

*Leave of Absence**Friday, June 22, 2007***HOUSE OF REPRESENTATIVES***Friday, June 22, 2007*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon Members, I have received communication for the hon. John Rahael, Member of Parliament for Port of Spain North/St. Ann's West requesting leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

**NATIONAL CARNIVAL BANDS ASSOCIATION OF
TRINIDAD AND TOBAGO (INC'N) BILL**

**Special Select Committee Report
(Presentation)**

The Minister of State in the Ministry of Community Development and Gender Affairs (Hon. Eudine Job-Davis): Mr. Speaker, please permit me to present the report of the Special Select Committee of the House of Representatives on a Bill entitled an Act to incorporate the National Carnival Bands Association of Trinidad and Tobago and for matters incidental thereto.

ORAL ANSWERS TO QUESTIONS

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, we are in luck today. Question No. 5 which has been on the Order Paper for some time would be answered today, in addition to question No. 84 and I am asking for a deferral of two weeks for the other questions.

Hon. Members: No, no.

Mr. Speaker: Order please. The hon. Member for Chaguanas.

Mr. Manohar Ramsaran (Chaguanas): Mr. Speaker, before I pose the question, can I talk about the written questions?

Mr. Speaker: Sorry?

Mr. M. Ramsaran: The written questions at the back.

Mr. Speaker: We are dealing with oral answer.

Mr. M. Ramsaran: I am a bit shocked to hear question No. 5 being answered.

Brian Lara Stadium

- 5. Mr. Manohar Ramsaran** (*Chaguanas*) asked the hon. Minister of Sport and Youth Affairs:
- (a) With regard to the Brian Lara Stadium, could the Minister advise:
 - (i) the status of work being conducted;
 - (ii) the expected completion date; and
 - (iii) the cost overruns to date?
 - (b) Could the Minister state what would the stadium be used for in relation to Cricket World Cup 2007?

The Minister of Sport and Youth Affairs (Hon. Roger Boynes): Mr. Speaker, the Government's policy for sport is consistent with the concept of total participation in sport where the entire population is involved in some area of sporting activity. To achieve this transformation, the Government has embarked on the development, upgrade and rehabilitation of sport, sporting facilities, in addition to the construction of new facilities throughout Trinidad and Tobago. [*Crosstalk*]

The construction of such facilities is in keeping with the objectives contained in the National Sport Policy and the Vision 2020 report, on youth, sport and recreation to make Trinidad and Tobago a hub for sporting activities and viable host for international sporting events. Against this background, the Government has recognized the need to provide an international world-class training facility for national athletes in their pursuit of international success and global recognition for the nation.

In keeping with this policy, the Government has identified a site to accommodate the facility on lands in the Tarouba district. The Government subsequently mandated the Urban Development Corporation of Trinidad and Tobago Limited (UDeCott), a state-owned company to construct phase one of the project, the Brian Lara Cricket Stadium. Works on the Brian Lara Cricket Stadium commenced with site preparation in August 2005. UDeCott had indicated a preliminary estimated cost of \$275 million, exclusive of fees for the project.

With respect to part (a)(i) of the question, today the Brian Lara Cricket Stadium is approximately 60 per cent completed. With respect to part (a)(ii) of the

question, the project is anticipated to be completed by 2008. With respect to part (a)(iii) of the question, the original cost of \$275 million exclusive of fees was pursuant to the original conceptual designs for the Brian Lara Stadium. Several costs were not included in the original design. [*Crosstalk*]

Mr. Speaker, increased costs were also due among other things to the change in the location of the stadium from Marabella to the Tarouba site which resulted in the increase in infrastructural works, increased piling and increased excavation on the new site. Over the life of this project, there have been significant increases in the cost of materials and labour in the construction sector, both locally and internationally. The Government wishes at this time to outline the increased cost of works at the stadium and the reasons for such increase as advised by UDeCott.

To date, infrastructural work including works on the pile caps, ground beams, columns and retaining walls are 90 per cent completed and are expected to be completed by September 2007. Of these works, piling is 100 per cent complete at a revised cost of \$20 million. The cost of earthworks has been revised to \$53 million. The erection of the media tower to the north of the site is in progress; structural steel works on the tower are 75 per cent complete and expected to be completely glazed by August 2007. The cost of the super structure works has been revised to \$167.8 million. A green field is visible on site; a sign at work is 95 per cent complete on this project.

The revised cost of the field, practice pitches and drainage and associated work is \$10 million. The revised cost of plumbing, electrical and exterior finishes is \$84 million. Currently, infrastructural works are being undertaken for T&TEC and TSTT connections and expected to be completed by July 2007; WASA has already laid an 8 inch diameter water main for connection to the facility. All access roads are approximately 80 per cent complete.

Mr. Speaker, the revised budget of these works is in the sum of \$31 million. The revised cost of the canopies, score board, floodlighting and sewer storage is \$81.3 million. There are a number of other items that were not included in the original budget. These include: security and security fencing, landscaping and stadium seating, the cost of these items is \$30.9 million. The projected final cost of the completely redesigned stadium—

Mr. Speaker: One second, please. Would the Member who has a cellphone on, please take it off, and all Members with their cellphones on, please take them off. Continue.

Hon. R. Boynes: Thank you very much, Mr. Speaker. The projected final cost of the completely redesigned stadium now located at Tarouba is in the sum of \$558,756,302.55, VAT exclusive. With respect to part (b) of the question, the warm up matches for the ICC Cricket World Cup, 2007 were held at the University of the West Indies, UWI grounds, St. Augustine and consequently, the Brian Lara Stadium was not utilized.

Mrs. Persad-Bissessar: The Brian Lara Stadium was not ready?

Hon. R. Boynes: In summary, the Brian Lara Cricket Academy is the first phase of the Tarouba sporting complex and will be this country's premier facility designed and dedicated for the development of all cricketers. At the end of construction, the Brian Lara Cricket Academy will provide the following core features for the sporting facility for Trinidad and Tobago. The main playing field has six pitches, four of which would be outfitted with facilities for stump cameras. The outfield is designed with a sophisticated drainage system that would allow for play to resume soon after heavy downfalls.

It is the intention that these four pitches will be prepared to simulate the environment of international pitches across the world, it will be outfitted with advanced technological equipment to be used by coaches and players to observe techniques and effective corrective action. Player facilities will include: physio-rooms, hydrotherapy rooms, players lounge, gymnasium, dining area, meeting rooms and other subsidiary facilities. Administration facilities which will include: conference room, audio-visual room, offices and bathroom areas. Media facilities will also be provided to accommodate both electronic and print media.

These facilities will be located in a four-storey state-of-the-art media tower on the northern end of the stadium. The stadium facilities will be equipped with floodlighting to allow for night games and practice. All facilities in the Brian Lara Stadium will cater for persons with disabilities. As we attempt to chart the elite athlete's pathway, it is critical to ensure that world-class programmes be established at the high performance centre earmarked for the Brian Lara Academy. The high performance centre envisaged for the Brian Lara Academy is consistent with the Australian model.

Mr. Speaker, the Government of Trinidad and Tobago is in the process of remodeling the sports administration in this country, in line with the Australian model. We have decided as a Government, to draw on the experience that helped develop a vibrant Australian sport system and has established Australia's sporting team amongst the most successful in the world. The aim is to learn from the

Australian experience, develop and implement a local model with increased efficiencies and effectiveness in managing and nurturing local sporting talent and infrastructure.

Quite recently, a team from the Australian Sports Commission was contracted by the Sports Company of Trinidad and Tobago to review the structural operations of a sports' commission for Trinidad and Tobago. It is within this context that a high performance center as the Brian Lara Academy is conceived. The component of a high performance centre includes: facility provision and training environment, nutrition, sociology, strength and conditioning, elite coaching, physical therapy—physiotherapy and massage. It takes into consideration, sport medicine, athlete care and education, physiology of the athlete, talent search, performance analysis, biomechanics and skill acquisition.

Mr. Speaker, the features of this high performance centre would enable us to be able to prepare our athletes physically and mentally. The Brian Lara Cricket Academy would also feature 10,000 permanent seats, expandable to 15,000 with temporary seating inside; paved parking for 1,050 spectators; mass transit load zones for 5,800 spectators; unpaved parking for 3,150 spectators; 5,000 general admission seats in the south stand; club seating and lounge, 1,000 seat capacity; 26 suites; 3,000 general admission seats in the north stand; grounds keeping maintenance and operations; grass beam for the overflow seating; score board; party area; and on the east beam, you have the grass beam for overflow seating; suites for the southern stand, multiple parking areas.

In conclusion, the Brian Lara Cricket Academy will be a fillip to the development to cricket in Trinidad and Tobago and the wider Caribbean region. The facility will offer young and upcoming cricketers a world-class public facility that caters for training of the highest quality. This world-class facility will be the catalyst for attracting more world-class coaches to train and cultivate the future pool of Trinidad and Tobago and West Indian Cricketers.

