

THE
PARLIAMENTARY DEBATES
OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTH PARLIAMENT OF THE REPUBLIC OF TRINIDAD
AND TOBAGO WHICH OPENED ON NOVEMBER 27, 1995

SESSION 1996—1997

VOLUME 7

HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

The House met at 1.35 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, first of all, I wish to apologise for the start of this sitting being a few minutes late. I had a little problem getting here on time.

I also wish to indicate that I have received communication from the Member for Arima (Dr. Rupert Griffith) who has asked to be excused from today's sitting until Friday, July 18, 1997. I have also had word from the Member for San Fernando West (Mr. Barendra Sinanan) who has asked to be excused for the period July 11—July 18, 1997.

They are both excused from today's sitting.

ARRANGEMENT OF BUSINESS

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House proceeds to Bills Second Reading and deals with Bill No. 1 Public Officials (Extension of Service) Bill, 1997, followed by Bill No. 2 under Government Business.

Agreed to.

PUBLIC OFFICIALS (EXTENSION OF SERVICE) BILL

Order for second reading read.

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, I beg to move,
That a Bill to provide for the extension of the service of certain officials, be now read a second time.

Public Officials Bill
[HON. B. PANDAY]

Tuesday, July 15, 1997

This Bill seeks to amend the law to provide for the extension of the service of magistrates and officers prescribed in the First Schedule to the Police Service Act.

As provided for in clause 2, the amendments are set out in the schedule to the Bill with section 8A inserted in the Judicial and Legal Service Act, Chap. 6:01, to allow magistrates to continue to serve with the permission of the Judicial and Legal Service Commission for a period not exceeding three years after they have reached the prescribed age of retirement which is 60 years.

Section 62A is being added to the Police Service Act, Chap. 15:01, which reads:

“...the President may, where he considers it in the national interest, extend the years of service of any of the officers referred to in the First Schedule after he has reached the prescribed age of retirement, for a period of one year in the first instance and thereafter, subject to an annual review, for a maximum of two further periods of one year each.”

Mr. Speaker, the Bill would entitle the Legal and Judicial Service Commission in the interest of the judicial service of the country to extend the tenure of service of magistrates for a period not exceeding three years after the age of retirement. The present age of retirement is fixed at 60 years, by virtue of the adoption of the Public Service Commission Regulations to apply to legal officers. This is to be found in section 8 of the Judicial and Legal Service Act, Chap. 6:01, and the Chief Justice has been consulted on this matter, and he has approved the amendment.

The Bill also enables the President in the national interest to extend the tenure of service of certain police officers whose office is set out in the First Schedule of the Police Service Act, Chap. 15:01, for a maximum period of three years after retirement age, but it is to be noted that if such an extension is to take place, it is for a period of one year and may thereafter, be increased for two further periods, but of one year each. There is a significance in that, Mr. Speaker, as I will indicate to this honourable House a little later. The first appointment would be for one year and thereafter for a maximum of two further periods of one year each so that it will be subject to an annual review for a period of three years.

The police officers concerned are: the Commissioner of Police; the Deputy Commissioner of Police; the Assistant Commissioner of Police; Senior Superintendent; Superintendent; and Assistant Superintendent. The first division of the police service has been consulted: those who have been engaged in the consultation will address this House, hopefully. I will not go into details of that.

The second division has also been consulted. As I indicated earlier, relevant consultations with the Chief Justice have taken place.

1.45 p.m.

The present law, Mr. Speaker, is to be found in the Police Service Act, Chap. 15:01, as I indicated earlier. Under Part V, General Regulations of that Act, section 60 says that:

“Every police officer shall, on his appointment, take and subscribe the oath or affirmation of office and secrecy set out in the Fifth Schedule.”

Section 61 deals with the modes by which a police officer may leave the service. That is not of concern to us for the purposes of this debate. Section 62(1) says:

“A police officer in the Second Division shall be required to retire from the Police Service on attaining the age of fifty-five years but may, with the approval of the Police Service Commission, be permitted to retire on his attaining the age of fifty years.”

Here, a second division officer may retire at a particular age but he may have, what is called, early retirement if the police service so requires. But the police officer of the First Division shall be required to retire from the public service on his attaining the age of 60 years, but may,

“(a) at his option retire; or

(b) be retired at the instance of the Police Service Commission,

from the Police Service at any time after he has attained the age of fifty years.”

These are sections that deal with retiring before the specified age limit in the Act.

In the Judicial and Legal Service Act, section 8, Chap. 6:01 says:

“An officer shall hold office subject to the provisions of the Constitution, of this Act and the Regulations and any other written law and, unless some other period of employment is specified, for an indeterminate period.

9. (1) An officer is disqualified for membership of the House of Representatives...”

I imagine that is why certain policemen in this House probably had to resign from the police service before they became Members of Parliament. But we are talking about judicial officers here, of course.

Public Officials Bill
[HON. B. PANDAY]

Tuesday, July 15, 1997

Section 9(2) says:

“An officer may not be a scrutineer...”

The section that is relevant to us is section 8, that is:

“An officer shall hold office subject to the provisions of the Constitution, of this Act...”

And he may do so for an indeterminate period.

With respect to the Police Service Act, Mr. Speaker, section 62, which was introduced by Act No. 38 of 1973, provides for the age of retirement of police officers. Section 1 states that a second division officer shall retire at age 55. Then you have section 74, with the consent of the Police Service Commission at 50 years old. Section 62(2) states that a first division officer shall retire at 60, but may optionally retire at 55 with the consent of the Police Service Commission. It also allows a first division officer to retire at 55 with the approval of the Police Service Commission.

The Police Service Commission was established under section 122 of the Constitution. Under section 123(1) the commission is given:

“Power to appoint persons to hold or act in an office in the Police Service established under the Police Service Act, including appointments on promotion and transfer and the confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission.”

Under section 129(1) of the Constitution:

“...a Service Commission may, with the consent of the Prime Minister, by regulation or otherwise regulate its own procedure, including the procedure for consultation with persons with whom it is required by this Constitution to consult, and confer powers and impose duties on any public officer...for the purpose of the discharge of its functions.”

The Police Service Commission acting under section 129 of the Constitution makes Police Service Commission Regulations. Regulation 47 provides for the compulsory and voluntary age of retirement of police officers. Sub-regulation (1) provides the three instances for the retirement for the First Division officers and you will see that coincides with the Act.

The instances provided for officers of the first division are attainment of the age of 60; attainment of the age of 55, with the approval of the commission; attainment of the age of 55 provided that he has 40 years' service and with the permission of the President. Those regulations also provide for two instances for the retirement of second division officers and the attainment of age 55, with the approval of the Police Service Commission.

The following regulations are to be noted, Mr. Speaker, that is regulation 49, which deals with premature retirement; regulation 50, retirement in the public interest and regulation 51, termination of appointment on the grounds of inefficiency. *[Mr. Panday blows nose]* Mr. Speaker, I ask you to excuse me. This has nothing to do with the Opposition, I assure you, Sir. They claim credit for everything but they would not for this one. *[Laughter]*

Mr. Manning: You are suffering from the economy.

Hon. B. Panday: From an analysis of the above written laws with respect to the regulations, it can be seen that the law provides specified compulsory ages of retirement for police officers. However, there is no existing regulation governing the extension of the compulsory age. As I pointed out a little earlier, the age of retirement under the Act and the Regulations is the same.

The Constitution merely gives the Commission under section 129, power to regulate its own procedure. I am sure, Mr. Speaker, you are aware of the Privy Council decision of Thomas against the Attorney General, 1982, appeal cases at page 126, which held that this power did not include, even by necessary implication, the power to create disciplinary offences. Section 123 gives the Commission power to make appointments, promotions, transfer, removal and to exercise disciplinary control. The Police Service Commission Regulations No. 47 deals with the age of retirement and other regulations and regulations 49—51 deal with other grounds of retirement so there is no reference to any power to extend the tenure of office, hence the importance of this Act. Of course, I will justify why it is necessary for the Government to bring this Bill at this time.

1. 55 p.m.

Parliament may amend this Act to include such a provision without interfering with the constitutional jurisdiction of the Police Service Commission. It should be noted that section 62(4) of the Police Service Act states:

“This section is without prejudice to any other written law providing for the retirement of police officers from the Police Service.”

Public Officials Bill
[HON. B. PANDAY]

Tuesday, July 15, 1997

With due respect to the tenure of magistrates, that falls within section 8 of the Judicial and Legal Service Act, Chap. 6.01, which states:

“An officer shall hold office subject to the provisions of the Constitution, of this Act and the Regulations and of any other written law and, unless some other period of employment is specified, for an indeterminate period.”

Section 110 of the Constitution established the Judicial and Legal Service Commission and section 111 gives the Commission the general power to appoint, promote, transfer, remove and exercise disciplinary control over judicial and legal officers.

There are no Judicial and Legal Service Commission Regulations. By *Gazette* No. 51 of 1984, the Public Service Commission Regulations were adopted in relation to the judicial and legal officers. Hence the prescribed age of retirement for a magistrate became 60 years.

This Bill seeks to extend the tenure of office of specified public officers after the prescribed age of retirement. This is not an usual step because there is precedent in law for the exceptions.

Mr. Speaker, I now come to the precedent. Under section 136(1) of the Constitution certain public officers, for example, a judge may vacate office at 65 years of age. But subsection (2) allows for an extension of tenure of office by providing as follows:

“Notwithstanding that he has attained the age at which he is required...to vacate his office, a Judge may, with the permission of the President,...”

Mr. Speaker, I just answered my Learned Friend's question.

“...the President...continue in office for such period after attaining that age as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.”

As you know, in fact, there are cases in which judges have continued to perform their duties after the age of 67. *[Interruption]*

Under the Defence Act, Chap. 14.01, sections 21 and 22 provide for re-engagement and continuance in service. Section 21(1) states:

“Any other rank of good character who at any time has completed or is within two years before completing the term of his colour service may with the

approval of the competent military authority re-engage for such period or periods of colour service and in the reserve as may be prescribed, but such further period or periods of colour service together with the original period of colour service, shall not, except as provided by subsection (2), exceed a total continuous period of twenty-two years' colour service from the date of the other rank's original attestation or the date upon which he attained the age of eighteen years, whichever is the later."

Subsection (2) also provides that:

"Any other rank who has completed a period of twenty-two years' colour service may, if he so desires and with the approval of the competent military authority, continue to serve from year to year in all respects as if his term of colour service was still unexpired except that he may claim discharge at the expiration of any period of three months after he has given notice to the officer under whose command he is serving of his wish to be discharged."

Section 22 states:

"Any other rank whose term of colour service expires during a state of war, insurrection, hostilities or public emergency may be retained in the Force and his service prolonged for such further period as the competent military authority, with the approval of the Council, may direct."

So that again, where exigencies occur, the practice is there for periods of service to be extended.

It should also be noted that under the Civil Service Regulations, made under section 28 of the Civil Service Act, Chap. 23:01, there is a similar provision.

Regulation 78 deals with accumulation of annual leave. Regulation 78(1) states the maximum amount of annual leave an officer may accumulate. Regulation 78(2) allows an officer to accumulate leave in excess of the specified maximum of the exigencies of the service. Regulation 78(3) states:

"A Permanent Secretary or Head of Department shall seek the authority of the Chief Personnel Officer before notifying an officer of his inability to grant his maximum leave eligibility owing to the exigencies of the Service."

It is also important to note that these things have been done, having regard to the exigencies of the service.

Mr. Manning: Is it of national interest?

Hon. B. Panday: Yes.

Mr. Manning: What is national interest?

Hon. B. Panday: I agree with my Friend that national interest is the exigencies of the service.

Regulation 15 should be particularly noted. This allows for the re-employment of pensioners. It says:

“A pensioner may, with the prior approval of the Prime Minister, be re-employed in a public office on contract, if it is established to the satisfaction of the appropriate Commission—

- (a) that the pensioner is in possession of essential experience or technical qualification which makes him particularly useful to the specific Ministry or Department; and
- (b) that it is not possible to fill the particular post by the promotion of a suitable officer or by a new appointment.”

In subregulation (3), the term “re-employment of a pensioner” is defined to include “the continuation of employment of an officer beyond the age of compulsory retirement.”

2.05 p.m.

Mr. Speaker, I think I am also to draw your attention to the Defence Act Regulations, Supplement to the *Trinidad and Tobago Gazette* Volume 12 No. 84 published on April 05, 1973; Government Notice No. 50. It is The Defence (Pensions, Terminal and Other Grants (Amdt.) Regulations, 1973. It is Regulation 3 of the Defence (Pensions, Terminal and Other Grants) Regulations, 1968 which was amended by repealing and replacing paragraph (3), thereof, as follows:

“(3) Notwithstanding that he has attained the age at which he is required by the provisions of this regulation to retire—

- (a) an officer (other than a brigadier) or other rank who on the 31st day of December, 1967, had attained the age of thirty-five years and who on that day was a member of the Force may, on the recommendation of his Commanding Officer, be permitted by the Minister to continue his colour service for such period not exceeding eight years as the Minister in his discretion may determine; and any such service shall be counted as pensionable service for the purposes of these Regulations;”

The next one is interesting:

“(b) an officer who is a brigadier may be permitted by the Minister to continue his colour service for such period not exceeding five years as the Minister in his discretion may determine; and such service shall, unless it is governed by a contract in writing (between the Government and the brigadier) that provides otherwise, be counted as pensionable service for the purposes of the Regulations.”.

Now, Mr. Speaker, I have referred extensively—but, I am sure, not exhaustively—to the law on this matter, and to what we are asking for on this side of the House. I will now come to reasons why this piece of legislation is necessary. During the campaign leading to the last general elections, we on this side of the House stressed the importance of dealing with crime. We had, in fact, conducted a poll at the time and that poll indicated, much to the surprise of all of us, that what concerned people more than anything else in this society—and I am talking about in 1995—was the incidence of crime. This, of course, was related to drugs.

They found it more important than unemployment, and the argument was, what is the point of being employed if one cannot live to draw one's wages? What is the importance of higher wages and working conditions if one cannot live in peace? Or if the thugs, bandits, crooks and criminals would not allow one to reap the benefits of one's labour? They were right. What is the importance of water? Dead men do not drink water. The people were quite right when they put crime at the top of their list.

We went on a campaign dealing with crime. We condemned the former regime for failing to provide the police with the necessary tools. When we did that, they blamed the police and they blamed, especially, the then Commissioner of Police; the Minister of National Security, a former Member of the Senate, Mr. Huggins. The then Prime Minister, now the distinguished Leader of the Opposition, attacked the Commissioner of Police; open attack, war between the Government and the Commissioner of Police. One Minister described the police service as a disaster area. The then Prime Minister, now distinguished Leader of the Opposition, threw his arms up in despair: “We cannot do anything. We have no power. The Commissioner of Police is running everything and he would not do this and that.”

While they were fighting, the criminals were having a field day. Things were so bad that the Chamber of Commerce, I think it was, issued a programme: Know your MP. Write your MP. Tell him about crime. That was the state of this country in 1995 when the other side was in office. They blamed the Commissioner for

Public Officials Bill
[HON. B. PANDAY]

Tuesday, July 15, 1997

failing to co-operate with them, failing to put in place anything. Mr. Speaker, I want to say to this House that as the executive of this country, that is to say, the political directorate, the Government of this country has the duty and responsibility to ensure that this society is eventually crime free. *[Desk thumping]*

The political responsibility for dealing with crime, the safety of the individual, and the protection of property, lie with the executive, the political directorate, the Government, not the Commissioner of Police. *[Desk thumping]* The police is the instrument by which that responsibility is executed. Since that is the responsibility of the Government, as the head of this Government, I say, the buck stops here. *[Desk thumping]*

Mr. Hinds: Will the hon. Member for Couva North then tell this House, why is it, with all that verve and vigour, did he not make a statement or some sort of comment with respect to the death threat put at the door of a very prominent media person?

Hon. B. Panday: I will answer you by reading...

Mr. Manning: In due course!

Hon. B. Panday: I will consider whether I will read it, but I will answer it. *[Interruption]*

Mr. Speaker: Hon. Members, I wish to say to you that this debate has only just begun. I wish to assure you that there will be no Member of this House who will be denied an opportunity to speak. I ask you, please, let us abide by that principle that we hear the other side, whether or not we disagree with what the other side is saying. I ask, just let us be heard.

Mr. Manning: Us?

Mr. Speaker: Us. Us in this House. By 'us' was not meant those of us on any side. Let us in this House be heard. As one hears the Prime Minister, one would expect the Leader of the Opposition to be heard and, indeed, the Member for Laventille East/Morvant; every single Member. It is getting out of hand and every week it should be unnecessary for me to remind us. Please, hold your fire. It would be much more effective when you get up and it is not stale.

2.15 p.m.

Hon. B. Panday: Mr. Speaker, if it will make your job less onerous, I will answer him immediately. I have a communication in my possession from the Commissioner of Police to the hon. Prime Minister, dated July 11, 1997. It reads:

"Alleged death threat to Mr. Ken Gordon (Investigation of)

I have to inform you that, to date, no useful information has come to hand to substantiate the allegations."

Mr. Manning: There are people—

Hon. B. Panday: That is my information, regardless of whatever information anybody else has, I can only give you what I have.

Mr. Speaker, I return to the point I was making and that is, a Prime Minister cannot stand up in this country and tell the country he cannot do anything about crime because the police are not co-operating with him. He cannot do that. Members of Parliament in the Government cannot go to the people five years from now and say, "you know, I could not protect you, I could not do anything for you because the police were not co-operating". They tried that, that is what they did, and that is why they are on the other side. [*Laughter*] Because people do not buy that. I am saying that because the political responsibility lies with the Government and, as head of the Government, the buck stops here. [*Desk thumping*]

We take full responsibility for bringing this Bill. We make no apologies for bringing this Bill, because the safety of the people in this country is our responsibility. To deal with crime is our responsibility, we cannot throw that on the police. Therefore, we have a duty in this House and in this country to do what we believe to be right to protect our people against crime. Whether it be crime against the person, against property, white collar crime, blue collar crime, red collar crime, that is our responsibility. Mr. Speaker, we know the nation will understand when we tell them what is happening.

Now, the present Commissioner of Police has been in office for about one year; coming into office after retirement of the former Commissioner with whom the former Government could not see eye to eye and who was blamed for what was going on in the country. They blamed him, they said he was responsible for the crime that was taking place in the country, he was not doing anything about it.

After one year, the Trinidad and Tobago Police Service implemented community policing as a crime management strategy. This was launched on November 6, 1996 and became operational on December 2, 1996. I know that they 'woulda', 'shoulda' and 'coulda' do it. These are the dates and the facts, and within an overall three-year macro plan 1996—1999 there are provisions for continuous evaluation and a deepening of this strategy. That is the point I really want to bring to this House, the fact that certain things have been put in train, which at this point

Public Officials Bill
[HON. B. PANDAY]

Tuesday, July 15, 1997

in time, if we interrupt, we endanger our society and we abdicate our responsibility to protect them.

Mr. Speaker, I understand this evaluation has taken into account the activities in nine communities so far, nine community policing units. Ongoing at the moment, as a continuous exercise, there are recording activities and events with the police service as a whole towards the development of an appropriate system of dealing with this problem. It is not in the best interest of this country to cut it, to cut that cord at this point in time. The sensitization of the diverse communities throughout Trinidad and Tobago to the roles and functions of the community policing section is taking place at a rapid rate. Various mechanisms have been used; brochures, posters, patrols, lectures, meetings, as well as the media. A programme is in place and a plan of action is being concretized because whenever one deals with social problems—one never knows how human beings will react—one must experiment as one goes along and sharpen the process so it becomes better and better. Such is the process when you deal with the human person. Am I violating the rules, Sir?

Mr. Speaker: No, no.

Hon. B. Panday: I am terrified when I see you take up that book. Forgive me, Mr. Speaker.

With respect to the community policing, training, which is so critical to the effective functioning of this section—that is the community policing section—has been executed and continues to be executed on a continuing basis. The point I am trying to bring out in this whole argument is the continuum of the action that is taking place. Such training has begun to embrace other sections of the police service, to alert officers on the imperatives of the community policing initiative. They have begun the formation of new community groups and networking with established organizations to build stronger, vibrant and more wholesome communities. As you know, Mr. Speaker—and as I had said earlier on—it is the political responsibility of the Government to deal with crime, but the Government also knows that it cannot do it by itself. We know we cannot do it by ourselves, we know we need the community and the NGOs, but the responsibility is not the NGO's, the responsibility is ours. We cannot tell the community, "you are responsible for dealing with crime". We do not tell them that. We say, "we are responsible for dealing with crime, we need you to help us, we cannot do it without you".

That is the whole point of why community policing has become so effective in the past year. They have begun to foster coordination with the police service, an

expansion of the mounted police branch and the police band, in order to encompass a more intense community involvement.

2.25 p.m.

Mr. Speaker, the police at large has, thus far, embraced the community policing initiative. For I do not know how many years, the other side has been in power, they never thought about it. They never even implemented a single Act to deal with community policing. The responsibility to deal with crime belongs to all of us. The community has embraced this initiative with open arms and has demonstrated an unprecedented level of co-operation with the section and the police service as a whole. They have done so to such an extent, that the police service has received a 64 per cent rating of its performance within recent times. Mr. Speaker, that is evidence of the intrusive nature of community policing in the environment.

Today the morale of the police service has never been higher. That was the police the Opposition called a "disaster area". They called the police a "disaster area".

Mr. Hart: What you went in Canada and say?

Mr. Maharaj: They caused the police to march as well.

Hon. B. Panday: They caused the police to march and treated them in the worst possible way. The police was at the lowest ebb of morale.

Mr. Hart: You went to Canada and talk all kind of stupidity.

Hon. B. Panday: Today the police is at the highest level of morale.

Mr. Hinds: What about teachers?

Hon. B. Panday: Although everybody in the country would admit that there are a few bad eggs in the police service, by and large, our policemen give their lives to defend the people against criminals in this country.

Mr. Beraux: That is why you keeping them down.

Hon. B. Panday: We congratulate them for that. We are proud of our police service. We are not going to bash them over the head as the Opposition did when they were in government.

Mr. Speaker, on the serious crime of kidnapping which has been introduced as a new phenomenon in Trinidad and Tobago, I want to congratulate the police on the tremendous task they are doing.

Hon. Member: "How come they eh kidnap Imbert?"

Hon. B. Panday: They only kidnap important people. They have set up units in order to deal with kidnapping problems which have threatened to engulf the society. What is more important is the detection rate of crime has increased to a level unprecedented. Remember what we used to say when we were in Opposition? Mr. Speaker, do you remember when one investor came to invest in Trinidad and Tobago and he said, "No, no, I am not going to invest here, they have too much crime. I am going to Jamaica." When we inquired, "But why are you going to Jamaica, where crime is more rampant than in Trinidad and Tobago?" The answer was, "At least in Jamaica they are doing something about it."

We were arguing that the reason crime was enveloping this society and people were becoming fearful was not because of the absolute level of crime, but the fact that people felt in their minds that the government was doing nothing about it. We argued—and I am sure if you attended some of our political meetings in which we described the police as being almost in a donkey cart chasing the criminals in a souped-up vehicle—they did not have the tools. Criminals were beginning to feel that they could commit crimes in this society with impunity. Why? Because the police had no vehicles. Police morale was low. When you call the police they did not come.

I will come to the "999" response programme in a while, but before I do that I want to quote some figures for you. If they are wrong I cannot help that because they are coming from the police department. This is the statistical data on serious crimes which include murders, felonious wounding, robberies, rape, house-breaking, larceny in dwelling houses, narcotic offences and so forth, recorded in the country during the period January 1, 1997 to May 31, 1997, as compared with the same period in 1996:

Murders Detection	1996	1997
Areas	%	%
Port of Spain	40	88.89
Southern division	62.50	100
Central	59.14	100

it looks like a seven but I would give them the benefit of it let us say:

Public Officials Bill

Tuesday, July 15, 1997

Murders Detection	1996	1997
Areas	%	%
Eastern division	50	100
Northeastern division	50	80

For the period January 15, 1997 to May 1997, as compared to the same period for 1996:

Murders Detection	1996	1997
Areas	%	%
Port-of-Spain	37.50	88.89
Southern division	100	71
Western division	60	71
Western division	60	33
Northern division	50	42
Central division	100	66
Eastern division	100	75

Mr. Speaker: Hon. Members, it is being indicated to me by the *Hansard* reporter that her job is being made extremely difficult in faithfully recording the contribution of the hon. Prime Minister because of talk coming from close to her on her right. I ask you please, do not make it so difficult for her.

Hon. B. Panday: Thank you, Mr. Speaker. The 999 Emergency Rapid Response System has been introduced into the country. I am sure you may recall—even if you were not yourself a victim—the tragedy and frustration of calling the police in times gone and having them indicate to you, "We cannot respond because we do not have any vehicles. For five years they were in office they did not lift a finger to help. This programme, the 999 Rapid Response System was introduced in the police service in the context of two pilot projects. The first pilot project was introduced in the Port of Spain division on February 7, 1997—I was waiting for them to claim credit for that, Mr. Speaker and I am not hearing anything—for a period of three months.

2.35 p.m.

The following areas are the Police Station districts which covered that pilot project: Woodbrook, St. Clair, Belmont, Besson Street, Central and the temporary headquarters located at the St. James Police Station.

In this project, Mr. Speaker, 15 Cherokee jeeps were allotted to this pilot project and each station district had two jeeps attached, operating on a 24-hour basis, engaged primarily in patrolling the districts. A total of 136 police officers formed the personnel to operate this pilot project, however, there is still a shortage of 21 officers. During the project a total of 247 offences were detected and 216 persons were arrested and charged. There was a total of 1,505 patrols by day and 1,150 by night and 2,063 calls were responded to.

Mr. Speaker, the response time of all calls was a minimum of three minutes and a maximum of five minutes. That, Mr. Speaker, from a period where the distinguished Leader of the Opposition when he was in Government, threw his arms up in despair and said, "I cannot do nothing." Of course, he cannot do nothing; he still cannot do anything. I want to congratulate and thank the Member very much for the compliment paid to me recently when he said I was his greatest asset. I suppose he meant as long as I am here he will be there. [*Desk thumping*] I am sure I will be permitted to deviate a bit. I know the Member has been calling for Mr. Humphrey, Mr. Ramesh L. Maharaj and Dr. Phillips to go. I want to tell the distinguished Leader of the Opposition I do not care who goes, as long as he stays. [*Desk thumping*]

Mr. Speaker, an account of the operations of this pilot project of which I speak, shows—I think it is a marvellous thing—that the response time for calls was a minimum of three minutes and a maximum of five minutes. Nobody is saying the system is perfect; that we have enough vehicles, or all calls can be responded to, but it can be compared with a time in our history, prior to 1995, when the police did not even have a bicycle to leave the station in order to attend to citizens.

An account of the operations of this pilot project will show that there has been a heavy reduction of larceny of motor vehicles within the targeted areas, the volume of robberies, break-ins of premises and in the commission of crimes, generally. The public has expressed great satisfaction about the service being offered to them and this is being reflected in the number of persons calling and writing letters expressing their delight at the quality of the service provided.

The second pilot project was introduced in the southern division on June 6, 1997. The areas were Marabella, Gasparillo, Ste. Madeleine, San Fernando, Mon Repos and La Romain. Fifteen more Cherokee jeeps were allotted to this pilot project—two to each station—operating on a 24-hour basis, with primarily 156 police officers patrolling the areas. As a matter of fact, there is still a shortage of eight officers. However, since this report has come to me I do not know whether the situation has been remedied.

Since the introduction of the system in the southern division, a total of 550 calls were responded to. During the project a total of 63 offences were detected, 44 persons arrested and charged, 103 patrols by day and 297 by night. The result was a decrease in the commission of robberies in the area, a decrease in the report of break-ins into premises and a decrease in reports of larceny of vehicles. The response time to these matters was between three and five minutes. They have been welcomed by the police in South. Hundreds of letters and telephone calls have been received, hence the reason for the very high morale.

I see my time is running out otherwise I would have gone into more detail in this matter. Mr. Speaker, the reason I am making these points, I want to make it absolutely clear beyond the shadow of a doubt, that the purpose of this Motion and its intent has absolutely nothing to do with whoever would have become the Police Commissioner. I say that and that is why I am quoting these figures because I want to justify what is happening here, not for the others on the other side—they would never be satisfied—but for the nation.

Mr. Speaker, the thrust of my argument is that the Commissioner of Police has been in office for one year, certain things have been put in train and it would be a tragedy to start all over again. It has nothing to do with the Government. The Government, being responsible for crime in this country, feels it is incumbent upon itself to have continuity for a short period—not a long period. [*Desk thumping*] Mr. Speaker, why do you think we did not say the term of the Commissioner would be extended for three years? We did not say that; not at all. They are saying that in the *Newsday* but we did not say that. The law does not say that. It says for a period of one year and, maybe, for two other periods of one year but beyond three, no. [*Interruption*] I will never stop my friends from speaking because if I stop the Member from speaking here, he will go to Parliament in Woodford Square.

Mr. Speaker: Hon. Members, may I appeal to you once more to let us hear the contribution of the Member. I am afraid that from now on, if Members

Public Officials Bill
[MR. SPEAKER]

Tuesday, July 15, 1997

continue to do it, I would actually identify them and ask them, please, to withdraw from the Chamber.

2.45 p.m.

Hon. B. Panday: Mr. Speaker, in the run up to the last general elections, figures were quoted and I think it was generally accepted that 75—80 per cent of all crimes in this country are drug-related. It is either drug lords killing one another in a fight for turf, or if not, it is the victims of drugs—people who are hooked on drugs and addicts committing robberies, crimes of violence and larceny in order to satisfy their need. No comment on it, no value judgment on it, these are the facts.

The argument was, that in order to deal with crime, you have to deal with drugs. The battle against crime is essentially a battle against drugs, one of the most difficult dimension of crime, not only for Trinidad and Tobago but for the whole world. The great United States of America, with all its power and might, is having an awful time dealing with the incidence of drugs.

This Government has been able to put in place mechanisms and machinery to deal with drugs in a way that this country has never seen in its entire political history. [*Desk thumping*]. A lot of credit has to go to the indefatigable hon. Attorney General. [*Desk thumping*] Those are the facts.

Mr. Speaker, for the first time in the history of this country, drug lords have had their property seized. [*Desk thumping*]. The hon. Members of the other side talked about drugs, yet not a single Act to deal with the pockets of the drug lords was passed. That is where it hurts most—the pockets. They passed all kind of laws but did not put anything into operation; they did not put the mechanism there and when you asked why, they blamed the Commissioner of Police. Poor Police Commissioner! I never, in my life, saw a man get blamed like Mr. Jules Bernard.

The seizure of drug assets, the dealing with drug lords and narco-trafficking, is one of the most difficult things a Government can encounter. And what has happened during the past year is that certain things have been and are being put in place to deal with this problem of drugs. We feel this is not the time to break that continuum of what is taking place. We need a little more time and so we have brought this Bill in order to get that time, not in the interest of the incumbent; not anything to do with the gentleman who is to follow, but in the interest of this country, and in the interest of our children who are dying every day from drugs.

It is really an absolute pity when hon. Members on the other side trivialize such a struggle. One must not be surprised that they trivialize a struggle like that

because they had no intention of doing anything to drug lords. That became absolutely clear.

Mr. Speaker, these are the facts behind this Bill and we believe that once the public is aware and knows what the purpose behind this Bill is, it will support us even if the Opposition does not. [*Desk thumping*]

Question proposed.

Mr. Patrick Manning (*San Fernando East*): Mr. Speaker, today is a very dark day in the history of this Parliament and in the political life of Trinidad and Tobago. This is the day on which the agenda of the honourable Prime Minister of Trinidad and Tobago becomes extremely clear for those who have eyes to see.

Mr. Speaker, what is the issue before this honourable House? It is an item of legislation entitled: "The Public Officials (Extension of Service) Act, 1997 which seeks to do certain things, which I will identify in a few minutes. The Bill is designed to amend the Judicial and Legal Service Act to permit magistrates to serve beyond age 60 at the instance of the Judicial and Legal Service Commission.

This afternoon, the honourable Prime Minister said in this Parliament that the Government had the support of the honourable Chief Justice in this matter. Mr. Speaker, just for the completeness of the record of this honourable House, I would like the honourable Prime Minister to lay on the table of this Parliament the letter from the honourable Chief Justice which supports the position of the Government. [*Desk thumping*] It is important because in the absence of that, what in fact, is happening here, is that the Government will be legislating on matters relating to the Judiciary with the matter being at the instance of the Government and not at the instance of the Judiciary. That constitutes a fundamental interference with the principle of separation of powers as between the Judiciary, the Legislature and the Executive and it is important that it be put on the table.

The second thing is that the Bill is designed to amend the Police Service Act to provide that the President may, in the national interest, extend the service of the officers of the First Division of the Police Service, that is to say, any officer from the rank of Assistant Superintendent upwards, for a period of one year after reaching the prescribed age of retirement of 60, in the first instance, and for a maximum of two further periods thereafter of one year each.

First of all, I do not believe it is proper procedure for both these matters, having regard to what they are, to be included in the same law. It would have been better if the Government would have brought—because the Judiciary is, on the one

Public Officials Bill
[MR. MANNING]

Tuesday, July 15, 1997

hand, separate and distinct from the Executive and the police service on the other—this matter to Parliament by way of two pieces of legislation.

2.55 p.m.

What is of greater significance is the intention behind the actions taken by this Government. I noticed a few minutes ago the hon. Prime Minister got up and purported to have given some reasons. If that were so, it is the first time that any reason has emanated from this Prime Minister. It is the position of the first division police that they cannot support an item of legislation in circumstances where they have not been given any reason as to why the action is taken. To say, as has been said to them, that it is being done in the national interest, is to say nothing, because I know of no government which sees its mandate as operating against the national interest. [*Desk thumping*].

Therefore, if this Government says it is operating in the national interest, then all it is saying to us is that it is seeking to operate in a manner that is expected of it when it was elected to office. It does not constitute a reason for any actions being taken by the Government. [*Desk thumping*] The first division police had that difficulty. They could not understand what was the reason for that particular action. The second division police's position is a little different, which I would come to in a few minutes.

The prison's first division had the same difficulty. They could not understand what were the reasons over and above this national interest. They are not in any position to make a proper assessment. The fire services second division too, could not understand what were the reasons. No reasons have been advanced and therefore they could not support a measure in respect of which they could not understand why it was being done. The Public Services Association has been given no reasons.

In the case of the police first division, it was far worse, because they first got wind of this as a result of a lot of corridor talk and they made an approach to the Government to find out whether it was correct that, indeed, the Government was contemplating extending the term of office of the current Commissioner. Let me put it to you the way they put it to us. They are police officers; they respect the office of Prime Minister and, incidentally, the Attorney General, and they support the Government of the day. That is what they said to us.

The records would show that when they met with the hon. Prime Minister and his colleagues who were associated with him, what they were told was that the

Government had no such action being contemplated. That is what they were told. What the Government did not know at the time was that they already had in their possession—this is the police first division—draft legislation which had arisen out of other discussions that had been taking place between the Government and the police second division.

The police officers told it to us with a very heavy heart because they saw the Prime Minister of the country as somebody in whom police officers must have some confidence and to whom his word must mean something. They accept the word of a Prime Minister, whatever a Prime Minister says to them. In this instant case, they came for information and that is what they were given. It was a source of great surprise to the first division police when this item of legislation was brought before this House.

In the face of all of the criticisms of the legislation, it is important for us to try to identify why the Government of Trinidad and Tobago is determined to embark on a course of action that is not in the country's interest at all. We will come to that. I want to crave your indulgence to quote from a newspaper article on another matter which will bring out the point very clearly. I refer to a newspaper article of the *Trinidad Guardian* of August 5, 1994. It is reporting Mr. Panday. He was speaking in a by-election in Caroni East and he was dealing with a number of issues. This is what that article says and I quote:

“Panday also launched a bitter attack on the *Trinidad Guardian* saying that it was controlled by a clique who did not want to see the UNC in Government.

He claimed that the *Trinidad Guardian* had misrepresented Dr. Rudranath Capildeo when he called on some 30,000 people in the Savannah to arm yourself, and since then Dr. Capildeo had labelled them the ‘Jamette of St. Vincent Street’.

He told Dr. Capildeo, ‘wherever you may be I will finish the struggle that you have started against the *Guardian*. We will bury the *Guardian*. We will finish them. Why pay a dollar to be insulted. We will break the *Guardian*.’”

That is what the hon. Prime Minister of Trinidad and Tobago, when he held the position of Leader of the Opposition in 1994, had to say in relation to the *Guardian*.

In 1996, almost at the first opportunity that presented itself to him, he embarked on a course of action which we now know was designed to break the *Trinidad Guardian* and it is now a matter of record that the result of that was that

Public Officials Bill
[MR. MANNING]

Tuesday, July 15, 1997

19 senior persons from the *Trinidad Guardian* left. The *Trinidad Guardian* was decimated and we saw emerging on the national scene, a fourth daily newspaper. The significance of this is that the hon. Prime Minister's agenda has not changed. *[Desk thumping]*. At least he is consistent.

Mr. Assam: What was your agenda when you were Prime Minister?

Mr. P. Manning: Mr. Speaker, I can deal very effectively with the hon. Member for St. Joseph but I do not think he would want me to deal with him in that way. May I urge caution on his part? Just leave me alone today, please. He would not like what I would say.

Mr. Assam: No problem; just come clean.

Mr. P. Manning: Mr. Speaker, the agenda of the hon. Prime Minister has not changed. All the struggles he saw in the past and that he sought to fight for in the past, he now sees himself as having an opportunity to complete those struggles.

I draw your attention now to a newspaper article dated May 2, 1990. I think it is the *Express*. This is what the end of the article says:

“That is office. We want real equality, when people can apply for a job and get it because of their qualifications and not because of their racial origin.”

In other words, the hon. Prime Minister of Trinidad and Tobago was arguing that—and he was referring to the public sector in this article—that in the public sector a system was in operation in which you could not apply for a job and get it on the basis of merit or qualification, but that the prime consideration that dictated the employment practices in the public sector was racial consideration. That is the view of the hon. Prime Minister of Trinidad and Tobago. So his agenda has not changed. What the Prime Minister is seeking to do is to redress a perceived imbalance. I use the word “perceived” advisedly, Mr. Speaker—a perceived imbalance. *[Interruption]*

3.05 p.m.

Mr. Speaker: Order, please! I do have to say to you, the Member for St. Joseph, that we are trying to discourage what you just did. I ask you, please, to desist.

Mr. P. Manning: Mr. Speaker, when we entered into Government in 1991 one of the first things we did was to establish a Centre for Ethnic Studies at the University of the West Indies, and there was a good reason for that. To head that

centre we appointed, not one, but two people: Dr. Ryan and Dr. La Guerre, for good reasons. The reason the Centre for Ethnic Studies was set up was so that the debate in the society on ethnicity and ethnic issues could proceed, not on the basis of emotion, but on the basis of fact. The job and responsibility of the Centre for Ethnic Studies was to study issues as they related to race so that we can know what the facts are. On the basis of those facts and not on the basis of perception, surmise, or, in some instances of manufactured views by people as the hon. Member for Couva North, discussion can proceed on the basis of fact.

Mr. Speaker, one of the first things that this Government did when it came into office in 1991 was to close down the Centre for Ethnic Studies because it does not suit its purpose that the discussions on race in the society should proceed on the basis of fact. It did not suit their purpose.

Mr. Panday: You are sick; mentally sick.

Mr. P. Manning: Mr. Speaker, it is the hon. Prime Minister who says I am sick, but let us check what in fact the Government is doing by this legislation.

Mr. Panday: You have resorted to race which means that you have given up government.

Mr. P. Manning: Yes, it is okay. Mr. Speaker, let us see what the Government is seeking to do by this legislation.

Let us deal first with the magistracy. Who is the Chief Magistrate today? The Chief Magistrate today is Mr. Beecham Maharaj. *[Interruption]* The Chief Magistrate is Mr. Beecham Maharaj, the Attorney General either agrees or he does not agree.

Mr. Speaker, Mr. Beecham Maharaj has about two years remaining in that capacity, but he has accumulated a lot of leave and will have to proceed on such leave very soon unless something else is done. His Deputy Chief Magistrate is Mr. Hubert Charles who is about 54 years of age. The average age in the magistracy is approximately 42 years and there are many people there today, many of them women, who are quite young. Therefore, the question I ask myself—and the question we must all ask ourselves which is relevant—is: Who is this piece of legislation going to affect? It will not affect any of the other magistrates for years to come because they are quite young. The Deputy Chief Magistrate is 54 years old so the only person who will be immediately affected by this legislation is the Chief Magistrate of Trinidad and Tobago. Mr. Speaker, examine it and come to your own conclusion. *[Desk thumping]*

Public Officials Bill
[MR. MANNING]

Tuesday, July 15, 1997

Mr. Speaker, 18 years ago a debate took place in this very House on a Defence (Amdt.) Bill which dealt with the procedure by which promotions would be made in the defence force above a certain rank. The procedure that was being adopted was one which made promotion subject entirely to political control. This is what Mr. Basdeo Panday had to say:

“We know how the society is running.”

I notice that the Member for St. Augustine is smiling, because I am sure he remembers it.

“Those appointments for promotions are going to be the Prime Minister’s, and nobody else’s. We know what goes on in the Cabinet. We know that Ministers are afraid to talk in Cabinet meetings.”

This was 1979.

“They are afraid they get their heads cut off. The Prime Minister himself has said; ‘You are all paper bags.’ One pin and everyone goes; there will be no more paper bags.” *[Interruption]*

This was 1979. The Member for Couva North cannot even lie correctly now. He goes on:

“We know what is happening in this country. So that officers in the defence force are going to have to depend upon the grace, the whim, the fancy of the Prime Minister for promotions.”

This is what he was saying.

“Who said that that is not the establishment of dictatorship as it relates to Trinidad.”

That was the view of the hon. Basdeo Panday.

“I should like to hear—I am not saying they do not have this law anywhere else. We know what we have in Trinidad, what goes on here. If that is the case, I am not talking about this Prime Minister—...”

So he exempts Dr. Williams, the Prime Minister of the day.

“I want that to be clear—he is included in what I have to say but my argument extends beyond the present Prime Minister. It extends to Prime Ministers.”

Mr. Speaker, how prophetic. The hon. Member for Couva North speaking in 1979 about himself 18 years later. It is the view of many in Trinidad and Tobago

today that this legislation signals the advent or the recognition of the existence of a creeping dictatorship. [*Desk thumping*]

The hon. Prime Minister got up here this afternoon, Mr. Speaker, and told us a lot about the merits of the current Commissioner of Police, Mr. Mohammed.

Mr. Panday: No, it is about what is happening in the service.

Mr. P. Manning: He put it in such a way to suggest that Mr. Mohammed's presence is critical to the continuation of what is taking place in the police service. That is what he is saying.

Mr. Speaker, I would remind the hon. Prime Minister that a few years ago, following the O'Dowd Report from a government of which he initially formed a part, and following the advent to Trinidad of Scotland Yard who came and did an examination, a recommendation was made that certain officers in the police service be sent for training in anticipation of the position of Commissioner of Police becoming vacant at some time. The reason Mr. Mohammed was not sent on such training was because he would have had just about three years' service left in the police service at the end of that training period. It was felt that nobody with such a short period of service remaining ought to have been trained and that the expenditure, indeed, should have been applicable to persons whose tenure of service in the position of Commissioner of Police was potentially longer.

Mr. Speaker, it was a PNM government that sent for training, on the advice of Scotland Yard, the current Deputy Commissioner of Police, Mr. Hilton Guy and the current Assistant Commissioner of Police, Mr. Snaggs.

3.15 p.m.

In other words, if one is talking about qualifications for the position of Commissioner of Police and these two gentlemen have been trained for the job as opposed to anybody else, then both of them are far more qualified to accept the position and to operate properly as a commissioner of police than anybody else. I am not advocating any case. I am examining the facts.

When, therefore, the Prime Minister comes to the Parliament and says he is keeping on the Commissioner of Police because the Commissioner is doing certain things and so forth—

Mr. Panday: I did not say that.

Mr. P. Manning: What did you say? Tell us what you said. Whether he was explicit or not, he spoke in such a way to convey that impression. He did it deliberately. We are not getting involved in semantics here. The first division police officers were called in and told one wants to consult them on a matter, and they were told whether they accept it or not you are going with that—and one says that is consultation. That is another matter.

Mr. Speaker, Mr. Guy and Mr. Snaggs have been trained for the position and, therefore, if one is looking at national interest consideration, and if the argument is that one wants to put in the position a person who is likely to perform in the best interest of the requirements of the society, then surely one of the two persons who was trained would have been more appropriate to the situation than is the case today. It is the reality of it.

It is our view that the law is being amended in respect of the police service to keep the current Commissioner of Police in place. I make the point, I have no quarrel with the Commissioner of Police. In fact, he is incidental in this matter. Why is it that the Prime Minister wants to keep him in place? Look at the mechanism. He did not give him three years as the Prime Minister pointed out. He gave him one year, then assess him at the end of one year and if he satisfies him he gives him another year and so forth. Political control in a situation where the appointment of a Commissioner of Police is under the Constitution, the responsibility of the Police Service Commission.

Mr. Panday: He has a veto.

Mr. P. Manning: We are coming to that. In 1962, when Trinidad and Tobago was negotiating the independence Constitution, it was doing it at a time when a number of other colonies were becoming independent from the United Kingdom. In almost every one of the countries, the oppositions were arguing that their biggest fear was political interference in the public, police and in the teaching services. Therefore, by that time Trinidad and Tobago had already arrived at the mechanism of service commissions. Dr. Rudranath Capildeo was the leader of the opposition at the time. He expressed a great measure of comfort as a consequence of the introduction of the service commissions into the Constitution of an independent Trinidad and Tobago to ensure that there was no political interference in the police, the public service and the judicial and legal services.

This legislation now moves that control from a non-political police service commission to a mechanism in which one has to satisfy the Prime Minister because

it is the Executive that now takes the decision. It is going to be dished out in one-year tranches. If I appoint you for one year and you do not do what I want you to do at the end of the year, you do not get any more appointments. It is not just the commissioner. By extending that to all first division officers they are saying to them that as one approaches age 60, if one wants to stay on for any longer period, understand that one has to satisfy the political directorate.

