

HOUSE OF REPRESENTATIVES*Thursday, July 01, 2004*

The House met at 1.30 p.m.

[MR. DEPUTY SPEAKER *in the Chair*]**PRAYERS****CONSTITUTION (AMDT.) BILL**

[THIRD DAY]

Order read for resuming adjourned debate on question [June 29, 2004]:

That the Bill be now read a second time.

Question again proposed.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I join the debate at this time because I think there is a need to debunk the misconceptions held by some members of the public because of the propaganda that Members of the Opposition have been spreading.

In my contribution, I would show that the Police Management Authority is, in fact, a service commission. I think this is extremely important since this morning, on the television, I heard a former Independent Senator make the point that we are trying to get rid of the service commissions. I would argue further, that the checks and balances enjoyed by service commissions, since the beginning of time, would continue. As a matter of fact, in a sense the package of legislation before us would increase the checks and balances available to the ordinary person.

I would argue further, that the name of the Police Service Commission has been changed to the Police Management Authority because it became clear that there was a need to emphasize that the commission had a very important management function, and that they should focus on that—clear management responsibility.

Mr. Deputy Speaker, I start by asking Members to consider that the Constitution (Amdt.) Bill talks about amending section 123 of the Constitution. That section falls under Chapter 9 of the Constitution that is headed:

“APPOINTMENTS TO, AND TENURE OF, OFFICES

PART I

SERVICE COMMISSIONS, ETC.

Public Service Commission”

It goes from sections 120 to 129, and then at 130 there is:

“Public Service Appeal Board”

Mr. Deputy Speaker, it is therefore incorrect to suggest that anyone is attempting to do away with service commissions; it is a service commission by another name. [*Desk thumping*]

One must understand how this service commission is to be appointed. Mr. Deputy Speaker, they know it because somebody made the point yesterday that this is their legislation. Nobody is attempting to interfere with the checks and balances; it is still protected by the Constitution, enjoying all the constitutional protection that has been given to the section, I think it is in section 54 of the Constitution. That is the first misconception I need to debunk, that we are doing away with service commissions. The Police Management Authority is a service commission under Chapter 9 of our Constitution which deals with service commissions and so forth, that the members of the Police Management Authority appointed, as they would be, by the President, either on the advice of the Prime Minister and Leader of the Opposition, or failing such advice, on his own deliberate judgment.

I will deal with that, Mr. Deputy Speaker, because listening to the Leader of the Opposition yesterday he advanced an argument. He said whose advice do you think he is going to take? He is going to take the Prime Minister's advice; he is not going to take my advice. Mr. Deputy Speaker, what is the reality? The reality is that the President, in the circumstance, does not have a choice. He has to take the joint advice, meaning, that it is the Prime Minister and the Leader of the Opposition who must first agree on the members of the commission, and then advise the President. It is not that the Prime Minister gives one set of advice and the Leader of the Opposition gives another set, and the President could then choose. That is not so. The former Prime Minister knows that. One simply has to go back to a statement in 2001, when he said clearly, after talking about the manner in which these commissioners would be appointed, one cannot get more independence than that.”

So he knows it. The first point is that the Police Management Authority is, in fact, a service commission enjoying the protection of Chapter 9 of the Constitution. The name has been changed because of the need to emphasize the management function of the service commission.

Mr. Deputy Speaker, let us take the old Constitution, the same section 123 under the Service Commission. Section 123(1) gives the:

“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 and to enforce standards of conduct on such officers...in the Police Service...”

When you look at the report that has been often quoted during this debate, it says that the commission is not responsible for management. For the life of me, as a person who likes to pretend he knows about management, I do not understand how in an institution, which has a right to appoint, to promote, to dismiss, to discipline, to set standards of conduct, especially a commission that oversees a service organization, a service industry where it is the human resource that is the main asset, as in this case, this commission has the right and the authority to control all of those things, but they inform us, as the Chairman has done, that he does not have any management authority. He says in his foreward:

“...the Constitution has vested the Commission with clearly defined and limited powers to appoint persons to an office in the Police Service including appointments on promotion and transfer...The Commission is an independent body whose members are appointed by the President...The Constitution gives no power to, and confers no legal duty on the Commission to manage or supervise the operations of the Police Service.”

Mr. Deputy Speaker, that is a clear misunderstanding of the function that the Ellis Clarke team saw. [*Interruption*] Thank you. Sir Ellis Clarke. I want to go to this quotation; I may have to use it later on. The committee—they have a copy also. This is the:

“Report of the Technical Team to The Bipartisan Team to Seek Solutions to the Problems Within the Police Service”

Mr. Deputy Speaker, listen to the conclusion of the team.

“The team concluded that the Police Service cannot be properly managed under the present system and, in particular, under the constraints imposed by the Police Service Commission. It is of the view that the Police Service Commission should be replaced by an oversight body of a different character. Further, the Commissioner of Police should be given full authority to manage the Service and should be held accountable for his performance.”

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I repeat:

“should be held accountable for his performance.”

The next sentence is of extreme importance.

“Such performance should be measured against priorities, goals and targets established by Government, perhaps on an annual basis.”

Mr. Deputy Speaker, I sat here on the first day and I listened to my friend from St. Joseph when he criticized the term “Police Management Authority”. He made the point that it is a misnomer because there is no management. Mr. Deputy Speaker, that is exactly why the name is changed. The name is changed from “Service Commission”, because the team saw a clear need to emphasize the management function that is expected of this new commission.

Mr. Deputy Speaker, there is a history to that. I think it was the Member for Princes Town who quoted some parts of the O'Dowd Report from a little book. Members would know that in 1990/1991 the O'Dowd Commission looked at the Trinidad and Tobago Police Service. In that report they reviewed the previous reports, some of which were mentioned by the Member for Princes Town: the Lee Committee Report of 1968; the D'arby Commission Report of August 1964. The first one dealt with the public service in general and the others dealt with the Police Service Commission. The Carr Committee Report of 1971, Bruce Committee Report of 1978 and in 1990, there was the Police Executive Research Forum Study sponsored by the United States, Department of State. Mr. Deputy Speaker, after looking at those reports and realizing very little was done with the recommendations, the O'Dowd Committee made the following statement.

“At the commencement of this project the review team questioned the non-implementation of the majority of well-reasoned and consistently appropriate recommendations contained in the Darby, Carr and Bruce Reports.

It seems that every seven years or so, during the last three decades attempts have been made to reform the police service with only limited success.”

This was in 1991 when he did his report, and the technical team had Mr. O'Dowd on its team also. The members of this technical team included Mr. O'Dowd. Here there was another report so by the time it got to this team, the team said, clearly, if we have committee after committee looking at the police service and the commission—trying to tinker with the commission, trying to fix the police

service—under a commission which clearly had management responsibilities but did not even acknowledge, they had that function.

The key problem is that the current commission failed to understand, that given their responsibility to appoint, to transfer, to dismiss, to discipline and to set standards of conduct, they have the clear management responsibility and if they fail everything goes with them. The then commissioner described himself as a toothless bulldog, because the “fella” could chat how much he wants and the young constable knows he cannot do him anything; “It is the commission and I could dance the commission for years.”

My colleague, Minister Imbert, made the point about the disciplinary matter that took 32 years and at the end the constable got a lot of money. [*Interruption*] Yes, we have it in some other aspects of the public service. Mr. Deputy Speaker, again the bipartisan team said:

“The team also considers the Police Service to be inherently different from the rest of the Public Service and therefore should not be subject to the same systems of management, recruitment, discipline, performance appraisal, promotion, etc.”

I want to compliment the work of this team. [*Desk thumping*] After looking at this report one could see the clear thought and clear provision of a critical infrastructure to deal with the management issue in the police service.

Mr. Deputy Speaker, for those who say this is not anti-crime legislation—I got up, I think it was, on the first day of the debate, and said: Listen, why are we doing this? If we were putting in place an infrastructure to improve the efficiency, effectiveness of the police service, why would we be doing it other than to reduce the level of crime in the country? [*Desk thumping*] When this team talks about performance being measured against priorities, goals and targets established, what are we talking about? Are we not talking about reducing the number of murders from 125 in year one to some lower figure in year two and to yet some lower figure in year three? Are we then not having an effect on crime? Are we not talking about reducing the level of kidnapping by some factor, year by year? Are we not talking about reducing crime?

Mr. Deputy Speaker, I have listened over the last two days in amazement, and what bothers me is the fact that our colleagues on the other side would attempt to use such an important package of legislation as a foundation to generate the worst fears in our people.

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I think every citizen values the service commissions, and that is known. Everyone would want to be protected against capriciousness and nepotism. Knowing that, my friends on the other side attempted to use this package of legislation to generate fear among certain sectors of the population.

When I listened to my friend from Couva South last night and I heard that bitterness and hurt—I am glad he is getting it out. I remember my eldest brother who was the chairman of his constituency—we have known him for a long time; we have a very close relationship. Sometimes I wonder whether he really believes what he is saying because if he does, he needs help. He really needs to get all of that out of him and to understand that is not so.

He talks about the Caroni employees—I cannot remember the words he used. [Interruption] “Bust their throat.” Those people are happy. Mr. Deputy Speaker, let me tell you something, if you make 9,000 employees unhappy, do you think the Government would have been successful in doing that restructuring? I picked up this morning’s newspapers and I could see the transformation that is going on in Caroni. Mr. Deputy Speaker, I promise them when they see the new Caroni they, too, would be surprised. I was part of that restructuring; I interacted with the president of that union. I remember on December 21, 2002 after we finished our talk, we had a jolly good time at my office and then I was invited to Reinzi Complex and we had a better time there.

Mr. Deputy Speaker, all the chat they are chatting, the man on the street knows, and that is why you see in the polls you all are going south. Understand my friends, that we could look around the world and we could see—whether it is in Mauritius, South Africa or Fiji. We have an obligation in Trinidad and Tobago to show the world what new-world people could do. Mr. Deputy Speaker, I could never understand—and that is why you will never see me in any dashiki, or dhoti. I am a new world person! I am a Trinidadian and a Tobagonian! I am a Caribbean person! I am an ACS person! When one understands the history of how we got here—whether as persons from Africa or India—how could we want to hold on to some mother country that did not want us in the first place! Let us understand what is happening; we are new-world people. Let us show the world how we could come together and live, rather than appeal to the basic fears of people and cry discrimination at every turn! Let us build Trinidad and Tobago. We have the resources to do it and we could do it.

Mr. Deputy Speaker, I maintain that the Opposition has no logical arguments for failing to support the legislation before the House. [Desk thumping] When one listens to the Leader of the Opposition, one would see that in an attempt to be

smart by half he advances short-term, medium-term and long-term proposals, all in the same plan, as a condition for support of this legislation. He starts off by telling us that as a condition, the President must be elected by popular vote. That is after arguing that the President, as elected as present, is in the hands of the Prime Minister. After arguing that he says: "To get rid of the bias we must elect him by popular vote."

Where are we going, Mr. Deputy Speaker? You simply have to examine the argument and see that if one wants to move to an Executive President, as in the United States, then you have to put further checks and balances because Members would know that in the United States there is a separate Congress which is a separate power bloc, as it were, to the President. The President, who is not a member of the Congress, could merely send Bills and hope and lobby for the legislation to be passed.

If we are talking about an Executive President, we are really talking about a fundamental change to our Constitution, which the People's National Movement is on record as supporting; it is in the manifesto of the PNM. It is not the issue, however. We could, in fact, look at constitutional reform, we do not have a difficulty with that, but we cannot have that, as a condition for putting in a proper system of management in a critical service in Trinidad and Tobago. It makes no sense.

At the same time, the Leader of the Opposition is criticizing the manner envisaged for the election of the commissioners of this Police Management Authority; we read on the newspapers yesterday that a new chairman had been appointed to the Police Service Commission. How is he appointed? He is appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition. If one believes what the Leader of the Opposition is saying and if, in fact, the appointment of the new Police Management Authority would be "PNM boys", it means that under the current system it is much easier to have "PNM boys" so appointed. He does not have any problem with that because the President, at present, appoints members of the service commissions after consultation, which is a lower level than is contemplated under the Police Management Authority, which is: "on the advice of". Mr. Deputy Speaker, one does not understand the logic of the argument or his recommendations. One fails, further, to understand how supposedly brilliant persons on that side could sit by and allow the Leader to go down that course without a check.

You would recall that during the Opposition Leader's contribution I had cause to apologize to you, the Chair. I want to say that I have always had respect for

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people I consider to be senior statesmen. We may disagree but I hold him in the highest esteem because he has served the State. I have done so, for example, with respect to the former President, I would think that on every occasion I have held him in that high esteem. It is the same thing with the Member for Couva North, but I expect those senior statesperson to live to a particular standard also. Mr. Deputy Speaker, when one saw the about-face of the Leader of the Opposition one had to be amazed.

With respect to this document, the Report of the Police Service Commission, which as I have said is being quoted by a number of persons, I submit that most of them have missed the salient point: that this important commission has never contemplated, never seen the fact that it has a very important management function. I submit that this is the cause of all our difficulties in the police service, because at present there is no management of the police service.

Another amazing thing happened, Mr. Deputy Speaker. Last night the Member for Naparima told us of the situation surrounding the early demise of his son: he went to the police station, they did not take him on; he went back at 3 o'clock, provided some information, they paid him no mind. He said he found the system in place is lacking, and that there was a lack of coordination. In spite of that, the Member has said, "Those are the things to be fixed; why do we want to interfere with the commission?" Mr. Deputy Speaker, it was amazing that the Member did not contemplate that all the examples he cited were simply examples of lack of proper management of the service, which allowed those things to happen. I sat here in amazement; he did not consider that those things were happening because there was a lack of proper management of the service. *[Interruption]* Accountability is a fundamental part of management.

Mr. Deputy Speaker, I quoted previously from the policy report of the technical committee to the bipartisan team. They sat and came up with the policy measures and then, of course, after consultation, developed legislative proposals including regulations that would govern the Police Management Authority. While those Regulations are not before us, I am aware that the other side would have those Regulations and I simply want to put it on the Table, to demonstrate the fact that the Police Management Authority is really focusing on management. It talks here in clause 18 of the Regulations.

"Principles of selection for promotion by the Commissioner."

As has been stated in the debate, under the management authority, we are simply separating the powers that are now that of the Police Service Commission to give

some delegation, constitutionally, to the Commissioner of Police that is, from superintendent down to trainee constable, to the Commissioner of Police, leaving the Police Management Authority with the power over the commissioner down to senior superintendent.

Let me make this point in passing because my friend, the Member for St. Joseph, in his contribution made the point: But that is only about 30 or 40 persons. I counter that by saying indirectly—because the commissioner and these other senior officers are accountable directly to Police Management Authority—the Police Management Authority does have control on the entire staff. If the commissioner were to use his powers, arbitrarily, in terms of promotion, discipline, transfer or what have you, then obviously the Police Management Authority could call him to account. In other words, they now come as an appeal body but the commissioner must be able to tell constable Joe: “Friend, you are fired; go home,” as you would have done when you were at the Royal Bank. A chief executive officer (CEO) must be a CEO; he must be able to manage otherwise he would not get efficiency. He would always be buying 100 vehicles today and 100 vehicles next year.

Mr. Deputy Speaker, as I said:

“Principles of Selection for Promotion by the Commissioner”

Under this system, as you know, there would be a promotion advisory board which talks about:

“The Board shall interview every officer who has passed the qualifying examination or any constable recommended for promotion by the officer in charge of his division or branch and subject to sub-regulation (3): every officer considered for promotion shall be rated according to the criteria specified in sub-regulation 4 and be placed on the order of merit list.”

Sub-regulation (3) talks about:

“The Board shall apply the point system set out in sub-regulation (4) as follows:

In the case of the constable, column (a);

In the case of any other officer, column (b).”

What the column shows is that those officers would be evaluated in terms of the performance appraisal:

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“A recommendation for promotion by officer in charge of the division or branch, academic qualification, length of service, interview, examination marks...”

If one wants to move up in the service one would know clearly what one has to do and they would obey that merit list. It goes on in regulation 19 to say that:

“The Authority when considering an officer’s suitability for promotion, shall take into account the following matters in respect of each officer: his fitness for the office for which he is being considered, the evaluation of his overall performance as reflected in this performance appraisal, any special course of training he may have undergone, whether at the expense of the State or otherwise, letters of commendation, the recommendation of the commission...”

It goes on to talk about fast-tracking officers who show talent. As you know, Mr. Deputy Speaker, at present the main method of promotion is seniority, and what this legislation is saying is that we want management, you are going to be evaluated and, therefore, we would move to a merit system. The Leader of the Opposition was speaking on that. That is for the Second Division. When it goes to the First Division officer, you would see that it talks clearly about the achievement of goals and targets established with the particular officer. In other words, if the officer were to fail to meet those targets on a consistent basis, he would have to explain why. Mr. Deputy Speaker, that is the management of crime that we are talking about.

We see clearly that the plan focuses on issues, on targets, on reducing the murder rate, on reducing the kidnapping rate, the accident rate, on managing these things—taking accountability, Mr. Deputy Speaker.

Conceptually, we could see a system where one could look at setting objectives and targets for the police service through a policing plan so that all our issues, with respect to policing, could be tackled. We are talking about countrywide; district-by-district, we could deal with. Clearly, we are moving to give the commissioner authority, to make the commissioner and his men accountable to the Police Management Authority; to set clear targets, objectives and goals for those individuals to achieve; to hold accountable for their non-achievements, and to have a clear effect on crime and criminal activity in Trinidad and Tobago. It is in that context that this legislation is anti-crime legislation.

2.15 p.m.

I do not think there is much else to add to this debate. I do not think that there are any remaining issues. As has been said, this legislation was seen to be extremely important by both sides of this House. It was on the urging of the then Leader of the Opposition, the present Prime Minister, that the team started looking at this. In fact, in 2001, these Bills were laid in the House and the question we have to ask is whether the UNC is comfortable that in government they can have this legislation, but if they are not in Government, they do not trust the other side to have it.

I do not think that is what it is. I think they know, as they knew in 2001, that this package of legislation is critical infrastructure for the police service and that by putting in it in place, we would see a favourable effect on crime and criminal activity and they hope that the crime situation will continue to go up. They hope to vote against this legislation, in spite of the fact that people are dying and being kidnapped. They are saying we are not going to give support because without it, the lack of management in the police service continue and the murders will continue. I will tell you, Member for Oropouche—

Mr. Deputy Speaker: The speaking time of the hon. Member for Diego Martin Central has expired.

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

Question put and agreed to.

Hon. K. Valley: Thank you very much, Mr. Deputy Speaker, and thank you to my colleagues in the House for this extension. I shall not be long.

Way back in 1984, I formed the impression that a certain individual, as Leader of the Opposition, would never, never, never, never support legislation brought by a government. Never! You see that particular Leader of the Opposition is of the view that your supporters do not want you to support the Government, so if you have to do it, you have to do it in a convoluted way. They must not be able to recognize it. That Leader of the Opposition feels that if you do that and your supporters catch you, you will lose support.

That is not the PNM way. I have a list—Minister Hinds, I think you quoted some of this—of legislation that was passed between 1996 and the current time, which required a special majority and which received the support of the then Opposition.

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Rent Restriction (Re-enactment and Validation) Act, 1996

Date passed in the House of Representatives—April 03, 1996;

Date passed in the Senate—May 21, 1996.

Mr. Deputy Speaker, you know the rent restriction legislation. Every three years we come with that. The last time we came with that was in 2002. Do you know what happened in 2002? I will tell you. First of all, the then Opposition, the PNM, supported it in 1996. It came back in 2000—Act No. 40 of 2000—the second time we supported it. It comes back every three years. On July 21, 2000, it was passed in the Lower House with our support. It was passed in the Senate on June 06, 2000, so our people supported it up there also.

When it came here, perhaps in 2003, they refused to support it. They brought the same legislation in 1996 and 2000, got our support and when we came with it in 2002, they wanted constitution reform for a rent restriction bill. Do you know what the Rent Restriction Bill is for, Mr. Deputy Speaker? To protect little people. It simply says that if you have been living there, your landlord cannot raise rent abnormally.

They came with it in 1996 and 2000 and got our support, so one would think it was routine. We came with it in 2002/03 and they did not support it, but, as I said, there is the particular leader of an opposition party who, way back in 1984 said you cannot support government because your supporters would kill you. There is a little article in the Express of Wednesday, December 03, 2003. I want to read a little part:

“I’m 70 and dangerous...

The 70-year-old former prime minister said at this age he is ‘a very dangerous fella’.

Reminding his supporters that he had already lived his ‘biblical allotment’ of three score and ten, Panday said, ‘You can’t kill me because I dead already, my needs are very limited, so there is nothing you can do to me.’”

He is carrying all the younger ones with him. He is 70. He is dead already. I want to know what about you, Kamla. I want to know what about young Roodal or Adesh. Understand what he is telling you. I am 70; I have lived my life already. “True” you, and you are there sitting like a lamb to the slaughter.

Mr. Deputy Speaker, let us continue. That is rent restriction [Interruption] Height of misrepresentation? I did not write the article, I was just reading it. Do not kill the messenger!

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Copyright Act, No. 8 of 1997

Passed in the Lower House on February 25, 1997

Passed in the Senate on April 04, 1997

Maternity Protection Act, 1998

These are all bills that required a special majority and could not have been passed without the support of the then Opposition, the PNM. Listen, Mr. Deputy Speaker:

Domestic Violence Act, 1999

Environmental Management Act, 2000

Deoxyribonucleic (DNA) Identification Act, 2000

Dangerous Dogs Act

Of course, that one has not been implemented as yet. That is not proclaimed.

Proceeds of Crime Act, 2000

Children Authority Act, 2000

Children's Community Residences, Foster Homes and Nurseries Act, 2000

Do you remember that legislation that we supported? Do you think if we bring that legislation now you will support it? Watch me in my face!

Constitution (Amdt.) (No. 2) Act, 2000

Integrity in Public Life Act, 2000

Integrity in Public Life (Amdt.) Act, 2000

Constitution (Amdt.) (No. 4) Act

All these pieces of legislation—I want to count them—17 pieces of legislation, requiring special majority would not have been passed without the support of a responsible opposition. I want them to name one piece of legislation in the last two years that they have supported that required a special majority.

Dr. Moonilal: I will name one—the safety and health legislation. You have asked for one. I have named one. What else would you like?

Mr. Singh: I congratulate the Member on their support, but I want to know, in a matter in which—

Mr. Deputy Speaker: We seem to be having a good time, but let us get back to a steadier House.

Mr. Singh: I thank the hon. Member for giving way. What guided the Member of the Opposition in not supporting the Equal Opportunity Bill, which then required a special majority?

Hon. K. Valley: Mr. Deputy Speaker, I asked the Parliament to provide me also with the legislation, which required special majority during that period, which was not supported by the PNM. They gave me two Bills—the Constitution (Amdt.) (No. 2) Bill, 1998 and the Occupational Safety and Health Bill, 1999, which is now passed. I take the point that that is one bill. Therefore, out of 20 pieces of legislation that required a special majority during the period, the Opposition supported 18. This Constitution (Amdt.) Bill, 1998, otherwise known as “The Hanging Bill”, did not get our support for a very good reason—because it was not in the national interest.

That is what ought to guide our action in this House; not the creation of fear, not whether it is going to benefit the Government because it is going to have a favourable effect on crime. That is in the best interest of the people of Trinidad and Tobago and that is the only yardstick the Opposition ought to use when a government comes asking for its support on legislation requiring a special majority.

Mr. Deputy Speaker, every Member of this House would have to live with his conscience. Every Member opposite would have to make a determination whether this legislation is in the national interest; whether the reduction of crime in Trinidad and Tobago is in the national interest and he or she would, therefore, have to account to his or her god when he votes on this legislation, however he or she sees his or her god. They can, if they wish, follow the dead man and be as irresponsible as he is.

On yesterday's *Newsday*, we see him clearly. Speaking in Aranguez he says: “We are not supporting the Bills”, said the dead man. He is not supporting the Bills—making all types of accusations against the former President. Mr. Deputy Speaker, we have been an independent country since 1962. We have had Presidents. We have had independent judges. We have had Speakers, independent Speakers, independent Senate Presidents and independent Deputy Speakers. Do you think anybody can tell that Deputy Speaker what to do when he is in that Chair? At the same time that they are telling us that we must understand the country and the people, they fail to do so. Do they expect to appoint any Trinidadian or Tobagonian to high office and be able to tell them what to do?

Ask the dead man about his experience. That is why he has a “tabanca” now. He has a real “tabanca” because he thought that because the Electoral College, of which his party had the majority at the time, elected the then President, they could

have told him what to do any time. When that did not materialize, we had the Member for Couva South going off like a mad man last night telling us about stealing election. I do not know how in God's name they expected a person, who had the discretion at that time, to put them back in government after the way they treated the Office of President over the period 1996 to 2001.

Understand that. There was a total disrespect for the Office of President during that period and everybody had to know that the first time the President had a chance he would "wood" you. [*Crosstalk*]

Mr. Deputy Speaker: I do not think that is—

Hon. K. Valley: I withdraw, Mr. Deputy Speaker. Obviously, he acted wilfully. Any Trinidadian or Tobagonian in that office would have done the same thing. Could you imagine what would have been the position of every Trinidadian, every Tobagonian if, God forbid, the President had put them back in office? Look at what is happening in the courts right now. Every Monday morning, there is another one of them before the court. Every Monday morning, you take up the newspapers, the dead man is making thousands of appearances. What do they expect?

Mr. Deputy Speaker: Hon. Member, I know the little names sometimes come over good, but address the hon. Member.

Hon. K. Valley: Yes, Mr. Deputy Speaker. I think, quite frankly, that it is time, in Trinidad and Tobago, that we see all of us as citizens of this country, Trinidadians and Tobagonians; that we stop the hair counting; that what is important in any position is the fact that we are Trinidadians and Tobagonians; not whether, as somebody said last night, one is African.

I submit that there are no Africans or East Indians in Trinidad and Tobago. There are Trinidadians and Tobagonians. Let us understand that. You cannot be of a people, if you do not understand the culture and the history of that place. They tell me on Emancipation Day to put on a dashiki and I do not understand why they are putting it on in the first place. Why am I putting it on? I am looking like a "mook".

I submit that this legislation is critical underpinning for an efficient and effective police service. An efficient and effective police service would have a favourable effect on crime and criminal activity and the detection of. It would improve the morale of the service. It would send a clear message to the bandits. This legislation must be, ought to be passed. It must obtain the support of a caring Opposition, if they are.

I thank you.

Mrs. Kamla Persad-Bissessar (*Siparia*): Thank you very much, Mr. Deputy Speaker. The hon. Member for Diego Martin Central made a categorical statement that we will not vote for the Bills and that we are secretly hoping and praying for crime to increase. I want to say that that is totally untrue. We are as concerned as every other citizen in this country with respect to the escalating crime—the kidnap rates and murder rates. We are deeply concerned about crime. I place on record that those of us on this side do share the concern of the citizenry at large with respect to the incompetence and mismanagement by the PNM in dealing with crime.

That statement demonstrates to me the continued hypocrisy of the PNM. I do not know if they listened last night—some of them were here last night; some were not—when my colleague, the Member for Naparima, spoke. It is clear that if they listened, they did not take note of that very heartfelt and moving contribution made by the Member for Naparima. I congratulate him and pay tribute to him for the courage he showed, given the circumstances he found himself in. I am talking about the continued hypocrisy of the other side.

When the Prime Minister, in his opening remarks said that he went to see a victim of crime, a four-year-old, and the four-year-old hugged and kissed him and was overjoyed to see him, did he listen last night when a Member of this very House to which he comes and to which he has been coming for years, said: “Where were you in my hour of need?” That is the kind of hypocrisy I am talking about. Where were you with respect to all the other victims of crime in this country? Do you run and hug and kiss them? No! That was cheap politicking here in your opening statement with respect to that child and the Member for Naparima.

You referred to the Member for Naparima in that cheap politicking, calling upon him, because of the trauma his family has faced, to support the Bill and he had the courage to stand and speak what everybody in this country knows. Do you know what that is? We will not support these Bills. I will tell you why.

Mr. Valley stands here today to tell us that they supported us when we brought amendments to the Constitution; they supported us with respect to various bills, so he says, support us back. This is not about tit-for-tat. This is not about favour-for-favour. This is about the nation's business and I am glad he used the words “in the national interest”.

We will not be bullied by any of them on that side. We will not be bullied and intimidated by the advertisements they have placed. Above all, we will not be bought. In this House, they owe us one year's salary as Members of Parliament and they told us to support the police reform bills and they would pay us the salary. [*Interruption*] You said it. We will not be bullied and we will not be bought.

We took an oath as Members of Parliament, as representatives of the people who elected us. We took an oath to discharge our duty without fear or favour and that is exactly what we are going to do. When we come to matters of the Constitution, our concern is with respect to the generations to come. We cannot tinker and play with the Constitution in the manner they are suggesting when they say they have just come to change a name, and I will deal with that in a moment.

We will not lead those who have supported us like lambs to the slaughter. We will do our duty here without fear or favour. Our leader, the Member for Couva North, said we will do everything we can to protect the people of this country from the PNM and from Prime Minister Manning.

I recall, in a debate in this House in 2001 when they were on this side, with respect to the Stamp Duty Bill and the Pilotage Bill, when they had their done deal with Members on our side, the Member for San Fernando West said he would not support the Bills because he preferred to remove the government than to vote in the people's interest. That is what he said. He preferred to have the government removed than to vote in favour of the people's interest. So do not talk about tit-for-tat and whether you did or did not support us. We have to do our duty without fear, without favour and without bullying.

The Member for San Fernando East started off the debate and he talked at length about Goebbels and Hitler, the world's greatest dictator. Hitler had his swastika. Everywhere Hitler went he used his swastika. That was his symbol of dominance. That was his symbol of terror. This PNM, everywhere they go in government, they carry a balisier upon their chests. Nowhere in the world are there representatives of a government walking around with a political symbol when they conduct the government's business as Hitler did with the swastika that he carried—he brandished it anywhere he was going. The swastika was plastered everywhere. That is what they want to do with this country. That is what the Member for San Fernando East is about. These Bills are designed to control the police force.

Do you know, Member for San Fernando East, you studied Hitler so well, that the colours of the swastika are the same colours you have on your balisier tie? You carry your terrorism everywhere you walk with this swastika balisier on your chest—everywhere you go in the conduct of the people's business. *[Interruption]* I prefer a different tie. It is the same way that Hitler walked everywhere with his banner and flag. Hitler also had a Gestapo. The purpose of the Gestapo was to eradicate an ethnic minority in Germany. Even more dangerous, or equally dangerous, the purpose was also to go in the dead of night to any part of the

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country and annihilate anybody who was anti-Hitler. They were an arm of terror. They were an arm of Hitler himself, that dictator, and this Prime Minister wants to create his own Gestapo—Manning’s Gestapo—with respect to these Bills.

So just like Hitler with the swastika and his Goebbels, so too, this Prime Minister. Last night, we heard “Madam Goebbels” from San Fernando West, taking the lead from his good self, misleading the House with wrong information. Goebbels: You repeat the lie and people would believe it. She came last night and said that these Bills were UNC Bills. They have never been changed since they were laid in the House by the hon. Member for Couva North in 2001. Nothing is further from the truth. I had to ask if she read the Bills. If she had done so, she would have seen that the Bills have been changed on at least three occasions and after 2001 they were changed after they were laid.

In the first case, they were not laid as Bills in this House. They were laid in a package and the title was “Legislative Proposals”. That is the first point. So, in the first place, that is a lie. To say that the Bills were laid here in the House by the hon. Basdeo Panday is not true. Legislative proposals were laid.

The second thing is, to say that the Bills were never changed since they were laid in the House by the Member for Couva North, is also not true. That is lie number two. For those who say it, it is a lie.

Mr. Deputy Speaker: Hon. Member, a different language.

Mrs. K. Persad-Bissessar: Mr. Deputy Speaker, I do not know why, but if I pick up the Webster dictionary or any dictionary, I see the word “lie”. I have not accused any of them. I am just saying that, whoever is saying it, it is a lie. It is a word in the dictionary.

Mr. Deputy Speaker: Hon. Member, I did not put it in the unacceptable words, nor did I make a big complaint about it. I just suggested.

Mrs. K. Persad-Bissessar: Well, it is untrue, Mr. Deputy Speaker. That is why I have to agree with the Member for Couva North when he said that we are so happy to have you sitting in that Chair. That is why we are happy to have you. The debate flows when you are in that Chair and we would like you to remain there.

With respect to the history of the Bills, it is not true to say that the Bills were UNC Bills and that they have never been changed. Several Members on the other side who spoke about the history of the Bills said so. I am sure when the Member for Arouca South gets up to speak—she also sat on a joint select committee like I did and she was there at the inception of the Bills as part of the bipartisan team—she would also give us the history of the Bills.

When this history is being told, there are vital parts of it that are being left out of the telling. I would like to correct that. In fact I would like to deal with some of the lies, half-truths and innuendoes. The Member for San Fernando West spoke that last night and I would like to deal with some of those today and to correct the record by giving the history of the Bills.

A technical team drafted the Bills, the proposals, the legislative package. They were not drafted by any of us who are here and they were not drafted by any of us who were not here. They were drafted by a technical team which came from outside. They presented that report to the hon. Prime Minister, to the bipartisan team and from that report, they did further consultations and came up with the package.

With respect to the Bills themselves that are before the House, there have been major changes to the package of Bills that had been laid in 2001 by the Member for Couva North. There had been changes in 2002. This was not done by the UNC. There have been changes in 2003 and there are changes now in 2004, so there have been several changes to the package of legislation that we are debating today.

It is not correct to say that these are the same proposals, the same legislative matters that the Member for Couva North made in the Parliament and is now going against. That is not true. My information is that the Bills have been modified in 2002, 2003 and 2004.

After those proposals were laid, or at the time of the laying of the proposals, the Member for Couva North, the then Prime Minister, made a statement in the House. I have heard the Member for San Fernando East refer to several parts of the statement, but once again, selectively. He leaves out the most important parts—the most vital part of that statement made on Friday, July 13, 2001. I would like to place on record those words from the *Hansard* of Friday, July 13, 2001, made by the Member for Couva North at the time he laid the package of legislation. I quote:

“I also wish to emphasize that the draft legislation is not the final word in the matter. It has been agreed that the views of various stakeholders and the general public should be invited and will be accorded due importance in the construction of the legislation...”

What were put here were legislative proposals; they were not the legislation itself. It was always envisaged that consultation would take place before the final bills would come for debate. So, Mr. Panday said that stakeholders and the general public should be invited and their views would be accorded due importance in the

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construction of legislation, which is ultimately laid for the consideration of hon. Members of this House and those of the other place. That is on the record of the Parliament.

However, each time they speak—and I have listened to the hon. Prime Minister on more than one occasion; not just inside the House, but outside the House—they leave out the most vital part of the statement which came almost at the end of the statement made by the Member for Couva North on July 13, 2001.

Thereafter, events overtook these legislative proposals, the Parliament was prorogued, elections were called and the rest is history. They are on that side and we are on this side. My friend, the Member for Couva South, spoke about that yesterday and the manner in which that transfer of governance took place, so I will not go into that again today.

Thereafter, on Friday, October 17, 2002, the hon. Prime Minister, Member for San Fernando East, at the very start of the session of Parliament, came to this House and laid the three Bills. When he laid those three Bills, he declared that the Bills would be introduced for first reading and he named a date for the debate. On October 17, he named November 15 as the date for the debate. However, prior to November 15, the Member for Couva North, another Member, I believe it was the Member for Caroni East, and I met with the Prime Minister. That was two days before November 15, the day scheduled for the debate. The Member then came to the House on November 15 and made the following statement. I quote from the *Hansard*:

“Mr. Speaker, I do not propose to read the second reading of the bills listed on the Order Paper at this time. With your leave, I would instead make the following statement arising out of a meeting held last Wednesday with the hon. Leader of the Opposition and his team.

On November 08,...these Bills were introduced for first reading with the Leader of the House indicating...that debate on the Bills would commence on November 15,...which is today.”

He went further to say that he would not debate the bills on November 15, but that he would set up a joint select committee of the Parliament and so he moved a motion for a joint select committee of the Parliament:

“...I beg to move that the following five Members be appointed to serve with an equal number from the Senate, on a joint select committee to be established to consider and report on the Bills:”

From the House:

“Mrs. Camille Robinson-Regis

Mr. Fitzgerald Hinds

Mr. Anthony Roberts

Mrs. Kamla Persad-Bissessar and

Ms. Gillian Lucky”

were selected. He gave to this joint select committee a specific mandate. These were the Members of the House to be joined with an equal number from the Senate. The hon. Prime Minister then said:

“Mr. Speaker, I further move that this committee be mandated to publish these Bills for public comment, to receive public comment on the bills over the next six weeks, to consider such public comments and report back to the Parliament no later than February 21, 2003 and be empowered to send for persons, papers and records, sit in public...and receive expert advice and assistance.”

That was the mandate of the joint select committee. Thereafter we began our work. We published the bills and we started taking comments from the public. However, the hon. Prime Minister, in violation of the Standing Orders of the Parliament, went out to the public and expressed the opinion that the UNC was pussyfooting with the Bills because the joint select committee was receiving letters which requested that the Bills be postponed until there was constitution reform.

He went further to accuse the UNC of knowing about the letters and he said that it was an orchestrated plan by the UNC not to have any decision taken on the Bills. As a result of those statements, the record will show that on January 24, 2003, I came to the Parliament and moved a motion, under Standing Order 27(2), which is known as a privilege motion, to ask that the House refer the hon. Prime Minister’s statements to the Privileges Committee of the Parliament. The Speaker, not yourself then, the substantive Speaker, was in the Chair. In fact, if you recall, the Motion was moved when you were sitting there on January 24, 2003 and the substantive Speaker gave the ruling on a later date.

In that ruling, the Speaker of this House said, and I quote:

“...I have a ruling for this House. On January 24, 2003 the Member for Siparia rose on a question of privilege regarding an article published in the

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Newsday of January 20, 2003 under the headline, 'Manning accuses UNC of pussy-footing with Police'. The article in question, the author of which was not disclosed by the newspaper states, inter alia,

'Manning said the committee was receiving letters which requested that the Bills be postponed until there is constitutional reform, a position the UNC has adopted. Manning went further to accuse the UNC of knowing of the letters.'"

In that ruling, the Speaker declared in this House that a *prima facie* case of breach of privilege and contempt of Parliament had been made out against the hon. Prime Minister and referred the matter to the Privileges Committee. So, while the joint select committee was working, the hon. Prime Minister, in breach of the Standing Orders, disclosed statements with respect to the work of the joint committee. That motion lapsed when the Parliament was prorogued. It was before the Privileges Committee, but was not determined. Luckily for the hon. Prime Minister that it had not been determined, the Speaker having ruled that a *prima facie* case had been made out.

3.00 p.m.

It is an unprecedented violation of this Parliament. I do not believe, ever in the entire history of this Parliament, has there been a violation of a decision of the Parliament, in the face, in the House, such as is taking place, with respect to this debate.

Mr. Deputy Speaker, this Parliament ruled, voted and decided that the work of the joint select committee should continue, but in breach and violation of that decision, the hon. Prime Minister declared June 29 as the date for the full debate to begin, and be completed, in this House. This Prime Minister is prepared to abuse the institutions of the country. This Prime Minister is prepared to sit here each day and debate these Bills, knowing full well that the Parliament had decided that the work of the joint select committee be continued by a new committee.

On September 05, 2003, the hon. Attorney General came to this Parliament and sought to lay the Third Report of the Joint Select Committee because two others had been brought as preliminary reports, each asking for extension of time for the joint select committee to do its work. The hon. Attorney General came to lay his report in the Parliament, but it had not been signed by the Member for Pointe-a-Pierre, Miss Gillian Lucky; our representative from the Senate, Sen. Wade Mark and me. It was not signed. It was not signed by the quorum that was necessary. It was the then Attorney General, Mrs. Morean, not my good friend,

Sen. The Hon. John Jeremie, who came after. That day was the swansong of the Attorney General. It was that fateful day, September 05, 2003. She was performing her swansong. She stood, in breach of the Parliament again, and laid a report that did not have the full complement of signatures. I stood in the House and asked the Attorney General to give way. I would quote from the *Hansard*:

“Thank you, hon. Minister. Is this report signed by the quorum that is necessary? I have not seen the report. I am a member of that committee. It was brought to me two seconds before the sitting and I was asked to sign it. Has it been signed by the requisite number so that it is properly before this House?”

Sen. The Hon. G. Morean: It was signed by the majority.”

At that point, I knew because they brought it for me to sign. I saw that the appropriate numbers had signed it. It continues:

“**Mrs. Persad-Bissessar:** How many signatures are there?”