As such, the provision of this facility, addresses the dearth in quality venues for local regional and international matches in Trinidad and Tobago. Already, the facility has resulted in the concurrent infrastructural development, water, sewerage, electricity and drainage work for over 180 acres of land for future development of the surrounding community.

This increased land value of the nearby communities is attributed to the greater accessibility through the expansion of the road network that now allows for more efficient access to main road arteries such as the Churchill Roosevelt

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Highway. The immediate surrounding community would benefit from the increased accessibility to one stream road areas bring prospect to economic opportunity and technological advancement.

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

Mr. Sharma: Based on what the Minister has just advised this House, is the Minister aware that this is the most expensive project in the world, per square foot?

Hon. R. Boynes: I am not aware of that, Mr. Speaker.

Mr. Sharma: Would the Minister be prepared to tell us what per square foot is this project costing?

Hon. R. Boynes: Mr. Speaker, if the Member wants to file that as another answer, let him file it as another answer. [*Crosstalk*] As another question, let him file his other question.

Mr. Yetming: Mr. Speaker, is the Minister saying that—

Mr. Speaker: Order!

Mr. Yetming:—Brian Lara Stadium was not by fixed price contract?

Hon. R. Boynes: No, I am not saying that it was not by fixed priced, but it was tendered. [*Crosstalk*]

Mr. Yetming: Does the Minister recall that at the press briefing in August 2005, the statement was made that the award of the contract for the building of this Brian Lara will be by fixed price contract?

Hon. R. Boynes: I do recall that, Mr. Speaker.

Dr. Rafeeq: Mr. Speaker, I do not know if the Member mentioned it, but I just wanted to find out what is the total seating capacity in the Brian Lara Stadium?

Hon. R. Boynes: 10,000 and temporary with an additional 5,000.

Dr. Rafeeq: I wanted to find out, 10,000, how many days in the year do you expect to use these 10,000 seats?

Hon. R. Boynes: Well, I think the Member could be advised to file that as a separate question.

Dr. Rafeeq: Thank you.

Mr. Ramsaran: Were these facilities you just outlined included in the original plan; and secondly, what are the projected monthly costs to administer the programme mentioned on a monthly cost to maintain this stadium?

Hon. R. Boynes: Well, the second question that you asked, obviously you can file that as a separate question.

Mr. Ramsaran: With due respect, we will be out of here in a next year.

Hon. R. Boynes: With respect to the first question, I believe I answered it in my submission.

Mr. Speaker: Do you have any further supplemental, Member for Chaguanas? I would allow you one more.

Mr. Ramsaran: Mr. Speaker, apparently he has no answer, so I cannot waste my time.

Mr. Speaker: One more.

Dr. Rafeeq: The figures that you gave us, \$558 million and so on, is that for the cricket alone or is that for the entire sporting complex?

Hon. R. Boynes: Well, I am glad the Member asked that question because what that did in fact, it is for the infrastructural work of the entire site that speaks a 187 acres, not specifically for the Brian Lara Stadium site. The Brian Lara Stadium site speaks to 95.5 acres of land, so it is a development of the whole site.

Dr. Rafeeq: This figure is for the entire sporting complex?

Hon. R. Boynes: Some of these infrastructural works speaks to the entire acreage of the site that would take into consideration the multi-purpose campus for sport.

**(CWC) Cricket World Cup 2007
(Financial Returns)**

84. Mr. Manohar Ramsaran asked the hon. Minister of Sport and Youth Affairs:

Would the Minister inform this House:

- (a) whether the Government received any financial returns with regard to (CWC) Cricket World Cup 2007; and
- (b) also provide the total financial contribution made to the Local Organizing Committee for the Cricket World Cup 2007?

The Minister of Sport and Youth Affairs (Hon. Roger Boynes): Mr. Speaker, the Chief Executive Officer of the LOC, Trinidad has advised the Ministry of Sport and Youth Affairs that the final accounting has been completed between the CWC Office in Jamaica and the LOC, Trinidad and that returns to the Government have been identified from local ticket sales and are estimated in the sum of TT \$10 million. Disclosure will be made upon completion of the accounting process. With respect to part (b) of the Member's question, which asked for the total financial contribution made to the LOC for the Cricket World Cup, 2007, the sum of \$93,338,618.82 was disbursed to the LOC in the period of its existence. It breaks down as follows:

Funds provided in 2005—\$27,999,110.82;

Funds provided in 2006—\$26,605,000; and

Funds provided in 2007—\$38,734,508.

So, therefore, the total sums disbursed to the LOC as at 2007 was \$93,338,618.82. In addition, funds in the sum of \$3,790,712.80 were expended on pre-LOC activities.

Mr. Speaker, these funds were utilized on the following items of expenditure:

1. Venue development with the upgrade of the Queen's Park Oval, the University of the West Indies SPEC, the practice grounds at St. Mary's College grounds and the National Cricket Centre at Balmain, Couva. These upgrading works were to satisfy the international standards of the ICC.
2. Cricket operations including accommodation, transport, practice, medical services and security for the four teams which were hosted in Trinidad, namely, South Africa, Pakistan, Ireland and Canada.
3. Contribution by Trinidad and Tobago to the Opening Ceremony.
4. City Dressing cost, including the provision of clean venues in and around the stadium in keeping with ICC's CWC requirements.
5. Operational cost of LOC including VIP, protocol, volunteers, health and safety, public education, marketing and public relations and traffic management.

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

The following questions stood on the Order Paper:

University of Trinidad and Tobago (UTT)

- 36.** Could the hon. Minister of Science, Technology and Tertiary Education list:
- (a) all the contracts entered into by the University of Trinidad of Tobago (UTT);
 - (b) all consultants whose services are engaged by UTT and the fees paid to them;
 - (c) all legal fees paid to attorneys-at-law for and on behalf of UTT; and
 - (d) all foreign personnel of UTT and their respective salaries? [*Mr. G. Singh*]

**Community Development Fund
(Status of)**

- 44.** With respect to the Community Development Fund (CDF), could the hon. Minister of Community Development, Culture and Gender Affairs inform this House:
- (a) what is the present status of the fund; and
 - (b) the number of recipients and quantum of money disbursed and the purpose of the allocations for fiscal 2005/2006? [*Mr. M. Ramsaran*]

**Community Development Bursary Programme
(Details of)**

- 45.** With respect to the Community Development Bursary Programme, could the hon. Minister of Community Development, Culture and Gender Affairs indicate to this House:
- (a) the number of recipients of bursaries under the programme; and
 - (b) the quantum of moneys disbursed for fiscal 2005/2006 and for what given purpose? [*Mr. M. Ramsaran*]

**SWMCOL/CEPEP Investment Club
(Money Market Account)**

- 58.** Could the hon. Minister of Public Utilities and the Environment state:
- (a) the purpose of the fund established in the form of a money market account in the name of "SWMCOL/CEPEP Investment Club";

- (b) the signatories to that account;
- (c) the current balance of that account;
- (d) the average monthly balance of that account since its establishment; and
- (e) the total amounts contributed annually by SWMCOL to the “SWMCOL/CEPEP Investment Club?” [*Mrs. K. Persad-Bissessar*]

SWMCOL

(Contracts from 2006 to date)

- 60.** Could the hon. Minister of Public Utilities and the Environment provide:
- (a) the names of any consultancy firms employed by SWMCOL during the period 2006 to date; and
 - (b) the duration of the contracts and the contract amounts? [*Mr. S. Panday*]

Allocation of Funds

(Details of)

- 70.** Could the hon. Minister of Community Development, Culture and Gender Affairs state the allocations made to TUCO, Soca Monarch and Calypso Tents for the period 2005–2007? [*Mr. G. Singh*]

E-Teck, InterFix LLC and InterFix Ventures LLC

- 75.** Could the hon. Minister of Trade and Industry list the principal terms and conditions of the Shareholders Agreement between E-Teck and InterFix LLC and InterFix Ventures, LLC? [*Mr. G. Singh*]

Member for Point Fortin

(Details of Prosecution)

- 77.** Could the hon. Attorney General inform this House of the date on which the file pertaining to the prosecution of the Member for Point Fortin was sent to the Director of Public Prosecutions? [*Mr. S. Panday*]

Yolande Humphrey Recreation Ground

(Details of)

- 79.** (a) Could the hon. Minister of Sport and Youth Affairs advise this House as to the extent of work needed in order to fully upgrade and rehabilitate the Yolande Humphrey Recreation Ground in Princes Town?