As of consequence, one is likely to get in the Police Service First Division—and it is no fault of the officers; the Government is setting up the situation in that way—individuals who will say, look I am coming to the end of my term in three years or so, I wonder who will be in political power at that time? Is it the current people? If it is the current people then I will start playing games with them by making an investment in the political bank so that when my time comes I am able to successfully argue a case so that the political directorate of the day would be able to take a decision to allow me to stay on for one year in the first instance. And, if I satisfy them further, then for a second and a third year. It is blatant in a way that I really did not understand and did not expect from the hon. Prime Minister of Trinidad and Tobago.

If one feels what is happening in the police service is different from what they are doing elsewhere, let me give two examples. They are talking about race. In the defence force the senior officer in charge of operations was Lieutenant Colonel Sandy who participated in the Haitian arrangements and who was very highly commended by the United States officers and others who were part of that arrangement in Haiti. He did extremely well and he distinguished Trinidad and Tobago. Let me take this opportunity by placing in the record of Parliament today my own gratitude and the gratitude of the PNM and Members of the Opposition for the service of Lieutenant Colonel Sandy. *[Desk thumping]* He has been sent to the United States as military attachè in the Washington Embassy. The person who has been made staff officer (operations), that is to say, the person who is in charge of all the fighting arrangements in the defence force today, is Lieutenant Colonel Andrew Dalip. In respect of the fire services—and we only found this out recently. I am not drawing any conclusions. *[Interruption]* I draw the attention of this Parliament to what recently has been done in respect of the Customs. We debated a similar issue some time ago. Number 6 becoming number 1. They like 6 and 1. It was number 8 in the case of the customs. Number 8 becoming Comptroller of Customs and demoralizing the customs service from top to bottom. *[Desk thumping]*

The former Chief Fire Officer, Mr. St. Aude, retired at the age of 60 in February 1997. The Acting Chief Fire Officer is Mr. Alfred who has a Bachelor of Arts Degree, a Master of Science Degree and an MBA, Masters in Business Administration. In addition to that, he is a fire engineer and has been exposed to a number of fire courses outside of Trinidad and Tobago. Those who spoke to us described him as the most qualified fireman in the Western hemisphere. It might be an exaggeration. This is now the month of July and there is no reason, as fire officers see it, why Mr. Alfred has not been appointed to the position of Chief Fire Officer. They are saying—and this is corridor talk—that from all they can see, there is a strong suspicion that the Government intends to promote Assistant Chief Fire Officer Ramsaroop to the position of Chief Fire Officer.

3.25 p.m.

Brig. Theodore: Mr. Speaker, on a point of correction. The Fire Chief St. Aude is still on retirement leave. The necessary recommendations have been made and Mr. Alfred is the person to succeed him.

Mr. P. Manning: Mr. Speaker, I am very pleased to hear what the Minister of National Security has just said. One of my objectives in making it public today was just that. We submit that the legislation before Parliament today is unconstitutional. For it to be passed in its current form it must be modified indicating that it violates subsections (4) and (5) of the Constitution and it must be passed by a special majority. That is our view, but I would not argue the case. I leave it for one of our lawyers, the hon. Member for Arouca South, to argue the case.

I ask the question: How does the system operate to appoint a Commissioner of Police? The Prime Minister has veto power in this matter. When I was there this is the way it operated and this is the way it was expected to operate: the Service Commission would make a proposal to the hon. Prime Minister to appoint a particular person as the Commissioner of Police. The Prime Minister would say no objection, or if he objects. If the Prime Minister objects he does not have to give any reason under the law. He merely has to object and the Service Commission would make another recommendation.

I would like to know the mechanism which was used on this occasion. What we do know is that the hon. Prime Minister was approached by the Service Commission with a recommendation of the Service Commission that Mr. Guy be appointed to the position of Commissioner of Police and Mr. Snaggs be appointed to the position of Deputy Commissioner of Police. The Prime Minister objected.

The next thing that we know is that a law comes to Parliament. How did we get from the objection of the Prime Minister to legislation before the House? Was this at the instance of the Police Service Commission? What about the procedures? The Prime Minister said just now that the politicians have the responsibility for crime and the buck stops there. What the hon. Prime Minister does not fully understand is that part of his oath of office is to uphold the Constitution and the law. [*Desk thumping*] It cannot be just a case of I have a responsibility to deal with crime and I deal with it any how I see it. He has a responsibility in accordance with his oath of office to treat with crime in Trinidad and Tobago in accordance with the Constitution and the law. That is their problem.

The Prime Minister should know this because he describes himself as an eminent lawyer which I am sure he is. If he does not consider himself eminent enough, he has greater eminence on his left. So eminent is he that he walked recently in some antecedence where he gave himself silk. There are both of them and one should know. The problem is that they have an attitude to governance which says that the end justifies the means. PNM's philosophy goes counter to that. The end cannot justify the means. We see politics as service. We believe that there must be a dimension of morality in the conduct of political spheres. For us the end could never justify the means, but we must conduct our politics in accordance with principles and morality.

It is quite clear that the hon. Prime Minister of Trinidad and Tobago does not care any more. Long gone have been the pretences of national unity. When last did they use that here? They have stopped. Mr. Speaker, you know how national unity was touted by Members opposite on the election platforms. I do not mean you personally, Mr. Speaker. The pretence has gone! Look at all the actions he has taken. The hon. Prime Minister has decided that he would do (a), (b), (c) or (d) whether the country likes it or not. It is the view of some that he is behaving as a man who believes that he does not have long to live.

Mr. Panday: I will outlive you for spite! The gym is keeping me fit.

Mr. P. Manning: Do not misuse it please. I shall return shortly.

I sat here and listened to the hon. Prime Minister talk about community policing and sought to convince this honourable House that it began when his Government came into office. I will remind him that when he was in Opposition there was a Member of Parliament for Chaguanas called Miss Hulsie Bhaggan. Do you remember her? She became famous for a number of things one of which was a

Public Officials Bill
[MR. MANNING]

Tuesday, July 15, 1997

statement which said that African men were raping Indian women in Central Trinidad. The emotive nature of such a statement was something our government could not ignore.

Shortly thereafter, we introduced community policing arrangements in Trinidad and Tobago. We introduced it at a time using trail bikes—not the normal big cycles—which regular police officers did not want to ride. We introduced it with special reserve policemen as part of a comprehensive programme in community policing, involving the police service and community groups whose functions we described as an extension of the eyes and ears of the police service. We set up these community groups, not vigilante groups, whose job it was to monitor what was going on in their communities. If they saw something suspicious and called the police, then the community police would have responded.

Here the hon. Prime Minister gives the impression that community policing began with him. They have not brought one original idea to government in Trinidad and Tobago. I noticed that the Minister of Energy and Energy Industries who is not here talked about investments in the energy sector. All those investments in the energy sector were arranged before he came into office. He has no idea how it happened. You will hear them say that they are responsible for LNG.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

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

Question put and agreed to.

3.35 p.m.

Mr. P. Manning: Thank you very much, Mr. Speaker, and I am grateful to the hon. Members.

Mr. Speaker, the route by which this legislation has found itself into Parliament is very interesting, very interesting indeed. At one time it was heard that the Commissioner of Police was due to go because he was about to reach his sixtieth birthday, then the next thing we heard was that he was born in July and not in June and, therefore, he had an extra month's grace.

It remains a source of amusement to us that it took the Commissioner 60 years to realize that he was born in July and not in June. I am not attacking the Commissioner, that is what happened. I also want to remind hon. Members

opposite, that when, some years ago, an argument was raised to reduce the retirement age from 65 years to 60 years in the police service, one of the strongest reasons which was advanced was that the job is a high-pressured job and therefore, the term on the individual is too great, and as a result it was to be reduced, not only for the Commissioner of Police, but for the entire police service. Today, we have a Bill before us which seeks to reverse that without saying exactly why it is to be reversed, but which seeks to do exactly the opposite to what was mooted some years ago; flying in the face of the very cogent argument which was advanced and accepted by all at that time.

The PNM wants to make it quite clear that we do not support this legislation. We believe that it has succeeded in exposing the hand of the Prime Minister. You can scoff at the argument if you wish, all I am saying is that, that is the view of persons outside. *[Desk thumping]*. We have to do a duty inside this Parliament, we articulate our views whether the Members opposite want, or do not want to hear them. If they do not want to hear us here, we go to the people's Parliament tomorrow night and speak. We will speak because we fear that a time is coming in this country when we will not be able to speak. *[Interruption]*. Ladies and gentlemen, your views in this country are becoming largely irrelevant.

Mr. Speaker, we do not support the legislation, we believe it is unconstitutional and therefore, requires a special majority for its passage and we take the opportunity of this legislation coming to the Parliament to alert the national community that the price of freedom is eternal vigilance. *[Desk thumping]*.

The Minister of Tobago Affairs (Dr. The Hon. Morgan Job): Mr. Speaker, I rise to support this Bill which seeks to extend the terms of service for certain public officials. I begin by craving your indulgence to use material in order to discuss what I think is the main substance and thrust of the hon. Member for San Fernando East's criticism of this Bill.

The Member for San Fernando East has devoted himself in his mission to prove that this Bill is about racism, ethnic preferment and discrimination based on hair, skin and country of origin. I did not read that in the Bill, and I did not hear the hon. Prime Minister say any of these things. He might have been wrong, but the hon. Prime Minister in presenting this Bill to the House, spoke about national security, policing; and the will to use resources in the national interest beyond the age of 60 years. He spoke of all these things, and never once did I hear him speak about race, or Africans or East Indians.

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

I want to share my sincere concerns with the citizens of this country that when persons outside say that politicians cause race problems, maybe they have a right. I have been criticising them for saying so, but having heard the Member for San Fernando East this afternoon, I would have to rethink. Perhaps some politicians do, in fact, create racial hysteria and the atmosphere that would lead persons to behave in that way. *[Interruption]*

Mr. Speaker: Order please.

Dr. The Hon. M. Job: Mr. Speaker, I had no intention to talk about ethnicity and race, but given the fact that the main substance of the Leader of the Opposition is about race and ethnicity, I am forced to deal with the issue.

I walked with a book to deal with the section on national security, which is part of my notes, and I will come to it. The Hon. Member for San Fernando East said that he set up something called the *Centre for Ethnic Studies* at UWI to deal with the matters of fact, the substance and not innuendoes or emotions. I want to put on record that I have read, and I have a copy of the report on recruitment in the public service.

Mr. Speaker, you, Members of this House and those in the Public Gallery would not believe that the report says clearly and unambiguously in my “mother tongue”, the English language that recruitment in the police service was discriminatory. It is written here.

Hon. Member: Where is it?

Dr. The Hon. M. Job: I did not walk with it because I did not expect the Members to talk about race, had I known this, I would have walked with my copy. It is there and I will give you the substance of what the report says on ethnic study. It says that it is no secret that the people who take the police service examination, the better qualified ones were those of East Indian origin. I did not write the report, Sir. It also says that having written the examination and after recruitment, there is a different composition. I am talking about matters of fact, because this is what the Leader of the Opposition was spending all his time talking about—race and discrimination—and he was quoting the *Centre for Ethnic Studies*, and the evidence in that document is antithetical, totally the converse of what he was saying. We have to stop this instigation of racial antagonism. *[Desk thumping]* We have to stop this Machiavellian mischief. We ought to expose the naked nastiness of language designed with no other purpose but to create hysteria and insecurity in the mind of little children.

3.45 p.m.

This Bill is not about ethnicity, how could we have the Leader of the Opposition spend all his time talking about race? Mr. Guy is from Tobago, I know! Mr. Snaggs, I do not know. Snaggs sounds like a Trinidadian name to me. The people whom I know who answer to the name Snaggs do not look like any Baboolal or Ramjohn. With the best will in the world I do not see how this Prime Minister could succeed in preventing the next Commissioner of Police from being somebody who does not look like Baboolal or Ramjohn. Mr. Noor Mohammed, as far as I know, does not look like a Baboolal or Ramjohn. *[Laughter]* From what I have heard they say he is a “dougl”. A “dougl” is half African and half Indian, six of one and half a dozen of the next. What is he! Certainly not Indian!

Mr. Speaker, I will give you a little story told to me by a “dougl”. He was from somewhere in South and his mother was from somewhere in San Juan. We are talking about someone who is now in his sixties; older than I am, because during the radio programme people would meet me on the pavement and tell me their stories. He said when he left his grandparents, who were Africans—because his father was African and his mother was Indian—to go and stay with his Indian family in San Juan, they would put him to play with “Moonia”, because he could not play with the other children. They would say go and play with “Moonia”.

I am telling you this, Mr. Speaker, and I am sharing this with this House because it is important to understand that the reality and the matter of fact in this country is that “douglas” have had a hard time. Maybe they do not do so now because there are so many of them. It is not “douglas” like long time when the fathers were only African and the mothers Indians. It was not so but maybe it is in the mend. Nowadays many of the “douglas” fathers are Indians, they like variety too. As I said, he used to play with “Moonia”, but “Moonia” was the dog! So that in the context of culture somebody of Mr. Mohammed’s age, I suspect that he might not have been playing with “Moonia” but would have suffered some of the same kinds of attitudes, feelings and discriminations.

The point I am making is that Mr. Mohammed being a “dougl”, in the context of the world society that evolved when he was growing up, I do not see how he could brazenly and boldly consider himself an Indian. I think I have made my point that the Commissioner now and the ones to be, are not Indians, so what is the point of the Leader of the Opposition?

Hon. Members: No point.

Dr. The Hon. M. Job: We, in this country, “has” to use every opportunity *[Interruption]* have to use, forgive me *[Interruption]* But we have been hearing green verbs from the man a while ago, you did not say anything. *[Laughter]* We, Mr. Speaker, have to use every opportunity we have to lead the mind away from this fastening, this riveting, this explanation of every Executive action as racism.

I want to take a little more time, because I, myself, have written on this question of racism in this society. It is not my fault that I have to explicate because I thought that the hon. Member for San Fernando East would have taken his time to look at the legal aspects of the matter, the trade union aspects of the matter—he did try to raise that as if to say that before legislation is made in Trinidad and Tobago we have to get the trade union to draft it. This is not a trade union matter. I will come to that. The Executive makes legislation here! The Executive initiates it here! Sometimes by consensus and even after that, the Bill has to be put out for comments and so forth. But one does not go and ask a trade union to say what laws should be written. It is not done that way, Mr. Speaker. I am saying that we have to spend the time doing those things that are matters of substance with regard to this Bill, which I did not hear done from Members on the other side and they said that they dealt a lot with race.

I want to share with this honourable House some of my ideas with respect to race as was raised. Mr. Speaker, we have to do that because the main point is that this is racist legislation, dedicated to a particular and single purpose which is to perpetuate Indian hegemony. I have already pointed out to you that Mr. Mohammed is not an Indian, he cannot be an Indian, he will never be an Indian because he is a “dougla”. One cannot perpetuate Indian hegemony by keeping Mohammed there! There are many people in Trinidad and Tobago who have names like Panday and Mohammed who look more African than Job. I have seen them and I am sure you all have seen them. One cannot just choose a name to come and decide to which ethnicity somebody belongs. It is becoming more and more so!

Mr. Speaker, using the Parliament to gallery, gallivant and “mauvais langue”; using the Parliament to spread vacuous and inane words, propaganda and slogans, sometimes might please and titillate the passions of some people but it, in fact, can mislead and mischievously direct the emotions and canalize the energies of innocent people, who are thereby used and abused into destructive purposes.

Mr. Speaker, I crave your indulgence, that of the House and the public gallery to look at Leo Des Vignes’ picture on the wall. That is the necessary consequence

of that Machiavellian of emotions without substance directed, mainly, to overthrow the Government. That is what Abu Bakr used! That kind of race idea! Race; one goes outside there and ends up with a set of Hutus and Tutsis in Trinidad. Race! I do not want to be part of that. I cannot stand in this House and permit this kind of behaviour to continue in this country. We have to start to stop it at some time. This Bill is not about race!

Mr. Valley: What is it about?

Dr. The Hon. M. Job: I just said Mohammed is not an Indian. The Member for San Fernando East has been arguing that this Bill is about perpetuating an Indian in office—

Mr. Assam: It is about national security, safety.

Dr. The Hon. M. Job: I have my notes and I am going to get to it. This Bill is about the sovereignty of Parliament and I will tell you what the sovereign is and what the Executive is. It is about lawlessness—all those things are in my notes. I am going to get to that if they will allow me, Sir. Their behaviour is so manifestly dedicated, not to the purpose of dealing with the facts but rather to mischievously manipulate ignorance. That is what they are about and they remind me of that famous line [*Interruption*] I sat here quite silently listening, Mr. Speaker, I objected to no one. Would they now be just, would they be fair, and would they be sincere in their purpose to allow a lawful and democratic process to proceed and allow me to speak? I did not interfere with the Member! Did I? I did not. I was going to remind myself of Kipling when he said: “If you can bear to hear the truth you have spoken twisted by knaves to make a trap for fools.” Do you understand, Mr. Speaker?

3.55 p.m.

Let us now deal with the substance of my rebuttal to the hon. Member for San Fernando East and his talk about race. Essentially, I hope I do not have to—for the rest of my long tenure here—deal with this again. I am quoting from my book called *Think Again*, Copyright 1991 on Racial Prejudice. This is the substance of the argument, racial prejudice, and the will to struggle to upset everybody who is in the way of Indian hegemony. It says:

“What do our educated Africans do (and think) which is not an expression of Eric Williams’ doctrines, the ideas which they refuse to admit (or insist on promoting in the interest of ‘Balance’) but which can be easily reconstructed

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

from their actions? Williams said, ‘Racial prejudice presents itself in a radical form in the Caribbean. A white skin, in a society still obsessed economically and therefore culturally by the slave tradition, is an indication of social status and the best passport to political influence...’”

He continues:

“‘The nearer one is to the coveted white skin, the more likely one is to be accepted in society. If one is not fortunate enough to have a white skin, the next best thing is a partner with a white skin. Married to a white woman, a young Negro rapidly ascends the ladder of success...If the white skin in the interest of white prestige, must be given the opportunity to live in a way and on a standard compatible with white dignity.’ (Apparently he had not read the post emancipation African-Trinidadian J.J. Thomas who said negroes were also guilty of practising colour prejudice).”

But he continues:

‘It is this high market value of the white skin, in addition to the stigma of past slavery and its consequence which is responsible for those colour distinctions, for which the islands are notorious.’”

I then ask:

“Who taught colour prejudice to our ‘ivory coloured Brahmins’?”

Mr. Speaker, there are people who brought ancient ideas of prejudice that have nothing to do with this writer.

I continue:

“Also, while this was being written by Williams, there were poor white people up and down the Caribbean who could not marry into ‘white’ society and who no young Negro wishing to rapidly ascend the ladder of success would have married.”

I am speaking about these beke from St. Vincent and Barbados.

“But why does a white skin have value? Does a black skin have zero value in all markets in Trinidad?”

Mr. Speaker, I emphasize this because the major argument of the Leader of the Opposition is about skin, race and hair. And I am asking: Does a black skin now—did it not then, especially after 1956, did it ever—have value? The quote continues:

“Does a black skin have zero value in all markets in Trinidad (politicians, public service managers, calypsonians, pannists...?”

I saw them pelting Denise Plummer with toilet paper and I did not know that they were pelting her because she was not singing good. One must remember that they pelted Sonny Mann—I did not know that they pelted him because he was not singing good. Let us deal dispassionately and objectively. This Bill is not about race.

Mr. Guy or Mr. Snaggs or somebody like them would be the next Police Commissioner. This is the question we have to deal with, coming out of the visitation of nonsense that the Leader of the Opposition gave us.

“Is gone merely ‘naive’ to ask this question?”

Does a black skin have no value in the PNM constituency?

“Again, how does the idea of ‘RACE’ fit into these intellectual skin games?”

Mr. Speaker, Vidia Naipaul said that Trinidadians have an excellent eye for different shades of blackness. Is he only talking about Hon. Basdeo Panday or Hon. Ganga Singh. We have to deal with reality. The quote continues:

“‘The Factor of Race’ which drives political ambitions in Trinidad; and which drives our social scientists to declare that, ‘Government is not only about policy making. Representation is an equally critical consideration. Within the latter framework, ethnicity is as valid a criterion as is class, gender or geography...’”

An economist said—I do not want to call the name—at some time I might be provoked to call the name, but it is one of these PNM advisors. In other words, they are saying that the Government has a right to practise racial discrimination. The Member for San Fernando East comes to talk nonsense this afternoon.

I want to stay on the topic I came to deal with, not about race and ethnicity because it is wasteful of the nation’s time. The Member for San Fernando East’s argument has no value—totally vacuous. So let us get on to what I really came here to talk about. I came here prepared to make a contribution to this debate and I might take off from the point where the Leader of the Opposition says that the Prime Minister, in particular, did not go to the Prisons First Division, Fire Services, the Public Service Association to ask them about this legislation. *[Interruption]* Mr. Speaker, language of words and its meaning do not always coincide. I have walked with my textbooks on linguistics—*[Laughter]* to deal with the Member for Diego Martin East.

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

The important point of what the Member for San Fernando East was saying was that the Prime Minister brought this Bill to keep an Indian in office without first consulting and asking or getting a “say so” from the police first division and so forth. I do not know to whom the Leader of the Opposition went to get guidance but he decided to lock-up all of us to get rid of Miss Occah Seapaul. I do not know if he had asked Mr. Panday who was then the Leader of the Opposition. *[Laughter]* They are talking about creeping tyranny and dictatorship.

Every Monday morning Ken Gordon calls me saying, “Dr. Morgan Job, Mr. Manning called me last night.” You know they fired me from the programme. This must go on the record. I had a letter from Julian Rogers saying that I made an arrangement with them not to call Mr. Manning’s name. Have you ever heard anything more absurd than that? If anybody knows Morgan Job, do you ever believe that I would agree with anybody that I must not call Mr. Panday’s name, Mr. Manning’s name or anybody’s name? One must know that that is nonsense. *[Interruption]* The record is there for you to check. I had agreed not to call Mr. Manning’s name? Why? He was the Prime Minister so I had to call his name. His was the most important name to call.

They closed down my whole programme denying me my freedom of speech with Henry Sealy’s help and the state enterprises, blackmailing Ken Gordon. These same imposters, deceivers and misleaders are coming here to talk about dictatorship. Fascist hypocrisy! Nonsense! We are not talking about that. We are saying that this Parliament is a sovereign body and this sovereign body that we call Parliament has different parts to it. We are talking about separation of powers. Separation of powers does not vitiate the rights, duties and authorities of the Executive. All these things are written for them to read and understand. I knew that before I came here. This is why I could write it out in my notes and come here and talk about it. So that the duty of the Executive is to do what the people do. The national security is in peril and in jeopardy and if you want to take a particular step within the confines of law and custom, then you do that. You do not have to go to any Police First Division or the Leader of the Opposition. I do not know which Constitution they are reading. I believe it is the Woodford Square constitution and I would advise them because they like to quote the Bible and take the name of God in vain.

4.05 p.m.

Read Exodus 22:2:

“Thou shalt not follow a multitude to do evil.”

Most of the time, one follows the multitude and the mob and one ends up in stupidity. That is what politics and Government is all about. One must lead. One does not lead from within the mob—the mind of the mob—one has to lead from outside, above and beyond. They do not understand that. Mob leaders is what they are. Government is not about mob rule and the voice of a mob cannot be turned into law except if it is to be a destructive law. That is why there is first, second, and third reading of a Bill put out for comment, because one does not want it to be an emotive thing. They have to go and study history. They have to read the annals of my ancestors, the Greeks, Romans and Hebrews, whose legacies have put us all here.

Mrs. Robinson-Regis: What about the Africans? Are they not your ancestors?

Dr. The Hon. M. Job: Nowhere in Nigeria is there any antecedent circumstance that explains the Speaker and mace. These are from my ancestors, the Celts, the Gaels, the Romans. The rules and rituals that we perform here—the gentleman comes in with the mace on his shoulder, everybody stands up and then the Speaker sits down—are antecedent circumstances coming from the rituals of my ancestors, the Romans. That is a matter of fact. We are talking about facts. Those are the facts.

I am, therefore, saying, the fact of the matter is that this Bill has been properly brought forward according to law and custom. It is not prejudiced by any failure to follow the procedures designed for that purpose. I heard no criticism on those grounds. All they talked about was race and that “Mohammed is an Indian, and Panday want another Indian.” Totally vapid, vacuous and without substance.

Mr. Speaker, I came here to say that the “omnipotence of the Constitution of Trinidad and Tobago”—to quote the honourable gentleman from San Fernando East—“is a fact.” It is not a figure too bold for anybody with a reasonable mind to come here, the Constitution thereby guides. What is unconstitutional about this Bill? If there is nothing, let us read it once, twice, three times and go home! *[Laughter]* That is the fact. When the Prime Minister and the Attorney General ask to bring this Bill, do they do it lawfully? Do they do it justly? Do they do it in the national interest? Have they made out a case?

Mr. Valley: No. What case have they made out? That is what we are waiting on.

Dr. The Hon. M. Job: But the case has not been vitiated by the race talk, has it? *[Interruption]* Mr. Speaker, may I be permitted to continue. I want to again ask the Members on the opposite Bench to observe my behaviour. I have never, since I

came in here, cross-talked while any one of them was speaking. To the extent that those are my rules, I will obey them. I just ask them simply to do the same. I have not disturbed anyone.

Mr. Valley: You are cross-talking now.

Dr. The Hon. M. Job: Again, we go back to the question of words and meaning. He does not understand. There are internal and external limits to the arbitrary exercise of power. I have to say this because they are talking about a creeping dictatorship. The Prime Minister does not have unlimited power. Indeed, he does not have any power at all to instigate a dictatorship in Trinidad and Tobago. The moment I know that the Prime Minister is in the throes of a dictatorship, I am gone. [*Desk thumping*]

I am saying, Mr. Speaker, that the Constitution of the state of Trinidad and Tobago is of such a nature that he does not have that power, even if he has the will. I do not know whether he has the will or desire. I do know that there is nothing I am aware of that will lead me to believe that he can even think of creating a dictatorship in this country.

There are, indeed, limits to the exercise of that wild, vain and vapid ambition, as the Leader of the Opposition quite well knows. Locking up Occah Seepaul and all of us was part of his demise. He thought that he had absolute power. He thought that he was buttressed by the ramparts of power and that he could lock up everybody and declare a state of emergency. That he could bring a Bill to change the Constitution to fire Jules Bernard, and that he could go to Hong Kong and fire a man by fax, saying that he was fired to be promoted—drunk, intoxicated to the ‘enth’ degree with that paraphernalia of power that allowed him to become blind to the imperative of his powerlessness. [*Laughter*]

There are internal and external limits to the exercise of arbitrarial power in Trinidad and Tobago, and I know that this Cabinet is comprised of a set of reasonable men. Even if sometimes they may say things that do not sound reasonable, they are all mortal and human and may be given to ebullience and sometimes a little excess. Nonetheless, they are reasonable men and women, Mr. Speaker. Being reasonable men and women, they understand what their limits are. They understand what they can and cannot do. They understand that the outrage of citizens—the outrage of ordinary people—against their encroachment on their decency and dignity is at a limit.

We will not have, because of this Bill, any marches around the Red House. When the Member for San Fernando East was the Prime Minister, I said that we had the incipience of rebellion, of a *coup d'etat*. When there are police marching around the Parliament, that is a coup. In Africa and South America everybody knows that. That happened here under his watch. Lawlessness and disorder were manifested in that symbolic manner. Policemen disobeying the executive, threatening it, marching around the Parliament. I am guaranteeing you that nothing that I know and possess as knowledge and information has led my mind to believe that we are going to expect this after this Bill is passed. What are they talking about? Nobody is going to rebel.

4.15 p.m.

I had in my notes here to talk about Mr. Guy not being put in the throes of humiliation because of any anti-African agenda. We are not going to have Mr. Guy not being able to access his just desserts. They talked about, "I am reading the papers and seeing what a qualified man Mr. Guy is". Therefore, I do not think in madness, or a fit of pique, or that abundance of—should I say—carelessness, or lack of caution, which some people have manifested on their watch, would instigate this Government to ignore Mr. Guy's qualification. This Bill has nothing to imperil, to impugn or to damage. The recipient of such just desserts that may come his way as a consequence of all he has done in the police service, or Mr. Snaggs. I do not see this Bill as putting in jeopardy anything that these two gentlemen ought to be deserving of.

What I remind the hon. Gentleman from San Fernando East again, is to read his Bible and understand it. Ecclesiastes, chapter 3, verses 1, 2 and 5 state:

"To every thing there is a season, and a time to every purpose under the heaven;

A time to be born, and a time to die...

A time to cast away stones, and a time to gather stones together;"

Perhaps this is not yet the time for Mr. Guy to be Commissioner. You understand, but this has nothing to do, I repeat, with subverting, undermining or denying any just desserts that Mr. Guy must inherit. They talked again about what happens with the magistrate and all these kinds of things.

Mr. Speaker, could I remind this honourable House, all the people gathered here and the nation at large that there is a statement—I cannot remember which set of my ancestors said it, it could have been from Africa, because there are many

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

parables coming from Africa—"Wise men sometimes change their minds, fools never do". If this Government has come in to find a rule or a law that does not serve the purpose of the nation, the citizens at large, it ought to be considered foolish if it did not consider adjusting that rule or law appropriately to meet our needs. Another of my ancestors, a fellow called Thomas Hobbes said that:

"The legislature is that body, it is he, not by whose authority the law was first made, but by whose authority it continues to be law."

We must understand that. To the extent that the Constitution does not vitiate, it is the responsibility of this executive to change any law adequate to the means, needs and purposes of this citizen body. That is what the Constitution says. Then he said you have to come and leave all the laws as you meet them; it cannot say that. No executive could be bound by the precedents of his ancestors totally. Constitutions are not set in stone and neither are laws. The question ought to be, instead of talking about race they should have pointed their mind to making a sufficient argument that this law undermined the security of the state or was not necessary to the welfare of the citizens, something like that, but not race. Certainly not race. I am going to help them now.

When one has a sovereign and one has law, what one has to consider is whether or not this sovereign, which must be subsequent to those laws, customs and rules—and what I am saying here is clear to anybody who has done law. Before one has a king or prime minister one has to have a way to make him so, in law. One has to have rules that are antecedent to him. Therefore, his sovereignty and his exercise of judgment as executive must also be subsequent or constrained by those rules. So that in the exercise of his executive prerogatives as the Constitution defines them, one has to see which rule was broken.

Mr. Speaker, I am saying that there is nothing in this Bill which suggests that any rule was broken in bringing it in the way it was brought, for the reasons that it was brought. Certainly, I want to repeat: this Bill is not about affirmative action, it is about national security; not about some partisan, ethnic, parochial, sectional interest. All the mumblings about Mr. Mohammed and his race are indeed unfair to Mr. Mohammed. They are scurrilous, tendentious and bereft of any merit. If they so desire, by injunction or by declaratory judgment of the rights and duties of the executive, they can stop the Bill. I am telling them what to do, but they cannot do it by coming and arguing about racism; about how Mohammed is an African, or rather an Indian, because he is not.

Let us come again and talk about some of the substantial issues that merit discussions in terms of language. This Bill is about national security. I want to repeat that. It is about how you protect the citizens of this country from, lawlessness, crime, rape, banditry. The way the Opposition uses language, and this part of my visitation is to deal with language. I have here the *Hansard*. I was here and I heard, so I went and got the report about a certain gentleman commenting on my language. Mr. Speaker, language is important in this discussion, because if the public and children of this country are to listen to the Leader of the Opposition, the Member for San Fernando East, they will interpret his language in a way that can be very pestiferous. I say that deliberately because you know what a pest is. Like mosquitoes, bedbugs, rats or a plague. One can have people instigated to behave like that, because when one animates that kind of anxiety and that feeling of being let down, that feeling of being denied, one will end up with situations like the one with Leo DesVignes. So I have to deal with the kind of language that I am hearing in criticism of this Bill.

Mr. Speaker, I have to deal with the language. Language in criticism ought to be concerned with the matters of the substance as I have raised them and I have done so to criticize the Leader of the Opposition. I am not using language to "mamaguy" people. I am not using language to pacify anybody or to massage their tribal hubris, to make a slave collar of oppression out of words; I am not doing that. I have always used language to point the mind to educate. This is what I am doing. I am using language to deal with matters of substance, I am talking about sovereignty, I am talking about national, not sectional interest. This cacophony of incoherent cries that I have been hearing is mostly the noise of a rabble; the rabble that they call the people outside. We are talking about a Bill, we are not talking about the noises that people make in their presumption of ethnic anxiety, that is not what we are talking about. We are talking about a particular Bill to extend the life of certain public officials and their terms of service. That is what we are talking about.

This Bill, contrary to what I have heard from the Leader of the Opposition, is not to deny anybody their rights. It is not wisdom to talk about race when one is talking about this Bill. When one talks about race in the context of this Bill, that statement or those statements are unintelligible as a defence or as an argument against the national security interest of the people of this country. That argument is about partisan interest, Mr. Speaker, and let me say again, when one is talking about a Bill that has to do with national security and one is talking about race and

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

ethnicity, one is making statements and noises about partisan interests. One is not dealing with the national interests. One is dividing people into little tribes, little Hutus and little Tutsies, that is what one is doing and it is indeed irresponsible.

4.25 p.m.

Mr. Speaker: Hon. Members, the speaking time of the Member for Tobago East has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. R. L. Maharaj*].

Question put and agreed to.

Dr. The Hon. M. Job: I humbly and sincerely thank all those Members on my side and the other side for giving me the opportunity to explain why their language is so destructive and dangerous to the country.

Mr. Speaker, this is the *Hansard* and I am dealing with the way language is used, not to deal with the substance of the Bill, but to mislead and mischievously focus the mind on race, skin and hair, things that ought to have no value or merit in themselves and certainly not in connection with the Bill and the substance of the debate this afternoon. I am hearing language used in a very attractive way, a kind of witty, attractive villain, seemingly with a shrewdness but really in calm cruelty; language which is unabashedly meretricious in its use of mischievous slogans.

Here are some of the things that I am reading in this *Hansard*: "A little knowledge is a dangerous thing. Name dropping". It is said that we describe ourselves by the words we use. Hear the words: "A little knowledge is a dangerous thing", something about self I guess; "name dropping", something about self, "smattering of knowledge; "dropping things here and there". I do not know what things, they might be fecal things and there to impress. Quite ignorant indeed. "I am ashamed of such a profession of education", but really, so "illiterate, functionally illiterate".

Mr. Speaker, permit me to tell a little anecdote which will explicate the substance of my point and the use of language to deceive with regard to this Bill.

I spent some time at schools in Trinidad and, indeed, Tobago. My parents were not white people. Clearly, I am not a little white boy, but my parents afforded me the opportunity to read *Camacho's New School Geometry*. I am sure if my father was an acting white boy and a professor of engineering I might have been helped earlier than I was to read *Camacho's New School Geometry* and use it well, to

understand logic, deduction and induction. If my mother was an astronomer—which she is not, she is just an ordinary housewife, both my parents are poor, so I had certain kinds of disadvantaged circumstances to overcome, which other people who behave like pitbulls and wild terriers in their language did not. My circumstances were not so fortuitous.

They come here and talk about knowledge to hoodwink and bamboozle people with name droppings, spewing hatred and outpouring venom, promoting blue movies, supporting child pornography and paedophilia. I intend—for the extent of my extended tenure here—to ensure that I do not indulge and engage the minds of children in this drivel—[*Desk thumping*—this gutter of villainy, forgetting the truth. They forget fellow feeling, the idea of meaning, fact and truth. They forget the fact that in this country, in the media, a lot of mischief is done, undermining, impugning innocent people's characters and they come to Parliament to put records in *Hansard* which are libellous lies. They do that to mislead generations to come and to deal in symbols which evoke hatred.

Mr. Speaker: I was not getting up to remind you to come back to the topic, but to say that the sitting is suspended for half an hour.

4.31 p.m.: *Sitting suspended.*

5.06 p.m.: *Sitting resumed.*

Dr. The Hon. M. Job: Mr. Speaker, this Bill is not about ethnic hysteria or about canalizing passions and using language to ferment that kind of wildness. I am reading here from the *Daily Express* of July 9, to indicate to this nation what this Bill is about. This is a replay of an article of a speech by Mr. Wendell Mottley, who as Members would know, was a Member of the Cabinet of the last PNM Government. Mr. Mottley is saying thus, and I quote:

“Many people took comfort in the fact that NJAC, the party of the 1970 revolution has lost all of its deposits in every single general election it contested.

Yet in May of 1997, the Muslimeen, ostensibly putting their revolutionary ways behind, decide to form a political party. They launch with a meeting in San Juan where the press estimates approximately 3,000 attendees, mainly the poor from the East-West corridor. Successful meetings follow in quick succession in Fyzabad and elsewhere.

The message is earthy and emotive. The NAR, the PNM, and the UNC have betrayed the trust of the poor. Only they, because of their revolutionary

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

organisation and experience, their disconnect from financing by big business, can advance the interests of the oppressed.”

He goes on to talk about Jamaica and how the conditions there remind him of the conditions in Trinidad.

Mr. Speaker, this Bill is about these issues—about national security—and it is what Mr. Mottley is talking about. Mr. Mottley, again, is talking about emotive language, earthy language, fermenting ethnic hysteria and the poor from the East-West corridor.

It is that kind of catchment area, that kind of vote bank that the Member for San Fernando East seeks to mobilize with images, metaphors and symbols of degradation—should I say indigence—and weakness. The whole message for the rest of the evening from the Opposition is going to be focussing the mind of that constituency on hurt and grievance, animating them to feel and behave bad and burn down the place. That is why Mr. Des Vignes’ picture is there. That is the Opposition’s programme for the rest of the evening. I am not about that; I am about talking of national unity and I am saying that this Bill is about that.

I want to read what I want to talk about. I am quoting from page 19 of my book, *Think Again*, “National Security”, which was circulated in 1991. It reads:

“The end of the cold war does not mean the end of ideology. The insecurity of some states can increase. Fundamentalist doctrines, especially those strengthened by religious conviction, can overwhelm states unprepared for this new danger.

The Caribbean states, individually, and even collectively, do not possess the resources with which to defend themselves. International criminal conspiracies are much more capable than the government of mini states in using modern technology to achieve their aims. The venality and amorality of politicians as demonstrated by the verified cases from Trinidad and Tobago, Antigua, Cuba, Jamaica, the Bahamas and elsewhere in the region exposes for all to see the nakedness of Caribbean mini states.

To protect the freedom to change governments by free and fair elections, Caribbean states MUST forget the obsolete ideas of independence which informed their affairs 30 years ago. They must act on the knowledge of their weakness and secure legally binding agreements for intervention whenever a government is changed without the consent of the voters. Would-be insurrectionists

and coup-makers must know that they cannot succeed. The resources of the region must be supported by Collective Security arrangements with the United States of America.

Collective Security arrangements which rely on extra regional power must be linked to agreements to monitor elections and electoral procedures, to ensure that corruption and abuse of power are not in fact the real cause of rebellion. Therefore a free press and open scrutiny of all phases of the electoral process by reputable international institutions must be the prior condition for any Collective Security arrangement to protect the freedom to change the government by free and fair elections.”

Mr. Speaker, I go on to say:

“National Security requires more than the machinery for effective policing and the use of the monopoly of violence. National Security demands the voluntary compliance with the laws and rules which govern the society and which establish the rights and relations between individuals, groups and institutions. So there is a need to constantly monitor the ideas and arrangements which encourage unconstitutional means to achieve partisan objectives...”

Mr. Speaker, the ideas. I have said elsewhere that ideas are mankind’s most powerful and destructive resource. I repeat, we must constantly monitor the ideas which encourage unconstitutional means to achieve partisan objectives. For example, having a Bill to extend the life of certain public officers and using the pioneers of this country to manipulate ideas about ethnic hysteria, ethnic grievance, racial shibboleths and nonsense. Those ideas have a destructive purpose. They are articulated, and will be for the rest of the debate of this Bill, with passionate intensity to deceive, mislead, guise and canalize the Motion to their destructive partisan purpose. That is what I am talking about. *[Interruption]* Mr. Speaker, I am being advised that I must look at the Speaker. Sorry about that, Sir.

Mr. Speaker, I continue:

“This scrutiny, this vigilance must be directed everywhere, not excluding the Churches and the Press. The battle for the mind must use legal means to expose, confute and challenge domestic subversion.”

That originates even in the Parliament of Trinidad and Tobago. That is what I am talking about—national security. That is what this Bill is about and how we use language not to mislead or misguide, but to deal with the issues that Mr. Mottley is

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

talking about. The issue that there are politicians who are willing to keep on telling people if they are poor they must commit crime. Those are the issues we have to deal with; those ideas which must necessarily have a destructive consequence; a purpose not consistent with the welfare of this country. This is why we have to deal with the kind of language heard coming from the Leader of the Opposition, which I know is the only excuse for some people to spend the rest of the evening talking race and sometimes racial hysteria, when the Bill is about issues having to do with the security of property and person and the state of Trinidad and Tobago. That cold calculated use of language to manipulate racist hysteria, not to deal with the issues that I have written in my book and quoted; that kind of language totally exclusive of adherence to other values and virtues, that kind of devilish intentional insistence to say anything. One guy told me, "But Dr. Job you don't know in Parliament you could say anything?"

5.15 p.m.

Mr. Speaker, I have no intention of saying anything much less to use language in that devilish, demonic, intentional insistence. To quote him: "To say anything merely to gain partisan political advantage." To come to this Parliament, to have it recorded in the *Hansard* that Morgan Job said that we must all engage in pornography and paedophilia, we must promote blue movies and that teachers are making "fares".

I have never said those things. You come into Parliament to have debate on matters of substance and then you deceive, that is the way they use language. That is not my purpose. As I said, even if I can bear to hear the truth spoken twisted by maids to make a trap for fools; even if I have to bear that burden, I still insist that the purpose of this Bill that I rise to support, is about national security and protection of the state; and in my particular case, as I am being distracted, I say that this Bill is about protecting my freedom, my rights and those of every other citizen here, guaranteed by law and the Constitution, which was not respected by the previous regime in its very actions and its every acts.

I quote Lord Acton's *Essay on Modern History*, to explain why I will insist on my rights to defend according to law. I want it recorded in the *Hansard*. I want to defend Mr. Hans Boos' right according to law to have his blue movies until the law in this country prohibits such possession; this is a country that must be governed by law, not by lawlessness. The lawlessness is sometimes instigated and animated by language which leads the mind of innocence away from the purport and the imperatives of the law. That is what I am about. When Lord Acton talks

about conscience and the rise of conscience, he is talking about the semantic crisis that we see manifested in Parliament here today by people who refuse to be led to reason, who refuse to use the opportunity that I now offer them to be given an exposure, an awakening to learning.

Mr. Hinds: It is all in your imagination. You came here with a prepared text and whatever is in it, you will say anything.

Dr. The Hon. M. Job: Mr. Speaker, this Bill which seeks to extend the term of office of certain public officers is about law; it is about order; it is about protecting all the rights guaranteed under the Constitution—it is not merely about crime and who thief a car and things like that—it has to do with all that environment, that ambience of lawlessness; good behaviour that is consistent with civilized living and freedom of the press. The hon. Leader of the Opposition said. “We have a creeping dictatorship; this legislation is to undermine the separation of powers”.

This Bill is about protecting those sacred fundamental freedoms and I say that has a genesis in something which I want to talk briefly about. I quote from Lord Acton:

“With the decline of coercion, the claim of conscience rose and the ground abandoned by the inquisitor was gained by the individual. There was less reason then for men to be cast of the same ties. There was a more vigorous growth of independent character and a conscious control over its formation.

The knowledge of good and evil was not an exclusive and sublime prerogative assigned to states or nations or to majorities. When it had been divined and recognized as something divine in human nature its action was to limit power by causing the sovereign voice within to be heard above the expressed will and settled custom of surrounding man.

By that hypothesis the soul became more sacred than the state because it receive light from above, as well as because its concerns are eternal, and out of all proportion, with the common interest of governance.

That is the root from which liberty of conscience was developed and all other liberty needed to confine in its sphere of power in order that it may not challenge the supremacy of that which is highest and which is best in man.”

Freedom to think and to believe and to go on a radio station to articulate your belief.

The Leader of the Opposition who talked about creeping dictatorship, denied me that divine right to believe and speak to my belief. This Bill is about protecting that, it is not about any creeping tyranny. It is about the rights of hon. Members of

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

the Opposition to come here and waste everybody's time. They have that divine right and they are using it very well and they will use it for the rest of the evening.

I warn the hon. Members here that they will hear a litany, a continuing effluent of inanity about race, black people and Indian people. That is the whole substance, motive, meaning and purpose of their gathering storm of passionate innuendoes, passionate dribble, passionate nothingness—a whole evening, a whole night of racist paranoia that reminds me that in 1933 the most civilized country in the world, Germany, with all their Ph.Ds and everything, succumbed to the venomous, passionate intensity of one mad man preaching a set of racist hysteria about Slavs, Jews, mongrels and racist supremacy and discrimination. We are going to hear a flood of that for the rest of the evening.

Mr. Speaker, this Bill is not about that. It is about what has been done with the police service, what the citizens have responded to in the last year and months that this Government has been residing in authority, compared to the period before that when we saw policemen threatening a coup; when we had a prime minister who would lock up a whole nation, lock up everybody to fire a little Indian woman. That is what this Bill is about. This Bill is not about fermenting the kind of nonsense that we are about to hear for the rest of the day.

Mr. Speaker, in summary, I am very grateful to the Opposition for extending my time so that I can enliven their minds and deflect them from their premeditated purpose of spending the rest of my time, your time, their time and, indeed, our time listening to a litany of cacophony about race and black people and the hegemony of Indians.

I hope they understand the blessing I have endowed upon them; I hope they understand the gift I have offered them; I hope they will take the opportunity to re-think and re-write all their racist innuendoes and to understand the consequences that can flow from mobilizing partisan ethnic grievance which can overflow into untrammelled and uncontrolled strife that was unintended.

Very often we start something and we do not know where it will end, we cannot control it. Shakespeare wrote *King Lear* which has a similar theme to *Richard II*, where they are talking about politicians. If you listen to the characters of Edmund and Cordellia and her two sisters—in fact, the characters that come out, I am reminded of it in the way this debate is seeming to drift, where you say anything or do anything, merely for your particular and peculiar partisan purpose and individual self-aggrandizement—not to serve a wider national and community interest.

The whole argument now being fashioned by Members of the Opposition on this Bill, the whole argument, the whole concatenation of circumstances that they will bring the mind to bear on this ethnic thing; that Mr. Mohammed is an Indian and Mr. Panday wants to keep an Indian and he wants to win some war to put Indians in power. All that is in denial of the facts. I have been told that Colonel Sandy had been begging people, for reasons known to himself and which I do not even want to know, that he wanted to be posted to America.