Sen. The Hon. G. Morean: The quorum is six. If you did not sign it, do you object to signing it? I apologize for any lapse on the part of the good secretary who was only trying to do his work. This is not a matter that we would make a big to-do about.

Mrs. Persad-Bissessar: You have asked me a question, if I am prepared to sign it. This is not the way we do business in this honourable House and to cast the blame on the first person, the secretary of the committee, I think is totally out of order. The business is to be done by the Chairman of the committee. If I did not raise this question—we have laid something that is not properly before this House.”

We never signed it. They stood down the matter and by the end of the sitting they found one of their Members somewhere around and got that additional Member. That is the point with the joint select committees; the majority of them are dominated by the ruling party, whichever one it is. Therefore, they can make it go to the left or the right. They can do anything they want with the joint select committees. That point is important, because they are saying—when we come to look at the structure they are proposing—the commissioner will report only to a joint select committee. That is why we have been saying that there are so many things that are wrong; we need to look at holistic constitutional reform. That is the issue, but we will come to that.

I want to go to the *Report of the Joint Select Committee*. I must quote what the joint select committee recommended and what we voted on. Today, yesterday and

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the day before, this Prime Minister and those on the other side are in flagrant violation of a decision of the Parliament. It is a breach of privilege and contempt of the Parliament. It has never been done in the history of this Parliament. It has never been done! This Prime Minister is asking us to support the Police Bills to give him control of the police. It will never happen! We will never do it.

In the recommendations, Mrs. Morean moved a Motion that the following recommendation be adopted and accepted by all of us sitting here. This was signed by the Member for Arouca South, Camille Robinson-Regis, MP; Fitzgerald Hinds, MP Laventille East/Morvant and Mr. Anthony Roberts, Member for St. Ann's East. Three of them on that side signed, voted and approved it. The report states:

“In view of the advanced stage of its work, your Committee wishes to recommend that a new Committee be appointed in the next session to continue examining this matter, and that the new committee be authorized to consider as part of its records all the work that has been done by your Committee to date.”

Why not speak about that? Why did the Member not tell the nation that he and all the others on that side voted and supported this recommendation in the Parliament? In breach of that, they want to shove these Bills, in great haste, down the throats of the people here and outside. Why did they not tell us? Why did the Government leave this out of its story? The Government must tell us why it scuttled and murdered the joint select committee. Do you know why? The comments we received—someone leaked it to them that is why we brought the Privilege Motion—from the vast number of public consultations that we were having were: “We do not want these Police Bills. We want full constitutional reform.” That is what we were getting. The Member said it when he breached the Standing Order and we brought the Privilege Motion. That is why they do not want the joint select committee. That is why the Government wants to bring the Bills and bully us into passing them.

They are running an expensive media campaign, a massive charade and circus. I do not know. Is it \$1.9 million? My colleague from Fyzabad says it costs \$11 million. I understand that it has gone to \$15 million. By the time the Government is done with this charade, it would be way above any figure it quotes. I would like to ask a question: Which advertising agency was given the contract to put out \$2 million worth of advertisements? Was it Ampre or your advisor Aguiton? Which advertising company was it and how much did they get?

I asked a question for the Ministry of Education to tell me how much it spent in advertisements and who they went to. We saw that they clearly discriminated

against the *Newsday* and the *Probe*. Of course, they never advertise in the *Probe*. All went to the *Express*. The majority of the \$2 million that had been used went to the *Express*. Perhaps, in the Minister's winding up, he would be kind enough to tell us the person whom he gave the \$2 million. We want to know. The country needs to know what the Government did with their taxpayers' dollars.

Mr. Deputy Speaker, I am dealing with the unprecedented violation of the Parliament. The charade continues. The Government has brought us out day upon day. I understand they want to go a further day. When we are finished today we would have to come another day. The Government is bringing out everybody; so many people and so much money is spent to breach and violate this very said Parliament. Answer me! How can the Government sit and ask us to trust it and to give it more power when it violates this very Parliament? It would happen never in this country. It never did.

This is the same superstitious person the Member for Couva North spoke about. The Member took down the dragon from the Red House in the dead of night. Do you know to put what? He wants to install himself in this Red House, because he wants to pelt the parliamentarians out of the Parliament. Superstition! First he removed the dragon and now he wants to come here.

You will remember, this is the only Prime Minister who, in order to pass a Bill in the Parliament, locked up the Speaker so that he could bring the Bill and pass the law to get rid of the Speaker. Do you remember that? Mr. Deputy Speaker, be careful, you are doing such a great job, they may be coming for your good self next. Do you know what is even more frightening? It is the lengths that this Prime Minister is prepared to go in his first incarnation. Let us not forget, the same way he has breached this Parliament, he is breaching the institutions of protection in this country.

You will recall, whilst a convict had an appeal to the Privy Council, they hung the man. Do not forget that. He was hung while his appeal was before the Privy Council. They rushed to hang the man. That was the Glen Ashby matter. Do not forget. I asked the Attorney General why is he putting an ouster clause into the Police Complaints Authority to protect the Police Complaints Authority from due court processes? He said they do not want to tie them up in courthouses. Therefore, they would be exonerated from any court proceedings.

On the other hand, they want to set up an institution, the Police Management Authority (PMA), which Russell Martineau SC, former Attorney General of the PNM, said will place the Commissioner of Police in the courthouse every single day. This reasoning is totally inconsistent.

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Do not forget, this is the Prime Minister who called the Marabella Police Station. Can you imagine the influence of a Prime Minister when his driver was in the police station, for some reason or the other? He did not know if the man committed murder or whatever crime he may have committed. I do not know either. He called the police station. Think of a constable down there: Prime Minister Manning is on the phone. Can you imagine the intimidation? He called the police station and interfered with the police work. This is the same Prime Minister. I want him to answer. I really want to find out who was the Minister on that side who instructed the police in Tobago to free the Bajan fishermen. I want them to answer that. That is serious interference with the criminal justice system.

Recently, the Member for Oropouche told us the night before about aiding and abetting a permanent secretary, a public officer and the acting Commissioner of Police. Mr. Panday spoke of it yesterday. It is a matter of aiding and abetting public servants to break the law to attend a public meeting with him. This is the Prime Minister asking us for more power to control the police. This is what he wants. Why did they go there? Is it that they are so afraid of him? Is it fear that they have? They are not under the PMA. They are still under the Police Service Commission. They cannot say no. They are afraid. This is the Prime Minister who wants us to give him power to control the police. I want to indicate that we have written to the Director of Public Prosecutions and asked him to investigate and charge those persons whom the Prime Minister aided and abetted together with him. We want him to investigate that for offences against the law. Let the Director of Public Prosecutions deal with the matter. That is an offence under the law. My colleague is suggesting that we should also ask the Police Service Commission to deal with the matter.

There is one very dangerous clause, apart from all the other dangerous clauses in Bills that the hon. Prime Minister wants us to give support to. I spoke earlier about Gobbels and the Gestapo. I want to come back to Manning's Gestapo. This is what he wants to create. In the first Bill that was given to us, it was the only one—the one that sets up the Police Management Authority, which is called the Police Service Bill—that has a provision for the hiring of contract officers. I want to read that provision. Initially, when the Bills were given to us, we started with clause 22 of the Police Service Bill, which deals with contract officers. Let us understand that. This is the most dangerous thing I have seen in these Bills, when it comes in light of the other comments that were made with respect to the nature of the appointment of the PMA and the Commissioner of Police. Clause 22 states:

“(1) The Commissioner may appoint on contract for any specified period and for any specified purpose a person who is not a police officer.”

The commissioner is given tremendous power, to hire anybody for any purpose whatsoever. It goes further:

“(3) The Authority may appoint on contract a person, who is not a police officer, as a police officer to the rank of Senior Superintendent and above for any specified period.”

What does this mean? It means two things. First of all, remember and understand the Authority being referred to is the Police Management Authority. It is saying that that Authority could appoint anybody on contract for any rank above Senior Superintendent. Do you know what those positions are? They are Commissioner of Police, Deputy Commissioner of Police, all the khakis, all the officers of senior ranks. The PMA can appoint them. Do you know what they are now telling us? He could hire anyone else. You do not have to be a police officer. I would not be very surprised if Corporal Regis may emerge as the new Commissioner of Police. They can hire anyone on contract.

My colleague from St. Joseph spoke about jobs for the boys and girls. You would recall one of the first things the hon. Prime Minister did was to look after his family. I do not blame him. I understand. One must take care of one's family. He hired his wife as the Minister of Education. Do not be surprised if he has to help his family some more and the new Commissioner of Police or Deputy Commissioner of Police is his son. He has to take care of family first. It is jobs for the boys and girls. That is what it is about. What makes it dangerous—my colleague from St. Joseph told us that—they could hire any staff for any amount of money and for any purpose whatsoever. That is not what is so dangerous. Do you know what is more dangerous? That is where control of the police will take place. The commissioner appoints. First of all he would get the Authority to bring in the commissioner whom he wants—the man whom he would pick—and tell the commissioner—whom he is going to give the power to hire everyone under the rank of Senior Superintendent; the rest of the thousands of officers—listen, bring in my boys and girls on contract. That is how he would create Manning's Gestapo. That is total control of the police.

How can you put that in here? That is not all; it was here in the Police Management Authority. Do you know what has happened? Again, this is unprecedented in the history of the country. The Government wants to amend our Constitution. Do you know to do what? To put the PMA but, more importantly, they want to amend the Constitution to entrench, as a provision in the Constitution, the hiring of contract workers. What is a contract worker? I hire you and I fire you. The Member for Diego Martin said: “When I say go, you have to go. Do not ask

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me or tell me anything.” He could fire anytime he wants. That is what you can do with a contract officer. When a worker has security of tenure you cannot control them, because they know they can do their job independently without fear or favour because you cannot fire them at will. You have to do it in accordance with justice and due process. When the Government puts contract people they can be hired today. The Government can say: “Fire Lalla, the Commissioner of Police or anybody.” If they fail to do it, they would be gone the next morning. That is what a contract worker is about. Another one would be brought in. They do your bidding. That is what it is.

The Government came with the Constitution (Amdt.) Bill. This is a dangerous one because they want to entrench it and have the power to hire contract people. How is the Government going to tamper with the Constitution to give it power to hire people on contract? When this is put in the Constitution, we would have to come back to get a special majority to change it. That is not changing in an easy manner at all.

Under clause 8(b)(7) of the Constitution (Amdt.) Bill, in the performance of its powers, I quote:

“The Authority shall be provided with a staff adequate for the efficient discharge of its functions...”

The very amendments that were not circulated—I would talk about them because I have seen them. The Government would not stop me from talking about them because this is what they were going to sneak in at the committee stage, without any debate. This is what they were going to do. They have changed the Bill. Listen to what they were going to do in the Constitution. They were going to put:

“The Authority shall be provided with adequate staff and the Authority shall appoint on contract for any specified period and for any specified purpose a person who is not a police officer...”

They are putting this into the Constitution.

The Attorney General told us—

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. G. Singh*]

Question put and agreed to.

Mrs. K. Persad-Bissessar: Thank you Mr. Deputy Speaker and Members. I was talking about the provision for contract officers that the Government was going to sneak in at some point in the committee stage, without any debate or the national community knowing. They were going to sneak in an entrenched provision in our Constitution to give them power to contract their boys, girls, friends and families in order to have total control over the police force in the country. That is what they were going to do. The Government amended the Constitution (Amdt.) Bill that they gave us. They were bringing these amendments to amend what they gave to the leader and his team.

It gets “dangerouser” and “dangerouser”, if there is such a word. It gets “curiouser” and “curiouser” as Alice in Wonderland said, because the Police Complaints Authority Bill is amended as well. Clause 15 of the Police Complaints Authority Bill dealt with staff.

Mr. Deputy Speaker: I know that information is information which you received. You are talking on the Bill, so you have some liberty to speak on it. Do not treat them as though they are amendments. They have been laid.

Mrs. K. Persad-Bissessar: The leader spoke about it yesterday. He said that they were not going to bring it on the table. That is why they brought it five minutes ago. It is properly laid before all of us.

Let us get back to the Police Complaints Authority. Clause 15 states:

“(1) The Authority shall be provided with adequate staff for the discharge of its functions.

(2) The staff of the Authority shall be public officers and the President may create such different grades of offices as he thinks fit.”

They are proposing to amend this. They would be saying:

“The Authority shall employ such members of staff as it requires for the performance of its functions employed.”

They told us that the reason for the amendments—it is said that:

“This amendment seeks to confer on the Authority the power to hire staff on contract as opposed to public officers.”

Why? What is the Police Complaints Authority to do? It has to take complaints about police. The Member contracts his friends, families, boys and girls and has total control of them. That is his Gestapo. When they are put into the Police Complaints Authority, and any one of us goes to make a complaint, what happens

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with that complaint? If a member of the public goes to make a complaint, that complaint has to be dealt with by the Police Complaints Authority, but the Member controls it, what is going to happen? Do you think that complaint will ever get anywhere? Does the Member think anyone would get justice when he controls it? Why? He wants to put contract officers there. It is a pattern that we are seeing, with respect to the manner in which the Government conducts its business. It is all about control of the police to create Manning's Gestapo Force. We will not have it.

Let us go back to the contract officers. It is one of the most dangerous pieces of legislation I have ever seen come to this Parliament. There were two Constitution Commissions: the Wooding Commission, which reported in 1974 and the Hyatali Commission. There were extensive consultations throughout the length and breadth of Trinidad and Tobago. Not one of these reports recommended the abolition of the Police Service Commission or any of the commissions. Do you know what they recommended? They recommended the strengthening of the service commissions because they were the buffer, protection and barrier from political interference in the public service, the police service and the teaching service. They said strengthen them, not abolish them. This is extensive. This is from the people. Why is the Government afraid of the people?

Why does the Government not want the consultations to continue? The Government tried it in 1993. The Government wanted to move Jules Bernard. Let us face it, what happened in 1993/1994 is the hon. Prime Minister called Mr. Lalla. He was Chairman of the Police Service Commission and was told to get rid of Mr. Jules Bernard. Whatever Mr. Lalla's strengths and weaknesses were, he refused so to do. *[Interruption]* I will give way if I could finish my point. I would be gracious to you today although you refused to be gracious to us earlier. The Prime Minister had Mr. Lalla, in Trinidad language, in his craw from 1993. He waited to bring the Bills to Parliament to abolish the Police Service Commission. Do you know why the Government wants to abolish the Police Service Commission? It wants to get rid of people. The Member for Diego Martin Central told us today: "We are not really abolishing the Police Service Commission. We are just changing the name." In changing the name, what are you doing? You are getting rid of those independent commissioners.

It is the same way the Member for Diego Martin West says he is changing the name and bringing a new NHA body. They would have the same functions and objectives, but just a name change. In changing the name you know what is happening? You are getting rid of all the workers. It is the same thing that is happening. *[Interruption]* I hope I would be given injury time.

Mr. Manning: Mr. Deputy Speaker, just for the purpose of the record. I want to make it clear, that I made no request of Mr. Lalla to remove the police commissioner. Secondly, the hon. Member ought to know that the legislation could not have had the intention of getting rid of any individual. Mr. Lalla, just for the record, demitted office yesterday.

Mrs. K. Persad-Bissessar: The more I hear it gets “curiouser” and “curiouser” and “dangerouser” and “dangerouser”. The Member is telling me that he has spent \$2 million on an advertising campaign to bring a Bill to abolish the Police Service Commission and he is swearing in a chairman of the commission today. Is he serious? You are going to abolish the thing, but you are busy swearing in new people. That is the point I am making. It is just to change the guards. That is what it is. The persons on that commission are very independent persons. I do not know about the new appointees. They are all independent persons as Mr. Lalla was. He would not carry out the Member’s bidding. That is my information. Mr. Lalla is no longer in the service commission. I am sure he could speak. He has always spoken. I think that was part of the problem. The Member tells me that he has come here to change the name because he wants to get rid of incumbents, all of them. It is not just Mr. Lalla, he wants to get rid of that kind of independent thought and thinking of people who will not do his bidding. He wants to get control. I come back to the Manning’s Gestapo. Let us not forget the bottom line. All the nice phrases and things about solving crime and anti-crime are nonsense, in my respectful view. It is Manning’s Gestapo, total control. Let us keep that bottom line always in our minds.

In all that they have spoken not one Member thus far—[*Interruption*]

Mr. Deputy Speaker: Hon. Member for Couva South, it would appear that when you take a seat that is not yours, you tend to behave in a manner. That language, I should not hear it, but I did hear it.

Mrs. K. Persad-Bissessar: Whilst we are spending all this time here, I want to congratulate the 21,000, thanks to the UNC. Every one of them got a place in a secondary school. The SEA results are out and every single child will have a place.

I have a serious concern. The results are there. I have been reliably informed—I am calling upon the Minister of Education to answer—that the results are contaminated and have been compromised. The integrity of those results is in serious question. I want the Minister of Education to make a statement about that. The concern is outside there.

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Every year, when the results are dealt with, they are handled and the placement exercise takes place through the NISC. Their computer system is used for the placement exercise. This year, the computers at T&TEC were used for the placement exercise. My information is that those computers have been open to any and everybody. Therefore, I have serious concerns about the integrity of those results and whether they have been contaminated. I am calling upon the Minister of Education to account and explain that. These results are so important to the parents and children: where they are placed. The country deserves an answer. The country deserves to know what process of placement and what interference with the SEA results took place at the T&TEC computer system. That was just en passant.

I just have one or two other points. There are so many things I would like to talk about such as the enforcement of standards of conduct. How much time do I have, please? I have 20 minutes.

I want to take up on a point that was made—

Mr. Deputy Speaker: It includes some injury time.

Mrs. K. Persad-Bissessar: Thank you very much. That is why we like you there, Sir, in fairness and justice. I want to take up a point that was made by the Member for Couva North in his contribution yesterday. It came towards the end of his contribution. I think it is very important that we can get this opportunity now to elaborate on the point.

He spoke about the ethnic composition of the police service. He gave some statistics with respect to what is happening now. Thirty-one officers were promoted but there were only seven Indo-Trinidadians. That is just over 25 per cent. When I heard him say that, I decided that I wanted to get the statistics that is open for everyone to take a look at what has been happening for 40 years of PNM rule. This is very important. We talked about control of the police.

I have with me a report: *Employment Practices in the Public and Private Sectors in Trinidad and Tobago*. This was not prepared by the UNC, anyone in the UNC or any UNC sympathizer. This is a report prepared Dr. Ryan and Dr. La Guerre. I want to quote from this report, under national security services. The aim of the report was to find out whether the hiring and promotion practices, in the national security services, afforded equal opportunity to all citizens of Trinidad and Tobago, independent of race or ethnicity. That was the objective of the study. The scope of the investigation included the police service, the fire service, the Defence Force, the immigration and the prison service.

Mrs. Robinson-Regis: Would the Member give way for a minute? Can you say what year that report is please?

Mrs. K. Persad-Bissessar: I am going to give it to you. It is very important to know what period of time, the scope of the investigation of all the services that I mentioned, and when the data were collected. This was for the period 1970 and thereafter in 1992. The report was presented in 1993. I think the Member is looking at the older report, which was the one done in the 1970s. This is as recent as 1993. The statistics, given by the Member for Couva North, talks about what happens presently. I am sure this has been a consistent pattern. The data were collected in the 1970s and 1991. *[Interruption]* She only wants to go back to the 1970s.

I want to quote from page 229 of the report.

“Apparent discrepancies between policy and fact are readily apparent in looking at recruitment figures. It appeared that the ascriptive factor is sometimes dominant over achievement considerations in the selection of recruits to the police service.”

That is exactly what the Member for Couva North said.

“the ascriptive factor is sometimes dominant over achievement considerations in the selection of recruits to the police service. The ascriptive factor is race.”

That was Dr. Ryan and Dr. La Guerre in their report, based on data from the 1970s and at the start of the 1990s. They said the ascriptive factor is race. They went ahead on page 281 of the report, to talk about interviews. They said:

“One of the mechanisms that keep the numbers of Indo-Trinidadians...”

It keeps down—

“is the interview. Interview panels, invertly all of the branches of the national security services, consist almost exclusively of Afro-Trinidadians. Indo-Trinidadians performance in interviews is below the standard expected of them because of their good academic records.

On the other hand, Afro-Trinidadians perform better in interviews because all the members of the interviewing panel are Afro-Trinidadians.”

This is what the Member for Couva North was talking about yesterday. They got so upset. The Member for Couva South elaborated on it. These are the empirical data. We have been seeing it all the time. We are seeing it with our eyes. This is

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fact of what is taking place in the police service. They talk about the other services, which are not being debated today, but they are also there.

With the few minutes I have left, I want to clearly place this on record. I would like to take up the point with respect to what was different. They said that we talked about all the problems, but we did not do it. This is why, when we were in office, we brought to this Parliament something known as the Equal Opportunity Bill. That did not happen overnight. The Member for Couva North, Mr. Basdeo Panday, made a statement in the 1980s, that if he ever had anything to do about it, one of the first things that he would do was to introduce equal opportunity legislation.

When he became Prime Minister, we worked. I remember I started work on that in my short stint as Attorney General. I remember requesting the report from the—I enjoyed it tremendously. I have enjoyed every Ministry that the hon. Prime Minister placed me in. The Ministry of Education was the best of all. It was five or ten days. I enjoyed it. That is what experience is about. It was a great experience. I have gone through several ministries. That was something we were all committed to in our manifesto, when we campaigned in 1995. We came and brought that legislation.

The Member for Diego Martin Central started tit for tat. He said they supported us and we must support them. When we brought it they did not support it! That is why we did not get the constitutional majority. Let us face it, if they had supported the equal opportunity legislation—the court struck it down, as you may well know, Mr. Deputy Speaker. Parts of it needed a constitutional majority. They did not want to give us a constitutional majority. They did not want equal opportunity legislation. We have empirical data, which tell us what is going on in this country.

It is not only with respect to race. As a female, many people speak to me. There is discrimination against women in this country, in all the workplaces as well. That is what the equal opportunity legislation is about. It was not just about race; it was about discrimination for disabilities, discrimination with respect to women, discrimination in any form or fashion. That is why, when the hon. Member for San Fernando East asked: “What do you want in order to support these Bills?” We said we wanted holistic constitutional reform. That is what we want to see. The Government cannot tinker and touch the Constitution and abolish the Police Service Commission to make a name change. That is what they are telling us. Nothing is further from the truth. What the Government is in effect doing now is it is going to set up a structure as follows: there will be a Police

Management Authority, which will appoint the Commissioner of Police and those 30 officers, the khaki officers. Under them, what the Government is proposing is that the PMA would monitor the effectiveness of the police. The Member for St. Joseph made the point and I want to repeat it. That is the new structure.

Next to that, there will be a Commissioner of Police and under him the thousands of officers with the authority to hire, fire, discipline, go when I say go and all those things. Who is the Commissioner of Police going to report to in the present structure, under the Constitution? Everybody has to report back and be accountable to the Police Service Commission. When you change your name from Police Service Commission you have the PMA. All the powers of the PMA are to monitor. The Police Service Commission, under section 123 of the Constitution—the Member for St. Joseph made that point. It is well worth repeating because they have not dealt with it. No one on that side talked about this. Section 123 states that the Police Service Commission has the authority to enforce standards of conduct. That is the point the Member for St. Joseph made. The Government has taken that away but they tell me it is a name change. It has taken away all that power and wants to give that to no one. Who is the Commissioner of Police going to report to?

Mr. Valley: I thank the Member for giving way. I simply want to refer the Member to page 8, paragraph 123(1)(b):

“Powers of the
Police
Management
Authority

The Police Management Authority shall have the power to—

(b) remove from office and exercise disciplinary control over persons holding or acting in the offices specified in paragraph (a) and to monitor the efficiency and effectiveness of the discharge of their functions.”

Mrs. K. Persad-Bissessar: I am very glad. I thought I would not have enough time to read them and show you the difference but now you have given me that opportunity. Section 123 states:

“The Police Management Authority shall have the power to—

(a) appoint persons to hold or act in the office of Commissioner of Police, Deputy Commissioner, Assistant Commissioner and Senior Superintendent, including the power to make appointments on promotion and to confirm appointments; and”

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Again, the PMA would only have authority over 30 officers. The rest of the thousands fall under the Commissioner of Police. Section 123 of the Constitution lists the powers of the Police Service Commission. The Government has lessened the powers of the PMA. It has taken away a very important power that the PSC has. Notwithstanding that, so far the PSC has not used its power. Perhaps, after this debate they will be apprised of it and they will use it. It is a power that was given to the Police Service Commission by the UNC in 2000; when we amended the Commission. I quote:

“123(1) 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...”

It has the same powers. It goes further:

“to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers shall vest in the Police Service Commission.”

Look at this now. The PMA has the power to appoint and discipline.

3.45 p.m.

What happens now is that the Commissioner of Police has no one to account to, and the Member is telling me that the commissioner would have to report to a joint select committee. Earlier in my contribution, I said that they murdered one joint select committee, so what are they going to set up another joint select committee to do? Who would the joint select committee report the commissioner to, if he is not doing his job? Who would the joint select committee report to? Is it the Police Management Authority (PMA)? No way!

At the moment, the Police Service Commission (PSC) has that power to enforce the standards of conduct. The Commissioner of Police has the delegated authority to hire, fire and discipline thousands of officers, but if he does not do his job, he is accountable to the Police Service Commission (PSC). But when you give the commissioner that constitutional power, he would have no one to account to and no one to report to. You cannot do that. All the PMA has to do is to monitor the effectiveness of the commissioner. Do you know what is a monitor? A television screen is an example of a monitor. A monitor is only to watch. They have no power to enforce anything; they have no power to hire, fire or move the Commissioner of Police.

Mr. Valley: I do not know whether my honourable friend is blind, but new section 123(1)(b) of the Constitution (Amdt.) Bill says:

“remove from office and exercise disciplinary control over persons holding or acting in the offices specified in paragraph (a) and to monitor the efficiency and effectiveness of the discharge of their functions.”

Mr. Deputy Speaker, what that means is that in terms of the targets, goals and objectives set for them, we are placing a responsibility on the Police Management Authority to evaluate their performance.

Mrs. K. Persad-Bissessar: Mr. Deputy Speaker, I could answer to that. Yes, you are telling me that you want to give the PMA that power, but how does the Commissioner of Police get before the PMA? How does he get to the PMA? Who reports him to the PMA? Who calls him to account? Would the commissioner send himself to the PMA? Let us be serious. That is why these Bills are total nonsense.

Mr. Deputy Speaker: Let me just deal with the matter this way. If you do not give way, the hon. Minister cannot answer your questions.

Mr. Valley: The Member is giving way. I want the Member to tell me how the commissioner gets before the commission, if the commission wants to discipline him now? How would this be different under the PMA?

Mrs. K. Persad-Bissessar: Presently, the Police Service Commission has the constitutional power to enforce standards of conduct. If I ask you to do something and you are not doing it properly, could I hold you and pull you back? The commission could call you in and you would have to account to the commission. Who is the commissioner going to account to? Who is the commissioner going to report to? Who is going to pull him back? The Member said that the commissioner would be accountable to a joint select committee of the Parliament and that is in the legislation.

Finally, I want to refer to the *Police Service Commission Report 2002*. This is exactly what the Police Service Commission was saying. Here is a commissioner who has delegated authority to—and you want to give him constitutional authority to do the same thing—deal with all the officers at the rank of senior superintendent. The commission already has that power and its 2000 report and also in previous reports, the PSC said that the commissioner was not doing the job. The PSC talks about nepotism, favouritism, partisanship, improper investigations, promotion and so forth. All this is in this report.

Since 1995, the commissioner was supposed to set up a new performance appraisal system, and the commission said that this was not done. The commission wrote to the Prime Minister and he did not respond. The commission said that in August 2002, they wrote to hon. Member for San Fernando East and he did not

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respond. When the commissioner fails to do his job, who is he going to account to? At the end of the day, the commissioner would have been the Government's handpicked person.

Finally, as I close, I am not going to support these Bills. This Bill gives dangerous powers. We have seen the pattern of behaviour of the Member for San Fernando East. The Member has been very consistent in flagrantly violating the institution of the Parliament. When they hang Glen Ashby, I spoke out about that matter. We cannot give that power to the Member for San Fernando East, or to the PNM for them to create Manning's Gestapo. No way!

Mr. Deputy Speaker, I thank you very much.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Mr. Deputy Speaker, it is very interesting that the Member of Parliament for Siparia kept saying things like "curiouser and "curiouser", and clearly from her contribution, she is like Alice in Wonderland.

It is clear that the Member of Parliament for Siparia was not honest in what she brought before this Parliament and to the people of Trinidad and Tobago.

Mrs. Persad-Bissessar: On a point of order, Standing Order 36(5), the Member is imputing improper motives by saying that the Member is not honest. That is out of order. That Standing Order says that there should be no insulting language against a Member of Parliament.

Mr. Deputy Speaker: With all due respect, saying that the Member was not honest in terms of her contribution, I would say to modulate your language.

Hon. C. Robinson-Regis: Mr. Deputy Speaker, before I even get into the thrust of my contribution, I would like to deal systematically with the points raised by the Member for Siparia.

First of all, the Member indicated that Hitler used the Swastika as a symbol, and that the balisier symbol that we are wearing is of a similar nature. In the first place, let me put on the record of the Parliament, that all of us on this side are proud to wear the balisier symbol. [*Desk thumping*]

Mr. Deputy Speaker, let me indicate what is the swastika symbolism:

"The...historical information about the development of the swastika does not explicitly state why a swastika in the first place. Smith 1975 notes that it was a symbol of the Aryan peoples (among many others) in much earlier days, possibly a sun symbol..."

Perhaps the rising sun:

“and he obliquely implied a link between that and Hitler’s ideals of an Aryan race.”

Mr. Deputy Speaker, the balisier is a flower, when you cut it, it rises; and when you burn it, it comes back up again. [*Desk thumping*]

Let me indicate that the Member for Siparia said that she has some fears, because the Member for San Fernando East would be starting a Gestapo, and that it was clear he wanted to use power against the people of Trinidad and Tobago. I want to ask the Member: Who is the one who asked his supporters to do them before they do us? Who is the one who told his supporters that they would drive those in Opposition to us—the PNM—into the Gulf of Paria? Who is the one who sent police officers in the dead of night to the house of Lyle Townsend in order to arrest him? The history of the PNM in government is one in which we have never used the power that the people have bestowed on us, in any manner to go against the people of Trinidad and Tobago. [*Desk thumping*] Even in circumstances where we were in the Parliament with 36 Members, we did not use that against the people of Trinidad and Tobago. [*Desk thumping*] We were not the ones who took away public servants salaries by law. There was a 33/3 majority in the Parliament at that time. [*Interruption*]

Mr. Deputy Speaker: Hon. Member for Barataria/San Juan, you know the rules and you would have an opportunity to make your contribution.

Dr. Khan: I would use that opportunity very soon.

Hon. C. Robinson-Regis: Mr. Deputy Speaker, facts are stubborn things. The history of Trinidad and Tobago would show that the PNM is a caring government. No one could say that the PNM has done anything in any way to go against the interests of the people of Trinidad and Tobago. That cannot be said about Members on the other side. We never resorted to buying Members of Parliament in order to preserve our majority. [*Desk thumping*]

It is strange that the Member for Siparia would congratulate you and say that you should have been the Speaker of the House, in circumstances where all the Members on the other side say continuously that nothing good or independent could come from the PNM.

Hon. Member: The Member is attacking the Deputy Speaker.

Hon. C. Robinson-Regis: Mr. Deputy Speaker, the Member for Siparia indicated that these Bills were not drafted by the UNC. Bills are not drafted either

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by the PNM or by the UNC. Bills are drafted by draftsmen, technical teams, and by persons who have the skills of drafting. The Member stands on the other side and says that history would show that they did not draft these Bills, and these Bills were legislative proposals. When the Member for Couva North first laid these Bills in Parliament he said:

“In order to give effect to certain of these recommendations, the following legislative action is required:

- ❖ Amendment to the constitution of the Republic of Trinidad and Tobago to abolish the Police Service Commission, establish the Police Management Authority...
- ❖ Repeal the Police Service Act and enactment of new legislation to govern the Police Service;
- ❖ Repeal of the Police Complaints Authority Act and enactment of new legislation to widen the powers of the Authority.

Draft legislation in respect of those objectives was completed and submitted to the Bipartisan Team in June 2001.”

The Member went on to say:

“On receipt of the legislation proposals the Bipartisan Team agreed that—

- ❖ They should be laid in the House as a package;
- ❖ The package should be circulated to key stakeholders, together with a summary of the recommendations of the Technical Team, with an invitation to submit comments to the Technical Team:”

When the Member stands on that side and says that these are not the legislation of the UNC, in fact, they are UNC’s legislation. After the drafted legislation was laid in the House and put out for public comments in 2001, when the public comments came in, the legislation was redrafted taking into account the consultations and information that came forward. The legislation that was laid in 2002 was agreed upon and determined by the Bipartisan Team and the technical team who sat together. This occurred under their watch. [*Desk thumping*] It is unfortunate that the Member of Parliament would come here and try to mislead the House.

The Member also indicated that the legislation went through several amendments. You would note that the Member did not—very conveniently—indicate what were those amendments. Apart from the general amendments that

took place after the legislation was laid in 2001, the amendments that took place thereafter were amendments to things like dates.

When these Bills were laid in 2001, they were referred to as the Constitution (Amdt.) Bill, 2001; the Police Service Bill, 2001; and the Police Complaints Authority Bill, 2001. When these Bills were laid again, the time had passed, and these Bills had to be changed to the Constitution (Amdt.) Bill, 2002; the Police Service Bill, 2002; the Police Complaints Authority Bill, 2002; and now these Bills are the Constitution (Amdt) Bill, 2004, the Police Service Bill, 2004; and Police Complaints Authority Bill, 2004.

Mr. Deputy Speaker, as I make that point, it serves to illustrate the length of time that we have been dealing with this legislation, and that is from 1999—2004. Over the last two days, Members on the other side stood in this Parliament and said that we did not give the population enough time.

These Bills were laid in 2001. Three years have now passed, and Members on the other side are saying that we did not give them enough time. Preposterous! Nothing could be further from the truth. We have given them sufficient time. The Members on the other side should be honest; they should come forward and say that this legislation is necessary.

The Member of Parliament for Siparia indicated with respect to the joint select committee that it was unprecedented; the legislation has been taken out of the joint select committee; and the joint select committee had not been given an opportunity to report.

Mr. Deputy Speaker, it is really strange coming from that Member of Parliament, to talk about the value of the joint select committee. There were 10 meetings of that joint select committee. The Member of Parliament for Siparia, who is now claiming that the joint select committee was so important, attended four out of the 10 meetings. The Member did not even attend half of the meetings of that joint select committee. The joint select committee was so important, but the Member did not find the time to attend meetings of a committee that she is now claiming was so important and needed attention.

The point is that if the Member felt that this joint select committee was important, she could have made an important contribution, since joint select committees are an important factor in terms of how Members on the other side perceive this legislation. The Member could have attended the meetings and made her contribution, but the Member failed to do that. [*Desk thumping*]

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Let me also indicate that a joint select committee is a subsection or a sub-sector of the entire Parliament. As a consequence, if a particular piece of legislation is taken out of a joint select committee and returned to the House, there is absolutely nothing wrong with that. The joint select committee is, as I said, a sub-sector of the entire House. What we are doing today is bringing the legislation for the consideration of the whole House. [*Desk thumping*] There is absolutely nothing wrong with that. The joint select committees are to give Members an opportunity to voice their opinions and to contribute in the fullest way to decision-making with regard to legislation. There is absolutely nothing wrong with bringing the Bills out of the joint select committee and presenting them to the entire House.

As we are talking about joint select committees, may I indicate initially, the work of this joint select committee was supposed to be completed within 12 weeks. Mr. Deputy Speaker, if truth be told, on several occasions, meetings had to be aborted because of the lack of a quorum. Maybe, in those circumstances, the suggestion of the Member for Couva South that a quorum should be one person, would have been a good suggestion. In many instances, meetings had to be aborted because Members on the other side showed absolutely no interest in their own legislation. That was orchestrated.

Mr. Deputy Speaker, let me also make the point that when the joint select committee was meeting, in many instances, the persons who came to these meetings were either persons who had a very close relationship with those on the other side and they were told to indicate that they needed constitutional reform.

Let me also indicate that with regard to the joint select committee, many of the comments that came in to this committee were the same comments from the same stakeholders who were consulted on the legislation when it was first put out for public comment. There were not many new persons commenting on the legislation.

Just to give an idea of the number of persons who attended these meetings, out of a population of 1.3 million people—we had four consultations in public forum—in San Fernando, 40 persons attended; in Chaguanas, 40 persons attended; in Port of Spain, 30 persons attended; and in Tobago, 75 persons attended.

It is clear that the time has come for the peoples' representatives to take a stand in relation to these Bills. It is either we are going to re-examine our police service to ensure that management structures are in place; to ensure that police officers do the work that they are being paid to do; or are we going to do like

Members on the other side and say to the population that we do not care about their safety; we do not care if the Police—because of the structure of the service—are not working efficiently, effectively or optimally; and we are going to just sit here and bring red herrings to the Parliament and do nothing about it.

We on this side are saying enough is enough. [*Desk thumping*] We must move forward, and now is as good a time as any other time. Five years have passed, and if we wait another five years, it would be too late to retrieve the police service. We are not going to have that on our consciences; we are not going to have that on our hands; we are not going to do like the Member of Parliament for Couva North and throw our hands up in the air and let go of the problem; but we are going to hold on to the problem and ensure that we fix it.

Mr. Deputy Speaker, the Bill that has created the most contention is the Constitution (Amdt.) Bill. Although on this side, we have indicated what the Constitution (Amdt.) Bill is all about. It is clear that Members on the other side would not indicate to the public what is the truth about the Constitution (Amdt.) Bill.

Mr. Deputy Speaker, what would the Constitution (Amdt.) Bill do? To put it simply, the Constitution (Amdt.) Bill would provide for the establishment, composition and powers of the Police Management Authority. Simply put, that is the intention behind the Constitution (Amdt.) Bill.

How would this legislation provide for that authority to be established? The authority would be established on the joint advice of the Prime Minister and the Leader of the Opposition.

It has been said ad nauseam that at the time when these Bills were laid the Member of Parliament for Couva North said that this mechanism was, in fact, the most effective formula for the appointment of a nonpartisan independent authority. Nothing has changed. That aspect of the legislation remains the same. It would be on the joint advice of the Prime Minister and the Leader of the Opposition to ensure the independence of this Authority. What else ensures the independence of this Authority? The independence of this Authority ensures that the PMA reports to the joint select committee of the Parliament.

Mr. Deputy Speaker, it was Members on the other side, when they were in government, who set up an entire system of committees on the premise that once you brought institutions to account to parliamentary committees, you are assured of their independence. We have not in any way changed that. We have insisted that the legislation still requires the PMA to report to a committee of the Parliament. Not only would the PMA report to a committee of Parliament, but the commissioner would also be subjected to that parliamentary power of an enquiry.

How much more independence could you give any authority in Trinidad and Tobago? The authority would be set up on the joint advice of the Prime Minister and the Leader of the Opposition; the authority would be subjected to the scrutiny of parliamentary committees.

In the three days that we have been sitting in this Parliament, I have not heard any speaker on the other side deem anything that is wrong with this legislation. They are the ones who wanted parliamentary committees. The PMA and the commissioner would be reporting to parliamentary committees.

The Member of Parliament for Siparia asked the question, or posited that all the PMA could do was to monitor officers and they have no control in terms of discipline and so forth. Nothing could be further from the truth. As a matter of fact, firstly, let me indicate that once a report comes to the PMA, in the legislation, that report would form the basis of commencing disciplinary proceedings against the relevant officer.

Let me also indicate that the PMA would also be influential, in terms of determining promotion of officers, and that is because of the level of power that the Authority would have. May I also indicate that the PMA would also be able to enforce conduct. The Member for Siparia was very passionate about the fact that the PMA would only be able to monitor, but they cannot enforce conduct of officers.

In fact, upon the establishment of the PMA, they would have the power to enforce conduct of officers. That conduct would not only be enforceable by the PMA, but because authority and power now devolve upon the commissioner, the commissioner and the PMA would have that power to enforce conduct. The PMA would be able to discipline; it would be able to enforce conduct; and it would be able to conduct disciplinary proceedings.

Let me indicate that one of the major concerns in the relation to the effective functioning of the police has been that lack of authority of the commissioner to enforce conduct. As was stated previously, even though the commissioner has delegated power, he does not have that power residing with him. As you know, once something has been delegated, it could always be taken away, and that is what the Commissioner of Police has been complaining bitterly about.

