,500 police officers and under your brilliant stewardship of the lady you love, you added 5,000 more. [*Laughter*] Every schoolchild knows that the last time we had 2,500 police officers was in the colonial days, and way into the colonial days. But you come to talk in Parliament as some hot shot—the mouthpiece of the Opposition—and that is what I have to stay here and give up my sleep to listen to. Because they know they are joking. The entire intent of the Opposition here today was to mislead the public and create and engender fear, [*Desk thumping*] when, in fact, there was nothing to fear.

All we are doing, if I may repeat the crystal argument of the Member for Port of Spain North/St. Ann's East, all we are doing as an Executive is to remove three impediments. This thing about somebody has to find—somebody has to find somebody. The story of how God call man, send man, man send monkey, monkey send "he tail". [*Laughter*] That is what is going on there. We have to change that. All we are doing is to allow the thing to begin to move.

I distinctly recall a little while ago when some enquiry was made of the Government, the people in Opposition now, as to why action had not been taken to begin the process—

Madam Speaker: Hon. Member for Diego Martin West, your 30 minutes have expired. You are entitled to an extension of 15 minutes.

Hon. Dr. K. Rowley: I thank you. You know, the Government of the day which is now in Opposition, was asked, "Where is the process with respect to the—how far has the process reached with respect to the appointment of a commissioner? Because there is great expectation among the population that we serve. Of course, my colleague from Naparima only serves those who vote for him, eh.

Mr. Al-Rawi: Fifteen thousand only.

Hon. Dr. K. Rowley: He got up here this evening and said he represents 15,000 people. So the other 14,000, he "doh" represent them. Eh? Yeah. He

represents those who vote for him, but those of us who represent all the people of our constituency, [*Desk thumping*] and as a Government, we represent all the people of Trinidad and Tobago. [*Desk thumping*] We can quite confidently dismiss the intent that they came here with today.

As I was saying before I got the extension—I must thank you, Madam Speaker, for giving me the extension—when the Government was asked where is the process now? How far has it reached? Spokespersons of the last Government told the population, "It eh reach nowhere. It has gone nowhere. It has not started because some initiator somewhere has not initiated the process." And then one Minister says, "We have no authority over the initiator". And somebody asked from the public domain, "Can't you make a phone call? Ask him what is happening with it?" And the Government say, "No. We have to wait until"—in other words, if the DPA never asked—and there were questions, clearly. The Minister to whom the DPA reports, or interacts with, must have some suasion to ask the DPA to proceed or enquire. The Government said and did nothing because it was somewhere else.

All we have done is to bring it out of an area of darkness, bring it in the public domain. The Order goes into law and all the law says is that now the process can start, and it starts with the commission taking charge. One, you initiate the process; and two, you choose as a commission an appropriate firm to do the headhunting.

Well if you are so afraid of that, no wonder you are in the Opposition. [*Desk thumping*] Because the very commission that you say we are undermining has complete control of the process and the Government does not see it until it comes in this House. All other arrangements are in place. So why are you setting out to mislead the population that we are doing something so harmful to them? All other arrangements are in place. All we have moved is the logjam position which allowed us and forced us, by law, to have to go abroad to find. What we were told is that whoever it was could not find an appropriate firm. Imagine that. All over the world this person or agency that was looking could not find a firm to initiate the process.

Well, clearly, what was meant there is that we would remain constipated forever because there was no movement. And they are saying to us, "Leave it so", and we are saying, "No. There was an election in this country and we were elected to change that." [*Desk thumping*] That is all we are saying. You might see it as a sinister action on our part; we see it as a responsibility. We have a mandate. There is an expectation and we are absolutely convinced that no harm will come

to the people of Trinidad and Tobago's interest as a result of initiating this process. In fact, I think there will be jubilation in the police service because once the commissioner is appointed, the career of all the other officers will get back on track. [*Desk thumping*]

Madam Speaker, that is all we are doing. And I want to say one thing. In an attempt to make a case here today—because, you know, they had to say something. We did not expect them to come here and say, "Well, okay, we had nutten to say so we support what we see here." It does not work like that in Westminster politics. And they are required to do that. They are required to try to poke holes in the Government's arguments so that at the end of the day the Government's argument must stand scrutiny. But when you get up and say—and who was that? I cannot remember which one it was, but I have come to the habit now of not focusing on who says what but just what was said.

One of my colleagues on the other side said that Attorney General Ramlogan—and I am quoting here now—has written several letters to the Opposition Leader asking for submission on this issue—that is on *Hansard*—*g*iving the impression that this matter was going through a completely different course to what I have just said here. I want to put on record that as Opposition Leader, I have received no such several letters from any Attorney General of the Government of the day on this matter. So it was quite misleading and possibly malicious for a Member on the other side to come here and seek to bolster and strengthen an argument that had no merit by saying that the previous Attorney General of the Government of the day was writing to the Opposition Leader trying to get consultation on this matter.

The only correspondence I received from the Attorney General in any similar circumstance was correspondence about the Opposition's position on the Bill that was described here today as the hanging Bill, where they wanted to interfere with the death penalty, and my response was then and it still is now, "We gave our response on the Parliament floor. It is on *Hansard* and we have nothing different to say. So I have nothing more to write to you about. If you want to know the Opposition's position at the time, or the PNM's position, it is on *Hansard*." And it was clear what we were saying. I would not go into that debate now, but it was a complete misrepresentation to come here and say that, you know, there were letters coming to the Opposition Leader.

This matter started between us—those of us who are in the House now—in 2010, with a recognition by Government and Opposition. We are on different sides now, but in 2010, in supporting, in the same way we supported the budget of

the day—we voted for the budget that year—we said, there is something that is wrong here; let us fix it. The record will show that the Government of the day did not do it. And the record will now show that this Government that came into office five years later would have done what we had agreed to support in the Opposition and what we now put in place as the Government of Trinidad and Tobago. That is all this is all about.

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

Hon. Member: Well said.

Madam Speaker: Hon. Member for Siparia. [*Desk thumping*]

Mrs. Kamla Persad-Bissessar SC (*Siparia*)**:** Madam Speaker, thank you for allowing me this opportunity to contribute in this debate on the Motion to annul the Legal Notice 218 of 2015. Madam Speaker, we have heard contributions on both sides of the House and I think there is something that is very clear coming from this side, and that is to say that we understand and we acknowledge the need for Government to move apace with the selection process and, of course, the later notice we will deal with there is need to do that. What we did or did not do, the population has spoken, as recorded in the election results [*Desk thumping*] and therefore, it befalls the present Government to do so. We have absolutely no—[*Interruption*]

Mr. Imbert: Withdraw the petition.

Mrs. K. Persad-Bissessar SC: We have absolutely no difficulty with having an expeditious process being on the records—[*Interruption*]

Madam Speaker: Members, could we have some silence so that the hon. Member for Siparia could make her contribution, please?

9.45 p.m.

Mrs. K. Persad-Bissessar SC: Thank you, Madam Speaker. We have absolutely no problem with Government moving to ensure that there is a permanent Commissioner of Police in office. I listened and I was very impressed with the contribution by the hon. Member for Tunapuna. Very impassioned and indeed—[*Interruption*]

Hon. Member: He did not speak.

Mrs. K. Persad-Bissessar SC: Point Fortin, I am sorry. Point Fortin. The hon. Member for Point Fortin, Minister of National Security. I am sorry, Member for Tunapuna. Obviously Maj. Gen. Dillon, I was very impressed with your

contribution. I heard your passion with wanting to have a permanent Commissioner of Police in place and explaining the reasons why it was very important for the morale and otherwise for the police service, and I share that, I agree with you. It is very important, and in fact many Members there have stressed in their contributions the need for such to take place.

Now, that having been said, I think it is not accurate to say that we have been wasting time in the Parliament, Madam Speaker. The very process of the Parliament allows for this debate to take place. Indeed, the Member for Arouca/Maloney, Leader of Government Business in the House, got up to move the extension of time from the 8.00 p.m. for the House to continue to sit in keeping with our Standing Orders for this debate to take place. That is why we are here as parliamentarians, and I think it would be a great disrespect to this Parliament should it be termed that what we have been doing here all the evening is wasting time. [*Desk thumping*]

This Motion has allowed us to hear the Government side, it has also allowed to hear the other side and that is what Parliament in Westminster style is about, that we hear both views. The public will make their minds up and, of course, where there may be serious infringements on the Constitution, the Judiciary is the guardian, the Supreme Court is the guardian of the Constitution and, therefore, that can be dealt with in another place.

So I want to disagree with the hon. Member for Diego Martin West, the hon. Prime Minister, that the time spent in the Parliament was time wasted because we got to hear, as I said, the great contribution from the Member for Point Fortin, Minister of National Security. I could hear his frustration as I say and his passion and, therefore, his haste in wanting to have an Order in place with respect to having the appointments.

We were regaled with the fancy language of the Member for San Fernando West in these proceedings today and, again, showing us his thinking on how matters were. For on this side, I was very happy to hear the Member for Chaguanas West in support of this Motion, indeed putting on record concerns that we have and that is what our duty is. So I endorse what has been said by the Member for Chaguanas West, and thank him and congratulate him for bringing this Motion to the House [*Desk thumping*] keeping with parliamentary practice and keeping with parliamentary procedures.

Likewise I endorse the statements made by the Member for Caroni Central; the Member for St. Augustine; the Member for Princes Town who seems to have

run afoul from time to time, but I enjoyed listening to the Member for Princes Town in his contribution; and the Members for Oropouche East and West. And as the debate continues there may be other Members who wish to contribute. So with the greatest of respect, I would not want to see this debate as a waste of time.

Madam Speaker, several of those who came before talked about the genesis and the history of this particular subsidiary law-making power coming under section 123A, I think it is, of the Constitution. And the hon. Prime Minister gave us some of that history as well, taking us back to the discussions that were held between the then Opposition—some of us were members of that group—and the then administration headed by the hon. Prime Minister Manning. Those discussions began with respect to the police Bills, and the hon. Prime Minister is correct when he says one of the things that was discussed was the removal of the veto power of the Prime Minister over the appointment of a Commissioner of Police. Let us remember that there is a difference between a prime ministerial veto and parliamentary approval in terms of the transparency of public debate. [*Desk thumping*]

So the removal of the veto has been important for transparency because there could be a scenario where the Public Service Commission would make a recommendation, the recommendation can be vetoed by the Prime Minister—under the old laws it was—and recommendations could be sent again and again, and subsequently vetoed, then you will get down to the person that the Prime Minister may really want to have as that. We saw that with respect to appointments of the Director of Public Prosecutions. We saw where that veto power was used on several occasions to veto persons who had been recommended for that particular position.

So there is a great difference, and let us say it is not that we moved the law jointly. It was bipartisan approach for which I would like to commend the former Prime Minister Manning for that initiative [*Desk thumping*] in terms of the consultative process that took place. I think the Member who is now for Arouca/Maloney was also on the committee and several others who are here may have been on the committee, but I do recall the hon. Member for Arouca/Maloney making very reasonable suggestions, raising concerns for us to reach a consensus as to what we will do in the Parliament. But we must remember that the consensus was exceedingly important because the provisions that we were seeking to amend, which was section 123 of the Constitution, all that falling within the role of the Police Service Commission, its function and so on, it is not just entrenched, it is

deeply entrenched in the Constitution. Any change to that would have required a two-thirds majority—it is your normal three-fifths or whatever—which is the second highest tier in terms of entrenched provisions and changes to it.

So in arriving at the consensus, we decided that we would have a compromise. Instead of the veto power of a Prime Minister, that there would have been said the parliamentary approval, and if my memory serves me right, the hon. Prime Minister today in his contribution spoke about the Parliament appointing. The Parliament does not appoint, hon. Speaker. I think perhaps just per chance he may have slipped on the actual words. The appointment is secondly to be made by Police Service Commission. What is the required instead of the veto was now this parliamentary approval where you would have open debate. So there will be transparency and accountability where the candidates could be brought to the House and again the House will then approve, and only thereafter would the Police Service Commission make the appointment. So it is a big difference in terms of what was there and what came thereafter.

Now, we saw these provisions first coming into place in 2008. They were based on Orders made in 2007. So under that section 123A, two sets of Orders were made and now the third set, the 2015 Orders. The first set of Orders made in 2007 followed upon the debates and the agreements that were reached for the amendment of the Constitution; and from that Order, the first Order in 2007, the process churned up or turned up, or brought forward names for appointment of a Commissioner of Police. The Order coming from the President to this House for approval brought name forward of then Superintendent Stephen Williams.