5.25 p.m.

They come into the Parliament now, to have it resident in *Hansard* that Sandy's going there was a racist thing. How does race come into this? What does Sandy's going to America have to do with a bill here, when, in fact, Sandy wanted to go to America?

I am saying, in conclusion, that I support this Bill in the way it has been presented by the Prime Minister and will be supported, I anticipate, by the Leader of Government Business and other people on this side. I support it for the reasons that it seeks to do something that is in the national interest. It seeks to address that age-old concept that you can change your mind; that constitutions are not set in stone. I did say that the old people from Africa and elsewhere say: wise men sometimes change their minds, fools never do, and that laws and constitutions are not set in stone.

My final warning for the enth time, please, would the Opposition rethink their strategy and focus on the merits and demerits of the Bill and not on race and not on canalizing and fomenting that ethnic hysteria and wildness outside there that we find in all communities?

With respect to the Hulsie Bhaggan thing, I had a radio programme at the time and I told Hulsie: "Listen, Hulsie, I have no reason to believe that some African boys did not go down to Caroni and rape some Indian girls. I do not know; I do not have the facts. It is quite plausible that you are quite right in that. But the way you are making your argument, it seems to me that you are suggesting that there is some kind of conspiracy on the part of black people to go and rape Indian women." I am quoting myself as if I was on radio. I said, "the information I have would seem to suggest to me that since the *Fatel Razack* unloaded a band of douglas here, 99.99 per cent of the Indian women were raped by their fathers, uncles, brothers and cousins, not by black people. I do not understand why you are saying these things."

Public Officials Bill
[DR. THE HON. M. JOB]

Tuesday, July 15, 1997

I have no doubt in my mind that all communities in this country are guilty of fomenting racist hysteria. I do not want this to continue. I want it stopped. I want us to reason. I humbly say, in finality, I support this Bill and I beg the Opposition to say something else, except fomenting racist hysteria.

Thank you, Mr. Speaker.

Mr. Colm Imbert (*Diego Martin East*): Mr. Speaker, for the last hour or so we have been treated to the ramblings of *Les Misérables*, the miserable one, the Member for Tobago East. Again he has demonstrated his functional illiteracy, in my opinion. He has not referred to a single clause in the Bill and I am now satisfied that he is not just ignorant of literature, but he is also ignorant of law. I am satisfied that he is incapable of analyzing the legal questions that arise; the complex legal arguments that arise in this piece of legislation. But so it is; from soap box in Woodford Square, to Parliament.

Hon. Member: And all yuh gone back there?

Hon. C. Imbert: You see, the difference between Woodford Square and here is that people talk back in this Chamber. They do not allow you to talk arrant nonsense and get away with it. They respond in this Parliament and they expose, to use the words of the Member for Tobago East, the inane ramblings of the Members on the other side.

The matter in which we are engaged today is a very serious matter, notwithstanding the vituperous outpourings, the venom, that we have just heard for yet another time, from the Member for Tobago East.

Hon. Member: Vision!

Mr. C. Imbert: Venom. I am of the view that this Bill offends a number of important sections of the Constitution. In particular, it offends the section that deals with the Police Service Commission's power to appoint persons; it offends section 54. If you go to the back of the Constitution which I am certain that the Member for Tobago East has not read yet—perhaps he would read it now, as I point out the level of his lack of knowledge—Act No. 2 of 1988, the end of the Constitution, states:

“An Act to amend the Constitution of the Republic of Trinidad and Tobago
[Assented to 24th February, 1988]”

This is the preamble.

“Whereas it is enacted by subsection (1) of section 54 of the Constitution that Parliament may alter any of the provisions thereof:

And whereas it is enacted by subsection (2) of the said section 54 that insofar as it alters certain provisions of the Constitution a Bill for an Act of Parliament under the said section 54 shall not be passed by Parliament unless at the final voting thereon in each House it is supported by the votes of not less than two-thirds of all members of each House.”

If we go to section 54 now, which I would ask the Member for Tobago East to read for the first time—he can read it now and I would explain it to him afterwards—section 54 states:

“Subject to the provisions of this section, Parliament may alter any of the provision of this Constitution...”

And we go to (2):

“In so far as it alters—

(a) sections 4 to 14,116 to 125...”

So what section 54 of the Constitution is saying is that if a Bill alters the provisions of any of the clauses referred to, in particular clauses 116 to 125, it requires a two-thirds majority of all Members of each House. Let us see what section 123 says. It flows from section 122. It says:

“Power to appoint persons to hold or act in an office in the Police Service established under the Police Service Act, including appointments on promotion and transfer and the confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission.”

What section 123 says is that the Police Service Commission is the authority under the Constitution of Trinidad and Tobago to make appointments within the police service. Now I heard the tenuous—let me use some of the language of the Member for Tobago East—the inane, vacuous, frivolous, trivial, tendentious, foolish arguments of the Member for Couva North, flimsy, weak. It is clear that the Member for Couva North has not been in a court house or has not fought a case of any merit for perhaps 10 to 20 years. Of course, if the files disappear, anybody can win a case.

What the hon. Member for Couva North tried to put forward in this House, very weakly, as I said, was that because the words, “extend” or “extension” are

Public Officials Bill
[MR. IMBERT]

Tuesday, July 15, 1997

not used in section 123, it means that the Police Service Commission has no locus or purview, or any relationship to the extension of the office of someone within the police service. But you see, there is something called a consequential effect and this is where the argument of the Member for Couva North falls entirely flat. If the Police Service Commission, in its wisdom—remember, that is the authority under the Constitution which has the power to make appointments to offices within the police service—if in its wisdom it wishes to appoint a particular officer, if the term of office of an officer has come to an end, the Police Service Commission has deliberated and has determined in its wisdom that it wishes to make a recommendation for an appointment, the effect of this Bill is to frustrate the Commission. What he is doing is preventing the Commission from making that appointment. You have Mr. “Y”; his term of office has come to an end through age; the Commission wishes to appoint Mr. “X”, so what does the Government do? It extends the term of office of Mr. “Y”, preventing and frustrating the Commission in its wish to appoint Mr. “X” to the post.

That is what is happening here. That is why this Bill offends the Constitution. *[Desk thumping]* It is seeking to remove the power from the Police Service Commission to make an appointment and put that power effectively within the Cabinet. That is the frightening thing.

5.35 p.m.

The Members for Couva South and Couva North, for years have been up and down all over the country, talking about constitutional rights, freedoms and political interference, but look at what they are doing. This is naked political interference. They are seeking to prevent someone from becoming Commissioner of Police. It is not the extension of service that is wrong, it is the block they are seeking to put in place. They are trying to put a block to prevent someone from becoming commissioner by preventing the Police Service Commission from making an appointment which it, quite reasonably, might wish to do.

Mr. Speaker, I understand in the instant case that a recommendation has been made which was vetoed by the Prime Minister, which is his right. No one is arguing with that, but the Commission may have other recommendations to make. It may have 30-odd persons it feels are qualified and it will keep going in the normal way, the Prime Minister may veto 29 of them and the 30th may be acceptable. This Bill is seeking to prevent the Commission from exercising its power by-passing it entirely in the appointment of persons in the police service. *[Desk thumping]*

It is the top post we are talking about, Mr. Speaker. This is not a simple matter and the Attorney General would come with all his counter arguments, but what did the Parliament do? Let us go back to Act No. 2 of 1988. What did the Parliament do in Act No. 2 of 1988? For the benefit of the Member for Couva South, the Attorney General, I would like to examine this point:

“2. The Constitution is amended by substituting for sub-clause (2) of section 104 the following subsection—”

What is section 104? Appointment of judges.

“The Judges, other than the Chief Justice, shall be appointed by the President, acting in accordance with the advice of the Judicial and Legal Service Commission.”

So, what is Act No. 2 of 1988 doing? It is amending that. How does it amend it? It says:

“Where—

- (a) the office of any such Judge is vacant;

the President acting in accordance with the advice of the Judicial and Legal Service Commission—

- (i) may appoint a person to act in the office of Justice of Appeal or Puisne Judge, as the case may require;
- (ii) may, notwithstanding section 136, appoint a person who has held office as a Judge and who has attained the age of 65 to be temporarily a Puisne Judge for fixed periods of not more than two years.”

Mr. Speaker, the Parliament of this country, when the group with the majority respected the Constitution—because we have a group of persons in office who do not respect the Constitution—and it was necessary to make a law to give the Chief Justice and the President flexibility to continue the term of office of persons beyond their 65th birthday, the Parliament made sure that it passed that legislation in both Houses with a two-thirds majority. [*Desk thumping*] Why, Mr. Speaker? Because the Parliament, at that time, was of the view that it was sufficiently important to have the requisite majority to make sure it was not in violation of section 54.

In the instant case, Mr. Speaker, the framers of the Constitution could not have contemplated that a government would come here and seek to manipulate and find loopholes within the Constitution to by-pass the Police Service Commission that was put there to insulate the police service from political interference. [*Desk thumping*] The framers of the Constitution could never have contemplated that.

In my opinion, it is clear that it is the spirit of the Constitution that if one wants to alter section 123 one must have a two-thirds majority. [*Desk thumping*] This matter will be tested. It will be tested because the Member for Couva North is being pedantic. He is playing with words, but, as the hon. Attorney General would know, in interpretation of the Constitution it is not just what is written, it is the intent and purport of the words. It is what was meant.

Mr. Speaker, the mere fact that a Police Service Commission was established to insulate the police service from political interference, and the relevant sections were included in those sections that require a two-thirds majority for adjustment or alteration tells me—not tells them—that it requires a special majority. That is the law in this matter. They can stand up in this House and play with words, and say the word “extension”—as the hon. Member for Couva North said—is not mentioned here; and that if they extend someone’s office they are not appointing that person.

Mr. Speaker, they can play with words, but the point I am making is that it is not the extension of the appointment that is the problem, it is the effect it has on the Commission’s power to appoint. That is the point. Nobody on that side can tell me that when one extends the term of office of a person that one is not preventing the Commission from making an appointment. It is! That is exactly what is happening here. The Government is seeking to prevent the Commission from exercising its power under section 123 and that will be tested in court—I am certain of that—not with the silk, gabardine, khaki and cotton, but among distinguished lawyers.

Mr. Speaker, I was amazed by the Member for Couva North’s dissertation on his Government’s efforts in the area of crime. He made the absurd claim about a 100 per cent detection rate in the solving of crime. One hundred per cent? Are they expecting me to believe that for every single crime that has been committed, the right persons were detected, and that when these matters go to trial the convictions are confirmed and secured? The Member could not be serious. One hundred per cent crime detection rate in Central Trinidad? An 88 per cent crime detection rate in Port of Spain? I was tempted, when I was hearing all this

foolishness, the absurd and fanciful claims of the Prime Minister about his so-called efforts on crime, to tell him to open today's newspapers and see that two grandparents had their throats slit. Where are they from?

Mr. Valley: Jamaica.

Mr. C. Imbert: They must really be from Jamaica. The Government has a 100 per cent crime detection rate. So, that means they catch the criminals already? They slit the throats last night and they were caught this morning.

Mr. Speaker, the hon. Prime Minister cannot detect the crimes being committed by his own supporters and financiers. He cannot even detect that. He has a zero detection rate when it comes to political crimes. I noticed the j'ouvert band of political opportunists who came to the Parliament today sat at the back there to support the Prime Minister—the string band that was behind the hon. Member for St. Joseph at an earlier time. They have gone now.

5.45 p.m.

I ask that the Prime Minister focus his crime detection on some of the Members of that j'ouvert band on his side. What did the Prime Minister tell us? He said the reason for this Bill—exigencies, national interest, momentum in attacking the drug trade—will be lost.

Mr. Speaker, I apologize on behalf of the Parliament of Trinidad and Tobago for embarrassing the incumbent Commissioner of Police. It is an embarrassment that a government will wait until a person has reached his sixtieth birthday to bring this Bill to Parliament. If it was the intention of the Government to extend the term of office of the incumbent Commissioner of Police, it could have done it a year ago and not put the incumbent in the spotlight to be exposed to ridicule, which is exactly what it is doing. The legislation could have been implemented and passed a year ago.

I am just simply amazed. If it were the wishes of the Government, six, nine or 12 months ago to extend the term of office of the present Commissioner of Police it could have done that at that time and not exposed the incumbent to public embarrassment. This demonstrates to me the lack of "broughtupcy", the best way to describe it. It demonstrates the lack of decorum, lack of knowledge, convention, tradition of the Members on the other side. In a phrase, they have no class, none whatsoever.

Public Officials Bill
[MR. IMBERT]

Tuesday, July 15, 1997

To expose the incumbent Commissioner of Police to ridicule, these are some of the things they are saying about him. He is indispensable, that he is more effective than 108 members of the first division and the 5,700 members of the second division. This is the kind of public scorn and ridicule that is originating from the delinquency of the present administration. It could have had consultations and done this quietly. If the Government had dealt with the matter in the proper way rather than putting the dirty hands of politics, especially dirty now with the advent of the UNC, into the appointment or extension of the Commissioner of Police, it could have left it to the discretion of the Police Service Commission. In the same way, if one looks at Act 2 of 1988, which I would like them to look at in the future, it says “the President acting in accordance with the advice of the Judicial and Legal Service Commission”. It simply could have passed legislation and as the commission could have brought forth 108 names, vetoed all and so forth if it felt the commission would frustrate it.

One gets the feeling that it is not only fighting against the police service, but against the Police Service Commission. One gets the feeling that the Police Service Commission does not share its views, does not intend to curry-favour with it, does not intend to play ball with it in this embarrassing quest. It is clear that the Government believed it would not have gotten its way. I do not think so. I believe if it had dealt with this issue in a humane, civilized and gentlemanly manner with proper consultation, it could have had its way. The gentleman could have had his term extended and there would have been no fuss. But, such is the way of the UNC. Reinventing government. How to make a mess of the simplest little matter.

The Member for Tobago East in his tirade—he did not read the Bill, he does know what is wrong with this Bill. He said nothing in this Bill offends the rules. How does he know that? Has he consulted with any eminent constitutional lawyer? I do not think so. I know what their game is about. They put the Member for Tobago East on as a side show, “Punch and Judy” to distract the Parliament from the business it is about. We will not be fooled, hoodwinked and rise to their bait. They put the Member for Tobago East in an attempt to irritate and to distract us from the meat of the matter. That is his function in the Cabinet of the UNC.

Mr. Speaker, I am using a metaphor so please forgive me. An animal on a leash and a group of people are giving trouble and you allowed to go—that is what it is all about.

Let me deal with some of the nonsensical arguments of the Member for Tobago East. Mr. Guy and Mr. Snaggs or someone like that will be the next

commissioner. What guarantee do we have of that? With this government! When the three years are up it might bring another Bill and say let us go for another three and so forth.

Mr. Speaker, no one could have confidence in this Government. It has shown its hands. It has demonstrated its willingness to manipulate the Parliament, it is willing to abrogate the Constitution for its own selfish ends. There is no guarantee that anybody will be protected from the dirty hands of political interference in any of the services. It is its intention to interfere politically with appointments within all of the services. We have no guarantee that Mr. Guy or Mr. Snaggs or any of the present 108 members of the first division will ever become Commissioner of Police. The Government might come up with some new strategy because it has shown its hands and this is what I ask the Member for Tobago East to reflect upon.

The Member said Germany is the most civilized country in the world. That is a country that had gone to war in 1914 with most of Europe—in his mind perhaps. The Fascist tendencies that Germany demonstrated under the Kaiser in 1914 was simply manifested again in 1933 in another form with Hitler. The Fascism that was there in 1914 was always there. The Member is so educated and informed about history; a national embarrassment.

I will, just in passing, indicate my recollection of events with regard to the Hans Boos case in the court. The Member for Tobago East said if a big man wants to look at blue movies in his home what is wrong with that. Everybody has at least one blue movie in his home. If he wants to deny that now he should get up now. I will give him the opportunity. He cannot. What does that tell you? If somebody is saying what is wrong with having a blue movie, everybody has one, does not that tell you the person is in support of pornography? That is the logic. He sees nothing wrong with pornography. I advise the Member to stop treading in murky waters. Every time the Member for Tobago East opens his mouth on this issue of Hans Boos, he sinks deeper and deeper into the morass. All he does is to convince everybody that he is a supporter of pornography. He certainly convinces me. He has a blue mind.

The Member for Tobago East said that there will be no demonstration, that police will not march as a result of this Bill, nobody will rebel. That may be so. Perhaps, they will not march because they are afraid.

5.55 p.m.

Paradoxically, because the Member for Tobago East is of limited understanding, he does not understand that the very act of marching around the Red House by police officers was a demonstration of the constitutional right of freedom of expression. The fact that there was no harsh punitive reprisal from the then administration, again demonstrated a recognition that persons have a constitutional right to express themselves. The Member would never understand that the police felt safe enough to march around the Red House to express their disapproval because they knew there was a government in place that would not take punitive action against them. With this Government, if police officers march outside the Red House they would go home.

That is the difference between “we and dem”. The PNM has always allowed freedom of expression. Dr. Eric Williams was his mentor. The Member for Tobago East suffers from an Oedipus complex. [*Interruption*] I do not mind being corrected by the Member for St. Joseph. He is an erudite man. He can correct me on syntax, grammar and pronunciation. I do not mind. An Oedipus complex is jealousy of the father. Eric Williams being the father of the independent Trinidad and Tobago, the Member for Tobago East was always jealous of him and still is.

When the hon. Dr. Eric Williams was insulted by a calypsonian, I think it was Chalkdust, people asked him how he could take that from a calypsonian. His response was, “Let the jackass bray.” He was sending a signal that he was prepared to tolerate criticism and allow persons to express their fundamental right of freedom of expression. Not under this administration!

This Government is seeking to tamper with constitutional freedom. It is tampering with the power of the Police Service Commission. It is engaged in an all out artillery war against the media in an attempt to intimidate the media to beat them into submission. When it is finished with the media, it would be the trade unions. There is a famous parable about someone in Germany of a particular race. He was asked why he did not say anything when the Jews and the Poles were being persecuted. He responded by saying that when they came for the Jews he did not object because he was not a Jew, and when they came for the Poles he said nothing because he was not a Pole. Then they came for him.

The point of the story is that one must not sit and do nothing in the foolish belief that one is not affected. The media is being attacked and I am not a member of the media so that is no problem. The trade unions are being attacked, I am not a

trade unionist so that is no problem. If that foolish approach is adopted, when they come for you everybody else would be gone. They took everybody else and then they came for him because there was nobody left to take. That is the whole essence of fascism and dictatorship that is symbolized on that side.

In my opinion and it can be seen through here, this is to control the police service. Maybe not the present Commissioner of Police for whom I have the highest regard; another commissioner may be unable to withstand threats from the political directorate. Here they would extend the term of office for one year, and as the hon. Leader of the Opposition said, if he is a good boy it would be extended for another year. If he behaves himself in the second year it would be extended for a third year. How would a weak person react to that? He would succumb and do whatever his political masters ask. This is the danger that the framers of the Constitution saw when they set up the commissions to insulate the services from political interference. This is the first step to dictatorship. The Member for Tobago East has not analyzed this properly.

Let us not deal with the Bill but with the facts. What is the effect of this Bill? It gives the political directorate, the Cabinet, the power to determine who would be the Commissioner of Police. That has never happened before. The Prime Minister had a power of veto so he could say who the Commissioner of Police should not be, but he could not persuade the commission to make a particular person the commissioner. This changes the whole equation. Now the Cabinet can say whom it wants to be the Commissioner of Police by extending the term of office, or whom it does not want to be Commissioner of Police by blocking that person by extending the other person's term. It is the beginning or continuation of the creeping dictatorship that is overwhelming this country.

When the supporters of the UNC see this kind of behavioural pattern coming from the top, if someone says something that they do not like, they would be attacked. Statements are made like, 'Nobody would attack my government and remain unscathed'. That is coded language. The Member for Tobago East would understand what I am saying. He knows about coded language and he talks about it. What is the message? He is saying to his supporters that when he identifies the person that is attacking him, take them. That is the code. Those persons are his enemies. That is the language that comes through.

They go after the media. The next thing we see is that all sorts of presumably intelligent and educated people and members of the media are attacking the media. It is amazing. It is like Pavlov's dogs. They were trained. A bell was rung when

Public Officials Bill
[MR. IMBERT]

Tuesday, July 15, 1997

they got supper and eventually when the bell was rung, the dogs would come because they thought it was supper-time. They are conditioning people to react in a particular way. There are code words such as, 'no one would remain unscathed; I will not allow anybody to attack me or my Government; we are in charge now'.

6.05 p.m.

How far have they come from the opposition? When I used to listen to the Member for Couva South with his eloquent outpourings about freedom, constitution and human rights, beating the table and giving everyone the impression he is a champion of human rights and he will fight to his death, he will even go to prison for human rights, and that people must have freedom. What happens when the UNC comes into power? The freedom is changed now from the people, to freedom of the Government to do whatever it pleases. This is what the Member for Tobago East tells us, that is what he said when he was spewing out his pique and his peeves about the reaction of the population to his ramblings. When they cut his radio programme, it had nothing to do with the alleged interference, it was because the ratings of the station were dropping. A station strives on commercial venture, they were losing money. Someone was on the radio station and causing it to lose money so, he was taken off.

It happens in North America when the ratings drop, the person is removed from the news media. If a soap opera is not good, it is removed, it is simply a commercial reaction and what the Member for Tobago East will never understand. He was hurting the ratings and the commercial revenue of the media houses.

As he was spewing off his peeve and his pique about the fact that he was taken off the air, he made a statement to the effect that this Government would do whatever it pleases. It is the majority here. As a matter of fact, he said if this matter does not need a two-thirds majority, let us have a first reading, a second reading, a third reading, let us have all and the Member for Couva South laughed.

If a Member of the PNM had made a statement that we have the majority, let us have first, second and third reading, one would have heard the anguished screams coming from the Member for Couva South about disrespect for the Parliament and the population, and contempt of fundamental freedom and human rights. We would have got a 60-minute lecture on the sanctity of Parliament and so forth. He is a Member of the UNC Government, and he is not even sanctioned by the NAR. I read in the newspaper that he is not authorised to speak, and this came from no one less than the political leader of the NAR. I have to assume that he is a Member

of the UNC, or he is an independent UNC. Instead of cautioning the Member for Tobago East for indicating that his Government can do whatever it pleases because it has the majority and it could pass any law it wants, the Member for Couva South, the guardian of democracy, bangs the desk and says, "Good speech boy; good speech."

Mr. Speaker, I am cautioning this Government, because they may feel that there are things they have to do in order to run this country effectively, and no one is arguing that. They may feel that there are certain administrative matters and provisions that are required for them to perform their work, but it is the manner in which they are going about making these administrative changes. They are annoying the population as my colleague from Diego Martin Central would say. They are aggravating the population, this "bull in a China shop approach", this "steel-tip boots approach" is annoying the people of this country, because they are riding roughshod over the legitimate aspirations of persons.

Suppose a man is 57 years old and he feels he should be the next Commissioner of Police—this is hypothetical, it is in the future—and one is 60 years and he is the Commissioner of Police, and a Government extends his service for three years, what happens to the man who is 57 years? At the end of the third year's extension, he will be 60 years and the incumbent will be 63 years. If he goes to them and says, "Well, I am 60 years, extend my time too," and they say, "No, you are 60 years, you have to go home." These are the complex issues I would ask the Member for Tobago East to look at. This Bill is affecting the legitimate aspirations of persons, the career advancement of persons and those who feel that they should aspire to the highest post in any of the services. This Bill is preventing one from doing so, but not at present. When one legislates, one does not do it for today; and that is another error that the Member for Tobago East is making. These laws are going to stay on our statutes for 30 and 40 years if they are good; if they are nonsensical, they will be changed in a short time.

Let us assume this is a good law, it will stay there for 30 years—even 50—and a situation can arise where there are three persons who have attained the age of 57 years who all believe that they should be Commissioner of Police, and there is an incumbent who is 60 years who has his service extended to 63 years and those three persons who are 57 years are denied the opportunity to become Commissioner of Police, which are legitimate aspirations.

That is why one has to be very careful when one is doing this sort of thing, and that is why it should reside in the Police Service Commission because that is what

Public Officials Bill
[MR. IMBERT]

Tuesday, July 15, 1997

they do. They look at the whole framework, all the factors involved, they may not necessarily make the correct decision or do the right thing in their deliberations. The Police Service Commission considers seniority, qualifications and ability to do the job and has a pool of candidates and makes a determination that this person, in their opinion, is the best person suited for the job after considering all those matters, and it is free from political interference.

It is not because Mr. So and So is a NAR, and that one is a NJAC, or that one is a PNM, we cannot make him a Police Commissioner. The Police Service Commission does not operate in that way. I have seen how they operate and no matter what is said to them, they come to their own decision, they have their own mind and they are going to make a recommendation, a proposal and an appointment based on their judgment; and so it should be.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member has expired.

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

Question put and agreed to.

6.15 p.m.

Mr. C. Imbert: Thank you, Mr. Speaker.

In a particular case, the Member for Couva South uses the spurious, tendentious, vacuous, vapid, frivolous, weak argument that an attorney-at-law is obliged to take any case that comes before him. I am not a lawyer, but I am saying that is a spurious, tendentious, weak and vapid argument. Is the Member saying that he could defend a murderer, that he could take up a case where he is of the view that it has no merit, but because he is a lawyer he is obliged to do so?

I remember when we tried to make changes at the Licensing Authority, up jumped the Member for Couva South, and what were his arguments, Mr. Speaker? His arguments were: people were being demotivated, career advancements were being obstructed—[*Interruption*] Yes, you, I am talking about in the court.

[MR. DEPUTY SPEAKER *in the Chair*]

The Member for Couva South was defending certain persons in the public service who were aggrieved, who felt that politicians should not put their own man in the Licensing Authority and that persons within the system who had a right to

be promoted should be promoted. These were his arguments. *[Interruption]* I will come to that. That came from the Member for Couva South. I had to swear to an affidavit, all sorts of things, because the Member for Couva South was on the other side saying that the commissioner must be allowed to do his work—he came to Parliament with the same “ole” talk, Mr. Speaker; “do not interfere, politicians should stay out of that and so forth”.

The Member for Couva South is on the other side now. According to the Member for Tobago East: “We will do what we think is right. We will do whatever we please, we have the majority”. Mr. Speaker, no longer is it career advancement, no longer is it freedom from political interference, no longer is it constitutional rights, it is Government must do whatever it wants; flip-flop! That is why my friend calls him Janus; two-faced, two-sides. When he was in the Opposition he was this way, now he is in Government, he is that way. He has a credibility problem.

However, Mr. Deputy Speaker, he did not fool me. He might be surprised about what I am going to say but he did not fool me. I think he really prefers being in court arguing all these constitutional matters. I do not think the Member for Couva South is comfortable with this dictatorial and factious behaviour of his administration. I think he really, in his quiet moments wonders, what am I doing? I would ask him to try to persuade the other Members of the Cabinet not to continue along the road to fascism, because that is where he is going.

We have a Minister of Finance who made the statement that anybody who gets in his way, he will deal with them or words to that effect, and heads will roll, and then heads starts rolling. I really feel that it is the influence within the Cabinet that has them moving in that direction, with arrogance. The Minister of Finance’s position is that “anybody who gets in my way, I will deal with them, heads will roll” and one sees it coming out in the Member for Tobago East when he said that we have the majority, we will pass whatever law we consider to be necessary. The Member for Couva North, from an advocate of human rights to: “I am the boss, I am in charge, whatever I say goes and who vex loss”.

Mr. Deputy Speaker, I think we are committing a grave error, we are embarrassing Mr. Mohammed and we are subjecting him to unnecessary ridicule. I ask the Government to amend this Bill to give back—we do not want to extend any problem, this is my personal view—the power to the Police Service Commission. Leave the power within the purview of the Police Service Commission. *[Interruption]* Mr. Deputy Speaker, I hear an aside from Assam and

Public Officials Bill
[MR. IMBERT]

Tuesday, July 15, 1997

it has all the correct letters, first three letters of one and two of another. An aside from Assam.

Mr. Deputy Speaker: Mr. Imbert, Standing Order 36(6) says:

“No Member shall refer to any other Member by name.”

Mr. C. Imbert: Mr. Deputy Speaker, I see you, too are a bit concerned about the first three letters of his name. However, I meant no ill-will to my friend, literary colleague from St. Joseph, the only man on that side who has some learning in literature and history.

Mrs. Robinson-Regis: No, no, the Member for Naparima, too.

Mr. C. Imbert: Oh, sorry, the Member for Naparima as well. Mr. Deputy Speaker, the Member for St. Joseph does not know what this Bill is taking away is the powers from the Commission and giving it to the Cabinet. The President, in this context really means the Cabinet. I really think the powers should be with the Commission. I do not know if the Government has problems with the Commission, if it feels that the Commission will not co-operate. As I said, I do not know what is the problem but I think this is something that could be solved by consultation and dialogue, rather than confrontation and aggravation.

I recommend to the Attorney General that he repose the power to extend any term in the respective commission, rather than bring the politicians into it. We are really opening a door here, Mr. Deputy Speaker. Where will this trail end? Will the Cabinet now bring legislation to this Parliament to allow it to appoint everybody in the public service, to manipulate the system so they can put their cronies in place? Is that where we are going? It is a very dangerous path, Mr. Deputy Speaker. I ask the Attorney General to consider my views and to reflect carefully before the Government continues on this very dangerous path.

I thank you, Mr. Deputy Speaker.

The Minister in the Office of the Prime Minister (Dr. The Hon. Vincent Lasse): Mr. Speaker, I rise to make a brief contribution on this Bill which seeks to amend the law to provide for the extension of the period of the service of magistrates and of the officers prescribed to the First Schedule to the Police Service Act. A clause 8 is inserted in the Judicial and Legal Service Act, Chap. 6:01 to allow magistrates to continue to serve with the permission of the Judicial and Legal Service Commission not exceeding three years after they reach the prescribed age of retirement at age 60.

Mr. Speaker, a section 62 is being added to the Police Service Act, Chap. 15:01, to provide that the President may, in the national interest, extend the years of service of any of the officers referred to in the First Schedule for a period of one year after he has reached the prescribed age of retirement, in the first instance and for a maximum of two further periods of one year each.

6.25 p.m.

Mr. Deputy Speaker, it is my intention to develop an argument surrounding the question of crime. I would deal, more or less exclusively, with the Commissioner of Police. The Member for Diego Martin East made mention of the fact that this Bill would be violative of the Constitution of Trinidad and Tobago and, therefore, it would require a two-third's majority should this Bill be passed. The Member for San Fernando East also mentioned the fact that this Bill would require a three-fifths majority.

Pursuant to what was being said by the Member for Diego Martin East when he referred to the Constitution—he referred to section 54 in the first instance which dealt with alteration of this Constitution; somehow or the other, he did not mention section 53. He then went on to speak on section 123 of the Constitution pertaining to appointment of police officers.

When one reads section 53 of the Constitution dealing with powers, privileges and procedure of Parliament it states:

“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.”

Section 54(1) states:

“Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) any of the provisions of the Trinidad and Tobago Independence Act 1962.”

The Member for Diego Martin East went on to touch on section 123 which deals exclusively with appointments of police officers. When we address the Bill before this honourable House, we observe that the Bill is not dealing with appointments. It is simply calling for an amendment which would address the extension of the period of time that the Commissioner of Police should serve.

Public Officials Bill
[DR. THE HON. V. LASSE]

Tuesday, July 15, 1997

My understanding is that the Police Service Commission would have jurisdiction up to the age of 60 and we are dealing with the question beyond the age of 60. I simply made this point to state that this Bill, from my understanding, cannot be violating the Constitution. I leave the rest to the hon. Attorney General who may wish to develop this matter further. You see, Mr. Speaker, although I am trained in law, I always like to consider myself as one trained in international law. Persons must be careful in interpreting the law. For example, we have a certain Member of Parliament who ought to be an engineer and he is undertaking some work in Grenada; he is supposed to be building a stadium. I happened to be in Grenada over the weekend and the entire stadium has been dug up and the people are making much fuss about it. So I would want to say that persons must stick to their profession and as such, perform in an effective manner.

From the outset, I must state that law should follow society. No law should be cast in concrete and whenever it becomes necessary for the good, efficient and orderly function of society, laws may be amended. Without this I submit that society would stand still and all the so-called law makers sitting here in this august Chamber may well remain at home.

Much was said about the legal ramification of the Bill and I shall deal with the principle of this Bill. The principle question that I would address is one on crime. When we are engaged in serious debate which strikes at the very foundation of society, that is, the prevention, detection and eradication of crime, Members on both sides of this honourable House must become serious, objective and, of course, must apply logic and good sense. Therefore, it becomes necessary for us to come together to fight what one considers a common enemy, that is crime. There can be no excuse where persons may wish to oppose simply for the sake of opposing.

Those on the other side have been asking questions for a case to be made out in support of this Bill, and, as I said, I shall dedicate my contribution to making the case. Mr. Speaker, governments which have gone, the present Government and governments yet to come would have to grapple with crime if something is not done now to arrest and, of course, eradicate it.

Mr. Speaker, because of the introduction of this Bill, I am seeing a ray of hope today.

6.35 p.m.

We have, at present, a Commissioner whose system of administration is dealing effectively and efficiently with crime. Later in my contribution, I shall deal with the

statistics as I elaborate on the present situation in Trinidad and Tobago. I hasten to say, Mr. Speaker, that not since the days of Commissioner Randolph Burroughs has crime been under control. [*Desk thumping*] I speak of crime being out of control for almost a decade. Our duty today is to correct this situation regardless of party affiliation, because we are all elected to preserve good order, among other things. This is the case I want to make in support of this Bill. I have been hearing arguments in and out of this Chamber. Some arguments being advanced against the retention of the present Commissioner of Police, to my mind, are weak, self-centred, and against the national interest. Mr. Speaker, race is not the issue here. Prevention of crime, in my view, is the main issue.

It is being said that the salary of the Police Commissioner is some \$11,000 per month, and that the Deputy Commissioner's salary is \$8,000 per month. Also, of course, that the retention of the Commissioner would hamper the promotion of the Deputy Commissioner on the one hand, and also prevent him from receiving a luxurious salary. Mr. Speaker, I ask the question, what is more important? A salary and promotion, or the national interest of Trinidad and Tobago? What is more important? Dealing with crime is more important. Dealing with drugs and the drug barons is more important. We should not stand idly by and allow our beautiful country to be destroyed.

I submit that the prevention, the detection and eradication of crime are the most important issues facing our nation today. The present Commissioner of Police has demonstrated that he is capable of dealing with the crime situation, and the style of his administration is of paramount importance at this point in time. I hasten to say, Mr. Speaker, that this Bill is about national security. It is not about perpetuating the tenure of any individual *ad infinitum*.

Permit me, now, to read into the record statistical data on serious crimes and, of course, the detection of crime which has been happening recently. For this purpose, I shall deal exclusively with murders on the basis of the various divisions. Mr. Speaker, based on statistical data I received from the Police Service of Trinidad and Tobago dated June 9, 1997, I speak here of the crime records and serious crime during the period January 1, 1997 to May 31, 1997. That is, 1996 as compared with 1997.

Port of Spain: crimes committed, 9; crimes detected, 8; percentage detected, 88.89 per cent. As compared to 1996, crimes committed, 10; crimes detected, 5; percentage detected, 62.5 per cent. In the Southern division: crimes committed, 7; crimes detected, 7—these are murders for 1997—percentage detected, 100 per

cent. I go on to Central: crimes committed, 9; crimes detected, 9; percentage detected, 100 per cent, as compared to 1996 where, for the same period, crimes committed, 7; crimes detected, 4; and percentage detected 57.14 per cent. I now go on to the Eastern division: crimes committed, 6; crimes detected, 6, as compared to 1996, for the same period, crimes committed, 4; crimes detected, 2; percentage detected, 50 per cent. Overall, Mr. Speaker, for that period, 53 crimes were committed, 43 crimes were detected, percentage of detection was 81.13 per cent, as compared to 52.17 per cent for the same period of 1996.

I now move on to the records for the period January 1, 1997 to May 15, 1997 as compared to the same period in 1996. Port of Spain: crimes committed, 9; crimes detected, 8; percentage detected, 88.89 per cent. When we compare that to 1996, we got a percentage of detection of 37.50 per cent.

6.45 p.m.

Mr. Speaker, going on to the Southern Division for 1997, seven crimes committed, seven detected, 100 per cent. At the Central Division, nine committed, nine detected. Mr. Speaker, overall for that period of crimes committed, 52 total, 43 detected and an overall percentage detection of 82.69.

Mr. Speaker, I will go on to one more period that was January 1, 1997 as compared to April 30, 1997. Again, we have an overall in 1997 of 47 crimes committed, 37 detected and an overall percentage of detection 78.72 as compared to 56.41 per cent. As I said when I began my contribution, I would be dealing specifically with the question of crime and of the performance of the present Commissioner of Police, hence the reason I am in support of the Bill that he should be given the required extension.

Mr. Speaker, it was necessary for me to deal extensively with the statistical data as supplied—as I mentioned—by the police service in order to establish beyond any reasonable doubt, that the present Commissioner of Police is getting the job done and with an extension of three one-year periods, more tangible and substantial benefits would accrue to the nation as a whole.

Mr. Speaker, it is quite obvious and abundantly clear to me that the good quality of leadership seems to be the answer at this crucial time. I want to beg your indulgence to quote again from the report of the Trinidad and Tobago Commission of Inquiry into the organization, administration, and discipline of the police force and procedures on investigation of crime and allied matters. I am going back to 1964. Page 71, chapter 21 and this is on leadership. The report at paragraph 5.28 states:

"Every good police officer must possess the innate quality of leadership. He has to be a leader amongst members of the public. This is the quality which makes a force an influence within a community."

At paragraph 5.29 of said report, it stated that:

"Senior officers have to be leaders of leaders and thus potentiality for this should be a deciding factor in their selection."

Paragraph 5.30 of said report states that:

"We have sensed an atmosphere of 'distance' between gazetted and non-gazetted officers throughout the force. This is not good leadership. A good officer knows his men personally, he is sincerely interested in their welfare and their efficiency, and he enjoys their confidence both as a good senior officer and as a man of human sympathy."

Finally, Mr. Speaker, paragraph 5.31 of said report stated that:

"That is the type of leadership we would like to see cultivated in this police force, whereby senior officers are close to their subordinates and yet enjoy their respect."

Mr. Speaker, I took time off from my busy schedule to speak to several officers in the constituency of Point Fortin. The police officers in the constituency of Point Fortin have attested to the personality and also to the fact that the present Commissioner of Police has an open-door policy, he is interested in their welfare, and for these reasons he is totally acceptable to them as a good senior officer and as a man of human sympathy.

Further to this, I am going to be dealing with the question of crime and the question of leadership of the present Commissioner. I am going on to deal again, pursuant to the report of the Bruce Committee on the restructuring of the police service—here we come now to police service—that is June, 1984, page 49, chapter 9, which dealt with the organization and structure of the police service. There were certain proposals that emanated from that report. Out of these proposals it is said that the committee was convinced that if the Trinidad and Tobago Police Service is to fulfil its responsibility to the public in the light of the changing economic, political and social conditions, then it must undergo changes in its organization so that its functions may be discharged efficiently and, above all, economically. The committee, therefore, felt that the organizational structure should be constantly reviewed to ensure that the objectives laid down for the service are achieved at all

Public Officials Bill
[DR. THE HON. V. LASSE]

Tuesday, July 15, 1997

times. Mr. Speaker, pursuant to this Bill, the tenure of the commissioner would be reviewed every year.

The report went on to state that the Commissioner of Police is the head of an organization employing more than 5,000 persons and operating throughout Trinidad and Tobago. The committee, therefore, saw his role as the chief executive of a large enterprise and, therefore, must ensure the optimal use of human and physical resources at his command to achieve the objectives of the service. He must have an organizational structure that will provide for the utilization of human resources in such a way as to permit the orderly devolution of authority and yet retain those reporting and supervisory relationships which would enable senior officers to discharge their responsibilities effectively.

6.55 p.m.

Finally, on this point, Mr. Speaker, the committee said it has already indicated its view in respect of special squads, which of course we are witnessing today, and traffic and police strength. It proposed that a suitable organization for the police service should provide for the following, among other things:

- "(i) Effective and efficient use of all the resources.
- (ii) Co-ordination of operational procedures for—and it is very important:
 - a) prevention of crime;
 - b) detection and prosecution of crimes;
 - c) protection of life and liberty."

Mr. Speaker, in my opening remarks I touched on the question of the prevention and the detection of crime. I also quoted from statistical data provided by the police service to corroborate the fact that the Commissioner of Police and by extension the police service, had, in recent times been doing quite well in this regard.

Mr. Hinds: He lacks credibility.

Mr. Hart: Everybody sleeping.

Dr. The Hon. V. Lasse: I also wish to refer to the review of the O'Dowd Report which was done in May 1991 and with specific reference to the Executive Summary which is of paramount importance to what my contribution would be dealing with:

"3.1 Prior to our visit 5 different independent bodies had examined aspects of the Police Service during a time span of (33) years. Apart from a few notable exceptions, we found a consistent pattern of inertia with a non-implementation of many sound recommendations. It is clear that the TTPS has had insufficient funds for a considerable period of time and this has impacted upon the efficiency and effectiveness of the service. There has also been a clear lack of good management and skills training at all levels. Issues such as excessive bureaucracy, outdated systems and procedures and over-cautiousness have also played a part in impeding constructive development."

On that same report at page 1, mention was made of the similarity of the Trinidad and Tobago Police Service and the United Kingdom Police Service. They went back as far as the 1950s and 1960s in trying to address this similarity and came up with the conclusion that more or less, the police services were identical.

Having said this and based on the quotations I have made with regard to the present Commissioner of Police, I am confident that the entire community would have full faith in him because of his demonstrated ability in detection and prevention of crime, so far.

Mr. Hart: What about those to come?

Dr. The Hon. V. Lasse: Mr. Speaker, I know that many persons may wish to speak about the principle involved here. I did some research on this matter and the careful examination of the definition of principle states that, among other things, principle is the general law which serves as the guide to one's actions. In this regard, principles could be conservative—

Mr. Hart: You have no right to speak about principles.

Dr. the Hon. V. Lasse:—and could be regarded as the personal code of right conduct.

Mr. Hart: You must not talk that.

Dr. the Hon. V. Lasse: I stress the word personal. There are those who invoke principle in a personal sense or manner, that is to say, what is principle to another is not principle to them and *vice versa*. [*Desk thumping*]. But logic is the science of reasoning, a chain of reasoning, proof and thinking; that which is reasonable to be believed and done and the theory that all proposition can be analyzed into simple independent benefits.

Let us apply logic in this instance. Many in this debate may allude to the principle of succession. Yes, there may be valid reasons for this, but when we are dealing with the most crucial and critical factor facing Trinidad and Tobago today, which is crime, can we speak of the principle of succession?

Mr. Hart: Principle gone out the window.

Dr. The Hon. V. Lasse: I submit that principle must give way to logic, pragmatism and good sense. Some people stand on principle only when they can benefit from it, others always stand on the fence.

Mr. Hart: Others jumped across.

Dr. The Hon. V. Lasse: I can remember the time that I once stood on principle, not too long ago on a particular issue, while others stood on the fence. The results to me were disastrous.

Mr. Hinds: I want him to tell us what principle he stands on.

7.05 p.m.

Dr. The Hon. V. Lasse: Mr. Speaker, I am sure that as night follows day, it would be disastrous for those who stood on the fence, try as they may, grovel as they may, give up their manhood as they may: what is written is already written. I am cognizant of the fact that some individuals can never forgive nor forget. Standing on principle and not on logic may cause individuals to allow their emotions to run away with their wills. Therefore, Mr. Speaker, I plead for logic to prevail as we deliberate on this most important issue. National interest must come first.

Mr. Speaker, I am admitting, but not concluding, that the deputy Commissioner of Police may do a very good job but the logic of the situation is that the present Commissioner is now doing a good job because for almost a decade crime and criminal activities have been rather elusive. Today, as I mentioned earlier on the basis of statistical data, the Commissioner and by extension the police service, is doing a good job on the detection and prevention of crime. We know what we have and we can only speculate on what we may get. In the next three years the deputy Commissioner would be 57 years of age. He will have three years to serve plus a further three, should this Bill be approved.

Mr. Speaker, I would touch briefly on the question of retirement at age 60, arguments for and against. In modern progressive societies, there is little argument on compulsory retirement at age 60. In the United States for example, the years 50 to 60, and 65 and beyond are considered the years when one can expect maximum

experience coming into play. One would retire, for example, at age 60 or 65 and then move on because of one's wealth of experience to a much more lucrative and higher paying job. I submit that this is also the case, on a limited scale, here in Trinidad and Tobago. I am not making a case for or against compulsory retirement across the board. I am instead making a case for compulsory retirement at age 60 as it relates to the category of persons mentioned in the Bill now before us. Mr. Speaker, it is said that in many instances the public sector's loss is the private sector's gain. In instances where we have scarce human resources as in the case of magistrates, why should one retire at the age of 60 when that is the time of maximum experience and knowledge?

Mr. Speaker, I am cognizant of the fact that a valid and solid argument could be made for compulsory retirement at age 60 within the context of the unemployment situation in Trinidad and Tobago. However, I submit that the unemployment data will reveal that this applies, in the majority of instances, in the area of unskilled workers. Here we are dealing with a professional and skilled individual whose expertise, in some instances, is rather scarce in Trinidad and Tobago. This being the case, it may be of benefit to the country to extend the tenure of employment in this regard.

Mr. Speaker: Hon. Members, the speaking time of the hon. Member for Point Fortin has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. R. L. Maharaj*]

Question put and agreed to.

Dr. The Hon. V. Lasse: I thank you, Mr. Speaker, and Members of this honourable House. Mr. Speaker, if we are not objective we would be adjudicating on selfishness versus good sense, principle versus logic and as legislators, we run the risk of being guilty of perpetuating the concept that law should not follow society, that law is cast in concrete and that we should allow our emotions to run away with our will instead of being logical.

Mr. Speaker, in order for us to obviate what some may consider as a myopic or retrograde concept of ourselves, I wish to appeal to Members on both sides to support this Bill which would clearly be a progressive step and a landmark piece of legislation.

Mr. Speaker, I thank you.