The main effect of the Constitution (Amdt.) Bill is to establish the PMA and to make the service more effective and efficient; to ensure that discipline is maintained; to ensure that police officers conduct themselves in a manner befitting the status; and to ensure that if someone in any part of Trinidad and Tobago is behaving in a way that is unbecoming of the post of police constable

and up to police commissioner, that office could be disciplined swiftly. In fact, that is one of the things that has been lacking throughout the police service.

Mr. Deputy Speaker, let me take this opportunity to refer to the other two pieces of legislation and they are the Police Service Bill and the Police Complaints Authority Bill. Mr. Deputy Speaker, it is clear that the legislation that now governs the police service has become archaic and outmoded. As a consequence of that, the Police Service Bill seeks to repeal and replace the existing Police Service Act, in order to provide a legal structure to modernize the police service. In fact, the Police Service Act by which the police service is now regulated was passed in 1966. That is almost 40 years ago.

I would like to indicate what the Police Service Bill purports. One of the main clauses in the Police Service Bill is that when a recruit comes in to the police service for training, that recruit would not be appointed a constable immediately upon being recruited. This is of extreme importance, because currently when someone is recruited into the police service that person immediately becomes a constable. If that recruit is found to be in violation of the tenets of the police service, that recruit cannot be dismissed easily, and that has been found to be a definite problem in the police service.

Mr. Deputy Speaker, by the new proposed legislation, the recruits are deemed as trainees. If whilst the recruits are being trained they are found to be unsuitable for the service, the commissioner would be able to dismiss them forthwith. Whereas now if there is a problem when recruits are brought into the service—if they are found to be unsuitable it is difficult to weed them out. With the proposed police service legislation, if someone comes into the service and during his period of being a trainee is found to be unsuitable, he could be moved out of the service immediately. This is very important in circumstances where persons show almost from the very beginning of their training that they would be bad apples. At present, it is difficult to move them out and they go through the service and create problems for the service.

Another significant part of the police service Bill that is being proposed is that the commissioner would be able to establish in every division and branch of the police service, a standing disciplinary tribunal. This tribunal would consist of one or more officers—not below the rank of assistant superintendent—who would contact disciplinary proceedings. Simply put, by the ability to establish tribunals in every division and in every branch of the police service, discipline would be swift; discipline could occur almost immediately upon the action taken place; and the results of those proceedings could be dealt with almost immediately.

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Mr. Deputy Speaker, you would recognize that presently there is a problem with the slow pace of enforcing disciplinary proceedings brought against police officers. In an effort to indicate what has resulted from that, I would like to quote from the *Report of the Police Service Commission 2002*. You would recall that the history of these Bills indicate that they were started because of the escape of Deochan Ramdhanie.

Mr. Deputy Speaker: The sitting of this House is suspended and we would resume at 5.10 p.m.

4.30 p.m.: *Sitting suspended.*

5.11 p.m.: *Sitting resumed.*

Hon. C. Robinson-Regis: Mr. Deputy Speaker, when we took the tea break I was making a point regarding discipline in the police service. Whereas now it appears to be very difficult to discipline officers, with the introduction of the Police Management Authority and the new police service legislation, disciplinary tribunals will be set up in every division and at every branch of the police service. The further point I made to indicate how difficult disciplining officers is now, is clearly stated in the *Report of the Police Service Commission 2002*.

If you would recall the history of this legislation, it was as a consequence of the Deochand Ramdhanie escape and the result of the Zainool Hosein commission of enquiry that led the then Leader of the Opposition, now Prime Minister, to go to the then Prime Minister, now Leader of the Opposition, to talk about developing a structure to assist with the police service and crime. But the further point I would like to make is with specific regard to those officers who were, in fact, found to be culpable in the Deochand Ramdhanie escape. Page 32 of the *Report of the Police Service Commission 2002* states what happened with regard to those officers. In Report of the Appendix II of the report it is headed:

“Statement Regarding the Number of Officers Charged

Disciplinary Charge Preferred, and how the charges were disposed of with respect to the matter of the escape of Prisoner Deochand Ramdhanie

No. and Rank of Officers Charged	Nature of Disciplinary Charge	How Charges were disposed	Remarks/Findings
1. Superintendent of Police	1. Neglect of Duty 2. Delegated Offences	Exonerated	The Commissioner's Department failed to bring sufficient evidence to prove the disciplinary charge against the officer.

No. and Rank of Officers Charged	Nature of Disciplinary Charge	How Charges were disposed	Remarks/Findings
2 Superintendent of Police	Discreditable Conduct (2 counts)		The officer opted to retire from the Police Service before the charges were laid.
3. Sergeant	Discreditable Conduct (4 counts)		Matter not yet concluded by the Tribunal at the end of the year 2002.
4. Sergeant	Discreditable Conduct (2 counts)	Charge I Exonerated Charge II Found Guilty	No evidence to substantiate Charge I. Matter pending at the end of the year 2002.

In circumstances where the very issue that has us here today, the same Police Service Commission has shown in its report that the system is not working properly, those same officers have been exonerated. In circumstances where the Zainool Hosein commission showed very clearly what was taking place in the service, there has been no real disciplinary action taken against those officers who participated in the escape of Deochand Ramdhanie. That speaks clearly to the issues that we are trying to solve by ensuring that this legislation is passed in this House.

Perhaps now might be a good opportunity to indicate that from an executive management point of view the new provision which vests the Commissioner of Police with the power of appointment, cannot be over emphasized. This provision gives the Commissioner of Police the authority and responsibility for the management of the human and financial resources of the police service. The commissioner will be empowered to appoint persons to hold office; to promote those persons and confirm appointments; to transfer; to remove from office and exercise disciplinary control over police officers, acting in accordance with the Police Service Bill, once it is passed, and the requisite regulations. [*Interruption*]

Mr. Deputy Speaker: The speaking time of the hon. Member for Arouca South has expired.

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

Question put and agreed to.

Hon. C. Robinson-Regis: Mr. Deputy Speaker, I thank you and my colleagues for that extension of time.

Mr. Deputy Speaker, not only does the legislation provide for the commissioner to have control over the human and financial resources, but the point raised by the Member for Siparia that the commissioner would be accountable to no one is totally untrue. As a matter of fact the legislation does provide for accountability by the commissioner. The commissioner is accountable to the Joint Select Committee of Parliament, in accordance with section 66A of the Constitution; that is at clause 5 of the Bill. He must also report to the President by July 01 of every year, which is at clause 6. Additionally, with regard to financial accountability, at clause 76 of the Police Service Bill, the commissioner is accountable under the Audit and Exchequer Act.

Mr. Deputy Speaker, the commissioner can also be held accountable through judicial review or constitutional motions. So the issue of accountability is debunked because, I repeat, the commissioner is accountable to the Joint Select Committee of the Parliament, he must report to the President by July 01 of every year; he has financial accountability through clause 76 of the Police Service Bill under the Audit and Exchequer Act, like a permanent secretary and he will also be accountable in the widest sense, because judicial review actions can be brought against him and so can constitutional motions. He is accountable at all levels. The commissioner is also accountable to the Police Management Authority, because that is the authority which will be appointing the police commissioner. When the Member for Siparia stands in the Parliament and says that the commissioner would be accountable to no one, it is totally untrue.

The Member for Siparia, as she referred to the Police Complaints Authority Bill, stated that there was an ouster clause in it. As you are well aware, an ouster clause is one which seeks to prevent an authority or jurisdiction of the court over any authority or any issue like that. In the normal way of those on the other side, they are attempting to put fear in the minds of the people of Trinidad and Tobago. That is why the Member attempted to mislead this House by saying that clause 47 was an ouster clause, which would mean that no court proceedings could be brought against the authority, which would be a corporate body. That is what an ouster clause seeks to do.

In fact, clause 47 is not an ouster clause. It seeks to protect the persons who would be the members of the Police Complaints Authority from court proceedings for acts they would do in the name of the authority. It seeks to protect the individuals; it does not oust the authority from the jurisdiction of the court. With your leave, I would read clause 47:

“Subject to subsection (2), no matter or thing done by the Authority or any member of or any person acting under the authority of the Authority shall, if the matter or thing was done in good faith for the purpose of giving effect to the purpose of this Act or any other written law, subject the member or person so acting personally...”

And that is the point:

“to any action, liability, claim or demand.”

So an ouster clause would oust the jurisdiction of the court in terms of the authority itself. This seeks to protect the persons from personal liability. So that statement made by the Member for Siparia is totally incorrect. [*Desk thumping*] [*Interruption*] The statement is totally false. It is wrong. It is untrue. It is invalid and mischievous. Her entire contribution was null, void and of no effect, because the information that she has put on the parliamentary record is untrue and erroneous. [*Desk thumping*]

Let me also indicate that with regard specifically to the Police Complaints Authority, which the Member for Siparia would lead one to believe was another mechanism for putting undue pressure on the people of Trinidad and Tobago, is another authority that, in fact, is to be appointed on the joint advice of the Prime Minister and the Leader of the Opposition. That is the mechanism for appointment and one which the Member for Couva North, in laying the legislation, said was the best way to ensure that the authority would be nonpartisan and independent. Let me indicate, for the purpose of the record, what the Police Complaints Authority would be set up to do.

As you are well aware, in 1993 a Police Complaints Authority was established to receive and investigate complaints about police officers and their conduct. In fact, the authority has been in existence for a little less than 10 years, but it was found that it was the very police which had to investigate the police. As a consequence of that, there were severe problems with the Police Complaints Authority. In the authority's fourth annual report, May 01, 1999 to April 30, 2002, the authority said of itself at page 2:

“It is to be noted that of the 3,787 complainants who have lodged complaints with the Authority over its four-year existence, 1,491 of them were awaiting reports as at April 30, 2000. Even more disheartening is the fact that there are 310 reports outstanding from the very first year of the Authority's life, 1996 to 1997. As discussed such delays are unacceptable and placed the Authority in an untenable position.”

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Mr. Deputy Speaker, this captures what has taken place with the Police Complaints Authority, as it exists now.

What was even more instructive is what the Police Complaints Authority said about its staffing:

“Indeed, it would appear to me that the Act puts a special duty on the Commissioner of Police to ensure that the Complaints Division is properly staffed and equipped. It would seem to me that the Commissioner can use the statistical material disclosed in this Report to justify the provision by Parliament of sufficient staff and facilities to enable the Complaints Division to function efficiently, which it is not doing at present.”

Speaking of itself, the Police Complaints Authority said that it is not doing its work efficiently at present; absolutely nothing has changed.

The Police Complaints Authority, as the Member for Siparia indicated, will be allowed to employ staff on contract. The Member seemed to think that there was something heinous about that. That is extremely strange in circumstances where it was under this administration that it was decided that contract officers would be employed within the public service, almost as a matter of course. In fact, on July 11, 2000 the government issued in *Gazette Vol. 39, No. 134*, a notice setting out guidelines for contract employment in government ministries, departments and statutory authorities. When the Member said that the authority would be staffed only by people from the PNM and so forth, that is the kind of Goebbels propaganda they are accustomed to propagating.

In fact, there is in existence guidelines for the employment of persons on contract, and contract employment is not something strange. It may be different in the police service, in that, it is not done at this time but, as the Member for Pointe-a-Pierre pointed out, there are deficiencies in terms of fingerprinting, forensic examination and so forth. That is why the bipartisan team was of the view that if contract employment was allowed within the police service, those kinds of deficiencies would be dealt with by bringing in those kinds of professional persons on contract for specific periods of time, to do specific things and to improve the performance of the police service.

That is why, on instructions from the bipartisan team, it was made quite clear that contract employment should be allowed, so that where there were those gaps within the police service, persons with the necessary expertise could be brought in on contract to do the job effectively.

Let me also indicate that with regard to the Police Complaints Authority, when we talk about getting comments about the various pieces of legislation, the very complaints authority that exists now said in its report of May 01, 2001 to April 30, 2002 at page 30:

“In the Authority’s three (3) previous reports, the most critical concern expressed was the inability of the Complaints Division to investigate and report on complaints expeditiously. The statistics of this reporting year reflect an unacceptable situation that has literally ‘strangled’ the operations of the Authority. This disability not only prompted several complainants to continuously seek information on their longstanding matters but it also severely hindered other aspects of the Authority’s operations especially in terms of the receipt of file material to facilitate the timely review of complaints.

For this reason, the Authority expresses its support for those measures in the proposed Police Complaints Authority Bill which promote the independent and impartial investigation of complaints brought before the Authority on the conduct of Police Officers.” [Interruption]

Dr. Nanan: In that same report at page 2, it states:

“...the answer lies in amendment to the existing legislation to permit the Authority, not merely to receive complaints and monitor/ensure that investigations are conducted thoroughly and impartially, but, to investigate all complaints thoroughly and independently.”

They are not speaking about this legislation before the House; it is the Police Complaints Authority Regulations that are already in place.

Hon. C. Robinson-Regis: I have not spoken to that. What you are saying is absolutely correct; the existing legislation has prevented them from acting in the way they were supposed to; that is exactly what they said there. I am saying, which is also what they said:

“For this reason, the Authority expresses its support for those measures in the proposed Police Complaints Authority Bill which promotes the independent and impartial investigation of complaints brought before the Authority on the conduct of Police Officers.” [Desk thumping] [Interruption]

Dr. Nanan: Will the Member give way?

Hon. C. Robinson-Regis: This is the Bill that they are talking about.

Dr. Nanan: You are wrong!

Mr. Deputy Speaker: You will get the opportunity.

Hon. C. Robinson-Regis: Mr. Deputy Speaker, this is the Police Complaints Authority Bill to which they refer. It was one of the institutions asked to comment on the Bill. Those on the other side spoke about the history of the legislation. As a matter of fact, the history of the legislation shows that on June 25, 2001, in accordance with the directive of the bipartisan team, the legislative proposals together with a summary of the recommendations were sent to the major stakeholders with an invitation to submit written comments. The stakeholders included the Chairman of the Police Service Commission; the Chairman of the Police Complaints Authority; the Permanent Secretary of the Ministry of National Security; the Commissioner of Police, the President of the Police Service First Division Association; the President of the Police Service Social and Welfare Association and the Chief Personnel Officer, amongst others.

The Police Complaints Authority Chairman said:

“For this reason, the Authority expresses its support for those measures in the proposed Police Complaints Authority Bill...”

What better endorsement for this particular piece of legislation than those who actually worked in the field of receiving complaints on the police? It is clear that this legislation is necessary and is, in fact, welcomed.

It is passing strange that the Member for Couva North and those on the other side say that the legislation is unnecessary, in circumstances where history has shown that the very Member, when he laid the package of proposals, the Bills before this House, had said that it was a necessary package of legislation. He also said that given what was happening in the society at the time that it was, in fact, urgently needed legislation. That was what he felt then. What is amazing is that in circumstances where the crime situation was getting out of control under their watch, they thought the legislation was urgent.

I heard my friend from Caroni East chuckle when I said crime was getting out of hand under their watch. I would indicate what I meant when I said that. On Thursday, December 04, 1997 at Page 4 of the *Newsday*, the headline of an article by Azard Ali read:

“Kamla: TT has entered dark cave of horror

The skeletal remains of two children dug out from a cesspit and a shallow grave, have reminded Legal Affairs Minister, Kamla Persad-Bissessar, of Mano ‘the Beast of Biche’ Benjamin.

‘If the reports are to be believed,’ Persad-Bissessar said, ‘it is the saddest and most bizarre example of domestic violence I have ever heard of in our beloved Trinidad and Tobago.’”

Crimes took place at that time. [*Interruption*]

Mr. Ramsaran: Crime going on since the Bible!

Hon. C. Robinson-Regis: Oh, you know that crime started since the Bible, but you “blaming” the PNM for crime. [*Desk thumping*]

Mr. Deputy Speaker: Hon. Members!

Hon. C. Robinson-Regis: We have no control; you are saying that now. [*Crosstalk*] I apologize, Mr. Deputy Speaker.

In an *Express* article of Friday, August 21, 1998 it states:

“Acting President Ganace Ramdial said on Wednesday criminals had the nation ‘under siege’ and the country needed to be vigilant in the battle against them.”

In another newspaper article of Wednesday, November 28, 2001 Prime Minister, Basdeo Panday, conceded that the government could not win the battle against crime:

“Govt can’t win war on crime”

That is what they said when they were the government of Trinidad and Tobago. All these situations prompted the movement to ensure that the police service operated at an optimal level. It was felt by the Members for Couva North and San Fernando East that the way to do it was to change the mechanism by which the police service operated.

It is not unheard of for those on the other side to change the way they think, because in an *Express* report of June 2004 it is stated:

“PSC member slams Bas for bias remarks”

This is the current Police Service Commission:

“Leela Ramdeen...” [*Interruption*]

Mr. Imbert: Is she still there?

Hon. C. Robinson-Regis: She is. [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members, that crosstalk is causing the interruption of the Member. I appeal to the Member for Diego Martin East and the Member for Nariva to stop it. Please, continue hon. Member. [*Interruption*]

Hon. C. Robinson-Regis: The article reads:

“Leela Ramdeen, a member of the Police Service Commission, has taken offence with Opposition leader Basdeo Panday’s accusation that members of service commissions show bias and are selected from a small group of cocktail party-goers.”

It is the same Member for Couva North and his team who are saying that we must keep the police service. In June of this very year the Member for Couva North said:

“...members of service commissions show bias and are selected from a small group of cocktail party-goers.”

Leela Ramdeen went on to say:

“Once again, I find that is an insult, ...

‘We are all highly professional people. I work as the chair of the Catholic Commission for Social Justice. I’m an attorney-at-law. I lecture at Cambridge University. I’m around the world lecturing.

‘I don’t have time to go to these cocktail parties. I wish whoever said that would invite me sometimes.

Ramdeen said it was a myth that the six members of the PSC were all cocktail partygoers. [*Interruption*]

Mr. Deputy Speaker: Members, please!

Hon. C. Robinson-Regis: The article continues:

“On Monday, Panday said members of the service commissions showed race and class bias.”

The same service commissions they are now saying should be kept.

“He also accused them of being so old, that they fall asleep during their meetings.”

For the police service to operate optimally, be effective and to deal with the crime situation, this package of anticrime legislation is necessary. It needs to be voted for positively.

As I wind up, I wish to put on the record of the Parliament what was said by the *Newsday* editorial of today's date. [*Crosstalk*]

“Because of the vital nature of the Bills, we expect that a majority of responsible citizens has been following the debate...And they would be assessing the contributions of both sides, particularly the reasons now being offered by the UNC for opposing the measures. Yesterday, Mr. Panday, following on the variety of reasons he has already given for condemning the legislation of his own government, came up with a list of amendments which, not surprisingly, in our view, introduced an element of old mas into the debate.”

Citizens will draw their own conclusions, but in our view the Opposition in this debate has exposed not only their abject bankruptcy but an unwholesome disregard for the interest of the country and the safety of the population. In fact, we are amazed by some of the objections Opposition Members have coughed up against the Bills contradicting in several respects the view expressed by their leader when he was Prime Minister.” [*Interruption*]

Mr. Deputy Speaker, I thank you for giving me the opportunity to participate in this debate.

Mr. Winston Dookeran (*St. Augustine*): Mr. Deputy Speaker, I am pleased to make a short contribution on this very fascinating debate which we have been engaged in for the last three days. It is fascinating because it has raised a number of legal issues. It has raised a number of constitutional issues. It has raised a number of issues as to how we shall govern ourselves. I think, whether we like it or not, we have begun a debate that would lead us into a new era in the years to come. We have done so by using the current situation facing this nation as the basis from which we must derive solutions. It is almost as if we must get into crisis situations before we react.

There is no doubt that we are in a crisis and a very small proportion of the population is playing havoc with the safety and security of life of the 1.3 million population. There is no doubt that our crime detection and law enforcement system is woefully inadequate. Our children are being kidnapped. Our families are being imprisoned in their homes. Our travelling public does so nervously and the citizenry has a feeling of hopelessness and fear.

It is, therefore, important for us, in responding to this situation, to ask ourselves a number of questions: Is the reform that we are proposing most appropriate? What are the shortcomings? What are the fears? What is the acceptable process for constitutional change? What would we, as the Parliament of this period, support as the legitimate process for constitutional change? What is

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in the national interest in this matter? And finally, what is the process for us to embark upon to achieve some consensus on the issues before us?

We can belabour the point, but the Government has been in office for two and a half years. We had a growing economy and very buoyant public finances. Why is our population placed at ransom by a small proportion of our population? We are a society that understands modern management systems; we are technologically literate; we have basic institutions in place and, above all, the society today has an impatient determination to fight off this crime epidemic facing our nation. The question, therefore, is why are we not succeeding? Is our diagnostic wrong or is our prescription wrong? Clearly, something is radically wrong. As the custodian of the public interest in Trinidad and Tobago today, we owe it to the society to find out what is wrong and fix it properly.

We are well aware that the solution is multidimensional, but it is not rocket science. It is not beyond our capability to find the appropriate solution. There have been countless announcements over the last two and a half years of high-sounding operations and high-level committees with eminent citizens that we were told would provide the solution to this public problem of ours. The Government has run out of operations and committees and has turned now to legislation. Is this going to be another solution that does not happen?

Mr. Deputy Speaker, as I listened to the debate I heard many arguments put forward and there are some common grounds and major disagreements. I believe it is in the forum of our Parliament that we should arrive at those common grounds on which we can agree and engage ourselves in the process of finding out the basis of our disagreements. There are some peripheral arguments that were raised. It was suggested that this agreement had its genesis in 2000 or 2001 by a bipartisan committee of the last legislation and the last government and Opposition. Is that the reason we must agree in 2004 to those recommendations? Is not our system such that it brings the matter now for decision by the present parliamentarians in the present situation and not be bound by what may or may not have been agreed upon in the year 2000? [*Desk thumping*]

This is our responsibility; therefore, we cannot relegate the solutions to our past period. In so doing we seem to have given a lot of weight to the fact that we had a bipartisan technical team headed by a very eminent person. From all that we have heard and read, within the frame of their reference, that team has done as good a job as it could. But is it not right that the Parliament may have a view different from the technical team? [*Desk thumping*] Is the reason that this comes to the Parliament because the people's representatives must adjudicate on those

issues and decide whether in the final analysis we want to make law in our country? [*Desk thumping*]

We have heard the Member for Arouca South and others talk at great length about the technical team, as if we must now give up our right to think and vote, to a technical team. I have no problem with the technical team as part of the process of decision making, but it is not the whole process.

We are told that by virtue of the fact that this Bill requires a special majority it would mean that the Opposition is somehow unpatriotic by not exercising its right to decide whether it gives the special majority or not. The very purpose of the special majority placed in the Constitution that makes it necessary for this Bill to require such a majority is to provide a safeguard against the possibility of legislation of which the entire society does not agree. [*Desk thumping*]

Some have even argued. I listened to the Member for Diego Martin Central earlier today saying that there might be an ulterior motive in the Opposition's position on this matter, that we want to see crime rise and the Government fail. I have detected no such thing and I have absolutely no doubt that no reasonable and responsible citizen of the country would ever want to attribute that motive to anyone else. [*Crosstalk*]

Mr. B. Panday: Even to think of it is treasonable!

Hon. Member: Rip Van Winkle, wake up!

Mr. W. Dookeran: To argue that, somehow or the other, the Government and the Opposition must not exercise its right to question, is a right that we must also give up. We must first give it up to some agreement that was made in year 2001. We must also give it up to the views of the technical committee and we must also give it up to that fact that we must ignore the constitutional provisions that are there as a safeguard and, therefore, this Parliament would not have a voice of its own. [*Crosstalk*]

The legislation is before us today and we must give our particular views on it. [*Crosstalk*]

Mr. Partap: Listen to wisdom.

Mr. W. Dookeran: We have also been told that the consultative process has been exhausted, but there is no doubt that within the last month or so for the first time this country has begun to discuss the police reform Bills. [*Desk thumping*] Prior to that, it was done within the channels of bureaucracy and official meetings. The entire process of consultation is at stake. If after four years we cannot have

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the Bill debated, as it has been done within the last month, then something is wrong with our consultative process. This Bill should not have taken four months, or as much as four years.

If the Parliaments of yesterday were working, some bill to reform the police service would already have been passed. This debate has pointed out that there are imminent problems in our consultative process itself. That is why I said that this has been a fascinating debate. In a debate on whether the reform is appropriate and whether the process for constitutional change is correct, how do we determine the national interest and who determines the national interest? What is the process for building consensus on controversial and tricky matters like this?

6.10 p.m.

On that issue the Member for Arouca North, in her response to the Member for Siparia, had castigated her for bringing wrong information to the House on a number of issues, one of which she said that the Member for Siparia had not attended all the meetings of the joint select committee. Is that the issue, or is the issue that the third special report of the joint select committee appointed to consider and report on the Police Service Reform Bills—whether that was approved by Parliament—was ever acted upon? That is the important issue. [*Desk thumping*] what was the recommendation? I read the recommendation of that report:

“In view of the advanced stage of its work, your Committee wishes to recommend that a new Committee be appointed in the next session to continue examining the matter, and that the new Committee be authorized to consider as part of its records all the work that has been done by your Committee to date.”

We cannot measure the quality of a consultation process by the length of period in which consultation has taken place. [*Desk thumping*] We have got to measure it in the context of whether there is, in fact, an agreed procedure. Why was this procedure not followed through? Why was the recommendation listed in the third special report not followed? That was the point that the Member for Siparia was making. Sometimes we mix up the frivolities with the substance.

There are many other issues that have been raised in which there have been charges and counter-charges of misinformation. I wondered myself, when I heard the Member for Diego Martin Central quoting from the bipartisan report—and in my own preparation for this debate, that was one of the documents that I wanted to get hold of, but I was told by the hon. Member for Caroni East that the document was not available. But it tells you something else. What kind of parliamentary system are we operating when all the information that is available

for a complete decision is not available to the Opposition? But the Government could come and quote from it as if it is an authoritative source. We would not have the opportunity to determine whether that authority is valid or not.

Mr. Valley: Mr. Deputy Speaker, if the Member had asked me, I would have given him my copy, but I thought he would have been able to get a copy from his Leader, the Member for Couva North, who has a copy.

Mr. W. Dookeran: Mr. Deputy Speaker, what I am referring to is that in the same way the bills are sent to us, background information should be sent to us, as Parliamentarians, so that we can access that information in order to form responsible positions. When I am in Parliament, I am the Parliamentarian. [*Crosstalk*] When I am at the university, I am a researcher.

So there has been some common ground and I think there is no doubt that there has been common ground on the need to determine, agree upon and implement, a holistic plan to fight crime in Trinidad and Tobago. The role of the Parliament in developing, or assisting, or in working towards that plan, is not quite clear, but there has been agreement by all speakers that there is the need for a holistic plan to fight crime. We have differed as to whether the methods that have been used in the past have been adequate, but there is a common goal and a common objective that fighting crime is the number one priority in Trinidad and Tobago.

There appears also to be common ground on the need for police reform. One of the major and, perhaps, the most important instrument for fighting crime is the police service. It has been widely recognized that that is an area for major reform. So there is common ground on that issue.

In the course of this debate, and prior to this debate, there have been announcements by the hon. Prime Minister and by the Leader of the Opposition, that one of the most vexing issues of our times would be the issue of constitutional change; would be the issue of deciding how we shall govern ourselves in the future. I heard in this debate, a number of speakers alluding to the fact that there is really no problem on the need for constitutional reform in Trinidad and Tobago. We may have to agree on the process and we may have to agree on whether the process that we have used in the past is the correct process, and we may have to agree on how we can go about implementing that process. But there is common ground on the need for a holistic plan to fight crime; there is common ground on the need for police reform; there is common ground on the need for constitutional reform. All these issues emerged in this very fertile debate that has been taking place here over the last three days.

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But there are areas of disagreement. Some of these areas are rather fundamental. There are not only disagreements on approach or in some cases, principles, but there is a disagreement based on the perspective that the society has in the thrust of the governmental system in this country, whether or not we can trust the exercise of power in the hands of the current Executive. [*Desk thumping*]

If it is a concern, political management on the part of the leadership would require us to address it, not to say that it ought not to be a concern. That is how mature societies resolve their issues. Political interference in the exercise of power in the public service is one area of fundamental disagreement and to try to sweep that issue under the carpet is to ignore the fundamental role of this Parliament which is to bring consensus, particularly on matters of constitutional change. I think it was the hon. Attorney General who, in his contribution, talked about two tracks; the track for dealing with constitutional reform and the track for dealing with legislation. That could be a starting point as to whether or not we as a society have worked out the appropriate way to deal with these issues. Or would we, in the absence of a method, find ourselves in a no-solution path?

This is why I say political management at the leadership of this country is an important requisite in resolving some of these issues. The hon. Prime Minister has the supreme authority today to exercise political management in this nation and I hope that out of this debate he would see the light and not simply ignore the Opposition's calls, but to design a system of political management to bring about a consensus on the issues before us.

Mr. Deputy Speaker, the second issue on which there is fundamental disagreement in this debate is whether the reform of the police service can take place without a change in the legal structures or not. There have been many commentators within recent times who have argued that very point. In today's *Trinidad Express* an article written by Prof. John Spence, a former Senator in this country, had this to say, and I quote:

“With respect to the ‘Police Service Reform’ bills, my concern is with the removal of the Police Service Commission, which I regard as providing an important safeguard for members of the Police Service from unfair treatment and by extension an important safeguard for society. Unfair decisions of a Commissioner of Police would hardly make for a well-managed Police Service.”

He goes on to say:

“However my concern with the removal of the Police Service Commission goes even deeper. I see this as the thin edge of the wedge and the other service commissions will soon be targeted.

We do not know what the Government's plans are for public sector reform, because in essence, this is but a debate of the beginnings of public sector reform. It should be located in a strategy for public sector reform so that one can see whether or not by agreeing today you are not prejudicing the outcomes of tomorrow.

Prof. Spence goes on to say:

“To sum up I am convinced that:

(1) alterations to the existing procedures can be made to achieve the same effect as the new bills.”

I repeat:

“(1) alterations to the existing procedures can be made to achieve the same effect as the new bills. (2) removal of the safeguard provided to members of the Police Service by the Police Service Commission is undesirable. (3) new arrangements would not make any difference unless the Commissioner of Police exercises his authority correctly—how likely is this when he has had such authority delegated to him but has apparently not used it effectively?”

These are commentators outside the political realm; these are commentators whose only interests are the national development of this country and the preserving of the rights of democracy in our land. So we cannot ignore them.

If you wish to ignore the Opposition, the Government in its political management should not ignore the rest of the society who is opposing this Bill. [*Desk thumping*] Political management would require you not to argue that the Bill must be approved because it started in 2000 and we are now in 2004 and five years have passed and therefore the time is right to approve it. That may be so, but that is a non issue. Could change take place without changing the legal structures and the distribution of power? This Bill is altering the distribution of power in the exercise of the management of the public service and in this regard in the management of the police service.

The third issue on which there appears to be major disagreement is whether or not the issue of constitutional reform is another track or a parallel track; whether you can deal with constitutional reform in a whole new set of conventions for dealing with it, and whether our current conventions for dealing with it are adequate; or whether we should deal with it concurrently, in parallel, or separately in different processes. These are issues only those who have been elected to serve the people's interest must address, for it is the responsibility of Parliament to

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adjudicate on these processes in order to be able to find agreement. We are in the very envious position of having collective agreement on the need to fight crime, having collective agreement on the need for police reform, having collective agreement on the need for constitutional reform, but we are not in agreement on the political interference in the exercise of power in the police service, and whether it can take place within the law, and whether we are searching for a legal solution to a management problem or not.

Many commentators, apart from Prof. Spence, talked about the management problem. The Member for St. Joseph, in his very articulate contribution at the start of this debate, outlined the principles of management which should be accepted in the Police Service Commission, and whether or not we need a parallel or another track in dealing with constitutional reform.

I invite the hon. Attorney General to share his views on that process. One of his responsibilities as Attorney General of this country, is not only to run after the fires, but to build a new house for this nation. Perhaps he can, in due course, share his views on that aspect as well. He made reference to it in his contribution.

I said that this is but the beginning of public sector reform. Therefore, the changes that are being proposed today in police service reform must be seen in the context of that public sector reform approach. I want to speak to a report on public sector reform that was done by the Inter-American Development Bank. I just want to quote one of the issues they had raised that is relevant to the political side. This is what the report says:

“Political ethnic tensions have always been one of the major causes of the reform impasse and they would continue to be the major challenge for any reform process. According to most experts, the removal of structural rigidities would require in some cases constitutional amendments, in others new legislation and in most, much political support to overcome vested interest. Under the current political climate, this seems to be a farfetched reality. Nevertheless, it is expected that the consensus building process contemplated would help to bridge the ethnic and political tensions.”

That was an independent, professional view on the process of public sector reform. There have been tremendous reports on this issue. Some years ago—

Ms. Seukeran: Would the Member be kind enough to give us the date of that report?

Mr. W. Dookeran: The report is dated April 07, 2004.

Mr. Deputy Speaker, sometime ago when I had the responsibility to deal with the issue of public sector reform, I invited a discussion and dialogue with one Prof. Eaton who is an expert on this matter; a Jamaican professor working in Toronto. The most telling point he made to me when I was the Minister of Planning in this country, was that you cannot exercise major public sector reform without a fundamental review of the Westminster system in Trinidad and Tobago.

We tried. Since 1954 there have been reports on this issue: Ritson Report; in 1959, King Report; Lewis Report; Dolly Report in 1970; the UN Report of 1975; the committee of permanent secretaries report in 1981; the Dumas Report in 1986; the Draper publications of a later date and the Portillo publications of a later date. In other words, we have been trying to deal with the problem of public sector reform for as many years as we can remember, and every start has turned out to be a false start because we have not agreed on the strategy for reform or the consensus building approach for that reform.

The Member for St. Joseph had outlined the view earlier on that what you are proposing in the Police Management Authority is not management at all. I know the Member for Diego Martin Central tried to dissuade us from that thinking, but there is no doubt, based on the report of the Police Service Commission, in which they have stated that they have delegated authority to the Commissioner of Police on a number of matters which are all management matters: Recruit trainees, constables, promote police officers in the second division; appoint police officers to act in the ranks of the police service, from police corporal to senior superintendent of police; exercise disciplinary control; transfer police officers; confirm appointments; suspend police officers.

What you had was a police commission and a police commissioner with the delegated powers. What is being proposed is that such powers should be constitutionally entrenched. The issue is not where you derive the power from, whether it was delegated from the Police Service Commission or it is derived from the constitutional provision, the issue is whether you have a management in place to make that work. [*Desk thumping*] That is the key issue, and I must say I was expecting the hon. Minister of National Security to enlighten us on that. He talked about resources, and there is no doubt that he has now allocated more resources in all areas, but the resources themselves would not work; it is the management processes in the application of those resources. It is in that context that the management response is the number one priority on the issue of police service reform, and there is no need to necessarily have legal changes to effect management reform in the police service. [*Desk thumping*]

Mr. Manning: Mr. Deputy Speaker, I thank the distinguished Member for St. Augustine for giving way, and he has been making a very interesting contribution. I wonder if the Member for St. Augustine would agree that the same management response to which reference has been made by him, is considerably facilitated by two features of the new legislation; one: the establishment of an independent Police Management Authority and, two, giving to the Commissioner of Police the authority to manage his police service.

Mr. W. Dookeran: Mr. Deputy Speaker, the Police Service Commission exists. Changing it to the Police Management Authority—and I believe the Member for Diego Martin Central said that was essentially what they were doing—would make no difference.

The point I am making is that within the current legal structure you can introduce the most effective management system, a management system that deals with operational effectiveness, a management system that deals with a demand-driven system; a management system that deals with accountability and performance systems; of dealing with information-based management. Those are all the elements of it and I had a discussion with people who have looked at the management system and they have said that these are some of the things that you need to put into place—a demand-driven system; a response rate system. But these are technical matters and they can all be dealt with. But you cannot expect the police commissioner to exercise his management function without a management system below him. What he has is a bureaucratic system and you must change the bureaucratic system.

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. [*Hon. K. Valley*]

Question put and agreed to.

Mr. W. Dookeran: I thank the hon. Member for Diego Martin Central and the House for agreeing to the extension of my time.

On that point, I wanted to thank the hon. Prime Minister for raising the issue of my tenure at the Central Bank of Trinidad and Tobago and I want to acknowledge the fact, with gratitude, that the People's National Movement General Council had, in fact, written me a letter pledging support at that time. I never had the opportunity to say it publicly, but he has given me that opportunity to do so today. [*Desk thumping*]

So the question is: Is the response adequate? That has been a legitimate area of debate in this House, and to try and interpret the concerns that have been expressed as to the adequacy of the response as if there is some unpatriotic or diabolical motive behind the Opposition's position on this matter is really to be very unfair and to attribute motives to Members of the Parliament of this country, which I hope we do not really agree upon.

Mr. Deputy Speaker, in commenting on this Bill, a newspaper investigative report had this to say, and I quote:

“The question uppermost in the minds of some security analysts is what exactly does the Government wish to do with the police that it cannot now do in the absence of legislative reform.”

It is not only my view or the views that have been expressed here; it is the view of many commentators. This was expressed sometime ago, within the last month.

The same article, in talking about the proposals, had this to say:

“Could this be an attempt by the Government ‘to replace the fiercely independent Public Service Commission (PSC) with a body which sounds much like the PSC, except that its members will now be Cabinet appointees or susceptible to Cabinet control’?”

Legal experts, among them the President of the Criminal Bar Association, Senior Counsel, Desmond Allum, argued that there are no restraints keeping the police from enforcing existing criminal laws.”

The Police Reform Report itself, in its foreword, had this to say. The Police Service Commission, I take it, is a body with a group of people with whom we have no quarrel and we respect, and their comment was:

“Since the Commission has no legal or constitutional duty or responsibility for the management of the Police Service, the rationale for wanting to abolish the Commission indeed remains dubious and illusory, particularly in light of the recommendations of the Wooding and the Hyatali Commissions...”

which the Member for Siparia spoke about—

“on Constitution reform and the far-reaching recommendations of the numerous Commissions and Committees of Enquiry into the management and operation of the Police Service.”

So I am supporting my contention with evidence from outside, from security analysts, from practising members of the Bar Association, from the people who,

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for many years, have been responsible for the Police Service Commission. This is not only in the Opposition's view; this is a view widely expressed since the report began to be seriously debated in this land.

I must give the Government credit, whether they spend \$2 million or more, they did initiate the public debate on the issue. Unfortunately, the outcome of that debate did not coincide with the interest in the legislation. [*Desk thumping*]

The other issue I wanted to speak about is the process of constitutional change. I spoke to a law professor on this issue who gave me the following quote from some professors in the field:

“It is always the interest of a far greater number of people in a nation to have things right, than to let them remain wrong; and when public matters are open to debate, and the public judgment free, it will not decide wrong, unless it decides too hastily.”

In spite of the time, one of the issues of a Constitution reform is that the Constitution is the property of a nation, not those who exercise the Government. The Constitution does two things: It creates a government and gives it powers and, secondly, it regulates and restrains the powers so given. The laws which are enacted by governments control men only as individuals, but a nation, through its Constitution, controls through the whole government and has the natural ability to do so.

Mr. Deputy Speaker, there is clear need that a convention should be established on how you amend your Constitution. One of the issues that has emerged in this debate is that the provisions of advice and consultation appear to have lost their pre-eminence in the process of governance and, therefore, should have been replaced by other provisions. One such provision is the provision to introduce in a very formal sense the question of open hearings for the appointment of key persons who hold public life.

We have had some recommendations made by the Maha Sabha which the Member for Diego Martin East said he found inviting. These are all responses by legitimate bodies in the country. For the record I would just list some of the things they said:

“The powers of Parliament are being enhanced through greater responsibility being given to the relevant Joint Select Committee established under section 66 (A) of the Constitution for the confirmation of disputed appointments to the Police Management Authority, the confirmation of disputed appointments to the offices of Commissioner, Deputy Commissioner and (by way of

addition to the Bill) Assistant Commissioner of Police. At the same time, the exercise of the powers of the Commissioner of Police will be made subject to the scrutiny of the relevant Joint Select Committee and the Police Management Authority will not be able to delegate any of its functions without the concurrence of the relevant Joint Select Committee.”

There are some provisions in the Bill for such accountability to take place. But the proposals that have been made by the Maha Sabha are very specific and I wish to just put it on the record. They suggest with respect to sections 122 and 123 that they should include

“Notwithstanding sections 80 and 83, the members of the Authority shall be appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition, and in the event that such advice is not forthcoming within such time as the President, acting in his own deliberate judgment, may deem reasonable, or the Prime Minister and the Leader of the Opposition signify to the President that they cannot agree on their joint advice, the President shall exercise his own deliberate judgment and nominate the members of the Authority in conformity with subsection (1) and refer these nominations to the Speaker of the House of Representatives for confirmation of their appointment by a simple majority vote of the relevant Joint Select Committee of Parliament established in section 66(A).

(4) The Chairman of the Authority shall be chosen by members of the Authority from among their membership.