- (b) Could the Minister also advise why this work has not yet been completed? [*Mr. S. Panday*]

**Trinidad and Tobago Football Federation
(Financial Contributions)**

- 82.** Could the hon. Minister of Sport and Youth Affairs inform this honourable House of:
- (a) all financial contributions made to the Trinidad and Tobago Football Federation for World Cup Football 2006; and
- (b) whether any contributions were made to Government regarding FIFA's profit sharing for the World Cup Football 2006? [*Mr. M. Ramsaran*]

**Sporting Organizations Coaches
(Financial Assistance)**

- 83.** Could the hon. Minister of Sport and Youth Affairs advise:
- (a) whether financial assistance was promised to coaches attached to various sporting organizations; and
- (b) if so, would the Minister inform this House of the quantum promised to each body? [*Mr. M. Ramsaran*]

**Hobsons, Attorneys-at-Law
(Details of Legal Work)**

- 85.** (a) Could the hon. Minister of Finance advise whether the law firm "Hobsons" Attorneys-at-Law of Independence Avenue, San Fernando, has received legal work from the State, state agencies, state corporations and companies which are wholly or partially owned by the State for the period January 2006 to date;
- (b) If the answer to (a) is in the affirmative, could the Minister provide the name/names of the state Agencies, state corporations and companies; and
- (c) Could the Minister also indicate the sum/sums of money paid to "Hobsons" Attorneys-at-Law for each item of work? [*Mr. S. Panday*]

Questions, by leave, deferred.

Mr. Speaker: Before we move on to the next agenda item, let me remind the Minister of Science, Technology and Tertiary Education, he has a question on the

Order Paper for five months; the Minister of Community Development, Culture and Gender Affairs has two questions for four months outstanding; the Minister of Public Utilities, questions No. 58 and No. 60 for four months; and lastly, Community Development and Culture and Minister of Trade, questions outstanding for two months. All I can do as Speaker is to appeal to Members to answer these questions on a timely basis. I think when we have questions on the Order Paper extending for seven months as the one that is answered today, something needs to be done by virtue of the Constitution of this country or the Standing Orders.

**DEFINITE URGENT MATTER
(LEAVE)**

**Demolition of Homes
(Government's Insensitivity)**

Mr. Manohar Ramsaran (*Chaguanas*): Thank you very much, Mr. Speaker. Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of the House for the purpose of discussing the following matter as a definite matter of urgent public importance, namely, Government's insensitive demolishing of poor people's homes.

The matter is definite because I have observed that Government housing policy due to its prohibited cost is out of the reach of 17.1 per cent of our population who live under the poverty line earning less than \$685 per month.

The matter is urgent because of the manner in which poor people's homes are being demolished.

The matter is of public importance because the present situation which deals in viewer face is traumatic and mainly due to serious social displacement.

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

Mr. Speaker: Yes, obviously this matter does not qualify under Standing Order 12, but can do so under Standing Order 11.

RELATED MOTIONS

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. Speaker. Mr. Speaker, I beg to move Motion No. 1 standing in my name. In moving this Motion, I seek the leave of the House to debate along with this matter, Motions Nos. 2, 3, 4 and 5 on the Order Paper which relate to the same subject.

Question put.

Mr. Sharma: No.

Mr. Speaker: If there is one dissentient voice, then we would do it separately. Are you serious about objecting? No, I am asking. Okay. So, is it the wish of the House to take these Motions, Nos. 1 to 5 together?

Hon. Members: Yes.

Question agreed to.

Mr. Speaker: Proceed, hon. Minister.

**POLICE SERVICE COMMISSION
(APPOINTMENT OF MEMBERS)**

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. Speaker and hon. Members.

Whereas section 122(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 (“the Act”) provides that the President shall, after consultation with the Prime Minister and Leader of the Opposition nominate persons, who are qualified and experienced in the disciplines of law, finance, sociology or management, to be appointed as members of the Police Service Commission;

And Whereas section 122(4) of the Act provides that the President shall issue a Notification in respect of each person nominated for appointment under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives;

And Whereas the President has nominated Mr. Christopher Thomas to be appointed as a member of the Police Service Commission with effect from the 1st day of July, 2007;

And Whereas the President has on the 6th day of June, 2007 made a Notification in respect of the nomination;

And Whereas it is expedient to approve the Notification:

Be It Resolved that the Notification of the nomination of Mr. Christopher Thomas be approved.

Mr. Speaker, hon. Members, first of all let me thank you very much for considering Motions 1 to 5 together because they treat with the same issue, and that is, the appointment of Members of the new Police Service Commission.

Police Service Commission
[SEN. THE HON. M. JOSEPH]

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Let me put this particular Motion within some context. You would recall hon. Members, that based on discussions and the consensus with Members opposite, we were able to come up with what has been properly referred to as the Police Reform Bills. The Police Reform Bills and also the Constitution (Amdt.) Bill, together with the Police Regulations are designed to put a new governance structure into the operations of the Police Service; the operations also of the Police Service Commission, and by extension, the operations of the Ministry of National Security as it relates to the question about the operations and performance of the Police Service and the Police Service Commission.

Mr. Speaker, you would recall that coming out of those discussions, it was agreed that certain changes—I do not want to say radical changes because really they are not that radical—were agreed to in order to make sure that there is transformation of the Police Service and the Police Service provides this country with the quality of law enforcement necessary to put us into a developed society status. Implicit in that, was ensuring that the Commissioner of Police has complete autonomy and control over the Police Service and the Police Service (Amdt.) Bill did that. It also then required that the role and responsibility of the Police Service Commission must of necessity change.

2.00 p.m.

Mr. Speaker, as a result, the Police Service Commission (PSC) is now responsible for playing an appellate role as it relates to reviewing the performance of the Commissioner and Deputy Commissioner, especially as it relates to promotions and discipline, and must now play a more monitoring role to make sure that the strategic objectives set for the performance of the police service and, by extension, the Commissioner and Deputy Commissioner, it would be in a position to be able to do just that.

Specifically, if I may be allowed to refer to some notes, the new governance arrangements call for a very different role for the Police Service Commission, than the one to which its members are accustomed. In the past, the Police Service Commission has spent most of its energies in overseeing the review of specific cases: disciplinary and grievances, but under the new system, its most important function will be ensuring the accountability of the Commissioner of Police and the police service itself in fulfilling the priorities set forth by the Government and other appropriate authorities.

This goes well beyond evaluating whether the Commissioner and his subordinates have followed laws, rules and procedures; rather, it requires an assessment of how well they perform their responsibilities, because someone can

be well within the law and still not do a very good job. The single most important key to success in the Police Service Commission's new role, would be acquiring the expertise to make judgments about how well the Commissioner and the Trinidad and Tobago Police Service are performing. This will require a sizable professional staff gathering information and making sound judgments about what the police service is doing and how well it is doing it.

The staff must be sufficiently large and knowledgeable to be able to specify what information it requires from the police service, to review it and make judgments about it. When necessary and appropriate, it must also be able to gather information on its own, whether that means holding public hearings, interviewing police officers in private or surveying members of the public. In addition, the Police Service Commission must be able to assure the public that the Trinidad and Tobago Police Service (TTPS) is using appropriate methods for governing its finances and handling personnel matters. That is to say, that the new PSC's key role will be that of a sort of watchdog over the Trinidad and Tobago Police Service.

In addition, it must provide the results of its assessment to Parliament, other appropriate governing bodies and the public at large. This is an absolutely critical part of the governance role for it is the factual basis on which an informed citizenry can make judgments that are communicated to elected officials who have responsibility for directing the TTPS policy. Of course, the results of these evaluations would also inform decisions made by the Police Service Commission about the hiring and retention of the Commissioner and Deputy Commissioner.

This encapsulates the strategic new role and responsibility of the Police Service Commission. Two things happened in the interim between the proclamation of this Act on January 01 and now. The Police Service Commission itself engaged the services of a team designed to look at what the new PSC ought to be doing. That team was called a Monitoring and Evaluation Group that provided the Police Service Commission with the means of ensuring that it prepared itself for the new responsibility.

Permit me, Mr. Speaker, with your leave, to just quote a part of the interim report of that monitoring team. This is a joint report of the members of the Monitoring and Evaluation Group. This constitutes the interim report of the Monitoring and Evaluation Group established by the Police Service Commission pursuant to section 123(1)(d) of the Constitution of Trinidad and Tobago as amended by Act No. 6 of 2006, whose duties are to monitor the efficiency and effectiveness of the discharge of the functions of the Commissioner of Police and Deputy Commissioner of Police.

Police Service Commission
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The Monitoring and Evaluation Group has submitted the two reports covering the periods February 14 to March 15, 2007 and March 16 to April 11, 2007. We propose to merge these documents into the final report, but for the interim report we have chosen to extract key relevant areas. In like fashion, elements of the Third Periodic Reports have been subsumed, for the time being, to coincide with the agreed change in focus from the terms of reference.

We have also taken the cue from the Commission and gone beyond the terms of reference to address areas necessary for wider monitoring and evaluation and also looked at elements of efficiency and effectiveness. In that context, the team will depart from traditional approaches, including lengthy narrative presentations, and deal directly with the urgent needs in four closely related and interlocking areas: the elements of the strategic plan for the Trinidad and Tobago Police Service; a reporting framework for the Commissioner of Police' biannual reports and a continuous monitoring and evaluation framework dealing with the efficiency and effectiveness of the Commissioner of Police and Deputy Commissioners of Police in the discharge of their functions. Efforts were made to ensure that the headings for both items were appropriate and identical for use of the framework to report findings, outlook, recommendations, international standards and comparisons, and will include in the final report a personal performance evaluation system for the Commissioner of Police. Similar systems will be developed for the DCPS at a later stage.