Mr. Martin Joseph (*St. Ann's East*): Mr. Speaker, I rise to participate in this debate on the Public Officials (Extension of Service) Bill, 1997 and as the two previous speakers on this side, to indicate the reasons why we on this side

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

cannot—notwithstanding all that we have heard so far from the three previous speakers on that side—support this piece of legislation.

Mr. Speaker, before I make my presentation, I am amazed at the hon. Member for Point Fortin and his position in terms of justifying the need for us to come here and approve the Government's legislation with respect to extending the term of the Commissioner of Police. As the Member indicated, his contribution was confined to the Commissioner of Police and it was also indicated that there were two fundamental reasons why a case for that was put forward. The Member said one was crime and later on in the contribution, talked about leadership.

7.15 p.m.

Mr. Speaker, it strikes me as being unfortunate for all other officers of the Police Service that the impression is clearly being given that this current Commissioner of Police single-handedly is responsible for the turn around of the crime situation in this country. I think it is most unfortunate to say the least. I support the contribution made by the hon. Member for Diego Martin East that it is unfortunate that the current Commissioner of Police has been placed in this untenable situation. I will develop that later in my contribution.

Mr. Speaker, in putting forward my reasons for supporting the other Members on this side for not supporting this legislation, I would refer to a major document which was laid in this honourable House—I cannot remember the date on which it was laid—titled *Towards A New Public Administration, A Policy Agenda For The Public Service of Trinidad and Tobago, A White Paper* dated May 1997. I am sorry I cannot remember the date on which it was laid, perhaps, some other Member might help me.

In my argument, I would refer to this Government's White Paper called *Towards a New Public Administration, A Policy Agenda for the Public Service of Trinidad and Tobago* and relate it to the Police Service, specifically, to indicate why my colleagues and I cannot support this Bill.

Mr. Speaker, I would start by quoting the second paragraph of a statement made by the hon. Prime Minister of the Republic of Trinidad and Tobago:

“Government also recognizes that the need to change and improve the Public Service is a global phenomenon, as world wide, governments grapple with the effects and impact of globalization. We here in Trinidad and Tobago are also quite clear that we must welcome and embrace change and all its implications for flexibility, adaptability, survivability, and sustainability, and that to do otherwise

would be at our peril. Therefore, as we approach a new millennium, the Public Service and indeed all our citizens must view a new Public Administration as a positive approach toward transforming our society to meet the challenges of the future.”

The hon. Minister of Public Administration and Information then said in the Preface to the document I mentioned earlier”:

“The development of a Policy Agenda for the Public Service of Trinidad and Tobago is a critical step in moving towards a vision of Trinidad and Tobago as a 'Total Quality Nation'.

The policy articulated in this document aims at focussing the philosophies and values of the public service towards a culture of service, accountability, professionalism and responsibility for meeting the challenges of the 21st Century.

The Policy Agenda through its vision, mission and policy guidelines signals to the nation, the Public Service and every public officer the need to embrace, vigorously, such values as professionalism, integrity, productivity, competence and quality service.

I therefore want to appeal to public officers individually and collectively to commit and to embrace the ideals of our Policy Agenda for a New Public Administration and to let it inform their decision making and actions and facilitate the building of bridges, collaboration and the maintenance of relationships within the society generally and the Public Service specifically.”

Mr. Speaker, the “Introduction” continues:

“4. The machinery and resources of the Public Service are a primary means by which Government will achieve its goal. Therefore, a strong partnership must be built between the Political Directorate and the Public Service for the execution of strategy. The partnership must seek to strive for collaboration and consensus; and it must have the capacity to include other key stakeholders such as the private sector, non-governmental organizations, the labour movement and the citizenry in supporting and strengthening strategies where necessary, to ensure successful outcomes.”

It continues at 6:

“The Government realizes that it has the responsibility to strengthen the Public Service, by reshaping and reorienting it for greater relevance and higher levels of efficiency, effectiveness and productivity.

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

7. The Public Service in turn has a responsibility to so manage itself, to ensure that the infrastructure, services and service delivery systems, the human resource and monitoring and regulating architecture are in place to support national competitiveness, national development and the sustainability of a strong and robust economy.
8. Clearly, for the Public Service to perform in a manner consistent with current and future expectations, and as we move closer to the new millennium, it must (sic) strategies for a new public administration.
9. Therefore, a strategic and ongoing dialogue is needed across all sectors and government agencies to foster:
 - linkages to Government's goals, vision and desired outcomes
 - linkages to Government's strategic directions
 - linkages to Internal and External Agencies
 - co-ordination of national priorities
 - co-ordination of budgets and all other resources.
10. The practice and successful engagement in such a dialogue will ensure aligned and well coordinated strategies, achievement of targeted results by all sectors and agencies, and feedback between and among key players.
11. For the New Public Administration there must be the kind of dialogue capable of creating powerful synergy at a sectoral/agency level and resulting in:
 - shared vision, real consultation
 - sharing proper allocation of resources
 - greater focus and alignment with respect to government's strategic direction
 - feedback loops that spur improvements in policy planning and execution."

Mr. Speaker, coming out of that, a vision for the public service has been articulated which states as follows:

“The Vision for the Public Service

A Re-created, Continuously Improving Service Organization, conducting its affairs purposefully and with the highest levels of professionalism and integrity. It is the ideal work place for all persons who choose it as their preferred place of employment.”

Mr Speaker, from that vision, a mission statement has been realized because a vision, as we know, is threefold: mission or purpose, reasons for existence, and shared values as to how that mission or purpose is going to be realized, and some image of the future. This is the mission of the public service:

“To ensure that Government’s priorities, policies, plans and programmes are operationalized and translated into direct services, for the benefit of the national community.”

Mr. Speaker, as I said earlier on, the whole question about this policy agenda for the public service of Trinidad and Tobago, shapes the policy agenda for the Police Service Association. The public service agenda informs various Government agencies and departments, so that the individual sector policies or strategic plans must in turn be informed by that greater policy agenda. It says some other things:

“66. Accordingly, the emergent and generic features of a New Public Administration must indicate and include:

- clarification of roles
- clear performance objectives
- professional non-political Public Service
- delegated responsibilities.”

Mr. Speaker, the Government is on record as talking about a professional non-political public service.

7.25 p.m.

It goes on. In terms of “Policy Guidelines and Framework, under which it is called, “Managing by Consensus, Principle and Values”, it identifies some 15 declared principles and values. I would only quote three:

- “11. Issues of transparency and accountability are serious imperatives and priorities.
12. The context and impact of reform activities, in particular, will always be considered thoroughly.
13. The Integrity and spirit of the Constitution are to be preserved.”

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

Let me repeat:

“13. The Integrity and spirit of the Constitution are to be preserved.”

It goes on:

“It is obvious that the capacity of the public service to achieve a new public administration is itself a priority goal. The following assumptions are relevant:”

I am just going to quote two. They identify five.

“1. The contributions of public officers themselves are highly valued.”

Let me repeat that:

“1. The contributions of public officers themselves are highly valued.”

When I come to the police service, in particular, I will develop on that. But there is a reason because I responded immediately to the Member for Point Fortin. The impression is clearly given that the current Police Commissioner, single-handedly, is responsible for all of the progress that is taking place in the police service today. I think he, himself, would be embarrassed, as we would see later on, with respect to some of the things they have done; in terms of the development of team; in terms of trust; in terms of leadership. We will develop all of that, all in keeping with this policy agenda as put out by this current Government.

The second assumption is:

“2. The Public Service is to be staffed with the right quantity of competent persons with the appropriate mix of skills, technical expertise and academic training. Public Service employees must have or must be encouraged to acquire a predisposition to change and to orient their actions towards quality and results.”

Continuing: “Role Definition”.

“Achievement of objectives and the development of the attendant organizational dynamics and environment will have meaning for the new public administration, once these results are premised on a few key principles of management and control to which leaders and managers subscribe. These are—

- Setting strategic direction.
- Providing clarity of purpose and objectives.
- Appropriate degree of freedom to manage.

- Acceptance of need for effective accountability.
- Provision of incentives and motivation.
- Transparency in conducting business.
- Performance Appraisal.
- Management of agreement and contracts.
- Delegation and devolution management.
- Effective two-way communication and adequate information flows.”

Then it talks about “Human Systems/Customer Orientation - *Internal and External Service Excellence*:

“The Public service must focus on building relationships among its employees, such that trust, helpful interaction, civility, mutual respect, concern for one another’s welfare and the recognition are hallmarks of the way people in the public service live, work and play.”

It goes on:

“The aim of this policy objective is the maintenance of an industrial relations climate that is conducive to high levels of productivity and good working and employment conditions.”

Hon. Member: Good document.

Mr. M. Joseph: Well, good document, but I hope that this is the document which would not encourage the type of behaviour that this Government is displaying. I am going to show how the Government says one thing; it puts out a document and clearly it does not believe in this document it has put out, because its actions are completely contrary to the very document. I will show you how.

Hon. Member: Hurry up!

Mr. M. Joseph: Hurry up? There were people whose contributions on the other side were completely irrelevant. They ask for relevance in terms of our discussion on this matter, well they are going to get relevance in terms of the discussions on this matter. [*Desk thumping*]

The final part that is referred to as, “Issues of Implementation” says:

“The new public administration requires greater alignment among government’s medium to long term objectives, its strategic vision, its strategic

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

key result areas and the operational activities of public service organizations. It is absolutely critical for the public service to reorient, refocus and reposition itself in order to achieve this alignment and remain relevant.

The public service in its quest for a new public administration, must create an environment in which change is considered to be a good thing. Change is to be seen as a superior and necessary way of life, an instrument for advancement and improvement.”

Finally, it says here:

“The public service leaders and managers must employ new and up to date managerial tools to assist specifically in change management. These include a variety of organization development interventions such as team building, human interaction skills training, Organizational Diagnosis, Restructuring, Re-engineering, Strategic Management/Planning, the learning organization techniques and other experiential learning activities. In this regard, the Ministry of Public Administration and Information can be called upon for advice and assistance in the development and execution of a programme of activities according to needs and diagnostic determinants.”

Having put on the record what I consider to be the macro policy agenda of the Government as it relates to public administration and this *Policy Agenda for the Public Service*, I want to move now specifically to the police service. I had indicated that, clearly what the Government had indicated in terms of this White Paper is a new approach for dealing with the public service in this turbulent age of change. It was quite clear that some of the specific things that must come out of a public service that must deal with change is, what can be referred to, as a diagnostic approach to the management of change. It requires that the public service, and as a result, its subsidiary organizations or agencies, must have a vision, a mission, some sense of values that indicate precisely how the vision of the public service, or in this case, the police service, is going to be realized. As I said, the vision identifies three sub areas: The mission or purpose—why the agency exists—the various values that the agency would be utilizing to ensure that that mission is realized and an image of the future of the particular organization.

In order for that to be realized, the organization must depend on what is referred to as the organizational culture. Some people define culture very simply by saying how the organization does what it does. Some define the culture as the way we do things around here.

A more sophisticated definition of the culture of an organization can be considered to be, what we call, the shared beliefs, values and attitudes that shape behaviour in the organization, because culture influences the pace and effectiveness of change in an organization.

The culture of the police service is a culture which has been shaped over the years. It is a culture, as some previous speakers indicate, that, like any other organizational culture, has its good and bad. But invariably, the culture of the police service is a culture that has served this nation well throughout its history. Especially in the times of crisis that this nation has faced, the police service has come out in flying colours.

7.35 p.m.

The two unfortunate circumstances through which this country saw the culture of the police in operation under crisis was in 1970 and 1990.

Mr. Speaker, that culture has developed a situation where over the last 35 years, 1962—1997, there were nine Commissioners of Police who had passed through the ranks. No previous administration has put any of those commissioners in this untenable situation that the current Commissioner of Police has been put, in that the Government has come here seeking to pass legislation to extend the appointment of the Commissioner of Police.

Mr. Speaker: Order, please!

Mr. M. Joseph: Mr. Speaker, all of the arguments we have heard put forward this evening in this honourable House to justify the extension of service of the Commissioner of Police have not impressed at all. [*Desk thumping*] The proposed extension flies in the face of all the attempts being made to ensure that modern management practices are allowed to operate in the organization for it to be able to put forward successors.

I have had the opportunity, as someone involved in human resource management in organizations, to look at the question of indispensability of individuals. I hate to say this, Mr. Speaker, and I say it with all deference, but heaven forbid, if the Commissioner of Police should drop down tomorrow, what is going to happen? Would all the progress made so far stop? What we have been hearing in this honourable House is that the Commissioner of Police is single-handedly responsible for all—[*Interruption*] That is the impression which was given. I am saying that all the arguments I have heard so far from the Members for

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

Couva North, Tobago East and Point Fortin are that this current Commissioner of Police is single-handedly responsible.

Did the Member for Couva North not hear the contribution of the Member for Point Fortin as he focussed on crime and leadership? The impression given in this honourable House is that the current Commissioner of Police is the only person capable of dealing with the crime situation, and he seems to be the only one who has the leadership capability. That is the argument we have heard so far, and I am saying it is unfair to the culture of the organization which has been in existence over a number of years, training commissioners of police who have been able to properly manage the affairs of the police service. [*Desk thumping*] That is all I am saying.

Again, I want to make sure that the record is clear that I am not attacking the Commissioner of Police because, indeed, he is an honourable man. Not only that, but the Commissioner of Police indicated that he was surprised by the move. I would quote from an article in the *Independent* dated Saturday, July 12, 1997 which says:

“The plan for a grand send-off for Mohammed had already been relayed to the Commissioner, who, earlier last month told the media, during a luncheon sponsored by the Chamber of Commerce, that he was ‘looking forward’ to his retirement.

Mohammed had denied knowledge of any plans to extend his tenure and said he was looking forward to spending some time with his family, adding that he was satisfied that he had done the best job possible as a policeman. Now, it seems, his family will have to wait.”

Mr. Speaker, I am saying that the Commissioner was ready to proceed on his leave and that he had done his job. I am pointing out that it is the Government of the day—I am trying to underscore the point—that I am blaming for bringing this legislation to extend the appointment of the Commissioner. The arguments that the Government has put forward so far to justify this extension, as far as I am concerned, have not had any merit. That is all I am saying. I do not want anyone to conclude that I am going after the Commissioner of Police. I am going after the Government because the Commissioner of Police was ready to go home. [*Desk thumping*] I do not buy the argument that there is no adequate successor in place to take over from the Commissioner of Police.

Mr. Speaker, the Member for Tobago East and the Member for Point Fortin came with certain expectations. They prejudged us in that they anticipated that we would use certain kinds of arguments. The Member for Tobago East said we would talk race from now until morning. I am saying that the arguments put forward so far, with respect to succession, do not hold any water because Members who spoke before me, especially the Members for Diego Martin East and San Fernando East, indicated that arrangements were put in place where at least two other persons have been exposed to training and have been adequately groomed so that there will be proper succession with respect to the police service. So to come otherwise is to put a damper on this positive culture of the police service that has developed over the years. That is the point I am making.

When one joins the police service it is with certain kinds of expectations, and it is amazing. They know that they are going to leave the service at a certain age.

Mr. Speaker, I do not like to become personal in my contributions in the Parliament as it is not my style, but I am constrained to talk about the current Minister of National Security. I am aware that when he was in another place holding rank, and attained the age of 55 years, he knew it was time for him to go. I understand attempts were made to provide for him to extend his time and he indicated, in no uncertain terms, that when he joined the service he knew he was going to be leaving at age 55 years. He was not going to allow political interference, or anything, to extend his time. I wonder whether the reason he did not pilot this piece of legislation is, perhaps, because there may be some conscience which allows him not to be part of the short-term manipulation that is taking place in terms of the police service.

7.45 p.m.

My colleague from Diego Martin East indicated that this is a clear violation of the Constitution. I am not a lawyer and my contribution will stick closely on the side of human resource management with which I am familiar.

It is quite clear that the framers of the Constitution were clear about the terms of the separation of these activities from the Government. Permit me to quote from another document which was laid in Parliament some time ago. It is a report on the Police Service Commission 1994, and I quote the foreword:

“Chapter 9 of the Constitution of the Republic of Trinidad and Tobago makes provision for the establishment of Service Commissions and in Sections 122 and 123 thereof, particularly for the Police Service Commission.

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

Like all Service Commissions the Police Service Commission is an independent and impartial body. It represents neither the employer nor the employee and is bound, by the oath (affirmation) taken by its Chairman and each member,..."

It is an independent, impartial body.

"Under Section 123 of the Constitution, the Police Service Commission is vested with power to appoint persons to hold or to act in an office established under the Police Service Act, 1965, including appointments on promotion and transfer and confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices."

The following extract of a despatch dated August 20, 1953, from the Secretary of the State for the Colonies gives an idea of the *raison d'etre* for the establishment of the Police Service Commission:-

'I need not elaborate the very special arguments for securing the independence of the police, who exist not to carry out the instructions of the Government of the day but to preserve the peace and enforce the law. Any departure from this fundamental principle must involve the risk of the 'police state.'

If the police are regarded as civil servants and placed under the Public Service Commission, any weakening of the independence of that body would automatically affect the police and it might well be impossible at that stage to make any special provision for the police. On the other hand, if the police are now excluded from the scope of the Public Service Commission and no other provision is made, they can no doubt for the present conveniently remain under the direct authority of the Governor. But if and when a constitutional change takes place which obliges the Governor to act upon ministerial advice, it may again be difficult if not impossible, at that stage to make special provision for the independence of the police.

The establishment, which I advised, of a separate Police Service Commission clearly will not provide an absolute safeguard against all contingencies. But it will at least prevent the position of the police being automatically compromised by political or constitutional developments affecting the civil service or the powers of the Governor.

The existence of the Commission will make it easier for advocates of constitutional change to leave the police alone if they recognise the advantage

of preserving the independence of the police, and it will make it more difficult for them to subvert that independence, if that is their real objective.”

Mr. Speaker, I must support the Member for Diego Martin East when he asked—the Constitution, the letter of it—what is the intent? The intent is to make sure that the Police Service Commission stays out of the direct interference of the political directorate. If, however, the political directorate believes that it wants to do otherwise, it is necessary since it is an altering of the Constitution that the appropriate majority necessary to do that be obtained.

PROCEDURAL MOTION

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, may I move that the House continue to sit until the conclusion of the debate on the Bill to provide for the extension of the service of certain officials.

Question put and agreed to.

PUBLIC OFFICIALS (EXTENSION OF SERVICE) BILL

Mr. M. Joseph: Mr. Speaker, in another report of the Public Service Commission for the period 1992—1994 which was laid in this House at page 2, it states:

“3.0 ROLE AND RESPONSIBILITY OF THE PUBLIC SERVICE COMMISSION

The Civil Service has always been non-political and is expected to provide reliable and impartial service to all governments regardless of the party forming the government. The concept of insulating the Public Service from political interference was an important ingredient in assuring this impartiality.

The role of the Service Commissions which is designed to ensure this impartiality of service is aptly described by Lord Diplock in the Endell Thomas Judgment thus:

‘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. In respect of these autonomous Commissions the Constitution contains provisions to secure their independence from both the executive and the legislature’.

I heard the Member for Tobago East talking about the executive and the legislature, that we could come and pass law, and do what we want.

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

“That of course does not mean that the Commission is not answerable for any acts it may perform in excess of its jurisdiction. Indeed in the exercise of its discretion, which is of a quasi-judicial nature, its members are required to do so in conformity with judicial principles of reasonableness.

The Commission has no power to lay down terms and conditions of service for public officers. This is for the Employer. The Chief Personnel Officer determines qualifications for appointment, hours of work, remuneration, vacation leave,... probationary periods... All of these are provided for in the respective Services Acts.”

Mr. Speaker, we have clearly indicated that it is against the spirit of the Constitution—that is why the Police Service Commission was established to take the career decision out of the hands of politicians.

The Bill states at section 62A it is being added to the Police Service Act, Chap. 15:01, to provide that the President may, in the national interest, extend the service of the officers of the First Division of the Police Service.

I agree with my colleague from Diego Martin East. It is not going to be the President. It is going to be the Cabinet or a Minister. Which Minister? The Minister of National Security, the Attorney General or the Cabinet that is going to advise the President on the year to year extension?

7.55 p.m.

This gives rise to the believe that because your continued appointment is now in the hands of the politician, there would be a tendency to ensure that the politician is satisfied. It would run against the putting into place of modern approaches of performance appraisal, the question of setting of standards and ensuring that they are adhered to. In typical current government style, the Government says one thing, but does something completely opposite. What the Government does is in no way consistent with the wider picture that they attempt to give us and the wider population.

What happens to the legitimate expectation of the other officers? The Member for Couva South argued in another capacity about the denial of legitimate expectations. This Bill will do just that whether we like it or not. I heard the Member for Point Fortin speak about the concern of the Commissioner of Police earning so many thousands and the Deputy Commissioner would not be. This is not the issue. He said the option is between national interest and the salary of the commissioner. It goes beyond that.

The heart of the concern on this side is that this attempts to take away the independence of the Police Service Commission and puts it squarely in the hands of the political directorate. From the beginning the intention of the framers of the Constitution was to avoid that happening. It is frightening because if we start with this, where would it end? We start taking away the responsibility of the Police Service Commission, then it would be the Public Service Commission and then the Teaching Service Commission. Once we open the flood gates and do it once, doing it another time would not be difficult. It would become easier and easier to do.

Contrary to what the Member for Tobago East expected, take note that I did not mention anything about race. I think that the Government is doing an excellent job by itself with that matter. They have started a time bomb and hopefully when it goes off they would—I am not talking about it.

Mr. Speaker: Hon. Members, the speaking time of the Member for St. Ann's East has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mrs. C. Robinson-Regis*]

Question put and agreed to.

Mr. M. Joseph: Thanks Mr. Speaker and Members on both sides. I would not be very long.

The Member for Diego Martin East quoted the scenario in Nazi Germany. Sometimes it is good to give stories because in real terms they underscore some situations which we may find otherwise difficult to treat with. I am concerned as a citizen of Trinidad and Tobago that we do not in expediency do things which would jeopardize the long-term viability and success of the country. I genuinely believe that every Member of this House has the interest of Trinidad and Tobago at heart. I do not doubt that. There are times when in the short-term we do not see the larger picture. Sometimes we see what is in front of us and act accordingly.

I would share a little story that I use sometimes in organizations to underscore some problems that they face. There is this story about some guys who went out into the Gulf in a boat. When they left they were very friendly. When they got out into the Gulf for some reason the relationship soured. It so happened by fate that a leak sprung at the front of the boat. The guys in the back of the boat started laughing and said, "Your part of the boat leaking." Think about that hon. Members of this House. As we conduct the affairs of this country, let us not make

Public Officials Bill
[MR. JOSEPH]

Tuesday, July 15, 1997

decisions which would make the boat of Trinidad and Tobago sink in the Gulf, at the end of the day.

Thank you.

The Minister of National Security (Sen. Brig. The Hon. Joseph Theodore): Mr. Speaker, I stand in support of this Bill entitled Public Officials (Extension of Service) Bill. I would use this opportunity to clear the air on how we came about the Bill in its present form.

As early as April 1997, the Police First Division was reported in the *Trinidad Guardian* dated Wednesday April 30, 1997 headlined, "Cops object to retirement at 63." This statement was made by the Secretary of the Association. It states:

"We have been advised that the intention of the amendment is to extend the working life of an officer who has attained the retirement age, by at least three years...

Several other top seniors are due to leave the Police Service shortly. Among them are Assistant Commissioners Clyde Bertrand and David Jack, Senior Supt. Mervyn Ghatt, Senior Supt. Russell Gomez, and Supt. Roderick Urquhart...

Several others are due to retire next year. If the amendment is passed, all these officers will be able to stay on for a further three years."

8.05 p.m

This article was repeated in part during the month of May, and it created much confusion about the intent of this amendment.

Another article appearing in the *Trinidad Express* of May 1, 1997 on page 7 states:

"The Ministry of the Attorney General has proposed an amendment to Police Service Commission regulation No. 47, to give the President the prerogative to extend the Commissioner's term in office by three years. Initially, the proposal applied to both senior and junior officers but was amended yesterday to stipulate the required extension applied only to the Commissioner.

Mohammed has been in office for the past ten months and is due to retire at age 60 on June 14."

These articles caused two problems: they gave the impression that the Commissioner's birthday was June 14, and also suggested that it was the

Government's intention to give the Commissioner three years. This has been translated into a feeling that a Commissioner of Police can remain in the service up to age 63.

According to the section dealing with the extension of service in the police service, section 62(A) states:

"Notwithstanding section 62 and any other written law, the President may, where he considers it in the national interest, extend the years of service of any of the officers referred to in the First Schedule..."

This means all the officers of the first division.

"...after he has reached the prescribed age of retirement, for a period of one year in the first instance and thereafter, subject to an annual review, for a maximum of two further periods of one year each."

Much of the arguments which were put forward today are hinged on this three-years for the Police Commissioner and the fact that the other police officers would be disadvantaged.

In the main, the complaint made by the first division was not one that they had any objection to the Commissioner, or the amendment, the main complaint centred around their being not fully aware of what they felt was going on.

For example a letter dated April 29, 1997 from the Trinidad and Tobago Police Service, First Division Association, out of which the article probably came. This letter is addressed to the Hon. Basdeo Panday, the Prime Minister. It says in part:

"Further it has been advised that the intention of the amendment is to extend the working life of an officer who has attained the retirement age of 60 by at least three years."

For some reason this "three-year" thing has taken hold and the big objection is that persons who are junior to anyone who is given an extension, would have to wait three years before he can succeed.

Responding to this letter, the Prime Minister met with members of the First Division Association, this meeting took place on June 4, 1997 and the very points contained in the correspondence were raised at the meeting whereby the officers claimed that they were hearing that some amendment was intended. I was present at the meeting and while the first division officers accepted that the Prime Minister's response intended to tell them that they were talking about something

Public Officials Bill
[SEN. BRIG. THE HON. J. THEODORE]

Tuesday, July 15, 1997

that had not yet taken place, they were premature with their concerns and he gave them the assurance that should the time come and there is the matter of an extension of any kind, their opinion would be sought.

It was not until another newspaper article in the *Newsday* on July 8, said in part:

"Supt. Trevor Paul said yesterday that at the last meeting with the Prime Minister on a proposed three-year extension for Commissioner Mohammed, they were assured that the matter of an extension, was only an idea in the air and the matter would be laid to rest."

Again, this was never intended, and the Prime Minister never suggested that "the matter would be laid to rest." What he indicated, was that, should the matter be raised, it would have to go to Cabinet. No matter was before Cabinet. He indicated at that time that even I, as the Minister, was not aware because the idea had not been formed as to where it would go.

This very point has led to concerns being perpetuated over time because the articles were repeated in most cases, without the first division making any further statements. The whole idea was perpetuated about the age 63, and the matter of the date of retirement was introduced as being June 14.

Nothing further occurred until July 2, when the first division officers were summoned to a meeting. By this time, there was a draft in place indicating a desire to amend the regulations to allow officers of the first division to serve beyond their mandatory retirement age. Other meetings followed, there was another meeting on July 9, and one on July 10.

I will deal with the meeting of July 2 which was designed to fulfil the promise made by the hon. Prime Minister that this matter would be put before the members of the first division for their opinion. I was present at that meeting and it was explained to them that Government was thinking about amending the regulation to permit the President to grant an extension to members of the first division up to a period of three years.

Their main problem was that they were just hearing about it and would have liked to have some time to think about it before giving us their views. There were certainly no objections to the concept of the law being amended and the amendment catering for the extension.

8.15 p.m.

There are two sides to the coin and what the extension does, Mr. Speaker, is it gives the President a discretion, whether or not, depending on the circumstances, to extend the service of an officer of the first division reaching the age of 60 by one year in the first instance.

The Member for St. Ann's East mentioned that—

Mr. Valley: Could the Member give way? On a point of clarification, is it correct when the term “the President” is used in that context it means, in law, “the Cabinet”?

Sen. Brig. The Hon. J. Theodore: Yes, that is how I understand it. As I was saying, Mr. Speaker, the Member for St. Ann's East made a case that the present Commissioner—although Members on the other side are saying that they are dealing with principles, they are not dealing with personalities, somehow or the other the name Mr. Mohammed creeps into the dialogue—was being put in a very untenable situation because this amendment would, somehow or the other, force him to stay in office for one more year.

I do not see it that way, because as the hon. Member pointed out, when my time came to retire the option was there but the decision was mine. The point I am making is that what we have to be careful about is that this amendment is not saying that anybody is being made to do anything that they have the will to do otherwise.

Mr. Speaker: Hon. Members, the sitting is suspended for 45 minutes for dinner. Dinner will be served immediately.

8.18 p.m.: *Sitting suspended.*

9.03 p.m.: *Sitting resumed.*

Sen. Brig. The Hon. J. Theodore: Mr. Speaker, I was asking that we look at the other scenario with respect to this extension of service. For example, when a Commissioner of Police is approaching the age of 60, for some reason or the other, the persons who were identified to succeed him become unavailable, one would be faced with the prospect of, maybe, having to go too far down the line to get another Commissioner. I could see instances such as these being dealt with by the amendments we are looking at here this evening.

One of the arguments raised against the extended service of one year in the first instance is that, assuming that somebody is age 57 and in the next position, the

Public Officials Bill
[SEN. BRIG. THE HON. J. THEODORE]

Tuesday, July 15, 1997

assumption is still being made that the Commissioner would stay until age 63—and the argument put forward—therefore, that person would then become 60 and perhaps may have to leave even before the Commissioner and not get an opportunity to succeed him. This amendment deals with the entire first division.

Again, I would like to put to rest the feeling that every first division officer, on reaching age 60, would be kept on for a year in the first instance; two years and then three years and so forth. So the entire first division, from what people are saying, would be remaining until the age of 63. This was never the intention, Mr. Speaker. It is a discretionary power that the President holds to determine the circumstances under which such an extension would be offered. I do not see it as an extension that one can simply apply for and say, “I am, approaching 60 and I think I would like to stay another year. How about giving me a year and I would stay until the age of 61? That is not how it works.

The discretionary power is most critical in this whole exercise. Tied in with the discretionary power, it was mentioned that the positions would be subject to an annual review. It may have been mentioned by the Member for St. Ann’s East that in the public service reform, this whole issue of performance appraisal is inherent in the changing public service that we are looking at. I do not think this is anything that would be peculiar to the police service. It is a practice that has been instituted and it also ties in with the promotional opportunities that officers and other ranks receive, which are based on their performance appraisal.

I would like to get back to the meetings that were held with the First Division Association. I said that a meeting was held on July 02, 1997 where their views were sought and they did indicate that they needed some time to consult. A week later on July 09, 1997 we met again with the First Division and we were able to get their reaction. In the main, their concerns were that there would be an effect on the morale of the service and there is the question of motivation. Mr. Speaker, I am reading from my notes that I took from that meeting which I attended, and with your leave, I should like to refer to them. With respect to the meeting on July 09, the earlier concerns about age 63, the apparent automatic nature of the extension and so forth, were somewhat alleviated. The concern that still remained was one of people having told them that they knew about the amendments. Under any circumstances, when other people are busy carrying news and trying to show up other associations, it does lead to some uneasiness and confusion. They were successful and this is exactly what happened. They became concerned that somehow they were not party to this draft that they saw in the newspapers, existed.

They also suggested that it would be useful if we could tell them exactly what the amendment would look like. I must confess that when they received an answer from the Attorney General that he was not in a position to do so, it was because we had nothing to offer. We knew that an amendment was in the making and if any of us had attempted to suggest what we thought the amendment should look like or suggest anything that we thought would come out as the amendment stands today, we would have been mistaken and we might have further confused the issue by giving them information which they may have interpreted as being deliberately fed to them to mislead them. So we declined to state exactly how the amendment would read.

9.10 p.m.

You appreciate, Mr. Speaker, this was Wednesday, July 9; last Wednesday. Cabinet met on Thursday, July 10. This amendment came about after this meeting with the First Division. The sequence of events shows where, as far as possible, their opinions were sought, and I can assure this honourable House that a number of the comments they made, and a number of the concerns they expressed, were taken into account in arriving at the amendments we have before us.

On the following day, July 10, after Cabinet, I met with the First Division. I also met with Deputy Commissioner, Hilton Guy, and told him what decision Cabinet had made with respect to this amendment being laid in Parliament last Friday. Mr. Guy, quite obviously, was somewhat disappointed, but I must say he is a professional officer. He understood the circumstances; he understood what was intended, and I can give this honourable House the assurance that there will be no negative reaction of any sorts. Mr. Guy has assured me that he will be continuing in the service and will give his full support to the Commissioner—whoever that may be—should it be that the Commissioner continues to be Mr. Mohammed.

I wish to point out, Mr. Speaker, that while one of the beneficiaries of this amendment may be Mr. Mohammed, I cannot stand here and say that I know that Mr. Mohammed will be the Commissioner for one more year. Obviously, he should have some say in it and, as I was saying to the Member for St. Ann's East, the amendment is not designed to shackle anybody and stop them from taking their retirement. In fact, I should like to repeat a statement read by the Member for St. Ann's East from *The Independent* of Saturday, July 12, where the Member said:

“Mohammed had denied any knowledge of any plans to extend his tenure and said he was looking forward to spending some time with his family, adding that he was satisfied that he had done the best job possible as a policeman.”

Public Officials Bill
[SEN. BRIG. THE HON. J. THEODORE]

Tuesday, July 15, 1997

I have no problem with this, because if the gentleman has an option and he does not wish to accept it, no one can make him take it. I am a case in point, as you mentioned earlier.

Mr. Joseph: Just a point of clarification. Thank you for giving way. In his entire contribution, the Member for Point Fortin talked about the contribution of the Commissioner, and justified this Bill with respect to the Commissioner. He clearly set the relationship between this extension and the Commissioner.

Sen. Brig. The Hon. J. Theodore: I fully accept that. The Member for Point Fortin was quite correct. The present Commissioner made a tremendous contribution. He introduced several measures that are worthwhile. It would be useful if we can retain his services and continue the trend that is being developed.

The point I want to make to condition what has been said, is that it is not for the Government to say to somebody he has to serve beyond his retirement age. This is the point I am making, Mr. Speaker. If the gentleman decides to take the option to stay home with his family, it is his right and privilege to do so. As I was saying earlier, as the Member for St. Ann's East mentioned, I am a case in point. I knew when my retirement was approaching and I was given the option. It suited me because I had plans to leave at the time, but this does not say that the Government would have attempted to make me stay.

Perhaps I can refer to the Defence Act where the conditions exist. I am quoting from the Defence (Pensions, Terminal and Other Grants (Amendment) Regulations, 1976. It says:

“an officer who is a brigadier may be permitted by the President to continue his colour service for such period not exceeding five years as the President in his discretion may determine;”

It goes on further:

“...providing, however that in exceptional circumstances such officer may be further permitted by the President to continue his colour service for a period not exceeding six months at any one time and not exceeding in the aggregate two years;”

So, there are two periods that a Brigadier can stay on for—from 55 to 60, and from 60 to 62.

Since the point was brought up about the praises heaped on the present Commissioner, I should like to read an extract from the *Trinidad Guardian* of

today, Tuesday, July 15, 1997 on the editorial page. I take it that the opinion expressed here is shared by many of our citizens:

“Let us begin by supporting the consensus that Kenny 'Noor' Mohammed has, in the year since he assumed office, proven to be an excellent Police Commissioner. The country has seen a marked improvement in the Police Service over that period, as evidenced by the increased mobility and visibility of law enforcement officers and the introduction of Community Policing which has increased the sense of safety among the residents of several districts.”

Just on an aside, Mr. Speaker, the matter of community policing. This was “pooh poohed” earlier by the Leader of the Opposition, the Member for San Fernando East, who suggested that community policing did not originate with this administration. That is correct. I perhaps should say that the term “community policing” did not originate with this administration.

What the PNM administration did in 1994, when complaints were received about the level of crime, particularly in residential areas—these motor cycles—I heard the Member call them trail bikes; they are also known as dirt bikes—are little motor cycles which the regular police refused to ride. After they were bought, a number of SRPs were hurriedly called in, put into uniform, and put to ride these motor cycles. Unfortunately, while the concept was good and the idea was sound, a true community policing section never really developed.

What happened is that these motor-cyclists rode around the country-side. There is no evidence that they made any contact with the community; that they were, in any way, related to community organizations, or that they—*[Interruption]* Mr. Speaker, I thank the hon. Member for Diego Martin East who says that they passed.

9.20 p.m.

When they stopped passing is, perhaps, when one would see them refreshing themselves at some parlour or shop. They had to have lunch, Mr. Speaker, I am not trying to denigrate them. They stopped for lunch, they had to have a soft drink, I am not suggesting that they did not work. What I am suggesting is that they rode around and the true community idea never developed. There was a lack of time, supervision, training and there was no structure. What also happened under the rubric of community policing is that in response to complaints from certain neighbourhoods police were put to patrol on foot for a limited time. By the time we got into office they were certainly no longer on the beat.

For what it is worth, it was during last year that community policing was developed as a section of the police service. These community police are trained in community policing, they liaise with the councils and they are based at the various police districts throughout Trinidad and Tobago. So it is not just a few police who ride around on bikes. What we have done is to incorporate the bikes and the police—perhaps I should say the bikes that are working and the policemen who are still SRPs—into a broader community service section. So I am not saying that there was not an idea to have a community service, but it is not as though the community service that is here today started in the time of the former administration.

Mr. Speaker, coming back to the meeting of the 10th, I met with the Deputy Commissioner and I wish to congratulate his professionalism. He will be staying on and he will be definitely continuing to serve this country in the very professional manner in which he has done so far. I spoke also with the members of the First Division and, to put it rather simply, I was able at that time when I spoke to them on the 10th to show them the draft bill that had been approved by Cabinet. They were satisfied and they understood what it meant. They understood the concept and I think I can safely say that they accepted what was being done, seeing that it was a provision which was to be decided upon and it gave a discretion to the President as to who to keep, when and for how many periods of one year each.

It is interesting to note, since last Thursday, except for articles repeating what earlier articles had suggested, that the first division was against this entire amendment. Except for these articles which were repeating old news, there have been no new articles from the first division suggesting that they in any way are in opposition to what the Government is attempting to do for the police service. I know that the first division supports the decision taken by the deputy to stay on and it would be very awkward to be supporting the deputy in his acceptance of the amendment and then on the other hand seeking to complain.

The main complaint centred around what I think they can term lack of involvement, lack of consultation from an earlier time. I would say, maybe April 29, when they wrote the letter and an article appeared the next day in the newspapers suggesting that the first division objected to the Commissioner being retained until age 63. The first division, to sum it up, said to me that had they been told two months ago what they found out last Thursday there would have been no problems. I accept that because, putting myself in their position, it was awkward for us to say to them: "We really cannot tell you anything because what we are going to tell you may be misleading because the draft is still fluid and the matter is

still being addressed". As I said, their comments made on July 9, played a considerable part in this final version we have now.

I should like to touch briefly on the matter of the age. It was suggested that the Commissioner's birthday was on June 14. It is very unfortunate that this came up because many suggestions are being made against the good gentleman that he may, in fact, not really have been born on July 19, that his birthday may not really be in July, but that somewhere along the line he was able to find a way to change his birthday from June 14 to July 19. It is very sad that when things like this are suggested people take it on the surface value and are unprepared to accept that the official records in the Ministry of National Security show Commissioner Noor Kenny Mohammed's birthday as being July 19.

I shall read briefly an extract from a note to Cabinet in January of this year where I requested that the officer be allowed to work through his leave. In that note it says:

"The Minister of National Security proposes that Mr. Mohammed be permitted to remain on duty until July 19, 1996, that is the date prior to his compulsory retirement from the police service."

So I trust we can set the record straight that the officer's birthday is, according to official records, July 19. Again, it is still being suggested that other people are more aware of one's birthday than one is. It seems that more people around Trinidad and Tobago know when the man was born than he himself. It is a pity, but since we have many experts—

Mr. Speaker, it has also been suggested that the Deputy Commissioner would be denied his legitimate expectation. Now, while I acknowledge that he will be denied his legitimate expectation, I feel that is something that the officer himself may wish to articulate and discuss with the Ministry. I had planned to indicate what I had intended, but I think I had better not as it may be better appreciated at some other time in some other place.

9.30 p.m.

In effect, Mr. Speaker, I have dealt with the meetings, the birthday and the purpose of this amendment.

Mr. Hinds: What is it?

Sen. Brig The Hon. J. Theodore: There is one item I would comment on, it was raised by the Member for Diego Martin East and again, I believe, by the

Public Officials Bill
[SEN. BRIG. THE HON. J. THEODORE]

Tuesday, July 15, 1997

Member for Ann's East. It has to do with the part that talks about, "subject to an annual review". The question was quite rightly raised as to who would be doing this annual review.

As the Minister of National Security I would be very reluctant to have to do such a review. I would certainly look into putting some mechanism in place so that the politicians would be separated from this exercise. It may be done by a committee of some sort, made up of distinguished people of integrity. I would not go into the method of selection, I would be discussing it with the Attorney General. It is important to all of us. If that is how it works out, I am not in a position to say at this point which way we will go. I am acknowledging that there will be a degree of independence existing among those persons who do the review. The recommendations would be put forward and then they will go to Cabinet. I acknowledge that it is something necessary. I do not know the mechanics of it but in replying to the comments made by the hon. Members, I thought it only fair that I not attempt to bypass this thing as though it was not important.

Basically, I am in support of the Bill and I trust that the sequence of events that I have reiterated has been able to clear the air on certain—

Mr. Hinds: Please forgive me hon. Minister, I may have been out of the Chamber, but for the benefit of the debate and my own, could you say crisply, what is the purpose of this Bill?

Sen. Brig The Hon. J. Theodore: Unlike yourself, Member for Laventille East/Morvant, I was here when the hon. Prime Minister stated the purpose of the Bill.

Mr. Hinds: I thought you said that you had highlighted the purpose.

Sen. Brig The Hon. J. Theodore: I beg your pardon. If I said that, it was my error. I had highlighted the contents. The point I am making is that I was able to state to the Police First Division what the Bill contains. My apologies, I did not do it intentionally, it was the contents of the Bill. Thank you very much for your observation.

Having gone through the Bill and the sequence of events, Mr. Speaker, I trust I have been able to clear up certain misconceptions that may have arisen because of articles and comments by certain people. I am looking forward to this debate reaching a conclusion this evening whereby we can all agree on the format and how one can proceed to implement this Bill which is designed to facilitate the

police service in this instance and give the President the discretion to extend the service of the those officers who have reached the retirement age and whose continued service may be required.

Thank you, Mr. Speaker.

Mr. Kenneth Valley (*Diego Martin Central*): Mr. Speaker, I join my colleagues on this side in opposition to this legislation.

I thank the hon. Minister of National Security for his intervention because until he intervened I had some information that was quite different from what he has just provided. This morning someone called my home and provided this information. The person said that they lied with respect to the birth date of the Commissioner and that I should demand to see his passport which shows that he was born in June and not July. I have not seen the gentlemen's passport but I am very pleased that the Minister of National Security was able to clarify that, in fact, he knows he was born on July 19.

Brig. Theodore: Mr. Speaker, I would prefer if the hon. Member would be more accurate in stating what I am alleged to have said. I never said that I knew his birth date. I said that according to the official record and a note I sent to Cabinet, his birth date is recorded as July 19.

Mr. K. Valley: Now, it is becoming rather interesting, because I thought I understood what the Minister said but now I am hearing that he sent a note to Cabinet, according to the official record, without checking, in fact, to determine whether that date was correct. Having regard to the fact that another date is being bandied about, one would have thought that, at least, he would have checked. This really caused me some concern because given the urgency with which the Government is addressing this legislation, it appeared to the uninitiated that perhaps somebody may have been very instructive in getting a birth date of July 19.

Personally, I am glad that the Minister was able to clarify this to some extent. I would not want to see the Commissioner's passport, other persons may want to, but not me. Because in my very short dealings with the Commissioner, I believe that he is an honourable gentleman. I have had interaction with him on one or two occasions and always found him to be very pleasant and professional. Thus, as far as I am concerned, this Bill before the House has nothing to do with the incumbent Noor or Kenny Mohammed. For that matter it does not have anything to do with Mr. Hilton Guy, the Deputy Commissioner. But it has everything to do with our system of Government.

Public Officials Bill
[MR. VALLEY]

Tuesday, July 15, 1997

There needs to be some level of certainty under the law and certain expectations. If a government were to be changing those expectations without good reason, then there would be anxiety in the population. The situation is compounded when there appears to be no obvious or logical reason.

Mr. Speaker, the Minister informed us about some happenings and attempted to provide certain information with respect to the various meetings and so forth. I would like, with your leave, to put a communication that I have received from the first division officers, with respect to this matter. The Minister told this House that as of last Thursday, the first division officers became extremely comfortable after the explanations. Last Thursday was July 10.

9.40 p.m.

Mr. Speaker, I have a communication dated July 10, 1997. I can only assume it was written before the meeting with the Minister of National Security. It is from the Police First Division. Mr. Speaker, with your leave I would like to put this in the record.

“1997 July 10

Dear Sir/Madam,

You may have read in the press or follow through the electronic media our plight in the matter of a proper selection of a Commissioner of Police arising out of the retirement of the incumbent Commissioner of Police who must demit office by 20.7.97. Our Association became aware of the intention to extend the tenure of the incumbent Commissioner of Police through little whispers, that proposal was being made to the junior officers (Second Division Officers) and that drafts were being done to amend the law pertaining to the retirement age of the Commissioner of Police.

We investigated the matter and interviewed the Attorney General who said he knew nothing about it. He explained however that matters concerning law reform would come to his office or his Ministry. He said he was aware that some suggestion was in the air about officials at the Ministry of Education, Ministry of Health and probably our department concerning the age of retirement. He disclaimed any knowledge of a proposal or policy to extend the tenure of the Commissioner of Police. He gave the assurance that there was no such decision or no such act being pursued to the best of his knowledge. He asked however whether the government does not have the right to use the

services of people who are retired. We told him yes, we believe they do and that there is a procedure for it. We left his office and later sought audience with the Prime Minister on the matter.

The Prime Minister informed us that was an idea up in the air. There was no policy, no proposal in cabinet discussion on the matter, hence the reason why our Minister and other Ministers would not have known anything about it. He said that there was no such proposal being considered and that in making of decisions in matters of such the like, there would be meaningful consultation.

Finally, we met with the Service Commission and we were advised through the Chairman, MR. LALLA that they had no such proposal, that they had made no efforts to amend their regulations and that such information should be thrown in the trash can.