It introduces the whole notion of public hearings for the appointment of key public officials in Trinidad and Tobago. The best safeguard against all the mistrust and fear is to have open hearings where the scrutiny of the individuals can be put to the test of public opinion.

There are some other provisions that have been outlined to deal with this issue. The Leader of the Opposition himself raised some issues of a broader constitutional nature; that the Constitution be amended so that the President be elected by the people and no longer by the Electoral College; that the decisions of the President be subject to judicial review; that the Standing Orders of Parliament be amended so that any number of Members should consist of a quorum of a joint select committee of Parliament, et cetera.

There has been a plethora of recommendations, but there are two kinds of recommendations. There are those recommendations that deal with the larger constitutional issues and there are those recommendations that deal with the

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specific legislation before us. I suggest that our system in this Parliament ought to allow us to de-link those suggestions so that there can be a way to handle the changes that have been proposed within the legislation and, at the same time, embark on a programme to bring about change in the larger constitutional issues.

I introduce public hearing for the appointment of key persons to hold public office at the pleasure of the public, but a special parliamentary committee should be established to work out the modus operandi of this process. This is the key form of public scrutiny.

6.55 p.m.

Mr. Deputy Speaker, I propose that the Government, in the interest of dealing with the problem of crime, immediately outline the management system within which the Commissioner of Police could be supported and given action; whether it is under the Police Service Commission (PSC) or the Police Management Authority (PMA). I suggest that we create a new convention for building consensus. I do not know what this convention is, Mr. Deputy Speaker, it would require much more thinking and much more individuals who are experts on those matters. What is clear to me is that the existing method for changing our constitutional provisions and the distribution of power, between the various arms of Government and between the Government and the independent institutions, is not working. We must create a new convention for so doing, Mr. Deputy Speaker.

I propose that the very specific proposals and commentaries that have been made by the Maha Sabha and other bodies be placed, once more, before the Joint Select Committee of Parliament—which has not yet reported in its final form to the Parliament—and that we consider those proposals in earnest.

The problem is too large to simply deal with this on a vote of “Yes or No”. There must be some political management. What is the national interest? Some politicians would equate the national interest with the Government interest, and some would equate the party interest with the Government interest. Mr. Deputy Speaker, that is the most vexing problem with which we are faced today in this society, that it is perceived that the national interest, the party interest and the Government interest are one and the same in the country. The truth is that there is always something called the national interest that is above party interest and above Government interest.

Mr. Deputy Speaker, the means by which we could arrive at that cannot take place by the current conventions that we have adopted. The fundamental requisite of a democracy is to find a method to arrive at the national interest. This is the

most significant flaw in our government system, for we tend to equate the party interest, at times, with the national interest. It is a very grave mistake.

We are not here to score political points. We are here to solve the pressing problems of the people of Trinidad and Tobago. [*Desk thumping*] It is a grave mistake if we think otherwise. If we allow it to continue, Mr. Deputy Speaker, it would allow our democracy to flounder and our freedom to slowly vanish. It is no wonder commentators have talked about the relevance of our parliamentary system.

Mr. Deputy Speaker, I will not be so presumptuous as to say that my view or my party's view represents the national interest. But it is a view that must be incorporated in the national interest and it cannot be ignored. That is why our system of joint parliamentary committees, at the moment, is the appropriate system. That is why it is most unfortunate that the work of that committee has not been allowed to continue.

Mr. Deputy Speaker, what then is the national interest in this particular situation? Should we allow the Bill to fail or should we go that extra mile to make it happen? The extra mile, Mr. Deputy Speaker, is to complete the work of the parliamentary committee's deliberations and I suggest that, at some stage in this debate, we agree to do that within the time period, and de-link the issues of larger constitutional reform, but agree that it must be placed on the agenda.

Mr. Manning: Mr. Deputy Speaker, I thank the hon. Member for St. Augustine for giving way. I have heard what he has said about the need to reestablish the Joint Select Committee to complete its work but I am asking the question: If that is done, would the Opposition support the legislation?

Mr. W. Dookeran: Mr. Deputy Speaker, I have no doubt that if the agenda issues are dealt with, openly, freely, transparently, and in the national interest, there would be full support, but we need to arrive at the details of the work of the Joint Select Committee.

The hon. Leader of the Opposition in his contribution has, in fact, made such an appeal; that we reconvene the Joint Select Committee in order to deal with the issues and to agree on the agenda for resolution of those issues. If you let it fail, no national interest would be served by merely blaming the Opposition. You have a mandate to govern; you must now exercise the political management skills to make it happen. If you cannot, Mr. Deputy Speaker, let others take on the reins of governance.

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

The Minister of State in the Ministry of Community Development and Culture (Hon. Edward Hart): Mr. Deputy Speaker, before I make my contribution to this very important debate please permit me, first of all, to congratulate the Prime Minister and, indeed, all my colleagues on this side for the compelling and coherent arguments that were put forward in support of these three Bills: the Police Service Bill; the Police Complaints Authority Bill and the Constitution (Amdt.) Bill. [*Desk thumping*]

Mr. Deputy Speaker, I am not a lawyer, a doctor nor a businessman; I am from the noble profession of coaching. However, I wish to advance to this honourable House some of the issues, from a grassroots' perspective and from the perspective of the small man and woman in the streets that continue to create major obstacles to the reduction of crime in Trinidad and Tobago.

The people are clear that the police service is the institution that spearheads the fight against crime. For the police service to do this effectively, Mr. Deputy Speaker, and to reduce or minimize crime and criminal activity, the police service must be managed effectively. This is the reality, Mr. Deputy Speaker, and that is logical to the people in the streets.

The Member for St. Joseph stood in this Chamber and sought to describe the proposed provision for a Police Management Authority as a misnomer, and he said that the specific Bill has nothing to do with management. I never expected that we on this side would have to clarify the nature of management and what management means to the Members opposite. I really thought that all of us would readily support any attempt to establish effective management for the administration of the Police Service and so restore the people's confidence in the police.

There is no loophole in the proposed legislation to which Members opposite could refer that could lead to the compromising of the management by politicians. Mr. Deputy Speaker, the people in the streets have already asked themselves: "What does a real manager do? They know from their own life experiences that a manager is one to whom a specific mission is entrusted. A manager has to have a hands-on, day-to-day relationship with the people and the organization that he manages. Furthermore, he must be entrusted with the relevant tools essential to fulfil his mission and/or design, and demand such tools if they are not readily forthcoming at the time he is entrusted with the portfolio.

Mr. Deputy Speaker, a real manager must also possess, readily at hand, measures of reward and punishment with which to enforce and reinforce discipline expeditiously. The people in the streets witness and know all about

breakdown of discipline within the police service presently. They are the ones who file the thousands of complaints against the police and get no redress. They know that at present the Commissioner of Police is powerless. They know that policemen get away with infractions precisely because the hands of the commissioner are tied by the Police Service Commission, which is unable to do anything, expeditiously, given how it is constituted. Mr. Deputy Speaker, the Police Service Commission is too detached and far removed from the police service to be effective in monitoring or administrating any aspect of its operations.

Mr. Deputy Speaker, this is a classic example. Parents leave this country and go abroad for greener pastures to try to assist their families by sending moneys and barrels and so forth, but what do you think happens to those children? The children need management in the homes, the parents need to be there with them to ensure that everything is run properly. The accumulative effect of all this over the years is as follows:

- Respect for the authority of the police no longer exists.
- People no longer have the confidence that the police could “protect and serve”.
- Criminals feel that they could outsmart the police who are disunited, and who presently experience low morale and are ill equipped.

The situation has deteriorated to the extent that drug dens are set up next door to police stations. The people in the streets know this, Mr. Deputy Speaker. There have been incidents of drug dealers using police vehicles to transport drugs. Mr. Deputy Speaker, crime is now committed with impunity.

Mr. Deputy Speaker, one storeowner was robbed at gunpoint three times in one month and on one of the occasions the getaway car used was owned by a policeman. Such incidents of crime are widely known on the streets. People are now stealing from churches; that was unthinkable long ago. People talk about having seen six or seven young men walking down the road in certain hotspots, each one armed with a pump-action shotgun. Mr. Deputy Speaker, that in reality is nothing short of a small army; that is not an ordinary gang, as it was long ago. That is how far this society has sunk. We need to take serious action to regain our country now. We cannot keep pushing back the goal posts—according to the Prime Minister—we have to deal with it now. We have to think about the people out on the streets. We have to hear the voices crying in the ghetto.

The question that these Bills seek to address is: How do we make the Commissioner of Police a modern manager? [*Desk thumping*] Or, how do we

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make any police management authority a modern, effective administrative unit? Today, everyone knows that management in modern times has become a highly specialized function. I have been involved in sport and cultural activities all my life and I have seen the transformation of management and administrative functions in modern times geared to effect better and more effective performances.

Mr. Deputy Speaker, let us turn to my first love, the game of football, which is played all over this world. We have the World Cup going on now—I know we have some fans across there, the Members for Chaguanas, Caroni East, Oropouche; they are sportsmen; they love the game. Mr. Deputy Speaker, there are now specialist management and coaching for every aspect of the game. With respect to goalkeeping, the midfielders are now divided into defensive midfield and attacking midfield. The strikers now have to run certain distances in a limited time. Mr. Deputy Speaker, management is important; we have sports psychologists and doctors on the team to manage the team properly. The leading teams in this world such as Manchester United, Alax, Liverpool, have solid management and that is why they are very successful.

Mr. Deputy Speaker, let us turn to track and field. I was at the Hasely Crawford Stadium two weeks ago and people like Ato Boldon talked about handling speed intelligently (HSI). We saw how he mastered his young competitors at the recent national trials, utilizing modern management techniques to effect performance. The 100 metres is a race that is now divided into thirds, Mr. Deputy Speaker: explosion out of the blocks, that is the first aspect; then the acceleration; then we have to maintain the overdrive to the finish. This is what it has reached to and that is why Ato is so successful; the group has a proper management team—the HSI. Each area of sport now requires specialized treatment.

Mr. Deputy Speaker, we lost the cricket match today; we won a couple days ago; the performances are very inconsistent and we, in the West Indies, know we definitely have a management problem with the team—Viv Richards just resigned—and unless we get that we would not get back on top in the world, which would make us happy and joyous once more. Mr. Deputy Speaker, in everything management is important. In cricket we now have a bowling coach to manage the development of bowlers in the test teams and in one-day teams. The test and one-day teams require different bowling techniques, it is the same with batting and fielding; management is the thing, Mr. Deputy Speaker.

Let us now turn to steelband; I am a proud steelbandsman. We have a band on the hill, my colleague is the representative; Desperadoes. Mr. Deputy Speaker, when one heard the name Desperadoes long time one used to tremble, for many

reasons. We now have the pan yard sensations going on where bands have the performances in their pan yards. It started Friday night with Sforzata in Curepe. Mr. Deputy Speaker, do you know Desperadoes had to leave the hills and have their concert down at the Amphitheatre in St. James? Why? It is because of the alarming crime rate in the area. They had to move, Mr. Deputy Speaker, and we must do something about it!

Some of the greatest managers at the grassroots level came out of the steelband movement. It required management of the music: the arrangers who do the panorama tunes from the calypsos sung by Kitch, Sparrow, De Fosto and others. Then there are the musical directors who see about the classical pieces that are played; music by Tchaikovsky and Montoranni and so on. Then there is the leader of the band who has to see about the discipline and the enforcement of rules and regulations. Mr. Deputy Speaker, it is the management of the whole thing. [*Interruption*] Exodus, for example, and they are leaving to go to the 2004 edition of the World Music Festival held in London which would entail a lot of management because you are travelling from Luton to other cities and they would need warm clothing, and all sorts of things, so management is the key and that is what we want in the police service. We want an effective police service. [*Desk thumping*]

Mr. Deputy Speaker, the point is that management is about effecting the kind of performance required. We, on this side know what we want of the police service. We know that the Police Service Commission cannot provide it. In fact, the Member for San Fernando West provided us with a detailed account of how we came to set up the service commissions. The Member was quite correct; it was more a fear of the unknown, coming out of colonialism with deep racial and religious distrust that demanded such safeguards then.

As the Member for Diego Martin East suggests, we have history to guide us now, we know the calibre of social leaders we have produced, and I will add that we know the kind of people that our masses are, they have never and shall never allow any anti-democratic, fascist tendencies to take hold in this their beloved country. [*Desk thumping*] I could say that with the utmost confidence and I dare anyone to prove otherwise.

My colleague from Arouca South alluded to the fact that at one time we controlled 36 seats in this House. Could you imagine if they were in control of 36 seats? [*Interruption*] We had 36 seats and what; all hell did not break loose; the opponents were not arrested. Mr. Deputy Speaker, we are a democratic party and we have proven that.

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Somebody said we now have a PNM President. Mr. Deputy Speaker, when the NAR came into power they removed the illustrious Sir Ellis Clarke and replaced him with another illustrious scholar, Mr. Hassanali. When we came into office—after that 33/3 from which we rebounded—we left Mr. Hassanali there. [*Desk thumping*] That is the kind of party and the kind of government we are, so do not talk any nonsense about PNM President. [*Desk thumping*]

Mr. Deputy Speaker, grassroots people know from their life experiences that one cannot manage anyone or anything unless one could command respect. They know that a manager must have a relationship with whomever he seeks to manage. They know that any manager who is worth his salt must provide the tools and the equipment for his charges to perform and that he must at all times be prepared to take the critical steps to deal expeditiously with all infractions, minor or major, or he shall never obtain from his charges the kind of performance that is required. If we cannot provide the police service with such a management, then we might as well lie and capitulate to the ruthless criminals that abound.

I want to take this opportunity to congratulate Sir Ellis Clarke and his technical team for a job well done. Mr. Deputy Speaker, I ask my friends on the opposite side to let good sense prevail. This is their Bill and we are asking for their support in the nation's interest.

Mr. Deputy Speaker, before I close, when my colleague from Diego Martin Central spoke he mentioned God and someone on the other side said: "Leave God out of that", we in the PNM make God a part of everything we do and I want to remind this honourable House that God is real; He is sovereign and He is all-powerful. [*Desk thumping*]

I thank you, Mr. Deputy Speaker.

Mr. Manohar Ramsaran (*Chaguanas*): Mr. Deputy Speaker, I listened to the Member for Tunapuna as he spoke about management, and the fact that I heard the Member for Diego Martin Central this morning say that every Monday morning somebody is brought before the courts, I want to put it on record that that might be so but the only one to be found guilty is the reprobate from Tunapuna.

Mr. Deputy Speaker: No, no, no, hon. Member, and I want to give you a better thinking on it. If you start that it goes both ways and then we would go in the wrong direction, so let us not do it.

Mr. M. Ramsaran: Okay, Mr. Deputy Speaker, I will listen to your ruling.

I am, indeed, grateful to be alive today and to participate in this historic debate. I wish to remind this honourable House that the Bills before us are the

Police Service Bill, 2004, the Constitution (Amdt.), 2004 and the Police Complaints Authority Bill, 2004.

These Bills, to the ordinary man on the streets, could be misinterpreted to signal the solution of criminal activities in Trinidad and Tobago. We cannot blame the poor citizens; they are desperate. Who would be the next victim of crime?

Recently, I spoke to the Downtown Merchants Association (DOMA)'s president—after a meeting we had at the Leader of the Opposition office—and he said to me: “Pass a bill; pass any bill—maybe not one of the bills before, but pass something—if the Government does not have the solution, you, the UNC, do something.” Mr. Deputy Speaker, this speaks to the frustration of the citizens in Trinidad and Tobago because the Government has failed to deal with crime in this country and this must be understood.

Yesterday I heard the public relations officer of the Chaguanas Chamber of Commerce cry out: “UNC bring your amendments; PNM, Prime Minister, please listen, we need Bills, watered-down or not.” Mr. Deputy Speaker, the PNM, the Prime Minister and the Cabinet have succeeded in bringing the country to the brink; they are telling the nation this is the last hope. It is no wonder that the country has been put under such stress.

Mr. Deputy Speaker, I disagree. These Bills are not the answers to the spiraling crime-wave in Trinidad and Tobago. We need a comprehensive overhaul of the existing institutions. No tinkering of the Constitution would suffice.

I am here; I see myself as a check and stop; stopping this Prime Minister from making Trinidad and Tobago a police State; if not a dictatorship. May I quote from the newspaper?

“Yesterday, six more members of the Opposition UNC were debarred from holding a political meeting at Fyzabad. The senior officers appointed under section 22 of the Police Service Bill, 2004 led a powerful unit of the Prime Minister’s personal security. The unit, something ‘a la Mongoose Gang’ to ensure the meeting did not take place...”

Mr. Deputy Speaker, I will now turn to that very clause 22 of the Police Service Bill and try to put something on the record. We have heard so many persons mention in the debate who would control what and what happens with the Police Management Authority. Incidentally, this morning I went to a function and someone told me that (PMA) is really “Patrick Management Authority”. I quote:

“The Commissioner may appoint on contract for any specified period and for any specified purpose a person who is not a police officer.

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Mr. Deputy Speaker, this is a dangerous piece of legislation that the PNM wants to put into the statute of Trinidad and Tobago. I repeat:

“The Commissioner may appoint on contract for any specified period and for any specified purpose a person who is not a police officer.”

Recently we had the appointment of a Brigadier to head the crime unit in this country. If one looks back at that appointment: What has happened since? I have spoken to many senior officers—this unit headed by Brigadier Peter Joseph has been given an addition of \$5,000 across the board. Mr. Deputy Speaker, other police officers in the country are bitter about that and because of the laws concerning police officers with respect to marching and so on, they cannot raise that grievance.

Mr. Deputy Speaker, what makes those officers special? The hon. Prime Minister said in this House that people would do a polygraph test; they would be subjected to various interviews and so on, but nothing has happened. In my opinion what has happened is that the appointment of this crime unit has, indeed, interfered with the other police officers that are aggrieved; they feel that they, too, should have been given this separate allowance.

The hon. Minister spoke about the pay package for the police officers. When one listened to the list, it is no wonder that we have so many of those elements in this country. We need to pay well if we want them to serve well. This is exactly what this is going to do.

Clause 22(2) states:

“Where the Commissioner considers that there is no suitable candidate in the Service available for appointment, he may having regard to the qualifications, experience, skills and merit of a person who is not in the Service, appoint such a person as a police officer on contract for any specified period.”

This is dangerous. We have experience in Grenada with the Mongoose Gang, in Guyana and in Haiti. What this whole Police Management Authority seems to do to the police in this country is to put the power in the hands of the Prime Minister of the day. This is, indeed, dangerous because he appoints the commissioner and then the commissioner would appoint those persons. Clause 22(3) says:

“The Authority may appoint on contract a person, who is not a police officer, as a police officer to the rank of Senior Superintendent and above for any specified period.”

What does this hope to achieve, Mr. Deputy Speaker? Is this making this country a military State? We cannot sit here and allow this to become law. We have to object to this, Mr. Deputy Speaker.

I have always wondered why is it that the Member for San Fernando East is so obsessed with controlling the police. Has anyone on the opposite side paused to ask the question or is even concerned? Although the UNC received from the bipartisan committee the proposed pieces of legislation in and around June 2001—that administration, of which I was part—and though support was guaranteed by the then Leader of the Opposition, we did not bring these Bills for approval. Did anybody ever think to ask why? They are now trying to blame us and say this is our Bill. We had the support of the Opposition and we had the required majority. Why then did we not bring the Bill directly for debate and approval? We could not disagree openly with the drafters, but we knew there were some measures there that would need further consultation. The UNC administration believes, as indeed I believe today, that the Constitution must not be tinkered with willy-nilly but by meaningful process of consultation.

Mr. Deputy Speaker, while we sit here and pass laws we must give the country confidence; we must make them believe in us. What do we have? I heard it mentioned this morning what do we have to fear. We have a lot to fear. In that very seat in which you are sitting, Mr. Deputy Speaker, a state of emergency was declared to remove a sitting Speaker. Today I read the *Hansard* of that famous day, July 27, when that incident took place and to have heard the Member for Diego Martin Central on that occasion makes me wonder, yet they ask the question what do we have to fear?

Mr. Deputy Speaker, on October 06, 2003 my colleague and I were arrested. A few months before I got up in this honourable House and I quoted from a newspaper about a child that was alleged to have been fathered by the hon. Prime Minister. The Prime Minister got up and threatened me. He said: “I will deal with the Member for Chaguanas.” It is in the *Hansard*, and lo and behold on that fateful day, in a peaceful march—The case has been dismissed.

Mr. Deputy Speaker: Standing Order 36(5)—

Mr. M. Ramsaran: I know, Mr. Deputy Speaker, I am on the streets now. We organized a peaceful walk—and I want to put it on the record of this Parliament—and when we assembled on that morning the police officers who were present told me certain things: They said, “MP, you know if you walk in lines of three it would constitute a march.” We said: “We would walk in lines of two, no problem.” We

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started to talk on the bullhorn, they came to me again—a senior accompanied them—and said: “You cannot use that.” We stopped using it. People had placards, they said: “Do not use placards.” We complied.

We were walking peacefully, we had almost walked two miles, from Montrose Junction to Chaguanas and when we reached there nobody told us not to walk. When we arrived at Chaguanas we met Assistant Commissioner of Police Allard—he was on the telephone answering: “Yes boss, yes boss, yes boss.” I want to put it on the record of this Parliament that I verily believe that Mr. Allard received permission from somebody high up to arrest the two Members of Parliament on that fateful day. I am convinced and if the Prime Minister wants to tell me otherwise I would listen.

When I asked the police officer why I was being arrested, he said because you organized this march. I said: “How come? Where?” He said he had reports that I had several meetings over the weekend. The truth is that weekend I was somewhere else. I made several phone calls and phone calls were made to me, never met with any individual. People called me on the cell phone on Saturday and Sunday and I believe those were the meetings Assistant Superintendent Allard alluded to.

Mr. Deputy Speaker, we have nothing to fear? We are fearful in this country. For the Members to come here willy-nilly and say we have nothing to fear, we must understand we cannot put this kind of authority in the hands of one person. I wish to thank the framers and the advocates for their ensuring that checks and balances were placed in our Constitution.

The Member for Couva South mentioned part of this and I just want to read another part into the record:

“Deadlock in London only served to aggravate tensions in Trinidad. According to the President of INA, extremists in the Indian community were already arming themselves in preparation for any emergency which might arise in case of an unfair imposition. ...its President later asserted, which...”

Mr. Singh: Where are you quoting from?

Mr. M. Ramsaran: The name of the document is: *Race and Nationalism in Trinidad and Tobago: a study of decolonization in multiracial society*. I continue to quote:

“The DLP organ in fact accused the *Guardian* of deliberately suppressing news of violence in the territory in the hope of strengthening Williams’ hand.

‘Dr. Williams’, the *Statesman* declared, ‘could not afford to let the Colonial Office know that Trinidad was sitting on a volcano of racial hate...a volcano which may violently blow up at any moment.’ The PNM was warned that racialism would develop into a Frankenstein which it would not be able to control: the PNM ‘have whipped racialism to such a pitch that it now threatens to become an inferno consuming everything. The schism between Negroes and other minorities, East Indians in particular, has become a yawning unbridgeable chasm. ...The white heat of anger is spreading.’

The Marlborough House compromise

Whether at the instance of reports from Trinidad, or intuition that Trinidad might indeed witness a bloodbath, the PNM delegation finally agreed to compromise. The conference seemed on the verge of complete collapse when Williams decided that he would make a statement which he hoped would meet some of the objections of the DLP.”

Mr. Deputy Speaker, I now move to the very Marlborough conference, and I quote from section 59. It says:

“After hearing an important statement by the Premier of Trinidad and Tobago the Conference agreed that it was a matter of great importance to honour the convention whereby the Prime Minister consults the Leader of the Opposition on all appropriate occasions, in particular all matters of national concern, including appointments to suitable offices of a national character—for example the chairmanship of the Elections and Boundaries Commission.”

It continues, Mr. Deputy Speaker, and I want to put this on the record. I want to thank the framers of our Constitution because it is important for us to repeat and recite history. Section 10 says:

“The Constitution will include provisions safeguarding the fundamental freedoms of the individual, irrespective of race, place of origin, political opinions, colour, creed or sex. These fundamental freedoms will include the right to life, liberty, security of the person and protection from arbitrary arrest; the enjoyment of property and the protection of the law; freedom of conscience, movement, expression and assembly; and respect for private and family life.

The principal provisions of the constitution will be entrenched, and of these most important will be specially entrenched. The ordinarily entrenched provisions be amended by an affirmative vote of not less than two-thirds of all the members of each House. The specially entrenched provisions may be

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amended by affirmative vote of not less than three-fourths of all the members of the House of Representatives and not less than two-thirds of all the members of the House.”

Of course it continues to attend to our public service. In 1961 our rights were enshrined in Marlborough House.

“The Commission will consist of a Chairman and not less than three nor more than five other members, appointed by the Governor General, acting in accordance with the advice of the Prime Minister.

The Commission will be responsible for advising the Governor General on appointments to public offices and for removing and exercising disciplinary control of persons holding or acting in such offices.

The Police Service Commission will consist of a Chairman and four other members appointed by the Governor-General acting on the advice of the Prime Minister. No person will be eligible for membership of this Commission if he is a member of either House of Parliament.”

Mr. Deputy Speaker, these rights were enshrined in the Constitution of Trinidad and Tobago; I would not stay in this honourable House and allow that Government to tinker away the country.

The Member for Laventille East/Morvant said 42 years later—I agree, the laws are 42 years old but it is not really a long time when you compare it with developed nations. Mr. Deputy Speaker, if we want to change, let us be responsible. Let us, today, resolve ourselves to agree to have constitutional reform, wholesale, not piecemeal. If the time has come then, so be it, but we must not tinker with the Constitution.

Somebody said to me: “Why not give the PNM the Bill? I know they would not be able to solve the crime in the country. Give them the Bill and prove that they are ineffective, and that they are poor leaders and managers.” I said: “Are you sure you know what you are saying? He said: “Yes, give them the Bill and they would fail.” I said: “That is just being political.” We have to be real in Trinidad and Tobago, Mr. Deputy Speaker, because if we give them the Bill today, they are going to abuse that authority and maybe in two or three years’ time the people, who value their freedom, would have none, so we have to be careful. Mr. Deputy Speaker, the cries are for a reduction in crime. We need to give the nation signals that the crime-fighters and law officers, *et al*, are ready and serious in our mission.

Mr. Deputy Speaker, coming to the 2002 general elections a full-page advertisement by the PNM, dated September 28, 2002, big headline:

“PNM confronts crime”

I want to put this on record and I want you to understand that at that time there was nothing about police reform here.

- “Construct 18 new police stations and refurbish nine more.”

7.40 p.m.

- “Increase neighbourhood police patrols.
- Purchase more police vehicles.”

30 months later

- “Construct a new E999 Command Centre.”

[*Interruption*] this is your advertisement

- “Purchase 4 Fast-patrol craft for drug interdiction.
- Provide specialized training for the police areas such as
 - Narcotics and money laundering
 - Criminal Investigations
 - Fraud Investigators
 - Financial Crime Investigators
 - Advance Hostage Negotiation
 - Drug Law Enforcement
 - Computer Information Technology Training
- Expand the Community Policing Programme to include anti-crime and anti-drug lectures in school.
- Strengthen neighbourhood watch programme.”

This is what was promised two years ago. I agree. These are anti-crime innovations. This is the problem that I believe the Government has fond itself in. They are confused; they cannot solve the crime situation. They cannot give the people relief in this country and now they come with these police reform bills as if they are manna from heaven, as if this will drop on the lap of the Prime Minister tomorrow—no crime.

In the Police Management Authority or the Patrick Manning Authority—whatever you want to call it—there is a difference between management and leadership.

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The management in any organization is the board. The people on the streets, the people who will be working will be the CEO and his members. Would they be changed? The CEO, the Commissioner of Police; this is where leadership will come into being. We must understand that. What will change overnight? What would make police officers more effective? Tell me; Would these people be changed overnight?

When they talk about recruitment of the trainee, this is a golden opportunity for the Prime Minister to tell this nation that we are living in 2004. The world has changed. We need people with management information systems. We need technical advice from different people, so we have to have the police service modernized. What was relevant four years ago cannot be relevant today.

They talk about transnational crime. I want to go quickly into some records. I want to let people know that we live in a global village. Globalization is the password. People preach globalization, but I want to talk about technology. This is from the Royal Canadian Mounted Police (RCMP). This is what good leadership would ensure in a small country of 1.3 million people—a country in which everybody knows where the drug den is. It is leadership, not management. They can argue all they want. It is not management. It is not the Police Service Commission. The Police Service Commission cannot do the work for the police officers. It is the leadership of the police service that is in my mind.

They talk about technology. Let us go there. You cannot fight organized crime or any type of crime without organized information. I am talking about technology. That is why the RCMP has created the position of Chief Information Officer. The focus of the CIO is on police operations and the value of information. I will put their mission statement on record, so that the people of this country would understand that they do not have to reinvent the wheel or to invent anything. Someone said it yesterday, and I agree, that taking foreign legislation and implanting it in Trinidad and Tobago will not work, but the techniques of fighting crime is another thing.

The mission statement is as follows:

“The Chief Information Officer (CIO) will lead the management of information through the sound selection and application of resources, practices and technologies to support the RCMP in maintaining the peace, upholding the law and providing quality service in partnership with our communities.”

Of course, Mr. Speaker, any good strategic plan would have vision.

- “1. To have an effective and efficient police organization through the use of Information Management and Information Technology (IM/IT).
2. To ensure the alignment of IM/IT programs with the RCMP business plans and priorities.
3. To have the appropriate information partnerships across the Force and with outside agencies.”

Mr. Speaker, money is not a problem in Trinidad and Tobago and if they say that, I have a problem with that.

- “4. To create and maintain a corporate vision and understanding for the management of the RCMP information assets.
5. To have an appropriate complement of fully trained and qualified staff to provide, in partnership with other organizations, the necessary skills and knowledge to support the IM/IT program.
6. To give the Information Technology advice to senior management.”

That is what we need in Trinidad and Tobago.

We talk about becoming a First World country by 2020. We are in 2004. We do not have to reinvent any wheel but we are focusing in the wrong area. The Prime Minister of Trinidad and Tobago wants to control the police service and that is the problem we have. If you look at the whole recruitment exercise, Mr. Deputy Speaker, we are not talking about information technicians. For example, I agree with my friend, the Member of Diego Martin West, when he said that the time has come when we do not have to hire people with “barrel chest”.

There was a recent incident of two people from Chaguanas, my constituents, who came to me with much love for the police service. They want to become police officers. You, know when you are young you have certain ambitions. They say that this country is riddled with crime, that there neighbours are affected by crime and they want to enter the police force. Both have seven O’levels and they are not interested in another job, at least not just yet.

They applied to the police service. They went to be interviewed and everything else. Do you know why they failed, Mr. Deputy Speaker? Apart from being East Indian—I do not know if that has anything to do with it—they were wearing glasses. The irony is, when I interviewed these young men, that the police officer who visited them at home to deliver their letter was wearing glasses.

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Deputy Speaker, I beg to move that the House continues to sit until the completion of the matters before us.

Question put and agreed to.

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Mr. M. Ramsaran: Mr. Deputy Speaker, I think the time has come to employ people who make an impact on the police service in this country. As I said before, the Prime Minister missed a golden opportunity to tell the nation that we are serious about crime and our recruitment list would include the following persons. This may be another important part of strategic direction.

When you go to the Internet and to the website of RCMP, you do not have to copy everything, but look at our police officers, are they ready to take on what is taking place in this country? My answer is no. Yesterday, a young child from my constituency, the constituency of Chaguanas—“Girl, 10, snatched off highway, beaten and released”. This is today’s *Express*.

“She was snatched off the highway during rush hour traffic but no one stopped to rescue a ten-year old school girl from her armed abductors.

Samantha Dhanwar was slapped and cuffed by the men who asked for the telephone number to her home , her parents’ names and address.

Weeping and scared she was unable to answer.

Her abductors then dumped her outside of the Divali Nagar site at Endeavour, Chaguanas, about 15 minutes later.

She was able to provide descriptions of the men who hurt her, and remembered part of the license number of the car.”

This is what this country is coming to and I am convinced that given the proper tools, our police officers could do the job; but what do we have? An anti-crime unit headed by a brigadier, getting \$5,000 more than his other colleagues. We live in Trinidad and Tobago; we understand how the other 10,000 police officers would feel. How could we have a chosen few and what have they done to deserve this? Do we expect loyalty from the police service? We have to understand this.

Just a strategic direction—again I am quoting from RCMP:

“The Strategic Direction sector was created to improve the RCMP’s strategic policy and planning capability, and strengthen its external liaison and partnership-building capacity. The sector is responsible for providing advice and support to senior management in setting the strategic direction of the organization, and does so by ensuring RCMP direction is aligned with broader...priorities, and reflects emerging environmental trends and the imperatives of partners and clients.”

We all understand, maybe except the Government, that there is an organization, the Police Service Management, any which way you want to call it. Today, the Member for Diego Martin Central said all he wants to do is change the name. No problem! Change the name! [*Interruption*] Read the *Hansard*. Maybe you were a little too excited to understand what you said. Change the name, call it what you want, but give what you promised in your election campaign you would give.

I want to make a distinction between anti-crime and police reform. The country is crying for some relief. Would the Bills before us ensure that people would feel secure? If the Prime Minister could convince me that after the Bills have been passed the people would feel safer, then maybe I would give him something. As far as I am concerned, people are not feeling comfortable.

I read something from the Amnesty International (Trinidad and Tobago) 2004 report.

This has to do, not only with crime, as they would like to tell us. I want to talk about violence against women.

“Violence against women in the home and community was reported to be widespread. Numerous reports of women being beaten, raped and killed in the home and incest is now a major concern. More cases are brought before the court. However, the evidence taken at the court system remains hostile to victims, resulting in fewer being brought to justice.

The disbanding of the Community Policing Division is a major contributor to this problem. The authorities responded to the situation by calling on non-NGOs, but this was constrained by limited funding and a lack of coordination between services. Services such as shelters, counseling and support and perpetrators remain inadequate. Mediation centers close and magistrates remain insufficiently aware and unresponsive to issues related to violence against women.”

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When we talk, we do not just oppose for opposing sake. The UNC in office spoke to the question of recidivism. We spoke to the question of alternative custody and the Member for Diego Martin Central outlined it when he outlined some of the bills that they supported. What happened? Community mediation centres have been closed for the last six months and they talk about fighting crime. We cannot fight crime from only one front. We need other areas and in my mind alternative custody will work for first-time offenders and this Government shut this down without apology to the hundreds of people who used the centres.

The government, under the UNC, put in place other areas that would deal with soft crime, if there is such a term. We talked about domestic violence. The UNC conducted gender-sensitive training. They implemented Integrated Approach to Domestic Violence training workshops. Two five-day workshops were held in pilot projects. We introduced the Women's Second Chances Programme. We introduced non-traditional skills training. What I am alluding is that you cannot fight crime and talk only about interdiction and the might of the police force. We have to look at other areas of policing.

One of the greatest blunders of this administration is the closing of the Community Police, as we knew it. Yesterday, someone alluded to the fact that we extended the time of Mr. Kenny Mohammed as Commissioner of Police. I want them to go into the record and they will see that under the watch of that Commissioner of Police crime was at its lowest. They cannot come here and just criticize. They must look at what is happening. One of the strengths of that Commissioner of Police was community policing, which, in my opinion, worked and worked well. It linked with the Ministries of Community Development and Social Development. There were partnerships. We attempted to ensure that domestic violence was treated in a particular way while waiting for the courts and other areas to be established.

Taking that line, I now go to the Philadelphia Police Department and some anti-crime programmes. As I said before, this might be coming from a foreign jurisdiction, but if we followed these, maybe we would not have spent the last three days trying to empower the Prime Minister of the country.

'The Philadelphia Police Department is constantly developing and improving a variety of anti-crime initiatives that are intended to prevent and effectively respond to crime. These programs are, by and large, proactive in nature. They seek to stop crimes before they are committed.

This is not an exhaustive list of every programme now in place. The initiatives outlined here merely reflect the most enduring and well-known operations now being conducted. Those that are confidential in nature are not represented.”

Mr. Deputy Speaker, just to go through a few of these:

“Operation Safe Streets

The...goal of the...Police Department...is to return control of the streets of Philadelphia to the neighbours by preventing any open air drug markets from conducting business within the boundaries of Philadelphia.

District Mini Stations

Police sub-stations are staffed by police and volunteer community members and seek to organize neighbourhoods into cohesive, crime-fighting entities. Some of the efforts engage in the hosting of crime prevention seminars, the delivery of crime risk assessments to area homeowners and businesses, facilitating the organization of Town Watch patrol groups and other neighbourhood strengthening endeavours.

Drug Task Force and Weed and Seed Programme

These programmes identify and target areas of the city which are in need of additional police drug enforcement efforts and other city agency efforts programmed.

Police/Clergy Programme

Clergy members ride along with officers in an attempt to ease community tensions—”

Hon. Joseph: Mr. Deputy Speaker, I thank the hon. Member for Chaguanas for giving way. Will he indicate to this honourable House how is the Chief of Police of Philadelphia or its equivalent, the Commissioner of Police, hired? What kind of authority does he have and to whom does he report? He is talking about the lower end of some of those policing programmes.

Mr. M. Ramsaran: This is the problem. When the Minister of National Security asks that question, it shows where the emphasis is. The emphasis is on hiring a police commissioner.

Mr. Deputy Speaker, I especially went into the web site looking for the powers of commissioners; how they were appointed and so on. The records did not show that. The importance is the initiatives to fight crime. Appointing the Police Management Authority, to me, is—

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

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

Question put and agreed to.

Mr. M. Ramsaran: Thank you very much, Mr. Speaker. I was making the point that there is a basic difference between management and leadership. We have to ensure that the leadership of the police works. However they were appointed and to whomever they owe their allegiance, the buck must stop somewhere.

Let us just allow our minds—

Mr. Valley: Mr. Deputy Speaker, I thank the hon. Member for giving way. I wonder whether, for the enlightenment of the House, he would tell us, since there is a difference between leadership and management, the role of the leader and the role of the manager.

Mr. M. Ramsaran: I was talking about leadership in the police service, not leader. That is basic. I will talk to him maybe later tonight and explain the difference between “leader” and “leader.” [Interruption] This is available for us. If you go to the website and learn about medicine, you could become a good Minister of Health. We do not have to reinvent the wheel. I am putting it on record that these are simple programmes.

“DARE—Drug Abuse Resistance Education Programme—”

Mr. Deputy Speaker: Hon. Members, it seems you are getting a little restless, but we will go to dinner just now. Would you please allow the hon. Member to deliver his contribution? He is being attacked from all sides.

Mr. M. Ramsaran: I really did not hear anybody, Mr. Deputy Speaker. Mr. Deputy Speaker, I would like you to understand. Maybe they do not want to learn, but you will understand.

“DARE

provides classroom instruction regarding the dangers of drug abuse to public and private school children.”

Mr. Deputy Speaker, do we need a management authority to tell police officers to do this?

“Football Programme

Increased footbeats make police more accessible to the community and promote the exchange of valuable crime prevention and information to the public and receipt of crime intelligence from the citizenry.”

These are simple. I am sure if the Minister of National Security borrows these notes, he can put these in effect from Monday. These are nothing to talk about; they might even be cost free.

Cops Ahead Programme/Operation Town Watch”

These are neighbourhood watch groups.

Another, sobriety check point,

I understand we have been talking about this for a long time.

“These check points are designed to reduce incidents through pre-schedule routine car stops on major highways by specially trained police officers and supervisors.”

There is another programme I want to talk about. This is a gun programme. In Trinidad and Tobago, the number of firearms—yes, recently we amended the Act, but there are so many guns available in this country and there is not an anti-gun programme. I am telling the Government that they do not need a Police Management Authority to deal with the guns that are floating about. I am putting it to them that they cannot do it because they are in bed with the people who are dealing with the guns in this country.

How could the people of this country have confidence in an administration which campaigned during the last election—and I saw them myself—on election day. Our supporters told us about various community leaders in marginal constituencies. Where are the guns? One point three million persons live in Trinidad and Tobago. Are they telling me that this present police service, if they are given the authority and support, cannot go on an anti-gun programme? I am sure everybody would agree with me. They are in total control. It could be done. I am putting it to you and the Government that if they go on an aggressive anti-gun campaign, it could work.

I remember in the 1960s when there was a state of emergency and a curfew in selected parts of central Trinidad. At that time, according to the article I read earlier, there was the question of criminals being in a different part of the country. You know very well that the criminals were in central Trinidad then.