Mr. Speaker, the intention is to ensure that the Commissioner is aware of the areas in which his performance and the performance of the police service will, in fact, be evaluated. At some subsequent time, it is the intention of the Government to provide this honourable House with a detailed road map in terms of developments that have taken place and the direction in which we are going. I do not propose to do that here.

I had said earlier on that it was necessary for the Police Service Commission to hire a larger number of professional persons. In keeping with the new responsibilities of the Police Service Commission, Cabinet approved the establishment of a new secretariat for the PSC. Let me indicate that the functional areas were recommended and accepted by Cabinet.

Mr. Speaker, an appeals body: the new legislation gives the Commission the responsibility to hear appeals. This body will, therefore, hear appeals in respect of disciplinary and promotional decisions of the Commissioner of Police. It should possess personnel with expertise in law, management and human resource management and an audit unit. This unit will have responsibility for conducting

audit of personnel, finance and other record keeping systems in the Trinidad and Tobago Police Service. Personnel to staff this unit should have expertise in the financial rules and regulations of Trinidad and Tobago and be knowledgeable of Government accounting procedures of the Police Service of Trinidad and Tobago. This unit is also needed to review the disciplinary procedures in the police service, therefore, it must also be staffed with expertise in law as it relates to disciplinary processes.

The Research and Evaluation Unit is required to evaluate the performance of the Commissioner of Police, Deputy Commissioners of Police and the police service, according to criteria established by the police service in consultation with the Police Service Commission, the Ministry and the respective officers. This unit is responsible for:

- (a) Developing criteria for evaluation, consideration and approval of members of the Police Service Commission;
- (b) Drafting requests for reports from the Commissioner regarding his and his agency's performance;
- (c) Reviewing and evaluating reports received from the Commissioner and other entities that may provide assessments of the police service to the Police Service Commission;
- (d) Conducting and producing independent evaluations of the Commissioner, Deputy Commissioners and the police service that are pertinent to the Police Service Commission's responsibilities; and
- (e) Developing requests for proposals when the Police Service Commission wishes to engage with external consultants to acquire research and evaluation services and evaluating proposals received.

This unit will be staffed with personnel with expertise in evaluation, methodologies and the competencies to conduct research, design, data collection and analyses and data entry.

A Public Education Unit will be responsible for communication with all stakeholders about the Commission's evaluation of the performance of the Commissioner and Deputy Commissioners of Police and, by extension, the performance of the police service. This unit will also produce reports which will equally be presented to Parliament and subsequently made available for public distribution. The unit should possess persons with experience in journalism, public relations and mass communications.

Police Service Commission
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The staff of the current police service secretariat consists of a senior human resource advisor who functions as a secretary to the Commission. This officer has the support of a Human Resource Officer I and a Clerk Stenographer III. These officers will be retained in the secretariat. The present staff has no expertise in law enforcement and is inadequate to support the new Police Service Commission to enable it to fulfil its responsibilities of auditing, monitoring and evaluation.

The restructuring of the Police Service Commission secretariat of the Service Commission Department is, therefore, critical to efficient functioning of the Commission in accordance with its mandate as set out in Act No. 6 of 2006. It is in that regard, that the Cabinet approved the staff for the new secretariat of the Police Service Commission. On contract will be one director, monitoring, evaluation and education; one senior legal officer; one legal researcher; one junior legal officer; one retired judge for the appeals body; two senior attorneys; one assistant director audit; one assistant director research and evaluation; one assistant director public education; two audit analysts; one financial analyst; one human resource specialist; one statistical specialist; one data processing operator; one evaluation specialist; one research specialist; one communication specialist; one website developer; one business operations assistant II; five business operations assistants I; four transcription specialists; one legal research assistant to join with the temporary positions of one human resource advisor II, one case management officer V; one orderly, two maids and one chauffeur/ messenger.

I have gone through this detail to provide hon. Members with the assurance and understanding that the service the secretariat to support the new responsibilities of the Police Service Commission will be put in place, given its new responsibilities. It also means that there are new responsibilities for the Commissioner of Police and the police organization, by extension.

Let me deal with the Police Service Commission in its entirety before I move to the police organization. This is the new staff in place to deal with the new responsibilities, roles and responsibilities. We have before us the new members of the Police Service Commission. Before us are those persons who are now being recommended by the President, after consultations with the Prime Minister and the Leader of the Opposition as the persons who will now assume responsibilities for the Police Service Commission, effective July 01, 2007. The CVs of these individuals are before hon. Members, so I will not bore this honourable Parliament by going through them. [*Crosstalk*]

Mr. Panday: Some of them overdo it!

Sen. The Hon. M. Joseph: I cannot deal with if they overdo it or not. We have the persons who will now be members of the service commission: Mr. Christopher Thomas, who is qualified and experienced in the discipline of management; Mr. Seenath Jairam, who is qualified and experienced in the discipline of law; Ms. Jacqueline Cheeseman, who is qualified and experienced in the discipline of management and finance; Pastor Clive Dottin, who is qualified and experienced in the discipline of sociology and Mr. Jeewan Singh, who is also qualified and experienced.

Let me just indicate that the police service itself is also required to take on new duties and responsibilities. The Commissioner now has complete authority and autonomy over the management of the service.

Mr. Ramnath: Does that include locking up the Chief Justice?

Sen. The Hon. M. Joseph: To provide that support, the Cabinet approved the following to ensure that the internal organization of the police service is such that the Commissioner can take on his new mandate. [*Interruption*]

I think when I was here the last time, I had indicated to this honourable House the areas in which we were focusing, so I will not go into details, but I will just identify the new positions that have been approved by Cabinet and for which recruitment is currently taking place: one head of the executive management service; one head of finance and accounts; one director of administration; one head of human resource; one director of planning; one head of the police legal unit; one head of information technology and one head of internal audit. Again, that is designed to ensure that the police organization itself is able to take on the new responsibilities for which it is required.

Just one other piece, Mr. Speaker. The Ministry of National Security would, of necessity, also require changing how it does business. We are aware of what needs to be done in the Ministry, but we have made certain that the other entities are taken care of first and we would take care of ourselves subsequently. [*Interruption*] The Ministry of National Security itself has to be reorganized. It is expected that the Ministry will create an office of law enforcement policy to perform functions now that are in keeping with the changed requirements of the Police Service Commission and also the changed responsibilities of the Commissioner and the police service. So the responsibilities of the Ministry will, of necessity, be required to change.

The reason I am saying this is because I recall some time ago criticisms being levelled at the Government asking why it took us so long, since the proclamation

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of the Bill on January 01, 2007, and what are some of the things we had been doing. I gave this honourable House the assurance that we were putting things in place to make sure that when time comes for the operation, at July 01, these things are in place.

Let me remind hon. Members that the next issue which this honourable House will have to treat with would be the Commissioner of Police and Deputy Commissioners of Police selection process order. That is an order that has to be laid in the Parliament which outlines the process for the selection of the next Commissioner and Deputy Commissioners of Police. Just to again indicate that the selection of the next Commissioner of Police under this new arrangement, will take place some time in November. So the order is going to be laid in the shortest time that outlines the procedure as it relates to the selection of the Commissioner of Police.

Let me remind this honourable House that progressing to this particular position, was based on discussions and collaboration with those opposite. We came to agreements. One of the critical agreements that we made was the willingness of the Prime Minister to give up the veto he had in the past as it related to the Commissioner and Deputy Commissioner. Every now and again you hear those opposed to us saying that we do not have the political will to do those things necessary to make sure that the agencies required to treat with crime and criminal activity operate in a particular way. Is that the behaviour of someone who is only concerned about power? The answer is no. [*Crosstalk*]

He was not forced to; it was in recognition of what was in the best interest of the nation that those particular positions were taken. It is unfair in one breath to say that we are only concerned with power and authority, et cetera; we need to be consistent in terms of the discussions. The same way we have been consistent in saying that we could not reach to this point without the collaboration and support of Members opposite. Not only that, we have also said that Members opposite have also allowed this Government to strengthen legislation, because they pointed out in the Police Service Bill that there were some things we could do, that we needed to do and we did them.

I think it was unfortunate that just recently some misinformation was put out in the public domain that talked about a lapse in terms of the fingerprinting. I do not think I need to address it, because the magistrate himself said—[*Interruption*]

Mr. Ramnath: Was there any deal made to get that?

Sen. The Hon. M. Joseph: Deal what? I do not want to say part of the misreporting, because you have to be careful of what you say about the media. [Crosstalk] Do you know what was amazing about it?

"Cops in a bind"

That was on the front page of the *Express*. [Crosstalk] This is police. I am not getting into your internal affairs.

Mr. Panday: Deal with them!

Sen. The Hon. M. Joseph: Something about it being a lacuna and how we made an error; it was ridiculous. [Crosstalk] I do not normally deal. It is not about dealing. The next day the headline read:

"Fingerprint fix" [Crosstalk]

There was never anything to be rectified.