Having spoken to all the members who must have some knowledge of any existing proposal and who denied any existence of same we were satisfied that the Government was not pursuing any such policy. We informed our members accordingly and we made releases through the press and electronic media informing the population that the information was just a rumour.

In the weeks that followed we noted what appeared to be a very innocent act, the Commissioner of Police submitting an amendment to his Birth Certificate. We noted as well the reported comments of the Police Service Commission that such incidents are quite normal.

History has shown that what appears to be a simple act (tendering of a new Birth Certificate) was followed shortly after by a proposal from the Government to extend the tenure of office of the Commissioner of Police—
NOOR MOHAMMED.

Such a proposal sent shock waves through the service and created great confusion especially among First Division Officers (the leadership of the service). Our association sought to get from the government and speak through the voices of Minister WADE MARK and Minister RAMESH MAHARAJ, the reasons for such a dramatic shift from the laid down selection proposal. The procedure as existed required the Police Service Commission to identify and recommend suitable candidates to the Prime Minister and to take into account any refusal by the Prime Minister in considering appointment.

Our enquiry showed that the Service Commission recommended Deputy Commissioner, HILTON GUY as the suitable candidate to replace KENNY MOHAMMED...”

We should note that. I would want to repeat that. I repeat:

“Our enquiry showed that the Service Commission recommended Deputy Commissioner, HILTON GUY as the suitable candidate to replace KENNY MOHAMMED, and that the Minister of National Security endorsed that recommendation. We also found that the said KENNY MOHAMMED recommended Deputy Commissioner HILTON GUY as his successor. We found evidence as well in an affidavit in the matter of RODWELL MURRAY v Service Commission in which the Service Commission swore on oath that they had by passed RODWELL MURRAY, because they were satisfied that GUY was trained to succeed the Commissioner of Police on retirement.

The judge in his comments endorsed the Service Commission's decision on succession planning. We also found that the Minister of National Security, MR. J. THEODORE, commented in an interview with the press (NEWSDAY on 10.11.96) and endorsed MR. GUY as a person trained and ready to take over the job of Commissioner of Police.

We are satisfied that the procedure to select and full the post of Commissioner of Police as laid down in the existing law was followed and cannot understand why the powers that be are seeking to invent a new procedure. As a result we asked the Attorney General, the Minister of Public Administration, MR. WADE MARK and others for reasons to justify the government's hasty proposal to keep MR. MOHAMMED in office. They said that they were unable to give reasons, because such reasons are the prerogative of Cabinet and that they were not at liberty to discuss.”

We have power:

“On 9.7.97 we reminded MR. MARK in a meeting in which MR. RAMESH MAHARAJ and MR. THEODORE were present that he had given an earlier indication to submit proposals to us in writing, so that we would not be misapprehensive about what the Government was proposing. MR MAHARAJ indicated that he was unable to give a written proposal and MR MAHARAJ offered to dictate a proposal to us if we were writing it down.

We acted in good faith and wrote down the proposal that MR. RAMESH MAHARAJ dictated. He said that the government wishes to extend the Commissioner of Police tenure office period not exceeding three (3) years in the nation's interest. MR MARK asked for our response to that proposal and we informed him that we needed a reason for such a dramatic proposal, so that we cannot advise our members...”

They have “cannot” here; it should be “can”.

“...so that we can advise our members and seek a mandate.

MR. RAMESH MAHARAJ said that he did not know the reasons behind the proposal, that he was only concerned with the legal and policy aspects of the proposal, and he invited his colleague MR. MARK to deal with the facts, (the reasons). MR. MARK gave none and seemed unable to do so.

We were told that cabinet was sitting the following day 10.07.97, and that we should submit our reasons in writing before the commencement of such meeting.

Given the magnitude of such a matter, we were not able to make a counter proposal in time for that cabinet meeting and we wrote MR. MARK accordingly asking him for an extension of time. (See copy of letter attached).”

I will refer to that afterwards or, perhaps, I should do that now.

9.50 p.m.

Mr. Speaker, I have a letter here from the Secretary of the Trinidad and Tobago Police First Division Officers’ Association dated July 10, 1997 which is addressed to Minister Wade Mark. It reads:

“Dear Sir,

In response to your request for a counter proposal, our Executive has met and conferred in respect of your intention to take to Cabinet the proposal, as dictated by the Attorney General, Mr. Ramesh L. Maharaj, 'to extend for a period of up to three (3) years, the term of office of the Commissioner of Police, in the National Interest'.

However, preparing our proposals must include consideration of why you want to change the system and the likely consequences of such change on our terms and conditions of employment.

To do that would involve taking more reasons to our members along with advice from our legal representative, our Industrial Relations Consultant and actuarial data on our terminal benefits.

We are still hoping that you would be mindful to consider that a period up to 16th July, 1997, is a reasonable one for a counter proposal of this kind, given the magnitude of the matter.

Public Officials Bill
[MR. VALLEY]

Tuesday, July 15, 1997

Finally we are requesting again that you seek from Cabinet the reasons for this proposal.”

Mr. Speaker, another document states:

"We were to know as well why we were called by three (3) senior cabinet ministers which included a senior member of the bar the Attorney General and as explained before we were told of the government's intention. We pointed out to them that we found it difficult to negotiate with three (3) senior cabinet members who seemed intent on executing cabinet's intention.

The Attorney General informed us that he was not negotiating nothing, that he was merely meeting with us about a policy that the cabinet wanted to implement. We told him that the composition of the audience was wrong, and that since the matter involved serious implications for our retirement and conditions of employment, example, loss of promotion, loss of income, loss of pension and gratuity benefits, we felt that such matters should be negotiated, and that the Chief Personnel Officer should be a party in this discussion. The Attorney General said no and we just felt defenseless in that whole scenario.

We feel that the intention in this matter is bad for National Security because:- (1) It is dividing the service; (2) The fact that they have given no reasons for their actions seems unilateral; (3) Their proposal to over-ride existing laws and conditions for the filling of the post of Commissioner of Police is unreasonable and unjust; (4) That a denial of the Deputy Commissioner HILTON GUY of the opportunity to be Commissioner of Police—he having been duly trained, selected and proposed by the Service Commission is a breach of his constitutional right; (5) Also a breach of natural justice in that no reason is being given; (6) And that cabinet should be more discreet in dealing with such sensitive matters.

We are requesting all the assistance that you can give in this matter should it come before parliament."

That is the communication I have from the Trinidad and Tobago Police First Division Officers' Association.

Mr. Speaker, having read that, I attempted to talk with some of my colleagues on the other side asking that they reconsider this action. I also asked why they are doing this. Here is an individual, recommended by the Public Service Commission, and endorsed by the hon. Minister of National Security and you are, at this time, throwing buckets of cold water on him.

This afternoon, the hon. Member for Tobago East got up and spoke about the attempted coup of 1990. I must tell you, Mr. Speaker, that last week when I heard of this matter, Psalm 37 verse 10 came to my mind. I then reflected that the only other time that Psalm came to my mind was one week before. I was the Chairman of the Port of Spain South constituency and the week before the attempted coup we opened our Woodbrook office. We had done the agenda and at the back of the programme there was that quote from Psalm 37 verse 10:

“For yet a little while, and the wicked shall not be; yea, thou shalt diligently consider his place, and it shall not be.”

Mr. Speaker, since last week I have been getting that uneasy feeling. If the Member for Tobago East understood that there is a natural law that if “A” is done “B” is going to follow; if “B” is done “C” is going to follow, he would understand that we had a coup here in 1990 because the then government was running roughshod on the people. [*Desk thumping*] One must understand that when leaders in government, or any leader, fail to abide by the laws, customs or norms of society—[*Interruption*]

Mr. Speaker: Hon. Members, I ask you please, hold your peace; hold your fire until such time that you have an opportunity to fire your shots.

Mr. K. Valley: Mr. Speaker, the point I am making is that there is an obligation on leadership that if there is a certain system they are expected to be upholders of that system and to guard that system jealously. When we come into Parliament after an election, we are asked to take an oath of office and we ought to have done so quite seriously. When one is appointed as a minister, one is asked to take an oath of office. One has to understand that one cannot take an oath of office and then do anything one likes because there are persons on the margin—because of the anxiety that they feel—who would feel the need to protect themselves and do certain things. We have to understand that leadership implies certain obligations.

This Government has brought this legislation and has given no reason. We have been debating this legislation since 1.30 p.m. and no reason has been advanced, up to this time, for this legislation.

10.00 p.m.

A Member claimed that it is not about race. I say, fine, tell me what it is. They tell me it is national security. But if it is about national security, here we have an individual who was endorsed by the Minister of National Security. It was not done

Public Officials Bill
[MR. VALLEY]

Tuesday, July 15, 1997

only now. Since November 10 last year the Minister of National Security endorsed this individual. Then what is the problem? So obviously it cannot be national security. It is not race; it is not national security, what is it? Is it “vaps”? A government cannot operate by “vaps”. We have a system of government in this country. The Leader of the Opposition made the point earlier today that since the Independence Constitution of 1962 there is that clear system of Service Commissions, making the point quite clearly that we need to protect the public service from ministerial interference.

So there is that concept of an independent Public Service Commission to see about appointments, promotions, transfers, discipline, and that is what we have in Trinidad and Tobago. What is the basis of this legislation? Given the facts of this letter; given that the procedure has been followed, why are we here at 10.00 p.m. today debating this legislation?

Just to return quickly. Even if there is some overriding issue of national security, of which the Minister of National Security at the time when he endorsed Mr. Hilton Guy, was unaware, and if it were extremely critical that we have this extension, then I submit that, having due respect for our Constitution, our laws, our norms, our society, that the Prime Minister would have wanted to take the Leader of the Opposition into his confidence and discuss this legislation with him. But there has been no such consultation. We have been hearing about this on the streets. There is no reason advanced by anyone.

I have noticed the front bench of the UNC have not spoken on this as yet. They have not supported the Prime Minister. Not one Member of the UNC has spoken on this as yet—not one! So I do not know whether the Prime Minister stands alone. I am sure his side-kick would want to enter the debate at some time, because they are in cahoots. They know what they are doing. I do not know how many other Members of the Cabinet support this thing, but they are obviously in cahoots. I want to see this evening how many Members of the UNC would be standing up to support this legislation. I want to see the moral fibre of those on the other side! I want to see that.

You know, we come to the House and we get this piece of legislation, and the legislation is clothed to suggest that it is about general application to all members of the first division; that it is going to apply to magistrates, and so forth. But what is the reality? The reality is that the intent of the legislation is to favour one, or perhaps two, incumbents. When one takes the facts that here we are, approaching one incumbent’s retirement date and there is this special sitting of the Parliament,

sitting on a day that is normally reserved for the Upper House; the Upper House sitting on Thursday, in a rush, as it were, to meet a deadline, one sees clearly their intent.

So although there is the attempt to mask the Bill to say it applies to all first division officers and all that chat, it does not hold water. Their actions betray them, that it is for a particular purpose. If they would take us into their confidence and give us the real reason, perhaps there is a logical explanation. All that we are asking, as reasonable men, share it with us and, perhaps, we, too, will say, all right.

Earlier today in the opening contribution of the Prime Minister, he was making the point that the executive must govern; they are elected to govern. Just to go off on a tangent a bit, that concept is coming through clearly from the Government. I was looking at the Member for Nariva one evening on television in an interview and he was saying, “When we came into power—I mean, I mean, I mean, in office.” The giveaway! Because you see, the Government’s orientation is that, “we are in power”. They do not see that, look, in Government, it is a concept of service to the people; that they have to deal within certain boundaries. They do not see that.

We have the Prime Minister here stating that they are elected to govern; drugs, and so forth, and therefore “if that is what we want that is what we must have.” With all due respect to the hon. Prime Minister, I think if we were to take that argument to its logical extremities, as they would say, *absurdum*, then we could say when one is charged for murder, do not worry with any trial, we have Woodford Square.

That is not how we do things since Hobbs’ days. Today in society we have laws, regulations and the Constitution, which outline clearly how man must interact with man and we have a number of lawyers who, if we breach those laws, would go to court and argue our case.

The point is that as the Leader in the Parliament, in the country, as the Prime Minister, one expects the Prime Minister to uphold the Constitution and the law.

Mr. Speaker: Gentlemen, hon. Members, please; I am getting a signal from the *Hansard* reporter that it is being made difficult for her. Please, it is 10.10 p.m. Try to appreciate her position. Thank you.

10.10 p.m.

Mr. K. Valley: Mr. Speaker, I was making the point which my colleague from Diego Martin East also made in that in our Constitution at section 123(1) it states quite clearly and I quote:

Public Officials Bill
[MR. VALLEY]

Tuesday, July 15, 1997

“Power to appoint persons to hold or act in an office in the Police Service established under the Police Service Act, including appointments on promotion and transfer and the confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission.”

That is what the Constitution says. This Bill says that a section 62A is being added to the Police Service Act, Chap: 15:01 “to provide that the President...” The hon. Minister confirmed when I inquired, that here, the President, means Cabinet. I will read it.

“to provide that the Cabinet may, in the national interest, extend the service of the officers of the First Division of the Police Service for a period of one year after reaching the prescribed age of retirement (sixty years), in the first instance and for a maximum of two further periods thereafter of one year each.”

Mr. Speaker, on the face of this, one sees quite clearly that this is in contradiction to the constitutional provision. If this Bill were to pass, and an appointment is made then it would mean that individual would be in the service without the approval of the Public Service Commission as required under this legislation. He would be there with the approval of the Cabinet but not with the approval of the Public Service Commission. Obviously, there is an infringement of section 123 of the Act as the layman.

My colleague quoted section 54 of the Constitution which says it would need a two-thirds majority of the House. Quite clearly, we are arguing here to put on the record our opposition. In order for this Bill to become law, it requires a two-thirds majority. That is my submission and I am sure it is going to be argued in the courts. In law they tell me there is the *ejusdem generis* which means that of a like kind. If one gives the Public Service Commission the power to appoint, promote and to transfer then obviously, any extension of service must also fall under the Public Service Commission.

One cannot attempt to avoid the constitutional provision by trying to be clever especially when one is known to be losing simple cases up and down the place. If the Member had asked me I could have told him and he would have won that case. It is not the first time. On too many occasions the hon. Attorney General who gave himself silk comes to the House with legislation which is badly drafted, he does not take counsel from this side, and has to come back to the Parliament sheepishly later on. I will bet him that even if this Bill is passed in this House it will not stand

up in the courts. I would willingly take a bet on that but what is important, is the terrible signal that is being sent to our population.

I reiterate, that when leaders fail to obey the Constitution, the laws, the norms of society, then they expose society to anxiety which may cause those members of society at the fringe to take matters into their own hands to protect themselves.

Mr. Sudama: You are spreading things.

Mr. K. Valley: I am not spreading anything. I am warning the Government that persons would interpret their actions as a provocation. They have to be careful, and there are norms in society, there is the Constitution, there are laws, and it must be guided by those.

This Bill does not come out of a vacuum. It comes against a certain background of firing of black CEOs as a fact. It comes against a background of firing of a Minister, a report commissioned by the Prime Minister reporting in a particular manner about a Minister. The Minister was supposed to have tendered his resignation but he still sits proudly as a Member of Cabinet. It comes against the background of the Member for Princes Town who promotes someone from sixth to first. He was caught lying in the Parliament, and he sits proudly as a Member of the Cabinet. The message that is being sent to the population is that anything goes. It comes against the background of a Green Paper on media reform that was supposed to liberate the press. The sting is in the exceptions. Saying one thing, except and accept. Then the Prime Minister says the legislation is to stop lies, half truths and innuendoes.

When the hon. Attorney General says it is good legislation to do all of these nice things, that to liberate the press, when you push and put the Prime Minister to the wall he tells you the truth, that is, it is to restrict freedom because he feels the press is spreading lies, half truths and innuendoes. It comes against the background of one's Prime Minister going into that holy shrine, the Hindu Mandir, the people's holy ground and spreading divisiveness and talking about "we fighting too long."

I heard the Member for Tobago East this afternoon. I want to tell him what his leader was saying on Sunday. He was saying he is still proudly a Member of the NAR.

In his continuing attack on the UNC Mohammed said that they have created too much discord, hate, too many divisions and they have created too much insecurity in the country. The black man feels he belongs no more to Trinidad and Tobago.

This is not Ken Valley, this is not Colm Imbert, this is not Martin Joseph, the coalition partner of the NAR. Too much insecurity.

Public Officials Bill
[MR. VALLEY]

Tuesday, July 15, 1997

Mohammed questioned whether it was accidental that Mr. Panday goes and desecrates the holy temple of the Hindus where he makes all these divisive statements that create so much fear in the hearts of the people, the Prime Minister of our country.

I am saying check yourself.

Mr. Speaker, after the elections of 1995 around early December in my constituency office, the President of Arcadian who was visiting Trinidad and Tobago at that time and the CEO of Arcadian, formerly Fertrin, Mr. Khan called and told me that since he knew me he wanted to visit with me. I told him sure. They also came along with Krishna Narinesingh. He asked me what I thought of the new Government. I said fine, I have no problem. As far as I am concerned there is a change in Government and they can be in Government for 10 years because it is good that the people of Trinidad and Tobago can say that they can change government, that we are 1.3 million persons of different ethnic races and it is good that they can see that we can change government peacefully. I have mentioned to a number of Members on the other side that if they stay in Government 10 years that does not bother me. But govern this country properly, that is all we ask. That there are certain, norms, laws and so forth.

I think it was my Friend from St. Ann's East who made the point about the leak in the boat. In 1990 when those boys came into Parliament they did not want to know who is who. When one does all one's magic—that is why I am talking—because of my anxiety. When they came through that door and they started shooting.*[Interruption]*

Mr. Sudama: There was no PNM.

Mr. K. Valley: Thank God for that. I hope the next time I would be as lucky as on that occasion. On that evening I left Parliament about 15 minutes before that. On the next occasion I do not know if I would be that lucky. We all have a vested interest in Trinidad and Tobago.

10.20 p.m.

The point that the Member for St. Ann's East was making is that you cannot sink the boat and expect to be saved. When they come here we are all involved. There are 1.3 million persons in Trinidad and Tobago. Our concentration ought to be on fighting to improve the standard of living of our people. We ought not to have time to fight among ourselves. As far as I am concerned, it does not matter

who is in government or opposition. I want to represent Diego Martin Central. Whoever is in government, govern properly and abide by the rules of the game. This is all I ask for. If there is a change they should outline the logical reason so that the man on the street would understand clearly. We are not acting by “vaps” or anything which comes to mind. We do not have any hidden agenda. We are not going to promote anybody’s hegemony. We are trying to govern Trinidad and Tobago.

Mr. Speaker: The speaking time of the hon. Member has expired.

Motion made, That the hon. Member’s speaking time be extended by 30 minutes. [*Mr. C. Imbert*]

Question put and agreed to.

Mr. K. Valley: Thanks, Mr. Speaker and hon. Members for the extension. I shall not be very long.

Quite simply, I want to get across the point that one expects this Government to be guided by the laws of the land and what is commonly accepted, the concept of acceptable behaviour. If change must come there must be a reason. When a government fails to do that, anxiety is caused in the population. One can say that it is provoking the population. We hear on the streets that the intent of the Government is to create an environment in which they can call a state of emergency and put away the Front Bench of the PNM. I would not regard that as luck. [*Interruption*] I want to be free to do my business. I do not want to fight you from behind bars because wherever you put me, I will fight you.

The Government is demoralizing the service. I think it was three weeks ago I had to come to Parliament to point out what occurred at Customs. They went down the line to promote someone because he was the friend of a minister. In the Ministry of Agriculture, Land and Marine Resources, the situation is that they moved a person from No. 6 to No. 1. In this instance, they wait until the retirement date of an individual to keep us in Parliament until midnight to rush through legislation to extend the time for this individual right there. What do they expect?

I have heard the Minister of National Security and I wonder if he understands the psychological effects this would have not only on the second person, but also on all the other officers of the first division and the population. One is now wondering what next this Government would come with. They are scared and anxious. In the name of all that is holy and decent, please pull back this legislation.

Public Officials Bill
[MR. VALLEY]

Tuesday, July 15, 1997

An old friend would say, it was a joke I was making. Save us! Somebody tell the Prime Minister and the Attorney General to stop. Talk to them! Tell them they are going down the slippery road.

In the opinion of those on this side of the House, this Bill has no place in a society that has proper respect for law, good government and the norms of the society for the Constitution. This Bill can be compared with the cutting of public servants' salaries in 1987, or with the debate in Parliament on the O'Halloran affair. There are things that we ought not to do. We have had excellent camaraderie in this Parliament. I was in the period of Parliament in 1986—1991. I know the tension. The Member for Oropouche and the Member for St. Augustine can attest to the tension in the House at the time. Since 1991, I do not think that any Member of the House can say there has been that type of tension in the Parliament. We disagree without becoming disagreeable.

When legislation like this comes we need to take note and counsel, not because we are against anybody on that side, but because we love this country, Trinidad and Tobago.

Thank you.

The Minister of Trade and Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. Speaker, I rise at this late hour of the evening to make a contribution on the Bill before this House, Public Officials (Extension of Service) Bill. As I listened to the contributions of Members opposite I wondered whether any of them had read it. The Bill has essentially two parts to it. The first is to amend the Judicial and Legal Service Act, Chap. 6:01 and to amend the Police Service Act, Chap. 15:01. Since the hon. Prime Minister sat down and the other Members of the Opposition stood up to make their contributions, I have not heard anyone making reference to the Judicial and Legal Service Act.

10.30 p.m.

I was wondering whether the arguments which were put forward by the Opposition were not attacking the Commissioner of Police, and that they were not really interested in the personality or the position, but merely the principle. More than that, they seem to think that the amendment to the Police Service Act, Chap. 15:01, only applies to the position of the Commissioner of Police. In fact, from the reading of the Bill, it applies to all members of the first division, and no one on that side attempted to analyse the import, the converse, or the danger of having members of the first division of the police service have an extension after they have reached the mandatory retirement age of 60 years.

Mr. Speaker, I also got up for another reason, I became quite concerned because it is not often that I see the Member for Diego Martin Central so disoriented. Normally, he is reasonably level-headed in this Parliament, he is a somewhat gentle person in his approach to other Members, and also in his approach to the legislation that is before him. But this evening I detected a certain kind of personality transformation and at one time, I felt, and maybe other Members on this side felt, that the Member for Diego Martin Central was preaching insurrection and violence in the House and was giving us some kind of prediction which he probably wants to see materialise; that this Parliament should be once again subjected to the kind of brutality of the Constitution and our parliamentary way of life that occurred in 1990.

Mr. Hinds: He did no such thing.

Hon. M. Assam: He almost gave us the impression, having said that this Government is riding roughshod over the people that it is a justification—and I am not saying that he is right, but let us assume that he is right, is that a justification for any group of persons to invade the Parliament and destroy the Constitution of this country? That is what he actually said and that is why I said in my opening remarks, that I detected a certain disorientation on the part of the Member for Diego Martin Central, because generally he is not that type of individual.

Mr. Hinds: He never said that.

Hon. M. Assam: Since all the Members opposite placed so much emphasis on the question of the extension of the services of the Commissioner of Police beyond the age of 60, I would attempt in my own way to indicate why I believe his services should be retained, and I am not going to use the argument of national security, and I am not going to touch the race issue which was so vulgarly adumbrated by the Member for San Fernando East. In his opening remarks, and throughout his debate he debased the Parliament and denigrated that side by the introduction of naked racism as an argument against the extension of the appointment of the Commissioner of Police beyond the mandatory 60 years retirement age.

It was most unfortunate that someone who was a former Prime Minister of this country, and pretends to leadership, who feels one day he will return to the seat of the Prime Ministership, someone who says that he is a Born-Again Christian, should descend to such depths of racial vulgarity. I was very saddened.

As someone who is very much interested in the new managerial paradigms I try, notwithstanding my very busy schedule, to read the most up-to-date literature that is available.

I would like to indicate to this honourable House why I disagree with the Member for St. Ann's East, when he seems to place much emphasis on the question of why the incumbent should not be retained, and also he went on to suggest with almost a *cri de coeur* that we were embarrassing the Commissioner of Police and not giving due credit to the other officers of the police service who may have contributed to the remission and detection of crime in the society.

[MR. DEPUTY SPEAKER *in the Chair*]

The new managerial paradigm is a very interesting one and it is called COCA and it has nothing to do with the COCA leaf, it is a kind of an acronym for certain concepts. When this Government came into office—and you will observe that I did not say take power as the Member for Diego Martin Central was accusing the Member for Nariva of saying on television—one cannot deny the fact that the rate of crime commission was at its highest in this country. It was so high, Mr. Deputy Speaker, that in the last administration the Prime Minister himself was completely baffled with respect to how to deal with crime.

He had a Minister of National Security whom he appointed, then he demoted him and appointed himself as the Minister of National Security, then he removed himself, he re-appointed the same demoted Minister and then he fired him and made him Minister of Social Development, or something like that. Clearly that kind of erratic behaviour on the part of the last Prime Minister indicated quite clearly to the national community that he was not satisfied with the performance of the Minister of National Security. And I am sure he could not have been satisfied with his own performance, because during his short sojourn as Minister, the rate of crime escalated in the society.

When we inherited the reins of Government on November 6, 1995, the police service was experiencing a period of low morale, lack of leadership, equipment and resources; financial resources, equipment resources, manpower, training resources and so forth. We also inherited a Commissioner of Police who had been brutalized by the previous regime and, therefore, he was now coming out of a situation that could be described as withdrawal symptoms because of the kind of treatment he had received at the hands of the previous administration. He was threatened; they wanted to fire him, to remove him, they wanted to give him a sweetener to become an advisor; they wanted to remove the service commissions and tamper with the Constitution.

10.40 p.m.

In one case, in order to remove the then Speaker, they changed the Constitution and declared a state of emergency and put her under house arrest. Therefore, when I hear Members opposite accuse this Government of a creeping dictatorship, it seems to me that is the greatest example and manifestation of dictatorial behaviour that I have ever seen in the political and constitutional history of Trinidad and Tobago. [*Desk thumping*] The only other was “bloody Tuesday” when a former PNM Government brutalized trade unions in San Fernando, arrested them and threw them into prison vans and, subsequently, into the jails of this country.

These people opposite have the temerity to come here every Friday, or whenever Parliament is assembled, to accuse us of the crimes that they have been guilty of for the 30 years and the three years and 10 months that their party was in office. I find that rather difficult to accept, a very difficult pill to swallow. I do not know how—as I was saying to a Member opposite outside of this Chamber—they can exhibit such double standards. They want to point fingers at people and they are guilty of all the sins, of all the venalities that the devil has ever invented since he fell from grace with Almighty God.

Mr. Deputy Speaker, I come back to what we inherited. We inherited a situation where we had to do a lot to rescue the police service in terms of trying to develop a rapprochement with the then commissioner who they had brutalized. He was so demoralized that he thought a new government was going to continue on the same kind of wicked relationship between the Government and the police service. We, therefore, had to coax him, we had to reassure him, to comfort him and we had to establish a rapprochement with him and the police service in order to regain their confidence. Unfortunately, his time came and he had to retire at age 60. [*Interruption*] There was an extension because he was allowed to work for the period of his vacation, six months beyond his retirement age.

Hon. Member: That is normal.

Hon. M. Assam: So it is normal to extend permanent secretaries and police commissioners period of employment. Thank you very much. Mr. Deputy Speaker, extensions are normal. What we are debating here this evening is, therefore, normal.

Mr. Hinds: Hon. Member, I have great regard for your capacity to interpret words, but what we are suggesting is that that is not an extension. If a man is permitted to work through the period of his ordinarily acquired vacation, that is not an extension and certainly not in the sense that you want to in this Bill. The hon. Member should get that clear and he should forget his double speak! That typical UNC double speak.

Hon. M. Assam: Mr. Deputy Speaker, could you imagine the Member for Laventille East/Morvant remonstrating with me?

Mr. Hinds: Not at all!

Hon. M. Assam: I should be remonstrating with the Member, Mr. Deputy Speaker. When the People's National Movement was in Government it was guilty of all kinds of extensions; it extended corruption, bribe, immorality, mismanagement, the costs of buildings and projects, the life of local government—it did that so often that at one time there was no local government elections for seven years, like the women of Canterbury. Every time the PNM was in office it extended local government elections—it extended state of emergencies and extended permanent secretaries. Extension is the norm for the People's National Movement and Members have come here tonight to point at us to give the impression that we are violating the Constitution and they are going to test it in court and so forth. Let them go and test it, I hope when they test it they do not find themselves in the impecunious situation that the Leader of the Opposition now finds himself. He has to spend \$1 million in costs for that foolish matter he took to court with respect to the Crossing of the Floor Act. *[Interruption]* I hope they do not find themselves in that situation. I would hate to see the Leader of the Opposition or the Opposition Chief Whip beggared in this country. I would like to see them live decently with dignity now and in the future.

I am trying to describe the situation that we inherited. We developed the rapprochement and, unfortunately, he had to retire although he had six more months and we appointed the incumbent. The Member for Diego Martin East asked why we did not bring this Bill a year ago. I find it very sad when people make such foolish statements. The incumbent commissioner was appointed on July 1, 1996, barely a year ago. If the man was appointed—

Mr. Valley: Is the Minister therefore saying, in effect, that the purpose of the legislation is for the incumbent?

Hon. M. Assam: What a silly question. I said it simply because the tenor of all the contributions from the Opposition Members revolved around one man and one man only. In my preamble I stated that no one discussed the Bill, the Bill is in two parts, the review: the amendment to the Judicial and Legal Service Act and an amendment to the Police Services Act. Not one of them touched on the Judicial Service Act or on the entire group of first division officers who are eligible to have their appointment extended by the President beyond the age of 60 and because of that I am saying that I would respond in like manner.

Mr. Deputy Speaker, when the Member for Diego Martin East—and he thinks he would take me off my logic in my presentation, I have a very good memory—said we should have brought this Bill a year ago. I am trying to tell this honourable House that the Member for Diego Martin East is not aware that the incumbent Commissioner of Police was appointed on July 1, 1996, barely one year ago. A Bill would have had to have come to this House to extend his appointment immediately after he was appointed. Does that make sense, Mr. Speaker?

Having been appointed about one year ago—I will not go through the statistics that the hon. Prime Minister presented this afternoon and also the statistics that the Member for Point Fortin also elaborated upon with respect to crime in the various areas of Trinidad and Tobago: how they have been abated and the level of detection. Both Members gave the figures so I need not repeat that because repetition in this House is becoming boring.

We have a commissioner who has come in and demonstrated a capacity to lead a team and to produce results. The new management paradigm is not to have managers but to have leaders.

10.50 p.m.

One does not want engineers but architects, people who can decide on a vision and chart the future for you and map out the strategies. Therefore, this leader came in a situation of chaos—and that is the first “c” in COCA—and by his astute dynamic leadership, he led the police service out of the chaos and brought about some order, and that is the “o” in COCA; “c” for chaos and “o” for order. Having brought about some order, we are into the third phase of the transformation process in the police service and we are seeing change and that is the second “c” in COCA; “c” for chaos, “o” for order and “c” for change; the “a” making it COCA is the attractor and that is why it is critical to retain him. The attractor is the

Public Officials Bill
[HON. M. ASSAM]

Tuesday, July 15, 1997

individual who is responsible for dynamizing an organization; transforming it from a situation of chaos to order and then to change. If one changes the attractor in the initial stages of the transformation process one would do irreparable harm to the whole process of change and transformation. That is why the incumbent is so important and thus we should retain his services. It is in that context, we should retain the services of the incumbent, not because of all the things the Opposition have been saying about race and the unfortunate remarks that have been made in this honourable House this evening—[*Interruption*]

Mr. Hinds: Mr. Deputy Speaker, I thank the hon. Member for giving way. I just want to get it clear. In the acronym the Member has just described, how does the “c” come first? If the “c” comes first, it is COCA. So which comes first?

Hon. M. Assam: I am not surprised that he trivializes serious concepts; concepts that have been produced in the best management schools and by the best management minds in the world. I have no difficulty with the Member for Laventille East/Morvant’s trivialities. It just shows the mentality that the Member possesses. It also shows the level of the man’s lack of mental capability. His mental horsepower is very low. I can understand that. He is trying to trivialize serious management concepts, as I said, accepted by the best management schools and devised by the best management minds of the world and he is trying to trivialize it into “Occah”. I said COCA; “c” for chaos, “o” for order, “c” for change in that order and the attractor is creating all of that and is critical in the whole process of change and transformation because of the leadership qualities that the attractor provides. That is the critical formula that I put to you here this evening for the retention of the services of the incumbent Commissioner of Police.

Mr. Deputy Speaker, many of us talk about the separation of powers, that the executive is attempting to interfere with the legislature and the legislature with the judiciary. For years I have sat in the public gallery listening to people talking about the separation of powers. In fact, I heard the Attorney General of the last administration talk about the separation. Also, I remember hearing the Member for Diego Martin Central pooh poohing the separation of powers. In fact, he quoted from a very interesting book called *The British Constitution*, when he spoke about the buckle that binds and that kind of thing. The Member may have forgotten but I am trying to remind him.

It has always bothered me that lawyers and judges in this country talk about the separation of powers in the Constitution of Trinidad and Tobago. That does not exist, it is a figment of the imagination. The great constitutional lawyers like

Sir Ellis Clarke would tell you that the Constitution of Trinidad and Tobago does not admit to the separation of powers because our Constitution is really the fusion of powers similar to that of the British unwritten Constitution.

When one talks about the separation of powers it does not exist. What we have is separation of function because of the overlapping. It is the legislature that forms the executive, it is the executive and the legislature that appoint the President; it is the President who appoints judges. So there is this fusion and overlapping of powers but separation of function. Mr. Speaker, I could give the Member for Toco/Manzanilla a lesson in constitutional law which he would never understand, but if he wants to respond, he may do so. I would ask Sir Ellis Clarke to give him some private tutelage. *[Interruption]*

Mr. Boynes: Mr. Deputy Speaker, since the executive and the parliamentary arm are inextricably linked, it obtains to the extent that this is an independent judiciary. Is it not so?

Hon. M. Assam: I said there is separation of function. Maybe, the Member does not understand concepts. It is very difficult to speak to the Members for Toco/Manzanilla and Laventille East/Morvant because they do not seem to understand concepts. If the Member wants some tutorials I would give it to him. I would expose him to some of the great constitutional minds if he could spare the time. Anyhow, what I am trying to say is that this Government is not usurping anybody's function. This executive is operating as it ought to operate, within the rule of law and we are not, in any way, usurping any function of anybody in this constitutional arrangement which is the Constitution of Trinidad and Tobago.

Mr. Deputy Speaker, I want to go a little further than just the question of this managerial paradigm that I alluded too earlier. What prevents anyone from succeeding the incumbent if this Bill is passed, even if this incumbent is given three successive one-year extensions? As a matter of fact, even if somebody reaches the age of 60, does this law provide for that person to be appointed Commissioner of Police at age 60? If I am interpreting the law correctly. So that nobody would be denied the opportunity of the privilege if that person is deemed to have the expertise, experience, qualification, commitment, dedication, suitability and the leadership qualities to do the job.

I do not understand the Member for St. Ann's East when he reads half of a document prepared by the Ministry of Information and Public Administration, a document that is well known to the Members on this side because we have been

Public Officials Bill
[HON. M. ASSAM]

Tuesday, July 15, 1997

very familiar with it in order to make a case against this Government with respect to its expressed intention as to how the public service should be transformed. I do not understand it.

There is no contradiction whatsoever in that document and the kind of path that we are proceeding along, with respect to this Bill that is called the Public Officials (Extension of Services) Bill, 1997. In fact, what we are trying to do is to ensure that the best quality officer is retained. The human resource that we have we utilize it to the fullest.

11.00 p.m.

[MR. SPEAKER *in the Chair*]

I just had the opportunity, in the company of the Prime Minister, the Minister of Foreign Affairs and the Minister of Education, to have attended the Caribbean Heads of Government conference in Montego Bay. One of the most important topics on the agenda that was discussed at length was human resource development, because human resource is the only ingredient for developing societies, to carry the countries further, and to develop politically, socially, and economically. Therefore, if one has a human resource that one feels can be utilized to eradicate crime; to bring about a safe society; to provide leadership to an organization that has been in the throes of death through the brutalization process that took place during the PNM administration; why should we discard that human resource because the PNM feels that some kind of consideration, based on race, has been taken into account?

Mr. Joseph: I said that?

Hon. M. Assam: I did not say the Member for St. Ann's East. It is your leader, the Member for San Fernando East. That was his argument. He spent over an hour arguing that position and he was so blinded by his tunnel vision of race and trying to create all kinds of insurrection in the country—In fact, I described him once as Catalan, going around the country trying to create all kinds of social problems and upheavals. He tried it again in the Parliament. He may try it tomorrow evening when he goes to do his political vaudeville in that square across the street.

They may try it again, but I think the PNM is barking up the wrong tree, Mr. Speaker, because the more one fans the flames of racial hatred, racial antagonism and racial divisiveness, one will reap a commensurate reward when the time comes. That same preaching of insurrection and violence we heard this afternoon by the Member for Diego Martin Central, I hope it does not ricochet in the wrong

direction. They must understand the English language. I will teach them if they do not understand it.

Mr. Speaker, every time a Bill is brought before this Parliament, there is always a spin that the Opposition puts on it. A spin always based on something different from what this government intends, and invariably, the spin is a racial spin. That is not going to get them back into office. The people of this country are tired and fed up. *[Interruption]* Does it matter whether I see Parliament again, Mr. Speaker? It does not matter, but I am sure that the people of St. Joseph do not think like the Member for Diego Martin Central. You know, time will tell, and time is longer than twine; always remember that. All the people who are laughing today and hoping to be re-elected on the next occasion better watch out, because this time was a slight hurricane, 17-17. The next time will be a political volcanic eruption. The Richter scale might even touch the Diego Martin area.

Mr. Speaker, to come back to the Bill before us, not only should we be talking about the police service, we should be talking about the judicial and legal service also. It was pointed out here this afternoon that we have in place a provision for extending the appointment of judges beyond 65 years of age, and there is good reason for that. A man or woman of age 65 is still a relatively young man or woman. A judge who has reached the age of 65 must have garnered enormous experience on the bench, and if this country, again, is to conserve, utilize and maximize its human resource, it seems to me that it was a wise move for the tenure of judges to be extended beyond the age of 65 years.

What is different in terms of the treatment of judges as opposed to those in the magisterial division? It is the same legal abilities that we are looking at for people who are at another level of the system of justice and administration to have the opportunity for their tenure to be extended, in the event that it is determined that their services, expertise, experience and willingness are required in the service of the country.

Similarly, Mr. Speaker, I remember many years ago, when I was a little boy, there was a police officer; he was an expatriate called Supt. Leslie Slater. He seemed to have made an enormous impression on the minds of Trinidadians. He was one of the most brilliant policemen who passed through the ranks here. I am reasonably sure that if he were living today in Trinidad and Tobago, we would have welcomed this particular piece of legislation. We would have wanted to retain

Public Officials Bill
[HON. M. ASSAM]

Tuesday, July 15, 1997

a man like Supt. Leslie Slater for the brilliance that he displayed in the detection and the solving of crime, and the eventual bringing of people to justice and having them convicted.

Why is it we would have done so with a foreigner? We have done so with many foreigners, extended their stay, extended their contracts. Why is it we have a son of the soil who has demonstrated such a capacity for leadership; who has demonstrated a proven track record of success; who has been able to build teams; who has been able to get the people under him to respect him and to enjoy their job to the extent that I have been advised that the second division supports totally, this move? The president of the second division has come out, both on television and in the newspapers, supporting this particular amendment.

I do not want to hear the reasons from the Opposition because they are always engaged in convoluted thinking, Mr. Speaker, and, therefore, I am not prepared—in fact, that document that was tendered by the Member for Diego Martin Central, he failed to give us the authorship of the document. It should be discredited until such time as we know who authored that document. It is not good enough to say that he received it from the Police First Division. He must say who signed it. Did the president sign it? Did the General Secretary sign it? Who signed that document? From whom did he get that document?

Until such time as this House gets the author of that document, or who signed that document, I deem that document to be highly suspect. If it is an authentic document in which we can repose credibility, he should have said, “I received a document from the First Division Police Association, signed by the President, or by the General Secretary, or the Treasurer or some responsible officer.” He refused to divulge the authorship of the document, and he expects this House to accept what he has said.

11.10 p.m.

Mr. Speaker: Hon. Members, do you think it is possible that we could have a little less discord?

Hon. M. Assam: Mr. Speaker, I think that I have dealt with the particular aspect of the appointment of the Commissioner of Police beyond age 60, and I hope that that alone could justify this Government coming to this honourable House to extend the appointment of all judicial officers in the magisterial branch and all police officers in the first division branch.

I am also making the point on the grounds of human resource. We have limited human resource in this country. Limited, qualified, capable—apparently the Members opposite would not give me an opportunity to finish the qualifications that I was about to express. I was going to say qualified, experienced, willing, dedicated, committed people with leadership qualities who can lead their people.

I am saying that it is for us to make such a determination and decide who—the very fact that it has been said in this Chamber this afternoon and in fact the first one to have said it was the Member for San Fernando East. The Prime Minister has a veto power. If he has a veto power, why should it only be negative? He should have both a veto power and an affirmative power, he should have both. He has a right to exercise both the veto power which is the negative power and the affirmative power which is the confirmatory power, in my view. Therefore, it is in our judgment and our determination. Yes, ours, of course, ours. *[Interruption]* Power? It is not power!

Mr. Hinds: What is it? Ego?

Hon. M. Assam: I am not going to argue with them for the simple reason that when they were in office they were the ones who exercised power. They are the ones who raped the Constitution. They are the ones who subverted the Constitution. They are the ones who caused the police to march against them. You know why? Because they wanted to fire the Police Commissioner, they wanted to use all kinds of surreptitious means to get rid of the Commissioner and today we are not getting rid of any Commissioner, we are keeping the Commissioner. We are keeping the Deputy Commissioner, the Assistant Commissioners and all of the first division; we love all of them; we are keeping them. We are not getting rid of anybody, we love all of them. But they all wanted to get rid of them by surreptitious, devious and subversive means, and when they could not get their way they declared a state of emergency to terrorize and lock up people unconstitutionally; that is what they all did. Now they want to come today to talk about this Government.

Mr. Speaker, this Government has a clean record of good governance in our 20 months in office which took place on July 6, gone. Twenty months in office! This Government has not terrorized, imprisoned, or declared a state of emergency on anybody. We have not arrested any Speaker, we have not fired anybody and we have settled all the outstanding negotiations that were lingering under that administration for years—everyone except the PSA, to date. Everyone has been settled to date except the PSA and that will be settled very soon. This Government

Public Officials Bill
[HON. M. ASSAM]

Tuesday, July 15, 1997

has been moving swiftly, fairly, justly with a certain direction in terms of implementing its election promises and manifesto and taking this country securely to higher levels of indifferent curves, Mr. Speaker, so that—

Mr. Speaker: Hon. Members, the speaking time of the Member for St. Joseph has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Hon. R. L. Maharaj*]

Question put and agreed to.

Hon. M. Assam: I could understand the Member for Laventille East/Morvant being ungracious. The Member for Diego Martin East talked about "broughtupcy". I wonder how he will describe his own colleague. He lacks the civility and the courtesies accorded to Members of Parliament. Mr. Speaker, you know he lived in England and I thought he had an opportunity to visit the mother of Parliaments, but he has not learned. That is what I was saying a few minutes ago, he lacks the mental horsepower.

Mr. Speaker, I was about to wind up, I did not even realize my 45 minutes was up. I was saying that we are moving inexorably to fulfill our campaign promises, our election manifesto promises, justly, fairly, with favour to none and fearing none, never at all subverting the Constitution. We did not do like them; they went and hanged Glen Ashby while the matter was before the Judicial Committee of the Privy Council in the dead of night or the early hours of the morning, and they are talking about the rule of law and the preservation of democracy! While the court is sitting, they were hanging a man and they talk about the rights of people.

You know, I almost feel like waxing biblical by saying that the blood of the people is on their hands. I am always inclined to say so, but I would not be as cruel as some of them. May God have mercy on your souls. May God have the greatest blessings and mercy for you wicked people. I feel that in 20 months in office we have vindicated ourselves. We have justified our position and we have done like the great saints, we will run the race to the finish and we have done our best.

I thank you. [*Desk thumping*]

Mr. Hedwidge Bereaux (*La Brea*): Mr. Speaker, I rise to make a short intervention in this debate on the Bill to provide for the public officials extension of service. Coming as I am after the hon. Member for St. Joseph, I was going to mention a few things on his contribution, but I think in one sentence, he was full of sound and fury, signifying nothing.

Mr. Speaker, I would just like to deal with this Bill to bring things back into perspective. The Bill seeks to provide, and I want to read 8A which says:

"Notwithstanding any other written law, any of the judicial officers referred to in Part I of the Second Schedule may with the permission of the Commission and in the interest of the Service continue to serve as such for a period of not more than three years after he has reached the prescribed age of retirement."

That is with respect to the Judicial and Legal Service Act.

11.20 p.m.

On the other hand, Mr. Speaker, with respect to the Police Service Act, Chap. 15:01, extension of service 62A, it says:

"Notwithstanding section 62 and any other written law, the President may, where he considers it in the national interest, extend the years of service of any of the officers referred to in the First Schedule after he has reached the prescribed age of retirement, for a period of one year in the first instance and thereafter, subject to an annual review, for a maximum of two further periods of one year each."

Mr. Speaker, both the amendments under Chap. 6:01, the Judicial and Legal Service Act and the one under Chap. 15:01, are dealing with services that are covered by service commissions. The various service commissions referred to are the Judicial and Legal Service Commission and the Police Service Commission. Other speakers have dealt, to some extent, with the reasons why service commissions have been placed in our Constitution. It goes back to the fact that there was some need to have a certain non-political basis when dealing with persons in the judicial service and legal service; one wanted to be sure that there was no political interference.

So, too, the very nature of the police and their duty and mandate to protect and serve required that they be insulated from political interference. I was trying to find out, why is it there is this difference in the drafting of the two amendments. Whereas in the amendment dealing with the Judicial and Legal Services Act it went on to say:

"...any of the judicial officers referred to in Part I of the Second Schedule may with the permission of the Commission and in the interest of the service..."

"Commission" meaning the Judicial and Legal Service Commission. Basically, notwithstanding my own misgivings in respect of why the Government wants to do

Public Officials Bill
[MR. BÉREAU]

Tuesday, July 15, 1997

this—I have my own misgivings which I would deal with shortly—I see the permission of the Judicial and Legal Service Commission being an important area and bar, towards preventing political interference with the extension of the particular judicial officers.