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There was an anti-gun campaign where the government of the day, Dr. Eric Williams, declared a state of emergency and searched every house in the county of Caroni. Do you remember that? Maybe Mr. Ganga Singh was a little too young to remember that. That was the early 1960s. I am sure the Member for Couva South would remember that. Every house was searched. Why can the same thing not be done now? Go into history and you will see. The state of emergency was declared in this Parliament. Why can this not be done? Why are we allowing criminals to be on the loose?

We talk about crime in this country. Recently I heard that someone called the Red House and made a bomb threat. Within days the person was arrested and charged. In this country, kidnappers use phones; people make telephone calls, could you tell me that not one person has been traced via the telephone?

Mr. colleague, the Member for Naparima, spoke last night and I decided to support him by having a small protest in my constituency. Of course, it was announced on radio. The number of police officers armed to the teeth and it was reported in the newspapers who came to ensure that my protest—I do not know a number of policemen were deployed when my colleague's son was kidnapped, maybe he would have been alive today.

Instead what did they do? What is a Prime Minister using the police officers to do? Again, going back to the day I was arrested, we never saw so many police officers in Trinidad and Tobago at any one time—armed, SLRs, SMGs, very aggressive looking. They know me and a few of the younger policemen whispered: “Be careful, boy”—I do not want to say this too much because the Prime Minister might want to transfer a few of them out of the police service.

I am putting it to the Government once more: you want to get serious with crime, deal with it. Do not come here and gallery and tell the nation that the UNC is obstructing their march. Nothing is wrong with the present police system.

When we talk about the police service, let us think about what will happen with this new Bill, and the Police Management Authority hiring the Deputy Commissioner, of course with veto powers by the Member for San Fernando East. I understand that right now he is vetoing customs officer after customs officer until he reaches 200 to appoint the Comptroller of Customs of his choice. So he is vetoing; every other week, he is vetoing right, left and centre until his boy, who is way down the ladder, is made Comptroller of Customs.

What will happen in this country if the Police Management Authority with the consent of the Prime Minister appoints the Commissioner of Police and the

Deputy Commissioner of Police? Then those people hire the top echelon of the police service. Let us get real. A police commissioner would have friends and he has authority to hire those persons, what will happen? Who will they hire? Who will be the people who make up the police service? This is not political; this is something we must understand to be dangerous. Further to that, these people who would be hired by the PMA would hire and fire people below.

Some clauses in this Bill talk about there being trainees and if after training they are not fit, they would be sent home. Can we trust this Government? What are the checks and balances that were put there in 1962 at Malborough House? If they are changing, they should not change for change sake, they should make it meaningful. I do not trust the Prime Minister because he has not yet risen in this House to tell me it was a coincident when he said that he would deal with the MP for Chaguanas.

There is another aspect that we must think about when dealing with crime. How well does the economy work? Unemployment is linked with crime. Since this government came into office, we have unemployment on the increase. Ten thousand sugar workers were sent home. We are good Mps and I know you are a good MP, Mr. Deputy Speaker. When you go into your constituency—and I was there a couple days ago with the Member for St. Joseph—there were people on the streets asking us for money. “Boss, we cannot get a job”. It is becoming more and more dangerous. I am putting it on the record of this Parliament that if they do not treat with the finances of this country carefully and have even distribution—this is a major reason for the increase in criminal activity in this country.

They talk about the Community-based Environment Protection and Enhancement Programme (CEPEP). CEPEP workers are now complaining to us because their salary is \$70—\$1400 per month. Today in Trinidad and Tobago, what is the rental for a house? [*Interruption*] Of course! Make their employment meaningful; not for the money to go into the contractor’s or the Minister’s pocket.

I spoke to a contractor and he told me that I had it a little wrong. He said it looks good on paper, and when he showed me what the party demands, it is shameful. Every PNM meeting they must hire maxi-taxis, make sure they have enough rum, roti and pelau. Mr. Deputy Speaker, this is happening on the ground. Empower the people! Pay the workers! Let the money go to the benefit of the workers.

URP has 42 gangs in the Chaguanas constituency and you ask my colleague from Chaguanas, you cannot see a gang. The money is not reaching the poor

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people in this country and that is a reason for crime. Let us understand that unemployment links with crime. If the economy continues to operate the way it is operating, we are in for a dismal future.

We have been reviewing what has been said on the newspapers by independent thinkers in this country and we understand that more and more people—I just want to make a little intervention on behalf of the Maha Sabha. The Maha Sabha has furnished this Parliament with a letter dealing with certain amendments. They also alluded to the fact of the joint select committee. For those who do not understand how Parliament operates: when there is a joint select committee and organizations bring their recommendations for the committee to discuss and make recommendations and so on, I want to let the Maha Sabha know that their timing is bad by this Government because they ensure that this debate stated on 29th. My seat is number 29 and I wondered what was so important about 29. I was confused about what would happen on 29th, which did not happen.

I want to read today's opinion in the *Express*—the editorial. This is very instructive. I know the Member for Diego Martin Central alluded to it this morning, but I must put it on the record. If you look at all the newspapers and listen to talk shows you would understand what people now understand. These are not anti-crime bills and are not manna from heaven that would have the crime in the country solved.

“Even as Government and Opposition debate the proposed new Police Reform Bills in Parliament—”

At least we have to give the Opposition some credit. We had no money to spend, but we spun it back. The Member for Tunapuna will know what a good googly is. A good googly brought back the Bills to police reform bills.

“—former Independent Senator Martin Daly has written to National Security Minister Martin Joseph raising several very pertinent questions about the Police Service.

It may very well be that some of the issues touched on by Mr. Daly will in fact be aired in the Red House before the debate on the Police Bills is wound up. But the points raised by Mr. Daly, whose letter was published in this newspaper yesterday, concerning the modus operandi of the police service are very relevant—and, we suggest, the Minister will continue to ignore such issues at his peril.

As Mr. Daly stated bluntly in his letter to Mr. Joseph: ‘...there is now clear evidence that certain sections of the police believe that they are above the law

and may kill or injure citizens with impunity or stand idly by and allow crimes to go unrestrained on a preferential basis.”

Let us look for a moment on the working of the police service. I, at one time, assisted law enforcement officers. No matter what management we have, if we do not give police officers incentives—for example, I propose that they be given new vehicles with immediate effect, so that they would do their jobs. Build the police stations promised.

I was talking to a senior police officer, who mentioned to me that the Maracas Police Station has been destroyed and the place is now being used as a port for illegal activities. The Santa Cruz Police Stations, in the constituency of the Minister, has broken down. We understand that the Manzanilla Police Station has broken down. I was told that there was no police station between Mayaro and Sangre Grande. That is a coast. I was in Customs and Excise. That is an open invitation for the drug traffickers to enter into Trinidad and Tobago. There will be no surprise then if we wake up one morning and read that there is cocaine on the beach.

Mr. Deputy Speaker, do you understand what is happening in this country? The Government has failed and they must declare to the nation that they cannot deal with the crime situation in this country. They have failed miserably.

Speaking with police officers, too, they have asked me to raise the issue of unique identification cards. They have complained that when they are on their beats at nights and they detain somebody, nine out of ten times the people who might be culpable do not have an ID card. They pretend that they never had one. They asked me to ask the Minister to make it compulsory—and this would have far-reaching effects, so I, too, recommend it—that every Trinidadian should have an unique ID number and they must keep it at all time. The police officer told me that they would detain someone and when the person does not appear, the ID card number that they have would prove to be false or their information to the police officer false and they cannot find the criminals. Do we need a police management authority to deal with that? We do not need that. We need the will of the Government. Empower the police officers. Give them what they need! Give them the tools.

This Government in opposition approved DNA testing—imagine the Member for Diego Martin Central boasting about our Bill. The UNC passed the DNA testing bill. Empower them! If you want to fight crime, get modern. I understand that it takes years to get action from the Forensic Science Centre on a specimen.

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I understand from the same police officer, who spoke to me—he asked me to raise it and I will raise it—that a female police officer would be promoted ahead of 111 persons. I have a name here. Her initials are JC. There is another one who is number 9; and worse than that, I understand that the Prime Minister has promised to grant these two persons accelerated promotion. This was said to me by a senior police officer.

Something was shown to me. This is section 19 of the Police Service Bill—criteria for promotion.

“(1) In considering a police officer’s suitability for promotion, the Board shall conduct an interview taking into account the criteria prescribed.

(2) To be eligible for promotion a police officer of the rank of—

(a) Corporal or Assistant Superintendent is required to pass a qualifying examination; or

(b) Superintendent and above is required to—

(i) complete successfully an appropriate course of training; or

(ii) submit to the Commissioner the Diploma of the Joint Services Staff College, a relevant degree from an approved university, or relevant professional qualification.

(3) In considering a police officer’s suitability for promotion, the Authority shall take into account the criteria prescribed.”

8.25 p.m.

Mr. Deputy Speaker, the police officers told me that they tried to access training at UWI and there was no such programme. We have a Minister, the Member for Diego Martin East, who boasts about tertiary education. There is no such programme at the University of the West Indies. Where do we expect our police officers to study to become superintendents? The Minister talked about the Police Management Authority. I am not confident that the PMA will work. We need to empower the police officers. They must be given the tools and they will perform.

I want to go back to the letter. It continues:

“But the plain and simple truth is that there is a lot of substance to what Mr. Daly says and simply reacting negatively or pretending that the problem does not in fact exist will only help perpetuate a very real weakness in the Police Service.

Indeed, as Mr. Daly has pointed out, public cynicism about the police in this country has reached a dangerously high level...‘I have absolutely no doubt that a sense of injustice and deep resentment against legal authority has led to a disregard for the norms of civil society.’

For as Mr. Daly noted, there is a heightened public concern at the moment about the shooting death of Galene Bonadie after an encounter with the police; the deaths of Shawn McCleod and Michael Rodriguez, both while in police custody; and ‘the failure of the police to arrest anyone for the buggery and murder of Akiel Chambers.’”

Mr. Deputy Speaker, the problem, in my opinion, is that the Government has failed to deliver their promises to the country. When they campaigned, as I mentioned earlier, they promised to put certain anticrime measures in place. They have failed. I am putting it to the Government once more; the Prime Minister should address the nation tomorrow. He should deal with his friends, the ones who assisted him in his campaign. This would underscore my request that in order for the country to have confidence in us, we must signal to them that we care.

The young child from my constituency who was kidnapped is a poor child. Up to today, young Vijay Persad has not been found. This Government has failed. We only talk about the negatives. A good friend of mine—I am sure the Member for Tunapuna would know him—Lennox Sirjusingh, who is the Principal of Grant Memorial Presbyterian School, San Fernando, would be retiring at the end of this month. Today, as he had his swansong, his school topped the SEA Examination in Trinidad and Tobago. His school got 10 of the first 100 students. Being a close friend of ours, I want to extend to him my heartiest congratulations. I brought him into the debate because this is an area where we have to get serious. The positives in the country must be shown.

As I am about to end my contribution this evening, I wish to put on record that I am making a recommendation to the Government. As a citizen of Trinidad and Tobago, I want this place to be safe. I want the Government to stop playing politics with the lives of the people. I want to see some meaningful changes, as we move forward to deal with the problems. I submit to this honourable House and the nation that changing the name from Police Service Commission to Police Management Authority is not the answer. We need meaningful changes. We need to empower the police officers. We do not need to introduce special branches in the police service and give them special salaries. We need police officers to have the confidence to fight together to deal with crime. I am sure—I want to tell the

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Members opposite—they have failed Trinidad and Tobago. We on this side, the United National Congress, are ready to take Trinidad and Tobago safely into the future. Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: Hon. Members, the sitting of this House is suspended for dinner. We will return at 9.10 p.m.

8.30 p.m.: *Sitting suspended.*

9.12 p.m.: *Sitting resumed.*

The Minister of State in the Ministry of Community Development, Culture and Gender Affairs (Hon. Eudine Job-Davis): Mr. Deputy Speaker, I would like to commend the hon. Member for St. Augustine for the intellectual discourse that he presented here this evening, as usual. After him we had to listen to the discourse of the Member for Chaguanas. Frankly, I am sick and tired of listening to race, discrimination and all that sort of thing in this House. [*Desk thumping*] I want to say to the Member for Chaguanas, if he is hearing me, a good tree does not bear bad fruit, neither does a bad tree bear good fruit. Every tree is known by its own fruit. Men do not gather figs from thorns, nor do they gather grapes from bramble bush. But a good man, out of the good treasures of his heart, brings forth good and an evil man, out the evil treasures of his heart, brings forth evil, for out of the abundance of the heart, the mouth speaks.

It is often said that in this generation, we would have to repent, not for the hateful words and actions of bad people but for the appalling silence of good people. Through you, Mr. Deputy Speaker, I would like to commend all the good citizens of this country who have lent their voices to this issue of crime. I want to urge all the other good citizens of this country to get involved because it is an issue that affects all of us. Let their voices be heard.

We have been in this House for the past two days, going on three and maybe into the morning. I have heard many interesting arguments from both sides of this House. I just want to comment on two of them. One issue that has been making the rounds from hon. Members on the other side, is the issue of the name change, from Public Service Commission to Police Management Authority. I humbly submit that we should not make an apology for changing a name, if there is need to do that. In management, we have a term, "If it ain't brok, don't fix it." This is broken. If fixing it means that we have to get rid of the name, then so be it. What we want is something totally different from what exists at the present time.

I have also heard from Members on the other side, that this Government is using the Bill as the only solution to crime. Nothing could be further from the

truth. We on this side understand when there is a problem, if we have to solve the problem, we must first understand what causes it. There have been many talks and discussions about what causes crime in the country. I also want to submit, if we did not understand the reasons that cause crime in the first place, in our efforts, we will be spinning top in mud. That is not so. We are fully aware, as the old Ashanti proverb says: "The ruin of a nation begins in the home of its people." That is why this Government has put so much emphasis on what we call the Social Sector Investment Programme. This is why this Government is reaching out to its communities and families. I would list some of the programmes that the Government has put in place: the Adolescent Mothers Programme, there is a reason for that; On-the-Job Training Programme; we have continued the YTEPP Programme; we have gone into the Community Education Support Programme; Family First Project, most importantly; transformational and developmental centres; Craft Skills and Artisans Programme; Youth Enterprise Programme. That is not all. We are going to establish halfway homes for the male ex-prisoners. We will be introducing the Family-life Management Programmes, the Family Media Programme, Community-based Family-life Meetings and Training for Parents, public education campaign on social displacement. We can go on and on. We on this side understand that we have to use a multi-dimensional approach in our efforts to solve the situation in the country.

Mr. Deputy Speaker, I could not leave this House tonight without contributing to this interesting debate on an issue that touches the lives of all the citizens of this country. Crime is like a degenerated disease. If left unattended, it would only get worse. Crime knows no boundaries. Crime has no class. Crime does not recognize age; it knows no race. Crime has no respect for gender. Crime is not location-specific. As a matter of fact, Tobago recorded the second murder for the year. Crime affects this entire nation. Therefore, this Government, given its mandate, cannot throw its collective hands in the air in despair. This Government is responsible for legislating; that includes amending archaic laws or introducing new legislation to deal with the criminal elements in our society.

I have the greatest respect for the rights and freedoms enshrined in our Constitution. I also have the greatest respect for the rights of hon. Members on the other side to propose the Bill today and renege tomorrow. I have respect for that. But there comes a time when we must understand where politicking ends and where legislating begins. [*Desk thumping*] There comes a time when we must understand where politicking ends and governance begins. This Government has to send a clear signal to all our citizens of this country and in particular those

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criminals out there. Under no circumstances, are we going to sit and tolerate the increase in criminal activities that are now prevailing in our society. [*Desk thumping*]

Mr. Deputy Speaker, that is what brings us here together. That is why we have been in this House for the past two days. No one on this side would ever claim or has claimed that this Government can legislate away crime. We cannot do that. No one can claim, or has claimed, that these Bills alone can solve our problems. What the passage of these Bills would do is give effect to a process that would take us on the road to minimizing and hopefully eliminating crime in the society. It is going to do that, by establishing a Police Management Authority that is mandated to manage the affairs of the men and women; those citizens who have pledged to dedicate themselves to the upkeep of law and order in our country.

Mr. Deputy Speaker, presenter after presenter, Member after Member, has articulated, in no uncertain terms, what is facing this country, in terms of crime. The Member for San Fernando West, last night, gave us a total breakdown of the number of murders, rapes and kidnappings that were taking place in the society. The Members for St. Augustine and Chaguanas, all of us, understand that there is need for immediate action. I want to submit that at this time, we have to look inwards at our police service. We have to look inwards at all the other factors that would contribute to solving crime.

I have had the opportunity to look at the vision statement, the mission statement and the motto of the police service. It is one of the best that I have seen so far. I want to tell the Member for Chaguanas he did not have to go on the Internet to look for a vision statement. He did not have to go to Philadelphia to look for the vision statement. It is present right here. It is a vision statement developed by the eminent officers in the police service, no less, because they, too, understand that there is need for change. Given their commitment, dedication and intellectual capacity, they have done this. They have developed their own vision statement. With your permission, I would like to this read into the record. This is what our policemen and women came up with.

“The vision is to transform the organization into the most flexible, caring, responsive, innovative, resourceful and technologically advanced community-oriented police department in the region.”

That is what they have come up with. I think if the police officers do not know this—I am tempted to ask them if they know about this—then everybody needs to get a copy of it. Not only did they come up with a vision statement, they have a mission statement, too.

“The mission is to achieve the vision, to engender a feeling of safety and security by upholding the laws firmly and fairly, while providing prompt, courteous and professional service in partnership with communities.”

Again, they recognize and understand what is needed. Therefore, they have come forward with what they believe their police service should be and should look like by 2020, if not before.

Do you know what is happening? I want to ask all of us a question: Can we safely say that the police service has been transformed into a flexible organization? Has it been transformed into a responsive organization? Has it been transformed into an innovative organization? Is it technologically advanced? Do the citizens of this country feel safe and secure at this time? Is the police service equipped to offer prompt, courteous and professional service in partnership with communities at this time? I humbly submit that the answers to these questions are probably a resounding “no”. But do you know what? With all the good intentions of the honourable men and women in our police service, they are faced with obstacles, which prevent them from achieving their vision and their mission.

I believe that the police service is ready for an entrepreneurial revolution. What does that mean? I guess the MBA student can tell me. It means that the police service needs strategic renewal. It needs organizational restructuring. The police service needs new measures to adapt to the rapidly changing environment. We all know that the landscape in this country has changed overnight. Long ago, policemen were on the beat throughout the night. Now if they try to do that, the criminal element may be at their throats. Long ago, criminals, or so-called bandits fought with cutlass and knives, now they are using guns, deadly weapons. As a matter of fact, they are probably more technologically advanced with the kind of weapons they use than the police service at this time. There is need for management innovation. What do all these point to? It is a question of leadership and management. Hon. Member for Chaguanas, leadership and management have to be two different issues.

The management of the resources of the police service division is what is required. What is also required is the management of its human resource, its equipment and the whole organizational structure. What do you want after that? You want a leader. Do you know what is a leader? A leader is someone who thinks conceptually and could understand the environment within which we work and guide the police service in that direction. Somehow, I do not feel that we want a Commissioner of Police. We want a Chief Executive Officer of the Police Service. [*Desk thumping*] It is time. As the hon. Minister said last night, we are

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positioning the police service for high performance. That is similar to the way the private sector operates. We need to do that. We need to position our country and our police service for the changing environment. We need a leader who is visionary; somebody who understands where to take this country, in terms of the police service. That is what I am talking about.

We also need flexibility. The police service is one of the most hierarchical and bureaucratic structures that exist. That is where everything flows. All the other offices flow from the military. We know that historically. That has not changed. Because of what is happening now, we have to design the police service for flexibility. The largest obstacle in the way of this flexibility, I want to submit, is the Police Service Commission. [*Desk thumping*] Now, I have absolutely no problem with the members of the commission. Maybe the modus operandi of that commission is what is causing the problem right now. Here in the *Report of the Police Service Commission, 2002*, page 3, hear the Police Service Commission. Permit me to read please:

“The commission focuses on its major goals and objectives in its efforts to continuously ensure that the powers vested in the Commission are exercised in accordance with the principles of fairness, openness and impartiality.

These goals include:—

- (i) addressing the shortcomings of the recruitment process with a view to improving the quality of recruits entering the Police Service;
- (ii) promoting officers on the basis of merit;
- (iii) ensuring that the Performance Appraisal System is implemented and is operational in the Police Service;
- (iv) dealing with representations submitted by police officers;
- (v) highlighting the urgent need for a Policy of Succession Planning and Management Development; and
- (vi) revision of the penalties imposed on Police Officers as a result of the disciplinary process.”

After 42 years, the Police Service Commission is still trying to achieve basic goals. They are still trying to deal with recruitment. They are still trying to deal with promotion. I want to submit that the Police Service Commission has presided over the demoralization and demise of the police service; [*Desk thumping*] with all due respect to the members on that committee. When they are finished, as my

colleague from San Fernando says, they wash their hands like Pontius Pilate and say that they have delegated the authority to the Commissioner of Police. They gave the Commissioner of Police the authority, but they did not provide him with a policy framework.

What is the role of the Police Service Commission? I want to submit that that institution is a dinosaur. If we have to change all the service commissions, then so be it. They probably would have served their time. Everything has a time and a season. If we have to change that now, then we have to bite the bullet and change it. We cannot be afraid of change. We are delinking that from the Bill. That is what the hon. Member for St. Augustine said to us. [*Desk thumping*] That is another story. I am going to bring that just to show you this Government understands that change is required. We are not afraid of change. If we have to change everything so that this country could work, then it would have to change. [*Desk thumping*]

The obstacles facing the police service are also technological, social and economical. All those are issues that have to be addressed. Certainly, the Police Management Authority has to be a flexible organization that has to deal with all those issues that affect the police service and ensure that our police officers are motivated to perform. That is what this is all about. It has nothing to do with a change of name. You can change the name as much as you want. A rose by any other name is a rose.

The police service is also plagued—The Members for Arouca South and the Minister in the Ministry of National Security spoke about the disciplinary process. The disciplinary process is outdated, long, intolerable and unbearable. The Police Management Authority has to fix these things. If a police officer, who is supposed to uphold the law, is charged for an offence, two or three days for the most, he/she must go. We cannot afford to have bad apples corrupting the police service. Who is going to guard the guards?

Mr. Singh: I wonder if I heard the Member for Tobago East, right? Once you are charged, are you saying he/she has to go? What about the question of due process? Are you saying charged and convicted?

Hon. E. Job-Davis: Mr. Deputy Speaker, these are men and women who have put themselves out to serve this country. Again, I want to read for the hon. Member what is said here. This is their vision and mission statement.

“...To engender a feeling of safety and security by upholding the laws firmly and fairly...”

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Anytime anything like that happens, they must go immediately. We cannot afford to have any sort of tarnish in the police service. Anytime that happens, law and order breaks down in the society. Like I said, we do not need a Commissioner, we need a Chief Executive Officer. We need somebody with transformational, visionary and conceptual skills. That is what we need in the police service.

The murders, kidnappings and increase in crime that are plaguing our country, could only be addressed by an organization that is flexible and can adapt to the changes in the environment. What we have now is a commission that wants control. We have to stop wanting to control things. When we have things under control, that is exactly where they stay: under control. It does not work. This is why these Bills are proposing the establishment of an independent body called a Police Management Authority, proposed by your good selves. As a matter of fact, I had the fortune to read what the hon. Leader of the Opposition said when he introduced the Bills. He said that it was urgently needed. During 2001 to 2004, the urgency disappeared. All of a sudden, all we are hearing is: “We have to wait. We want time.” That is all we are hearing. I want to say to all of us in this House tonight: Righteousness exults a nation: but sin is a reproach to any people, Proverbs 14:34. [*Desk thumping*] I want to submit to all of us tonight that crime is a sin. Crime is sin against humanity. It is a sin that rocks the very foundation of our society. Therefore, we have to move with haste to stem this tidal wave that is about to engulf us. We cannot be talking on one side of our mouths that crime is rising and the next time we want time. The two of them are not mutually exclusive. How can we do that?

I want to submit that we do not have time. Time is not on our side, when a primary schoolgirl was found on the school compound with marijuana in her book bag. That is the same book bag our founding father— [*Interruption*]

Mr. Deputy Speaker: Hon. Member for Nariva— [*Interruption*] do not repeat it please.

Hon. E. Job-Davis: That is all right, he is suffering from what we call SMS. I was just saying to all of us on both sides of the House that time is not on our side. Time is not on our side when a schoolgirl of primary school age could be found with marijuana in her book bag. In 1962, our founding father, the late hon. Dr. Eric E. Williams, said to all of us, children, that the future of this country lies in our book bags. What we are finding now is not books; it is marijuana. Is that the future of our country? The Opposition wants time. Time is not on our side, when a 12-year-old girl could casually stroll into a grocery store with a stick of marijuana

behind her ear as though it is nothing; and they want time. Time is not on our side when daily—[*Interruption*]

Mr. Deputy Speaker: Hon. Member for Nariva, I have asked you once, I have asked you twice, the next time I rise to ask you, we would have to do something about it.

Hon. E. Job-Davis: That just shows that he does not understand what is really happening in the society. He does not understand the gravity of what is taking place in the society because they are “bawling” time. Time is not on our side, when daily our young men and women: our wealth of this nation; our most important assets, are cut down in the prime of their lives and are buried or cremated with their unfulfilled dreams. Time is not on our side. Time is not on our side, when our jails are not large enough to hold our young men and women. Time is not on our side. Time is not on our side when we have to build more jails to house our young people. Time is not on our side, when the business of kidnapping is escalating. Time is not on our side, when illegal guns and drugs continue to find their way into this country unabated. Time is not on our side time. Time is in fact our enemy; when the murder rate in the country keeps going up daily, last night, this morning. Time is not on our side when 10-year-old Vijay Persad still cannot be found; when six-year-old Mark Prescott disappeared; when the 10-year-old girl from Chaguanas was kidnapped; when the hon. Member for Naparima’s son—he almost brought tears to my eyes when I listened to his discourse about his son. I felt it for the hon. Member. Yet still, they come to this House and say they want time.

I want to urge—for all our sakes, for the future of our country and generations to come—hon. Members to support the passage of these Bills. [*Desk thumping*] It is not the only measure, but it is a critical step in the process to solve crime. I want to borrow from the hon. Prime Minister, to urge Members to demonstrate that single act of enlightenment and support these Bills before us. When two bull elephants fight, it is only the grass around them that gets trampled. Our country has been blessed by men and women who have preceded us through these hallowed halls; men and women who—when you read our *Hansard*—would have laid a solid foundation on which our society is built today. That foundation is in danger of being eroded by the increasing criminal elements in the society. We have a chance tonight to cement that foundation. We have a chance, once and for all, to deal with the criminal elements in this society. I want to say to all of us, may the lives of those great men and women remind us that we, too, can make our lives sublime and when departing leave behind us, footprints on the sand of time. [*Desk thumping*]

Hon. Member: Bravo! [*Desk thumping*]

Dr. Hamza Rafeeq (*Caroni Central*): Thank you very much, Mr. Deputy Speaker. Even though the night is quite young, I intend to make a brief intervention in this debate. However, you want to call it, the Member for Tobago East talked about Tobago SMS; I do not know if she meant or was referring—

Dr. Rowley: Get out of here.

Dr. H. Rafeeq: If she was referring to PMS— [*Interruption*]

Mr. Deputy Speaker: Hon. Members, this is the same problem we face all the time. [*Interruption*] Do not point on either side. That is the point I have been trying to make all along. When you start with extraneous matters, we get into problems. Member for Caroni Central, take another start. I have not taken the time.

Dr. H. Rafeeq: I did not hear your last comment.

Mr. Deputy Speaker: I have not taken note of the time. Start again.

Dr. H. Rafeeq: I would like to say from the outset that we, as citizens of Trinidad and Tobago and representatives of a significant section of the population, are also very concerned about the crime situation in Trinidad and Tobago. I am, therefore, very disappointed in the comment made by the Member for Diego Martin Central, when he said that we on this side did not want crime to decrease, in fact we wanted crime to increase, because we wanted to make the Government look bad. That is a very unfortunate statement made by a senior Member of this House.

9.50 p.m.

In 1995, the United National Congress—the party that now forms the Opposition—campaigned on a platform dealing with the issue of crime. At that time, we polled the population to find out what were their major concerns, and much to our surprise, we found out that the major concern of the population was crime. The population was not so concerned about public utilities, roads, health, education and so forth. In 1995, they told us, in no uncertain terms, that their major concern was the crime situation in Trinidad and Tobago.

At that time, we shaped our manifesto, polices and, subsequently, our campaign to deal with the issue of crime. When we went into office, we immediately launched an attack on crime, and the success has been there for all to see. Mr. Deputy Speaker, to say that we on this side are not concerned about crime is certainly a myth.

In relation to what the Member for Tobago East has said—incidentally, I agreed with most of what the Member has said. I do not think that there is anyone on this side who is saying that there is no need for improvement in the management of the police service. The Members on this side, who have spoken already, agreed that there is need for improvement in the management of the police service.

What we are debating here today is whether the provisions in these three Bills are the best way to do it. That is what we are debating here. We are saying that there are serious concerns about the provisions in these Bills, and we are expressing these concerns. The Member also mentioned, and she kept repeating, that time is not on our side. We also agree with that, but we also want to agree that the delay in the passage of these Bills does not rest with the Opposition; it rests with the Government. [*Desk thumping*] I would tell you why.

Mr. Deputy Speaker, throughout this debate, Members on the Government side have been referring to these Bills as UNC Bills. They are saying, in the past, these Bills have found favour with the UNC. Throughout the PNM propaganda campaign, they have sought to mislead the population into believing that these Bills were endorsed, and agreed to by the UNC when we were in government. As this debate is entering its final stages, I, again, want to set the record straight, as far as the UNC's involvement of these Bills are concerned.

When the Prime Minister was presenting these Bills, he sought to mislead the population by quoting from the *Hansard* and leaving out very relevant sections of the debate he quoted from. For the avoidance of doubt, as to the UNC's involvement and the paternity for these Bills, I would like to read into the record a few paragraphs from the *Hansard*.

I want to quote—as many others have done during the course of this debate—from the *Hansard* dated Friday, July 13, 2001. This was a statement delivered by the then Prime Minister, the hon. Basdeo Panday. He made a statement after he laid the Bills in Parliament, and he referred to the recommendations of the technical committee and he said:

“On receipt of the legislative proposals, the bipartisan team agreed that:

- They should be laid in the House as a package;
- The package should be circulated to key stakeholders, together with a summary of the recommendations of the technical team, with an invitation to submit comments to the technical team;

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- the chairman of the Police Service—and that would include the chairman of the technical team; the chairman of the Police Service Commission;
- the chairman of the Police Complaints Authority;
- the Permanent Secretary in the Ministry of National Security;
- the Commissioner of Police;
- the presidents of both the Police Service First Division Association and the Police Service Social and Welfare Association; and
- the Chief Personnel Officer.
- The proposals should be made available for public comment.”

Ms. Seukeran: What is the date of the document that you are reading from?

Dr. H. Rafeeq: Well, I did say it, and many Members have also said it, but I would repeat it for the Member. This document is dated Friday, July 13, 2001.

Ms. Seukeran: Could I possibly ask the Deputy Speaker, whether it was Friday, July 13, that doomed this legislation?

Dr. H. Rafeeq: That is why I did not give way. I would continue the quotation:

“Therefore, Mr. Speaker, in my capacity as Minister of National Security, earlier in these proceedings today I laid before this honourable House a package containing the following documents, together with a summary of the recommendations of the technical team: the draft Constitution (Amdt.) Bill, 2001; the draft Police Service Bill, 2001; the draft Police Complaints Authority Bill, 2001; and the draft Police Service Regulations, 2001. Mr. Speaker, I bring these Regulations to the attention of the hon. Members of this House for their information so that they may have a full understanding of the reforms envisaged in the draft Police Service Bill.

I also wish to emphasize that the draft legislation is not the final word in the matter. It has been agreed that the views of the various stakeholders and the general public should be invited and will be accorded due importance in the construction of the legislation which is ultimately laid for consideration of hon. Members of this House and those of the other place.”

The process agreed to by the bipartisan team was that these Bills should be put out for public comment; they should be sent to certain stakeholders; and the views

and comments would be solicited, and then collated and given due importance in the construction of legislation which would have eventually come before this House.

Mr. Deputy Speaker, we know what happened after that. Elections were held and the other side got into office. These Bills were again introduced in November 2002, and they were sent before a joint select committee of Parliament. Mr. Deputy Speaker, I want to ask you today, which one of us—whether it is the Government or whether it is the Opposition—has reneged on its promise and commitment to these Bills?

Our commitment was that we would send the Bills out for public comment, and then we were going to collate these comments and give them due consideration before we finally brought the legislation to Parliament. First of all, the Government reneged on the consultation process by abandoning the joint select committee. We heard much about that matter over the last two days.

Secondly, what consideration, if any, was given to the comments from the stakeholders and members of the general public? I am repeating, our commitment was that due consideration would be afforded to the comments from the stakeholders in the construction of the legislation that were supposed to come before this House, not these Bills. These Bills were only draft proposals, and after the comments, then legislation would have been drafted and brought to this Parliament. That was the commitment we gave to the country; that was the commitment we gave to the Parliament. Who reneged on its promise? That was a bipartisan agreement.

This Government bypassed an entire step in the process, because they reneged on the commitment to invite public comments and to incorporate these comments into the final legislation, which were to be brought before this House.

I want to submit today that the Government has reneged on its promise, and that is why these Bills have not been properly drafted and they are still languishing. It is not that we did not receive comments from very eminent citizens in this country, concerning these pieces of legislation. I want to read into the record the views of quite a few of our eminent citizens in this country, and the concerns that they have raised with respect to these pieces of legislation.

The first person I want to quote from is Sen. Mary King. I am quoting from the *Express* dated Monday, June 14, 2004:

“Independent Senator Mary King charged yesterday, ‘I have read the Bills and I really don’t want to think that we want to do away with the Police

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Service Commission. I think we need the independence of the Police Service Commission.’...

King said, ‘Going through the changes that would be made as far as setting up the Police Management Authority, the power already resides in the Commissioner of Police for all the management decisions, including training and so on.’

She said, ‘I really don’t see the necessity for the change. Obviously we have to go over the Bills again and ensure that we have not missed anything but at this stage I don’t see any reason to change anything.’

King said, ‘I think we should have people at the head of the Police Service who are capable of managing and delegating and employing good managers to all the other levels within the Police Service.’

She said, ‘Given what I am reading and these Bills have been out for some months. I read them some months ago and I read them over again today and I have not changed my mind again.’

That was Sen. Mary King.

Mr. Deputy Speaker, I am going to quote what Sen. Prof. Ramchand said:

“Ramchand said these Bills would not solve the problem of crime. He said some very specific issues needed to be addressed such as ‘the training of the police, the upgrading of the forensic unit, making more use of patrols and ensuring that there is always a police presence at key places.’

He added, ‘There are all kinds of practical things they can do with the existing force. The legislation by itself cannot address the various anomalies in the service.’

Ramchand said, ‘I am totally against the abolishing of any of the service commissions, including the Police Service Commission. The service commissions exist as independent bodies to ensure that the political directorate does not control everything. They are a safeguard against dictatorship of the ruling party.’”

Sen. Prof. Ramchand concluded by saying:

“He said, ‘However, I admit that many of the service commissions are not functioning properly. Let’s not abolish them. Let’s fix them and make them accountable to Parliament.’”

Mr. Deputy Speaker, I would now quote Sen. Prof. Deosaran:

“Deosaran said, ‘These three Bills have limited assistance in the overall fight against crime, mainly because there is enough legislation which can be used effectively to deal with the problem.’”

I would also like to quote from the *Sunday Express* dated June 13, 2004. This is an article done by Camini Maharaj and it says:

“The question uppermost in the minds of some security analysts is what exactly does the government wish to do with the police that it cannot now do in the absence of legislative reform.

Analysts counter that there are no legal impediments standing in the way of overhauling archaic systems of policing or beefing up the State’s crime-fighting capability. In fact, they point to the \$1.9 billion that has been pumped into law and order as proof of the State’s ability to modernise the way the police do business.

Analysts questioned whether the attempt to pass more legislation was not a tactic to shift public attention from government’s failure to control spiralling crime.”

The article went on to say:

“Analysts countered, however, that the reform lobby was nothing more than an elaborate public relations exercise, designed to dupe the population into thinking the police would start solving crime and official corruption would disappear once the proposed laws were in place.

The irony of the public lobby, however, is that the PSC has already delegated almost all of its powers to the top cop who, for more than a decade now, has had full power to manage the Police Service, including the authority to promote, discipline, transfer and recruit officers at Second Division level...

The PSC sits primarily as an arbiter between government as the employer and members of the Police Service to ensure fairplay in appointments and promotions.

Legal experts, among them president of the Criminal Bar Association, Desmond Allum SC, argue that there are no restraints keeping the police from enforcing existing criminal laws. The experts contend that there are dozens of laws...that are not being enforced.”

I want to also quote just two paragraphs of an eminent Caribbean journalist, Rickey Singh, writing in the *Express* of June 16, 2004 in which he said:

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“From checks I have made, neither Jamaica nor Guyana which, along with Trinidad and Tobago, consist of the unenviable troika of Caricom states with high levels of killings and serious crimes, has given any thought to replacing their Police Service Commissions with any other mechanism, as it is not really relevant to new anti-crime policies and techniques.”

He went on to say:

“While both the Jamaican and Guyanese administrations have reaffirmed commitment to operational independence of their respective Police Forces, National Security Minister Peter Philips, of Jamaica, was quite explicit yesterday in comments to me:

‘We certainly have no intention of displacing the Police Service Commission. We are, however, looking at ways of how to ensure greater levels of accountability and transparency in the operations of the Force and are considering examples as they exist in the United Kingdom and Canada. For instance, the UK experience with both a Service Commission and a Police Authority with different functions...’

In the *Express* dated Wednesday, June 23, 2004, George John said:

“The Police Service Commission has served us reasonably well in the 42 years of independence. If only because it is there, it has kept the operations of the service out of the hands of greedy, ambitious, potentially unscrupulous politicians.”

Dr. Hamid Ghany, a well-respected political scientist, said:

“The Police Service Commission has already delegated large amounts of its powers to the Commissioner of Police, so that this bill will just separate what goes to the Commissioner and what goes to the Police Management Authority by direct allocation rather than delegation.

There is really nothing dynamic here that will bring about a serious culture change in the way in which police business is to be conducted.

...it is more than likely going to be business as usual by another name.”

Mr. Deputy Speaker, there is an article written by Suzanne Mills in the *Sunday Newsday* dated June 27, 2004 and she said:

“Why did the PNM renege on its commitment to the UNC and to Parliament to finish the Committee’s work on the legislation, work which according to its own AG was at an advanced stage?”

She concluded by saying:

“They have gone from House to House, kicked around by a Government which was in too much of a hurry or under too much pressure to honour its parliamentary promise...”

I just want to quote two more documents, and one of these documents is an article written by Dr. Kirk Meighoo in the *Sunday Express* dated June 13, 2004 and he said:

“A constitutional amendment should not be undertaken only on the advice of technical teams and half-way attempts to engage public review (the mere publication of bills and a presentation at a media conference cannot reasonably suffice as public education on the matter).

There are serious questions about the bill that need to be raised, not least the controversy surrounding the need for UNC support of the constitutional amendment.

Why is the constitutional amendment so necessary? The aim of the reform seems to be to delegate authority from the Service Commission to the frontline managers in matters of hiring, firing, promotion, and discipline.

This can be done without amending the constitution, and has been done in the past.

The problem, however, is that such delegation of authority has failed before. What will make it work now? This has not ever been addressed, to my knowledge.”

Mr. Deputy Speaker, this quotation is an *Express* editorial dated Monday, June 21, 2004 and it says:

“The basis of the Government’s costly public relations campaign on this matter is that it is the Opposition in Parliament which is standing between it and this Bill becoming law. The Government also says this Bill is crucial as an element in the anti-crime thrust, a point now hotly disputed by seven out of nine Independent Senators, and now by leading figures in the Law Association of Trinidad and Tobago...”

Finally, I just want to quote two paragraphs from an article in today’s *Express* dated Thursday, July 01, 2004 written by Prof. John Spence and he says:

“However, my concern with the removal of the Police Service Commission goes even deeper. I see this as the thin edge of the wedge and the

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other service commissions will soon be targeted. There is a current belief that the public sector should be more like the private sector with the ability to hire and fire with no fuss since this makes for greater efficiency. What is not recorded are the many injustices and hardships that may be occasioned by this method of operation. Indeed, the Industrial Court has to deal with many such cases.

But the service commissions are not the only bodies to be targeted. Recently a Minister of Government has stated that the Central Tenders Board is to be removed. Why not assess the problems in the Central Tenders Board and correct them?

With respect to the current advertisements by Government on the Police Service Reform bills, in a country with 30 per cent of the population living under the poverty line an expenditure of \$2 million cannot be supported.”