Miss Lucky: Hon. Minister, as you have raised the point, I was very alarmed, disturbed and bothered that in the article to which you referred there was a statement that was alleged to have been made by a person who said that it was not studied and no amendments were being entertained at all. Clearly that was not the case. As a responsible Minister equally outraged and recognizing that the person who made that statement was clearly misinformed, has the Ministry done anything to correct it in the public domain? I am very concerned that there were persons who were misled by the article and really got the impression that all we did was rubber stamp legislation, when clearly that was not the case.

Sen. The Hon. M. Joseph: I do not have my media release, but immediately the Ministry of National Security put out a statement by 10 o'clock the morning. [Interruption]

Mrs. Persad-Bissessar: The Leader of the Opposition also issued a press release on the matter, because it was being said that we had rubber-stamped here, that we had a deal, that there was no debate. In fact, six persons spoke in the House of Representatives and 11 persons spoke in the Senate. It is unfortunate that it was a Senator, indeed, who made those comments. When we checked the record, apparently that Senator was not in the Senate at the time; therefore, the hon. Senator was misinformed. There was debate in this House and six Members spoke and there was debate in the Senate and 11 Senators spoke. Indeed, the situation was not as carried at all. So we also issued a press release on the matter.

Mr. Panday: I want the President to review his Senators. I will talk to the President today.

Hon. Member: You should have disciplined Ken Gordon who is a member of your party. [*Laughter*] [*Crosstalk*]

Sen. The Hon. M. Joseph: I have taken pains to lay the groundwork as to where we are. We are here now to ensure that we appoint new members of the Police Service Commission. We will be coming back in the not too distant future to have the Commissioner of Police and Deputy Commissioner of Police selection process order laid in the Parliament, that will outline the whole procedure.

The Government considers this to be a very historic day, a part of development. [*Desk thumping*]

Mr. Panday: We also.

Sen. The Hon. M. Joseph: It means that in the future members of the Police Service Commission will henceforth be selected and appointed on the basis of this modern law. [*Desk thumping*] All governments, irrespective of which party they belong to, will now have available to them legislation that would ensure that the question of governance and management of the police service and the entities that have responsibility for it, the Police Service Commission, the police organization itself and the Ministry of National Security, or whatever they may call the Ministry in the future, would be able to work in conjunction.

We have always maintained that if you want good law enforcement, you must have good law enforcement capabilities. We have a system here where we have an independent entity called a Police Service Commission, no different from other places like Ireland, India and other places, that is responsible to serve as a watchdog and to monitor. We are now putting progressive legislation in place.

I want to take this opportunity to thank all members of previous Police Service Commissions. [*Desk thumping*] [*Crosstalk*]

Mr. Speaker: Order, please!

Sen. The Hon. M. Joseph: Let me start by putting this on record. My understanding is that the Chairman of the first PSC was Sir W. J. Boos, Esq., who occupied between December 01, 1960 to May 04, 1974. The second Chairman was Mr. Alfred Earle Jones, who occupied office—[*Interruption*]

Mrs. Persad-Bissessar: Why are you doing that?

Sen. The Hon. M. Joseph: It is a historical day. This is the end of a whole era. [*Crosstalk*] Part of the problem is that we do not say thanks; even though most of them may be dead, it is for the record. [*Crosstalk*]

Mr. Jones was Chairman from August 19, 1974 to June 28, 1989. The third Chairman was Mr. Kenneth Lalla, from June 29, 1989 to June 30, 2004. The fourth Chairman was Ambassador Christopher R. Thomas, July 01, 2004 to present.

Mr. Panday: Time to go!

Sen. The Hon. M. Joseph: In the interest of completeness, let me also indicate some of the persons who served as members of the PSC. [*Crosstalk*]

Mr. Speaker: Order, please!

Sen. The Hon. M. Joseph: One Mr. Trevor L. Gomez, Esq.; Dr. Marjorie Thorpe; Ms. Leela-Maria Sonatti Ramdeen; Mr. Seenath Jairam; Mr. Prince Edgar Ferdinand Esq. OBE—[*Crosstalk*]

Mr. Sharma: Esquire or expire?

Sen. The Hon. M. Joseph: Esquire.

Mr. Conrad O'Brien, Esq.; Mr. Cyril Oswald Stroud, Esq.; Mr. Wilfred O. Best, Esq.; Mr. Jonathan Ho; Mr. James Alva Bain; Mr. Mathew Ramcharan; Mr. Francis Eustace Bernard, Esq. M.O.M.; Mr. Wilfred Ramherrysingh; Ms. Ruby Perreira, M.O.M.; Mr. Russell Toppin; Mr. Lloyd Harding; Mr. Richard Martin Gopaul; Mr. L. A. Hilton Clarke; Mr. Debindranath Lall Maharaj; Mr. Rundolph T. Charles and Mr. Jerry Brooks.

Mr. Speaker, with these few words I beg to move.

Question proposed.

Mrs. Kamla Persad-Bissessar (Siparia): Mr. Speaker, today begins what I hope will be the first of many parliamentary sessions in which actions of the Executive would be subject to parliamentary scrutiny; that is in the best traditions of parliamentary democracy, Westminster democracy. [*Desk thumping*]

Just like the Minister would like to place on record those who have served before in the former Police Service Commissions, I think it is very important that we place on record that this very revolutionary, historic provision was the result of the recommendations made by the team lead by the political leader of the UNC, then Opposition Leader, Mr. Basdeo Panday. [*Desk thumping*] I think that is very important.

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It shows really that if the Government is willing to participate in meaningful consultation, we can really take the country forward. We can go forward with suggestions and ideas.

It was at that time that the Government strongly resisted moving the Prime Minister's veto power with respect to the appointment of a Commissioner of Police and a Deputy Commissioner of Police. The rest is history. That was the deal we made, if you want to talk about deals. The deal was that we would not support those Bills. When you remove that veto power, you must bring the nominees here to the Parliament for scrutiny by the people's representatives. [*Desk thumping*] That was the deal we made. It is very important to clear the record on that.

This entire package of anticrime legislation, of which this is but one measure, has sparked off a host of spin-offs, as it were, in terms of controversy in the public domain. One of it was with respect to whether a deal had been cut for the payment of salaries. [*Laughter*]

Mr. Valley: "You come back with dat again?" You want to get me into the debate? [*Laughter*] [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: I do not want to get you into the debate. [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: The Member is totally entitled to engage in the debate, as every Member is. I just want to place on the record of this Parliament, the judgment of the Privy Council, because we can do that now, it is relevant. That issue arose when we were debating the anticrime legislation, as to whether the Bill tabled in Parliament on that day we were part of it.

I just want to place that on record and thank our attorneys who pursued this matter from the High Court to the Court of Appeal, to the Privy Council. I thank Anand Ramlogan, Dr. Fenton Ramsahoye and Mr. Allan Newman for the work they did without a cent, as it were, because at that time we were also on the verge of being bankrupt. They had worked for eight months without income, gratis. The impression created out there is that MPs are getting millions of dollars; nothing is further from the truth. As you may well know.

Mr. Speaker: What about the petitioner, Mr. Sharma?

Mrs. K. Persad-Bissessar: You will like me to thank the petitioner in the matter? Certainly, I thank MP Sharma who took the fight up on his name on behalf of the 18 Members. [*Laughter*] [*Desk thumping*] In fact they said that he attended court so many times, with respect to representing the Opposition, they believed by now he would have graduated with a law degree. [*Laughter*] We really want to thank him.

I want to make the point, because the headlines are carrying it, and headlines are carried to grab attention. The view is that as MPs for those 10 months we were not paid, that this back pay is going to be really a hefty sum of money. We have worked it out. Some say it is millions. Let us make it quite that not a single one of us will be getting anywhere into millions of dollars. In terms of what we have worked out, it seems that it would be about \$60,000 for the 10-month period, because it is after tax. Will we be taxed at that year's rate or this year's taxation rate? [*Crosstalk*] Those are issues we will have to deal with. I just want to clear the air; it is nothing about millions of dollars, at this point. [*Crosstalk*]

Mr. Speaker: Order!

Mr. Ramnath: You have no shame! [*Crosstalk*] White man's justice. Pray for the white man to remain as head of the Judiciary.

Mrs. K. Persad-Bissessar: It is not like a favour someone is giving us. It is not a gratuity.

Mr. Speaker: Please, there is yet time to hear the hon. Member for Couva South and the Member for Diego Martin East.

Mr. Ramnath: They are interfering with me!

Mr. Speaker: I have indicated to Members opposite on the Government Benches, not to provoke the Member for Couva South.

Mr. Imbert: We are not taking you on. [*Laughter*]

Mrs. K. Persad-Bissessar: The Privy Council in its judgment made the point very clearly. [*Crosstalk*] Yes, it came out of this police service debate, the Bills on that. I am putting it on the record that the Privy Council said, and this is important for all parliamentarians, that the work of the MP is not just in the Parliament. It recognized that the work is also outside, advisory and representative. Therefore, you are entitled to be paid. That is an issue certainly the Leader of the House may consider taking up with respect to the Salaries Review Commission (SRC), because both his leader, hon. Member for San Fernando East

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and the SRC were of the view that the MP's job is only the time spent in the Parliament. I recall that from when we were debating the SRC report. Certainly that is something that will go on board.