Why then in respect of section 62 of the Police Service Act, we have "the President may". In this case—as a number of speakers have pointed out—"the President" means the Cabinet or the President upon the advice of the Cabinet. It is not in the case of the appointment of persons to the various commissions, where the President would have a discretion, it is an act of the Cabinet. I wonder why. The only rationale I could see for this, since this comes out of the Ministry of National Security, and the Minister read from the Defence Force (Pensions, terminal and other grants) Act Regulation which says:

"An officer who is a brigadier will be permitted by the President to continue his colour service for such period not exceeding five years as the President in his discretion may determine."

They had imported this particular wording from the defence regulations and put it into the Police Service Act.

I could understand the kind of convoluted reasoning that would cause that, seeing that the hon. Minister who is not here came out of the defence force. But unlike the police service, the defence force is governed by the Defence Act. There must be some sort of direct control for the protection of state. The Government has given us a number of reasons, some which we do not believe are correct and truthful in so far as that is concerned. But even if we seek to give them the benefit of doubt I would have thought a suitable compromise and position is to make such an extension, subject to the Police Service Commission, so we use the same words which we have in respect of the extension of the judicial officers, in respect also of the police officers.

I cannot understand why we did not have the same wording which would make the extension of the police officers not be "the President may" meaning the Cabinet but rather the "Police Service Commission may".

Section 111 of the Constitution provides"

"Subject to the provisions of this section, power to appoint persons to hold or act in the offices to which this section applies, including power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial and Legal Service Commission."

That is the section of the Constitution dealing with the appointments to judicial and legal positions in the service and saying directly that such appointments are within the purview of the Judicial and Legal Service Commission. We see in section 123, that a similar statement is made:

"Power to appoint persons to hold or act in an office in the Police Service established under the Police Service Act, including appointments on promotion and transfer and the confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission."

Therefore, you have similar words giving the right to the Police Service Commission and the Judicial and Legal Service Commission to deal with appointments and so forth, within both services.

I can grasp no reason at this time—none has been explained—why the words being used are different to provide for the extension of the various officers.

11.30 p.m.

Mr. Speaker, I am taking what they are saying that there is need for some flexibility with respect to a competent officer, magistrate or judge's services being extended over a period of time after he or she has reached the retirement age of 60. I am taking that at this time, but I am saying if we are going to have such a thing, there is a method already by which such a judge or police officer is appointed. Why not utilize the same method in order to deal with the extension? When the Member for St. Ann's East was making his contribution, I heard the hon. Attorney General saying that the conditions of service are not within the purview of the Service Commission; it is to be dealt with by the employer in the executive.

Yes, Mr. Speaker, I am prepared to agree and to concede that. When we say conditions of service, the employer through an Act, determines that a senior officer after he or she has reached the age of 60 can go on for a year at a time or three years as the case may be but not more than three. Those are the conditions of service and it is properly within their purview, but still the right to determine which officer goes on should go back and be dealt with in the manner in which the officer was appointed. The only proper way to do that is through the Service Commission.

I am submitting that if this Government truly has as its only reason the need for flexibility—I do not really want to deal too much with the Police Commissioner because I would have to turn around and deal with the senior magistrate and we may get all sorts of views as to what is needed. I am saying if that is the case and

Public Officials Bill
[MR. BÉREAU]

Tuesday, July 15, 1997

that all they want to do is to extend to give them some flexibility, so that in the event that the Service Commission believes that there is need to extend an officer's service beyond age 60, the Service Commission can do it. So what we can have is the executive making the decision that this is something needed, it is put in place and the actual carrying out of the function is left to the Service Commission so we have no derogation of the right of their position.

I say this, Mr. Speaker, because I too believe that having regard to the provisions of section 53—I am going to read it notwithstanding it has been dealt with here before. Section 53 reads:

“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.”

So I take the point and I agree when the hon. Members for St. Joseph and Tobago East determined that Parliament has certain rights and even the Member for Point Fortin—although I promised not to mention his name, but nonetheless he made the point that Parliament has the authority and I agree. It says when Parliament is interfering with certain provisions of the Constitution it must be done in a certain way. Section 54 reads:

“(1) Subject to the provisions of this section, Parliament may alter any of the provisions of this Constitution or (in so far as it forms part of the law of Trinidad and Tobago) any of the provisions of the Trinidad and Tobago Independence Act 1962.

(2) In so far as it alters...”

I am just going to deal with section 116 to section 125. It reads:

“...a Bill for an Act under this section shall not be passed by Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds...”

The hon. Prime Minister tried to say he was not altering anything because the Police Service Commission had the right to appoint, promote, transfer and confirm appointments and to remove and exercise disciplinary power; and what in fact he was seeking to do was just to extend. The point has been made, Mr. Speaker, to alter; when you seek to alter something or amend it, it means to make different

without doing anything to make different. If you extend the time in office of an officer after that officer has reached the age of retirement, you create the authority to carry on that officer's tenure. Here you have a Service Commission, which is an entrenched provision in our Constitution, having the power to appoint persons who will go from the age when they are hired to age 60, whether it be a Police Commissioner, Deputy Police Commissioner, a Chief Magistrate or whoever, in respect of the Judicial and Legal Service Commission.

If the executive takes the right to extend the term of an existing Commissioner for a year, two years or three years, what it would be doing is restricting the authority of that Service Commission in so far as it involves appointing another Commissioner. If the executive and this Parliament seek to do it in this way, one may have a Police Commissioner in office—sorry for using him but we are dealing with that—whose tenure was not dealt with by the Police Service Commission. That could not have been the intention of the legislation and by the very fact that that can happen in itself, whatever Act we have put in place to do that is an Act which derogates and alters section 123 of the Constitution and it requires a special majority.

Mr. Speaker, there is an example. When the right of judges to go beyond their tenure was done, it was done by means of a special majority. So we have the precedent and I do not understand why the Government wants to put this kind of power in the hand of the executive. There is no need. The Police Commissioner, all at present and all the other senior executive officers, are appointed through the Police Service Commission. What is it? When the Government seriously tries to do this, one begins asking questions.

Mr. Speaker, I advise that if we are going to do this it should be done in a way—this is just a compromise position I am suggesting—that the term is extended but it must be done in the same way as the Police Commissioner. Let me just read to be sure that I am not paraphrasing in any way to the detriment of the legislation.

11.40 p.m.

Mr. Speaker, I always say and it is said, I did not invent it, “Those who refuse to learn from history are destined to repeat its mistakes”. It is unfortunate that I find myself making some comparisons between the behaviour of this Government, and not so much the Government alone but, in particular, the present Prime Minister and Adolf Hitler.

Public Officials Bill
[MR. BÉREAUX]

Tuesday, July 15, 1997

I do not mean that, in terms of killing anybody, I am not saying that. The comparison may be purely innocent but I remember that Adolf Hitler came to power in Germany as the leader of a minority party. He came in as the Feuhrer, he did not win outright, he was more or less a compromise player, and eventually he went on a programme that could be called “national unity”.

From then on, the Jews were perceived to be wealthy and the people who were keeping back things. He attacked them, and then he went to others; and with his “national unity” anybody who was perceived or disagreed with that, those persons were seen to be enemies of the state.

I cannot forget, when I hear a Prime Minister of Trinidad and Tobago calling a man like Ken Gordon a pseudo-racist, and I have heard comments being made and I have made comments time and again about people being racists. I make it myself, compared to this Government, but I say it in certain instances and I use examples.

The day I am proved to be wrong, or anybody proves me to be wrong in respect of certain actions that I have identified, I would apologize publicly. I would apologize to them because I have no desire to see them behave in this manner.

Mr. Speaker, when I see these comparison coming out and when I see the behaviour displayed by the hon. Prime Minister in respect of certain people; when I see the behaviour of—I do not see the Minister of Agriculture, Land and Marine Resources here. How can anybody feel comfortable putting the authority to keep the Commissioner of Police in office, in the hands of an executive, where we will have an explanation for the possibility of somebody who was ranked sixth, put to first, and the hon. Minister comes here—if you have done it you have done it—but then he comes to Parliament, and does not, in our view, speak the whole truth and he still behaves in, to use a colloquism, “*a brave danger manner*”. It worries me.

Mr. Speaker, while I stand here today and speak on this Bill, I have great trepidation. The hon. Member for Nariva and the hon. Member for Caroni keep asking me why I do not go to Rousillac, I will tell them why. When they invite me I am afraid that they will arrange for them to poison me. I am afraid. I would not go.

Mr. Speaker, I am telling you, I stand here and speak with great trepidation. Let me give you an explanation. I have looked at the behaviour of this Government. For instance, they have been having a little problem with industrial relations and yet what do they do? They come to improve the conditions for the chairman of the Industrial Court.

The Industrial Court has a number of judges. They did not deal with one judge, they did not deal with all the judges. They came to deal with legislation to better the conditions for one. You notice that they keep practising to keep one or two to assist. And I keep saying, why do you want to “curry favour” with the chairman of the Industrial Court? Maybe I have a warped mind. That is all right, but I have to be careful because it is better to be careful than to be sorry.

When I see some of the propensities displayed by the hon. Prime Minister, you know every time he gets up to speak, he behaves like a “badjohn”, talks like a “badjohn”, not physical, but talks like a “badjohn”, but when I see that same Prime Minister arranging, he does two things in this whole scenario of problems.

First, it appears this Government is arranging to have a Commissioner of Police, or not only a Commissioner of Police but other first division officers indebted to it in terms of the additional year or three years of their service. When I see that, then I understand that the second division officers who normally might appear—I understand they support that, then I read in the newspaper that one of the reasons advanced, when the second division officers were claiming that they did have a problem with the first division or the Commissioner of Police, as it was said at that time—the statement being made at that time was not a statement with respect to—and the hon. Minister of National Security is correct—all executive or first division officers, what we were reading in the newspapers was only in respect of the Commissioner of Police.

When I see the Commissioner of Police being put in this position, where he is beholden to the Executive and then I see the other first division officers not in agreement with it but the second division officers in agreement with it, and I hear the President of the Second Division officers saying that they agree with that provided the second division officers have the ability to retire at age 45.

Not only do I see the *quid pro quo*, I also get worried.

11.50 p.m.

I remember what happened in Guyana; I remember the *TonTon Macoute* in Haiti; the Mongoose Gang in Grenada, and I hear the rubber talk of the Prime Minister. Again, I go back to Ken Gordon. There was a green paper before the country in respect of media reform. When a green paper is put out, one expects comments. After all comments are considered, a white paper is printed. So one never expects a government to take great umbrage in respect of comments made on a green paper. But here is Ken Gordon, a man whom nobody thinks of in any

Public Officials Bill
[MR. BERAUX]

Tuesday, July 15, 1997

sort of racial way—he is a true Caribbean man, in my view—objecting to it; the Attorney General attacks him or seeks to take umbrage; then the Prime Minister calls him a pseudo racist and the next thing we hear, is that he received death threats.

I remember a former attorney general of Trinidad and Tobago not only received death threats, but he allegedly—I do not know because I am not his confidante, whether he took legal action, but I understand that he had either threatened or begun to take legal action for certain comments made for libel. I remember that Selwyn Richardson was in the middle of a libel suit and he was killed, murdered, executed.

I do not know the source of it, but I worry and I am worried right now, because here I am, exercising the right which I have, as a Member of Parliament in this debate and I am speaking on a motion which has to do with powerful people and the most powerful man in the police service, expected to protect and serve, and I am not sure that when I leave here that I would be safe. I have nothing against Mr. Mohammed. I met him only once, but I am giving you the kind of apprehension and fear that persons like myself who have to come out and represent people fearlessly, could have, simply because we find it strange and incongruous that the Government should want to take charge of the police service.

Take for instance, I did not pay much attention to the question of the time of the magistrates, but after I listened to what was going on and then I looked across at my Friend from Pointe-a-Pierre and I recall that his lawyer is objecting to a magistrate, I begin to ask, what is going on? But then I know the senior magistrate they are speaking of and I know he would not be involved in any kind of skullduggery.

Then when I look at the Bill and the way the extension is going to be carried out, I feel a little more comfortable. The question of extending the service of the first division police officers must be something which should be done through the Police Service Commission. Retain the Commission to determine whether it is in the interest of Trinidad and Tobago to extend the term of an officer. If the Police Service Commission so decides to extend the term of an officer, then that Commission goes to the Prime Minister and says, “we want to keep officer, “X” or “Y”, and the Prime Minister, as he has now and always has—and we think that is quite proper because it is part of the Constitution—will say, yea or nay.

I am saying that if we seek to pass the legislation, especially in terms of the police service, in the manner in which it is here now, it offends section 123 of the

Constitution and, therefore, it must be passed by a two-thirds majority. On the other hand, if we do it the way I am suggesting, it is my humble, considered opinion that it will not require a two-thirds majority. The way in which the Bill is brought here, in my view, requires a two-thirds majority.

Mr. Speaker, you will pardon me if I pay no attention to the Member for Nariva. I am dealing with serious matters and jack-in-the-box and Kermit, the Frog, I do not deal with at this time. When I am ready to attack ladies who are environmentalists in the swamp, I will then look in the direction of the Member for Nariva.

The hon. Member for St. Joseph spoke about “Bloody Tuesday”, but it seems there is no co-ordination among them, simply because the Member for Point Fortin said that Randolph Burroughs was the best Commissioner of Police we had and he is alleged to be the man who was involved in “Bloody Tuesday.” So I do not know if they do not take him into their confidence and discuss with him in the caucuses; I do not know.

12.00 midnight

Somebody said that in certain cases there was 100 per cent crime detection. I am not going to question the statistics. I do not have independent statistics but we all read the newspapers and we all know that there are numerous murders occurring every day. I do not know how they work out their percentage. It may be, in my view, for there to be 100 percentage detection in murders, persons are found dead, you look at them and work out they did not kill themselves, they did not commit suicide, they were not knocked down by a motor vehicle, and that is murder. Therefore, you have detected that murder and that way it is 100 per cent. Other than that, I really do not know.

I have made some suggestions in respect of how I think this Bill could be amended so that it could be passed without any problems. I commend them to the Government. They may or may not want them but, I also am very sympathetic in respect of what they want to do with the magistracy to try to relieve my good Friend from Pointe-a-Pierre from any of his heartaches.

Mr. Speaker, I cannot support the Bill at this time. I thank you.

The Minister of Planning and Development (Hon. Trevor Sudama): Mr. Speaker, I had no intention of participating in this debate. It is now midnight. I thought, having patiently listened to much nonsense on the other side, that I may take this opportunity to issue a few correctives. First of all, let us go back to a

point the Prime Minister made during his contribution. That is, that this Government is engaged in a programme of restoration of law and order in Trinidad and Tobago, a programme of suppression of crime, a programme of dealing with the drug problem in this country, a programme with respect to the rehabilitation of youth. The Government is looking at the issue of increased visibility of the police throughout Trinidad and Tobago to lend a greater sense of security to the average citizen. The Government is also looking into the problem of community policing to attempt to solve problems at the community levels so that these problems do not emerge into criminal activity.

This Government is also engaged in responding to reports of impending criminal activity through the 999 rapid response system, which is a new initiative of this Government. As one would know, this Government has instituted a Kidnapping Squad to deal with the problems associated with kidnapping. There is a programme in place to combat juvenile delinquency. There are training programmes for the training of police officers and the Government has put in place a new system of recruitment which seeks to select the right person with the right attitude and aptitudes into the police service. It is a comprehensive programme of trying to restore the morale of the police service and trying to get the police service to do a lot more preventive work in terms of the crime situation. In this whole programme which the Government has instituted it does not wish to change horses in midstream. It feels it is not in the interest of the country and in the interest of the Government or anybody that it changes horses in midstream. It would like this programme to grow to some stage of fruition so that the country could have the benefit of its crime suppression activities, crime prevention, crime detection and the rehabilitation exercise that it is engaged in.

This Bill before us seeks to give the administration the flexibility to proceed in this direction.

Mr. Valley: Mr. Speaker, if the Government does not want to change horses in midstream, could the Member account for the fact that of now the Governor of the Central Bank has taken his leave? As a matter of fact, there is no governor. Are they changing horses in midstream at the Central Bank? Is that an area where nothing is happening?

Hon. T. Sudama: Mr. Speaker, the Member does not understand the context in which I am speaking. With respect to crime the Government has developed a new approach. *[Interruption]* The issue with the Central Bank is a horse of a different colour. I myself do not know what is happening in the Central Bank. I

cannot give an account of that. Some people may argue that the stewardship of the Central Bank, perhaps, has not been as encouraging as it ought to be. I do not want to get into that. I do not know if they have a programme of reform in the Central Bank. If they did have such a programme, and if it were a successful programme, I imagine a case could also be made out for the extension of the services of the Governor of the Central Bank.

This Bill before us has many implications. It touches on the question of responsibility for the maintenance of law and order in Trinidad and Tobago. That is one of the issues with which the Executive is charged. It has to maintain law and order and good governance in Trinidad and Tobago. Therefore, if that responsibility resides with the Executive, the Executive has to see with the discretion it has at its disposal, how best it will achieve that task and that objective.

Again, this Bill gives the Executive and the administration a certain flexibility where, with respect to the mobilization of manpower, particularly manpower in the police service in Trinidad and Tobago, there is that flexibility to ensure that there is effective maintenance of law and order in Trinidad and Tobago, and the security of person. This Government is not going to shirk its responsibility. It is going to work within the ambit of the law and the Constitution. The previous administration shirked its responsibility with respect to dealing with the crime issue in Trinidad and Tobago.

The former Prime Minister threw his hands in the air and said he could not do anything. He was powerless to do anything about crime in Trinidad and Tobago because he did not have control over the police service. He went into a running battle with the Chairman of the Police Service Commission in 1994—1995. Now they are talking about the sanctity and independence of the Police Service Commission when they wanted to crucify the Chairman not too long ago. As a result of this, not only did it end there, but showed one the megalomaniac tendencies of the former Prime Minister who took the battle right up to the head of this country.

Here statements are being made at party level. I understand that you cannot talk about the head of state in this forum. That PNM administration went throughout the country and said that person must go. Today, I am hearing about constitutionality and respect for law and order. They are guilty of this.

12.10 a.m.

Let us get the role of the police very clear. The police officers have their work to do. They have to maintain law and order, observe and uphold the rules of the

country. The Commissioner of Police does not operate in a vacuum. While they have that responsibility there is also a Minister of National Security whose job is to lay down policies with respect to the maintenance of law and order, so that they would be carried out by the Commissioner of Police and his forces.

It seems to me that this discussion was carried out in an air of unreality. Somehow the Commissioner of Police and the police service of this country operate in a vacuum and they are empowered to do what they want. They are self-directed in whatever they propose to do without realizing that the ultimate responsibility for their action resides with a minister who is responsible to this Parliament.

There is independence and we have put it in our Constitution. I would give this House a little history because not many Members in this House have long standing here. They do not have a great knowledge of the political history of Trinidad and Tobago. We went to another extreme in the Constitution in 1962 because of the behaviour of the PNM in 1961. In 1961, the Opposition could not hold a meeting. If they held meetings and were harassed, the police stood by. If there is any government guilty of politicizing the police service in this country, it is the PNM. I recall the incident with the Democratic Labour Party and Dr. Capildeo in the Savannah where they harassed the political Leader of the DLP.

When he called on the police to take action the police ended up arresting the victims at that rally in the Savannah. Having had the experience of the 1961 elections, when they went to Malborough House in 1962, that was one of the critical stances that the Opposition took. They had that experience. That is why the insistence was that this Police Service Commission must be put in place as well as the Public Service Commission to insulate the opposition and those opposed to the government, from the potential and incipient thuggery of a PNM government. For that reason that was put in the Constitution of Trinidad and Tobago.

That does not mean that is the norm for all countries. There are many countries in the world where the police is responsible, not to a commission, but to the elected representatives of the people. Ours was a special situation arising from the experience of 1961. It is felt that having put it in the Constitution, we have insulated the police in their activities. There cannot be such a hard and fast insulation.

The Members of the Police Service Commission and the Public Service Commission are appointed by the President after consultation with the Prime Minister and Leader of the Opposition. It is the Prime Minister's views which

carry weight with respect to the appointment of members of these commissions. No Prime Minister will agree to the appointment of a member of a commission whom he feels is too independent or prone to be on the opposition side. There are limits to this notion of complete independence that is being parroted from the other side.

Let us look at the reality of the situation in the country. It was the same Constitution that gave the Prime Minister who is head of the executive a veto power over certain critical appointments, whether it is a permanent secretary, a chief technical officer, a commissioner of police or a deputy commissioner of police. Why was that veto power given? If it were felt that the judgment of the Police Service Commission or the Public Service Commission was such that it ought not to be questioned, and they were acting in the best interest of the country, why would the Constitution give a veto power? It is simply because it was felt that the executive should not be so totally hamstrung that it was at the mercy of a commission in terms of identifying key personnel to run the administration. This whole question of independence has to be taken within that light. It is not that we are arguing a case that they ought not to be independent, but we must look at the reality of the situation and not talk in a manner as if we are constructing a myth in terms of administration.

The race issue was imported into this debate. I would like the Member for San Fernando East to tell us when he was Prime Minister how many times he vetoed recommendations of the Public Service Commission, the Police Service Commission and other commissions and on what grounds. He should be candid enough to tell this House. I have an idea of whom he vetoed and on what grounds. Now he talks about how we are setting up the country and causing division along ethnic and racial lines in the country. An investigation into his performance as Prime Minister of Trinidad and Tobago from 1991 to 1995 would be very revealing.

We are told that this Government operates in a manner where the end justifies the means. This came from that side in this debate. In order to remove the Speaker that PNM administration declared a state of emergency. In constitutional terms, a totally barbaric act of autocracy and dictatorship was displayed. The Member for St. Ann's East said that the police service has a good culture and we are trying to undermine it. I am not saying that there are no good cultural practices in terms of their police activities, but it was not so all the time.

12.20 a.m.

Historically, the police service of this country was one of the most politicized institutions in Trinidad and Tobago. That has been changing and I trust that the

police of this country would do their jobs, and I have no doubt that they have been doing it without fear, favour, or discrimination and observing the letter of the law in carrying out their activities. I have no doubt that the majority of them are doing that. When it comes to a culture, we have to keep ourselves assured that the culture to which we aspire, and which the police service must observe, is under scrutiny at all times. The price of liberty, as they say, is eternal vigilance, so I want to make that issue very clear.

I have heard talk of a creeping dictatorship and that this Government is compared to Nazi Germany and what Hitler attempted to do in 1933 and so forth. When people have nothing to say, they come up with such nonsense by comparing a UNC/NAR Government with the government of Nazi Germany of 1933.

Trinidad and Tobago has all the freedoms under the Constitution, so that is the perception of a paranoid mind. The paranoia which sweeps that side is amazing, especially when they go to Woodford Square. We have an independent judiciary in Trinidad and Tobago where, if one feels that the Government is violating the laws of this country, one can seek redress from an independent judiciary.

The Member for San Fernando East is no expert in law, and he went to the courts thinking he is a constitutional expert and lost the case, now he is going all over the country begging for donations to pay for his damages. That is simply because he thought he was a legal expert. One has recourse to the law, if there is a situation where one's freedom is threatened.

There are the trade unions, the teachers union, the PSA and all the other unions in Trinidad and Tobago that have all the freedom to march, negotiate and criticize the Government, and to put forward their own policies and so forth, and we are told that Trinidad and Tobago, under a UNC Government is a creeping dictatorship. The Members have no idea what dictatorship is.

The first Prime Minister of Trinidad and Tobago used to say, "When I say come, you cometh, and when I say go, you goeth." And that is not dictatorship, that is liberal democracy in its full form. "Not a dog bark, and if you don't like it, get to hell out of here."

The first inclination that we were heading in a certain direction in Trinidad and Tobago was the introduction of voting machines in this country, and we hear this nonsense about creeping dictatorship on the other side.

I do not want to take this Parliament too long into the morning. I did not intend to speak, but I want to make two other points and that is, who is trying to destabilize Trinidad and Tobago?

I recall very vividly when the NAR government came into power at the end of 1986, two or three weeks had not passed before the PNM started to attempt to destabilize it by organizing weekly marches around the Parliament and creating a sense of hysteria in Trinidad and Tobago, in an attempt to destabilize the unions and promoting all sorts of propaganda against the NAR government. That developed over the years until it culminated in the coup attempt of July 1990. And it is passing strange—I was here in the Parliament on that day and became a hostage as a result of doing my duty to my country as a Member of Parliament. I was a hostage but Mr. Speaker, it was very strange that not a single Member of the PNM was here.

I understand that they had known of what was going to take place and the Member for Diego Martin Central let the cat out of the bag when he said when one has a government who did so many things like cutting public servants' pay and debating the O'Halloran issue, and when a government seeks to do that it is looking for trouble. Do you know that we were debating the O'Halloran issue on that day when the Muslimeen attacked this Parliament? If they did not have some kind of relation with the Muslimeen and if they were not sympathetic to the PNM then we could not make these connections. I am saying here today that when it comes to destabilizing, the PNM party in terms of destabilization will go to any length to get power, including destabilizing the legitimately elected Government of Trinidad and Tobago. I say that today without fear of contradiction because I know. I lived the history together with the Member for St. Augustine and the Member for St. Joseph. We lived the history of that coup attack and that dastardly act of an attempt at a violent overthrow of a constitutionally elected government in which the PNM had some role to play.

There was talk today that this Government is threatening the society and so forth. Who has ever threatened this society more than the PNM did in its 34 years? While it was in Opposition, it collaborated with anti-national forces of Trinidad and Tobago who wanted to install the different kinds of regime in Trinidad and Tobago. That is the legacy of that party and former government.

12.30 a.m.

All the Prime Minister meant when he said: "If you attack my Government you would not escape" is that we reserve the right to respond. If the Government is

attacked, it reserves the right to respond. The Government will defend its position, its actions and its policies. None of us have any apology to make with respect to that statement. As I said, if the Government is attacked it reserves the right to defend itself. Why must there only be freedom of expression for yourself and not for the Government? If the Government is attacked should it remain silent? Is that your idea of free speech and freedom of expression?

There is this other notion and we have heard it before, of discrimination in appointments and selections and so forth for certain positions; that we are taking people and pitch-forking them over others into senior positions. This whole issue of people being appointed on the basis of seniority is going to be questioned. Seniority is only one factor in recommending someone for an appointment. There is the question of competence, merit, initiative and the capacity for leadership and so forth. When all those factors are taken into account it does not only go on the basis of seniority. However, when it is convenient for the PNM to bypass people it does so with impunity.

They referred to the Comptroller of Accounts, when Mr. Superville was appointed seven persons were bypassed, but today they are arguing against the newly appointed acting Comptroller of Customs. Members on the other side just argue conveniently and they have memory lapses.

Mr. Williams: Do you have the facts about the appointment?

Hon. T. Sudama: Do you have all the facts?

Mr. Speaker: Hon. Members, I would like to suggest that even at this hour in the morning one should speak through the Speaker.

Hon. T. Sudama: As I said, Mr. Speaker, I just rose to clarify a few points, not to get into any long debate. However, there are some critical issues we have to address and that is the role of the Executive vis-à-vis the bureaucracy and other institutions in the society. Currently, there is a Constitution and there are certain rules and conventions by which the Government is guided and one has to work within those rules. But certainly, the question has to be asked whether this is the best arrangement for the effective administration of the Government of Trinidad and Tobago.

The model that we have adopted from Britain with respect to the public service where the Minister is the only political head and all others are permanent representatives who are appointed by—that is only one model among the democracies of the world. There is the model in the United States where, with a

change in administration a significant level of members in the bureaucracy leave and political appointees come in to execute the work of a new administration.

Mr. Speaker, I do not know if they would get up and say that is a creeping democracy in the United States. In Europe there are similar models. I want to quote from a book called *Comparative Government and Politics* under the reading “The Reach of Political Appointments”. After all, the politicians are responsible to the country at large. They have the final responsibility as to how the Government works, how the administration performs and so forth. Therefore, they ought to have some measure of discretion in terms of the people who are going to effect the policies and programmes that were put in place.

“In Germany, the number of ministerial appointments is even smaller.”

I am told that it is even smaller in Great Britain.

“However, this lack of penetration is offset in Germany by a system in which civil servants who are sympathetic to the ruling party are moved into sensitive administrative positions. The financial cost of this approach is substantial: civil servants who lose their jobs on political grounds take early retirement—on full pay.”

The principle is that the bureaucracy which assists the elected members in carrying out their programme has to be one that is sensitive to the policies, programmes, the approaches, philosophy, initiatives of an incoming regime. Today we are talking—

Mr. Williams: Hon. Member, could you tell this honourable House what obtains in other countries that are members of the Commonwealth Parliamentary Association of which there is an active branch here?

Hon. T. Sudama: Mr. Speaker, the experience varies from country to country and depending on the country and its history, the level of penetration into the bureaucracy varies, it is not standard. However, we have heard a debate here today which seems to be so unrealistic in terms of what actually happens and what happens in other jurisdictions in the relationship between the political arm and the bureaucracy; in the relationship between the Executive and the policing function, that makes one feel that somehow we are living in another country; we are not living in a country which is seeking to come to terms with effective government and effective governance in this society.

Mr. Speaker, I just thought I would make these few remarks in the interest of enlightening Members on the other side about the historical antecedents of the

Public Officials Bill
[HON. T. SUDAMA]

Wednesday, July 16, 1997

Constitution that we have in place and, of course, the whole question of the difficulties in trying to establish the proper relationship between the political arm, the bureaucracy and the policing administration in any society.

Thank you, Mr. Speaker.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, as I rise to participate in what has already been demonstrated to be a very important and historical debate in this Parliament at this very godly hour, I could not help but remember when I came to this Parliament towards the end of 1995, we had occasion to go through the night in, what was then, the budget debate.

I remember only too well as a young man watching and observing the politics in this country. I had grown accustomed to the fact that the budget debate would be conducted over a period of three or four days allowing serious sensible debate; allowing the media, recognizing that the seats in this Chamber could only accommodate a limited number of our citizens and the lenses of those cameras and the pens and computers of those journalists were to purvey the goings-on in this Parliament to all of Trinidad and Tobago and, perhaps, indeed, to the wider Caribbean.

12.40 a.m.

Mr. Speaker, on that occasion, I was disheartened and disappointed and as I reflected—having spoken here in that debate around 4.00 or 5.00 o'clock that morning—painfully, the difference between that debate and the debates that I have heard about before. Even in caucus for that debate we anticipated the usual approach and in fact, as we traditionally did, planned our meeting at Piggott's corner every year for all of the budget debates, to carry to the people the PNM's perspectives on the budget for the operations of the country. That was the first indication from this UNC Government, now supported by a few hapless Independents, that this Government was capable of anything and when we, the PNM, protested vehemently, and walked out of this Chamber demonstrating our disgust of that approach in an important debate such as the budget debate, no one took us on. It was treated fleetingly; the Government was still in a period of honeymoon but that demonstrated the tendency of this Government very, very early to be the unruly horse that it has now come to be seen to be.

This Bill seeks to amend the law to provide for the extension of the period of service of magistrates and officers prescribed. Mr. Speaker, we have heard it several times from various speakers tonight, so I need not detain this honourable

House with this. If this legislation had come out of the minds and the thinking of a Government without the track record that this one has for the last 20 months, we would probably not have been here now. Dangerous as it might be, it may have been overlooked, but this Government in the short 20 months that it has been in existence in this country has developed something of a track record that has left every past politician, every political analyst, every media person, every student, every citizen of this country, other than sycophants of the UNC, very, very concerned and watchful. It is really a question of a lack of trust and confidence in that Government, so we cannot take chances with them.

We understand fully well that the mathematics is such that in a vote where you require a simple majority, the Government has a simple majority and it would win out in a vote any day. We understand that only too well, but we of the People's National Movement are committed to standing and protecting the rights and freedoms in this country and we would state our objection to this legislation and any other legislation the Government brings every time, 25 hours a day, eight days a week.

Mr. Speaker, the People's National Movement in 1956, held the majority of seats in what was then the Legislative Council. It is the People's National Movement who took this country to Independence. It is the PNM between 1974 and 1976, after significant and total consultation with the people of this country, who put in place a Republican Constitution.

[MR. DEPUTY SPEAKER *in the Chair*]

I accept that at least on one occasion, the father of this nation, the founder of this proud PNM party is reported to have said, "When I say come you cometh, when I say go you goeth." Mr. Deputy Speaker, while he was saying that, right next door in Guyana—a country that means much to this Government, and they have demonstrated it by writing-off millions of dollars of debt—[*Crosstalk*] [*Interruption*]

Mr. Deputy Speaker: Hon. Members, order! please.

Mr. F. Hinds: Thank you very kindly, Mr. Deputy Speaker. I think I would rather lower my tone at this stage because it appears to be causing a certain kind of energy. While I accept that Dr. Eric Williams would have said what he was alleged to have said in Guyana there was a history of vote rigging; right there in Grenada there was a group called the *Tonton Macoute*, who would kill people who were opposed to the political thought of the leading—[*Interruption*]

Mr. Deputy Speaker: Order please!

Mr. F. Hinds: Mr. Deputy Speaker, I am grateful for your protection. I am also grateful for the manner in which you assert authority in this Chamber. Notwithstanding all of it, it is our business to preserve the dignity of this House and while I speak of dignity of this House there are a few serious points I wish to make. I take the question of the dignity of this House very, very seriously; the question of the observance of the traditions and practices of this House and good government. We have heard a lot about the Constitution and I reminded one of the speakers from the other side that the drafters of a constitution, like any other legislation, could not contemplate all possibilities. As such, it would have reflected the morality, the mores, the political culture at that particular time. If the drafters of the Constitution had anticipated anything like that which this country faces today, I am sure that the Constitution would have been locked in stone, it would have been iron clad to keep some of the predators out.

I recall observing something, and I would not attempt to embarrass any particular Member, but we are talking about the dignity of this honourable House and I want to dwell for a few moments on it. There are simple rules: one ought not to turn his or her back on the Speaker of the House; one ought not to be eating in this Chamber—chewing peanuts—and I have had the displeasure of seeing that. The kind of conduct that one hears—we speak loudly and I can, because I used to be a drill instructor in the police service, so I can shout very loudly if I want to. Mr. Deputy Speaker, there is a time and place. There is a kind of behaviour that is creeping into this House that we must be watchful of.

12.50 a.m.

I was in London in 1990, and the first report I got about the untoward events in this Chamber, something just told me—and it has stuck with me to this day—that to take the course that certain persons took to enter into this Chamber, required a psychological quantum leap. That would only be done if the practice of politics and the conduct of business in this House had come to such a low stage that it would have encouraged adventurous spirits to do that which they did. I am saying, for the sake of Trinidad and Tobago, I am saying for the sake of the future of this nation, that we need to be very careful about what we do. One Member on this side put it so appositely. He said that we must be careful not to sink the ship because we are all sailing with it.

Mr. Deputy Speaker, I was asking my friend from Port of Spain South, a dignified and Christian soul, for his *Bible*. Normally he walks with it. He did not

have one. Being conscious of other religions, I asked him whether he had his *Gita*. He did not have one. I asked him whether he had his *Qu'ran*. He did not have one either. I asked him whether he had his *Torah* and he did not have one, so I have to rely on my recollection of the text I want to bring to your attention. The more we speak, as we have done during the course of today and many times, we the PNM have been wrongly accused of being a weak Opposition. People who sit in this Chamber week after week will know that we have challenged this hapless, hopeless Government on every single issue as it arises, but the media have been perhaps—I say perhaps—intimidated by a ruthless Government.

Often times, a lot that happens in here does not reach the ears and minds of the people across the nation. Consequently, the Member for St. Joseph—a gentleman whom I have some measure of admiration for, Mr. Deputy Speaker—mentioned during his contribution that I spent some time in London, and he would have assumed that I would have visited the mother of all parliaments. In fact, I did. Not on one occasion, but several occasions. When I went, I did not see my friend from St. Joseph. He must have been somewhere sipping wine in his top hat and tails.

Mr. Deputy Speaker, I have heard a lot about the Constitution today and as I was attempting to indicate, those are words. Someone on this side, and many speakers on the Constitution and writers have said that there is something called the spirit of the Constitution, but this Government has demonstrated that as long as it is not written in black and white, it is either going to do or not do it. The only thing to stop it is if it is written in black and white. I do not want to embarrass anyone, but there are several things that this Government has practised and done contrary to the spirit of the Constitution since it came to office. One just cannot trust it. One just does not know what next it will do.

When the political leader of our party spoke today, I had to agree with him wholeheartedly. You see, we are representatives of the people, and what the Member for San Fernando East expressed is what the Member for Laventille East/Morvant can properly express; what the Members for Diego Martin East, Arouca South, Arouca North, every Member here and on that side, if they are honest, can express. What he did was to express the sentiments of the people, because what can be misunderstood will be misunderstood.

The Police First Division was clamouring for a reason. It did not get one until today. It was an attempted reason. What we got for a reason today is but an excuse. You can have one reason for anything and a million excuses. What we got was an excuse because the Prime Minister was wholly and totally unpersuading

Public Officials Bill
[MR. HINDS]

Wednesday, July 16, 1997

and unconvincing. As for the Minister of National Security, I mean no disrespect to the gentleman, but his contribution was nothing short of an apology. When I got up during the course of his contribution and asked him to tell me the reason, he said, "Did you not hear? The Member for Couva North already said it." He is the Minister of National Security. The police service is under his jurisdiction.

We have heard a lot about the Constitution this evening. The Member for Oropouche correctly pointed out section 123 of the Constitution. I do not have to waste moments reading the words. We have heard it before and it is a document that we all have a copy of, but in brief and, in particular, subsection (3), the Police Service Commission makes appointments of the commissioner or deputy, having consulted with the Prime Minister. The reports are that, in fact—I just want to reiterate—they did. The recommendation they came with, the appointment they suggested to the Prime Minister was vetoed, and he is quite entitled to do that.

He then went a stage further, and recognizing that he had not the power under the Constitution to do what he did, he decided to bring to this Parliament a piece of legislation to achieve the same purpose contrary to the spirit of the very Constitution. I dread to think—and this is why the misconduct—it may not in the Parliamentary sense be misconduct, but certainly, insofar as our organization is concerned—the misconduct of the Members for Arima and Point Fortin is growing in magnitude every day.

The NAR had 33 seats, and whatever we may say and think about it, never did we see any attempt to sabotage the Constitution and constitutional practices. I dread to think, if this Government—this hapless, hopeless bunch—had a majority of 33/3 this country would become unrecognizable. I do not know what it would do. I really do not know. This is why I say that the magnitude of the misconduct of the Members for Arima and Point Fortin is growing on us, but God is great. Just as the Trinity Hills protect us from hurricanes, just as the earthquakes seem to give us a little shake and affect others, so too, we will be protected from the political storm that is the UNC. God will protect us. That is my prayer.

1.00 a.m.

The political leader of the Opposition, the Member for San Fernando East, was quite right when he expressed the concerns and dealt with the question of race. If one is not listening to the talk shows, if one is not listening to the people on the ground and I am sure one is not listening, you know. Because I heard the Member for St. Augustine on the radio a few days ago saying that he is amazed that the

media are giving one impression and all the people in the country are getting another. He is totally out of step; the people are saying, especially in the absence of reasons for a Bill like this—because what can be misunderstood will be misunderstood.

Talking about that, if one wants to implement or institute constitutional change, the Constitution, as we all understand, is the blueprint by which Governments and other arms of the state, the Judiciary and the Parliament must operate. It is something. It is the outer limits, it drafts the outer limits as to what we can do. If one wants to interfere with the Constitution which is nonpartisan, all-embracing and is supposed to affect the governance of the country regardless of which political party is in power, then one ought to tell the people so, as one seeks their support. But one wants to interfere with the Constitution and effect constitutional change through the back door.

We of the People's National Movement, who oversaw the framing and drafting of the Constitution, who observed it religiously over the years, are going to stand up, and when the history of this country is recorded we of the People's National Movement will be seen to be the ones who have stood up to defend the people of Trinidad and Tobago. It is as serious as that.

The Member for Oropouche talked about how we behaved, as though their Government is a Nazi government. Let me tell you—the Member for San Fernando East, and I make no apology—*[Interruption]* I am not saying that; that is far from the truth and even if he was I would take him time and time again, a hundred times over your political leader. I will tell you that frankly. I have seen, as I sat here in this Parliament, another feeble attempt tonight, but you had not the spirit, Members for St. Joseph and Oropouche.

The Member for Diego Martin Central made a point. He was attempting to address the history of the intervention of insurgents in this Parliament and you start accusing him of planning a coup and violence. It is your behaviour. This is why—preaching or more planning, same thing, because the next thing I will see in the newspapers, as you did during the budget debate, is that the PNM is planning to overthrow the Government undemocratically. You had not the spirit to even sin, this morning. You are losing the steam even to sin; you are dying, you are wobbling at the knees, you will collapse shortly; we understand that. God is great.
[Desk thumping]

Mr. Deputy Speaker, let me deal with the racist argument. You see, as the Member for Laventille East/Morvant, my constituents often come to me and make

Public Officials Bill
[MR. HINDS]

Wednesday, July 16, 1997

allegations and suggestions of racism on the part of the Government. Because inside of these beautiful dreadlocks is a sober and sane mind, I throw water on all of it all of the time, because I fully well understand that we as politicians can definitely use words and act in a manner that can incite people to behave in a certain way. This is why we are careful about the things we do. Inside of the PNM that kind of behaviour would not be tolerated, but the fact of the matter is this: I know that the Member for Couva North is on record. When he was in, perhaps, some kind of wild state criticizing members of his own ULF party, this was reported, you know, and I am not hiding behind parliamentary privilege. If we were outside I could have said it. It was reported twice recently—and I read it with these eyes—in that *Mirror* newspaper and I made investigations.

Mr. Assam: The *Mirror*?

Mr. F. Hinds: Yes. I made investigations and my investigations yielded positive results. That very Member for Couva North is on record as accusing some of his party members of selling out the ULF to the "niggers", and "niggers" are his words; his words! Yes, you could "ooh" and "aah" as you want, but that is the truth. That is not nonsense, it is the truth. Do you want me to say it outside so you can sue me for libel, and we could test it?

Mr. Assam: You are a sick man!

Mr. F. Hinds: I made the point, and this is the point: even for speaking the truth you call me sick. If I have to be called sick for speaking the truth then I am well sick, but I will speak the truth anyway. I knew this a long time ago, I choose to make the point now, because you all were very critical of the Member for San Fernando East for his contribution. I say two things: the point I have just made about those comments demonstrate some kind of racist tendency. Secondly, the Member for San Fernando East was articulating the views of many people of this country, particularly in the absence of good reasons.

If you were careful enough, caring enough, transparent enough, open enough to have sat with the first division and told them what you were about, what your agenda was; if you were careful enough, caring enough, bold enough, to come to the electorate in 1995 and tell them that you had an agenda, that you wanted to run one Government in this country, you would not have been in this today. You came to the Parliament, you went to the people talking a lot about national unity. What has become of national unity?

Mr. Assam: It is very strong.

Mr. F. Hinds: Strong? In your mind, Member. Nowhere else. You and all are embarrassed to ask, what national unity?

Mr. Deputy Speaker, let me continue. We have made it quite clear in this debate in respect of this matter. Lest we be misunderstood, for the removal of all doubts, let me say it yet again: we on this side have no difficulty with the technical capacity of the incumbent Commissioner of Police. We even accept that he has done—and we do this on the basis of information received—a marvellous job for the past year, but we maintain that not even that is a good enough reason to take the action that you propose to take in this Bill. That is the point we are making.

There are other overriding considerations; considerations like the implications for the Constitution of this Republic as outlined by the Members for Diego Martin East, Diego Martin Central, San Fernando East and St. Ann's East. There are other implications, so notwithstanding his capacity and his performance for the past year, that does not constitute good enough reason. Talking about good enough reason, I heard the Prime Minister, the Member for Couva North, in a feeble effort to convince us as to good reason, tell us, "Well look", he said, "magistrates and judges are sometimes allowed extensions". Obviously, if a magistrate or judge started a case and his age of retirement came and the matter is part-heard, if he retired the case would naturally fall down. Because according to simple legal principles, one magistrate or one judge or a tribunal, if it is more than one persons, must hear the whole of the evidence.

1.10 a.m.

You cannot have one person hearing half and another person hearing the other half. That is a matter of simple ordinary common sense.

Parliament, according to section 53 of the Constitution, is expected to make good laws for peace, order and good government in the republic. You would expect if they need an extension for that purpose, that is good reason. I submit, however, Mr. Deputy Speaker, that because a man has been working well for one year does not constitute good reason akin to the situation that would warrant the extension of the life of service of a magistrate or judge in the circumstances I have just described.

If simple logic were to be applied, what about all the other persons who are working efficiently in the police service, not only first division but second division as well? What about the prison, fire and teaching services and all the public service? Not only are those who can objectively be said to be working well,

Public Officials Bill
[MR. HINDS]

Wednesday, July 16, 1997

but what about those who believe they are working well subjectively? They would feel aggrieved and while this Bill masks its purport by embracing all first division officers, the whole police service—of which I proudly was a member—know full well that this is not intended to affect them, at least not positively. It would affect them adversely because when a man is due to retire—and we make no bones about it, we have no problems with the personality of the Commissioner; I know him and have found him to be an honourable man; it is the principle we are getting at.

What about all the other first division officers who would feel that they are entitled? What about those who retired two months ago? He would have felt, "What about me?" What about all those who are there? You would never know. When those of us who join the military and paramilitary organizations like the police service, one of the things—for example, in the teaching service you cannot look at an individual and know that he is a principal or vice-principal or first year teacher—in the military, we carry rank. It is very psychological and men work hard and live their entire lives dreaming about moving up the ranks to corporal or sergeant. You will never imagine the grave disappointment and embarrassment because of the publicity, that some people undergo if they are not promoted and especially when they feel that they deserve to be promoted. What do you think is the state of mind?

You talk about morale. What do you think is the state of mind of Mr. Guy and Mr. Snaggs today, and all those others who come beyond them and feel that by blocking the top for another three years—or at least another year, according to the legislation—they would not move up as they ought to.

The Member for Tobago East spoke and as far as I am concerned he did not address himself to the dictates of the terms of this Bill at all. What he said was with or without merit, I will deal with that separately. I am dealing with the Bill. My point is, they are talking about morale but there is a sense of grievance now throughout the ranks of the first division. In the second division of the police service there are three movements: corporal, sergeant and inspector. The bulk of officers are operating in there, about 5,700 at any one time. Many of them would be on leave, so there is an active operating force of about 4,000.