So that was the first time that Orders made under section 123 were utilized for the appointment of a Commissioner of Police. For reasons known only to the self and the Prime Minister today mentioned it, that we have now placed in the Parliament a greater political power than would have pertained or obtained under the veto power; and the Parliament then, and the Government then, rejected the local candidate, if we would say so, but rejected then Superintendent Stephen Williams even though he had come forward based on the process of the firm. And may I just say, that that Order, that first set of Orders, the ones in 2007 and the ones in 2009, which these now seek to replace, neither of them said that it had to be a foreign firm. It said a firm, but did not specify the firm. Now we are actually speaking to restrict it to a local firm and that I will speak of in a moment.

So that the first person who was used out of this whole process, which as mentioned with the others, took a long time and a lot of money, ended up with the

person being rejected and we went back to a position of having an acting Commissioner of Police. So from 2008 till thereafter, until 2015, we had an acting Commissioner of Police.

Fast forward now to 2010. In between the Orders in 2009 were made, the (Selection Process) Order was made, the 2009, which this now seeks to revoke. That Order was made by the then Government, led by Prime Minister Manning, and the person who moved the Motion for parliamentary approval of the Order was the hon. Member for Diego Martin North/East. So the existing 2009 Order, or maybe old Order, was the creature, was the creation of the then PNM Government, ably advocated in this honourable Chamber by the Member for Diego Martin North/East. The Opposition then of which I was a part and several of our Members were part of that Opposition, we filed—just as we have done now—a Motion to annul the 2009 Order. A Motion was filed to annul it.

Madam Speaker, in that way we registered our disapproval with the 2009 Order. So it is not as Members on the other side seek to say or are saying, it is not that we are saying to keep the 2009 Order, we are not saying to leave it as it is. That is not what we have said at all because we rejected that 2009 Order then. We were not in Government, the majority of the Parliament was used for that Order to go forward. So that 2009 Order, hon. Prime Minister has said on several occasions today that we are saying to leave things as they are, keep things as they are. From since then, we were against that Order and, therefore, we are not saying that today we should keep that Order and reject this, we are not saying we should not move the process forward as they are very anxious to do that and the population is anxious to do, the police service itself is anxious to do. That is not what we are saying.

We are saying that these specific Orders that have been brought to the House are coming on the basis that look we have to do this, we have to do it quickly and it is good to do because leadership and morale and so on. I have no difficulty with any of those assertions. Our difficulty is with these specific Orders [*Desk thumping*] and the specific provisions contained in the Order, and I will go to the provisions there in a moment.

So we have had discussions here. My colleagues have raised the genesis and the history of what took place in the Parliament. The hon. Prime Minister has attempted to share with us some of that history, but I think it is important for the record that we indicate that all the Orders that were made under section 123 were Orders made by the then Government under then Prime Minister Patrick

Manning. We rejected the 2009 Order, Parliament went forward and, as I say, the greatest proponent for those 2009 Orders was the Member for Diego Martin North/East.

Fast forward now. That was 2009. The first set of recommendations that came had to do with then Superintendent Stephen Williams, at present the Acting Commissioner of Police. 2010 we came into office; the hon. Prime Minister said that was the first time that we were using the Order Number. We were using this for the second time. The 2009 now amended of 2007 and the recommendations that came forward, in the entire process took place before we came into office in 2010. All that took place, the process, the firm, the recommendations, the assessment and so on took place prior to our coming into office and, therefore, we met the recommendations. Those recommendations were done prior to our time in office.

In keeping with the spirit of the law under section 123, and under the existing 2009 Order, the name that came up at the top of that list, that is the name—we did not reject the process then. We did not reject the person as was done in 2008 when Mr. Stephen Williams was brought forward as the candidate. We accepted what had been done through the lawful process. That is where we were. The rest of it now is history.

10.00 p.m.

Here we are with the 2015 Order and my colleagues have dealt with some concerns we have about the process by which this Order was made and the process of it coming to Parliament and so on. So there are two limbs on which we are looking and sharing our concern with the Order, that which has to do with the process and that which has to do with the substance. I would like to spend a little more time with respect to the substance because I think my colleagues have spent a lot of time on the issue of consultations.

But there is one point on that I would like to repeat. It is this**:** the hon. Prime Minister tells us that right now in Preysal, the consultations are going on, on Local Government Reform; good, excellent. I just trust that those consultations will not be used to delay a Local Government Reform as happened on three consecutive years under the former administration led by Mr. Manning. And therefore, he said the Government is very aware of what consultation is about and what consultation is.

The hon. Member for San Fernando West, and if I may use his words which I am sure are very familiar to you, Madam Speaker, that you cannot approbate on

the one hand and reprobate on the other. So whilst we have the Government saying, look, we consulted 29 times when we were in Government, pulled up the report, the multi-sectoral report, on the one hand and then, on the other, said, well, we did nothing. Then on the other hand say that they are very familiar with consultation, but no one here has been able to tell us and from the other side, what consultations were done on the specific Order, specific substance and the provisions in the Legal Notice. [*Desk thumping*] It did not come from that multi-sectoral report that the hon. Member for San Fernando West referred to; definitely did not come from there and others have already shared the specifics of the recommendations that were made. So we would be very happy should the Government tell us, at some point, where did these proposals come from? We are talking about the specific Orders.

I want, again, to place our arguments here, in the context, we are not against changing the selection process, we are not against having it done expeditiously. We understand the frustration of the Member for Point Fortin, the Minister of National Security, where you do not have that leadership, you know, infusing morale into the entire protective service, the police service. We understand that and we fully appreciate it. But it is the specific provisions here, the substance of the Order that we do not know where they came from. The country has no idea because there was no consultation process, and whilst it is that the hon. Member for Diego Martin West gave a good defence by saying that once somebody wanted to speak with somebody—maybe that is like the one where God send man and man send monkey and monkey send tail. [*Desk thumping*] I do not know if it is a similar kind of experience, a similar kind of analysis that could be used where we see this particular Order coming to us and we do not have any idea if God sent it to man, if man sent it to the monkey and the monkey sent it to the tail. Where did it come from? Did it come from Mars? Was it the hon. Attorney General? Was it the hon. Member for Laventille West, who, I know, is a very learned attorney-at-law? Did they have input into this? Where did these proposals come from? And I think that is important because it did not come from a proper consultation process.

The hon. Prime Minister has said today that he very much knows what it is and that is what is taking place in Preysal now, a consultation. But for these, there has been no consultation with respect to the specific provisions of this Order. So yes, you have spoken, Members on the other side. Yes, you said that the Police Service Welfare Association and others that they want to get a Commissioner of Police, they want to get the selection process Order and so on, but none of them has actually been shown or spoken to about the specific provisions of the Order.

Yes, they want a local Commissioner of Police. Yes, we all want a local Commissioner of Police, but you have not shared with them the specific provisions contained here. So that is the first point on the consultation and others have spoken more on that.

I want to turn now to the actual substance of this Order. The Members on the other side have made it clear that there is objection to the fact that the Minister of National Security is now inserted into this process, and that without more, what is wrong with that taking place. What is wrong with having a firm involved in the process? But, Madam Speaker, it goes further, because, you see, we are losing sight of the process to be employed when the Order makes reference to**:**

> "(a) the Commission on request of the Minister of National Security shall, in accordance with section 20A(1)(*c*) of the Central Tenders Board Act, contract an appropriate local firm…"

In accordance with section 20A(1)(c) of the Central Tenders Board Act. What does that Act say? The Act tells us, section 20A(1)(c) which was inserted. I think there were some amendments to the Central Tenders Board Act that allowed for NIPDEC to contract on behalf of the Government or a company wholly owned by the State.

Now, what it does is, if the contracting is done under section 20A(1)(c), then the rest of the Central Tenders Board Act is jettisoned. It is exempt from everything else within the Central Tenders Board Act. [*Interruption*] What is within the Central Tenders Board Act? As we know, it is the transparency, accountability and the process for tendering. And I am hearing mutterings, it is the same as the 2009. Madam Speaker, I said we—I was a Member of the Opposition then—who applied to annul the 2009 Order. [*Interruption*] And again, Madam Speaker, may I repeat that what we did and did not do for five years, we have paid the price for that. [*Desk thumping*] We are sitting on this side.

So that the 2009 Order, we had filed a Motion to reject that Order, to annul it and therefore, if we are looking at section 20A(1)(c)—I am not going to be distracted from the mutterings, please, across the floor from the person who never stops speaking.

Madam Speaker: Hon. Member for Diego Martin North/East, could you please contain the crosstalk? Continue, hon. Member for Siparia.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam Speaker. So the Legal Notice tells us that the Commissioner on request of the Minister—and there has been a lot of talk about that request from the Minister—in accordance with

section 20A(1)(c) of the Central Tenders Board Act. And that says you jettison all the other provisions of the Central Tenders Board Act that are there to ensure transparency, accountability, checks and balances in tendering procedures and you go to now NIPDEC or a wholly-owned State company.

Let us take NIPDEC and the same thing will apply with a wholly-owned State company. The board of directors of NIPDEC is appointed by whom? The board of directors of NIPDEC is appointed by the Cabinet, by the Executive.

Hon. Members: Not all of them; not true.

Mrs. K. Persad-Bissessar SC: There are certain members who are not so appointed but the majority of the members are so appointed. Even if one is so appointed, the point still holds [*Desk thumping*] and the same way with a wholly-owned State company, they are appointed by the Executive. Secondly, what is the procedure under NIPDEC or the wholly-owned State company which is now the one, really, doing the contracting? They are the ones going out there to look for the firm. Under the NIPDEC, the chairman of the tenders committee is the vice chairman of NIPDEC.

Mr. Imbert: Who cares? [*Laughter*]

Mrs. K. Persad-Bissessar SC: Madam Speaker, again, can I please have some protection from the Member for Diego Martin North/East?

Madam Speaker: Hon. Member for Diego Martin North/East.

Mr. Imbert: I did not say anything.

Madam Speaker: No, I am hearing. So that please, do not let me have to warn you, again. Continue, please, hon. Member for Siparia.

Mrs. K. Persad-Bissessar SC: Madam Speaker, I thank you for your protection. And so that person is the person appointed by the Executive. Similarly, if you use another wholly-owned State company, you will also have the directors being the persons appointed by the Government. This is where there is grave concern that the hand of the Executive will be very much plunged into this process starting at the top from the selection of the firm. The Executive would have their appointees determining who is the firm that shall be selected and we have grave concern about that, Madam Speaker. And so to say that we want to leave it as it is, no, we had reject it in 2009, we reject it again and we reject it in this present form that is being reproduced with respect to section 20A(1)(c) of the Central Tenders Board Act.

We have further concerns, Madam Speaker, when we look at the amendments being proposed. We now have a process where the firm will be inviting applications for the positions. Now, what does this mean? Previously, there was a process where advertisements would be placed to John Public. That has been replaced with the words "inviting applications for the position". This is for the firm.

> "(a) …contract an appropriate local firm…to conduct a recruitment process including inviting applications…"

What is the difference between advertising and inviting applications? Is there a difference? Now, if there is no difference, then why change it?

And it is my respectful view that the change now allows the firm to select and invite applications for the post of Commissioner or Deputy Commissioner. So that firm is to conduct a recruitment process including inviting applications for the position. So you see where, again, our concern coming from what I have just described, where the NIPDEC, the members are appointed by the Executive; the chairman of the tenders committee, because that is the tendering process that will now be used. Having jettisoned the Central Tenders Board tendering procedures, you have now placed the NIPDEC using their tendering procedures.

So where you have this firm being selected, first of all, and that firm is then to invite applications for the position, we track it back and that is a grave concern for us. Inviting applications for the position as versus advertising. Inviting means I can decide whom I will want to invite. If you advertise, it is open to the world—nationals everywhere, if it is a national that we want, a local as it were, a citizen. Yes, by changing it to this now, on reading it, in my respectful view, we are now saying, look, that firm, I will choose Tom, as we say Tom, Dick and Harrilal.

Madam Speaker: Hon. Member for Siparia, your 30 minutes have expired, you are entitled to 15 more minutes. Do you intend to seek—

Mrs. K. Persad-Bissessar SC: Madam Speaker, thank you very much.

Madam Speaker: And leave is granted to you for 15 more minutes.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam Speaker. Yes, so we can now cherry-pick as it were, select persons to place into the—as candidates in the recruitment process. Then the firm shall submit to the Commission the result of its assessment process in the form of a shortlist of candidates.