Let us carry on, in terms of this very historic and revolutionary provision that has been put into law.

While we are doing that I note today on the front page of the *Mirror* newspaper:

"Shaft for Graham

Bypassed for Deputy Commissioner of Police post once again" [*Crosstalk*]

We are talking about setting up a Police Service Commission whose jurisdiction, remit and mandate will be to deal with promotions of the men in khaki, as it were, and the top echelons of the police service. [*Crosstalk*] On the eve of this coming into being, we see that this gentleman, Mr. Graham, has been bypassed. I do not know whether that is true. Maybe the hon. Minister would want to tell us whether he has been bypassed or not.

Dr. Rowley: I hope so! [*Crosstalk*]

Mrs. K. Persad-Bissessar: I heard the Member for Diego Martin West say that he hopes that he has been bypassed. He is controlling it; I do not know if he is giving instructions or directions. [*Crosstalk*] Do you know why he hopes so? That was the gentleman who filed in the High Court a matter setting out allegations. [*Crosstalk*]

Mr. Imbert: Did he win?

Mrs. K. Persad-Bissessar: No, he may have lost the substantive issue, but on oath in the court he testified of matters that had to do with him being commandeered and commanded by the then PNM members, Mayor Atherley, including Minister Manning, "You must be afraid of Mr. Manning; you have to do what he tells you to do." All of that is in High Court action 156 of 2005. [*Crosstalk*] You have to wonder now when he is bypassed again, if it is because of the allegations he made in this affidavit. I am asking the Minister: Why was he bypassed? Can you tell us?

Hon. Joseph: The gentleman was not bypassed. Because of transitional arrangements, it was necessary for us to ensure that we bought out the leave of a couple of persons. We bought out the leave of the Commissioner of Police, Mr. Trevor Paul; we bought out the leave of the other two deputies, to make sure that the arrangements necessary to make sure that the appointments of the other

Commissioners, according to the law, they can, in fact, take place. So there is nothing about "no bypass". I read with interest what was said in the *TnT Mirror*.

Mrs. K. Persad-Bissessar: If I am to understand the hon. Minister, he is clearing the way in this transitional period. Does it then mean that this new Police Service Commission will have the opportunity to make a decision as to whether Graham is a candidate for the DCP post? Is that what you are saying, that promotional position is going to come up and the new Commission will deal with it?

Hon. Joseph: Of course, it will be advertised. [*Crosstalk*]

Mrs. K. Persad-Bissessar: I am very happy. That is in black and white. You are saying that all candidates, including Graham, would have the chance with respect to this post. It has not been filled; this is what I understand from you; therefore, the new Commission would be dealing with it. [*Crosstalk*]

Mr. Speaker: Order! [*Mr. Bereaux rises*]

Mr. Sharma: Is it an intelligent question?

Mr. Bereaux: Why do you not shut up? [*Laughter*]

Mr. Speaker: No, no, no.

Mr. Bereaux: I take it they will also check on whether he speaks the truth. [*Crosstalk*]

Mr. Singh: You should give Manning a lie detector test first!

Mr. Ramnath: You are not fit to be Deputy Speaker. [*Crosstalk*]

Mrs. K. Persad-Bissessar: I will ignore that, because that is what it deserves.

You have a new Police Service Commission; you are sitting here; you are going to be passing this; you have to approve it. I am sure you would know that they are capable and that is why you will approve it. If they are capable, they will check to see if it is truth or lie; that will be their job.

For the first time we have parliamentary scrutiny of persons being appointed to commissions. I think it is important to put on the record as well that it is not only the police service commissioners who will be subject to this scrutiny, but also any new Commissioner of Police. Again, we insisted in the law that the Police Service Commission would appoint the posts of Commissioner, Deputy Commissioner and so on, but that before that is done they would send it off to the

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President and then the President would have to send it in the same way to this Parliament, by way of notification.

In the Constitution (Amdt.) Act, No. 6 of 2006, we had included for the Police Service Commission to nominate persons for appointment to the offices specified—those are what we call the khaki officers, the higher ranks—and in accordance where criteria and procedure are prescribed by Order of the President, subject to resolution of Parliament.

- "(3) The Police Service Commission shall submit to the President a list of the names of the persons nominated for appointment to the offices of Commissioner or Deputy Commissioner of Police.
- (4) The President shall issue a Notification in respect of each person nominated and the Notification shall be subject to affirmative resolution of the House of Representatives."

There was a lot of debate in our talks as to whether we should have affirmative resolution or negative resolution. Eventually we convinced the Government that the best way was to have affirmative resolution. When you go with a negative resolution, it could get bypassed. We recall in this very House, we would say sneakily, by sleight of hand, if I may use that word, NEDCO was removed from the Freedom of Information Act and several agencies. They were subject to negative resolution. When it is subject to negative resolution, it never comes up on the Order Paper; it never comes up anywhere, and there is a time frame. We had insisted that it must be affirmative, which means that Government must bring it here; it must be brought to the attention of Members and we would be able to deal with it.

We expect that soon after this is done, these commissioners will be put in place. The next step would be for that Commission to begin deliberations on the appointment of a Commissioner of Police and a Deputy Commissioner of Police. Those are vital matters. If we are saying that these things can help fix crime, then we must move expeditiously. We have delayed for too long. This law was put in place last year. It was passed early last year, in the first quarter of 2006. It was not proclaimed until January 2007; we are now in June 2007 putting this in place.

As we are on that business, we talk about the whole business of consultation, because that is what the law says, that the President would consult with the Prime Minister and the Leader of the Opposition. In this case, the President did consult, as I expect consultation to be. But it is because of the enforced statutory provision that it must come here for scrutiny, that consultation had meaning.

I remember a former Commissioner of Police used to say that he was a toothless bulldog. This is where we moved to give him more power, give him teeth, as it were. Similarly, the Leader of the Opposition and the Prime Minister, where the Constitution makes for consultation, but there is no penalty or scrutiny attached after the consultation, then you can get away with anything. I think that was the concern we expressed in the Opposition, that when consultations take place, on every occasion, I believe, prior to this, that consultation has not yielded any results in terms of discussions held.

I speak not only of present office holder, but that has been the experience in the past with other office holders. It was interesting that the hon. Prime Minister In our talks, pointed out that they have the same problem from time to time. That is to say, the consultation takes place, but then the office holder, the President, moves forward to appoint those who he thinks fit or best. So where the President exercises this discretion, where the Constitution gives the President that discretionary power, it is very important that there be some scrutiny to allow the decision maker to arrive at a decision that is reasonable and in the best interest of the population.

Where there is no parliamentary scrutiny, there is no court scrutiny as well and no judicial scrutiny of the President's actions, so what happens?

I am speaking on the business of consultation, which is what this new provision has brought to the forefront. Recently, the President wrote to the Leader of the Opposition, in pursuance of the Constitution, with respect to consultation for the appointment of a Chief Justice. I received a letter. When we held consultations on this matter, the President actually asked us to come in to see him. We had discussions with him. It is very important, because the point is, we should follow this precedent for all the commissions. [*Desk thumping*] This is what happens when you have meaningful consultations.

In every single instance, where the Leader of the Opposition objected to suggestions made in the consultations—and consultations by letter, I received a letter, I responded by letter and then I heard nothing else until I read it in the newspapers. That is not consultation. The Cambridge Advance Learner's Dictionary says:

"Consultation is to discuss something with someone before you make a decision."

The definition also says:

"The interactive methods by which states seek to prevent or resolve disputes."

The Black's Law Dictionary describes consultation as:

"The act of asking the advice or opinion of someone."

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So consultation is not you send me a letter, I send back a letter saying such and such, end of story; I do not see that as consultation. In this case, there were discussions held and I am happy to see that the end result was that some of the suggestions were taken on board with respect to this new Police Service Commission.

I want to recommend, and I have already said it, that Government considers that we use this method for all the service commissions. It is a method that will ensure parliamentary scrutiny, which is so vital. At the time we did it we said that it was a hybrid between what we see happening in the United States, with their congressional hearings. We did not have that kind of system, but this was a hybrid between Westminster and the US system. [*Interruption*]

Hon. Joseph: You would recall that we also agreed we would confine it to the Lower House. Do you want to speak to that, because Members in the other place feel slighted, especially persons from your side? [*Crosstalk*] So there some way you could help in terms of correcting that misunderstanding, hon. Member?

Mr. Ramnath: Tell them to face the polls! [*Crosstalk*]

Mrs. K. Persad-Bissessar: The decision was for that scrutiny by Members of the House, as the elected representatives of the people. [*Crosstalk*] It may well be that another Parliament may want to reconsider these things, but that was the decision on all sides, that the scrutiny be given to elected representatives of the people.