Three promotions in the second division. In the first division you have assistant superintendent, superintendent, senior superintendent, assistant commissioner, deputy commissioner and commissioner. You have six levels, therefore, most of the movement takes place in there. What would have happened—when you talk about morale—you would have interfered with the morale of many people

inside there. There is a price for everything and the managers would tell you that there is a price. If Mr. Guy is fired, then he is thrown out of the workplace. It is as if he is on a strike. But now you may have a man who is inside there with a heavy heart and a grievance. Thus, you have a man in a factory on a go-slow. If you are a sensible manager, you sometimes realize that it might be better for a man to strike that be on the inside and go slow, because he does you more harm.

I suspect that these subtleties would escape you but suffice it to be so. Outside of the actual problem with the police service—again we have alluded to it time and again throughout this debate—we are seeing a "doh care" attitude on the part of this Government: "We do not care what you do or say; we are going to do it any way".

Imagine my constituents bestowed upon me the privilege, joy and blessing of representing them here in this very Chamber. I shall not waste moments; let me continue. The Member for Diego Martin Central—as a layman, I was so impressed hearing him explain a principle of law in layman's language. I do not think that as a lawyer myself I could have put it better. It is known as "legitimate expectations". The principle in law is simple and the Member for Couva South knows it quite well, at least I assume he does.

Let me continue about this concept of "legitimate expectations". According to administrative law principles, if you have, for example, a bit of legislation or rules that govern the operation of whatever and arising out of the legislation or the rules, the decision-makers derive what is called policy. Thus, your policy must be consistent with the legislation, otherwise your policy would be *ultra vires*. So you derive your policy from the legislation. When you formulate policy you have to make known that policy to those who would benefit or who intend to use the legislation.

In this case, you have the rules of the game—people understand that "I came into the police service, I joined, conformed to the regulations and I am expected to be promoted" and so it goes, legitimate expectations. The man who is expecting to move on when the commissioner retires, he has a legitimate expectation that once he is qualified, he is next in line. At least, I must stand a good chance of being next. But when you move the goal post as the Member for Diego Martin Central explained, when he is running up the centre with the ball, 40 yards away from the goal just about ready to strike a powerful shot low and hard into one of those corners, you suddenly pop up from nowhere, Member for Couva North, and shift the goal post. That is effectively an interference with his legitimate expectation.

1.20 a.m.

One or two of our Members indicated that this is the kind of matter that may very well find itself in the courts. What exasperates the situation, in administrative law there is developing a body of laws—the Member for Siparia knows—where administrative bodies are expected to give reasons. The feeling is that when one gives reasons one is more likely to make better decisions. If one can act arbitrarily and does not have to give reasons then the quality of the decision may not be as sound as if one is obliged to give reasons which will stand scrutiny. I accept that Cabinet decisions are not amenable to judicial review but again, we are talking about the spirit of the issue.

Mr. Deputy Speaker, there is another concern. Younger persons both in age and service, quite naturally based on trends that we have known quite normal in organizations—that those who have ripened and enjoyed the sunlight from the tree of light in their particular organizations or professions—would move on and others would come to fill their places. Again, this legislation totally disregards that. Hear the reason: because this man has performed particularly well for the past year. Well, I can tell you, we have heard and we are putting to you that there are others who are equally qualified. What is amazing is that the Government seems content to vest all of its hopes in an individual.

The Member for St. Ann's East raised an important question. What if that man in the execution of his duty, unfortunately—God forbid—was taken out of the picture by some bandit? All of the good work that was boasted about stops? *[Interruption]* Indeed, the Commissioner of Police in the execution of his duty leading from the front—*[Interruption]* Again, if that is what I want. It is that level of venom—to use some language from the Member for Tobago East—it is that kind of tendentious, vapid, vacuous, inane way. Those words have now become the Member's trade mark. The only thing I cannot do is get the pouting lips to demonstrate it. *[Interruption]* I am being accused.

Mr. Deputy Speaker, I was about to quote scripture a while ago. Let me quote it now: "They have hardened their hearts." The Member for St. Joseph, as Catholic as he is, is as un-Catholic as you could have it. The Member has hardened his mind and heart and is beyond reproof.

I wish to continue, Mr. Deputy Speaker. I found the arguments as put to this House, the excuse that the Member attempted to share with us to justify this major departure from trends, practices and from the Constitution of this Republic, unconvincing indeed. I am sure that having heard them, the police service,

notwithstanding—because I have spoken to members of the second division—several members who have broken stride from the leadership of the association have told me personally that they have concerns about the measure. *[Interruption]* I have never broken strides from the People's National Movement and God knows what the Member would become tomorrow, having once been a member of the NAR and now the UNC. As an opportunist, the Member could go anywhere. I have always been PNM and any time—especially given the choices that exist—I have to stop being PNM, I will stop altogether.

Mr. Deputy Speaker: The speaking time of the hon. Member has expired.

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

Question put and agreed to.

Mr. F. Hinds: Mr. Deputy Speaker, I am grateful, and in particular, to my dear brother from Port of Spain South and all Members of this Chamber for extending my speaking time.

I heard a lot about crime. The Member for Point Fortin gave a watering of statistics which made absolutely no sense. The Member for Oropouche and the Prime Minister spoke a lot about crime.

We of the People's National Movement—I was not privileged to be here but in my reading of *Hansard*, in discussions with my colleagues on this side, I recall that we came to this Parliament with a Dangerous Drugs Bill and the Members from that side objected to it, led by the Member for Couva South. I remember we came with a Bail Bill and the Member for Couva South led an objection to it. These bills required everything. Mr. Deputy Speaker, the facts will show that the People's National Movement, while in government, stood resolutely against the proliferation of crime and did all that it possibly could to deal with crime. The rental of a few vehicles last year is nothing new. In fact, it is new because we purchased previously. The year before that the PNM purchased vehicles so they talk about purchasing.

Let me speak about another question, Mr. Deputy Speaker. We heard a lot about community policing and it is those members of the Special Reserve Police who ride those trail bikes in an attempt to interface in a less forceful way with the community and do the things that community police officers ought to be doing. Mr. Deputy Speaker, we will save this for another debate. Suffice it to say that

Public Officials Bill
[MR. HINDS]

Wednesday, July 16, 1997

those Special Reserve Police Officers of whom we spoke today, are looking toward some kind of improvement in their terms and conditions. Let me leave that for the appropriate time.

I heard the hon. Minister of National Security say something that is rather instructive. The Member said, hapless as ever, that what they propose to do—I do not know if this is Government's policy or if this is policy on the hoof, on the trot or in the heat of battle, or questions from this side, but the Member spurts out what he hopes will be Government's policy. Haphazard as they are, I would not be surprised. The Member told us that he is expecting that they will put in place some kind of committee with some element of independence that will oversee the review of the performance of the Commissioner of Police on a year-to-year basis, as has been proposed. Immediately, the question arose in my mind and I saw the Member for Diego Martin Central express consternation.

Are we talking about another Police Service Commission? Are we talking about a sub-committee of the same? Are we talking about a quasi Police Service Commission? Are we talking about some brand new mechanism created by the UNC Government unbeknown to the other people and to the Parliament of Trinidad and Tobago? What are we speaking about with regard to this independent committee? I have my concerns and my views but I would surely love to hear the Prime Minister answer that question when he winds up this debate.

1.30 a.m.

Where are we going? What are we doing? I am deadly afraid for this country. I rue the day and I know the hon. Member for Tobago West also rues the day that she made that mistake. I know, but God is great. God is powerful and great. *[Interruption]* My time is running short let me get on with my discussion.

Mr. Deputy Speaker, when you examine this Bill, you could see yet another example of the timorousness; you could see yet another example of the undecidedness. You could see another example of the two-facedness of the hon. Member for Couva South, though he has it almost, literally. You can see an example of the uncertainty of this Government.

We have two elements of this Bill, one to extend the life of serving magistrates and one to extend the life of the first division officers of the Police Service. And we know it is not the whole first division, it is one man, but the law says the first division. You know, on the one hand, they recognize with the magistrates, that the Judicial and Legal Service Commission should conduct its operation as planned

and drafted in the Constitution, undisturbed, but insofar as the Police Service Commission is concerned, they leave them out. This is a matter for the Cabinet. And when you talk about the Cabinet, you are talking about two people, the hon. Member for Couva North and the hon. Member for Couva South. And when you really get down to the nitty gritty, you are speaking about one man—the hon. Member for Couva South.

I am sure, if I conduct a survey today in this country, the last thing the people in this country want is a UNC Government unbridled by a Constitution, and the next worst thing to happen to this country is to have decisions as important as this, in the hands of the hon. Members for Couva North and South. What a sad day that will be!

This is why we insist that, notwithstanding the fact that you have larger numbers, we will let our voices be heard and we will go to the length and breadth of this country, and as long as the Lord gives us strength, we will take you on from corner to corner, hamlet to hamlet, village to village, until we see the back of you and liberate this country from the morass and from the trouble that faces it. May God give us strength.

Mr. Deputy Speaker, this is an aside. Recently, not in St. Joseph but somewhere in Couva, a two-faced goat was born. *[Laughter]* I do not know. Once, I saw the hon. Prime Minister in newspapers with a cow and he called it something, trying to insult somebody from this side. I do not know if they called the two-faced goat “Ramesh”, or if they called the two-faced goat “Mr. Panday”. Let me respect the man. But I read the very short and unfortunate history of that goat and it was instructive that two short days later, it died.

Mr. Deputy Speaker, the hon. Member for Diego Martin Central read a letter. He put on the record of this House a letter from the first division of the police service. The hon. Member for St. Joseph wants to discredit it. He said it is unsigned. Who in his or her right mind in this country would be willing to sign any letter challenging this Government in today’s political climate? At any rate, it is signed by the—*[Interruption]* I just borrowed the document from him. It matters not. The important thing is the substance of the document.

Mr. Assam: That is why you all are in disarray.

Mr. F. Hinds: Mr. Deputy Speaker, I crave your protection.

Mr. Deputy Speaker: The hon. Member is asking for my protection, please allow him to speak.

Mr. F. Hinds: Thank you kindly, Mr. Deputy Speaker.

Listen to this very interesting paragraph, Mr. Deputy Speaker. Gentlemen of hard hearts and mind, listen closely, if you may:

“We feel that the intention in this matter is bad for National Security because:- (1) It is dividing the service; (2) The fact that they have given no reasons for their actions seems unilateral; (3) Their proposal to over-ride existing laws and conditions for the filling of the post of Commissioner of Police is unreasonable and unjust; (4) That a denial of the Deputy Commissioner HILTON GUY of the opportunity to be Commissioner of Police—he having been duly trained, selected and proposed by the Service Commission is a breach of his constitutional right; (5) Also a breach of natural justice in that no reason is being given; (6) And that cabinet should be more discreet in dealing with such sensitive matters.”

This is language coming from police officers.

Mr. Sudama: Mr. Deputy Speaker, on a point of order. When you read from a document, that document must be laid in the House. When you read and refer to a document, it must be laid in the Chamber.

Mr. Deputy Speaker: Could you indicate to what point of order you are referring?

Mr. F. Hinds: Mr. Deputy Speaker, I am a Roman Catholic by religion, but I have had the benefit of exposure to other religions and practices. In the world of Shango, his spirit would be called “Kiripiti”. Let me continue, I have left you with homework.

This is a Government that speaks about openness and transparency, but this is a Government which, in fact, demonstrates that it simply does not care. It is big, it is powerful, it is strong, it is unbridled because it feels that as long as something is not written in black and white in the Constitution, it can do what it wants.

Mr. Deputy Speaker, this Government spoke about its attempt to solve crime and it has made out one individual to be such a great contributor that it cannot do without him. I find that argument spurious and tendentious, I find it vacuous and vapid, I find it without bottom or without top—typical of the UNC. And they say it is an attempt to deal with crime.

The hon. Member for Tobago East likes to philosophize. He speaks about Thomas Hobbes. Thomas Hobbes is a philosopher who argued that man is basically bad and as a consequence you need law, you need the social contract to

restrain the wicked element of man. On the other hand, you had the theorist Jean Rousseau who took the view that man was basically good, and the Government says that it is attempting to deal with crime by bringing this legislation but it may very well be the case of seeking Rousseau but finding Hobbes.

1.40 a.m.

The Member for St. Joseph in his contribution spoke about this party and we in Opposition were erratic. I do not know what would give him the courage to describe us as being erratic. His Government came into office 20 months ago. It managed to slip in the door of government because of two people who I am sure have grown to regret it, who permitted it. *[Interruption]* I refuse to speak about them. I consciously decided to disregard them. Let us continue.

This is a government which has done everything possible to erode and whittle down any scintilla of goodwill that the population may have had for it. It has upset every single body or group since it has come into office. It is the most cumbersome and blunderbuss Government. If one were to take a physical structure it would be like a cudgel. I do not know how to describe it, just a blunderbuss, cumbersome object.

Mr. Assam: Blunderbuss is a weapon.

Mr. F. Hinds: That is what I mean. I think it was the Member for St. Joseph who said that we on this side are expecting—I do not want to quote him because I do not have the record here; I am paraphrasing. The Member for St. Joseph was asking why we should discard a powerful human resource.

If attaining the age of 60, as the present rules cater for, means there is a question of discarding, then I really do not understand. Indeed, all public servants, police, fire, army, all of them, expect at age 60 to go into the happy years of their retirement, hopefully. That cannot be about discarding any human resource, because if that is the argument, all of the persons who have retired, particularly those who have worked well, could be regarded as having been discarded. That offers no justification. That is another excuse.

Mr. Sudama: That is a non-point.

Mr. F. Hinds: I agree with the Member for Oropouche, that is a non-point.

So that if you have to move the goal posts; if you have to change the rules as radically, as fundamentally, as you propose to do, this is effectively a constitutional change, a change in conditions of work, in expectations. You have run foul of the

Public Officials Bill
[MR. HINDS]

Wednesday, July 16, 1997

Constitution; of expectations; judicial review; industrial practices; you have rendered a whole body of men now upset and aggrieved; you have done more harm than you are attempting to do good.

I submit, if the Government was more sensitive, as the letter from the first division said, and had used the element of persuasion, some finesse, maybe it may have succeeded. But it is impossible for it to achieve that because its mindset is, it now has power; it is their time now; it has the spirit of vindictiveness in its soul and anything that it believes the PNM did it wants to undo. More than that, it appears to have an agenda that it has not yet explained to the community and the people are watching and we are not foolish.

[MR. SPEAKER *in the Chair*]

I think that in supporting the Members on this side, I have added a few words to this very important and historic debate. There is very much more that can be said and I can assure Members that there is very much more that will be said. I join every Member on this side—proudly PNM—in objecting to the terms of this legislation as is, and we object on the basis that it is a constitutional amendment through the back door; that it flies in the face of logic; of expectations; of morality and justice; it creates disharmony in the police service; it is upsetting and provoking people unnecessarily; it does not lend itself to any enhancement or any vague or vacuous concept of national security.

In conclusion, as the representative for Laventille East/Morvant, I wish to say yet again that I find the reasons given unpersuasive. Those are my submissions.

Thank you very much, Mr. Speaker.

The Minister of Housing and Settlements (Hon. John Humphrey): Mr. Speaker, it is a great pity that the Member for La Brea was not, in fact, chosen to lead off the reply in this debate, because of all of the spokesmen on that side, he is the only one who analyzed the legislation and made any positive proposal that could be considered seriously.

When the Member for San Fernando East sought to inject racism into this debate and the Member for Tobago East blew him apart and nullified his contribution, I was amazed that another Member on that side should pick up that line to go with it, as the Member for Laventille East/Morvant did. I can conclude that there are two racists on that side of the House; the Member for San Fernando East and the Member for Laventille East/Morvant.

When the Member for Laventille East/Morvant ascribed to the Prime Minister a certain statement, he actually lied, and I think quite deliberately and intentionally, to further reinforce the racism that is in his mind and heart. Because I have been associated with the Member for Couva North for 32 years and I have never heard him ever express the term that that Member has put on the record, in 32 years.

They quoted a letter from, they said, the first division of the police service. They did not give us, however, the date of that letter, because the date is extremely important.

Hon. Member: I think he gave the date.

Hon. J. Humphrey: What was the date?

Hon. Member: Thursday, July 10.

Hon. J. Humphrey: Well it is very peculiar that the Opposition receives a statement from the First Division Association of the Police Service that is contrary to the position articulated by that very division to the Minister of National Security who has put on record what that position was. Very peculiar! From the contribution of the hon. Minister of National Security, it is clear that both associations, the first and second divisions, support the measure in its present form.

The PNM has sought to make racial mischief and other mischief—

Mr. Valley: Mr. Speaker, if the Member would give way. Up to Saturday—whatever date Saturday was; it had to be after July 10—the Leader of the Opposition met with the first division and there was no change of position as of Saturday. I was not present as a fact, but there was no change of position.

Hon. Member: How do you know that?

Mr. Valley: Because the Leader of the Opposition reported to the caucus on Monday afternoon.

1.50 a.m.

Hon. J. Humphrey: Mr. Speaker, it appears as though partisanship has infiltrated the first division of the police service and I would hate to believe that was so. That they are divided on partisan lines, that there are some PNM loyalists in there and there are some who are prepared to be professional and honest police officers. It is pure mischief. I stood up to clarify one issue. It arose out of the interruption that the Member for Laventille East/Morvant made while the Prime Minister was presenting the Bill. He was trying to reintroduce a particular mischief

Public Officials Bill
[HON. J. HUMPHREY]

Wednesday, July 16, 1997

of the media on the question of an alleged death threat that was advanced to Mr. Kenneth Gordon, Chairman of the Caribbean Communications Network Limited. I can clear up that mischief because I have the facts.

When the Prime Minister went to Jamaica for the recent Heads of Government conference he was approached by a reporter and was asked to comment on this purported death threat which was made to Mr. Ken Gordon. The Prime Minister commented that it was a rumour. We heard from various arms of the media and the Opposition—it seems there is a conspiracy between those arms of the media and the Opposition—that the Prime Minister did not show any concern for the death threat of this very prominent citizen. When the Prime Minister left for the conference he left with a report from the Commissioner of Police on that particular matter, and I have in my possession the report.

On July 3, 1997 when I was acting Prime Minister of Trinidad and Tobago, I received a letter from the Minister of National Security:

“Report of Plan to Assassinate Mr. Ken Gordon, chief executive officer, Caribbean Communications Network, CCN,

Attached for your information, please find a copy of communication addressed to the hon. Prime Minister of Trinidad and Tobago from the Commissioner of Police, together with copies of press releases from the company’s secretary, Caribbean Communications Network Limited and the office of the Commissioner of Police on the subject of plans that were rumoured to her, being made to assassinate Mr. Kenneth Gordon.

Yours sincerely,
Joseph Theodore,
Hon. Minister of National Security.”

This is the report that the hon. Prime Minister took to Jamaica and it is dated June 26, 1997:

“Commissioner of Police,
To hon. Prime Minister,
Report of Plan to Assassinate Kenneth Gordon.

I have the honour to forward the attached note. This rumour is now the subject of ongoing investigations. The special branch is endeavouring to

establish the veracity of these allegations, simultaneously with conducting surveillance on selective targets. At the same time investigations are being spearheaded by the crime suppression unit. Several homes have already been subjected to police search and a number of persons have also been interrogated.

Signed/Commissioner of Police.”

That is the report the Prime Minister received from the Commissioner of Police. When, in Jamaica, he was approached by a reporter and he merely indicated to the reporter that the report that he had is that it was a rumour, and that is all that he said.

Mr. Speaker, I have subsequent documents from a rumour. We saw the rumour becoming information from an Assistant Commissioner of Police (crime), to the Commissioner describing this as information at a later time. We saw information becoming verified information from a press release issued by the Caribbean Communications Network Limited and then the Commissioner of Police held a media conference. The release said the Commissioner of Police, Mr. N. K. Mohammed has confirmed a report that a threat has been made on the life of Mr. Ken Gordon, Chairman of the Caribbean Communications Network.

There was an evolution. The Prime Minister put on record earlier yesterday that the conclusion of the police investigation into this matter is that, in fact, it was a rumour and a hoax. How can one, now when the Prime Minister of Trinidad and Tobago is meeting with his Caricom colleagues at an important conference, travel all over the world condemning and criticizing the Prime Minister describing him in all kinds of terms when, in fact, he acted properly and responsibly.

I hope the media will now put this matter to rest and will expose all the mischief makers. That is the reason I made this intervention. The Prime Minister acted correctly, properly and on the information he had in his possession from the Commissioner of Police. I hope at this hour there is enough media representation to take this truth to the nation and to put that to rest once and for all.

Mr. Speaker, I will not quote anything more from these documents because more mischief would occur. *[Interruption]*

Why do you not say that a little louder so *Hansard* can pick it up. I think I heard him say that I am a little half mad. In other words, by quoting this, I am making this up as I go along. Is that what the Member is suggesting? This is the level to which these people will descend.

I have quoted official correspondence between the Commissioner of Police and the Prime Minister, and in doing so, I am described by the Member for Diego Martin Central as being half mad. If I am half mad, he is absolutely mad.

2.00 a.m.

Mr. Speaker, we have spent many hours in futile debate on a matter which would pass into law. The Opposition says that it does not support it. It does not matter whether they support it or not. It does not require their support because we have the numbers to constitute a majority. It is as simple as that. When they had the numbers to constitute majorities, they ran roughshod over the whole nation. I lived through the experience of seeing a system of gerrymandering of constituencies that enabled the PNM to hold on to power term after term with a 26 per cent support of the electorate holding two-thirds of the seats of this House. That enabled them to rig the Constitution and do just as they please term after term. I was witness to it because I have been here a very long time.

Today in this country, we have the most responsible, effective and best government that Trinidad and Tobago has ever had. The performance of the country's economy is demonstrated by the level of investment coming into this country. God seems to be smiling on us because we are finding more oil and natural gas.

There are two little splinters in the society that are not responding to the call for national unity. One is called the People's National Movement under Patrick Manning, and the other is the remnants of the NAR under Nizam Mohammed. Each would stand on his own and they would stay in Opposition for the rest of my lifetime. I have no doubt whatsoever about that. They are totally irrelevant. The only thing that came out of the Member for Laventille East/Morvant is something about a two headed goat. Then he speculated on what they should name it. That is the level of debate we get from the Members wearing the balisier tie in this House.

I rise to support this Bill and to demonstrate that every Member on the front Bench, back Bench and those Members on that side—because there is not enough room on this side for all of us—support this Bill.

Thank you.

Mr. Roger Boynes (*Toco/Manzanilla*): Mr. Speaker, the night has far gone and I would try to be as concise as possible. I thank the Member for St. Joseph for his comment. One aspect that I am very concerned about in this country is the one

which the Member for St. Augustine mentioned a short while ago, that the two groups in this country that are not responding to their call for national unity are the PNM under Patrick Manning and the remnants of the NAR under Nizam Mohammed.

In this country there is a perception that this call for national unity is simply a hoax. The people whom I have spoken to and those in my constituency seem to get the impression that national unity goes so far as if one does what the Government says. If one opposes or takes a different view as is one's democratic right to do, one would either be branded a racist or obstructionist. It is about time that we recognize our sole role in this country is to be responsible representatives. We are part of developing this blessed country as Members of Parliament. Regardless of whether we are in Government or Opposition our role is to build this nation.

We, in opposition, are seen as lobbyists. We know what our constituents want and we have a vision for the country. It is for us to be the safeguards of the people's democracy in this country. The media have a very important role in this country. Not because they do not agree with the Government they should be attacked or branded as being PNM. Not because most of the police officers of the first division do not agree with the Government they should say in this Parliament that they are PNM loyalists.

I suggest to this honourable House that we get serious. The police officers of the first division and the majority of the second division have legitimate concerns over this piece of legislation which has been brought to Parliament. In certain quarters it is felt that the legislation has been brought simply to extend the tenure of the present Commissioner.

If I may inform Members of this honourable House, the present Commissioner of Police is a son of the soil of Toco/Manzanilla. He and my father grew up together, went together to primary school and secondary school, Gobin's Typing School. They joined the police service together; they worked together and are very good friends. I am very close with the incumbent and his family. He is a very honourable man and his family are honourable people. The fact that we are here taking and adopting the position that we are, is no attack on this man.

In this House we acknowledge that for the past year he has been able to assist the country in terms of fighting crime. The officers of the first division, and to an extent, a significant part of the members of the police service are very concerned.

2.10 a.m.

If, for instance the Government wanted to continue using the incumbent why not set up a position where he can be an advisor. Give him a position where he could at least maintain the advice so that the continuity would go on without delving into the whole framework of the matter.

Look at the disadvantage that would be caused as a result of extending the tenure of the incumbent. Persons who have seen themselves being promoted in the near future to Deputy Commissioner, or Commissioner—and there is a domino effect throughout the length and breadth of the police service—these persons would feel very disenchanted. My father was a police officer, he is retired now, and I can tell you that for police officers, promotion is a very big thing, they live for promotion, it is a major thing for them and when that is taken away from them one actually lowers the morale of the police officers.

The morale of the officers has to be uplifted and when one wants to fight crime, one has to be mindful that the morale of the people who go into the field and risk their lives everyday, has to be raised. I am suggesting that by extending the term is not in the best interest raising morale in the police service.

Mr. Speaker, what one finds taking place is that we depend on the police officers in fighting crime, we need them to interface and have a personal touch with the community, so that they in turn would feel confident in them and give them information. They would not be afraid to approach a police officer, so much so that by not giving the police this additional boost, one will find that they will not be mindful to want to go into the field and interact with the general population as a whole.

We want to bring back the good old days when the children, when asked what they want to be, would say a “police officer.” That was a big thing long ago and these are the things of which we have to be mindful. The fact of the matter is that most of the police officers in this country are not in support of this action by the Government.

Mr. Singh: Who conducted that survey?

Mr. R. Boynes: It is my opinion. Mr. Speaker, the Deputy Commissioner, Mr. Guy is a good guy, and the Member for Tobago East will know as a fellow Tobagonian; and the people from Toco are saying that one of their—be mindful, Mr. Speaker, that Toco and Tobago are one family—brothers have been—

Mr. Speaker: Hon. Members, the sitting is suspended for half an hour.

2.15 a.m.: *Sitting suspended.*

2.45 a.m.: *Sitting resumed.*

Mr. R. Boynes: I thank you very much, Mr. Speaker, I was simply making the point that the Deputy Commissioner is also an honourable man and he has an impeccable record. Mr. Snaggs is also an honourable man with a very good record and before the break I was simply suggesting that leaving things as they are, presently, would also facilitate the hopes and dreams of policemen and women who are in the police service.

People sometimes feel that they could be discriminated against because of their sex, gender, religion, geography and political affiliation. For instance, many young people in this society, in whatever profession they may be, sometimes feel that they are not given a chance to really excel because the older ones who were there before have not moved off centre stage. They sometimes feel that the next person in line may also do a better job than the ones who were there before. I always say, in order for a country to grow from strength to strength, we need to utilize the energies, brilliance and talents of the young; we need to educate, focus and shape the young, using the wisdom and experience of the old.

That is why I made the suggestion earlier that if we could have the incumbent in an advisory capacity whereby we do not lose the skill, talent, experience and wisdom of the individual, and we could also make room in an organized manner; one that has been accepted over the years, that would cause the policemen and women to look forward to their promotions. I would like to articulate this better by drawing an analogy. A child goes through the year and when that child wakes up on December 25, only to find that there is no Christmas, that child is hurt. I am, therefore, appealing to the Government that by extending the tenure, this would definitely affect the morale of the policemen and policewomen in this society.

On behalf of the people of Toco/Manzanilla, we are asking this Government to have a second thought on what it is about to do today.

I thank you, Mr. Speaker.

The Minister of Social Development (Hon. Manohar Ramsaran): Mr. Speaker, I join this debate this morning in support of this Bill to provide for the extension of the service of certain officials.

For the first time in about 10 to 15 years we are witnessing a real assault on crime and people are once more beginning to feel safe and comfortable. We recognize

that no one person could be responsible for this, but the diligence and hard work of most of the police officers have contributed. However, leadership is very important and the incumbent Commissioner has been a critical factor in the success that has been achieved in the field so far. Leadership in any form is very important and right now being on the ground and talking to policemen all over the country we find police officers have a new pride; they respond nicely to their Commissioner and they do go the extra mile. This Bill merely asks that the Commissioner be given the opportunity to continue some of the initiatives he has started. We expect that in the case of the police service they will continue and work towards the eradication of crime.

As Minister of Social Development, I am quite satisfied with the relationship which has developed between my ministry and the police service. In fact, police officers come to my office from time to time, in my constituency and in Port of Spain, and we discuss how the police could assist us in domestic violence cases. What has happened over the last year or so, Mr. Speaker, is that policemen are now handling domestic violence with more care and attention. We must commend, not only the Commissioner for this, but the entire change in the attitude of the police service where they now attend to these matters with finesse.

Mr. Speaker, in days gone by people were scared to report domestic violence and it is becoming clearer and clearer that under the leadership of the present Commissioner of Police that is no longer so. I am not saying that the others do not have the skill; we must congratulate everybody, but my point this morning is to let Members know that leadership is very important. Mr. Speaker, sometimes when a leader is changed the process is stymied. I came across a saying recently: "I appreciate my friends, some when they come and some when they leave".

I, as Minister of Social Development responsible for people, am quite pleased with what is happening in the social sector. For example, I had a long meeting with the Commissioner of Police concerning the spate of kidnapping in Central Trinidad and within four days a kidnapping squad was formed. The Commissioner probably had it in the pipeline but what impressed me was how quickly he responded. Since then there was a hit-list which came into my hands with about 15 to 20 residents—prominent businessmen—of Chaguanas. As I said, the Anti-kidnapping Squad was formed and I think that this is one of the areas which I would like to put on record; the swiftness of what the Commissioner of Police, himself, did. In this respect, I would like to let this House know and to put it on record.

2.55 a.m.

When we listened to the Member for Toco/Manzanilla, he gave us a speech on the merits of all the policemen. We appreciate that. We do not have anything against any individual policeman, but the fact is, we feel that we have a good thing going; a leader who is demanding respect and we want this to continue for the betterment of this country.

The morale in the police service at this time is also very high. We see policemen on the beat; we see policemen driving their new cars throughout the country; we see policemen around who are committed to what they are doing and, as I said before, in talking to these policemen, we sense that something good is happening and we must commend my Cabinet for coming up with this idea to keep good people. We are not saying that people who are in line are not good. We must make this very clear. We have a good batch of policemen. Of course, there are those whom we know might not be top class but the point I am trying to make is that leadership, in any form, must be recognized and accepted.

For example, if we turn our attention to the cricket field, we might have a very good cricketer, but would he be a good leader or a good captain? Even our own Brian Lara is the best, yet from time to time he does things which would put him into trouble and his captaincy is being postponed. I do hope that the Members opposite understand what is happening in this country. *[Interruption]* We do not try people for trying sake, we have something that is good and we would continue to use that.

As I said, this Bill merely asks for this Commissioner to be given the opportunity to continue some of the initiatives he has started as Commissioner and those who are, indeed, qualified for this job would have their chance later on.

With respect to community policing, I am very satisfied with what has happened since. As you know, my predecessor, the Member of Parliament for Chaguanas, lived in Chaguanas and it was really a scary time. We know this initial community watch group had started and it was an *ad hoc* arrangement. The country was crying out for something like community policing. Then came this new Government and early in its tenure, the community policing started in earnest.

Recently, the Ministry hosted a conference and it had something to do with community policing and community development and the policemen were actually angry with my Ministry that they were not invited. I promised the policemen that from now on we must bring them into the fore as we continue to protect our less fortunate in our society.

Also, I would like to put on record, the July 15 editorial in the *Trinidad Guardian* in support of our Commissioner of Police. We would like, coming from the opposite side, that the Commissioner be put into a position that he himself might find difficult to handle. We know that he needs our support at this time and I ask the Members on the Opposite side, who are paying glowing tribute to our Commissioner, not to contradict themselves. They are dealing with a human being and they are paying glowing tribute yet on the other hand, they want to cut down what we are trying to do. And I quote:

"Indeed, Mohammed has responded to the crime challenge and the needs of the service in a number of positive ways. He is responsible for setting up the E999 Rapid Response facility in Port-of-Spain and San Fernando, instituting a Kidnapping Squad, forming a number of Police Youth Clubs to combat juvenile delinquency..."

This is another part that falls within the purview of the Ministry of Social Development and Co-operatives. The police are also playing a very active part in curbing juvenile delinquency. The quote continues:

"...providing computer training for all police officers, ensuring that senior officers take musketry training on a continuing basis, organised courses in enhancing the image of the service and opened the presentation of performance awards to the media.

Also, we hear from Corporal Wayne Hayde, who speaks for second division officers of the service, that, as a result of all this activity, morale within the ranks has taken a positive lift since Mohammed has taken over as Top Cop.

So that the country has good reason to be happy with the performance of Commissioner Mohammed."

Mr. Speaker, this speaks volumes for our Commissioner of Police. That is why I stand here this morning to support what this Bill purports.

Also, we look at what is happening with the Magistracy. Sometimes we complain of good lawyers coming across to the government service, but when we have good people sometimes, we must keep them. It is also an incentive for people to work harder, with more diligence, so that it could be recognized by people in authority and be given an extra tenure. I am not saying that they must do the bidding of the Government. I do not think this Government has that intention to have anybody do its bidding or its dirty work, but just do what they have to do and they would be recognized.

Mr. Speaker, I take great pleasure in joining this debate and making my presentation, short as it is. I hope that the Members opposite understand what we are trying to do and ensure that we do not stop what is happening and could afford continuity as we move towards the new millenium.

Mr. Speaker, I thank you very much.

Mrs. Camille Robinson-Regis (*Arouca South*): Mr. Speaker, I start where the Member for Chaguanas ended. First of all, let me indicate that I join with my colleagues on this side in voicing concerns about the intent of the legislation which is before this House and, indeed, about the lack of cogent arguments coming from the other side, particularly from the mover of this Bill, who gave reasons why this Bill, should be supported by those of us on this side.

It is instructive that the Member for Chaguanas decided to quote from the *Trinidad Guardian* of Tuesday, July 15, the editorial which says, "Carry on Commissioner?" He was very selective with his quoting because apart from those sections which indicated all the things that apparently happened under the tenure of the present Commissioner, he did not go on to state that the editorial asked very serious questions.

3.05 a.m.

If I may be allowed to follow up from what he said, the editorial states:

"Essentially, the question is this: If performance in office is reason or criterion—we can see no other—for extending his tenure, then what about all the other top public servants who have performed with distinction in their jobs? Why isn't the law being changed to permit them to continue serving for another three years?"

Only recently, for example, Ainsley Tim Pow retired as Permanent Secretary to Prime Minister Basdeo Panday and Head of the Public Service. Tim Pow has a long and outstanding record of service as Permanent Secretary; why wasn't he offered another three years as PS? Ainsworth Harewood is leaving the Central Bank as Governor after serving an excellent term; is he being asked to remain for a further three years?

When the tenure of our present Chief Justice expires, will he be asked to stay on? And what about the CMOs of our trouble-ridden hospitals; after soldiering through a daily gauntlet of problems throughout their stewardship, should they not be given another three years?"

Public Officials Bill
[MRS. ROBINSON-REGIS]

Wednesday, July 16, 1997

The editorial goes on to ask:

“Why then set such a precedent with the Police Commissioner?”

Also, the measure seems to carry an inherent but unfair assumption that the officer in line to succeed the present Commissioner will not be as efficient or effective in the job.

First Division officers have registered strong objection to the move, although they themselves stand to 'benefit' from the change. This must be cause for concern and we can only hope that it will not result in any disaffection at the top of the service.

The controversy this measure has aroused seems to require some policy statement from the Government. On the one hand, it wants to keep the good Commissioner, on the other it wants to deny the equally able acting Chief Executive Officer of First Citizens Bank of the post he deserves. Where is the consistency?”

Mr. Speaker, I think this aspect of the editorial which I have just quoted sums up the entire situation very well, because, even though we have sat here for hours, we have not yet heard the reason for this piece of legislation coming before the Parliament at this time. There are some on that side who have said it is not specifically for the present Commissioner. There are others who have said yes, it is specifically for this Commissioner. Indeed, the last speaker, the Member for Chaguanas, clearly indicated, using the editorial, that this Commissioner has worked well, and consequently, they want to extend his tenure.

The question we must ask is: What is, in fact, the policy of this Government, particularly, as it relates to the tenure of public officers in the Government service of Trinidad and Tobago? Mr. Speaker, we have been bombarded with reasons which suggest that the crime situation has improved dramatically and consequently, this Commissioner has been working well. We have heard that crime detection is now at 100 per cent but, Mr. Speaker, I refer to a *Newsday* article, dated Friday, May 23, 1997, headlined “Crime on the Increase” which states:

“Crime Statistics for the period January 1 to May 15 this year, have revealed an overall increase in crime, compared with last year's figure during the corresponding period.

In 1996, 42 murders were committed with 22 people charged as a result of investigations.

For the same period this year, 52 people were murdered with 43 of those murders being solved.

Rape, incest and other sexual offences also increased.

In 1996, 115 of those offences were committed, however this year the figure increased to 178.”

Up, Mr. Speaker, by 54.8 per cent.

“Serious indecency also increased with figures indicating that in 1996, 34 offences were committed, while this year 66 were reported to the police.”

Up, Mr. Speaker, by 94.1 per cent.

“White collar crimes like fraud, forgery and embezzlement increased dramatically from 168 in 1996 to 229 this year.”

Up, Mr. Speaker, by 36 per cent.

“Serious crimes moved from 245 last year to 293 this year.”

Up by 19.6 per cent.

Mr. Speaker, it is not only that the number of crimes has increased, contrary to what has been said by Members on that side, but also, the types of crimes have become, indeed, more heinous. The frequency of the commission of crimes has also increased. Indeed, in tonight's newscast alone, there were at least four crimes reported.

There is a suggestion in the *Trinidad Guardian*, in the section entitled “Quote me on this”, where Paul Charles, a reporter for that newspaper, indicated what a bandit who held him up had to say about the crime situation:

“We real poor...now that Panday take over, it will have war just now and we go make some real change.”

Mr. Speaker, a bandit indicating to his victim that the reason for crime is that “we real poor”. Despite the fact that the Members opposite have come to us today and said that crime has gone down, that people are feeling safer now than they felt previously, the Central Statistical Office's (CSO) figures indicate that in 1995, crime was on the decrease. However, by 1996 and continuing into 1997, crime has been increasing steadily.

3.15 a.m.

Mr. Speaker, I am not going to argue that perhaps the morale of the police has been improving, but the argument that crime has decreased is not accurate. If this

Public Officials Bill
[MRS. ROBINSON-REGIS]

Wednesday, July 16, 1997

particular Bill is allowed to become law in the form that it appears now, I can only say, in keeping with the Member for St. Joseph's statement of COCA, that chaos is what, in fact, will be reigning in the police service and perhaps in Trinidad and Tobago. I am saying that if this Bill is passed, it is a blueprint for chaos and disorder.

I am not saying so based only on my own feelings, but I am saying so based on the fact that even though Members on the other side have been saying—as a matter of fact, it was specifically the Minister of National Security who indicated that the First Division, after some time, had started to feel a little more comfortable with the situation and that their only complaint was that they were not fully aware of the proposed changes. The *Newsday* of Tuesday, July 15, 1997, at page 4 states:

"The Opposition People's National Movement has already indicated that it will support no such proposal. The extension of Mohammed's tenure has also drawn criticism from First Division officers, but has received approval from the Second Division."

Additionally, *The Independent* of Tuesday, July 15, 1997, at page 3 says:

"Meanwhile, the embattled Police First Division Officers Association met yesterday with the Acting Chief Personnel Officer, Sandra Marchack as they continue to seek ways to deal with Government's agenda to amend the Police Service Laws to extend the term of office of the Commissioner of Police by a maximum of three years.

Secretary of the Association, Assistant Superintendent June Young Kendall, said the discussion was more of a 'consultation' than a 'negotiation'. She added that the Association also had a meeting with the Leader of the Opposition, Patrick Manning, who wanted to get a first hand feel of their grievances.

The Independent learnt that the Police First Division Officers have been advised by their membership to take legal action against Government's proposed amendments.

The senior officers advised the Association to file an injunction in the matter, but with the debate set for today, the Association may have to await the outcome of the Parliamentary debate on the Bill."

Mr. Speaker, perhaps the sound that came from the Member for Oropouche is an indication of how this Government feels when dealing with the people's

business. They snort at the people's business. Perhaps I have put him to sleep, but he is clearly sleeping because they have no care as to what is happening with the people of Trinidad and Tobago. Consistently, they deal with the people's business in a high-handed and offhand manner. Perhaps this stems from the view as stated in the Green Paper on media law reform towards a free and responsible media, where under the rubric introduction at section 1.3(a), it states:

"A government's job is to exercise power as elected politicians think best..."

Mr. Speaker, this is a clear example of this Government exercising power. They feel powerful and consequently they feel they can, in fact, do anything.

Mr. Speaker, you would know that by the Independence Constitution of Trinidad and Tobago and, indeed, by the Republican Constitution under which we now exist, it was made clear that there must be a series of service commissions. In this particular Bill with which we are dealing, the two service commissions which would be affected by the proposed amendments which we are debating, are the Judicial and Legal Service Commission and the Police Service Commission. The objective of service commissions was to ensure that through the Constitution of Trinidad and Tobago there would be an insulation of the various public servants under whose purview these service commissions existed. Mr. Speaker, the objective of service commissions was to ensure that there was no political patronage, that public servants were insulated from political patronage.

All service commissions that are outlined in the Constitution of Trinidad and Tobago are supposed to be independent bodies. They are charged *inter alia* with the responsibility of ensuring appropriate appointment, discipline and, in some instances, terms and conditions of employment. This Bill, on the face of it, may appear to be simple but it has the two-fold objective of extending the retirement age of magistrates via the Judicial and Legal Service Commission and extending the service of policemen via the political directorate. Mr. Speaker, I make that latter statement, the political directorate, deliberately. Mr. Speaker?

Mr. Speaker: It is possible to hear with your eyes closed. *[Laughter]*

Mrs. C. Robinson-Regis: I believe you, Mr. Speaker.

The extension of service as it relates to the first division officers of the police service is, through this legislation, sought to be extended by the use of the political directorate.

3.25 a.m.

Mr. Speaker, the legislation states that there would be a new section 62(A) which indicates that:

"...the President may, where he considers it in the national interest, extend the years of service of any of the officers referred to in the First Schedule after he has reached the prescribed age of retirement for a period of one year in the first instance and thereafter, subject to an annual review for a maximum of two further periods of one year each."

We have already stated that the President here refers to the Cabinet.

The police service is supposed to be insulated from political interference. Clearly, if the Cabinet is given the authority to extend the years of service of any officer there could—and if we examine the *modus operandi* of this particular Government we are almost sure that there would be political considerations taken into account once someone's service was being extended. That particular aspect of the Bill is something that we on this side are very concerned about because of the track record of this Government and, particularly, because of the track record of things that have been said by the leader of this particular Government.

Mr. Speaker, I crave your indulgence as I seek to quote from the *Trinidad Guardian* of May 5, 1993, to give an example of the kinds of things that have been said by the leader of this particular Government. It is under the headline, "Panday backs reform of the Police Service":

"Opposition Leader, Basdeo Panday, has said he would like to be the chairman of a Parliamentary Committee on police reform.

He was speaking at a public meeting of the United National Congress (UNC) at Penal Junction, Penal, on Saturday night.

Panday suggested that a Parliamentary Committee on police reform be set up and that he must be the chairman and that the committee must have the power to summon the chairman of the Police Service Commission.

Panday charged there was alienation in the Police Service, in that, Indian officers were not getting promotion.

He said an Indian Police Constable with 23 years service complained to him that he had passed all examinations and could not be promoted to corporal.

He believed the problems in the service started with the recruitment process.

He said the Prime Minister wanted to put the Police Service under the Ministry of National Security so that he (Manning) could have control over it."

Two points are very notable in this particular item of news. Firstly, the political leader of the United National Congress ostensibly supports police service reform. In fact, there are three items. Secondly, he appears to want police service reform so that the charge of alienation in the police service of Indian officers not getting promotion, could be dealt with. Thirdly he stated that he was concerned that as, he put it, "Manning wanted the police service under the Ministry of National Security so that he could control it."

If I deal with the last observation, it would appear as though the opposition leader was concerned about a politician having any form of control of the police service. That is, in fact, the crux of our argument, that no politician should have control over the police service. I know that it may be argued that when the People's National Movement was in government, we came to Parliament with a proposed amendment to the Constitution, seeking to establish a board of management to deal with the police service. But this board of management was to deal with management of the police service and would have been, in effect, insulated from political interference.

In addition, the commission's powers were not in anyway being derogated, it was still being allowed to deal with matters that it would have been allowed to deal with, but the management board would have dealt specifically with issues relating to the management of the police service. I reiterate, it is interesting that one of the amendments brought by this Bill seeks to politicize the police service because apart from Mr. Panday, the Member for Couva North, indicating that he had some concerns about the politicization of the police service, we also had the Member for Couva South indicating in the debate on the Constitution (Amendment) (No. 2), Bill:

"We would like to say that the effect of this amendment would be that a machinery can be created which can facilitate the political victimization or political favour in the exercise of power and function in relation to important matters affecting discipline and promotion of persons who would fall under that category, and who are employed in the public service where it would be able to delegate these functions. It would also have the effect of taking away an important safeguard for the protection of persons so employed and which under the jurisdiction of the Public Service Commission without being able to delegate to an outside authority, these employees would have been insulated from political interference."

On May 19, 1995, the Member for Couva South appeared to have a difficulty with any action which could have been perceived to have interfered with the insulation enjoyed by persons who were under the control of service commissions, from political interference. We on this side are of the firm view that the Bill, particularly the second clause, is clearly an indication that political interference is what is, in fact, being argued for by the Members of the Government.

3.35 a.m.

Mr. Speaker, the Member for Couva South went on to say in the same debate that:

“The Government wants to create a machinery whereby it can be possible for the Minister, in respect of important matters regarding the security of tenure of workers, to have the power and, in effect, the Cabinet to have the power to issue specific and general directions to that authority.”

As it stands now, the Minister, the Prime Minister or the Cabinet, in relation to employees under the Public Service Commission, cannot issue directions. If they do, the Commission does not have to follow those directions.