Secondly, in respect of candidates referred to the sub-paragraph (1), the following documents**:** application, biography, assessor's scores, assessor's feedback, medical exam report, security and professional vetting report. In the new Order, we have omitted the words guidelines for submissions by applicants to the firm; omitted. So the Commission will not have the benefit of the guidelines for submissions by applications.

Further, the list of submissions from the firm to the Commission has been included but the following has been omitted.

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"references in the number to be determined by the Firm, with current contact information of each referee; and

any other relevant information which the Firm thinks appropriate;"

Those have been left off. Again, in a sense blindsiding, in my respective view, the service commission from information that could have been more useful for it, in doing what it had to do. The requirement for composition of an "assessment panel", that has also been completely omitted.

"…the Commission may consult or discuss those results with the Firm;"

That has been left out. So we have here now**:**

"the Firm shall submit to the Commission—

the results of the assessment process in the form of a short list of candidates;

a report on its assessment of the entire assessment process; and in respect of the candidates referred to in…(i)…documents**:**

application…"—and so on.

So here, where previously we had that**:**

"the results of…assessment process in the form of a short list of candidates and the Commission may consult or discuss those results with the Firm;"

So, hon. Members on the other side who said to us today that the Police Service Commission will be in the process from the beginning to the end, and throughout the entire process, it is not accurate if we read the specific provision, which says**:**

"…the Commission may consult or discuss those results with the Firm;"

—that has now been omitted. There is no requirement and, therefore, there is no permission under this Order, for the commission to consult or discuss the results of its assessment process:

"…which shall include written recommendations for improvements, where necessary;"

This has also been left out:

"…a report on its assessment of the entire selection process which shall include written recommendations for improvements, where necessary;"

That is where the firm has to give to the commission. But in this new Order, the words**:**

"…which shall include written recommendations for improvements, where necessary;"

—has been left out.

I point to these omissions, hon. Madam Speaker, because I am saying as others have said, and giving support to the view, that we are in effect curtailing the powers of the Police Service Commission by restricting the information that will come to them, and by restricting what they could do, can ask about, enquire about, those have now been left out. Thereby I say, blindsided, but in effect, really abrogating or derogating from the constitutional powers of the Police Service Commission.

So, if I may look at the Constitution itself, at section 123. If I may spend a few moments with your leave, Madam Speaker, on the whole purport of the service commissions, all the service commissions, in fact—[*Mrs. Persad-Bissessar speaks to Mr. Singh*] Can you find Lord Diplock's reference for—I think it is 1981. It is on the notes that I prepared; my sheet of notes. Section 122**:**

"There shall be a Police Service Commission for Trinidad and Tobago which shall consist of a Chairman and four other members."

I think one Member already pointed out the process by which these—I think the Member for Naparima, who talked about the '62 Constitution, and made the distinction, 1962 and then the Republic of 1976 Constitution, which is the one we have now. In the '62 Constitution, members of the service commission were appointed on the advice of the Prime Minister. Now, that means when I tell you X,

it is X. That is what that interpretation of the Constitution—advice of the Prime Minister. That was improved upon in the '76 Constitution; the Republican Constitution. When it became they**:**

> "…shall be appointed by the President,"—of course—"after consultation with the Prime Minister and the Leader of the Opposition."

So the bipartisan consultation in this case, the President does not have to go with any name given to him. The President in his own discretion will consult, but he does not have to follow whatever is recommended by either the Leader of the Opposition or the Prime Minister. Previous to that, it was on the advice of the Prime Minister, which means, you must do what the Prime Minister says. So that the commission was given greater autonomy and greater independence in that regard, because of the manner in which the persons were appointed. Then the powers of the service commission, 123**:**

> "The Police Service Commission shall have the power to—
>
> appoint persons to hold or act in the office of Commissioner and Deputy Commissioner…
>
> make appointments and promotion…
>
> remove from office and exercise disciplinary control…
>
> monitor efficiency and effectiveness of the discharge of their functions;
>
> prepare an annual performance appraisal report…
>
> hear and determine appeals…"

These are some of the duties of this commission**:**

> "appoint persons to hold or act in the office Commissioner and Deputy Commissioner of the Police;"

Now, what does "appoint" mean? It is an ordinary word. Does it just mean that they sign a letter of appointment? Is that what is meant when the Constitution says, that Police Service Commission shall appoint? Then came the amendment that was made in section 123A which was made in the package in 2006 which says that, they will now, the commission will now**:**

> "…nominate persons for appointment to the offices specified in subsection (1)(a) and section 22(1) of the Police Service Act…with the criteria and procedure prescribed by the Order of the President, subject to negative resolution of Parliament."

This is section 123(2)—eight more minutes? Yeah, thanks. So the Police Service Commission now under the Constitution, has two sets of powers. One, is the power to appoint; the power to nominate and send according to the selection criteria and, of course, the qualification criteria, they send the names to the President, who sends the Order here for approval. So does this then mean that through subsidiary legislation, which does not require the heavily entrenched provisions for amendments to section 123, that is to say, a two-thirds majority. Can the subsidiary legislation take away or derogate from the parent legislation? And the answer is obviously, no. The subsidiary legislation, which is a legal notice, the Order, the Order is a creature, a creation of the parent law. And, therefore, subsidiary legislation must stay within the four corners of the parent law, which is the Constitution.

Given the structure of our constitutional framework with respect to service commissions; given our constitutional framework with respect to the rule of law, with the three arms of the State or four, as you said, the Fourth Estate; but the Judiciary, the Parliament and the Executive, given the entire grounding, the foundations of constitutional provisions, given such a heavy entrenchment requiring a two-thirds majority; two-thirds. It is almost, you know, it is very few times this Parliament has ever seen a two-thirds majority being given in that way, giving heavy protection, deeply entrenched provision section 123 and the service commission. It is our view, given now the provisions in this Order, that those provisions infringe upon the constitutional powers of the Police Service Commission. [*Desk thumping*]

An appointing cannot merely mean, that after the candidate's name comes to the Parliament, and this Parliament approves the name, all the Police Service Commission now is required to do, is to sign it. So in addition to being the postbox as was mentioned, there is also with these provisions what we are reducing the Police Service Commission to be, a robot basically.

The firm goes through the entire assessment process. The firm selects whom to invite, how to invite, when to invite, where to invite. The firm does all the assessment, and all that the service commission is then required to do is to put a signature after it comes to the Parliament. There must be something, you know, inherently wrong, [*Desk thumping*] where you have a service commission that is so deeply protected or so greatly protected by a Constitution, that through the subsidiary legislation you can take away that power from the Police Service Commission. That has be a violation of the Constitution. And as I said, the

Supreme Court is the guardian of the Constitution, and it will be the Supreme Court which shall decide that should this Order stay and remain the law in Trinidad and Tobago. [*Desk thumping*]

So, the Police Service Commission has the power to do all these things, to appoint and all the other things, plus to nominate, but this Order, this Selection Process Order, in my respectful view—how much time? Two minutes? Four?—infringes and violates the parent legislation which is the Constitution and add that, as I say, a heavily entrenched provision of our Constitution.

Madam Speaker, there are other matters others dealt with. Yes, so I close by saying, it was not the intention of us on this side, and it cannot be said that we came here to waste the Parliament's time. We utilize the provisions of the Parliament under the Constitution. We utilize the Standing Orders of the Parliament, we utilize the law of Trinidad and Tobago, and we are lawfully here raising concerns that we have, on behalf of the citizens of Trinidad and Tobago, [*Desk thumping*] and I do not care, Madam Speaker, it is only if you rule us out of order, we will comply with that, we will abide with that. But as long as we have been here and you have allowed to voice our concerns and we are within our lawful rights so to do, and I do not care how many times they will sit and mutter, "Waste of time", we have done our duty as the duly elected Opposition of the Republic of Trinidad and Tobago. Madam Speaker, I thank you. [*Desk thumping*]

The Minister of Works and Transport (Hon. Fitzgerald Hinds): [*Desk thumping*] Thank you very much, Madam Speaker. I begin by saying from my own experience, that the life of the police is not an easy one. Whether commissioner, deputy commissioner or last joined recruit, policing is a very tough business. It is dangerous in the extreme, especially in today's world. I spent my youth in there, so I would know.

I am saddened to some extent, that this evening we were not discussing matters of police pay. I know someone mentioned that we gave them $1,000 but, of course, that is not calculable in respect of their pension, no long term or sustainable benefit from it. It does not improve their pension package, but we heard that. I would rather be talking about police morale. What could we do as a Parliament, as a people, to boost their morale to deal with the difficulty that they face? I heard the Member for Princes Town try to distinguish between morale and moral. Of course, and he criticized a Member on this side, not realizing the Member was probably talking about his favourite game as a child.

I thought we should have been talking about detection rates, a serious issue, training, the skill sets required, the application of modern technology, the general

welfare of the police officers from commissioner, deputy, right down. In terms of whether we could do like England, and make public-sector housing, subsidised housing, a part of the pay package. Many of them come to me concerned about these matters, matters of efficiency of the police service, matters of the brain drain, where the seniors are now leaving the police service, and there seems to be a dearth of that kind of experience when they do.

The former Prime Minister came here and tried to tell us, leaving her other Members adrift. I am surprised she spoke in this debate at all. Usually in the most important debates, she is absent, including the variation of appropriation recently, but she got up to speak this evening after the Prime Minister, thinking like a knight in shining armour, she would do what she normally does. But I am here tonight to respond to her. [*Desk thumping*]

I want to put on record, that I am really proud of the contributions made by my colleagues on this side. [*Desk thumping*] They were necessary, they were useful, they were instructive; especially, and I say without apology, that of the Prime Minister; factual as ever, [*Desk thumping*] principled as ever, a comprehensive analysis and his histography of the facts, which we all and the public most importantly benefited from. But what did the former Prime Minister do?

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She suggested to us, in essence, that she is not, in principle, in disagreement with what we are doing this evening. See? She is not in disagreement as a matter of principle, but she is concerned about specific 2015 Order, and found herself in the difficult place of trying to demonstrate especially when she had previously objected to the 2009 Order, as she is objecting to the 2015 Order, and saying that there is something specifically difficult or unacceptable about the 2015. But why did you then—what was the reason for objecting to 2009? What was it? This is a ruse yet again, Madam Speaker.

So she found herself in this very uncomfortable place and told us that she had two objections, one—[*Interruption*]

Madam Speaker: The Member for Siparia.

Hon. F. Hinds: The Member for Siparia. Thank you very warmly, Madam Speaker. One, the process**:** in respect of the process the Member wanted to know what consultation was done on this specific Order. A subtle point of no greater moment or value. The Member wanted to know where did the proposals come

from? Well, they came from the Cabinet, and they came from a Cabinet with someone who had the historical memory of all that has happened in this; that is to say, the Member for Diego Martin West, and the collective memory of all of us who had something to do with it, because I participated in those debates as well in 2006. And the clear recognition that we were stuck in a rut since then and we had to do something about it, so we came here this evening to do something, four months into our term, as we promised, about it. There is where it came from.

Then, of course, the more meaningful objection, according to the Member for Siparia, was the substantive one, and the Member spent a lot of time dealing with section 20A(1)(c) of the Central Tenders Board Act, and really saying that permits us to hire NIPDEC, a partly state-owned and controlled enterprise. And because the board of NIPDEC will consist of at least one, or a couple more persons, because not all the members of the board of NIPDEC are appointed by the Cabinet, or the Government, maybe just because there is one; there is this big possibility that the Government could have so much influence on NIPDEC so that it would influence the appointment of this local firm. That is the Member for Siparia's argument, and embellished that, or attempted so to do by saying that the chairman of the Tenders Committee, which will receive the bids and analyse them to select this local firm, will also be the vice-chairman—well, the chairman of the Tenders Committee is the vice-chairman of the board of NIPDEC, which need not necessarily be of course the Government appointee on that board.

So the argument is very frivolous, very fleeting, and then accused the Government through that kind of argument of the possibility of cherry-picking. Well, I submit, that the Member for Siparia is nitpicking, looking for somewhere to hang her hat, or the Member is looking for somewhere to hang the Members hat, did not read, for those who would listen, the few, the provisions in (e) and (f) of the Order, 3(e) and (f) of the Order, and let me just read them**:**

> "(e) the Commission shall then take into account all"—the—"information on the candidates and thereafter establish an Order of Merit List;"

The Member for Siparia was arguing that we reduced significantly the role of the Service Commission, and I think that (e), as I have just read, really enhances the role. The DPA has nothing to do with this anymore. It is the Police Service Commission which will take into account all the information in front of it and establish an Order of Merit list, a major and critical role. And (f) says that**:**

> "the Commission shall select the highest graded candidate on the Order of Merit List and submit that candidate's name to the President in accordance with the procedure set out…"

So I am suggesting, Madam Speaker, that argument is thin, because it is the Police Service Commission which designs the Order of Merit list.