As we go into this debate, we would recall that the package of anticrime legislation, which has given rise to these Motions, that was the result of consultation itself. I know that my colleague from Diego Martin Central seems to be of the view that we may have been skirting the Standing Orders, but I was talking of the consultative process rather than demeaning any officer holder. I want to continue on that issue of consultation.

On the basis of those talks, we have come a long way, but there is much further to go. While the Government has started to act on some of those initiatives, I remain very angry about this: Why is it that Government continues to refuse to bring the Children's Authority into being? It is over a year since young Amy Annamunthodo has died, Government does not see the need to keep its promise to bring legislation to protect children. We are talking about fighting crime, in the same way we are bringing this to help in the fight against crime, why do we not bring it? It is like 2000 to now; this is seven years too late.

Government said that there were defects, seven years later you have not found those defects, you have not been able to cure them, so we can have the children's legislation? I want to make a very strong plea in this Parliament today, that the hon. Minister takes what steps are necessary. [*Crosstalk*] You are the Minister they blame for all the crime, with due respect, Sir. When the crime happens they do not go and look for the Attorney General and say, "He did not draft it", or his draftsmen did not draft it. They say that the Minister of National Security is to blame. If you want to fight crime, this is one other measure. I think seven years is seven years too late; our children remain at the mercy of others.

We brought a piece of legislation on Wednesday, the Homes for Older Persons Bill, which we started debate on; so we are looking at finding some kind of protection for the elderly. What about the children? I am appealing to you. [*Crosstalk*]

My colleagues remind me that on the front page of today's *Guardian* newspaper there is a story of a 13-year-old child. I am asking please that every effort be made to bring that piece of legislation into effect.

If there are defects, proclaim the Bill, put the Authority in place. We can come back here and make the amendments; we have done that with so many other pieces of legislation. It is so defective and you have taken seven years, but you cannot cure the defect. You told us that for some other bill and when we came here, apart from two clauses, it was identical to the Bill that was passed by the UNC. Was it the Equal Opportunity Bill? What is the problem? I wish someone would give us an update of what is happening with respect to the children's legislation, which would assist us in the fight against crime against children.

We are in the business of fighting crime, I would really like to find out from the Minister whether instructions have been given to the police officers to have members of the Jamaat under 24/7 surveillance. Officers are saying that they were given these instructions. I am asking if it is true. They said that they were given this instruction, on the one hand, but on the other hand, they said that a licence was granted to the Jamaat in May of 2007 to carry out quarrying at Valencia. On the one hand you are saying, "Lock down." [*Crosstalk*]

Mr. Panday: This year? They gave them dynamite?

Mrs. K. Persad-Bissessar: Yes, this year. So you are telling the officers, "Look out for terrorists; fight terrorists," and on the next hand you are giving them a licence to quarry. [*Crosstalk*] I need to find out. I will sit and you can tell

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me if that is true or not. Then the Minister of Energy and Energy Industries in an effort to regularize illegal quarrying gives them a licence.

Mr. Imbert: Gives who?

Mrs. K. Persad-Bissessar: The Jamaat members. Abu Bakr and the Jamaat was granted a licence in May 2007. [*Crosstalk*] How on the one hand you say that we are fighting crime and on the other hand you give them licence to explode dynamite and explosives. It just cannot work. I ask the Government to deny this; tell us it is not so, because it is a very frightening situation, indeed. [*Crosstalk*] Police officers are expressing concern.

We are beefing up the police service and sending them out to fight crime, and they are saying you are giving these persons ammunition in the form of dynamite, we are giving them a licence to go and quarry. [*Crosstalk*] We are talking about fighting crime. I am asking that the Government please clarify this. There are police officers saying that this is so, maybe they are being misled too, as I am being misled. It is a situation that needs clarification urgently from Government, whether this is, in fact, true or not. [*Crosstalk*]

On the issue of fighting crime, we have always said that when we are fighting crime, we need a holistic approach. We must deal with prevention, detection and conviction. Therefore, whilst some of the legislative matters will assist in the fight against crime, the Government had also promised to deal with administrative issues. Again, I ask that the hon. Minister would be kind enough to give us an update as to those other measures. We had talked about increasing the number of magistrates, increasing the number of judges, at the conviction end and the prosecution end; beefing up the courts, giving them the digital recording.

I repeat, ad nauseam, that there are over 400,000 cases in the Magistrates' Court with only 40 magistrates. That was the latest figure, 400,000 cases pending as of the last judicial report; half the population. We discussed that and said, "Look, put more magistrates in place; put more judges." The Government agreed that it would meet with the Judicial and Legal Service Commission (JLSC) and the Judiciary; that was two years ago. They said that when they met with them, they would discuss ways of improving the judicial system. [*Crosstalk*] Night courts were also a suggestion. What about the gun court and the kidnapping court, that too was agreed upon.

Apart from the legislation, and you need legislation, there were administrative measures. Included in that would have been the issue of meeting with the Judiciary, coming forward with increasing the number of magistrates and judges, so as to expedite the system of justice in the country.

If we are looking at a holistic approach, we must look at the prevention aspects. That would certainly have to look at some of the root causes of criminality and criminal behaviour in the country. It is a multi-pronged approach, a multi-pronged assault that we would require. One of most obvious starting places is with respect to the poor. All the studies will tell you that where there is poverty, it does not necessarily mean that people are criminals, but it breeds criminality.

When the Minister of Social Development a few months ago advised us, and it was front page news everywhere, that the Government had managed to bring poverty levels down by half, the Minister boasted that they had reduced the poverty level by 50 per cent, but this reduction came not from real tangible action on the part of Government, but in my respectful view it was an underhanded, cruel fraudulent manipulation of statistics. I have talked about statistical conmanship and in my view that was a clear indication of statistical conmanship. The poverty figures presented by the Minister are unrepresentative of the reality in this country at this time. They are designed to make Government look good, but the fact is we are covering up a crisis in the country.

3.00 p.m.

The figures were designed to justify Government's refusal to increase the minimum wage in the country; to increase pensions in the country so that it could deny that the Government employment figures are themselves worth nothing. So that study, we believe, is a public relations exercise in the nature of an election gimmick. I want to relate back before you think I am going too far off; I am saying we must deal with the root causes of criminality if we are serious about fighting crime, and one of those has to do with poverty. If it is that we hide our heads in the sand and we are saying, "Hey, we have cut down the poverty; we are going great guns", and so on, then you are not seeing the problem; you are not dealing with the issue and, therefore, you are not handling one of the areas that is, in fact, one that contributes to criminality in the country.

So let us look at those figures because if they do not understand that that is not the reality, then they will not act on it. In 1999, according to the Government, there was an EU-sponsored survey. That survey reported that 221,000 people lived in poverty, barely able to survive on a day-to-day basis. The 1999 number was based on a figure of \$625 as the poverty threshold. That study said that 221,000 people in this country were living on less than \$625 per month. So if you had \$625 per month or less to spend on food, clothing, rent, medicines, transport

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etcetera, you were considered to be below the poverty line. If you had \$625 per month or above, then you were not considered to be living in poverty.

In 2006, the poverty line was raised to \$655 as the minimum monthly income required by the individual to secure a basic nutritional intake of 2,400 calories a day. That was the same number of calories that were considered in 1999. So in 1999, you needed \$625 per month; by 2006 they had used the number as \$655. *[Interruption]* I am saying we must see the problem; we must deal with poverty if we are to attack and address criminality in the country. There is prevention; there is detection and there is conviction—I am talking about prevention—and in order to deal with the prevention issues you have to address the root causes and the root causes include poverty.

So we have a poverty line established as \$625 in 1999; seven years later—massive food price increases—the poverty line increased by 4.8 per cent. So you have changed it from \$625 to \$655.

Mr. Speaker: I think it is a link that you can establish in just under three minutes. You do not need to go on about that because, really, I am not seeing the total nexus.

Mrs. K. Persad-Bissessar: I shall make the nexus clearer. I am saying that we are dealing with fighting crime in this country. *[Interruption]* No, no. This is a part of an anti-crime package; this was a part of the package that we all agreed to; to fight crime. Within that we had discussed with Government that you need to take a holistic approach, that is, to deal with prevention; to deal with detection and to deal with conviction. I talked about the prosecutorial aspects when I spoke about the agreements made with respect to improving the court system; increasing the number of judges, the number of magistrates and so on, and I am saying that the numbers that are being used, it means that at today's figures, anybody who is earning less than \$1,700 a month is, in fact, living below the poverty line. That is the point I am getting to. Maybe it is taking time to get there. Where it was \$625 in 1999, in today's figures when you calculate, using the same basis—the same basket of food and so on—anybody who earns less than \$1,700 per month is living below the poverty line, according to the studies and, therefore—*[Interruption]* You see, they do not care, you know, because they could travel up and down and buy things with credit cards, and so on. They do not care! There are people who cannot afford to buy food in this country! *[Interruption]*

Mr. Speaker: Order, please! I think you are ready to move on from this point.