I have read excerpts from these articles to indicate that it is not only the UNC who has concerns about these Bills. [*Desk thumping*] In this country, there are several prominent persons who have written about their concerns.

In the campaign that was launched by the Government, in which constituents were told to consult their Member of Parliament, I want to tell you that as the Member of Parliament for Caroni Central—I am sure that many of my colleagues have had similar experiences—many constituents called and told us that they have serious concerns about these Bills and we must not support these Bills in their present form. [*Desk thumping*]

We must be very careful how we tamper with our Constitution. In 1994, the PNM Government introduced a Bill in the Senate entitled: A Bill to amend the Constitution of Trinidad and Tobago. Again, at that time, they were attempting to tinker with the Police Service Commission. A prominent lawyer, Mr. Martin Daly, a Senator at the time, spoke in the Senate on this Constitution (Amdt.) Bill and he said that he became very alarmed at the ease at which our fear over the crime situation was causing us to forget the basic principle on which this nation operates. He was referring to equity, justice, transparency and so forth.

At that time, the Senator was expressing reservations about interfering with the Constitution, especially the Police Service Commission, and he said:

“The service commission appoints, promotes, transfers, removes and exercises disciplinary control. The common thread running through that is, that they are a necessary evil, they are a buffer, they are there to ensure that in the overall composition of your service that is subject to the service commission, there is

no hanky panky, there is no arbitrary appointment, there is no political patronage, there is no racism, and that is why we have described it as a necessary evil. The sole purpose of the service commission is to be a buffer for the reasons for the framers of the Constitution, recognized in 1962 and continue to believe in 1976, supported by two constitutions commissions—that you must have a buffer between the Government as an employer...”

Mr. Deputy Speaker, the point I am making is that you do not tamper with the Constitution as lightly as that and, especially, where service commission—as Sen. Daly rightly said at the time—serves as a buffer between the Government and its employees. The Government is the largest employer in this country.

Today, my colleague, the Member for Siparia, mentioned the issue of contract employees that could be hired by the Police Management Authority. Any number of persons could be hired and, of course, with any terms and conditions. The Member expressed serious reservations about that particular clause, and she indicated that is one of the most dangerous provisions in these Bills that are before us.

Mr. Deputy Speaker, there is another provision which I consider to be a very dangerous provision in this legislation. Clause 8(6) of the Constitution (Amdt.) Bill provides that in the performance of its functions, the Authority, which is the Police Management Authority, should act in accordance with the Police Service Act and the regulations.

The Police Service Commission was established by the Constitution as an independent body, and its independence is further secured by empowering it with the consent of the Prime Minister to regulate its own procedures. Accordingly, once the commission promulgates its regulations, they cannot be amended or revoked by the Prime Minister, the Executive or the Legislature. The Police Service Commission makes its regulations to regulate its own business, and once it receives the consent of the Prime Minister, these regulations would almost have the force of the Constitution, and they cannot be changed.

On the other hand, whilst the Police Management Authority would be a creature of the Constitution, it would not be an independent body, since it would be governed and controlled by the police service Bills in the exercise of its powers and functions—not only the police service Bills, but it would also be controlled by the regulations.

The police service Bills could be amended by a simple majority in this House. So while the Police Management Authority is set up as a constitutional body, the

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regulations and the police service Bills under which they operate, could be changed by a simple majority. The regulations do not even have to come to Parliament. The Cabinet makes the regulations; they are then assented to by the President; and then they are published. We could just get up one morning and see that there are new regulations governing the police service. As Members of Parliament, we do not even have an opportunity to deliberate on those regulations. [*Desk thumping*] Those are the regulations that would govern the functions of the Police Management Authority.

Mr. Deputy Speaker, we are saying that in these circumstances, we have every reason to conclude that the Police Management Authority would not be an independent authority as the Police Service Commission, free from the political directorate and the control of the Government, or the political party that is in office. These are our concerns. I do not know why Members opposite do not want us to express our concerns in a critical piece of legislation like this Bill.

At this point in time, all of us are aware that there is a serious crime problem in this country. The entire population became interested in these Bills, because many persons believe that these pieces of legislation would, in some way, have something to do with crime—they would eventually decrease the incidence of crime, whether directly or indirectly, now or in the future. Many persons have expressed serious reservations after they have read these Bills. This Government has failed to deal with crime. [*Desk thumping*]

During the time that this Government has been in office from December 2001 to present, we have had over 500 murders in this country; we have had over 200 kidnappings; we have had over 125 murders, just for this year alone and, of course, we have had other serious crimes like rapes, robberies and so forth. The international community has recognized this and they are now putting our advisories to alert their population as far as the crime situation in Trinidad is concerned. As my colleague, the Member for St. Joseph, said this could eventually affect our economy.

What has the Government done and what is the Government doing to deal with crime besides bringing these pieces of legislation? They have had two programmes thus far which have failed namely: Anaconda and Baghdad. They have been in office for 30 months; they have had two Ministers of National Security, and both Ministers have failed; and they have four advisers, three of whom have been previous Ministers of National Security.

I would have thought—and I think the country would have thought—that in dealing with a serious piece of legislation like this, the Government would have

come to this House and given us a detailed plan of action on how it intends to deal with the issue of crime. In that plan of action, the Government should have informed the country of its plans and actions as far as crime is concerned, and where these pieces of legislation would fit into this puzzle. That is what we thought the Government would have done.

Mr. Deputy Speaker, last night, my colleague, the Member for Naparima, gave an account of what could only be described as a horror story, when he related his experiences when his son was kidnapped and eventually murdered. While the Member for Naparima was making his contribution to the debate here on the Agricultural Census Motion, when he got home, the Member got the news that his son was kidnapped. There are intimate details that we are aware of but I would not like to speak about those details. The Member's anniversary was on that same day his son was kidnapped. The Member thought that he was going home to enjoy an evening of happiness with his family, and that is what he went home to meet.

Do you know what is sad about this whole matter? Last night, the Member gave details about the responses that he did not get from the police service, and other Members have dealt with that issue. Do you know what is the sad thing about this matter? On the Saturday, at the PNM's Family Day, on two occasions, the Prime Minister was asked to make a comment on the kidnapping, and he said that he had no comment to make.

Mr. Deputy Speaker, Ashmead, the son of the Member for Naparima, is not more important than any other citizen in this country, but Mr. Nizam Baksh is a Member of Parliament, and he is a colleague of the Prime Minister in this Parliament. I am sure that if the Prime Minister was approached to give a comment on the kidnapping of any other citizen, he would have, at least, expressed sympathy and appealed to the kidnappers for the safe return of the child.

Mr. Ramsaran: Shame on you!

Dr. H. Rafeeq: Mr. Deputy Speaker, the worst was yet to come. On Sunday morning, the Member of Parliament for Naparima discovered his son murdered. Ashmead's hands were tied behind his back; his feet were tied; he was shot; and his body was partially burned. When the Prime Minister was, again, approached by the media for a comment, he said that he was enjoying himself in the PNM's Family Day and he had no comment to make.

Mr. Ramnath: Callous!

Dr. H. Rafeeq: That is the callous, inhuman, cold and totally insensitive response from the Prime Minister of this country to a colleague whose son had been kidnapped and brutally murdered.

The Prime Minister mentioned that he went to visit Saada Singh, and we are happy for her; we are happy that she was released; and we are happy that he went to visit her. The Prime Minister did not visit the Member for Naparima. Last night, the Member for Naparima said that if the Prime Minister of the country—who is also his colleague in the Parliament—had visited him in his hour of need, that would have made so much of a difference, but the Prime Minister did not visit the Member. More than that, the Prime Minister did not even call the Member for Naparima and express any kind of sympathy, condolences or concern in his hour of need. Mr. Deputy Speaker, the Prime Minister finds the time to call other persons like—and my colleague, the Member for Oropouche would know—the Gladiator, but he did not find the time to call the Member for Naparima, who is a colleague in this House and whose son was brutally murdered.

I want to wind up my contribution, but I want to say that crime in this country is everybody's business, and the non-governmental organizations (NGOs) the religious groups, the community groups and the politicians should come together to fight crime.

I also want to say that education is in crisis in this country. If Members had read an article of Surendranath Capildeo, a few weeks ago, which detailed the concerns in education, Members would have seen the serious problem that our education system is facing. We require the support of all our citizens to save our children, as far as the education system is concerned.

The health sector is also in crisis. Every day there is an article in the *Express* detailing horror stories in the health sector, and the Prime Minister has set up a commission of enquiry. We have had two Bills brought here by the Minister of Health within the last few months, and both Bills have failed.

Mr. Deputy Speaker: Hon. Member, I could well understand your interest in the health sector, but relate it to the Bill.

Dr. H. Rafeeq: I am winding up, and I am just saying that there are problems in all the sectors. There are problems in so many other areas that we require the intervention—not only of the Opposition—but the national community. The point is that there are serious problems in this country, and the PNM Government has failed miserably in dealing with this serious issue. [*Desk thumping*]

I want to say today, as other commentators have said, that it is quite likely if these police reform Bills are passed, the situation with respect to the Trinidad and Tobago Police Service is going to be worse than it is today.

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

The Minister of State in the Office of the Prime Minister (Hon. Stanford Callender): Mr. Deputy Speaker, thank you very much. Having to come after my colleague, the Member for Tobago East, it is clear that we intend to bring a Tobago's perspective to this debate. Mr. Deputy Speaker, I want to thank you for this opportunity to participate in this most important debate. I wish to begin by placing on record, my support for these three Bills before this House, and also the support of the constituency of Tobago East, Tobago West and the population of Tobago. The Police Service Bill 2004, the Police Service Complaints Authority Bill, 2004 and the Constitution (Amdt.) Bill, 2004 are critical pieces of legislation to deal with crime and criminal activity in Trinidad and Tobago.

Before I get into my contribution, I do not know if the Member for Caroni Central was present at the PNM's Family Day, but I heard the Member indicate that when the Prime Minister was asked for a response with respect to the kidnapping at the PNM's Family Day, the Prime Minister said that he was having a good time. I was present at the PNM's Family Day and I heard a national announcement made by the hon. Prime Minister in extending condolences as the Prime Minister, and also on behalf of the PNM, to the family of the Member for Naparima on the heinous crime that was committed on his son. [*Desk thumping*] I was there, so I want to put that on the record.

I also want to place on record that I also extended my personal sympathy to the Member for Naparima. And like my colleague, the Member for Tobago East, last night, I was also touched when the Member spoke about his experiences. I must admit that after the Member's experiences with the police, I anticipated that he was prepared to support these pieces of legislation, because that was a clear demonstration that the police service has been inefficient, ineffective and lacking serious management, but that was not forthcoming.

I wish to compliment the Leader of Government Business. Throughout this debate, it was clear that the strategy of the Opposition could have been found wanting. I want to compliment the Leader of Government Business for the strategy used on this side.

Firstly, the Member for San Fernando East and Prime Minister outlined the historical developments of these Bills, and those historical developments created many rumblings on that side, because the truth offends.

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Our next speaker was the Attorney General, who took time to deal with the clauses in the Bill, and the changes in these Bills. There are Members, on the other side, who have problems with his style. I have no problem with the Attorney General's style, his coolness, his calmness, and his brilliance. [*Desk thumping*] I compliment him for that. I do not want him to have the flair as the Member for Pointe-a-Pierre. In Tobago, my grandparents used to tell me that empty barrels make the most noise. [*Desk thumping*] And, therefore, I do not want my Attorney General to adopt the flair and gallery like the Member for Pointe-a-Pierre. When the Attorney General speaks, his content is what I am interested in, and he speaks with authority. [*Desk thumping*]

Miss Lucky: Thank you.

Hon. S. Callender: I am not concerned about his style. I would have thought that after the Minister of National Security made his contribution, the issue as to why these Bills were before this House would have been clearly articulate. From where I sat, the debate could have been concluded, after the Minister of National Security had spoken.

Mr. Deputy Speaker, both the Attorney General and the Minister of National Security articulated the real purpose of these Bills. It is in that context, I want to agree with the Member for St. Joseph when he said that he was very deeply concerned about the level of crime in this country. When the Member said that he was deeply concerned about the level of fear that existed in this country, so am I. The question therefore is: What are we, as representatives of the people, prepared to do about this situation?

These Bills that are before us tonight are a demonstration of what this administration is prepared to do about the crime situation in the country. I cannot speak for the Member for St. Joseph or any of his colleagues on that side, but as the representative for Tobago West, I want to give the assurance, that I intend to support these Bills as a demonstration of my deep concern as to what is taking place in this country.

10.35 p.m.

Mr. Deputy Speaker, I think that the point has already been made by the Prime Minister, the Attorney General, the Minister of National Security and all those on this side, that we do not see these Bills as the end all and be all of the present situation we face. But one must admit that it is one serious measure that can significantly treat with the problems that we now experience. Notwithstanding the

political games played by those on the other side, I will be shocked at the end of this debate if my friends on the other side refused to support this Bill.

Do you know what was frightening to me yesterday? I listened to the Member for Couva North, the former Prime Minister, who was convinced on Friday, July 13, 2001 that these Bills were so crucial and important in the interest of this country. I listened to the Member for Caroni Central quoting Prof. Spence and I want to quote for him the words of the Member for Couva North:

“Principal among the recommendations is the restructuring of the management of the police service. This will require amendments to the Constitution to replace the Police Service Commission with a new oversight body for the police service called the Police Management Authority.

It is proposed that the Police Management Authority will be an independent body...”

May I repeat, Member for Couva North:

“...an independent body...appointed by the President on the joint advice of the Prime Minister and the Leader of the Opposition.” [*Crosstalk*]

I was most impressed with the closing statement:

“In recognition of this, we must urgently take the measures necessary to release the Police Service from the archaic colonial structure which should long ago have been replaced by a system which will ensure that the Police Service attracts and retains the country's finest and rewards them for merit in an environment in which there will be zero protection for the corrupt few who may infiltrate the service.” [*Crosstalk*]

Mrs. Job-Davis: “Who say dat?”

Hon. S. Callender: The Member for Couva North, when he was here and we were there. [*Crosstalk*] I know that the only people who understand are those on the other side.

As a Tobagonian I must confess that the action of the Members is nothing short to me but shocking. I dare say, that my colleagues on this side, and I am confident that I can also speak for the Member for Tobago East and the Member for Diego Martin West, in Tobago the way we were brought up, our parents and grandparents would have instilled in us certain principles whereby your word is your bond. [*Desk thumping*] Therefore, they would have frowned on us if we acted in that way.

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Crime is everywhere. As my colleagues on this side have said, crime knows no race, colour, location or otherwise. The things we took for granted in Tobago some years ago, we can no longer take for granted. Over the past few months you would have seen and read in the media that there has been an escalation of crime in Tobago. I take this opportunity to congratulate those organizations in Tobago like the Tobago Chamber of Commerce, the Hotel and Tourism Association and the other non-governmental organizations who decided to talk and treat with the situation. I also take the opportunity to congratulate the Minister of National Security for his quick response in bringing some interim measures to arrest what we saw as a vexing problem. [*Desk thumping*]

What came out at meetings with most of those NGOs was the lack of efficiency, effectiveness and management of the police service in Tobago. We cannot, as a small society, encourage this. Crime flourishes in an environment that enables it to flourish. If we, as representatives of the people, do not do what is necessary to address this present situation, future generations of this country will frown upon us. The people of Tobago will expect their representatives to support these Bills and to give the Government of Trinidad and Tobago all the necessary support in an attempt to address the situation in this country. We as the Government have a responsibility.

The Member for Couva North yesterday spent approximately 10 minutes attempting to deal with what the Member for San Fernando East said. He said that the Member for San Fernando dealt with issues that were not treating with the Bills, but he spent over 20 minutes dealing with the particular issue of the election of a president in this country; that was not in direct relation to the Bill. Then he went on to suppose this and suppose that. I want to suppose that the Member for Couva North was in jail; just suppose; and suppose the Member for St. Augustine was the leader; just suppose. What do you think would have happened to these Bills before the House? I am just supposing.

The Member for Couva North caused me to remember calypsonian Merchant, as he was giving the history of these Bills. I ask, "Panday, is that you?" Clearly, we could not be talking about that same individual. So if Merchant were alive, the Top 10 tune for 2005 would have been, "Panday, is that you?" Because the only thing that has changed is that the Member for Couva North is now the Opposition Leader in Trinidad and Tobago. [*Desk thumping*]

Mr. Deputy Speaker, because the Member for Caroni Central quoted Prof. Spence, let me just remind him of some of the words of his leader as expressed on July 14, 2001, the day after he made that statement:

“‘PNM turmoil may stall police service reform,’ says PM

Prime Minister Basdeo Panday said yesterday that internal wrangling in the PNM could topple his plans for legislation to reform the Police Service. Panday said he found it difficult to predict the outcome of the Bill, having regard to the internal politics of the Opposition.”

Meaning the PNM.

“‘If the Opposition did not support the Bill, then we can’t proceed. The Bill will fail and we will be back to square one. Panday denied that the new Bill will put too much power in his hands and Manning’s hands to get rid of the Commissioner of Police. There is always some kind of resistance to change.”

Hon. Member: “Who saying that?”

Hon. S. Callender: Panday!

“We expect that. One thing we do know is that the Police Service has not been functioning as it ought to; therefore an attempt is being made to revisit it. He argued that the powers of the Commissioner will not be taken away, but rather increased.” [*Crosstalk*]

That was the Member for Couva North in another incarnation, July 14, 2001; the day after they laid the Bills. I do not know if there is anything much more that we can say on this side, in terms of dealing with the Bill, its contents and the reason that we require these changes, to convince those on the other side. But I agree with my colleague from Tobago, let their conscience be their guide, because one thing is certain, the nation has now seen and heard them. Therefore, the people of Trinidad and Tobago will be the final judge of their actions. [*Desk thumping*] I take a quote, as I wind up, from my friend, the Member for Diego Martin East: “The wages of sin is political death”.

Thank you very much.

Dr. Adesh Nanan (*Tabaquite*): Mr. Deputy Speaker, the Member for Tobago West mentioned the calypsonian Merchant, I will open my contribution with a few little lines that I have put together. [*Laughter*] I can sing if I want to, but I am not going to sing:

What we have here is this Government is to blame;

They are playing a game.

They want crime to rise,

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This is no surprise,

This is all a disguise. [*Desk thumping*]

I want to go further, before I introduce the major part of my contribution:

Discrimination for all to see;

“Dem people really are afraid we”

Constitution reform is the key

Before any UNC guarantee. [*Desk thumping*] [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members, if you really do not want to hear the Member, go outside, but let him talk.

Dr. A. Nanan: I have another one, but I do not want to aggravate the Member for Diego Martin West. [*Crosstalk*] I will give you the other one:

“De” Government now say,

It is the only way,

For this crime wave to end.

The Opposition must bend,

The bills have to pass,

We need help from Bas. [*Desk thumping*]

This debate takes us into history, so I will start historically and come forward. I know somebody would ask me from what document I am reading, but when they do, I will answer the question.

“The Police Service like the Civil Service is a career service and it is governed both by the Constitution and the Police Service Act...

The Police Service on the other hand is established by an Act of Parliament which provides for the terms and conditions of service.”

Mr. Deputy Speaker: You should really tell us where you are quoting from, if it is not your own words.

Dr. A. Nanan: No, it is not my own. It is from *Promotion in the Police Service*, the opening address by Kenneth R. Lalla, Thursday 27, June 1991, at the first seminar for the police officers of the First Division. [*Crosstalk*] [*Interruption*]

Mr. Deputy Speaker: Hon. Members, I know you are not speaking to directly disturb him, but we are hearing a din, several conversations. Would you please keep it down a little?

Dr. A. Nanan: Mr. Deputy Speaker, I continue to quote:

“The Police Service Commission is a creature of the Constitution and it is vested with power to appoint persons to hold or act in an office in the Service 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.

Members of the Commission are appointed by the President after consultation with the Prime Minister and Leader of the Opposition and hold office for a fixed term.

The Commission, though a public authority, is autonomous and forms no part of the service of the State.”

Very early in my contribution, I want to clear up some of the misconceptions put forward in this House today.

The Member for Arouca South, in quoting from the *Police Complaints Authority Sixth Annual Report, May 01, 2001 to April 30, 2002*, misled this honourable House. On page 30 of this report, the Police Complaints Authority:

“...expresses its support for those measures in the proposed Police Complaints Authority Bill which promote the independence and impartial investigation of complaints brought before the Authority on the conduct of Police Officers.”

I have reliable information. The Police Complaints Authority was saying that it supports the measures, as the Member read about the nonfunctioning Complaints Division of the police service, so it is not that it is supporting the entire Bill before this House. The Authority is supporting the measures in the proposed Complaints Authority Bill, “which promote the impartial investigation of complaints brought before the Authority”, because they did not have that power. With the wide-ranging power now given to the Police Complaints Authority you would see a functioning Police Complaints Authority.

Mrs. Robinson-Regis: So it will work?

Dr. A. Nanan: I just wanted to clear up the erroneous statement made by the Member for Arouca South. I will continue in my contribution, as I go to the Police Service Commission, because it is important to understand its role and responsibility.

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I quote from a report that was quoted before in this Parliament, *The Government of the Republic of Trinidad and Tobago, Report of the Police Service Commission 2002*.

“The establishment of a Police Service Commission in Trinidad and Tobago may be traced as far back as 1956 when islands were Crown Colonies...The raison d’etre for retaining the Commission (as well as the other Service Commissions)...”

I want the Member for Tobago East to listen very carefully.

“was no doubt to ensure that the people and not the politicians be involved in the selection or appointment of police officers and their removal from the Service.

Accordingly, while the executive is the employer of police officers, the Constitution has vested the Commission with clearly defined and limited power to appoint persons to an office in the Police Service 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. The Commission is an independent body whose members are appointed by the President after consultation with the Prime Minister and the Leader of the Opposition. The Constitution gives no power to, and confers no legal duty on the Commission to manage or supervise the operations of the Police Service. By section 85(1) of the Constitution the responsibility for the efficient and effective management of the Police Service is clearly and specifically that of the Minister of National Security, the Permanent Secretary and the Commissioner of Police. Under the doctrine of ministerial responsibility, it is the Minister who is answerable to the nation in Parliament for the efficiency and effectiveness of the Police Service.

On the other hand, the management and control of police officers are the responsibility of the Commissioner of Police who is independent of any ministerial or political control in the area of crime detection, law enforcement and keeping the peace...

Since the Commission has no legal or constitutional duty or responsibility for the management of the Police Service, the rationale for wanting to abolish the Commission indeed remains dubious and illusory, particularly in light of the recommendations of the Wooding and the Hyatali Commissions on Constitution reform...”

Our Constitution props up a political system that has been entrenched in racial division in the country. Under the first-past-the-post Westminster system that we inherited from the British, the party that wins the election gets all the power and the party that loses gets locked into Opposition. That is why we hear, from time to time, that we are here and you are there.

We have seen how multi-ethnic societies conflagrate. We have seen what has happened to Yugoslavia, Fiji, Northern Ireland and Rwanda. To avoid that we have to engineer a political system that takes into account our diversity, and not aggravate it. Racism and discrimination has been an unfortunate dimension since 1498 when Christopher Columbus set foot on this island and started the genocide and enslavement of the native Amerindian population. It was further exacerbated by the introduction of slavery and later the system of indentureship, that brought Indians from India to work on the sugar plantation. Ours, therefore, has been a history steeped in racial disharmony. It is a history over 500 years old. It is a history that this generation must put to an end, once and for all.

I now make reference to the PNM. It is clear that the PNM does not want proportional representation.

Mr. Manning: Absolutely clear!

Dr. A. Nanan: When the Constitution Commission chaired by the late Sir Hugh Wooding submitted its report in 1974, it recommended a system that was a combination of proportional representation with first past the post. Eric Williams in response to that recommendation said that proportional representation would be a dagger through the heart of the PNM. I say today that it would be a dagger in the heart of racial politics.

Mr. Manning: What is wrong with you, boy?

Dr. A. Nanan: Dr. Williams' apostle, the hon. Patrick Manning, continues to think like that.

Mr. Manning: Yes.

Dr. A. Nanan: In Trinidad and Tobago there are several small groups in the society that will never get political representation in the Parliament, under the first-past-the-post single member constituency, because the party that gets the most votes wins. No matter how many votes you get, if your party does not get the most, it is gone and has no voice. There will also be provision for appointed Members of Parliament, so persons from business, non-governmental organizations and the Inter-Religious Organization can be appointed to Parliament. That is one model.

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To draw a reference, Mr. Deputy Speaker, in 1981 we had a situation where the Organization for National Reconstruction (ONR) polled 91,000 votes, but did not win a single seat, which meant that 91,000 people did not have a voice in Parliament. If we had a system of proportional representation then the ONR would have had a voice in the Parliament. In Guyana in 2001 a party got 3,000 votes, but under the proportional representation system they were allowed one seat. So today that party has a voice in the Parliament of Guyana.

The first-past-the-post system can also give rise to a party securing the most number of votes, but ending up in the Opposition, as happened in the early 1970s in St. Vincent. Proportional representation will also put an end, once and for all, to voter padding and house padding, so no matter where you live, your vote counts as one. [*Desk thumping*] This means that the PNM's house padding drive will be rendered useless; I guess that is why they are against proportional representation. The recent laying of the Elections and Boundaries Commission Report, in terms of the new boundaries would no longer be relevant, because what would be important is the strong voter.

The Member for Laventille East/Morvant gave a quotation. He is not here now, but his quotation was:

“Manners maketh man not money”

If “manners maketh man not money”, he should pay his mortgage. [*Laughter*] As I am in that area with the Member, I want to remind him that what we have here this evening is a grab for power and control to squeeze Trinidad and Tobago into a little box of fear and intimidation.

The Police Service Bill, 2004 deals with the appointment and promotion of police officers. Clause 17(1) states:

“There is established a Promotion Advisory Board which shall comprise three members as follows:

- (a) the Deputy Commissioner of Police, Administration, who shall be the Chairman;
- (b) a senior officer, who is not a police officer, from the Ministry of National Security, selected by the Minister; and
- (b) an independent management consultant, appointed by the Commissioner.”

In the past, the system of promotion for Second Division police officers was akin to a lottery. The role of the Promotion Advisory Board was to interview eligible

officers, but there were many criticisms: the short time of the interview; the interview given too much prominence; not enough emphasis placed on a candidate's overall service record. The result was that persons with poor records were able to achieve promotions before much better suited ones.

The influence of the senior officers on the board often appears to favour some candidates over others. In many instances policemen are heard to say that certain candidates must receive promotions so long as certain officers are on the board. The system is susceptible to allegations of discrimination. There are examples where this can be clearly seen.

The service commission's policy is that officers facing criminal or disciplinary charges will not be promoted pending the outcome of their matter. If, however, they are successful, they would be promoted retroactively, as if the matter had not existed. In reality, the police officer in charge of calling officers for the interview often wrongly decides to omit such officers from the invitees. This means that even though the officer may have been exonerated from any charge, he still has been punished by being denied any promotion, since his name cannot appear on the merit list. There have been complaints that some policemen have not been called for interviews when they should have been. As the board is unaware of who should be called before them, the system can be abused by vengeful senior officers.

Clause 17 also sets up what you call "insoluble conflicts of interest", where the Deputy Commissioner of Police, who decides who is to be called for an interview, now sits on the board to determine their fate. I suggest that because of this insoluble conflict of interest, we should look again at this particular clause when we get to that stage. The question we have to ask is: Who will guard the guards?

Amending the Constitution to replace the Police Service Commission with the Police Management Authority is fraught with problems, and the Government should think again. The Government has not explained why the removal of the Police Service Commission is necessary or why, on the whole, it should contemplate interfering with the constitutional guarantee of an independent service commission. It seems that there is a grab for more power and control to squeeze Trinidad and Tobago into a little box of fear and intimidation.

The Government does what it wants to the people of this country, with impunity. The word on the street is that this is a mock mini election campaign. This is a fillip for a sagging regime. [*Laughter*]

Hon. Member: Nice phrase!

Dr. A. Nanan: Broken promises; the great divider; trampling on the rights of the people; that is the word on the street.

I want to go to an area of extreme importance where it relates to the Prime Minister. We have to look at the Commissioner of Police. We heard in this debate about the Prime Minister handing a letter of appointment to the Commissioner of Police. We have to ask the question: Why was this done? You would recall hearing about fraud and misbehaviour in public office. I make reference to the former Director of Public Prosecutions, Senior Counsel Mark Mohammed, now High Court judge, in a letter dated May 09, 2002, to the UNC on PNM corruption in the LABIDCO fiasco. [*Crosstalk*]

This is the letter. The Director of Public Prosecutions is speaking:

“I am of the view that a criminal investigation is warranted to determine whether, among other offences, conspiracy to defraud and misbehaviour in public office...part of the criminal investigation.” [*Crosstalk*]

I also want to include this part. This is what the DPP said:

“I have accordingly forwarded to the Commissioner of Police, the documentation submitted with my advice that a criminal investigation be conducted.”

The Prime Minister handed a letter of appointment to the Commissioner of Police. I am only speculating. I am speaking like the Member for Tobago West, hypothetically.

Despite all factors, the independent Cabinet committee made up of UWI lecturers, private sector persons and ministerial representatives, they ignored the geotechnical report. In 1994 the Cabinet approved \$435.7 million for that LABIDCO fiasco. They wasted over \$120 million. I am surprised that the Prime Minister did not stand, while I was speaking here, and tell us 10 years later that they planned to put a petrochemical or plastic industry in that area.

So we see the importance of the Commissioner of Police and the relationship between the Executive and himself. You must have that insulation between a prime minister and the Commissioner of Police. The Member for Caroni Central was absolutely correct when he said that the amendment to the Police Service Regulations could be done by the Minister. Before, the regulations would have been done by the Police Service Commission, who would prepare their own regulations and pass them to the Prime Minister for approval before they came to Parliament, and they could not be touched. That was an insulation mechanism. We are seeing here, as the Member said, a buffer, an insulation mechanism to prevent political control of the police service.

Hypothetically speaking, again, let us say that the Commissioner of Police gets all the power given under the legislation before us. He would be able to build up his own army; he would be able to hire, fire, promote and discipline. Even the Prime Minister, at that point in time, might not be able to control him. I will come to the Police Management Authority just now.

I also make reference to the Member for Tobago East, because at least we saw in this debate that she is thinking outside the box, with respect to the chief executive officer for the police service.

Mr. Deputy Speaker, we see that insulation mechanism that wants to be bridged here tonight, in terms of having the Minister of National Security prepare regulations for the Police Management Authority. As I speak on resources, I make reference to the Judiciary, because it has a court executive officer. You would have heard the complaints from the Chief Justice, that although the Judiciary has the kind of staffing that is required, it still cannot function. Why is that? The main issue here is the lack of resources. So when I listened to the Minister of National Security, I made a note here with respect to the Gasparillo Police Station. We are in 2004 and the Minister told the honourable House that they are still in the design stage.

I said in another debate that in their Vision 2020 they must have a 2020 environmental plan. Every time crime escalates in this country, the Minister of National Security conducts joint police/army patrols. They are now going to purchase motorcycles. They manipulate the media to give maximum coverage to press conferences held by the Commissioner of Police and the Minister of National Security, a kind of Bush and Blair, White Hall style; two separate podiums, that is the kind of flair.

When I was the Minister of Tourism we had a situation in Tobago where crime was getting out of control. I worked with Inspector Denoon in Tobago and we dealt with the crime situation. There were specific recommendations that came forward and the resources were given. There was supposed to be a mounted patrol in certain parts of Tobago, because of the kind of terrain. There was supposed to be a canine division for Tobago. We even had the hotel operators, who were working along with the police, to give them vehicles and have their kind of security, patrol the areas around the hotels together with the police. We had that kind of linkage taking place in Tobago. The national security helicopter would have made passes over the island, at least, twice or three times for the week, and we also included mobile patrols for the seas.

To hear about the crime situation in Tobago and how the Member praised the Minister of National Security for the interim measures—*Interruption*] I am just

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telling you. [*Crosstalk*] It is because of the failure of the PNM Government to manage the resources properly that we are having this problem today. We have a problem today with crime being out of control. While I speak here at 11.20 p.m. there could be somebody being murdered, kidnapped or raped. That is the reality of the situation we face and it is all a big joke on that side. We have to see a philosophical shift in the police service, from brawn to brain.

Senior police officers bettered their qualifications, but they became frustrated. One example is the popular calypsonian Watchman, Corporal Wayne Hayde. He has an honours law degree, but where is he now? He is now working with the United Nations. The amendment to the regulations looks good on paper, but seniority and age still holds sway. [*Crosstalk*] We have to ask the Minister of National Security: Do you have statistics to record the average age of officers above the rank of corporal?

The hon. Minister of National Security said that there were 7,000 police officers, if I listened correctly. We have to make the distinction between quantitative and qualitative analysis. We have to look at the police officer to person ratio and compare it to other countries. We have to look at people over the age of 15 years. You may have one police officer per 10 persons or you could also have a situation where you have less crime when there is one police officer for 50 persons and they are doing a better job. Rather than look at it in terms of quantitative analysis, you have to look at the qualitative. When you do so, you have to look at the success rate of the police in solving crime. So you may have a smaller service with police officers who are qualified and properly trained. There is a better record for solving crime in other countries, so our service has to achieve this level of expertise.

As the political dust settles, we go back to the first-past-the-post system, winner take all. What is the history of PNM expenditure? Inequality and the use of State power. The PNM paid attention to the geopolitical African and mixed base in urban North Trinidad and neglected Central and South Trinidad. That is very surprising, because the oil was pumped from the bosom of the south land. What we are seeing today is the refusal of the PNM to move from its political crease and this is tragic. They are practising the politics of the past.

We are seeing the repainting of the existing National Housing Authority (NHA) houses; building new ones in marginal constituencies; creating more soup kitchens; maintaining the immoral ethnic imbalance in the police, army, prison, fire and public services in Trinidad and Tobago. We have to ask the question, Member for San Fernando East: Why is such a high percentage of permanent

secretaries Afro-Trinidadians? Why are you re-introducing the dismantling of the Concordat? [*Crosstalk*]

I have laid a case this evening with respect to the Police Service Commission and the insulation from the Executive and the Prime Minister. I have given a history of the police service and how we should move towards a more efficient service, in terms of qualitative and quantitative analysis. I have also pointed to the Police Service Bill, that particular area with the Promotion Advisory Board.

As I conclude, I would say to the honourable House that we recognize that crime affects everyone. What was said in this debate on our side was that you do not need this legislation to fight crime. You need to give the police, the Police Complaints Authority and the Police Service Commission the resources they require.

I thank you.

Mr. Ganga Singh (*Caroni East*): Mr. Deputy Speaker, at this late hour in the night, in the third day of the debate, I take this opportunity to congratulate all Members who have participated, thus far, in this marathon debate, in particular the Members of the Opposition, who have stood valiantly against the onslaught of propaganda by the Government. [*Desk thumping*]

For the first time in a matter other than for the budget, this debate is being carried live on television and radio stations. I do not know how many people are up at this time, nevertheless it is a first. I think, having regard to the feedback I have been getting, it augurs well for the development of our democracy and for Parliament at work in this country. It certainly accords with the report of the Joint Select Committee.

It is clear from the contribution of Members that our democracy is in flux and the greatest tradition is to remain silent in the current circumstances. Having regard to the response by our citizens to this Bill, and they have responded marvelously, whether it is on the radio or television talk show, the print media, churches, temples, mosques or in the sporting arena, our society is currently engaged in intellectual discussion on these three Bills now before this honourable House.

Our society has a point of view. Our people have not remained silent in the face of a frontal attack by the Government. *Vox populi vox Dei*, the voice of the people is the voice of God. From Russell Martineau, eminent Senior Counsel, to Frank Mouttet, constituent of Diego Martin West, they have all spoken across the length and breadth of the country. My colleague from Caroni Central gave an

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analysis of the views of the people. Clearly, they are speaking out against these Police Reform Bills. [*Desk thumping*]

What is causing this panic in this Government? It is my contention that it is the abysmal failure of the Government to provide a reasonable measure of security so that citizens and residents of Trinidad and Tobago can proceed on their daily routine. Fear stalks the land. Who will be the next kidnap victim; murder victim; victim of rape, burglary, and carjacking? Is it going to be you, your wife, child, son, daughter, father or mother, relative or friend? Crime is evil and evil stalks this land. Crime has even entered the portals of this hallowed Chamber in the form of a sitting Member of Parliament being found guilty of a criminal offence by a court of this land. [*Crosstalk*]

It is the Parliament's duty; it is the first duty of a State to protect and secure its citizenry. In a text entitled, *State Failure and State Weakness in a Time of Terror*, edited by Robert I. Rothberg, the Brookic Institutions Press 2003. At page 3 it states:

“There is a hierarchy of political goods, none is as critical as the supply of security, especially human security. Individuals alone, almost exclusively in special or particular circumstances, can attempt to secure themselves or groups of individuals can band together to organize and purchase goods or services that maximize their sense of security.”

It is common knowledge that within the minority groups in this country, in particular within the Chinese and Syrian communities, they are already purchasing goods and services to maximize their own personal security.

The quotation continues:

“Traditionally and usually, however, individuals and groups cannot easily or effectively substitute private security for the full spectrum of public security. The State's prime function is to provide that political good of security to prevent cross border invasions and infiltrations and any loss of territory, to eliminate domestic threats to or attacks upon the national order and social structure, to prevent crime and any related dangers to domestic human security and to enable citizens to resolve their disputes with the State and with their fellow inhabitants without recourse to arms or other forms of physical coercion. The delivery of a range of other desirable political goods, becomes possible when a reasonable measure of security has been sustained.”

It is the first political good for a government to provide for its citizenry. By its own acknowledgement, whether through the hon. Minister of National Security or

through the Member for Tobago East, the Member for Tobago West or the Member for Tunapuna, this Government is failing abysmally to provide security for the people of Trinidad and Tobago.

11.35 p.m.

Mr. Deputy Speaker, the malady is therefore deep in the body politic of Trinidad and Tobago. The ordinary citizens are acutely aware that the Government is unable to protect them against the ravages of crime. In fact, our citizens by their demonstrations and marches, whether in Barrackpore or from Rienzi to Chaguanas, around the Queen's Park Savannah, or by the students in the primary and secondary schools and religious organizations, are questioning the very legitimacy of this Government led by the hon. Member for San Fernando East.

In the eyes and in the hearts of a growing plurality of the citizenry of this country, this Government is fast becoming illegitimate. The reasons are manifold. I am not dealing tonight with the underhand manner of the appointment of the Member for San Fernando East on December 24, 2001. The hon. Member for Diego Martin Central dealt with it wonderfully. He said the then President Robinson was right in acting illegally and out of spite in appointing—

Hon. Member: He did not say that.

Mr. G. Singh: I am interpreting it. He said illegally and spitefully in appointing the Member for San Fernando East as Prime Minister.

I am not dealing tonight with the use of thugs and terrorists to intimidate voters on election day in the marginal seats of San Fernando West, Tunapuna and Ortoire/Mayaro. I am not dealing with that tonight. That is not dealing with the question of illegitimacy of this Government. I am not dealing with the blatant bribery on the Sunday prior to the election by the distribution of cash to the people of Moruga by a group led by a senior PNM party official who currently occupies a sensitive ministerial position. I am not dealing with that tonight.

I am dealing tonight with the role of the hon. Minister of National Security in his failure to protect the citizenry of Trinidad and Tobago, in their homes, in their workplace and in their cars. It is in that failure lies the inherent growing plurality of the illegitimacy. The very legitimacy of this Government is being questioned.
[*Interruption*]

You know, for somebody who is talking now—he finds his voice but he has been avoiding the talk on this debate whole night, the Member for Diego Martin West.

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In the face of the growing anger of the electorate, what has been the Government's response? This clueless and floundering administration embarked on a multi-million dollar campaign. Whether it is \$2 million, or whatever the quantum, it is a propaganda campaign and the continued sitting of this Parliament is part of that propaganda charade, planned by the foreign strategists and the local strategists of the ruling party.

This Government is very good, and the PNM as a political party is par excellence when coming to deal with and disseminate propaganda. It is the PNM who accused the EBC of being a participant in voter-padding and when they went before the Elections and Boundaries Commission, the hon. Minister of National Security was one of their chief witnesses before that Commission of Enquiry, so, too, the Deputy Leader, Nafeesa Mohammed, so, too, the hon. Member for Diego Martin East, and they were found to be—you know they were telling people who were dead; dead men coming to tell them, “no, I am alive; I also was part of your campaign team.”

It is part of the lies; the deception and the deliberate misstatements and now they come to accuse the Opposition, with no access to governmental resources, for engaging in propaganda. You hear lie? That is lie! [*Desk thumping*]

This PNM Government is attempting to convert their inability and failure to deal with escalating crime by diverting and distracting attention and brazenly and shamelessly attempting to displace their responsibility to govern and protect our citizens and place that responsibility in the hands of the Opposition. If you want to place responsibility here, well then, you should remove yourself from there.