And, of course, in section 4(1), I think the biggest issue—one alluded to by the Member for Diego Martin West and Prime Minister—is that after all of that, the selection of the firm, the establishing of the merit list, and forwarding same to the President in accordance with section 123 of the Constitution, we then come to the Parliament, and as the Member for Diego Martin West—this is the saddest part, this is the biggest and the worst bite of all as far as I am concerned—the Parliament now will decide whether it will accept the nominee who came out on top of all of that process.

Hear this**:** the Member for Siparia went on to argue that, in her view, this is an improvement of the veto power that the Prime Minister used to have, which the Member for Siparia in Opposition in 2006, she actually led the charge, the Member led the charge, holding the Government then by its neck. We were responding to a crime epidemic at the time and we wanted to improve the management and efficiency of the police service. I was here, and the Member for Siparia led the charge demanding more than a pound of flesh—we will not give that to you until you remove the veto power. That is how, according to the Member for Diego Martin West, we ended up here.

So, Madam Speaker, when you bring this matter to a debate, and it is a debate in the Parliament on the appointment of the commissioner and deputy, you leave room in this for scandalizing, for rumour-mongering, for he say and she say, and who hear. Today, we heard the Member for Caroni Central in this debate called and virtually identify a now deceased senior police officer, accusing him of kidnapping. The man was never arrested, charged; first time I ever heard of this in all my life, but the Member for Caroni Central told us that everybody in the country knew about that, and it was discussion in every corner. God is my witness. The first time I ever heard of that, and I was in National Security at the time as a junior Minister dealing with the serious issue of kidnapping in this country and ought to have known, because we were briefed regularly.

But the Member for Caroni Central, demonstrating my point, it leaves room for scandal, and if the person after the scandal, because a majority vote will carry, after that if that person is appointed then the public who was willing to listen to those arguments would have lost confidence in that office holder, and, to my mind, on that basis, I say, the worst bite of all in this process is this parliamentary public scandal that the Member for Siparia insisted on.

So, Madam Speaker, I support the measures that are before us today. They, like the introduction of VAT on food items in this country that were hitherto, that were previously not VATable, it is necessary, we got to move on. [*Desk thumping*] We got to move on. The Member for Siparia is telling us this evening, without shame, perhaps, that she agrees that we must move on but she has already, before this debate, told the country that she is prepared to go to court. So what was happening here this afternoon is that the Member for Siparia has indicated that they are prepared to use the courthouse as usual to resolve their issues that they could not resolve on September 07 [*Desk thumping*] to obstruct the people of this country, and to interfere.

I want, as I pass from the Member for Siparia, to say to her and to the country, if her arguments are what they are, and if this procedure is so wrong, why did you keep it for five years and did absolutely—[*Desk thumping*]—you had about six Ministers of National Security. You had at least three—it is three attorneys general or two?

Hon. Member: Two.

Hon. Member: It was five.

Hon. F. Hinds: About 10. Why, if it was so wrong, Member for Siparia, why did you keep it? And worse still, why did you use it to appoint Gibbs and Ewatski? But you come here this evening to tell us how bad the very procedure is; that is hypocrisy in the UNC extreme. A matter with which the country became very, very unaware and reacted the way they did on September 07, thank God.

The Member for Princes Town caused me a bit of laughter. He produced a word, "seeked"; I thought it was quite unparliamentary, so to say. It was also an attack on the Queen's—on the lexicon, as it were. Madam Speaker, there is one matter I want to address before I retain my seat, this discussion about foreign commissioner and local, and I have heard all the arguments, but I say to my myself, when Trinidad and Tobago as a footballing nation wanted to go to the World Cup we employed the services of Leo Benhakker, a foreigner, and he was able with his expertise to take our team to the World Cup and everybody celebrated it. I want to argue, in my view, like in football, policing, modern police leadership and skills are, in my view, a piece of transferable technology.

People go to university—Cambridge, Oxford, and all the other top universities in the world and study this business of police management and police leadership, and it is transferable from one state, one country, one country to the next, quite easy, like any other management skill. That is one. Local knowledge helps of

course, because if you are fighting crime or you are dealing with issues in a local terrain you need to know something about that. So there is some advantage in having a local too.

The other point I wish to make**:** I understand the points that had been argued in favour of it, but I do not altogether accept this argument that because someone is acting in a position, being paid at the higher rank, all of the privileges and responsibilities in the higher rank, simply because he or she is an acting office holder he or she cannot function with efficiency. I do not easily accept that, but I do understand that we have legislation that was cumbersome, difficult, complicated, and we as a Parliament and a country could have done better than that. We promised that we would have done better than that, and this evening a short four months after coming to office, we are here to do better than that. [*Desk thumping*] We are here to do better than that, and, as such, I support this Motion, and reject any suggestion of its annulment.

I am confident that the citizens of this country, I am confident that members of the Trinidad and Tobago Police Service would easily understand that this very complicated and cumbersome process that was left to languish during the cold experience of the UNC term in Government, it has now come to the fore again and we are proposing a resolution of that to simplify this process, make it easier, and so we would go on to appoint a commissioner and the deputy, and put an end to this story.

10.45 p.m.

I think that it is now clear to those who would listen that the arguments put by the Member for Siparia are frivolous and vexatious. I think it is even clearer still that they are just opposing for opposing sake. We need to organize our police service. We need to assist them in becoming more efficient to deal with the issues that are in front of us, and that we will do. Again, in conclusion, I support the measures that are in front of us today and urge all Members of the House to do that. Let us put this nitpicking behind us and get on with the business of organizing the police service.

Madam Speaker, I thank you.

Dr. Surujrattan Rambachan (*Tabaquite*)**:** Thank you very much, Madam Speaker, for the opportunity to join this debate for a few minutes.

I listened with great interest to the hon. Member for Laventille West, and I begin by saying that he made mention of the political leader of my party and

Leader of the Opposition, the former Prime Minister, as not speaking on important debates like the variation of appropriation. Well there was no variation of appropriation debate here today, as far as I understand it, so I do not know what he is talking about. But it is very clear that the *Hansard* record would show that on all the debates that took place in this Parliament, the Leader of the Opposition when she was Prime Minister often led those debates, concluded those debates and also she has made many dramatic interventions, like she made today in this debate. [*Desk thumping*]

Mr. Deyalsingh: The Member for Princes Town was dramatic. [*Laughter*]

Dr. S. Rambachan: I would have thought that after the brilliant exposition and contribution by the Leader of the Opposition and the Member of Parliament for Siparia, the case was made and the case has been made by her and before her by other speakers on this side for a responsible Government to do what is right. And what is right is for a responsible Government to withdraw this Order and allow the consultations that are being called for to take place.

The consultations that are being called for are not just consultations on the part of the Opposition. We are not the only voices calling for consultation. You listen to the radio talk shows, you look at the blogs and you listen to the people whom this legislation and these Orders are going to affect in the long run, and if you ignore the calls of the people for consultation and for a transparent process, then you are defeating the role of the Parliament. [*Desk thumping*] What we are doing here today goes beyond us. It is about the people, and we must never as parliamentarians ignore the voices of the people.

I stand here, and I can only surmise, and I hope that I am wrong, that what we are seeing here on the part of the Government is not the attitude that they have espoused from the very first day we met in this Parliament and repeated thereafter, that they are in charge now and we have to deal with that. Well, it has to be understood that there are things that the people may not be able to deal with because they do not have the voice here, but we are their voices and the voices of the citizens in this Parliament, and we have to do what is right.

Madam Speaker, throwing jabs at the Opposition Leader, throwing jabs at us, making snide comments about where you put a sip or where you do not put a sip, is not going to change the merit of the arguments that have been put forward by the Leader of the Opposition. It is not going to change the merits of her argument. Any responsible Member of this Parliament, any fair-minded member of this

Parliament would agree that she has put forward very powerful, cogent arguments that should persuade a responsible government, or a government that claims that it is responsible, to withdraw this particular Order.

Madam Speaker, the Member for Laventille West made reference to the Opposition as being obstructionist, and Members on the other side have also made reference to that. Let me just say this and let me say it loud and clear, if the rights of citizens are threatened in any way, if you intend PNM Government to use your majority to move ahead at the cost of transparency and openness, then we reserve the right to use those institutions that are within our constitutional remit to protect those rights. If, therefore, we have to go to court, we will go to court, [*Desk thumping*] because that is what the courts are there for, and that is what we must do in order to protect the rights of citizens.

We go beyond the walls of this Parliament, and we will rise up and fight. We will not lie down and die. We will fight on behalf of the people of this country for transparency. And we warn the Government not to transgress, not to trespass upon the rights of the citizens and the freedoms of the citizens of this country, not to do it, because you are going to face a wall on this side.

[MR. DEPUTY SPEAKER *in the Chair*]

You are going to face 18 persons on this side with the strength, determination, fortitude and courage to move forward and do that which is right, at whatever level it takes, Mr. Deputy Speaker.

It is very, very rare that both a former Chairman of the Police Service Commission and a sitting Chairman of the Police Service Commission would comment on this matter of these Orders as publicly as they have done. I refer, of course, to the distinguished Prof. Ramesh Deosaran and the current Chairman, Dr. Marie-Therese Gomes. When a person holds a position of significance as Dr. Gomes holds, but can exercise the independence to come out and speak as she has spoken, without fearing a Jwala Rambarran kind of justice, you must know that that person holds the interest of this country above any personal interest. I commend Dr. Marie-Therese Gomes, because she can suffer the fate of a Jwala Rambarran justice in this country, because that is how people are reading things now. You do not agree with the Government, criticize the Government, you are going to get Jwala Rambarran justice—injustice.

Mr. Deputy Speaker, the *Express* newspaper describes itself as a fiercely independent newspaper. That is their tag line; they describe themselves as that. For many years they wrote some very negative comments about this Government,

and we accepted their comments. We never questioned it. In fact, we gave more freedom to the media than any other previous Government gave to the media, because we believe in transparency, we believe in openness and we believe in freedom of expression. The former Prime Minister did everything that was within her power to ensure that we protected the freedom of the media. We did that.

Dr. Khan: We actually spoke to the media.

Dr. S. Rambachan: There is no doubt about that. No one can argue about the extent our Government went in order to ensure that the media had freedom. So when the *Express*, just within five months of this Government coming into power—and people were saying openly in this country that the *Express* was, in fact, supporting the Government and wanted the change of government—when just under five months, 133 days, the *Express* can write an editorial that says**:** "Please, no cloud over how to choose a top cop", you have to take this seriously, because they represent the voice of the people, just like they represent the voices of the people in a daily question that they ask of the people, as to how the people feel about what is going on in the country on some particular issue.

The big question they asked today was**:**

> "Do you agree with the National Security Minister that T&T is not in a state of lawlessness?"

That was the question they asked**:**

> "Margaret Edwin…San Fernando:…'No, I don't agree'; Sandra Phillip…Tunapuna, housekeeper: 'No, I think there is a lot of lawlessness'; Joseph Romero…Petit Bourg: 'No, I don't agree with him. If you look all around the place, there is a state of lawlessness. Anywhere you go people are talking about it'; Keith Ligoure, 68…: 'No I don't agree with him. There is lawlessness all around'; Margaret MacWilliams, 49, Laventille: 'No. Just look around, there is a state of lawlessness'."

Mr. Robinson-Regis: Point of order, Mr. Deputy Speaker.

Dr. S. Rambachan: Let me make my point.

Mrs. Robinson-Regis: "Yuh eh making no point." On a point of order, please; Standing Order 48(1), relevance.

Mr. Deputy Speaker: I will ask the Member for Tabaquite to continue. I do not see the importance of the point of order, Madam.

Dr. S. Rambachan: Thank you, Mr. Deputy Speaker. But just to clarify for the hon. Member for Arouca/Maloney, I am establishing the credibility of the *Trinidad Express* as a fiercely independent newspaper in order to continue with my point. But I have made the point that everyone in this country is saying that there is lawlessness; the only person saying there is no lawlessness is the hon. Member for Point Fortin and Minister of National Security.

Mr. Deputy Speaker, it says**:**

"Please, no cloud over how to choose top cop"

They are pleading on behalf of their readership who are citizens of this country. They are pleading when they say**:**

> "When the House of Representatives convenes today to address procedural issues"—which is what we are talking about—"relevant to appointing a Commissioner of Police and deputy commissioners, the Government is well advised to withdraw the motions and revert to consulting with the Opposition and the Police Service Commission…before returning to Parliament with new legislation."