We on this side have consistently said that, first of all, the Members of this Government are two-faced or two-sided and secondly, they consistently exhibit that they have no policy, no direction and they are not dealing with the country's business in the best interest of the people of Trinidad and Tobago.

It is, to say the least, strange that whereas in dealing with the magistrates, the amendment has clearly stated that the judicial officers may, with the permission of the Commission and in the interest of the service, continue to serve as such for a period of not more than three years after reaching the age of retirement. Note, Mr. Speaker, with the permission of the Commission, whereas as it relates to the police service it is clearly through the behest of the Cabinet.

Mr. Speaker, we on this side pose the question: Why the difference? Perhaps the difference can be explained by the fact that Act No. 2 of 1988 relates specifically to Justices of Appeal and Puisne Judges. May I indicate that the Judicial and Legal Service Commission which is the Commission being referred to by this Bill that we are now debating, deals with officers of the High Court, *et cetera*. That is Appeal Court judges, Puisne judges and also Magistrates. This amendment to the Constitution, Act No. 2 of 1988, states:

“the President acting in accordance with the advice of the Judicial and Legal Service Commission—

- (i) may appoint a person to act in the office of Justice of Appeal or Puisne Judge...”

And may extend the term of office of a judge who has attained the age of 65.

Indeed, Mr. Speaker, it is an amendment very similar to the one that we are now debating. This amendment was passed by the requisite special majority. We have been arguing all evening into this morning, that a special majority is what is needed if this Bill is to be passed in such a way that it cannot be effectively challenged in a court of law.

Mr. Speaker, even though the amendment that is before the House in relation to the magistrates talks about the permission of the commission, it does not indicate that there may be the need, or that there will be the need, for a special majority in order to deal with this type of change. The proposed amendment would come under that part of the Judicial and Legal Service Act which is headed “Terms and Conditions of Service”. After section 8 it would be section 8A. Section 8 says:

“An officer shall hold office subject to the provisions of the Constitution, of this Act and the Regulations and of any other written law and, unless some other period of employment is specified, for an indeterminate period.”

Mr. Speaker, the Constitution as it relates to appointment of judicial officers states at section 111(1):

“Subject to the provisions of this section, power to appoint persons to hold or act in the offices to which this section applies, including power to make appointments on promotion and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Judicial and Legal Service Commission.”

Section 111(3) states:

“A person shall not be appointed to any such office if the Prime Minister signifies to the Judicial and Legal Service Commission his objection to the appointment of that person to that office.”

It also states the qualifications that are necessary and the mechanism for appointing certain officers in the Judicial and Legal Service, including the Solicitor General, Chief Parliamentary Counsel and others.

Mr. Speaker, section 110 of the Constitution sets up the Judicial and Legal Service Commission. The precedent for indicating that this particular section

Public Officials Bill
[MRS. ROBINSON-REGIS]

Wednesday, July 16, 1997

should in fact be dealt with by the requisite majority comes from Act No. 2 of 1988 because in essence, they both deal with the same type of situation where a judicial officer's term of employment is to be extended; where Act No. 2 of 1988 dealt with judges, it was passed by a special majority. Indeed, we on this side are contending that it is a similar situation as it relates to the magistrate as this Bill is before this House and consequently, precedent holds that we should, in fact, have the requisite special majority.

Mr. Speaker, Act No. 8 of 1988 states in the preamble:

“WHEREAS it is enacted by subsection (1) of section 54 of the Constitution that Parliament may alter any of the provisions thereof:

And whereas it is enacted by subsection (2) of the said section 54 that insofar as it alters certain provisions of the Constitution a Bill for an Act of Parliament under the said section 54 shall not be passed by Parliament unless at the final voting thereon in each House it is supported by the votes of not less than two-thirds of all members of each House:”

3.45 a.m.

Mr. Speaker, we are contending that the Police Service Commission should be the agency through which any extension of time of members of the First Division should be given. I take this opportunity to indicate that there is judicial learning on this matter. I refer to the *Endell Thomas vs the Attorney General* case at page 381, Lord Diplock said:

“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 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. These autonomous commissions, although public authorities, are excluded by section 105(4)(c)...”

The learned Lord Diplock was referring to the Independence Constitution at this time—

“...from forming part of the service of the crown subject to the approval of the Prime Minister they may delegate any of their powers to any of their members

or to a person holding some public office (limited in the case of the Police Service Commission to an officer of the police force);”

Indeed, in the Police Service Act it talks about delegation to the Police Commissioner. Lord Diplock goes on to say:

“but the right to delegate, although its exercise requires the approval of the Prime Minister, is theirs alone;”

The Service Commission alone has the right to delegate any of its powers.

“and any power so delegated is exercised under the control of the commission and on its behalf and not on behalf of the Crown or any other person or authority.

In respect of each of these autonomous commissions the Constitution contains provisions to secure its independence from both the executive and the legislature.”

Clearly, Lord Diplock in the *Endell Thomas* case, indicated the necessity for service commissions to be independent and insulated from political interference and further, for those persons who were to be dealt with by service commissions to be insulated from political interference.

Mr. Speaker, among the questions that the judges in the *Endell Thomas* case were asked to decide upon was the question whether the plaintiff who was a police officer was a servant of the crown dismissable at pleasure? I refer to Lord Diplock again. I have picked that question out specifically because the term “Crown” can be substituted by the word “state,” which is the state as it exists today . The question therefore, if we were to ask it now would be whether the state could use its power to remove a police officer bearing in mind what Lord Diplock said about service commissions. I quote at page 384:

“In their Lordships’ view there are overwhelming reasons why ‘remove’ in the context of to remove and exercise disciplinary control over, police officers in section 99(1) and in the corresponding sections relating to the other public services, must be understood as meaning ‘remove for reasonable cause’, of which the commission is constituted the sole judge, and not as embracing any power to remove at the commission’s whim.”

Removal must be for reasonable cause, not on anyone’s whim and fancy.

3.55 a.m.

“To construe it otherwise would frustrate the whole constitutional purpose of Chapter VIII of the Constitution which their Lordships have described. It would also conflict with one of the human rights recognised and entrenched by section 1(d) of the Constitution, viz. ‘the right of the individual to equality of treatment from any public authority in the exercise of any functions’. Dismissal of individual members of a public service at whom is the negation of equality of treatment.”

Mr. Speaker, Lord Diplock, at page 385 went on to say:

“...the survival of the historic legal doctrine of dismissibility at pleasure of police and other public officers was inconsistent with the 1962 Constitution of Trinidad and Tobago and remains inconsistent with its present Constitution as a Republic.”

The question could be asked, why deal with this section when the Bill before the House does not deal with dismissing a police officer? But even though the Bill before the House attempts to state that all first division officers will be given the option upon reaching retirement age of being employed for one year in the first instance and then two further periods of one year each, indeed, the Bill before the House also states that the ability to obtain the one-year extensions will depend on an annual review. The question that must be asked is: Who will be doing this annual review? The question was asked of the Minister of National Security and he indicated that as yet there was no determination of who would do the annual review.

I am submitting that if the political directorate is the one charged with the ability to give the one-year extensions, then consequently, the annual review would be done by the political directorate. If, in fact, the Commissioner is behaving in a way that is pleasing to the political directorate, then his annual review would be positive. If, however, he is not behaving in that way, then he may be subject to dismissal at the end of one year and not be allowed the possibility of having the two further extensions.

That is why I referred this House to the question of dismissibility of an officer by the Crown, because, in fact, what would be happening is that the state would be engaged in dismissing officers who did not meet with its approval at the end of this one-year period. Lord Diplock clearly says:

“...the survival of the historic legal doctrine of dismissibility at pleasure of police and other public officers was inconsistent with the 1962 Constitution of Trinidad and Tobago and remains inconsistent with its present Constitution as a Republic.”

I am submitting that this section is totally against the spirit of the Constitution as it relates to the operations of service commissions. What is intended is that the insulation which would have been provided by service commissions is being taken away and the political directorate is taking on the job of the service commissions.

I am sure it may be argued that the service commissions, essentially do not deal with the terms and conditions of employment or perhaps the contract of employment of police officers. Indeed, in the *Endell Thomas* case again, at page 386, Lord Diplock said:

“In discussing, as their Lordships must, the division of functions between the Governor-General...”

Which would be the President or Cabinet.

“...and the Police Service Commission in relation to what in the Constitution is called the ‘police force’ but is now known as the ‘Police Service’, they will find it conducive to clarity to use the expression ‘code of conduct’ instead of ‘discipline’ and to speak of ‘misconduct’ rather than ‘an offence against discipline’.

The functions of the Police Service Commission fall into two classes: (1) to appoint officers to the Police Service, including their transfer and promotion and confirmation in appointments; and (2) to remove and exercise disciplinary control over them. It has no power to lay down terms of service for police officers; this is for the legislature and, in respect of any matters not dealt with by legislation (whether primary or subordinate) it is for the executive to deal with in its contract of employment with the individual police officer.”

Lord Diplock went on to qualify what was meant by “terms of service”, at least to give examples:

“Terms of service include such matters as (a) the duration of the contract of employment, e.g. for a fixed period, for a period ending on attaining retiring age, or for a probationary period as is envisaged by the reference to ‘confirmation of appointments’ in section 99(1); (b) remuneration and pensions; and (c) what their Lordships have called the ‘code of conduct’ that the police officer is under a duty to observe.

Public Officials Bill
[MRS. ROBINSON-REGIS]

Wednesday, July 16, 1997

The legislature has acted in the matter of laying down terms of service by passing the Police Service Act 1965, which replaces and repeals the former Police Ordinance, although it preserves the Regulations made under that Ordinance until they have been replaced by Regulations made under the new Act.”

The Police Service Act, Chap 15:01 states at section 9:

“A police officer shall hold office subject to the provisions of this Act and any other enactment and any Regulations made thereunder and, unless some other period of employment is specified, for an indeterminate period.”

The section that deals with tenure also talks about term appointments and resignation.

The rubric of Part V of the Police Service Act is “General Regulations”. It deals with, among other things, the mode of leaving the service and the age of retirement of police officers. It states quite clearly what the age of retirement should be for police officers. The section that we are asked to insert in this Act deals with extending that age.

4.05 a.m.

Mr. Speaker, section 123 of the Constitution states:

“(1) Power to appoint persons to hold or act in an office in the Police Service established under the Police Service Act, 1965, including appointments on promotion and transfer and the confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices shall vest in the Police Service Commission.”

That section, we on this side submit, is in fact, being altered even though it is through the Police Service Act. The effect of the proposed alteration is, in fact, to alter section 123 of the Constitution, as stated in Part II of the Constitution at section 54(2) “Insofar as it alters—“and sections 116 to 125 are included:

“a Bill for an Act under this section shall not be passed by Parliament unless at the final vote thereon in each House it is supported by the votes of not less than two-thirds of all the Members of each House.”

Clearly, the proposed amendment is, in fact, insidious in its intent in that the real effect of that amendment would be to alter an entrenched provision of the Constitution. Consequently, we on this side are of the view that a two-thirds majority is the requisite majority and not a simple majority as the Bill that is before the House purports.

The case to which I keep referring outlines two issues very clearly. First of all, that service commissions must, or are in the Constitution to insulate persons against political victimization and political interference. Secondly, even though the issue of terms of service is as is stated by the case, terms of service it may be dealt with by legislation and it is clear in its examples of what terms of service constitute. Clearly, if a proposal relating to terms of service affects the way the Service Commission will ostensibly operate then there has been an interference or an alteration with the effect of service commissions. And, in relation to the Police Service Commission, this is an implied alteration of section 123 which is an entrenched section of the Constitution. We are submitting that, as a consequence of this, it is necessary to have a special majority. It is interesting that even in the days when the NAR held Government and where they would have had the requisite majority, they were clear in insisting that the Act which dealt with alterations to the Judicial and Legal Service Commission went by that special majority.

Mr. Speaker, it is clearly not the first time that this Government is attempting to do something which could be construed as unconstitutional, and that is why we are attempting to be so vigilant in ensuring that our arguments state quite clearly where our objections lie. We understand that, perhaps, there was a concern that the special majority would not have been obtained. As the Member for Diego Martin Central indicated, if as the Government purported, it is a Government which believes in transparency, which believes in consultation, in an attempt to deal with this matter it should have, as we did when we were in government, consulted with the Opposition in terms of a Bill of such importance. Even though some have argued that this Bill is to deal with the present Police Commissioner, this Bill will affect over 100 persons in the Police Service of Trinidad and Tobago. Even though it is also said the morale of the Police Service is at a high, there can be no doubt that this will affect morale in the first division of the Police Service of Trinidad and Tobago, not only because of the surreptitious way the Bill was brought before the Parliament but, indeed, because from January 1997, as the Minister of National Security indicated, the first division of the Police Service was asking to be taken into the confidence of the Government and to be told what was happening in relation to the Police Commissioner.

We maintain that a special majority is necessary. We maintain that even though this Government dealt with magistrates in a Bill in the other place, it did not at the time see it fit to include the clause that is now in this Bill, in the other Bill which

Public Officials Bill
[MRS. ROBINSON-REGIS]

Wednesday, July 16, 1997

was dealing with magistrates on contract which, leaves one to wonder if the inclusion of the clause on magistrates was just to make the Bill appear as though it was not just for the extension of one person in the Police Service.

I recall being told by Members on that side that they would never bring legislation just to deal with one person or one section of persons in the community but this is clearly an indication of a Bill which deals specially with one person.

Jump high or jump low, we are clear that this Bill needs a special majority. As a consequence of that, especially given the fact that we have had no indication of the policy behind the Bill we cannot, in all conscience, support the legislation that is before this House. Thank you.

4.15 a.m.

The Attorney General (Hon Ramesh Lawrence Maharaj): Mr. Speaker, I would deal with the aspects which have been raised about the constitutionality of this Bill. May I say that the Public Officials (Extension of Service) Bill does not in any way interfere with the functions of the Police Service Commission as enshrined in section 123 of the Constitution. There appears to be a complete misunderstanding of what that section says and what this Bill is doing.

Section 123 of the Constitution talks about the functions of the Police Service Commission. It was given the power to appoint persons to hold or act in an office in the police service, including appointments, promotions, transfers and confirmation of appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices.

The case which was mentioned by the hon. Prime Minister is one against the hon. Member for Arouca South. This was a case in which the Privy Council had to decide whether the Police Service Commission of Trinidad and Tobago had the jurisdiction to deal with terms and conditions of service. It had to deal with the question of the powers of the Police Service Commission. It dealt with these facts on the basis that the retirement age at that time and at present is 60 years, as quoted by the hon. Member for Arouca South.

The Privy Council said quite clearly that the Police Service Commission does not have the jurisdiction to deal with the questions of terms and duration of contract. Those were matters for the executive and primary or subsidiary legislation. It dealt with it to illustrate that the executive has the jurisdiction and powers through Parliament or its executive powers to deal with contracts of service with respect to police officers.

Police officers are different from judges. In sections 136 to 137 the terms and conditions of judges are enshrined. Those cannot be interfered with unless there is a specific alteration of the Constitution. Act 2 of 1988 which gave the power to the Judicial and Legal Service Commission to hire a judge on contract for a period of two years after he/she has reached the retirement age had to be passed by a specified majority, because it was altering the terms and conditions of judges which were enshrined in the Constitution.

The terms and conditions of police officers are not enshrined in the Constitution, but are embodied in the Police Service Act which is ordinary legislation. The Privy Council and Lord Diplock gave the judgment and said:

“The functions of the Police Service Commission fall into two classes: (1) to appoint officers to the Police Service, including their transfer and promotion and confirmation in appointments; and (2), to remove and exercise disciplinary control over them. It has no power to lay down terms of service for police officers.”

If we gave power to the Police Service Commission to lay down terms of service, that is something which they cannot have and the Constitution would have to be altered to give them that power. It would be a new power. They went on to state:

“...This is for the legislature and in respect of any matters not dealt with by legislation (whether primary or subordinate), it is for the executive to deal with in its contract of employment with the individual police officer.”

The Privy Council is saying that even if there is no legislation, the executive can deal with it. This has been construed in some of the Caribbean countries where they do not go to Parliament or pass a law. They appoint the Commissioner of Police to continue on an ordinary contract. The Privy Council is saying that terms and conditions of any police officer in respect of duration or extension is a matter for the executive. It is either by legislation as was decided in the Police Service Act which was passed with an ordinary majority, or an amendment to that Act by an ordinary majority or executive action.

Lord Diplock said that the legislature had acted in the matter of laying down terms of service by passing the Police Service Act, 1965. Let us start with the point as established in this case, that the Police Service Commission does not have the power and cannot be given the power under ordinary legislation to extend the terms of service of a police officer. The Judicial and Legal Service Commission can

Public Officials Bill
[HON. R. L. MAHARAJ]

Wednesday, July 16, 1997

do that because they have the power to deal with terms and conditions of judicial and legal officers. Section 6 of the Judicial and Legal Service Act, Chap. 6:01 states that subject to section 3 and to the Constitution, the President may by order prescribe the pay in respect of an office, allowances and the other terms and conditions of service of an officer. Section 16 makes regulations for prescribing all the matters specified in the Act.

The Constitution framers decided to put judges and legal officers in a special category. The terms and conditions of judges are enshrined in the Constitution and cannot be altered in any way except by a special majority. Under the Judicial and Legal Service Act, legal offices are referred to as magistrates; they are not judges. Their terms and conditions of service can be dealt with by the Judicial and Legal Service Commission. In the legislation dealing with magistrates, we had to put that the Judicial and Legal Service Commission would deal with the question of the extension of service of a magistrate. That is the philosophy. We did not say that. That is what the Constitution says. As lay people, we can understand it. If one looks at the Constitution one would see that the terms and conditions of the judges are enshrined there. The Judicial and Legal Service Commission is given the power to deal with their terms and conditions of service. For police officers, the executive has the right to deal with the terms and conditions of service.

4.25 a.m.

Discipline is a different matter and this legislation is not going to interfere with the functions and duties of the Police Service Commission to deal with discipline because if Mr. A gets an extension of one year at any time, the Police Service Commission can still exercise powers of discipline, while the executive deals with extension of service.

It does not take away in any way, and if one looks at it in a different way, this Bill is not giving the power to appoint anyone, the Police Service Commission has that power. The person is already appointed, his service is being continued, so the power of appointing the person is out. It is not giving the power to promote, it is continuing the service of the person; it is not transferring anyone or confirming any appointment; it is not removing and exercising any disciplinary control so it is not in anyway interfering with powers of the Police Service Commission. All this talk we heard from as early as 2.30 p.m of interfering with the Police Service Commission, and taking away its independence and insulation is a lot of hog wash. They have nothing to say.

When one looks at the Bill, one sees that it is amending the Judicial and Legal Service Act, and the Members did not have any problem with that, although they talked about some of the officers who might be chief magistrates on extension and so forth. I do not know whether they were trying to say that the Judicial and Legal Service Commission would be biased in performing its functions, but they continued with the chief magistrate's continuance.

When one looks at the Bill, one would see it is the Police Service Act it is amending, it is not amending any part of the Constitution, but there seems to be much disarray on that side. The Member for San Fernando East said the Bill is unconstitutional because it needs a three-fifths majority. This is needed only if it falls under section 13(1) of the Constitution which says:

"An Act to which this section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5..."

The Member for Diego Martin East and the Member for Arouca South said the Bill was altering the Constitution, it needs a two-thirds majority, and another Member said there is a legitimate expectation.

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker, there is no Constitutional right given to promotion; there is no legitimate expectation that a person would be Commissioner of Police. The Constitution of Trinidad and Tobago recognizes that there would be political considerations in the input in appointing a Commissioner of Police and a Deputy Commissioner of Police. The Constitution of Trinidad and Tobago in section 123(3) says:

"Before the Police Service Commission makes an appointment to the office of Commissioner or Deputy Commissioner of Police it shall consult the Prime Minister, and a person shall not be appointed to such an office if the Prime Minister signifies to the Police Service Commission his objection to the appointment of that person to such an office."

That is an entrenched section in the Constitution and it recognizes the importance of the political directorate to have an input in determining who is the Commissioner of Police, and who is a Deputy Commissioner of Police and the reasons for that are clear. The political directorate takes charge of crime, safety and protection of the individuals in a society, and the political directorate is answerable to the people. They must have that say. If the other side is saying that this Bill is only for a particular person, then it makes the argument even weaker

Public Officials Bill
[HON. R. L. MAHARAJ]

Wednesday, July 16, 1997

because the Constitution recognizes that there must be the political consideration of the Prime Minister in considering which person may get a continuation of service as a Commissioner of Police.

We must not be afraid to face the truth. We live in a society and operate under a Constitution in which political considerations play an important part. Politics is the food we eat and the air we breathe, it is public safety.

Where there is a police service and the hon. Prime Minister of Trinidad and Tobago tells this House that he, as the Leader of the political directorate, has given reasons for his actions as a necessary measure in the public interest, there is nothing against any potential Commissioner of Police or anyone else.

The Minister of National Security told this Parliament that there was initial dissatisfaction by the first division, and there was support by the second division but after the rationale was explained to them, not only did the first division police officers agree, but the person whose case the Opposition is advocating—the one who is considered to be the potential successor—understood and gave the assurance to the Minister of his full co-operation to the police service.

Mr. Deputy Speaker, the Opposition is interested in dividing, undermining, and subverting the police service and the Constitution. The Member for Arouca South had the gall to read a newspaper article of 1993 in which the hon. Prime Minister, in opposition at the time, talked about a parliamentary committee to monitor the Police Service and the Police Service Commission. She talked about comments which the Member for Couva North and the Member for Couva South made about government not interfering with the functions and duties of the Police Service Commission.

The measure which the PNM had introduced in this Parliament, and to which the Member for Diego Martin Central, the Member for Diego Martin East, as well as some of the other Members of the Cabinet had agreed was to take away the powers of the Police Service Commission and put them into the hands of a Cabinet-appointed committee to deal with the functions of the Police Service Commission and to make it an appeal body.

The Opposition of the day objected to that. It had meetings with the Police Service Commission, and the first and second divisions and the PNM, today, is talking about the importance of the Government not interfering with the Police Service Commission. They say it must be independent and there must not be any political interference, but it was the PNM that introduced legislation to take away the powers of the Police Service Commission.

As a matter of fact, on April 7, 1993, the front page of the *Trinidad Guardian* said:

“Huggins—more control of Cops.

National Security Minister, Russell Huggins said yesterday that the absence of a more direct involvement by the political directorate in the police service has led to the situation the service finds itself in today.”

This was a Member of the Cabinet, the Minister of National Security, saying that the Government wanted to have more political involvement in the police service.

In response to Opposition claims that Government’s proposed reform for the service would have the effect of removing the insulation from political interference which the Police Service Commission had, the fact remains that there is need for the removal of some of this insulation. I make no excuses for that whatsoever.

4.35 a.m.

The PNM, of which they were members, agreed—

Mr. Valley: Mr. Deputy Speaker, just for my information, did that Bill require a special majority? Did it come to the Parliament bound by the Constitution?

Mr. Panday: That is not the point, that is a red herring.

Hon. R. L. Maharaj: Mr. Deputy Speaker, the policy and the philosophy of the Government of the day was to take away the insulation, to remove the protection. It was to put the police service directly under the control of the Cabinet so that they would be able to have a “mongoose gang” in Trinidad and Tobago and that they would be able to arrest politicians at will. They wanted to convert Trinidad and Tobago into a dictatorship. They locked up the Speaker.

Mr. Deputy Speaker, we are not taking away any powers from the Police Service Commission. The Police Service Commission is still dealing with appointments, discipline and so forth. We are not having any Cabinet-appointed committee to take over the Police Service Commission. We are passing a bill merely to give the Executive the power to keep a police commissioner or any first division officer in service for a particular period of time and we are authorized to do that.

Mr. Deputy Speaker, how could the Opposition Members come to this House today and say that this Government is interfering with the police service and that the Government is trying to undermine and subvert the police service? On July 19,

Public Officials Bill
[HON. R. L. MAHARAJ]

Wednesday, July 16, 1997

1994—July seems to be an important month for the PNM—Prime Minister, Manning announced plans to have Police Commissioner Jules Bernard appointed as Advisor to the Prime Minister on Crime.

The PNM Government wanted the Commissioner of Police to leave office. They forced him to take legal action against them. They forced him to go on leave. When he refused to go and, after the court decided in his favour, Mr. Manning created the position of Special Advisor to the Prime Minister and tried to force him to accept it.

I now read from the *Trinidad Guardian* dated July 19:

“Prime Minister Patrick Manning, in response to the urgency of the crime situation in the country, announced two bold steps in his address to the nation last night. First, Manning said he is taking over the portfolio of Minister of National Security and, secondly, he is advising the Police Service Commission to have Police Commissioner Jules Bernard appointed as Advisor to the Prime Minister on Crime.”

Mr. Deputy Speaker, that was not interfering with the Police Service Commission, that was not interfering with the Commissioner of Police and not interfering with the police service. I continue to quote:

“These measures, of course, are dramatic ones, befitting the crisis which has moved the country to a rare state of anxiety and frustration.”

That was Prime Minister Manning.

July 22, 1994:

“Prime Minister Patrick Manning took the first step yesterday to have Commissioner of Police Jules Bernard move up and accept the job of Special Adviser on Crime to the Prime Minister.

Manning held a meeting with Kenneth Lalla, Chairman of the Police Service Commission...where details of the proposed appointment of Bernard were discussed.”

On August 12, 1994, the Director of Personnel Administration, in a letter to Mr. Bernard, informed him of his appointment as Special Advisor.

September 12, 1994:

“A definite decision from Government on the future of Police Commissioner Jules Bernard is expected next week.”

This is how the news unfolded.

October 6, 1994:

“The Director of Personnel Administration...has formally written to the Commissioner of Police, Jules Bernard, offering him the post of Special Adviser on Crime to Prime Minister Patrick Manning.”

On October 27, 1994, the criteria for Special Adviser on Crime was laid in the Parliament.”

The Member for Diego Martin Central was sitting here! The Prime Minister and the Government were interfering and trying to force a Commissioner of Police out of office to take another job, laying the criteria for his job in the Parliament.

What did Prime Minister, Manning say? He said that this was necessary because it was an overall plan by the Government to address the threat to internal security by the rise in criminal activity.

On the 18th, then what happened? Commissioner Jules Bernard turned down the job of Special Advisor to Prime Minister Manning on crime.

Mr. Deputy Speaker, how could Members of the PNM talk about this Government interfering with the police service? There is no basis for that. As a matter of fact, they should be ashamed to have got up in this Parliament to accuse this Government of that when their record shows that they contrived—they did not only do this—to get rid of Police Commissioner, Randolph Boroughs. They fabricated cases and charges. They put him through the court process—a Commissioner of Police, who was fighting crime, who was dealing with drugs and drug trafficking—because they wanted to appoint a special person. The only conclusion one can come to is that the PNM was not interested in dealing with crime and drugs and they wanted to get rid of Commissioner Randolph Boroughs.

Mr. Deputy Speaker, in August, 1995, the country awoke with the news that the PNM government created a state of emergency. There was a bill in this Parliament to be debated and passed or rejected. The Government brought that Bill because it wanted to get rid of the Speaker of the House of Representatives, because she gave rulings which the Government did not like. What did the Government do? The Government did not go to court to get conservatory orders—it did not resort to the legal process—the Government used its executive powers to advise the President to create a state of emergency.

Mr. Deputy Speaker, serious questions arose as to whether the facts disclosed the power to grant a state of emergency. It was a complete misuse and abuse of its executive power. Here it is now, they are talking about protection, safeguards and being the guardian of the rights of the people.

The Parliament convened but the Speaker was not in the Chair. The Deputy Speaker, the hon. Member for Arima, sat in the Chair. The Leader of the Opposition, at the time, the hon. Prime Minister, got up and asked: “Where is the Speaker?”

[MR. SPEAKER *in the Chair*]

Mr. Speaker, neither the Prime Minister nor the Opposition Chief Whip—no one on the Government side—had the courage to get up and say that she was arrested and that there was a state of emergency. They just got up to conduct the Parliament.

4.45 a.m.

While the Parliament was being conducted, the then Prime Minister used television time to accuse the Opposition of a diabolical plot to overthrow his Government because the Speaker ruled in favour of the Opposition. That is democracy. Here is a Parliament committed to upholding the law, upholding the Constitution as the Member for Diego Martin Central said, and as a Member of Parliament you take an oath to uphold the law and the Constitution. They came to the Parliament, they were in power; they had the power, and now they are talking about power and abuse of power because they do not get a ruling which they like. They came with a law to pass, but they wanted to have a Speaker whom they thought would have been supportive of them. They did not want to have an independent speaker at the time, so they created a state of emergency. They created political history in the world.

As a matter of fact, at CPAs—wherever you go now—they always remember that it was Prime Minister Manning who created a state of emergency to lock up a little lady in Trinidad and Tobago. A little lady had damaged the financial investments in Trinidad and Tobago. She weakened the respect for the people of Trinidad and Tobago. They are talking about abuse of power!

Mention was made about the hanging of Glen Ashby. Whilst there was a case in court in which a man’s life was involved and the state was a party, the case was adjourned to the next morning at 6.00 o’clock. The Court of Appeal was sitting

specially and before the court could resume, the executive arm of the state organized for the man to be executed. State-authorized murder. Up to today, Trinidad and Tobago is suffering as a result of that unconstitutional action.

Since then the Privy Council has developed a distrust for the executive word in Trinidad and Tobago. We have reached a stage where the highest court in the system has developed a distrust, so that they would not even undertake to do anything from the state. That is what they have done to damage the rule of law in Trinidad and Tobago. What credibility do these people have? On what basis could they really object to this Bill? The only basis and the only reason one can conclude is that they do not want us to deal with crime, drug trafficking and money laundering. Mr. Speaker, they have been in Government so they know that when plans such as those are put in place, it would be prejudicial to the people to interrupt them.

They know that during their tenure in office no one who was prosecuted for drug trafficking had his proceeds of drugs confiscated. They also know that the drug laws which they brought to be introduced in this Parliament were objected to on the basis that we would support them only if there was a parliamentary committee to monitor the implementation of the Bill. It took us till 5 o'clock in the morning and they did not want any parliamentary committee, and when the Bill was subsequently passed they did not implement it. It is this administration which implemented that Bill. They know that some of the drug traffickers in Trinidad and Tobago are now being investigated and their properties may be confiscated. They do not want that programme to continue.

Mr. Speaker, under that administration, a well-known person was squatting on hundreds of acres of land and the Minister of Agriculture, Land and Marine Resources did not know about it. The man sold his motorcar, bought a motorcar and was prosecuted, under the guise that they are fighting drugs and this person was occupying land and building all kinds of things, having all kinds of orchards, but they were not interested in fighting drugs and crime. As a matter of fact, they were only "grand charging." They also know that persons whom they knew wanted to be extradited. They knew that the persons paid money to the PNM party to finance a general election and the people were running all about and when we got into office they were arrested.

This Bill is not about race; it is not about taking away any fundamental rights; this Bill is not undemocratic; it is not about taking away any powers and functions of the Police Service Commission. This Bill is to give to the Government the

Public Officials Bill
[HON. R. L. MAHARAJ]

Wednesday, July 16, 1997

means whereby it would be able to continue its programmes uninterrupted, to protect the future generation of Trinidad and Tobago, to save the children of Trinidad and Tobago.

It must be made clear, as there seemed to be a misconception, even by lawyers on that side, that the Bill does not give an automatic extension. On the other hand, the Bill gives a discretion to the Cabinet, which is the executive arm of the state, in the national interest to continue in office any first division officer. Also, it gives a discretion to the Judicial and Legal Service Commission. So it is not an automatic and a mandatory extension, it is a power given in order to act in the national interest.

I have great pleasure in supporting this Bill. I think that the Prime Minister has articulated that it is not uncommon. He has given examples. He has made the point that this is a power which the executive already has in Trinidad and Tobago, in relation to other areas, and it is a power which is necessary. As a matter of fact, may I mention that it is a power which is used by countries in the Caribbean and Caricom. It is done all the time in the national interest.

Thank you, Mr. Speaker.

4.55 a.m.

Mr. Eddie Hart (*Tunapuna*): Mr. Speaker, I want to make a brief contribution in this debate because I know that we are all very tired and sleepy. I want to speak on behalf of the man in the street, because for the past week or so, this issue has been hotly debated everywhere; in the rum shops, savannahs; on the blocks. Why should there be an extension of the Commissioner's term of office? There are arguments for and against. We have been here since 1.30 yesterday afternoon, and I listened carefully. I have not slept yet like the Prime Minister who piloted the Bill, left to sleep, and has now come back to wind-up.

We started off with the Member for Tobago East. He was the opening batsman, and I listened to him in his usual flamboyant style. He identified the Commissioner as a "dougl", but up to now I have not heard from him the reason why they want to introduce this piece of legislation. The second person was the Minister of nothing from Pt. Fortin who quoted a lot of statistics. He, too, did not come up with the reason why.

We then heard from the Minister of National Security. He identified the correct birth date of the present Commissioner and then said that after Cabinet took the decision, he spoke to the Police First Division and they said they understood, but

up to yesterday when we came into the House, as far as I know, the Police First Division's position remained unchanged.

He further went on to say that he spoke to Mr. Guy and Mr. Guy was a bit disappointed, but then he said he understood. We have to understand human behaviour. Mr. Guy has been trained for the position of Commissioner. He has been waiting all the time. What I heard is the feeble excuse that right now, Mr. Mohammed has things going smoothly and they are attempting to make here a crime-free country. If they were to interrupt anything now, it would disrupt the whole thing. Now we are hearing that Mr. Guy, or Mr. Snaggs, as the case may be, is not capable of carrying on the work.

Mr. Speaker, this is a dangerous precedent being set here. Last week I stood up and spoke about the treatment meted out to the governing body of Pan Trinbago. It is the same issue with the Police Service Commission. It made a recommendation. The Commissioner was apparently ready to go home and enjoy his retirement, because he endorsed the recommendation, but I have a sneaking suspicion that somebody on that side spoke to him and asked him to stay on.

Up to now we have not got a valid reason. I know a "mark card" when I see it. Something is in the mortar beside the pestle and we want to know what it is. Tell us why. All the rhetoric and long talk about subsection this and that; why do they want to keep the gentleman? Is there nobody else capable of carrying on? If today or tomorrow something happens to the gentleman, what is the position? Someone else would have to carry on and there are people who have already been trained, as I said. This is going to have a ripple effect. This is going to have an effect right down the line: from Assistant Commissioner to constable.

Mr. Speaker, not so long ago in my constituency, we lost a feared policeman who was just 48 years old—acting Inspector Michael Sealey. Every week he met me, he was aggrieved that he was not promoted as an inspector. From the time a man goes into the St. James Barracks as a recruit, he thinks of being the best recruit. Then he comes out as a constable and, obviously, he wants to go up the promotional ladder. Every policeman dreams about and yearns for it. It is not like long ago when the locals could only reach the rank of sergeant. Everyone can get an opportunity now, and now we are hearing that they want to keep him on for a year, and possibly another year, while the others keep marking time. This could have disastrous effects later on.

I am asking the Government of the day to stop the bullying tactics. Stop the high-handedness. Think it over. Think carefully about what it is doing. We are

Public Officials Bill
[MR. HART]

Wednesday, July 16, 1997

accustomed to a country where we have a stable climate. This could probably cause some civil unrest. We have to face the reality of the day. Right now people are hungry; the gap is getting wider. The rich are getting richer and the poor are getting poorer. One set of people eating out of the pot. We have to watch this, and I am saying that this Government must listen to what we are saying on this side. It is saying that this is its time and it has all the power, so whatever we say here makes no sense because it will still go ahead.

Mr. Assam: You are not speaking the truth.

Mr. E. Hart: I am not speaking the truth? I expect him to say nothing different. He talked about “acronyms” and “ricochet”. He is Mr. Englishman. We do not know anything on this side, as far as he is concerned. A dangerous precedent is being set here.

They spoke about consultation and transparency, and now one cannot get Ministers to say anything. It is always “no comment”. The Police First Division asked what is the reason. The Attorney General told them that they would hear the reason in due course; it cannot be disclosed. When they were on this side, we always heard about alienation, marginalization, parasitic oligarchy. We had to listen to that while we were on the Government benches. Now it is a different thing. No more transparency. They do as they want. They are the bosses. They are in control now, so they tell the Police First Division this is what is happening and if it objects, it does not matter.

Their credibility is going down the drain. Listen to us on this side. We all have to live in Trinidad and Tobago. That is all I am saying, Mr. Speaker, and asking the Government of the day to rethink its position in this case, and do the honourable thing. Discuss, go back, talk to the Police Service Commission and listen to what it has to say.

I thank you very much.

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, this has been a long debate and I want to thank all the Members of this House for their contributions. I want to assure them that I have listened to them with great interest and only a few points require response. I think these two points stand out from the contributions made on the other side. The first is that this alters or amends the Constitution and therefore requires a constitutional majority. I think the Attorney General has answered that much better than I possibly could. What we are doing here is not amending the Constitution at all and, therefore, there is no need for the constitutional majority.

At 5.00 in the morning, I have no intentions of repeating that argument. All I can say is that if Members feel strongly about this and they think they are right, there is something called the courts. They can go to the courts and challenge the law, and that would be the final arbiter. In this House we will say that it does not require the constitutional majority. You will say that it does require the constitutional majority, and we can go on arguing like this until the cows come home. We will arrive at no consensus. The courts are there to determine this question, and I advise you to take advice this time, otherwise the cost will be much more than the last time.

5.05 a.m.

The second point is that the legislation will place the Commissioner and other members of the first division under the influence of the executive. To say that because the term of office can extend beyond the retirement age because the executive feels that the national interest demands it, and it would cause all these officers to suck up to the Government, is to insult those officers. They are presuming that these are men like themselves, men of no integrity. They are presuming that in order to aggrandize themselves with the Government, they will do all the things they on that side do. Please be careful how you watch other people, you may be seeing yourself. I do not think that the police officers of this country are what you described them to be, weak-kneed hypocrites who will suck up to the Government because they want their term of office extended. I do not subscribe to that.

With respect to the argument that extending his term brings the Commissioner under the influence of the executive, I want only to refer to section 123 of the Constitution which was referred to by the Attorney General. No one can be appointed as a Commissioner of Police because the law gives the Prime Minister veto power over the selection. So, to say that Mr. Guy or anybody else was trained to be Commissioner is nonsense. It has to be because—how can you train somebody to be commissioner on the one hand and give the Prime Minister power of veto on the other? It does not make sense. So the Prime Minister can veto—nobody goes into the police service expecting to be Commissioner. Why do you think they put that power there unless they intended that it would be used at the discretion of the executive? Not capriciously. You may say it is capricious. But it is at the discretion of the executive, if it feels that the national interest will be served by that decision. It is put there without qualification and the framers of the

Constitution knew what they were doing. They put it there so it will be exercised in the national interest. When you make these arguments, think about it a little more.

Furthermore, before I go to the second point that was raised, I want to say that this debate demonstrates two things. This debate demonstrates the determination of this Government of national unity to govern this country in the interest of its people fearlessly, totally, disregarding political consequences. Those who fear change have paid an awful political price in this country. The problem with the PNM when they were in office is that they did not recognize that this country had been crying out for change and this country has been crying out for change since 1970. In fact, the black power revolution is an expression, a soulful and mournful expression of the need for change; they wanted change.

The only thing that saved the PNM in those days was the fact that the country had oil, but it only postponed the change, it did not remove the desire for change. That is why, when the first Prime Minister, Dr. Williams, died in 1981 and Mr. Chambers became Prime Minister, people thought change had come. Generally, the people want change without having to change and they thought change had come. You know what happened? They gave Mr. Chambers 26 seats, more than they ever gave the great Dr. Eric Williams in all his political career; he got 24. They gave Mr. Chambers 26. Why? It was an expression, a feeling that change had come. When five years had passed and he did not effect change in the society, they wiped him off the political map. They put another Government into power, 33 to 3, still no change; 33 to 3 was converted to two. Then Mr. Manning came into power. Then the people were not so generous with the PNM, they put them in office and it was their failure to effect change that caused them to lose the last elections. They do not understand that!

That is why we shall come back here in the next elections, because this Government is standing up and telling the people, "You want change, this Government has the courage and the fortitude to implement change". That is what I think they cannot stand, and that is why we find, Mr. Speaker, that they put obstacles in the way of every measure we take that is change. They are hoping that at the end of five years no change would have come about and they will go to the people and say, "You see, no change, so move them too!" But we will not fall for that. Change is going to come and people are going to respect us. Every where we go in this country people respect this Government because it has the courage to introduce change. If you do not, you pay for it. Members on this side, in this debate, have responded beyond the call of duty. Some contributions were made in

this House, today, yesterday, which will go down in the annals of parliamentary history as great speeches.

Mr. Valley: You were not here, how do you know?

Hon. B. Panday: The point made by the hon. Member for Tobago East is an extremely important point. When he was answering the question about the allegations of a creeping dictatorship and so forth, he pointed out that Governments are elected according to rules, and the system is such that if you try that you pay for it. That is the whole point. They on the other side—and they accuse us of fascism—tried that and they paid for it and if we on this side try to introduce dictatorial measures in this country we will pay more for it, that is the political price. That is an exceptionally important point, so we are not afraid, we say "You paid for the failure to introduce change and we shall reap the rewards for so doing".

This debate also demonstrates—that is the second point that was made in the debate—that the Opposition will do anything to return to power even if it means destroying the fabric of the society. Last night was a sad night in that regard. I caution them: those who sow the wind, shall reap the whirlwind.

Mr. Valley: I am glad you know that.

Hon. B. Panday: To introduce race into this debate is to sink to the lowest possible level of parliamentary and political conduct that I have ever seen in this House. It was a most disgraceful act, to introduce in this debate, when we are dealing with a thing like the police service upon which hinges the security of our people and this nation. To introduce race into this debate was the most disgraceful act I have ever seen perpetrated in this House. That is a shame. It is an act of desperation, obviously. It is an indicative of a party that is totally devoid of any new ideas. They resort to race only when they do not have ideas; using primordial instincts in order to attract votes only because they do not have ideas. They have demonstrated, by introducing race into this debate, that they are totally devoid of any ideas that they had.

5.15 a.m.

It is clear now that the People's National Movement is intellectually bankrupt and dangerously malicious. In introducing race, obviously, it is clear that the PNM has nothing to offer people. I am sure it appeals to primordial instincts. It happens everywhere and is beginning to happen in Jamaica. That is bad enough but to use

race so recklessly demonstrates a kind of desperation that is frightening. In introducing race into this debate, the Leader of the Opposition has seriously embarrassed the Deputy Commissioner, Mr. Hilton Guy. It has placed him in an invidious position.

For example, people are going to ask Mr. Guy: "Was Mr. Manning speaking on your behalf? Do you agree with him?" Do you know what you have done to that Deputy Commissioner by introducing race and purporting to speak on his behalf? People will ask: "Does Mr. Guy agree with the Leader of the Opposition, that he is a victim of racial discrimination? Was Mr. Manning speaking on his behalf? Has the Leader of the Opposition put him in such a position that he will now be forced to say whether he agrees or disagrees with the submission, apparently made on his behalf?"

Mr. Manning said, "I spoke to him and this is the submission." That is totally unfair to the Deputy Commissioner. You should not reduce people to that kind of level in society and put them in that kind of invidious position to gain political mileage.

Having put the Commissioner in that position, Mr. Manning abandons the Parliament. He feels so strongly about it, but you know he could not be here to vote. That is how strongly Mr. Manning feels about it.

Mr. Hart: You wake up and come back to vote.

Hon. B. Panday: He came here to spread vicious wickedness—

Mrs. Bissessar: That is the kind of commitment he has.

Mr. Maharaj: He has a guilty conscience.

Hon. B. Panday: —malice, division in the society, and then walks out and would not even come back in order to vote. So much does he care and so strongly does he feel about it, that he does not even come back to vote. That is sad. For a person who aspires to be the Prime Minister of this country—

Mr. Valley: He was.

Hon. B. Panday: —again, to make these kinds of divisive remarks, not even wait to hear the replies, to put the Commissioner in an invidious position and then leaves the Parliament forever, is an act of cowardice.

Mrs. Bissessar: He could not be here to vote. He left all of them here.

Hon. B. Panday: We will get a strong detergent and wash his mouth.

Mr. Maharaj: Why is the Leader of the Opposition not here to vote?

Hon. B. Panday: We have given the reasons why we think this piece of legislation is important. Mr. Speaker, if we are wrong, as the Member for Tobago East said, we will pay for it politically. If we are right they will pay for it.

Mr. Valley: If it were you alone to pay, that would be fine, but it is not. That is the problem.

Hon. B. Panday: Members of this House are free to vote, that is what the system says. We vote this morning on it and the ultimate arbiter of whether we are right or wrong is that electorate out there. Gentlemen, I ask you to save your own political selves and support the Bill.

Mr. Speaker, I beg to move.

Question put.

The House divided: Ayes 20 Noes 9

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Khan, Dr. F.

Job, Dr. The Hon. M.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

NOES

Valley, K.

Robinson-Regis, Mrs. C.

Narine, J.

Hart, E.

James, Mrs. E.

Joseph, M.

Boynes, R.

Hinds, F.

Williams, E.

Question agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 and 2 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

5.25 a.m.

House resumed.

Bill reported, without amendment.

Question put, That the Bill be now read the third time.

*Public Officials Bill**Wednesday, July 16, 1997*

The House divided: Ayes 20 Noes 9

AYES

Maharaj, Hon. R. L.

Panday, Hon. B.

Persad-Bissessar, Hon. K.

Lasse, Dr. The Hon. V.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Nicholson, Hon. P.

Rafeeq, Dr. The Hon. H.

Assam, Hon. M.

Khan, Dr. F.

Job, Dr. The Hon. M.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Partap, Hon. H.

Mohammed, Dr. The Hon. R.

Singh, Hon. D.

Ramsaran, Hon. M.

Sharma, C.

Ali, R.

NOES

Valley, K.

Robinson-Regis, Mrs. C.

Narine, J.

Hart, E.

Public Officials Bill

Wednesday, July 16, 1997

James, Mrs. E.

Joseph, M.

Boynes, R.

Hinds, F.

Williams, E.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Attorney General (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that this House do now adjourn to Friday, July 18, 1997 at 1.30 p.m.

May I state that on that date we shall be doing in order, Bill No. 12, the Standards Bill, then Bill No. 2, the Animals (Diseases and Importation) (Amdt.) Bill, followed by Bill No. 3, the Summary Courts (Amdt.) Bill.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.30 a.m.