The role of the opposition in the Westminster system is clearly defined. The government proposes, the opposition criticizes and opposes and if you cannot find compromise with the opposition, well then the opposition disposes. [*Desk thumping*]

This moral and spiritual Government whose Members cited the holy scriptures to promote their cause—the hon. Member for San Fernando East and his newest acolyte in the absence of the Member for Diego Martin West, the hon. Member for Diego Martin East. They cited the scriptures in their contributions in the debate. Notwithstanding their citing of the scriptures, this Government embarked on a propaganda campaign, which was a deliberate misrepresentation calculated to deceive. In the language of anybody else, you would call that a lie.

This blatant misrepresentation, this calculated misstatement, this blatant lie, was that the Bills before this House were anti-crime Bills. So they start off with a lie. Sir Ellis Clarke, the eminent statesman, would not be a party to that kind of

cheap political trick. In the *Express* of Friday, June 25, 2004, at page 3, an article written by Richard Lord is headlined: “Bills not a curb on crime.” I read further down:

“According to Sir Ellis, ‘The bills by themselves will not bring about any reduction in crime as they were not any anti-crime legislation’.”

So do you understand, Mr. Deputy Speaker? Sir Ellis is saying that. So that therefore he would not be an accessory to their cheap political tricks, their blatant lies.

William Shakespeare, in the *Merchant of Venice* said:

“Even the devil can cite the scriptures to suit his purpose.” [*Desk thumping*]

Some of us may say that the trident is missing from the hand of certain Members.

This Government has been careless with the truth in their attempt to seduce the population. Their lies, however, undermine their credibility and if it is today that Trinidad and Tobago is against these Bills, it is because of the undermining of the credibility and legitimacy of this Government by their lies. It is said that whoever is careless with the truth in small matters cannot be trusted with important affairs. Now you understand the lack of legitimacy of this Government in the eyes of our citizenry.

It is now my intention to demonstrate that the Constitution (Amdt.) Bill which states in its Explanatory Note—and I read from the Bill:

“The main purpose of the Bill is to amend the Constitution to abolish the Police Service Commission...”

If you take the ordinary meaning of the word, “abolish”, it means, really, to do away with. Earlier in the sitting when I heard my good friend, the hon. Member for Diego Martin Central, say it is a mere change of name; that the Police Service Commission is being replaced by the Police Management Authority and it is a change of name, I wondered—

Mr. Valley: Mr. Deputy Speaker, I am being quoted incorrectly. The point I was making was that the emphasis is on management, the Police Management Authority, and a split in the authority between the commissioner and the commission.

Mr. G. Singh: Mr. Deputy Speaker, I tried to, as dutifully as I can and as truthfully as I can, copy what he said. He said it is a Police Service Commission by another name. He said that! So you want to abolish, which is to do away with

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in ordinary language, and now you are saying some other thing. You are saying the Police Management Authority is the Police Service Commission by another name.

The Explanatory Note goes on:

“The main purpose of the Bill is to amend the Constitution to abolish the Police Service Commission and provide for the establishment, composition and powers of the Police Management Authority.”

So it is fine.

“This Bill also confers on the Commissioner of Police, the control and management of the Police Service and other related powers.”

So this Government is seeking the Opposition’s support to abolish the autonomous independent Police Service Commission. This Police Service Commission, a foundational pillar, entrenched in the 1962 Constitution and also in the 1976 Republican Constitution—a foundation pillar of our Constitution. So, therefore, this is not a simple constitutional amendment, as the Member for Laventille East/ Morvant would make us believe. This is a fundamental change; that is, in effect, constitutional reform, and I would make reference to an article by Lennox Grant in the *Sunday Guardian* of June 20, 2004 at page 37, which is headlined: “Constitution reform through the backdoor.” I quote:

“The last time Martin Joseph had lowered his head and charged like a bull, pawing the earth and snorting, the figure in his sights, holding the red flag, was the Elections and Boundaries Commission. As it turned out, the target was not a lightweight man in tights, but, in fact, a brick wall.

The resulting political headache may still be throbbing, but Mr. Joseph has lived to fight another day, another constitutionally entrenched body—this time, the Police Service Commission.

As PNM general secretary, Mr. Joseph had led an anti-EBC assault with allies ranging from an Oxford-pedigree Republican President to a talk show host with papers from the University of Woodford Square.”

His good friend, Gladiator. It goes on:

“The EBC survived all of the bad-mouthing and the bad press. It also withstood Mr. Joseph’s personal testimony to the Deyalsingh EBC inquiry—an event high in decibel level and bile content, but low in probative value. He is coming better this time.

Two years later, he is directing a lightning assault simultaneously on various fronts, behind a propaganda smokescreen that obscures the real objective. ‘Demand that they support the anti-crime legislation when it comes to the vote,’ say the ads, urging pressure on UNC recalcitrants to support the three bills set for debate on June 29.

The unstated objective is constitutional reform—the Patrick Manning way, that is, through the backdoor, and settling political scores, and avenging long-smarting hurts in the process.”

So therefore you have constitutional reform through the back door, and when there is an attempt to bring about such fundamental change in our Constitution, it is my view that we must return to first principles, by that I mean to go back to the events which gave rise to the national birth certificate of the state of Trinidad and Tobago.

Mr. Deputy Speaker, at the conception of the independent state of Trinidad and Tobago there was a dream. Dr. Eric Williams, the then Premier, and Dr. Rudranath Capildeo, the then Leader of the Opposition, laid the basis for that dream in what is known as the Malborough House compromise. Dr. Selwyn Ryan, in his work, *Race and Nationalism in Trinidad and Tobago* at pages 330, 332, 333 and 334—and I would read from page 330. [Interruption] You know, when I see the hon. Member for Tobago East taking an historical attempt to not understand why we are here—you must go back to your roots.

At page 330 it says:

“At the opening of the Malborough House Conference on May 29, 1962, the last of those frustrating pilgrimages to London, the leader of the DLP stated succinctly but emphatically what his delegation was after.

We want a judiciary which is independent, we want provisions which really guarantee effectively the rights and freedoms which ought to exist in a democratic society: we want Parliament democratically constituted, we want a procedure for the amendment of the Constitution which effectively protects us from the arbitrary exercises of the power to amend. We want the various commissions so constituted as to ensure that they function effectively and impartially.”

It is clear. My colleague, the hon. Member for Couva South, spoke on the Malborough House compromise and the agreement fashioned by Dr. Williams and Dr. Rudranath Capildeo and which subsequently was crystallized in the 1962 Constitution. It is already in the record so I would not go into that area.

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So you see, the founding fathers had agreed in the 1962 Constitution, followed in the 1976 Constitution, to the services commission, for the purposes of insulating judges, civil servants, police officers and teachers from political interference in the exercise of their constitutional powers and the performance of their functions.

So you see, resonating with the philosophy of John Locke, the 1962 independence Constitution defined the dream that was Trinidad and Tobago and codified the rights and freedoms that each citizen could expect. This was the dream: Trinidadians and Tobagonians had the right to life, liberty, security and the pursuit of happiness.

In the 1976 Constitution you find the fundamental rights and freedoms; you have the definition of that dream. I would, very quickly—because all Members ought to know this—quote section 4 of the Constitution:

“It is hereby recognized and declared that in Trinidad and Tobago there have existed and shall continue to exist, without rights and discrimination by reason of race, origin, colour, religion or sex, the following fundamental human rights and freedoms, namely—

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except by due process of law.
- (b) The right of the individual to equality before the law and the protection of the law;
- (c) The right of the individual to respect for his private and family life;
- (d) The right of the individual to equality of treatment from any public authority in the exercise of any functions;
- (e) The right to join political parties and to express political views;
- (f) The right of a parent or guardian to provide a school of his own choice for the education of his child or ward;
- (g) freedom of movement;
- (h) freedom of conscience and religious belief and observance;
- (i) freedom of thought and expression;
- (j) freedom of association and assembly; and
- (k) freedom of the press.”

After 42 years of independence, it is true to say that this dream is yet to be fully realized, but a magic of the dream and the poetry and the beauty of the idea was that it would reach onward and forward and to greater perfection.

So, you see, Mr. Deputy Speaker, consonant with that quest for perfection and the beauty of that idea, is legislation such as the Freedom of Information Act, which extends and would provide our citizens with access to information in all the governmental authorities. Consonant and consistent with that idea and the beauty of that idea was the Equal Opportunity Act. The Government, then in Opposition, did not support that Act and today the court has ruled it as an infringement of the Constitution. That Act would have dealt with the discrimination in the society. When I saw John Donaldson, chairman of the PNM, complaining about discrimination, I said, if only his party had supported the Equal Opportunity Act.

The police service is that agency of the State which is responsible for crime detection and law enforcement. It is a powerful instrument for good or for evil, since they have the powers to arrest, to detain and for general law enforcement. However, since the coming into being of the Police Service Commission, there is no overt political control of the operations of the police service.

The question then arises: Why would the framers of the 1962 and 1976 Constitutions wish to protect the police service from political interference and political influence? There is no better authority than the pronouncement of the highest court of the land, the Judicial Committee of the Privy Council in the celebrated case of *Endell Thomas v the Attorney General* of Trinidad and Tobago. I quote from the judgment of Lord Diplock of the Privy Council. He says at page 120:

“It raises matters of great constitutional importance as to the terms of employment and security of tenure of members of the public service of Trinidad and Tobago in general and in particular of members of the police force.”

At page 123, Lord Diplock states:

“To speak of the right of the Crown to dismiss its servants at pleasure is to use a lawyer’s metaphor to cloak a political reality. ‘At pleasure’ means that the Crown servant may lawfully be dismissed summarily without there being any need for the existence of some reasonable cause for doing so: in other words ‘at whim’;”

He goes on to say:

“Under a party system of government such as exists in Trinidad and Tobago and was expected to exist after independence in other Commonwealth countries

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

So what Lord Diplock is saying here is that there exists the likelihood, unless you have an independent service commission to insulate police officers from direct political control, of a private army emerging in this country. My colleague, the hon. Member for Siparia, put it succinctly, having regard to the reference of the Nazism made by the Prime Minister in his opening address, that this is laying the basis for a Gestapo squad at the behest of the Prime Minister.

Lord Diplock goes on to deal with the question of the autonomous Police Service Commission and he makes an interesting point here at page 124:

"In respect of each of these autonomous commissions the Constitution contains provisions to secure its independence from both the executive and the legislature. No member of the legislature may serve on the commission; all members must be appointed for a fixed term of years which must not be less than three or more than five, during which a member may only be removed for inability to discharge his function or for misbehaviour. The quarantine period imposed by making it a requirement of eligibility that a member shall not have served in any public office within the last three years and also making him ineligible for appointment to any public office for three years after ceasing to serve as a member of the commission is clearly intended to avoid any risk of his being influenced in favour of the executive by considerations of advancement in his own career."

There is a quarantine period. So, therefore, you cannot take a Senator and make him a member of the service commission. He cannot be a Senator today and a member of the service commission tomorrow, because you are meant to provide a period of quarantine. [*Interruption*] It does not matter; it is the spirit of the Constitution. A member of the legislature is a member of the legislature. The hon.

Member for Laventille East/Morvant is asking me, what about the President. Be patient, my friend, I am coming to that.

Locally, in a recent landmark case in Trinidad and Tobago in the judgment of Justice David Myers, this is what the learned Judge had to say in *Cooper and Balbosa v the Director of Personnel Administration and the Police Service Commission*. It is High Court Action, No. 2015 of 2003. I would be quoting from pages 9, 11, 17, 18, 29, 31 and 35. This case is very relevant to the discussion before us tonight. I would read from page 11 of the judgment by Justice David Myers.

“In August 2002 Police Corporals Cooper and Clifford Balbosa and Constable Derek Birjah, sat the promotion examination for the rank of police corporal. In the case of Mr. Birjah and the rank, this examination was set by examiners appointed by the Public Service Examinations Board in accordance with the practice that are described above. They still await their results. On July 09, some 11 months into the wait and after other officers, most of whom were junior to Mr. Birjah, Mr. Cooper and Mr. Balbosa, had been promoted above them. The Police Service Commission issued a press release in response to comments made by the President of the Police Social and Welfare Association, on the failure to release the examination results for August 2002. The release stated that the conduct of the examination fell under the purview of the Public Service Examinations Board and repeated attempts to have the scripts returned and the results released had been unsuccessful. The Public Service Examinations Board, the release went on, was appointed by the Cabinet and was not part of the Police Service Commission or other services commission.”

Justice Myers continues at page 17:

“The Police Service Commission has a clearly defined responsibility for the promotions process, part of which is the setting and marking of promotion exams. It simply does not lie in their mouths, having ceded part of that responsibility to a body over which they have no control, to excuse a delay in the marking of examination scripts by saying, we have no control over the process anymore. For reasons which litter this judgment, the Police Service Commission should never have allowed itself to get into a position where a body over which they had no control, a body appointed by the Executive, could stand in the way of their performing their constitutional obligation.”

The Judge was very clear. This case is important because it seeks to extend the principle enunciated in *Endell Thomas*. After having included the whole issue by

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the Judge, of the system of party government and the creation of private armies if the police service were to get into the hands of politicians, this is what the Judge had to say:

“So the Domsday scenario of potential direct political influence over the Police Service in the form of dismissal at pleasure is the potential transformation of the Police Service into a private political army.”

With these Bills before us, this is doomsday scenario today. [*Desk thumping*] The Judge continues:

“As a small democracy, the political and philosophical culture of Trinidad and Tobago is such that this was not a risk that the framers of either of our two Constitutions were willing to run. In the ordering of priorities, our framers put the insulation from political influence of certain office holders and institutions provided for in the Constitution, above the accountability of those office holders and institutions to the citizenry through the Executive, and through them, to the electorate.”

So in other words, the court was saying that it is more important to insulate these services commissions. That was the intention of the framers; from political control. This is very, very clear, and I would come back. At page 32 the Judge says:

“In my judgment, this case catches not just the potential for the exercise of direct political influence, but the potential for the exercise of indirect political influence,...”

The Judge went on to say at page 33:

“A ventriloquist’s dummy’s words are the ventriloquist’s. The dummy is a cipher. Influence exercised through a cipher, is influence exercised directly, not indirectly.”

We would demonstrate in the matter of the Police Management Authority that the ventriloquist is the Prime Minister and the Police Management Authority will become the ventriloquist’s dummy. [*Interruption*] I am using the words of the Judge: the ventriloquist’s dummy and that the dummy is a cipher. In other words, the Police Management Authority would become a cipher, a ventriloquist’s dummy and the words of the dummy would be that of the Prime Minister of this country.

Mr. Deputy Speaker, in the text *Independent Thought on Caribbean Freedom, Essays in Honour of Lloyd Best*, edited by Selwyn Ryan at page 2001, this is what Mr. Ryan had to say about Best:

“Best argues that the Caribbean political systems are about government and not about politics and representation. In these systems the Prime Minister is the head of the Cabinet, head of the administration and chief of the legislature. He is not merely three in one and one in three, as C.L.R. James argued, he is also the de facto king. Everyone is an aid to him, a veritable crapaud. What we have is a system of government led by one man and run by one man.”

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. [*Mrs. K. Persad-Bissessar*]

Question put and agreed to.

Mr. G. Singh: I thank you, Mr. Deputy Speaker.

I think that this quotation requires re-reading:

“In these systems the Prime Minister is the head of the Cabinet, head of the administration and chief of the legislature. He is not merely three in one and one in three as C.L.R. James argued, he is also the de facto king. Everyone is an aid to him, a veritable crapaud. What we have is a system of government led by one man and run by one man.”

We know who is king on that side; we know who is crapaud on that side. Clearly, where there is the exercise of political influence, whether directly or indirectly, in the arena of Trinidad and Tobago, the person who exercises political influence directly or indirectly is the Prime Minister. He is the political ventriloquist and the ventriloquist’s puppets or dummies are the political crapaud, reflective of the utterances of a master ventriloquist.

Mrs. Persad-Bissessar: The Play Whe number tomorrow is 13—crapaud.

Mr. Deputy Speaker: Hon. Member, I must say this. “Crapaud” is also “gentleman”. Thirteen is “gentleman” and “crapaud”. [*Laughter*] [*Desk thumping*]

Mr. G. Singh: Mr. Deputy Speaker, I know you would give me injury time.

Reflective of the utterances of a master ventriloquist is the following, and I note only two: “When I speak, not a damn dog bark”; “If you don’t like it, get to hell out of here”; “When I say, go, you go-eth”.

The point I wish to make is that whoever is the Prime Minister, he is king.

Mr. Manning: Whoever.

Mr. G. Singh: I think the hon. Member for San Fernando East has the best of intentions, but I am dealing with a principle of the political reality of the political landscape of Trinidad and Tobago. Whoever is the Prime Minister, he is king. The government is led by one man and run by one man; unrestraint power in the hands of a Prime Minister.

These Bills, therefore, must be looked at against the societal background of unrestraint prime ministerial power. What managerial efficiency you are telling me that can stand up to unrestraint prime ministerial power? None! To say otherwise is to deny political realities and to bury your head in the veritable sand.

Let us face political reality. The technical team, in order to suit the brief provided to them by the bipartisan team—and we must keep in mind we are dealing with reality. The bipartisan team was a team composed of politicians and, therefore, the brief that was given to the technical team was a brief from politicians. So therefore we must look at that. [*Crosstalk*]

Let us deal with the concept that is before us. So the bipartisan team sought to do the following: Abolish the Police Service Commission and create a hybrid called the Police Management Authority. The former chairman and current members of the Police Service Commission, in their comments on the Bill states at page 50 of their comments on the Bill, and I quote:

“The abolition of the Commission immediately suggests that the Government no longer subscribes to the concept and philosophy of openness, transparency and impartiality in the making of appointments, promotions, transfers and the exercise of disciplinary control.”

These sentiments could be applicable to Government operations in local government, CEPEP, WASA, NEDCO, community Development, and other areas. The Constitution (Amdt.) Bill, provides in clause 8 for the repeal of sections 122 and 123 of the 1976 Constitution and substituting a new section 122. What does it say? I would deal with the relevance of clause 8, new section 122(3):

“The members of the Authority shall be appointed by the President on the advice of the Prime Minister and the Leader of the Opposition, and in the event that such advice is not forthcoming within such time as the President may deem reasonable, the President shall exercise his own deliberate judgement and appoint the members of the Authority in conformity with subsection (1).”

In other words, with this new exotic creature created by the technical team called the Police Management Authority, the President must act on the advice of two politicians. The matter does not end there. The clause goes on to provide that in the event that such dual advice, so to speak, of the Prime Minister and the Leader of the Opposition, whoever that might be, was not forthcoming within such time as the President may deem reasonable, the President shall exercise his own deliberate judgment and appoint the members of the Police Management Authority.

12.20 a.m.

Mr. Deputy Speaker, the hon. Leader of the Opposition has gone to pains and to some lengths to explain that the tentacles of the Office of the Prime Minister reach into the heart of the Office of the President, and that an appointment by the President is really an appointment, effectively, by the Prime Minister.

Mr. Deputy Speaker, in the event that there are non-believers amongst us, I make reference to the text entitled: *In the Fires of Hope, A Biography of Ellis Clarke, Statesman, by George Collymore, 2000*. This is the movement from Governor General to President. This is under the 1976 Constitution. I quote from page 122, which says:

“The Constitution then went on to make provisions for the election of a President, by an Electoral College consisting of all the Members of the Senate and the House of Representatives assembled together, presided over by the Speaker...”

Mr. Deputy Speaker, you have participated in two or three of those. Thereafter, Sir Ellis was elected President, unopposed. Sir Ellis expounded on his new role as President and I quote:

“There lies a fundamental difference between the position of the Governor General and that of the President. In effect, the Prime Minister determines who should be President because the Prime Minister controls the majority of votes in the Electoral College of Parliament and so determines who should be President.”

Mr. Deputy Speaker, this is Sir Ellis Clarke reflecting and resonating the position taken by the hon. Member for Couva North. Now, there may be believers on the other side. The point that the hon. Leader of the Opposition made was that personnel is policy. The Office of the President does not exist in splendid isolation; making decisions by mechanically checking boxes, yes or no; nor is it as simple as having honest brokers presenting policy menus with three or four

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neat options. Who are the brokers? Who are the advisors? Who calls the President? Whose calls does he return?

Mr. Deputy Speaker, it is clear that the occupant of the office of the presidency is beholden to the Prime Minister, by virtue of his manner of election. Mr. Deputy Speaker, you have to appreciate the political culture and the political reality. Who is king and who is courtier?

Mr. Deputy Speaker, Tip O'Neal, celebrated American Speaker of Congress, wrote a book entitled: *All Political is Local*. He says:

“It is developed almost a truism an axiom of politics, to dance with the one who bring you.”

In other words, you dance with the person who brought you to the dance. In the political sphere, Mr. Deputy Speaker, you remember the person who appointed you and you are beholden to that person. That is the political reality.

The history of the presidency has pointed to only two instances—[*Interruption*]

Mr. Deputy Speaker: Hon. Member, you are saying, in public, it is not that I wanted to stop you, or, that I want you to say—but let us not go into that. Maybe if you were sitting in your seat—[*Crosstalk*]

Mr. Ramnath: Tell them not to provoke me. [*Interruption*]

Mr. Deputy Speaker: Hon. Member for Diego Martin West.

Mr. G. Singh: In other words, Mr. Deputy Speaker, you remember the one who appointed you. The history of the presidency of Trinidad and Tobago has pointed to only two instances where the Prime Minister's advice was not followed. In chronological order one could deal with the James Bain issue and the Cecil Kelsick issue and with President Clarke and Prime Minister Robinson. During the first 2001 election period, the failure to appoint Senators on the advice of the Prime Minister, initially, and the appointment some 55 days after. When you look at that time span of the presidency since 1976, there were only two instances where a President has not followed and danced to the tune of a Prime Minister. So you could deal with that political reality.

Coming back to this appointment clause in this Bill:

“Where it is clear that it is the intention of the Bill to seek collaboration between the Leader of the Opposition and the Prime Minister for the purpose of the appointment, and that may be the appointment of one would checkmate that of the other.”

That is what the hon. Member for Arouca South called independence, when the Leader of the Opposition and the Prime Minister, both of them together, would checkmate each other, that would be an independent body. Mr. Deputy Speaker, I could not understand how you would seek to remove a police service commission, where it is politically neutral, and seek to have it politically inclined.

Mr. Deputy Speaker, vesting the power to appoint members of the Police Management Authority and the Police Complaints Authority in the two leaders of political parties, and in the absence of their agreement, in the President, is an extreme swing of the pendulum away from the current Police Service Commission, and its independence and autonomy from political control to an exotic hybrid creature that would impose upon the people a police service subject to political control.

Mr. Deputy Speaker, this legislation, if it is passed, is laying the basis for a police state. It is a hybrid without the necessary checks and balances. It is part American by virtue of the direct interference of politicians but it is British in its failure to provide for checks against politicians, and it is being located in the developing world where the Prime Minister is *de facto* king and everybody else around him is crap.

Mr. Deputy Speaker, it is a creature against liberty; it goes against the dream of what is Trinidad and Tobago. There would always be this conflict between the liberty of man contemplated by the Constitution and the inherent desire that lies in the heart of those who are governing to dominate. One writer puts it this way, and I quote:

“Through the ages men of wisdom, philosophers and learned judges of the law have all warned against the potential evil that ever walks with power.”

Thomas Jefferson enunciated and I quote:

“There are certain portions of right not necessary to enable our Governors to carry on an effective government and which experience has nevertheless proved that they would be constantly encroaching on if submitted to them; that there are also certain fences which experience has proved peculiarly efficacious against wrong and really obstructive of right which yet the governing powers ever shown a disposition to weaken and remove.”

Mr. Deputy Speaker, it is the proclivity of human nature to hold on to power by fair means or foul. This attempt to give the Prime Minister unrestrained power over the police would usher in a dark era in the affairs of Trinidad and Tobago.

Mr. Deputy Speaker, I now deal with this point about checks and balances that the Member for Laventille East/Morvant raised. I make reference to the case of

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Suruj Rambachan—Mayor of Chaguanas now—and TTT and the Attorney General of Trinidad and Tobago. It is No. 4789 of 1982, Justice Lennox Deyalsingh. I quote from page 14:

“Of particular concern in Trinidad and Tobago, as indeed in most developing countries, is the ineffectiveness of the traditional checks and balances to political power and of the convention of the Constitution, which whether legally enforceable or not, constitute an essential element in the proper functioning of the Constitution.

In the absence of a tradition of independence on the part of statutory and other legal bodies such as TTT, must the court, in a constitutional case, conclude the matter relying solely on the institutional framework of that body? There can be no presumption of the independence of such organs in a society which has doubts about such independence for, after all, the law is effective only if it is respected, and being respected, accepted by society and it will endure only so long as the people recognize it as being capable of dealing with their problems.

The law has to be applied against the societal backdrop of the day, to do otherwise would be to create an artificial and, perhaps, farcical situation leading eventually to a breakdown of law and order.”

Mr. Deputy Speaker, when you create this political entry into the Police Management Authority against a societal backdrop of an island where everyone knows everything that is happening; where the Prime Minister’s power reach is tremendous, you have an appreciation that against that societal backdrop there could never exist any true independent institution in this country. The point I want to make is that you ought not to put the coercive arm of the State—the police authorities—in the hands of any politician; and no politician should have that influence in the process.

Mr. Deputy Speaker, too many developing countries of the world have learnt, some too late, for example, Zimbabwe, that the edifice of constitutional principles must not be allowed to be breached in even the smallest way. Such a breach is a forerunner of the loss of liberty. I want to read for my friend, the Member for Laventille West from the *Economist* of March 13—19, 2004, at page 48:

“Being an MP: a very dangerous job”

Mr. Deputy Speaker, this is from the Opposition in Zimbabwe. It continues:

“If you don’t like being tortured, don’t stand for parliament.

An election is due next year, but Zimbabwe's opposition is wondering whether it is worth taking part. Morgan Tsvangirai, leader of the Movement for Democratic Change (MDC), said this week that his party might boycott an unfair poll, which is plainly what President Robert Mugabe is planning.

A new survey of MDC MPS found that 42% claimed to have been assaulted in the past four years, most commonly by the police, while 24% said they had survived assassination attempts.

Three died after assaults.”

These are Members of Parliament.

“Most MDC MPS said they had been arrested, but only one, Job Sikhala, was convicted of anything, he claims to have been detained 17 times on a variety of nebulous charges. On one occasion, he was stripped, bound, blindfolded, subjected to electric shocks to his teeth and testicles, and then urinated on by a laughing policeman. His torturers failed to extract evidence of any wrongdoing, but in January this year Mr. Sikhala was eventually found guilty of assaulting a police officer and fined \$5.

Last month, President Robert Mugabe decided that his police did not have enough powers to interrogate suspects, and decreed that they could hold people for 28 days without charge.”

Mr. Deputy Speaker, do you want to know about the volatile mixture of politicians and police; look at the experience of Zimbabwe? Mr. Deputy Speaker, forged from the love of liberty as we are, we say that freedom and democracy are threatened by this volatile mixture of executive and political control of the coercive forces of this State. Mr. Deputy Speaker, you cannot impose a hybrid on the Westminster model. This is what this legislation is seeking to do. It is seeking to bring a basic American path with the British path, in the Westminster model operating a developing country. There are no checks and balances when you seek to impose a hybrid of that nature. It simply would not work! [*Desk thumping*]

Mr. Deputy Speaker, we must thank the technical team but it is our duty to our country to preserve the freedom and civil liberty of Trinidad and Tobago. [*Interruption*] [*Crosstalk*]

Mr. Deputy Speaker: Hon. Members, please, please. The sitting of this House is adjourned for 10 minutes to allow people to learn to behave. I am terribly sorry.

12.35 a.m.: *Sitting suspended.*

12.45 a.m.: *Sitting resumed.*

Mr. Deputy Speaker: Hon. Members, first of all, I must apologize for having said the “sitting was adjourned for 10 minutes”, it should have been: “suspended for 10 minutes”. I should have said that the sitting was suspended. The sitting was suspended to allow you to cool down. However, I want to make it quite clear that we are at an early hour in the morning and I see no reason why one person cannot be permitted to speak and others listen. We have had people listening all night and all the hon. Member is doing is responding. Once he is not doing so in a manner that is insulting, I believe he should be allowed to do it.

Hon. Member for Couva South and Member for Tobago East, would you please restrain yourselves? That is all you need to do.

Mr. G. Singh: Mr. Deputy Speaker, I want to thank you for returning to this House. It is clear that some of us could perform well into the wee hours of the morning and keep ourselves focused, but some of us get agitated at the late hours.

Mr. Deputy Speaker, before I conclude, I want to deal with a matter raised by the hon. Member for Tobago East and I think also, the hon. Member for Arouca South. I make reference to—I think the Member for Laventille East/Morvant also made reference to Act No. 43 of 2000. The Member made reference to it in the context of PNM supporting this amendment but I do not think the hon. Member recognized the import of the amendment to the Constitution. This Act, No. 43 of 2000, to amend the Constitution of Trinidad and Tobago was assented to on September 27, 2000. At section 3 it says:

“Section 129 of the Constitution is amended by repealing subsection (3) and inserting after subsection (4) the following new subsections:”

Mr. Deputy Speaker, it is a fairly lengthy subsection but it deals with:

“...where an officer is convicted of a criminal charge in any court and the time allotted for an appeal has elapsed or, if the officer has appealed, the appeal process has been completed or an order has been made in the matter under section 71 of the Summary Courts Act, a Service Commission may consider the relevant proceedings on such charge and if it is of the opinion that the officer ought to be dismissed or subjected to some lesser punishment in respect of the conduct which led to his conviction on the criminal charge or to the making of the order, the Commission may thereupon dismiss or otherwise punish the officer without the institution of any disciplinary proceedings.”

In other words, you do not need the current law in order to dismiss officers who have been found guilty on criminal charges. It is Act 43 of 2000.

This Act gives the service commission the power to take disciplinary action after a judgment in the courts. It could be used as grounds for dismissal. The power already exists! Mr. Deputy Speaker, one only has to look at the case of Sergeant Kelvin Duncan; I think he was dismissed under this Act; so it is already operational. Why do you want to bring this Police Management Authority Bill into being? That is my concern and I have demonstrated the concern that it goes against the framers of this Constitution; it goes against the very liberty and very dream that is Trinidad and Tobago. *[Interruption]*

Mr. Deputy Speaker, I hear the hon. Member for Diego Martin West murmuring, but he could murmur. It is clear that the edifice of constitutional principles must not be allowed to be breached in even the smallest way. Even the smallest breach is a forerunner of the loss of liberty. Forged from the love of liberty as we all hon. Members are, we say that freedom and democracy in Trinidad and Tobago are threatened in this Constitutional (Amdt.) Bill before us, by the volatile mixture of executive and political control of the coercive forces of the State. We cannot allow politicians to get their hands on the police service.

Mr. Deputy Speaker, I say so because I know the former Prime Minister and the current Prime Minister would have the best of intentions and I say so because the lamp of experience must guide me as a Member of Parliament. I have had experience working with Prime Minister ANR Robinson; I have had experience working with then Prime Minister Basdeo Panday; I have had experience dialoging with the hon. Patrick Manning, and I think they all have the best of intentions. Mr. Deputy Speaker, I say that enlightened though they may be, it is not desirable for the control of the police service to be placed in the hands of any politician; freedom and democracy would be threatened! It is not desirable!

Mr. Deputy Speaker, this volatile mixture that took place of the executive and political control of the coercive forces is inappropriate in this society, having regard to the nature of the society. I hope good sense prevails upon the hon. Member for San Fernando East. We must allow the people to decide when you have such a fundamental pillar of constitutional amendment. We must give sovereignty back to the people when you are taking away that fundamental principle of insulation from political interference and political control of the service commission. Therefore the best mechanism to achieve that is the reappointment of the Joint Select Committee for them to complete their job. We are very supportive of that, Mr. Deputy Speaker. Let the Joint Select Committee

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do its work! Let the people decide! Vox populi, vox Deis: the voice of the people is the voice of God.

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

The Prime Minister and Minister of Finance (Hon. Patrick Manning):
Mr. Deputy Speaker, it is now a very late hour and we have gone into day four of this historic debate in this Parliament, on items of legislation that are designed to bring a greater measure of security and comfort to the people of Trinidad and Tobago. I think it is appropriate, in closing this very historic debate, to do, as my friend on the other side has done, that is to thank all of those who participated in the debate.

What this debate certainly did was to expose to the national community different shades of public opinion, and at the same time stimulate debate in the national community itself. This, as you know, is an essential element in the conduct of a successful democracy.

It was the very distinguished Member for Caroni East in his contribution who made reference to views that have been publicly expressed suggesting there are a number of people who did not support the measures before the House. Well, may I say, that there were also views expressed by persons who support the measures that are before this honourable House, and in fact, in my judgment those “for” far outweighed those “against”. Those views are exemplified in an editorial in the *Newsday* dated Saturday, June 26, 2004. Mr. Deputy Speaker, with your kind indulgence, I will read the entire editorial into the Parliamentary record. It is entitled:

“Thank you, Sir Ellis”

It goes as follows:

“The country should be grateful to Sir Ellis Clarke for clearly recounting the genesis and creation of the Police Reform Bills which have been the subject of so much controversy in the country. Sir Ellis, who headed the Technical Team which drafted the bills, has placed the entire issue into its true bipartisan perspective, thus removing, in our view, much of the misconceptions and misunderstandings that have surrounded the legislation. In the process, we believe he has also refuted most of the misguided criticisms levelled at the bills from different quarters, including the Opposition UNC, and it is now left to be seen what the outcome of Tuesday’s debate in the House will be.

The idea, fostered largely by the UNC, that the Police Reform Bills are the product of the Manning government designed as a means of controlling the

Police Service should now be permanently buried for the piece of mischief that it is.”

We heard it again in the debate, and very recently we heard it again from hon. Members opposite. The editorial continues:

“Sir Ellis points out that his Team followed the mandate given it by a five-man bipartisan political committee led on one side by then Prime Minister Basdeo Panday and on the other side by then Opposition Leader Patrick Manning. In light of Sir Ellis’ detailed and straightforward account, in fact, one becomes amazed at the extent and fervour of uninformed criticism which these bills have attracted. It is certainly not true to claim, for example, that the UNC was not consulted in the drafting of the legislation as Sir Ellis recalls that, whenever his Team was innovative, ‘it consulted with and received the approval of the joint political committee.’”

This is an editorial quoting Sir Ellis Clarke on that issue. It goes on:

“One is flabbergasted, moreover, by the attempt of Mr. Panday and the UNC to distance themselves from the creation of the bills, conveniently ignoring the fact that it was their government which took the decision in the first place, which subsequently formed the bipartisan committee on the police service and which eventually brought the measures to the House. The bills, as Sir Ellis explains, were the product of the Technical Team in fulfilling its mandate ‘to draft legislation aimed at cleansing the police service and strengthening its effectiveness.’

As far as the UNC was concerned, the legislation then was quite in order; it presented no threat to the independence of the Police and required no additional checks and balances.

What a difference the change in UNC fortunes has made! Now in Opposition, it is vociferously singing a different tune, portraying the bills as an ominous attempt to exert political influence over the Police Service. Sir Ellis, himself, appears to be somewhat surprised by the controversy its opposition has created and, in nice diplomatic language, observes: ‘We hadn’t that foresight to see that political situations might alter cases.’

In addition to Sir Ellis’ account, we published yesterday the entire speech given by former Prime Minister Panday, who was then also Minister of National Security, when he presented the package of legislation to the House in July 2001 ‘to be enacted as a matter of urgency’. The speech, urging reform

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of the Police Service, makes fascinating reading since it reveals the two sides of Mr. Panday.

The country must now be eagerly awaiting his contribution to Tuesday's debate."

Mr. Deputy Speaker, that is the *Newsday* editorial dated Saturday, June 26, 2004.

The record would show that when the debate was opened in this Parliament on Tuesday, June 29, 2004, and the Prime Minister put forward his arguments for the Members on this side of his team, that we were not engaged by the Member for Couva North. In fact, the Member chose, for reasons best known to him, to cede his position of leadership to the very distinguished Member for St. Joseph, who I must confess is demonstrating these days better leadership qualities than his Leader. As I said, he ceded the leadership to him and they went on an entirely different track and completely sidestepped the issues that had been raised in my own contribution before this honourable House.

Mr. Deputy Speaker, we have been told—and it was said by the hon. Member for St. Augustine—that five years are not enough; that time does not matter, it is the extent of the engagement by the national community on a matter that is of significant national import. Mr. Deputy Speaker, he is absolutely right! It turns out in the five-year period of engagement on this matter, consultations took place at various levels and to various extents. And as I had observed, initially, I wish to observe again that never before—certainly in my time—in the history of legislation being brought before this Parliament, has so much consultation been conducted on legislation, except, perhaps, the Republican Constitution of 1976.

I remind you, Mr. Deputy Speaker, and through you, hon. Members of this House and the national community that after the bipartisan team met and gave the technical team its mandate in November of 1999, the technical team began its work. They produced a report in November 2000, and after approval of its approach by the bipartisan team, proceeded to consult a number of stakeholders and drafted legislation in accordance with the mandate that had been given to it.

Mr. Deputy Speaker, I wish to put into the record again that they consulted with the Chairman of the Police Service Commission; the Chairman of the Police Complaints Authority; the Permanent Secretary, Ministry of National Security; the Commissioner of Police; the President of the Police Service, First Division Association; the President of the Police Service Social and Welfare Association and the Chief Personnel Officer. All of those people were consulted. When the legislation was laid in this honourable House on July 13, 2001—I must remind

you, Mr. Deputy Speaker, that there were four pieces of legislation. In addition to the legislation before the House today, they also laid the Police Service Regulations 2001—we did it with a mandate to put it up for public comment—it was the then Prime Minister, hon. Basdeo Panday—and for the bipartisan team to begin a second round of consultations, because the legislation was now before the honourable House. They consulted the same people again.

Mr. Deputy Speaker, in addition to that, and I am reading from my notes:

The bipartisan team agreed drafts should be circulated to key stakeholders, together with summary of recommendations of the technical team as contained in the interim report, with invitation to submit written comments to the technical team.

They were asked to comment in writing.

The Bills and draft legislation should be laid in Parliament as a package for the information of Members...

We did this on July 13.

and they should be made available for public comment.

That was done, Mr. Deputy Speaker.

On June 25, 2001 legislative proposals, together with summary of recommendations were sent to the major stakeholders with the invitation to submit comments.

On July 25, 2001, legislative proposals were brought to the attention of the public at large. The method agreed by the bipartisan team was: Office of the Prime Minister to arrange for invitations to be issued to all members of the media to attend a media briefing. The host was the Chairman of the technical team, Sir Ellis Clarke.

Mr. Deputy Speaker, I put into the record:

This method was adopted by the bipartisan team to emphasize the fact that the technical team was to continue to be solely responsible for the proposals and was not to be influenced by partisan or any considerations other than the technical recommendations contained in its interim report, together with comments received through consultations.

And it goes on, Mr. Deputy Speaker.

The briefing was attended by over 30 journalists who were addressed at length by the Chairman. The journalists received copies of the legislative

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proposals, detailed briefs summarizing recommendations of the technical team, and for publication, invitations to the national community to comment on package indicating how copies could be obtained. The media conference was videotaped and aired repeatedly on television for several weeks courtesy the Government Information Division. The print media was faithful to its promise and brought the issues to the public's attention thereby generating public debate. Requests for documents were received from 36 members of the public.

Between July 23 to November 27, 2001, the technical team gave all comments received in-depth consideration, and consulted further, as considered necessary, and amended draft legislation accordingly.

Tell me, Mr. Deputy Speaker, if that process of consultation was not a highly commendable process to the extent to which it had gone, and for the number of persons that it had consulted, and the number of occasions on which persons had been consulted with, with a view to insuring that there was participation in this exercise—fundamental as it was. [*Desk thumping*] The notes go on, Mr. Deputy Speaker:

Mr. Deputy Speaker, after we got all those comments, we met in 2002. After we had laid the Bills in Parliament on October 17, we met on November 13. We met on November 13 to agree on the final adjustments made to the legislation by the technical team headed by Sir Ellis Clarke. We agreed on it! But the Member for Couva North, then Leader of the Opposition—because by then the fortunes had changed—indicated that instead of going to Parliament and prosecuting the case, as we had agreed previously, he then came to the conclusion that the process to which we had agreed in July 2001 was no longer adequate in his mind, and in the minds of his colleagues, the then Attorney General, Mr. Ramesh Lawrence Maharaj and the then Minister of National Security, Brigadier the Hon. Joseph Theodore. They felt it was no longer adequate and they wanted it to go back out for further comments; set up a joint select committee: six weeks for the Joint Select Committee to do its work and six more weeks for the matter to come back to Parliament. We agreed on that then.