I am glad that they put consulting with the Opposition because they recognize that the Opposition has an integral role to play in the process of governance of this country. [*Desk thumping*]

The Government will do well to remember that when they sat on this side, they used to remind us about the role of the Opposition as an equal partner in the governance of the country. Therefore, we say we have a role to play, and we will play that role. We will not be stymied; we will not be stopped; we will not be pushed aside, but we will stand and play the role in governance that we have to play. [*Desk thumping*]

Then they continue**:**

> "While we understand Government's resolve to end the charade of a Commissioner of Police acting in that critical office for more than four years, and the urgency to appoint a substantive Commissioner, the procedures to do that must be seen as fair and transparent."

My final quote from it**:**

> "It seems that in its haste to simplify a convoluted process, the Government failed to hold discussions with…the PSC and the Opposition, as well as other important stakeholders, before drafting and publishing two orders that have become controversial."

When something becomes as controversial as these Orders have become, and when a leading newspaper has the courage to tell you, no cloud over this, if you refuse in a spirit of arrogance, if you refuse because you think you are the Government to ignore the voices of the people as represented through the media, which is an important representative in its own right, then what you are doing is demonstrating the beginning of what you have always shown the potential and intent to be, an authoritarian Government, [*Desk thumping*] and that the people have begun to reject already, because the people are seeing some intent.

So whether it is the Member for La Horquetta/Talparo saying, "I do not answer questions from the Opposition", or whether it is any other Member there trying to dismiss the Opposition of this country, the legally elected Opposition, the constitutional Opposition, then the people are beginning to see the birth of a level of authoritarianism in that Government that they will reject. We moved away from authoritarianism way back perhaps in 1962 when we moved into a more participative kind of governance. Today, people want a fair opportunity to have a say in how they are governed and this, therefore, is not just about the Order. It is about the people's right to have a say in what is happening in this Parliament and the people's right to be consulted.

11.00 p.m.

Mr. Deputy Speaker, the Member for Laventille West spoke about what should have been done about the police service, and he is correct. He said that he thought that we will come here and speak about what should have been done about police service, et cetera, et cetera, how to motivate them and inspire them and so on. I just want to remind my honourable friend that a lot was done by this Government to deal with the ills of the police service when we came into office. A lot was done.

If you remember in the very first year of office, we sold a number of Prados that had been bought for the CHOGM, and we took that money and instead I believe we bought—we gave some to the Children's Life Fund, and we also gave Prados, a number of Prados to the police service. We bought over 300 new cars at one point in time and they were delivered in tranches to the police service. Motorbikes—we bought new weapons.

Mr. Hinds: You think that was the first time?

Dr. S. Rambachan: We gave resources to the police service. It cannot be said that the People's Partnership Government ever under-resourced the police service. [*Desk thumping*] That would be wrong.

Mr. Hinds: You all overworked them though.

Dr. S. Rambachan: We built police stations and provided a better environment. You talk about motivation and you talk about inspiration. [*Desk thumping*] One of the things that people respond to is a better working environment and we provided better environments in at least eight, I believe, eight areas. There is one particular police station which was destroyed in the year 1999, burnt down, in Brasso Seco. And for all the years you were in office you did nothing about it. It took 15 years and then this People's Partnership built back the police station in Brasso Seco. [*Desk thumping*]

I want to ask you how many police stations have you started up in the last couple months that you yourself conceived and started up? What have you done to improve the living conditions of policemen in several police stations across the country at this point in time that they are complaining about the conditions under which are living and working. What have you done? What have you done to improve the state of the Chaguanas Police Station where it was discovered that there were no windows at one point in time and when women police officers had to change they had to put up towels along the window in order to avoid the public seeing that they were changing. What have you done to improve that? What have you done to improve that? To improve the conditions of the police? You are in charge now.

Mr. Hinds: How many stations you built?

Mrs. Robinson-Regis: That hurting you now.

Dr. S. Rambachan: It does not hurt me at all. It does not. You know, I come from a background where I understand what it is to be on one side today and then on the other side, but I understand well that you must never be arrogant and say that we are in charge and deal with it. [*Desk thumping*] I understand what humility is more than anything else. [*Desk thumping*]

Mrs. Robinson-Regis: You understand humility? I doubt that.

Mr. Deputy Speaker: Members, please. Hon. Member for Tabaquite, continue.

Dr. S. Rambachan: You know, Mr. Deputy Speaker, there is an old truth, you know. It is only when you cannot deal with a situation that you get angry. The ability to stay calm and unruffled in a situation means that you are in control. But when you get angry in a situation, it shows that you have lost control. You know what? Mr. Deputy Speaker, the Government is losing control right now because

they are unable to manage this country. [*Desk thumping*] Why they are using authoritarian methods is because they are incompetent and they cannot manage and therefore, that is all they can do, drive fear into people. [*Desk thumping*]

Dr. S. Rambachan: Mr. Deputy Speaker—[*Crosstalk*]

Mrs. Persad-Bissessar SC: Mr. Deputy Speaker, I would like to hear the hon. Member speak, but the mutterings across the floor I cannot hear. Mr. Deputy Speaker, I would like to hear the hon. Member, please.

Mr. Deputy Speaker: Hon. Member for Tabaquite, continue with your contribution and Members, please, it is after 11, let us keep focused, please.

Dr. S. Rambachan: Mr. Deputy Speaker, we are prepared even if it is to five o'clock tomorrow morning.

The hon. Minister of National Security and the Member for Point Fortin really spoke very well and I agree with the Leader of the Opposition and I commend him on his speech. It was full of passion. But I wonder if that passion is really a reflection of how he feels about what is going on around him, and perhaps I hope it is not an expression that he feels he is drowning amidst the lawlessness that has begun to surround him. I hope that he would not lose that passion and have the courage to fight.

But, you know, he spoke about leadership and inspiration and that the Commissioner of Police is required to inspire and that is why you need a Commissioner of Police. I agree. I agree. And there is a vast difference between leadership and management. Management is how you get the job done. [*Crosstalk*] Yeah. But leadership is really about inspiration. But Mr. Minister, I want to remind you about something, through the hon. Deputy Speaker, and it is this. That you do not wait for a police commissioner to inspire the police service. You are in charge of the police service and you are in charge of national security, and you are the first leader that needs to inspire the police service. And if the police service is not being inspired, it is because they are not getting the inspiration from the top from where it has to come. [*Desk thumping*]

You are a good man. I have always told you. I have told you in the Parliament. I will tell you outside the Parliament, you are a good man. I have always admired your career, but I am telling you something, you—if you say today that the police service is not inspired, ask yourself what it is that you are not doing to inspire the police service. Because I tell you something. You cannot have any strategies to deal with the situation unless you first develop a vision for the

police service, and right now the entire Government, the PNM Government, is bereft of a vision for this country and that includes the vision for the police service.

Because vision is the foundation for strategy. You cannot have strategy without vision. Vision is the foundation for strategy, and I have not heard from the PNM Government any vision for the police service, much less a vision for the country and especially a vision in these times of economic doom and gloom.

So, Mr. Deputy Speaker, I wanted to make these couple of points. The hon. Leader of the Opposition has already dealt with the particular provisions of the selection process and shown how it side-lines or marginalizes the Police Service Commission. The hon. Member for Chaguanas West has spoken about the disrespect for the Parliament between the filing, publication and laying of the legal advice.

I just want to close by saying that the duty of this Parliament, whether we are in the Opposition or in the Government, is to ensure that the selection process is transparent, it is right, it is fair, it is just and that a system of selection must not undermine the role of legitimate constitutional institutions. It must not allow them to be undermined, undervalued or bypassed. And in this case I refer in particular to the Police Service Commission.

Mr. Deputy Speaker, I stand in support of the Members on this side in terms of this particular Motion that has been brought before the Parliament. I thank you. [*Desk thumping*]

Mr. Ganga Singh (*Chaguanas West*)**:** Thank you. Thank you very much, Mr. Deputy Speaker. It is clear that we have had quite an evening of engagement and I think that notwithstanding the utterances by the hon. Member for Diego Martin West the hon. Prime Minister that we are wasting time, it is clear that his Members engaged in debate and wasted the time equally, if one were to accept his utterance that we waste time here in this Parliament.

The hon. Leader of the Opposition spoke eloquently and when I listened to Members on this side putting forward the argument, both the process argument and substantive argument for the ultra vires nature of the Legal Notice No. 218 of 2015, I want to commend all Members for their elucidation [*Desk thumping*] and their erudition in this regard.

I want to indicate that we come back to the point that what this Government says they do not do. In fact, I think one Member the hon. Member for St.

Augustine who said, they talk—[*Crosstalk*] Yes. Straight talk must not be followed by crooked walk. When I make reference to the Trinidad *Express* newspapers of August 25, 2015, an article by Carolyn Kissoon and I quote**:**

> "Rowley**:** we will pay ex-Caroni workers"
>
> And I quote from the article by Carolyn Kissoon of August 25. She said**:**
>
> "As election is called the Kamla Persad-Bissessar Government discovered from 12 years ago that cane farmers were owed money. They didn't pay them in 2010, 2011, 2012, 2015..."

Mrs. Robinson-Regis: Madam Speaker, on a point of order. Standing Order—sorry. Mr. Deputy Speaker, Standing Order 48(1) "relevance".

Mr. Deputy Speaker: Member, could you just retract that statement, please.

Mr. G. Singh: I just—[*Interruption*]

Mr. Deputy Speaker: Please, just retract and proceed. The last one that was just made, just retract it and move on, please.

Mr. G. Singh: No. But I just want clarification. This is in response to a comment made by the hon. Prime Minister.

Mr. Deputy Speaker: "Relevance" and move on, please. [*Crosstalk*]

Mr. G. Singh: Mr. Deputy Speaker, very well. But it talks about the crooked walk and we will deal with that on another occasion. [*Crosstalk*]

The issue also as to the whole process of consultation, when you look at the *Guardian* newspaper of Saturday16 January the editorial reads**:**

> "Clearer process for appointing CoP needed
>
> While it is long overdue to put a CoP with tenure in the job, the process must be transparent. At the same time unmade and untested arguments and delays cannot be allowed to block the appointment of a CoP."

The editorial goes onto say, Mr. Deputy Speaker**:**

> "The need is for co-operation between the Government and the Opposition to get the process of selecting and appointing a Commissioner of Police up and running with little delay.

It is about three years since the country has had an acting CoP.

The legal notices filed in the Parliament by the Government to revise the process of appointing a CoP can only be derailed by a negative majority vote. The objective of the notice is to refocus the process of selecting a CoP."

[MADAM SPEAKER *in the Chair*]

And they go on to state, Madam Speaker**:**

"It is the responsibility of the Opposition to poke holes in the Government's procedures in the interest of achieving quality processes in and out of the Parliament. The Opposition is to inform the country of the details of its contentions, and the Government would respond.

There may then be the need for adjustments to be made to the legal notices and the establishment of rules and regulations which can stand scrutiny.

One of the main concerns attending the legal notices, and one raised first by Professor Ramesh Deosaran who was at one time Chairman of the Police Service Commission, is the requirement in the government's legal notices for a private firm to be hired to receive and process initial applications made for the job of CoP.

Why should there be private firm interceding in this process when in fact that it is one of the responsibilities of the PSC, was the question raised by Professor Deosaran and one now being put forward by the opposition leader?

Not only with the hiring of a private firm do the processing result in an additional cost a government strapped for revenue cannot not afford, but could be trampling over a constitutional provision."

Madam Speaker: Hon. Member, while you are allowed to refer to an article you cannot read the entire article into the record.

11.15 p.m.

Mr. G. Singh: Very well, Madam Speaker.

"The Government must respond to such contentions…"

So he must respond to such contentions. Madam Speaker, but the Government has not responded and tell us who did they consult with, the specificity of their consultation. The Government did not tell us the explanation, they did not provide an explanation for the delay in bringing this matter to Parliament; they did not

meet the threshold of the consultation requirement. They provided no explanation, and as we indicated on this side, that we are of the view that this Legal Notice 218 of 2015, is ultra vires the Constitution. We are of that view and they have not met that point of view, Madam Speaker.

The hon. Prime Minister in his contribution to the debate says he does not understand the fear. He says he does not understand the fear. Madam Speaker, it is clear in this society, in this plural society, given the history and the colonial nature of the constabulary that we inherited, that there is a real fear in this society, wherever you rest coercive power, if you seek to appointment someone in that position and the process cannot meet the scrutiny of transparency, accountability, and lack of politicization. It is clear in the contribution of my colleague, the Member for Caroni Central, who spoke at length on the political influence that can be brought to bear in the process. And it is clear that for any Commissioner of Police to be successful in this country, that Commissioner of Police to deal with the mammoth task before him or her, must be provided with the necessary legitimacy.

The hon. Member for Laventille West indicated that having gone through the process and now subject to the approval of this House, that that is not appropriate approval, that the Parliament of this country should not meet to deal with the approval of a Commissioner of Police, and that process is fraught with danger. I would refer you to your former leader who indicated at the end of 2006 that he wanted to congratulate all the politicians and all the Members of Parliament on that occasion who participated in the debate for displaying that level of maturity required in order to get that legislation passed. And when the first opportunity arose, as indicated by other Members, for Members to test that legislation in 2008, what happened? The Government of the day denying the approval of the Police service Commission, came with a candidate as the Government and then denied that candidate, a local person, the right to be Commissioner of Police in Trinidad and Tobago. [*Desk thumping*]

Let me ask this question of legitimacy. How do you arrive at legitimacy in this plural society? It is the process that has to provide that, and the process that you have put forward from the time it was signed off in the Cabinet, from the time it was published, from the time it reached this Parliament, tells you a story of attempting through stealth of denying the parliamentarians the opportunity, except over an extended period, we had to find out, were it not for the—as I indicated before—vigilance of the Leader of the Opposition.

Madam Speaker, the question was raised by a Member on the other side, of whole roll and function of the Director of Personnel Administration. And why

they are shifting from that position that appeared in 2009 of the utilization of the Director of Personnel Administration, the DPA. Now, when I listen to the contribution of that hon. Member, you would think that they created another demon, because they made the Director of Personnel Administration responsible for all the ills of the process for the previous appointment and demonized that person, and that, therefore, demonized the office, so you get rid of the office in the process.

So, Madam Speaker, it is clear that the role and function of DPA; the DPA is appointed by an independent Public Service Commission, thereby insulating the office of the DPA. It is clear the DPA cannot be a challenge to the constitutional independence of the Police Service Commission. The DPA serves in an administrative capacity. So, therefore, the DPA as a public servant merely performs administrative functions on behalf of the Public Service Commission, and they tell us in their contribution that when the hon. Minister of National Security pulls the trigger—so to speak, I think it is the metaphor used by the hon. Member for Port of Spain North/St. Ann's West—to start the process, to initiate the process, then the DPA will be triggered into action again. So, why do you move from what existed? Is there any other trigger that you can pull? And the specious reason given by the hon. Prime Minister and Member for Diego Martin West, is the story that he sat in a Cabinet when a sitting Prime Minister asked to see a sitting chairman of the Police Service Commission, and that sitting chairman told him, that I am independent and I cannot speak with you.

So, what is this baggage we are toting? What is this baggage we are toting against the independence of the service commissions? So, what we are going to see then if we were to accept that kind of anecdotal evidence, is that you are going to see a trend where all the service commissions and their independence will be subverted in Trinidad and Tobago under this administration. [*Desk thumping*]

Mrs. Persad-Bissessar SC: That is for the Minister to tell the service commission what to do, they are now legislating for it.

Mr. G. Singh: So, under this Order they have not indicated that when the Minister request the service commissions to act, what happens if they do not act?

Mrs. Persad-Bissessar SC: Fire them.

Mr. G. Singh: What happens if the service commission does not act? You say they maintain and retain their independence, and you say that the Minister is merely making a request to initiate the process. What if they do not act? You expect them to act? What if they do not act? Because they can tell you that I am

independent. You are part of the Executive. I am insulated from your intervention or interference. All right. [*Interruption*] No, no, but I just want to tell you that you have not answered that question.

Hon. Member: We did.

Mr. G. Singh: You have not. No, no, you did not.

Mr. Al-Rawi: I answered it as well.

Mr. G. Singh: No, no, you have not answered that question.

Madam Speaker, so it is clear. It is clear that they have not dealt with this matter, that the originator of this notice cannot justify as to why they moved in that fashion, except to say with alacrity, because they have been elected so to do. And they have not answered the questions that will allow this country to be comfortable with your process. [*Desk thumping*] And the firm, the appointment of this firm and the role and function of this firm, it was said ad nauseam by Members on this side. It makes the firm a mere postbox.

Hon. Member: The PSC.

Mr. G. Singh: The firm makes the Police Service Commission a mere postbox, and that therefore it also lays the basis for the interference in that process.

And the Member says—["Steups"] Member, you can "steups" how much you want, it does not change the reality that the Police Service Commission becomes a rubber stamp for the findings and the assessment [*Desk thumping*] of the firm in accordance with your statutory notice. The point made by the Leader of the Opposition, that the choice of the firm utilizing the process used would be effectively done by the Executive of this country.

So, Madam Speaker, it is clear that we on this side cannot support this legal notice. It is clear that we on this side recognize that there are challenges facing the police. It is clear that the hon. Minister would like to improve the morale of the police service, and I would say to the first thing then, to improve morale of the police, pay them their back pay. Pay them their back pay. [*Desk thumping*] When you pay the people their back pay you would be surprise how quickly morale would be increased. And I want to indicate to the hon. Minister, because, you see, he has indicated that the morale of the police service is dependent upon the leadership. But the malady is deeper than that in the police service. The malady is much deeper than that in the police service.

And if one were to cursorily look at the various commissions, the various enquiries, from the Darby Commission appointed in 1964; the Carr committee; the Bruce committee; the 1990 Executive Research Forum Study sponsored by the United States departmental of state; the O'Dowd report; the Scott Drug Report, the Ramdhanie enquiry; the malady is much greater in the body of the police service than merely the tenure of the Commissioner of Police. [*Desk thumping*]

So, Madam Speaker, with these few words, I beg to move.

Question put and negatived.

COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER OF POLICE (QUALIFICATION AND SELECTION CRITERIA) ORDER, 2015 (ANNULMENT OF)

Mr. Ganga Singh (*Chaguanas West*)**:** Thank you very much, Madam Speaker. I beg to move Motion No. 3 standing in my name**:**

Whereas it is provided by section 123(2) of the Constitution that the Commissioner and Deputy Commissioner of Police be selected by criteria and procedure prescribed by the Order of the President subject to negative resolution in Parliament;

And whereas the appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2015 which was published on December 16, 2015 by Legal Notice No. 219;

Be it resolved that the appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2015 be annulled.

Madam Speaker, this is the second part of the Motion dealing with a qualification and criteria.

11.30 p.m.

Madam Speaker, Order 219 indicates the qualification of the Commissioner of Police and Deputy Commissioner of Police. Section 2(1) states**:**

"A candidate for the office of Commissioner of Police shall be a national of Trinidad and Tobago…"

We have no problem with that, Madam Speaker.

"(a) a degree from a University recognized by the Ministry responsible for higher education in any of the following**:**

(i) law;

(ii) criminal justice;

(iii) criminology;

(iv) police service management; or

(v) any other relevant degree; and

(b) no less than fifteen years' experience of increasing responsibility in law enforcement."

Secondly**:**

"(2) A candidate for the office of Deputy Commissioner of Police shall be a national of Trinidad and Tobago and have–

(a) the qualifications stipulated in subclause (1)(a); and

(b) no less than ten years' experience of increasing responsibility in law enforcement."

The Government must tell us why they are decreasing the requirement in the position of Deputy Commissioner in terms of years of experience? Why? The Deputy Commissioner goes to 10 years.

Mrs. Persad-Bissessar SC: From 12.

Mr. G. Singh: From 12. Why? No, why? Why are you doing that? You see, because unless you have a clear explanation it will give rise to some sort of allegation—[*Interruption*]

Mr. Young: To allow young bright people to come forward.

Mr. G. Singh: No, 12 years next to it. But you are seeking to tailor the requirements to sew a particular tailored cloth.

Mr. Young: You all are applying your ways—

Mrs. Persad-Bissessar SC: Please, I want to hear the Member, please.

Mr. G. Singh: Mr. Young, this is not Ernst & Young, eh.

Mr. Young: Nor is it WASA.

Mr. G. Singh: Madam Speaker, so it is clear that we need answers to these questions. We need answer to that as to how you proceed with that. Because you see, one of the reasons why, Madam Speaker, policing is now regarded as a highly demanding craft, and I think the Member for Laventille West spoke about that. It is a craft that requires specialized knowledge in many ways and special skills required. And this can only be done through the necessary education and training. If you are asking for 15 years at least experience for the Commissioner of Police, why is there the necessity to lower the threshold? There may be good reasons.

Mrs. Persad-Bissessar SC: Tell us what they are.

Mr. G. Singh: But tell us what they are. Because you see I am coming back to this whole point about the legitimacy of the Police Commissioner, the legitimacy of the hierarchy of the Police Commissioner. In this society of ours, in this small geographical space that we call Trinidad and Tobago, given our colonial inheritance; given our own colonial history; given our history in this country, we have to find a way in which we can create the necessary comfort for our citizens so that they can provide the necessary support to the police service and the process that begins with that support is the process to support the transparent approach and that therefore the qualification and criteria must be something above board.

Madam Speaker, so it is clear in these considerations that these persons will be the persons charged with governing of the police service. They will be providing the morale boasting that is required. They will have to provide the inspirational leadership required. They will have to provide the technical competence that the subordinate staff will have faith in them. So, therefore, tell us. Tell us why you proceed in that way. We can deal with it conjointly, but what we need to do, Madam Speaker, is to ensure that there is that level of comfort required, otherwise the very process will be delegitimized.

With these few words and this late hour, Madam Speaker, I beg to move. [*Desk thumping*]

Madam Speaker: Nobody to second the Motion.

Hon. Members: No, nobody.

Mr. David Lee (*Pointe-a-Pierre*)**:** Madam Speaker, I beg to second the Motion raised by the hon. Member for Chaguanas West and I reserve the right to speak.

Question proposed.

Madam Speaker: The Attorney General.

The Attorney General (Hon. Faris Al-Rawi): [*Desk thumping*] Thank you, Madam Speaker. Madam Speaker, I rise to contribute to this Motion and I wish for the record to state, at 11**:**36**:**34 p.m. on January 20, 2016, that it is something that ought to be encouraged that Members agree upon process and that we ascribe to things which are apposite to the best interest of the people of Trinidad and Tobago.

We sit here as a Parliament, pursuant to section 53 of the Constitution, to make laws for the peace, order and good governance of Trinidad and Tobago. This is the supreme law. We are here quite properly engaged in a process by which we are proposing that an Order which now stands as law pursuant to section 12 of the Statutes Act be negatived.

The honourable mover of the Motion, the Member for Chaguanas West, took us through the current law which is in fact the Legal Notice 219 of 2015. That was published on—date of the Order was December 14, 2015; date of publication was December 16, 2015. There was no complaint made about this Order as to its constitutionality, as to any process being breached by way of some form of complaint in relation to the statutory instruments. Rules that guide us are Standing Orders 80 and 93 prescribed. All that we were told—and I heard just across the floor, "we heard all that already"—was, please, provide an explanation in subclause (2) of section 2 of the Order, where the qualification for that of a Deputy Commissioner of Police has moved away from 12 years to 10 years.

And I want to remind the hon. Members present, there being no complaint and only an inquiry, the first thing we must ask ourselves, what could possibly have motivated the House not to have done the first Motion and second Motion together?

Mr. Imbert: Just wickedness.

Hon. F. Al-Rawi: It is true that you have the right to complain, but really, we do know that in the Constitution of the Republic of Trinidad and Tobago specifically prescribed, Standing Order shall prevail and that the House has the ability to regulate its own affairs.

We have just heard the honourable Government past, those who were last in the saddle, those who now sit in Opposition, make a long song and dance about propriety and about doing things the right way. And I feel compelled, on behalf of all Members of this honourable House, to put on the record that, most

respectfully, the process adopted here tonight is not in the best interest of the citizens of Trinidad and Tobago [*Desk thumping*] and specifically shows absolute wanton disregard for the good people that staff this Parliament.

Mr. Deyalsingh: Correct. [*Desk thumping*]

Hon. F. Al-Rawi: Because the *Hansard* reporters are here, the Clerks of the Parliament are here; the Orderlies are here, the kitchen staff is here; the police are here. But they are not only here, if the Member for Siparia can at least allow me to think without the chatter across—[*Interruption*]

Mr. Imbert: Always cross talking, always.