November 30, 2002 following that arrangement we came back to Parliament and introduced, for the first time incidentally, the Constitution Reform Bill.

The Bills were published in the *Trinidad Guardian*. They were published in detail, completely, for the entire national community to see. That is not to say, Mr. Deputy Speaker, we were operating in the dead of night and, surreptitiously, the Bills were there. Any citizen of Trinidad and Tobago who wanted to read the

Bills had access to them and, therefore, we cannot be accused of non-consultation, or not enough consultation, as some hon. Members opposite are now appearing to want to say.

December 01, 2002, Bills published in the *Newsday*. December 02, 2002, Bills published in the *Express*. Copies of the Bills were made available to the public through police stations nationwide. Ten thousand copies were printed of which over 9,600 were made available in this way. In addition, 120 were provided to Members of Parliament.

So hon. Members opposite saw the legislation; they had copies of it.

Six thousand copies were made available for publication in the *Gazette* to a wide cross-section of the country.

Mr. Deputy Speaker, the Bills were provided and every attempt was made by the technical team to disseminate the legislation far and wide, not just to the immediate stakeholders.

1.10 a.m.

The Joint Select Committee, now kicking in, held four public meetings as follows:

Monday, February 03, 2003	Council Chamber, City Hall, San Fernando.
Wednesday, February 05, 2003	Borough Hall, Chaguanas.
Monday, February 10, 2003	Works Lecture Room, Works Division, Scarborough, Tobago.
Wednesday, February 12, 2003	Parliament Chamber, Red House, Port of Spain.

Meetings were advertised in three major daily newspapers on Friday, January 31, 2003; Sunday, February 02; Tuesday, February 04; Friday, February 07; Sunday, February 09 and Tuesday, February 11.

In keeping with the terms of reference of the Joint Select Committee, the written responses and the verbatim reports of the consultations were referred to the technical team for its consideration and recommendations. The Joint Select Committee also met with and received oral evidence from the chairman and members of the Police Service Commission, the chairman and members of the Police Complaints Authority and the Commissioner of Police.

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Tell me, Mr. Deputy Speaker, would you now agree with those of us on this side when we say it was not just a commitment of five years of our time, it was consultation far and wide, giving the national community every opportunity to see the legislation and to comment on it; that we were not operating like thieves in the night, but in fact were conducting the nation's business in the full glare of public scrutiny? And in the face of that, the distinguished Member for St. Augustine is suggesting to this honourable House that it is not enough time, it is consultation, suggesting that the consultations were not enough.

Mr. Deputy Speaker, that is why, to our minds, the intentions of hon. Members opposite are quite clear. The minute, in the face of all this, he tells us there was not enough consultation, then we know that he is merely looking for excuses not to support the legislation. That is all they are doing and they are doing it on national television for everybody to see. If I am to borrow a phrase from the Member for Oropouche, "you could fool some of the people some of the time"—or was it Tabaquite or Pointe-a-Pierre—"but you cannot fool all of the people all of the time".

One of the mistakes that politicians tend to make is that they underestimate the electorate of Trinidad and Tobago. They forget one thing. It was a PNM government in 1956 that committed this country on a course of education and this society is far more literate and far more intelligent than many of the politicians in this country are prepared to accept. [*Desk thumping*] You are not dealing with fools.

It was an urgent situation in August 1999. We considered it urgent then and five years later it is even more urgent. It came in circumstances where the then Prime Minister, the Member for Couva North, in the face of a rising crime situation, under his watch, threw his hands in the air and said to the national community that he did not know what else to do. He did it! We came to the rescue; not taking any view as they were trying to suggest, that the role of the Opposition is to obstruct or certainly not to make the government look good. We took no such view. The national interest is what dictated our activity and actions. [*Desk thumping*]

Nobody forced us to go; we went voluntarily. They must understand that. We knew, in approaching the Government of the day, that the issue was so important that the actions that were required would have also required political will. It was not a straightforward matter and we knew that a lot of sacred cows would have to be touched, including the Public Service Commission. We knew it and that is when we went to them and said that whatever had to be done we should sit and discuss it and gave them our commitment upfront, before we even knew what we

were going to do. To the extent that legislation needing a special majority was required they were assured of the votes of the members of the PNM, who at that time were Members of the Opposition of the Parliament of Trinidad and Tobago. We gave them the commitment. That is why I am able to come to this Parliament today and say to you, to hon. Members and to the national community, without any fear of contradiction, that we came to the table with clean hands and pure hearts. [*Desk thumping*]

Mr. Deputy Speaker, at every turn, the Member for Couva North, as leader of the bipartisan team, and his delegation, agreed with the directions that were being taken by the technical team. Do not come now and attempt to disclaim paternity! We were all in it together. [*Desk thumping*]

I do not know if you know, Mr. Deputy Speaker, the approach was so unusual in Caribbean politics—an opposition going to a government on a matter of national concern—that governments all up the Caribbean were watching to see what was taking place in Trinidad and Tobago. Every one of the Caribbean territories with an English-speaking background has exactly the same problem. All of them come out of a culture that talks about service commissions to protect political interference in the public sector and all of them have the problem of inadequate police services. All of them, as a consequence, were watching to see how this new approach in Trinidad and Tobago would work. If the approach worked, then they were standing by to adopt it in their own countries. There was one flaw in the approach, and that was the maturity of our politicians.

We on this side say that we intend to make Trinidad and Tobago a developed country by the year 2020 and we have set up technical teams. We have involved 600 persons from the private sector, working on 28 committees examining different aspects of the conduct of governmental affairs in Trinidad and Tobago. There is one committee we have not set up. It is the committee of politicians. While the national communities progress and put their heads together and seek to put new systems in place, the one thing they cannot do for us is that they cannot mature the politicians. The politicians have to do that themselves. I have said it before and I say it again that if the profession of politics in this country has fallen into disrepute, and if politicians are not viewed in the high esteem we would like them to be viewed, then politicians have nobody to blame but themselves.

The hon. Member for Couva North, as Prime Minister of the country, agreed at every stage between 1999 and 2004 and comes today and tries to put all kinds of impediments in the way of the Government—one thing today and another

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tomorrow. All that has changed is that because they have moved from government to opposition. As we said, we saw it before.

They talk about the prerequisite being constitution reform. Mr. Deputy Speaker, you will not believe what I am about to tell you. The Government, the PNM Government and the Opposition, the UNC Opposition, headed by the Prime Minister on this side and the Leader of the Opposition on that side have met on three occasions on constitution reform. On one occasion, one Wade Mark was present and I think the distinguished Member for Caroni East was also there. On the two subsequent occasions on which we met, it was the Leader of the Opposition, the Member for Couva North, Mr. Basdeo Panday, the Member for Caroni East, Mr. Ganga Singh and the Member for St. Augustine, Mr. Winston Dookeran.

We met on three occasions and we agreed on a process for constitution reform. We have agreed on a process. In all that we have heard from hon. Members opposite in this debate, they have talked about constitution reform; they have talked about the need for reform, but not one of them thought it appropriate to advise the national community that the Opposition and the Government have been talking and we have had a basic agreement on how we would approach the exercise.

We went further than that. The PNM, at a General Council Meeting, set up a technical team under Mr. John Donaldson, our party vice-chairman, to solicit the views of the party members as to what they would like to see in a new constitution. That is step number one in the exercise. So impressed was the Member for Couva North by that approach, that they agreed to do the same in the UNC. That is where we start.

We also agreed that we would begin with *tabula rasa*—a clean slate. We would start off by asking ourselves—no preconceived ideas—what are the problems and as we list the problems, then we would decide, if these are the problems, how we would proceed to solve them. All of that was already agreed and a curious silence from Members opposite. Look at them! When I look at them—a pathetic bunch! [*Interruption*]

Listen to the Member for Naparima! The Member for Naparima is a man for whom my heart bleeds. He gave a contribution in this House, in this debate. I wonder if he knew that we had already been discussing constitution reform and that we had agreed on a process. In other words, the Government went out of its way to meet the Opposition halfway. If the Opposition said let us discuss constitution reform, the Government said, okay, let us discuss it. We made it absolutely clear then and now that we will not support proportional representation.

Since we are on that issue—and I do not want to get into the ramifications of the form of the constitution now—we spent enough time—I can tell you that in the PNM we are doing homework on that. Let me say this on proportional representation: I will put it into the record. In the year 2000, I went to a seminar in London—Whiston House. There were 70 experts from around the world and there was Dr. Selwyn Ryan of Trinidad and Tobago. We discussed a number of issues. They were not all from the Commonwealth. There were people from different jurisdictions. We were discussing a number of issues and one of the issues that came up was the issue of proportional representation.

I listened to a professor from Sri Lanka who had gone in to the government in Sri Lanka as a minister in the office of the prime minister to deal with constitutional matters. Do you know what he said? He said that it was his considered opinion that if the problem that you are trying to address is one of geography, then proportional representation is a possible answer to it. If, however, the question is one of race, do not touch proportional representation. It would institutionalize the racial problem that you have. This is a professor talking. No sooner did he sit down that the delegate from Australia got up and said that they had gone proportional representation four years before and when they looked at it then and they realized that they were having more problems than before, they were studying how to get out of it.

Mr. Deputy Speaker, there is a delegation from this Parliament that just returned from New Zealand. There was a similar discussion in New Zealand. It was exactly the same thing with the New Zealanders. There was a delegate from an African country, which I do not recall offhand, who said exactly the same thing. The problem with the Opposition is that they take things that sound good; they say it to their followers who follow them blindly and expect all of us to accept it merely because it comes from them. It is a dangerous thing. I urge you hon. Members, for those who have not examined it yourself, please examine it. It is dangerous for Trinidad and Tobago. It can institutionalize race and that is the worst thing that can happen in a society like this—but I am not getting into that.

Mr. Deputy Speaker, we are being told that you could appoint people on contract to the Police Management Authority and because you can do that, it is a mechanism for the Government to control the police. May I advise you that since July 2000, guidelines have been issued to prescribe the rules for statutory authorities to follow when engaging contract staff. I have here with me the *Trinidad and Tobago Gazette Extraordinary* July 11, 2000.

“1. The employment of persons to serve on contract shall obtain principally in the following situations:

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- (a) Where there is a dearth of suitable candidates for permanent appointment to those pensionable offices on the establishment of any Ministry, Department or Statutory Authority and there is urgent need for the services attaching to such offices;...
 - (c) where a need has been identified for the specialised services of an individual—e.g., an Adviser, in a particular area of expertise—and such need cannot be met by the filling of any existing position on the establishment.
2. The recruitment of persons on contract is governed by the following policy:”

And the policy is outlined. “The Ministry is required to” and what the Ministry is required to do is outlined. Once Cabinet has given approval for the contract position, the appropriate minister acts. It is all here. It is going to take us too much time at 1.30 a.m. to put it directly into the record. I give the reference to hon. Members. It is the extraordinary issue of the *Gazette* of Tuesday, July 11, 2000. Look at it and you will see the safeguards already in place to prevent the runaway actions that they spoke so passionately about and in respect of which they believe it was a mechanism for control of the police service and Members of the Government.

What beats me, is that I am being accused. Incidentally—and I thank my hon. colleague from Diego Martin West—it escaped me that in July 2000 they were in government, not us. They set the guidelines. [*Desk thumping*] Therefore, it is not that they do not know. They know because they did it. Why in heaven’s name would they know they have done that, yet come to this honourable House and say to all of us that they run risk because of a possible runaway Prime Minister? It is because the national community does not know that they did it. They did not think that they would get it. It is all here.

Mr. Deputy Speaker, then they are talking about a public relations campaign we have run. We spent \$1.97 million and no matter how we say it, they are still saying \$11 million and \$6 million and \$5 million and \$7 million and \$15 million. They are still saying that. [*Interruption*] Precisely the point I made at the outset of my presentation. They subscribe to the philosophy of the German propaganda machine headed by Goebbels. You take something that is untrue, say it often enough and in the minds of those who hear it, it becomes fact. That is what they are trying to do. That is why they are so upset by the campaign that we have run because on this occasion we were able to foil that and I will tell them that we will do it again and again.

If you want to vote against this legislation, please feel free to do so. The Government will just put Plan B in place. We will just do something else. That is irresponsibility in the extreme. I heard one of the hon. Members opposite say, “You know how many police cars they could have bought with \$2 million? He is very concerned about the \$2 million we spent on a campaign, but not apparently concerned about the \$900 million extra spent on an airport at Piarco, which should have cost \$700 million in the first place—not concerned about that, but concerned about \$2 million.

In the same way I hear them making reference to the fact that somebody on this side has been convicted before a court in something. Just in case they did not know it, I will tell them that it was an incident between the Member for Tunapuna and the former Mayor of Chaguanas. The magistrate discharged the Member under, I think, section 71(1)(a), which means no conviction is recorded. The magistrate understood that in the heat of a political campaign, there was an unfortunate incident. I hope that the magistrates and the judges are as understanding on the actions of hon. Members opposite, five of whom, from a former Cabinet, have already faced the courts. [*Desk thumping*] Five! Unprecedented! There is no government in the Caribbean, in fact, there is no government in the British Commonwealth of which I am aware; no government in the world in which five members so far have faced the courts, and God alone knows what number it will be when the dust is cleared. [*Desk thumping*]

The happiest man on that side is the Member for Couva South. Look at him! He is sitting there like a Cheshire cat. He has the look of the cat that ate the queen's canary. He knows something that the others do not know. Do you know what he is so happy about? For better or for worse, he was not in the government and therefore he knows that if a policeman knocks on his door at midnight, he is coming to ask him where one of colleagues lives; it is not him. Imagine that! And he wants to talk nonsense about the Member for Tunapuna. Five so far! I watch at you, and one by one. Which one will it be next? Which one? Or will it be all? I do not know. They are talking foolishness.

The Member for Siparia has the audacity to question my integrity on the basis of the appointment of my wife as Minister of Education. That is what the Member for Siparia did in this House. I would like to tell the hon. Member for Siparia, well at least the country now has a Minister of Education who goes to work every day; [*Desk thumping*] who is sober when she goes to work; [*Desk thumping*] who does not drink on the job; [*Desk thumping*] and who could account for all the furniture in the office she uses. [*Desk thumping*] More than that, just in case she

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does not know it, the country now has a Minister of Education that is one of the best that this country has had in my time, and certainly far superior to the one she has replaced. I “doh” know what she do you. [*Interruption*]

Mr. Deputy Speaker: The hon. Prime Minister is speaking. I see no reason for assistance from you. Please! Let the hon. Prime Minister deal with the matter!

Mr. Ramnath: You have set the precedent of attacking people personally.

Hon. P. Manning: Well, I did not start it. Mr. Deputy Speaker, let me say to my good friend, the Member for Couva South. I am not afraid of any of you on that side. I will take on anyone any time, any place, you name it; you name the issue. I will take you on any time. [*Desk thumping*]

Mr. Deputy Speaker: The speaking time of the hon. Member for San Fernando East has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. [*Mrs. K. Persad-Bissessar*]

Question put and agreed to.

Hon. P. Manning: Mr. Deputy Speaker, thank you very much. You see what I like about this Parliament. I must confess my good friend, the Member for Siparia, has just warmed my heart. As a result, I will say nothing more about her.

Mrs. Persad-Bissessar: If the hon. Prime Minister would give way? There is nothing you can say, hon. Prime Minister, that I am afraid of. I can take on all of you any time, anywhere or any place—[*Laughter and Desk thumping*]

Hon. P. Manning: Mr. Deputy Speaker, this reminds me of *Gunfight at the OK Corral*. If it is gun talk you like—

Mrs. Persad-Bissessar: You are begging now.

Hon. P. Manning: Begging? I am not begging.

Mr. Deputy Speaker, who comprises the government? Governance of a country requires the Legislative and the Executive. Both arms form the governance of the country. It is the responsibility of the legislature to pass laws to establish the legal framework and therefore provide the Executive with the tools by which they operate. Whether Members opposite would like to accept it or not, they are an essential part of the country's governance and are expected to act in a manner that facilitates the smooth conduct of the country's affairs and not to see themselves purely in the role of obstructionist and in the context of the narrow cut and thrust of politics.

I remind you of one thing: You did not put yourselves there. The people put you. [*Desk thumping*] Therefore, you have a responsibility to the people. You are making the cardinal mistake of believing that when you say no, you are saying no to the PNM Government of Trinidad and Tobago. It is not we. It is the people on the outside, the citizens, and the next one who gets killed and whose killer we cannot find or we have difficulty finding because of the inadequacies in the system by which the police service is run, then the blood is on their hands. When we have a kidnapping in this country again and the authorities are having difficulty dealing with it because of the system by which the police service is operating, the blood is on their hands.

I want to make one more point on governance. Clauses were entrenched in the Constitution and the entrenchment of clauses was never meant to damage the vital interest of the country; nor were the clauses intended to have the Opposition improperly obstruct the progress of the country. [*Desk thumping*] The deep entrenchment of clauses reflects the circumstances existing at the time the Constitution was written, the fears, the concerns and the need for safeguards in that situation.

The Public Service Commission, the Police Service Commission, the Judicial and Legal Service Commission, the Teaching Service Commission; all of the service commissions, at the time of our independence, the politicians were concerned about what could emerge against the background of colonialism from which we were then coming, and not having any experience in governance ourselves and watching incidentally what was happening in many countries in Africa, India and elsewhere, they felt we needed safeguards and they put them in.

Forty-two years later, the circumstances of the country have changed. We now have a better idea of who the politicians are and what they will and will not do. We now have been able to operate a system and to see what the shortcomings of that system might be. One of the shortcomings of a system involving the service commissions is that while it does extremely well at protecting against political interference, it does it so well that it prevents the system from working properly. In other words, it minimizes its ability to advance the cause of the people of Trinidad and Tobago.

Recently the chairman of BP, Sir John Brown—which service commission guides the operations of BP?

Mr. Ramnath: He owns it.

Hon. P. Manning: John Brown owns BP, eh? Oh, Lord! Mr. Deputy Speaker, for an oilman, I almost cried to hear a statement like that. Anyway, it is from my

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good friend. Which of the service commissions is in the Royal Bank of Trinidad and Tobago? Why, in all these institutions, there are no runaway individuals but they have been highly successful? Why is there reluctance on the part of hon. Members opposite, in the context of the advances made by this country to modify an arrangement, not get rid of it, but to modify it? In addition to the safeguards we have, all we are saying is that we now need the mechanism that gives a management responsibility to that body. That is what we are saying. Management responsibility. That is the problem. The problem is management every time somebody calls a police station and they are told that we do not have a police car and we bought cars some time ago. Incidentally, this morning the Cabinet took a decision to buy 100 more police cars. [*Desk thumping*]

Mr. Deputy Speaker, time marches on. This is the 21st Century. I thought, when we approached the Leader of the Opposition in 1999, that we were dealing with a politician of long standing. He is mature. He is 71 years old now. He has been in the Parliament since 1976 and in the arena 10 years before that. I remember in his first election that he got 144 votes—Workers and Farmers Party. He has come a long way since then, but regrettably it appears he has not matured enough.

We have a system operating—in the Bills before the House the system is there—that the Police Management Authority reports to a joint select committee of the Parliament. I must tell you, Mr. Deputy Speaker, that I was one of those who thought that was the answer. Recent experience is suggesting that it might not be. Let me tell you what has happened. We have that system operating right now and the Teaching Service Commission has gone before the joint select committee and the behaviour of hon. Members opposite, especially one of them, has been so abominable that members of the Teaching Service Commission are saying that they do not now need this. They are not prepared to subject themselves to that kind of behaviour. Once again, our politicians have failed us. They are not mature enough for a system like that and therefore I agree entirely with the Member for Oropouche when he says that you cannot import, wholesale, systems based on a different culture and on different historical antecedents in a society like Trinidad and Tobago which has different cultures and whose history is very different from the countries from which you want to import those systems. Right or wrong? Precisely. Agreed entirely.

Therefore when they tell us they want confirmation hearings before the Parliament for Members to be appointed to bodies, they got one like that once and nobody went. Right now we have a problem with boards of directors because the

legislation says that they must declare their assets before the Integrity Commission and a number of people in this society are saying that they can do without that; that they are not politicians. If we are being called upon to do that, we will resign and several have already resigned. A problem has arisen which we did not anticipate. We are going to come to change it and you will see the responsibility again, because their job is not to assist the Government of the country.

Mr. Deputy Speaker, they talk about the service commissions. I can talk about the service commissions first-hand. I would like hon. Members opposite to listen carefully to this. I was Prime Minister in 1994. As Prime Minister, I invited the Chairman of the Public Service Commission to come to see me. He said he was not coming. He was under no obligation to come to see me. Afterwards, he said he would come out of courtesy and he came. He came out of courtesy and told me that he was there out of courtesy and he was not prepared to discuss anything in relation to the service commission and I could do him nothing. I told him I was prepared to go to the service commission to talk to members because there were issues that the government had that I would have liked to discuss with them. He said that his commission was not going to talk to me.

Mr. Deputy Speaker, you ask why legislation is required? For ten years, as Prime Minister, as Leader of the Opposition and as Prime Minister again, I have had no words with the Chairman of the Public Service Commission on the business of the country. Absolutely none! The country needs to know these things. When, therefore, the Government says it would like to make this or that change, it is not always possible for us to give the reasons because we do not want to create issues. I have done it this evening—

Mr. Singh: Thank you, hon. Prime Minister, for giving way. What is emerging is that it is not a question of systematic change; it might be a question of personnel change.

Hon. P. Manning: Mr. Deputy Speaker, for 10 years, and the problem is that the system allows that to happen for 10 years. I will say something again because in this debate they raised it. When the hon. Member for Couva North, as the head of his government, extended the time for the appointment of a commissioner of police and appointed him on contract, which means he was answerable to him, he did not see anything wrong with that. The commissioner was not beholden, but I, on behalf of the State, hand a letter to a commissioner of police, a letter issued by the Police Service Commission, and there is something fundamentally wrong with that.

I ask the question: How did the Prime Minister come in possession of that letter? Did he steal the letter? I will tell you. The letter came into my possession

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with the approval of the Chairman of the Police Service Commission. I am telling you and I say it in the Parliament of this country. I am telling you what the facts are. Incidentally, in Westminster, not telling the truth to Parliament is punishable by your portfolio. You return your portfolio if you are caught lying before the Parliament—well, telling untruths. I have watched the tempest rage.

Mr. Deputy Speaker: Please, just allow the Member—

Hon. P. Manning: I have watched the tempest rage and I have remained silent through all of it and I shook my head and I wondered. I believe that this morning is the time to let this country know. I will tell this country something else. Whenever I hesitate to speak, Mr. Deputy Speaker, it is not because I am unable to speak, it is because I consider it, on occasion, unwise to say what I know. This country will be well advised to recognize that a Prime Minister generally knows a little more than he says and they would be well advised to give a Prime Minister credit for that. To become Prime Minister of this country, you cannot be a fool. Even the hon. Member for Couva North is not a fool. He is a very smart man; but that is the problem. He is too smart. So when we say we want a police management authority with certain responsibilities and accountable in a certain way, it is not only because the technical team came forward with it, you know. We agreed to that because of our own experiences in the country's governance.

1.55 a.m.

It is not only because the technical team came forward with it. We agreed to that because of our own experiences in the country's governance. I would admit that the PNM has more experience than anybody else. The hon. Member for Couva North has been in two governments in the country. He was foreign minister in one for a while. He ran his own government for six years. He knows, because some of his experiences are mine. I am very surprised to hear the Member for Couva North saying that if you appoint a President, when the Electoral College elects a President, the President is beholden to the Prime Minister. I do not? I wonder if I have his permission to say something? Do I have your concurrence to say something, Member for Couva North? Mr. Deputy Speaker, he made the mistake once before and believed that Mr. Robinson was his man; not in Trinidad and Tobago. My experience is once somebody is appointed to one of the independent offices of this country they guard that independence fiercely. [*Desk thumping*] If there is any mistake in that system, as indeed there is, it is that they are accountable to no one.

Recently—I want to thank that government for doing it—they passed laws in the country that made some of them accountable to select committees of the

Parliament. As I pointed out earlier, whereas I thought that was the answer to the question, I do not think it is the answer anymore.

One of the problems that Prime Ministers have had is the question of consultation under the Constitution. What constitutes consultation? It is not unknown, where a President has consulted with a Prime Minister and Leader of the Opposition, both have objected to the appointment and the President went ahead and made the appointment. I ask the question: Is that proper or not? When we discuss constitution reform in this country, that is a matter that has to be discussed. Is it proper or not? At the end of the day, it is the politicians who are elected directly by the people. You cannot have the people elect the politicians and then you put every impediment in their way in conducting the people's business. That is fundamentally wrong in principle. Right or wrong? It is fundamentally wrong. You cannot have that.

When the technical team decided that the Prime Minister and Leader of the Opposition must agree, what they sought to do was to get around that problem of consultation. What constitutes consultation? I could tell you what a President has done to me on that. I do not want to get into that. We have experiences on that, too. What the technical team suggested is this—we know you have problems with consultation, let us deal with it in this way— Prime Minister and Leader of the Opposition consult and agree. If you all agree, then you make the appointment. If you do not agree then let the President make it.

I agreed with my friend from Couva North, speaking in this Parliament on July 13, 2001, when he described that method as one of the best arrangements we could put in place to deal with the particular problem. I agreed with him entirely. I was prepared to give it a chance to work. It may not be ideal. It certainly is not ideal; I could see shortcomings in it. It represented an innovation, a departure from the past, a new approach that I thought was worthy of some commendation and we were prepared to try it. If that did not work, then we do something else. Today we are being told that by that mechanism, the Prime Minister controls the police. How in God's name, I cannot see. The Member for Siparia has taken it a step further that, because we agree to that, the Prime Minister wants his own Gestapo.

They want more time to appoint a joint select committee. With respect, we do not agree. We see that as merely a mechanism to delay, as they did us in 2002. When they called for further public comments on the Bills, we were coming to pass the Bill that day. It was nothing more than a mechanism for delay. We agreed on 12 weeks. Now, 20 months later, we are now coming back to the Parliament with it. They do not agree at all.

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They also talked about a number of other things that have to be done. They talked about the need for prison reform, as if they were never in the Government of Trinidad and Tobago; they were. They did something about it. Mr. Deputy Speaker, they appointed a technical team headed by the Commissioner of Prisons, Mr. Ciprani Baptiste, at the time, and including a number of persons. Let me get the reference. It is not readily at hand. It was a Task Force on Prison Reform and Transformation. On October 11, 2001 it held its first meeting. This was the team: Mr. Ciprani Baptiste, Chairman; Mrs. Natalie Jackman, replaced by Mr. Dennis Brown; Miss Catherine Ali; Mr. Heathcliffe Renaud; Mr. Carl Valley; Mr. Karlon McConnie; Mr. John Roget; Mr. Gordon Husbands; Miss Camille Blackman, replaced by Miss Stacey Park; Bishop Calvin Best; Mrs. Eunice McDonald Grant and Mrs. Brenda Sylvester, former Secretary. They set it up. The first report was on May 23, 2002 and the final report was on March 06, 2003. It is voluminous. These documents recommended a fundamental change in our approach to the justice system, from a system of retributive justice to a system of restorative justice. It went on to suggest that we should set up a department of corrections in the public sector. That is why we have a Department of Corrections in the Ministry of National Security. First it was headed by the now Minister of Labour, Mr. Anthony Roberts. It is now headed by the Member for Laventille East/Morvant, Mr. Fitzgerald Hinds, who reports to the Minister of National Security on this matter. So critical do we believe it to be, that we have put that department directly under the control of a Minister of State.

One of the recommendations is a parole system. We have spent a lot of time at the Standing Committee on the Social Sector discussing this. It was started by them. In this debate, you heard anything about it? We did not hear anything about it. What we heard was that we needed to do something about prison reform, giving an impression to the national community that things are bad in the prisons, they know about it, but that this wicked and malicious PNM Government will do nothing about it. It is all on the way. [*Desk thumping*]

Mr. Deputy Speaker, the job of Prime Minister could be a very frustrating one, at times. If I have any regrets—I do not have any regrets, but if I feel sad about anything—it is that I invested five years of my life and five years of the people's time in an exercise that will come to nought tonight. But I take solace in some of the commentators in this country who have been very understanding. This is what the *Newsday* had to say yesterday, Thursday July 01. By way of encouragement, it says:

“Move on, Mr. Manning”

Let me read that into the record.

“Law abiding citizens will now come to their own conclusions about the nature of the country’s politics in light of the Opposition’s obvious intention not to support the Police Reform Bills. As far as we are concerned, this entire episode amounts to a truly tragic chapter in our nation’s history, one in which the people’s interest is being cynically sacrificed on the altar of partisan politics.

The consequence of the non-passage of the Bills should be understood by all; the effort to clean up and enhance the effectiveness of the Police Service, an urgent need, based on long and bitter experience of inept management and inadequate performance, will now be stymied, perhaps permanently.

The Bills had behind them a popular consensus since they were the studied product of a bi-partisan committee under the UNC government and had been subjected to widespread consultation. The legislation, in fact, had been drafted by a Technical Team headed by Sir Ellis Clarke, the country’s leading constitutional expert. And, most critically of all, the measures to energise the Police Service were proposed in response to public concerns over a dangerously rising crime wave.

Because of the vital nature of the Bills, we expect that a majority of responsible citizens have been following the debate which has been broadcast live over television and radio. And they would be assessing the contributions of both sides, particularly the reasons now being offered by the UNC for opposing the measures. Yesterday, Mr. Panday, following on the variety of reasons he has already given for condemning the legislation of his own government, came up with a list of amendments which, not surprisingly in our view, introduced an element of old mas into the debate. To begin with, Mr. Panday wants the President to be elected by popular ballot, thus turning the selection of the country’s Head of State into a free-for-all contest. Candidates, however they may be nominated, will then, we suppose, have the opportunity to hold public meetings across the country, extolling their personal virtues and promoting themselves for the post of President. This is Mr. Panday’s recommendation for solving the problem he has with Mr. Richards, his plan for ensuring the appointment of a non-political President.

Additionally, the Opposition Leader wants to divest the President’s decisions of their constitutional immunity, so that he can be brought to court via motions for judicial review. Citizens will draw their own conclusions but, in our view, the Opposition, in this debate, has exposed not only their abject bankruptcy but an unwholesome disregard for the interest of the country and

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the safety of its population. In fact, we are amazed by some of the objections Opposition members have coughed up against the Bills, contradicting in several respects the view expressed by their Leader, when he was PM, that the Police Service was in urgent need of reform.

It should now be painfully clear to the Government that they cannot rely on the Opposition to put country before partisan interest even at a crisis and, under these circumstances, they must move on with the people's business, in particular measures to deal with the crime situation. Within the power they now have, the Government must move to improve the management of the Police Service, upgrade the quality of its manpower, expand and modernise its technology and forensic capability and provide it with adequate mobility.

They must not be deterred by the setback on the Bill.”

Mr. Deputy Speaker, with the help of Almighty God, this Government is going to persevere. We will try new approaches, whether the Opposition wishes to co-operate with us or not, and by the help of Almighty God, we shall succeed.

I beg to move. [*Desk thumping*]

Question put.

The House divided: Ayes 18 Noes 15

AYES

Valley, Hon. K.

Manning, Hon. P.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Robinson-Regis, Hon. C.

Narine, Hon. J.

Williams, Hon. E.

Boynes, Hon. R.

Beckles, Hon. P.

Rahael, Hon. J.

Roberts, Hon. A.

James, Hon. E.

Hart, Hon. E.
Callender, Hon. S.
Seukeran, Hon. D.
Job-Davis, Hon. E.
Hinds, Hon. F.
Achong, L.
NOES
Singh, G.
Panday, B.
Yetming, G.
Persad-Bissessar, Mrs. K.
Ramnath, K.
Ramsaran, M.
Khan, Dr. F.
Rafeeq, Dr. H.
Sharma, C.
Partap, H.
Lucky, Miss G.
Nanan, Dr. A.
Panday, S.
Baksh, N.
Moonilal, Dr. R.

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.

Clause 3.

Question proposed, That clause 3 stand part of the Bill.

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Mr. Valley: Mr. Chairman, I beg to move that clause 3 be amended as circulated to read:

Delete the words "The Act" and substitute the words "This Act".

Question put and agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 4 be amended as circulated to read:

Delete and substitute the following clause:

Section 3 amended	4. Section 3 of the Constitution is amended by deleting the words "the Police Service Commission" in the definition of "Service Commission".
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Question put and agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 5 be amended as circulated to read:

Delete and substitute the following clause:

Section 66A amended	5. Section 66A of the Constitution is amended in subsection (1)(a)(ii)— (a) in sub-subparagraph (D), by deleting the word "and"; and (b) by inserting after sub-subparagraph (E), the following sub-subparagraphs: “(F) the Police Management Authority established under section 122A; and (G) the Commissioner of Police;”
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Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6.

Question proposed, That clause 6 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 6 be amended as circulated to read:

Delete and substitute the following clause:

Section 66D amended	6. Section 66D of the Constitution is amended deleting the words "A Body listed at (A) to (D)" and substituting the words "A body listed at sub-subparagraphs (A), (B), (C), (D) and (F) and the person listed at sub-subparagraph (G)".
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Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7.

Question proposed, That clause 7 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 7 be amended as circulated to read:

Insert after the words "Section 121(7)", the words "of the Constitution".

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 8 be amended as circulated to read:

Delete and substitute the following clause:

Sections 122 and 123	8. The Constitution is amended— (a) by deleting the heading "Police Service repealed Commission" appearing immediately before section 122; and (b) by repealing sections 122 and 123."
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Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 9 be amended as circulated to read:

Delete and substitute the following clause:

Sections
122A,
123A
and 123B
inserted

9. The Constitution is amended by inserting immediately before section 124, the following heading and sections:

Police Management Authority

Police
Management
Authority

122A. (1) There shall be a Police Management Authority, which shall consist of a Chairman and five other members with experience in the disciplines of law, finance or management.

(2) At least one member of the Authority shall be proficient in management.

(3) The members of the Authority shall be appointed by the President on the advice of the Prime Minister and the Leader of the Opposition, and in the event that such advice is not forthcoming within such time as the President may deem reasonable, the President shall appoint the members of the Authority after consultation with the Prime Minister and the Leader of the Opposition, in conformity with subsection (1).

(4) The President shall in his own discretion appoint a Chairman of the Authority from among the members.

(5) Section 126 shall apply to a member of the Authority as it applies to a member of a Service Commission.

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2004

(6) In the performance of its functions the Authority shall act in accordance with the Police Service Act, 2004.

(7) The Authority shall employ such members of staff as it requires for the performance of its functions on such terms and conditions as are agreed upon between the employee and the Authority.

(8) The Authority shall determine its own procedures for the conduct of its meetings.

Powers of the
Police
Management
Authority

123A.(1) The Police Management Authority shall have the power to—

- (a) appoint persons to hold or act in the office of Commissioner of Police, Deputy Commissioner of Police, Assistant Commissioner and Senior Superintendent, including the power to make appointments on promotion and to confirm appointments; and
- (b) remove from office and exercise disciplinary control over persons holding or acting in the offices specified in paragraph (a) and to monitor the efficiency and effectiveness of such persons in the discharge of their functions.

(2) The Authority shall not remove an officer referred to in subsection (1)(a) on the grounds of any act done or omitted to be done by him in the exercise of a judicial function conferred upon him unless the Judicial and Legal Service Commission concurs therein.

(3) Before the Authority makes an appointment to the office of Commissioner of Police or Deputy Commissioner, it shall consult the Prime Minister, and a person shall not be appointed to either office where the Prime Minister signifies to the Authority his objection to the appointment of that person to such office.

(4) The Authority may, subject to any condition or qualification as it may think fit, delegate any of the functions conferred on it by this section to any of its members.

(5) At any meeting of the Authority, four members shall constitute a quorum.

(6) Where there is a quorum, the Authority shall not be disqualified from the transaction of business by reason of any vacancy among its members, and any proceeding of the Authority shall be valid even though some person who was not entitled to do so, took part therein.

Powers of Commissioner of Police 123B. (1) Subject to section 123A, the Commissioner of Police shall—

- (a) have the power to manage the Police Service; and
- (b) ensure that the human, financial and material resources available to the Service are used in an efficient and effective manner.

(2) The Commissioner of Police shall have the power to—

- (a) appoint persons to hold or act in an office in the Police Service, other than an office referred to in section 123A(1)(a), including the power to make appointments on promotion and to confirm appointments;
- (b) transfer any police officer; and
- (c) remove from office and exercise disciplinary control over police officers, other than an officer referred to in section 123A(1)(a).

(3) The functions of the Commissioner of Police under this section may be exercised by him in person or, except for the power of removal, through any police officer acting under and in accordance with his general or special instructions.

(4) In the performance of his functions under this section, the Commissioner of Police shall act in accordance with the Police Service Act, 2002 and any regulations made thereunder.

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clause 10.

Question proposed, That clause 10 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 10 be amended as circulated to read:

Delete and substitute the following clause:

10. Section 127 of the Constitution is amended—

Section 127
amended

- (a) by repealing subsection (1)(c); and
- (b) in subsection (1)(b)(ii), by deleting the words “ ; and” and substituting a full stop.

Question put and agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11.

Question proposed, That clause 11 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 11 be amended as circulated to read:

Insert after the words “Section 129”, the words “of the Constitution”.

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

Clause 12

Question proposed, That clause 12 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 12 be amended as circulated to read:

Delete and substitute the following clause:

Section 132
amended

12. Section 132 of the Constitution is amended—
- (a) by repealing subsection (1) and substituting the following subsection:
- “(1) An appeal shall lie to the Public Service Appeal Board from any decision of—
- (a) a Service Commission or of any person to whom the powers of the Commission have been delegated;
- (b) the Police Management Authority or of any member to whom the powers of the Authority have been delegated; or
- (c) the Commissioner of Police or of any person to whom the powers of the Commissioner have been delegated,
- as a result of disciplinary proceedings brought against a public officer.”;
- (b) in subsection (3)(b), by inserting after the words "the relevant Service Commission" the words "or the Police Management Authority or any person referred to in subsection (1)(a) to (c), against whose decision the appeal has been lodged”;
- (c) in subsection (3A), by inserting after the words "a Service Commission", the words "or the Police Management Authority or any person referred to in subsection (1)(a) to (c),"; and
- (d) in subsection (3B)(c), by inserting after the words "the Service Commission", the words "or the Police Management Authority or any person referred to in subsection (1)(a) to (c)".

Question put and agreed to.

Clause 12, as amended, ordered to stand part of the Bill.

Clause 13.

Constitution (Amdt.) Bill

Thursday, July 01, 2004

Question proposed, That clause 13 stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that clause 13 be amended as circulated to read:

Insert after the words "Section 134", the words "of the Constitution".

Question put and agreed to.

Clause 13, as amended, ordered to stand part of the Bill.

Preamble.

Question proposed, That the Preamble stand part of the Bill.

Mr. Valley: Mr. Chairman, I beg to move that the Preamble be amended as circulated to read:

Delete the word "enacted" and substitute the word "provided".

Question put and agreed to.

The Preamble, as amended, ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the House.

House resumed.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

The House divided: Ayes 18 Noes 15

AYES

Valley, Hon. K.

Manning, Hon. P.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Robinson-Regis, Hon. C.

Narine, Hon. J.

Williams, Hon. E.

Boynes, Hon. R.

Beckles, Hon. P.
Rahael, Hon. J.
Roberts, Hon. A.
James, Hon. E.
Hart, Hon. E.
Callender, Hon. S.
Seukeran, Hon. D.
Job-Davis, Hon. E.
Hinds, Hon. F.
Achong, L.
NOES
Singh, G.
Panday, B.
Yetming, G.
Persad-Bissessar, Mrs. K.
Ramnath, K.
Ramsaran, M.
Khan, Dr. F.
Rafeeq, Dr. H.
Sharma, C.
Partap, H.
Lucky, Miss G.
Nanan, Dr. A.
Panday, S.
Baksh, N.
Moonilal, Dr. R.
Question negatived.

Mr. Deputy Speaker: Hon. Members, since it is required that this Bill be passed on a final vote of the House, with not less than two-thirds of the Members voting in favour, we do not have that. Only 18 persons voted for the Bill, while 15 voted against. The Bill therefore fails. [*Desk thumping*]

Hon. P. Manning: Mr. Deputy Speaker, in light of the fact that the other two Bills on the Order Paper depend on the passage of the Constitution (Amdt.) Bill, which itself has not been passed, the Government does not propose to proceed with these other two Bills at this time.

Motion made and question proposed, That the House do now adjourn to a date to be fixed. [*Hon. K. Valley*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 2.30 a.m.