Hon. F. Al-Rawi:—but they are not—and you know she would not take the hint, you know, most respectfully.

Mr. Imbert: You should put her out. Always cross talking.

Hon. Members: [*Laughter*]

Hon. F. Al-Rawi: But, Madam Speaker, the fact is they are not only here now, all these people I have mentioned, but they are obliged to be here tomorrow to debate two other Motions of a similar nature and they know this. [*Crosstalk*] Madam Speaker, may I ask your protection from the Member for Siparia?

Mr. Imbert: Is muttering. Put her out.

Madam Speaker: Hon. Member for Siparia, please.

Mrs. Persad-Bissessar SC: Thank you, Madam Speaker.

Hon. F. Al-Rawi: Let us see how long your obedience will prevail.

Mr. Imbert: "She cyah help it."

Madam Speaker: Please, please, proceed, hon. Attorney General.

Hon. F. Al-Rawi: Yes, Madam Speaker. So, Madam Speaker, I want to register a firm complaint on behalf of the good citizens that staff and make this Parliament function. I want to draw complaint to the process adopted here tonight.

Let us dive directly into this Motion before us, to negative the law of Trinidad and Tobago now prevailing on the ground that there is a question, why move from 12 years to 10 years for appointment for a Deputy Commissioner of Police? What is so sinister about 10 years? If 10 years is a problem, 10 years' qualification, let us look at where 10 years is applied to this. We are speaking specifically in relation to a Deputy Commissioner of Police. We know that there is a

Commissioner of Police. We know that the purpose of the 2006 package of laws which came forward, which included constitutional amendment, police service laws, et cetera, Act No. 6, Act No. 7, Act No. 8 of 2006. That was specifically intended to move away from the process of seniority in the police service and to take us instead to a meritocracy where those with an ability are encouraged to participate in the process.

The hon. Member for Siparia back in the debate in 2006 and in several debates which flowed thereafter, even up to tonight, will be on the *Hansard* record as saying the move away from the veto of the Prime Minister, the move away from seniority where that very special two-thirds vote to amend the Constitution, pursuant to section 54 of the Constitution occurred in what was described earlier today as an anomaly, that that was done specifically to encourage the younger folks in the police service to be motivated by the prospect of rising to senior rank without the debilitating hurdle of seniority being the sole guide.

And therefore it seems to be pellucidly clear, most respectfully, that the move from 12 years to 10 years is pegged so as to allow a broader participation of junior members, younger members of the police force to allow them to vie for that valuable position of a Deputy Commissioner of Police, encouraging succession planning; encouraging motivation; encouraging morale and driving the police force. After all, the 2006 legislation squarely put forward for the people of Trinidad and Tobago in amending section 123A of the Constitution a very significant power to a Commissioner of Police to be responsible, to have autonomy for the financial and management issues inside the police service, giving an autonomy not seen before. If you are going to give such an awesome responsibility is it not therefore apposite to the best interest of development, succession planning and encouragement of morale to move the troops forward, to move the service forward that you allow for people to come into the matrix earlier?

11.45 p.m.

And, therefore, Madam Speaker, most respectfully, the drop of two years, from 12 years down to 10, is not a significant drop, but it is a material drop to the benefit of those who aspire to the office of the Deputy Commissioner of Police. More particularly, let us engage in a comparative context. If pursuant to section 105 of the Constitution of the Republic of Trinidad and Tobago, so declared the supreme law by section 2 of the Constitution—if pursuant to section 105—judges

to be appointed must meet criteria as prescribed, if it is good enough for a judge to be appointed after 10 years' experience, why not a Deputy Commissioner of Police?

Are they not quasi-judicial, in some senses, deputy commissioners of police? Do they not exercise administrative functions similar to quasi-judicial functions? Do they not exercise, as well, significant criteria that call for encouragement? Look at what has been prescribed in this Order**:**

> "A candidate for the officer of Commissioner of Police shall be a national…"—et cetera.

And then you must have education in law, criminal justice, criminology, police service managements; any other relevant degree no less than 15 years. And what is prescribed is exactly the same thing for a Deputy Commissioner of Police, the same qualifications, save you move from 15 years down to 10.

So that being the only question on the record by the Member for Chaguanas West, there being no hint of unconstitutionality, there being no argument of breach of process or delay or untimeliness which is anchored to Standing Orders 80 and 93 of the Standing Orders by which we are governed, there being nothing other than that, it suffices then to conclude that it has been reasonably and justifiably explained. There is precedent for it both in a management encouragement point of view, and particularly insofar as judges which exercise significant functions need only have 10 years' experience. Madam Speaker, suffice it to say the argument has been met.

In those circumstances, there is no position other than to vote against the Motion which we are encouraged to adopt in this House and, therefore, I state it on behalf of all Members present, most respectfully, through you, that the Government's position will be to oppose the Motion now brought by the Opposition and, in fact, to condemn them for wasting the time of the people of Trinidad and Tobago and the Parliament of Trinidad and Tobago, specifically, by not agreeing to have the Motions debated together.

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

Madam Speaker: Hon. Member for Couva North. [*Desk thumping*]

Miss Ramona Ramdial (*Couva North*)**:** Thank you very much, Madam Speaker. To my colleagues and to everyone and, of course, most recently the AG before me who spoke, we are, of course, very much concerned also about the staff of Parliament and everything that he mentioned. But in light of conducting the

people's business and on behalf of the people of Trinidad and Tobago, I think everyone can understand that is the reason why we are here at this late hour tonight, and we will continue in the best interest of the people. [*Desk thumping*]

Madam Speaker, the hon. Member for San Fernando West did not answer the question, was not, of course, very clear, no clarification. And, of course, one of the questions was—and we have many questions—why 10 years? And he went on to beat around the bush saying, to make room for the younger persons to rise in the service and all of that. So why not seven years, why not eight years? Why that specific number, 10? Is it because—

Dr. Rowley: Why not 15?

Miss R. Ramdial: Why not 15, of course? Why not seven or eight years? You specify 10 years but a proper explanation has not been given, and therefore the AG is very disingenuous in coming here and trying to give a roundabout sort of answer saying it makes room for the younger ones to rise and promotion and for the young persons to experience that position. So then why not lesser years, seven, eight years? Why not?

Mr. Deyalsingh: Pick a year.

Miss R. Ramdial: You deal with the health in this country. You are not doing a good job. All right? [*Crosstalk*] Madam Speaker, I beg your protection from the Member for St. Joseph.

Madam Speaker: Hon. Members, it is late and I think we should get on with the business of the people. Please, continue.

Miss R. Ramdial: Thank you, Madam Speaker. So, that is just clarification again being sought because the AG failed at giving clarification with respect to the number of years that is now being put here as an amendment to the qualification and selection criteria.

In addition to that, we look at clause 3 where previously there was a host of requirements that were itemized and now it is being deleted. The proposed amendment does not have these requirements being stated. Also, these clauses—clause 3**:**

> "A candidate for the office of Commissioner of Police or Deputy Commissioner of Police shall meet the following core criteria**:**
>
> (a) leadership skills which enable him to motivate, inspire and engender trust and confidence in the members of the Police Service**:**

(b) management skills, which include the ability to—

(i) plan and organize operations;

(ii) monitor and implement such plans; and

(iii) identify and rectify problems;

(c) communications skills, both written and oral, which enable him to deal effectively with the media and community groups;

(d) commitment to the cause of the organization;

(e) the requisite vision which will enable him to guide the Police Service"—[*Desk thumping*]—"in the specific direction that will serve the best interest of the organization and the nation; and

(f) integrity, having the courage of his convictions and known among his peers for doing the right thing regardless of consequences to self and others." [*Desk thumping*]

And I think these are fundamental requirements that should have stayed and not been deleted from the proposed amendment.

Madam Speaker, selection criteria—and just to educate those opposite.

"Selection criteria describe the qualification, knowledge, skills, abilities and experience a person requires in order to do a job effectively.

Key Expressions used in Selection Criteria**:**

- …the type of skill or ability that is required. For example**:**
- Background in;
- Experience in; proven record in;
- Knowledge of; understanding of;…appreciate of;
- Ability to; aptitude for; capacity to;
- Must have."

These are just some expressions that are used in selection criteria. And it is passing strange that such an important clause from the original version is now being deleted off the proposed amendment. And I think the Opposition here needs clarification for that also, and by extension, the public would need clarification why this part, or this piece, or these clauses, are being eliminated from the proposed amendment.

Madam Speaker, clause 4, again**:**

> "Where a candidate does not hold the qualifications stipulated under clause 2(1)(a) but meets the core criteria listed in clause 3 and has not less than twenty years experience with increasing responsibility in law enforcement, he shall nonetheless be considered as a candidate for appointment."

This, in itself, Madam Speaker, is also a very important clause that is now being deleted from the proposed amendment. Again, we seek clarification as to why this is so, and I would hope that there would be someone who would speak after me to give such clarification, and I am posing that to the Government to, of course, to let us know why these clauses were taken off.

And in the qualification and selection criteria of a Deputy Commissioner of Police, that is a very, very important independent position in this country. We have rising crime in our country. We have a Minister of National Security who fails to come to terms with the reality that we have a spike in crime in this new year, and the numbers show for themselves. And here we are, deleting important criteria, a part of the selection criteria, out from the proposed amendment. And I think that the Government owes a duty of care to this country to, at least, clarify and tell us why such important clauses [*Desk thumping*] are being deleted.

Madam Speaker, in addition to that, I also want to make reference to the public, and, of course, the media reporting over the past couple of days when, of course, the Order was laid in Parliament and the public was made aware of what was going to take place. We have independent institutions in our country**:** the Police Service Commission, and the chairman taking umbrage as to how this is being done, and her suggestions as to how it could have been done.

The major complaint was that of no consultation. And, yes, we have debated that all night, but it is an important part and aspect of governance in our country. The hon. Prime Minister spoke about local government consultations taking place in central and all across the country and yet still you fail to consult, or even inform the chairman of the Public Service Commission, [*Desk thumping*] of course, who came to the public airing that. It is very, very distasteful, Madam Speaker, to say the least—very distasteful. I think that such office holder should not be disrespected in this country. And I know for a fact, being a part of the former government, we practised what we preached, and there was no disrespect of any independent office holder [*Desk thumping*] and the office itself, by the former government.

Therefore, the Attorney General, in his capacity, likes to talk about, you know, dealing and serving the people and being on the ground and in tune with what is going on, and I think he himself should, you know, be able to advise his colleagues within the Cabinet that consulting and informing beforehand is an important part of the process.

We also had, of course, the former chairman of the Police Service Commission, Prof. Ramesh Deosaran, and he, himself, spoke about that, and he mentioned terms as privatization, lending to privatization because of these proposed amendments of the selection of the Police Commissioner and Deputy Police Commissioner. Therefore these—

Madam Speaker: Hon. Member, we are now dealing only with the qualification and selection criteria.

Miss R. Ramdial: Thank you, Madam Speaker. So my point, Madam Speaker, it is all about transparency, accountability, clarification, because, really, this came like a thief in the night, and as my previous colleagues have said, if it was not for the vigilance of the Opposition Leader in recognizing what was going on we would have been at a loss. And the Parliament itself has been somewhat disrespected to a certain extent, in terms of the timing when it came and all of that.

These are serious, pertinent questions that need to be answered. I do not intend to be very long, and therefore, those are just a few of my questions, and to also reiterate and repeat that the hon. Attorney General failed to clarify 10 years; why that number of 10, and his response was, in the least, not very clear or satisfying. Therefore, we need to know exactly what is the motive and intention behind the 10 years and also to explain why these important clauses that were once in the previous version are now being deleted from the proposed amendment, because we see it as very important clauses that would lend to the choosing and accommodating, of course, a very efficient, intelligent, well-abled Deputy Commissioner of Police and Commissioner of Police.

Thank you, Madam Speaker. [*Desk thumping*]

Madam Speaker: The hon. Member for Mayaro. [*Desk thumping*]

Mr. Rushton Paray (*Mayaro*)**:** Thank you very much, Madam Speaker. [*Crosstalk*] I rise to support my colleague from Chaguanas West in support of the annulment of the Legal Notice 219. I will do my very best not to lollygag and keep us here any longer than is necessary.

The Minister of Communications indicated quite clearly that—and I am quoting him here—we are not changing the law but the process. I would like to put it to this House, Madam Speaker—[*Crosstalk*]

Madam Speaker: One minute, please, Members. What would have been the source of the quotation?

Mr. R. Paray: The newspaper, sorry.

Hon. Member: What!? [*Interruption*]

Madam Speaker: One minute, please. If it is a newspaper, could you please inform the House, the details of the newspaper that you are referring to?

12.00 midnight

Mr. R. Paray: Okay. Madam Speaker, I will withdraw it because I do not have the information. I recall reading it in the newspaper, but I am sorry about that.

Madam Speaker: Member, please I will warn you to not follow that course, and I just want to remind Members against the rule for tedious repetition which is going to be strictly enforced at this time.

Mr. R. Paray: Thank you, Madam Speaker. The quotation, if I may be allowed just to—it was on the post-Cab meeting on December 10, 2015.

Mr. Imbert: What newspaper?

Mr. R. Paray: Sorry.

Madam Speaker: Member. Member for Mayaro. As I would repeat, if your source is a document, be it a newspaper, an article, you need to descend to some particulars about it. If not, I will ask you not to pursue that course.

Mr. R. Paray: Okay. Thank you very much, Madam Speaker. I would like to do a comparison between the 2009 and the 2015 legislation where several key areas of the selection criteria have been drastically changed in a most critical area of core competencies. [*Interruption*]

Mrs. Robinson-Regis: Madam Speaker, I invoke tedious repetition, please. [*Crosstalk*]

Madam Speaker: Hon. Member for Mayaro, I have already advised the House that the rule against tedious repetition is going to be strictly enforced. I have warned you. This will be the second warning. If you continue along this route, I will then invoke the Order and ask you to resume your seat.

Mr. R. Paray: Madam Speaker, I am trying to get my bearing here in terms of tedious repetition—[*Interruption*]

Madam Speaker: Members, please.

Mr. R. Paray:—because I am the third speaker on this side and I want to engage in terms of section 3 of the Order that has been deleted in the 2015.

Madam Speaker: Hon Member for Mayaro, the Member for Couva North, who preceded you, dealt with the deletions. My recollection is she dealt with Regulation 3 and 4 in great depth and, therefore, if you are dealing with them you will certainly have to deal with them totally differently and not repeat the contribution made. And again, I warn the difficulty that one may find oneself in this debate is the procedure adopted in dealing with the two Motions, and that is why I will enforce strictly the rule against relevance and the rule relating to tedious repetition.

Mr. R. Paray: Thank you very much, Madam Speaker. To continue, I am just concerned, Madam Speaker, that the watering down of the requirements for the Commissioner of Police and the Deputy Commissioner of Police would cause some serious concerns in terms of having the best quality individual placed in a leadership role of the police service.

Madam Speaker, this Parliament in 2009 set what I can only determine as "champagne standards" for the highest quality of individuals to fill those two vacancies. However, in 2015, in this Order before us, that requirement has been watered down to what I would determine as "mauby standards". It has been watered down in a most very cheap fashion by removing those clauses from the 2015 Order. What is the reason for the reduction? Is it—[*Interruption*]

Madam Speaker: Hon Member. Hon. Member, thus far your contribution mirrors the contribution of the hon. Member for Couva. Thus far it mirrors. While the words may be different in substance, it mirrors and, therefore, I am going to ask you to resume your seat.

Member for Chaguanas West.

Mr. Ganga Singh (*Chaguanas West*)**:** Thank you very much, Madam Speaker. In the Notice they speak of a national of Trinidad and Tobago and the question is the expression "national" is not defined in the Constitution under which the Order is made.

The Legal Profession Act defines a "CARICOM national" at subsection (4A); the Foreign Investment Act defines a "national" at section 2; the Immigration Act

at section 2 has a similar definition of "national" in connection with "Caricom Member State" for the purposes of the CSME. Our Constitution, Madam Speaker, defines "citizens" by descent and birth, and citizenship with reference to the Citizenship Act.

The Immigration Act defines "citizen" with reference to the Constitution and the Citizenship Act. The Immigration Act also defines "resident". The Value Added Tax Act, Schedule 2, section 7B, delimits a returning national as someone who is or was a citizen of Trinidad and Tobago; has citizenship of two countries, one of which is Trinidad and Tobago; or is the spouse of such a person.

In our written laws clearly then, Madam Speaker, there are no blanket references to nationals of Trinidad and Tobago. The term is vague and ambiguous and needs to be defined. Is it meant to be a citizen? If so, by birth or descent? It is meant to include a resident? Is it meant to include a Caricom citizen?

Madam Speaker: Hon. Members, may we have some order, please? Continue, Member for Chaguanas West.

Mr. G. Singh: Madam Speaker, perhaps there are a group of Cinderellas. You know, it is the midnight hour. The Constitution is clear when it mandates citizenship requirements for Members of Parliament and Senators disqualifying dual citizenship—the Gypsy and Chaitan matter.

Such clarity should have been used when drafting the Order**.** A simple question is this**:** "Citizen of Trinidad and Tobago" should have been used and could have been used and was not what was really intended here? So perhaps there is need for clarity in that area and perhaps the hon. Attorney General may want to look at the legislation again. What about dual citizenship and those citizens who have declared allegiance to another country? Clearly, as indicated, they cannot be a Commissioner of Police. One solution is to use the definition of citizen in the Immigration Act, but limit it to exclude dual citizenship as in the disqualification for Members of Parliament in the Constitution.

Madam Speaker, our role is to assist in the legislation. As I indicated that it is not our intention to stymie this process, but as the loyal Opposition, we have a duty to perform and, therefore, with these few words, Madam Speaker, I beg to move. [*Desk thumping and laughter*]

Question put and negatived.

ADJOURNMENT

Madam Speaker: Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday, January 22, 2016 at 1.30 p.m. At that time we will be doing the debate on the Report of the Standing Finance Committee.

Madam Speaker: Hon. Member for Chaguanas West.

Mr. Singh: Thank you very much, Madam Speaker. Madam Speaker, as you indicated earlier in the proceedings that there ought to have been discussion on this matter, our position is very clear. The fourth Friday of every month, by virtue of the Standing Order 33(5), shall be Private Members' Day. Government Business shall have precedence on every day except Private Members' Day, and it is our intention, subject to the Standing Orders and in consideration of the Standing Orders, we regard it a Private Members' Day being sacrosanct for the Opposition and that therefore it is our intention not to agree to use our Private Members' Day for Government Business.

We are prepared to come on another day, Saturday, to do Government Business, or Sunday, or Monday to do Government Business, but Friday is Private Members' Day and it is being regarded as sacrosanct in the context of the Parliament of this country.

Madam Speaker: Leader of the House.

Hon. C. Robinson-Regis: Thank you very much, Madam Speaker. Madam Speaker, in accordance with Standing Order 122(1), I beg to move that the Standing Orders be suspended in specific relation to Standing Order 33(5), and that the question be put on the suspension of the Standing Orders, and furthermore the question be put on the Motion proposed that this House do now adjourn to January 22nd at 1.30 p.m. when we will do the debate on the Report of the Standing Finance Committee.

Madam Speaker: Before I entertain that, there is a matter to be raised on the adjournment. Could the Chief Whip advise on the position of that?

Mr. Singh: Madam Speaker, we will ask for a deferral of that matter. I think that the hon. Member for Caroni East is not currently here to engage in that matter, so we ask for a deferral.

Hon. C. Robinson-Regis: Madam Speaker, may I indicate that we are very ready to do that matter. So I am very sorry you are not ready, but we are very ready and prepared to do that matter. So if you have someone else who would like to move it?

Mr. Singh: Madam Speaker, I just want to draw your attention that— [*Interruption*]

Madam Speaker: There has been a Motion that has been moved by the Leader of the House to suspend, and that Motion as far as I read it is dealt with without amendment or debate. [*Crosstalk*] It is done without amendment or debate.

12.15 a.m.

Mr. Singh: I just want clarification.

Madam Speaker: I am on my legs, please, Member for Chaguanas West. Hon. Member for Arouca/Maloney, this Motion requires either a day's notice or the leave of the Speaker. I would entertain this as a day's notice of your Motion. I do not grant leave.

Hon. C. Robinson-Regis: Madam Speaker, I rise to suspend, Standing Order 122. As you are well aware, Madam Speaker, the Parliament conducts its own business and in addition to that, despite the fact that the Standing Orders indicate that the fourth Friday is Private Members' Day, Madam Speaker, in this instance, we have two constraints. That is, the time for the Senate to debate this particular closing of the accounts and, in addition to that, on this occasion, we have a fifth Friday upon which the Members can have their Private Members' Day. We have not made any attempt to prevent Private Members' Day and in addition to that, this was discussed previously by the Member for Chaguanas West and myself. So, Madam Speaker, I am very alarmed at this turn of events with regard to the Member for Chaguanas West. At this point, I am asking that the question be put.

Madam Speaker: Well, Member, I am totally taken by surprise that a question is being put because the first question that was put was with respect to the suspension of the Standing Orders and, according to Standing Order 122, any Standing Order to be suspended must be done either with leave or one day's notice. So even the attempt to suspend Standing Order 122 will need either leave or one day's notice. So that, again, I reiterate my ruling and I am saying I am prepared to treat this as one day's notice.

Hon. C. Robinson-Regis: Madam Speaker, may I ask a question please? When I indicated earlier in the sitting that this was our intention, is that to be treated as notice when I gave this indication on January 20th and it is now the 21st? Was that notice?

Madam Speaker: Leader of the House, I believe you now appreciate the position. You would have given one day's notice and therefore your matter for the application for the suspension will come up at the next sitting of this House.

Hon. C. Robinson-Regis: Madam Speaker, may I ask what would be considered the day's notice, please?

Madam Speaker: Well, it says at least one day's notice and I am ruling that this is the sitting, one sitting, and therefore the one day's notice would qualify for the next sitting.

Hon. C. Robinson-Regis: Madam Speaker, I beg to move that this House do now adjourn to Thursday, January 21, 2016 at 10.00 a.m. [*Interruption*]

Madam Speaker: Hon. Members, the question is that this House do now adjourn to Thursday, January 21, 2016 at 10.00 a.m. [*Continuous interruption*]

Question put.

Hon. Member: A division.

Dr. Rowley: Put a division.

Hon. C. Robinson-Regis: Madam Speaker, it would appear as though the Opposition is now indicating that they will do Private Members' Day on the fifth Friday. [*Continuous interruption*]

Dr. Rowley: "Way yuh get that from? You believing anything they tell you? Look, look, just go by the Chair for me, please. Doh believe nothing they tell you."

Mrs. Persad-Bissessar SC: Madam Speaker, if I may, through you?

Madam Speaker: Please, hon. Member for Siparia, I have not recognized you. [*Continuous interruption*]

Mrs. Persad-Bissessar SC: Oh sorry.

Hon. Member: "All yuh go behind the Chair."

Madam Speaker: Hon. Members, I suggest that this House be suspended for five minutes.

12.22 a.m.: *Sitting suspended.*

12.37 a.m.: *Sitting resumed.*

Madam Speaker: Leader of the House.

Hon. C. Robinson-Regis: Thank you very much, Madam Speaker. As I had indicated, I was moving the Motion that the House be adjourned to today at 10.00 a.m., but, Madam Speaker, I am just trying to seek your guidance before you put the Motion. That the notice would mean that the next sitting of the House would be when the notice will be considered, the time that the notice would be considered.

Madam Speaker: Hon. Leader of the House, once one day has elapsed, that will qualify as notice and then your procedure under Standing Order 122 can be adopted.

Dr. Tewarie: Madam Speaker, one day is 24 hours.

Hon. C. Robinson-Regis: Madam Speaker, I just want clarification, please. When you say one day has elapsed, we are into the next day now.

Madam Speaker: Hon. Leader of the House, as I indicated, the notice must be at least one day.

Hon. C. Robinson-Regis: Madam Speaker, if I may—and I hope you do not think that I am asking too many questions. I am asking if that means that we are now in a position at the sitting that we are proposing at 10.00 a.m. to deal with that Motion—the suspension of the Standing Orders Motion.

12.40 a.m.

Madam Speaker: I want to rule, Leader of the House, that one day will qualify as Friday.

Hon. C. Robinson-Regis: Madam Speaker, our intention, therefore, is to serve notice at this time, proper notice, at this time, that on Friday, our intention is to come to this House on Friday, at 1.30 p.m., and ask in accordance with Standing Order 122, that the Standing Orders be waived—all the Standing Orders be suspended in accordance with Standing Order 122 (1) and (2).

And, Madam Speaker, this notice—I am using this opportunity to also give notice that at that time, we will be dealing with the Variation of Appropriation and the report of the Standing Finance Committee. So, at this time, I beg to move that this House now adjourn to Friday, January 22, 2016 at 1.30 p.m.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 12.42 a.m.