Mrs. K. Persad-Bissessar: But they cannot provoke us. If they provoke us we will answer them. This matter is of concern because when you tell us that half the rate is poverty, there is more poverty in this country because \$1,700 is now the poverty line and there are people in this country who cannot buy food; they cannot buy medicines. So I say in dealing with the anti-crime issues we have to take this. [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: Let us deal with the other issue. We are looking at the issue of commissions, setting up the Police Service Commission and in dealing with the Police Service Commission I think it is fitting that we talk about commissions, generally. There is another commission that is cause for great concern. Will this measure that we are putting in place here, assist those commissioners who are going to be appointed? Will it help them to perform better; to be more efficient? Will that assist us?

Let us look at the Judicial and Legal Service Commission. I think the country was aghast that the Judicial and Legal Service Commission, in a report that came forward, is saying that here it is that there was a Chief Magistrate that they did not see it fit to suspend and today we come to the *Express* of Friday, June 22, 2007— [*Interruption*] Mr. Speaker, we are dealing with conviction; we are dealing with prosecution. Today in the *Express* the editorial tells us: “Memory loss is now the thing.” It states:

“Given his own change of heart that led to the collapse of the criminal case against Chief Justice Satnarine Sharma it was ironic that Chief Magistrate Sherman McNicolls should have found himself in the Port of Spain Eighth Magistrates’ Court on Wednesday trying to convince a witness to give relevant evidence.” [*Laughter*]

If we are to fight crime, there must be credibility in the administration of justice; we must have confidence. It continues:

“In fact we had warned at the time that the Chief Magistrate might have been sending a message ‘to sundry witnesses that they have the option to decide whether to testify or not to testify depending on their own view of the State’s handling of the case before the court.’

Of course, Mr. McNicolls in his mind was taking the high ground in that his refusal to give evidence was based on his determination that an impeachment tribunal rather than a criminal prosecution was the way to proceed in the particular matter.

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In the instant matter, on the other hand, two murder accused, Junior Joseph and Don Crichlow, were freed after supposed witness, Cody Perry, claimed not to remember evidence he had previously given police in two statements because his brother was on a murder charge and he could not help him.

As a result nobody will ever be convicted of the murder of construction labourer, Jerome Batson, who was shot dead in San Juan particularly since a second witness, Brevell George, also said he could not remember what happened with respect to the murdered Batson.

Moreover, two days after Batson was shot Anthony Barker was found dead by his younger brother. He had been shot as well. On Monday, another supposed witness, Marley Johnson, told the court that he could not remember what had occurred.”

So here it is, witnesses are not giving evidence. The latest, as the editorial says: “Memory loss is now the thing”, and you have a Chief Magistrate who himself failed to give evidence, trying to convince them that they should remember and they should give their evidence; a totally untenable state of affairs when it comes to looking at the administrative of justice.

Mr. Ramnath: You see the relevance now?

Mrs. Robinson-Regis: No.

Mr. Ramnath: You do not see it?

Mrs. Robinson-Regis: You see it?

Mr. Ramnath: If you are going to have peace, order and good governance—

Mrs. K. Persad-Bissessar: So we come to the report of the Judicial and Legal Service Commission. Now the Police Service Commission that we are setting up here in the new set of provisions, we have included that it will table its reports in Parliament on a periodic basis on “sundri” issues, better pronounced as “sundry”. It is all right; I take guidance from time to time.

We had called repeatedly for the report of the investigator into the McNicolls matter to be made public. Do you know it was not made public through the channels that it should have been made public? It was found on the front page of a newspaper. The Government did not; the Executive did not; the JLSC did not; no one presented a report. Why? Because the report of the investigator was very damaging in terms of the situation that had arisen. Therefore, that report was

never publicized. The JLSC then sat—and I am talking about a commission and the way in which the commissions behave; the way in which they function. Yes, we put Commissioners there. It is really startling to see that these persons who are sitting on—these commissioners, *prima facie*, are very unbiased, I would say—those members of the JLSC—and, therefore, it is very startling that based on the report from Justice Ventour which we now have publicized in the *Sunday Express*, that the JLSC did not see it fit to take the step to suspend Chief Magistrate McNicolls, and you really need to ask. We come back to parliamentary scrutiny; we come back to judicial scrutiny.

Consideration really has to be given as to whether judicial review proceedings should not be brought in order to bring under scrutiny the decision of the JLSC in the face of that very damaging Justice Ventour's report, that they refused, or did not take the step of suspending Chief Magistrate McNicolls.

Mr. Ramnath: But McNicolls do their dirty work.

Mrs. K. Persad-Bissessar: If it is that we have spent millions of dollars with respect to what has happened—that case collapsed after the millions that were spent—it is really frightening that that commission found it fit to take the decision that they did. Indeed, we call upon the JLSC, through this forum here, as the representatives of the people, that it reconsider the Ventour report and reconsider its decision and do its duty fairly, without fear, without favour or interference from anyone. [*Desk thumping*]

Mr. Speaker, when we were studying they would tell us about the man on the Clapham bus. We could talk about the man on the PTSC bus here, the ordinary citizen; the man in the maxi-taxi; the reasonable man reading that, hearing of that, it boggles the mind that such a decision could have been taken. The lawyers will tell you, to them, it is an irrational decision, given the findings of Justice Ventour. But we will move on from that.

The point is, how do these commissions operate? What check and balance is there? There is another commission that has caused no end of worries and woes, including to the Member for Diego Martin West. That is the Integrity Commission, another commission which seems to operate by “vaps”, if I may say so. It is accountable to no one. I want to ask, again through this forum, through this House, as we speak as the people's representatives: How could the Integrity Commission arrive at a decision to take the Landate matter and refer it to the DPP and then go to court and consent to a judgment? There are two lawyers attached to it. It took those steps. It went to court. Instead of arguing the case in court, it

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entered a consent judgment. How could that happen? What were the criteria? It made no decision. If it had argued that case in judicial review proceedings, you have to make a decision; you must make a decision that impacts negatively on the person. This was a step in a decision.

That consent judgment is very, very suspicious and I call upon those commissioners to explain their actions. Why is it, after they went to court, they went into a consent judgment? Why? But you see, that is the point I am making. The commissions are operating as a law unto themselves. [*Interruption*] Mr. Speaker, I cannot hear myself. If he does not wish to hear me, that is quite okay, but I am asking for your protection.

Mr. Speaker: The Leader of the Opposition is requesting protection from your good self. Please proceed. I do not want to tell you that the Member for Couva South is giving you a little hard time, but he is capable.

Mr. Valley: Is the Member giving way?

Mrs. K. Persad-Bissessar: No. You will speak after me, Sir. Mr. Speaker, he is just starting to provoke me again.

Mr. Ramnath: I will be speaking after her.

Mrs. K. Persad-Bissessar: I am saying that we have several commissions set up. The process for consultation is: the President will send me a letter—I have received several of them: “I am proposing to appoint X, Y to the JLSC. I am proposing to appoint X, Y to the Integrity Commission. Do you have any objections?” At the end of it you hear nothing; you read in the newspaper—the said person. The decision was made long before. This process has given us meaningful consultation.

Mr. Valley: Mr. Speaker, Standing Order 36(10), because—

Mr. Speaker: No, no, you raised the matter—36(10). That is all you need to do. I have looked at it—

Mr. Valley: It is the conduct of the President they are calling into disrepute.

Mr. Speaker: No, no. She is on the process of consultation. Before you continue, hon. Members, the speaking time of the hon. Member for Siparia has expired.

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

Question put and agreed to. [*Desk thumping*]

Mrs. K. Persad-Bissessar: Thank you, Members. Honourable Speaker, thank you. Mr. Speaker, I am on the issue of consultation and I thank you for your ruling, just to remind the hon. Member, through you, the Motion is a motion that has come on the basis of a notification from the President. I refer not to this President; I refer to the process, that is to say, I said it is not this office-holder. It has been happening all the time. It has happened with respect to the Prime Minister, as he admitted; it has happened with respect to the Leader of the Opposition, because that is the provision in the Constitution. So the consultative process is what we have changed and I am glad we have done that, but I am pointing out that there are other commissions that we need to do likewise, and here we come back to the Integrity Commission. You see, once I was going there, we got into difficulty.

We have a list of over 200 persons who did not comply with the requirements and the Integrity Commission does nothing. The only persons it has brought under that Act are a former UNC Member and the former Prime Minister, a UNC member. How does that commission operate? How does it justify that? I have the list; I did the research. Over 200 persons failed to file documents, including the former Attorney General, Glenda Morean. No action has been brought; it has taken no steps; nothing was filed; it did not even publicize the name. We had to go into it. We have the list here: Directors of state boards and statutory authorities—not filed. This is for 2003—2004.

What can we do with respect to these commissions that fail to do their duty? This is where we come back to the point that we need to have some kind of parliamentary scrutiny, because we can come back here on the basis of the provisions. The Member read the history for us. People were appointed for 10, 15, 20 years whether they were performing or not. I cast no aspersions on the names you have listed, just generally—there for 10—15 years. The whole country in disarray; crime epidemic and these persons serving for 10 years on the commission and you cannot move them because of the way the provisions are. Now, because of the reports that can be brought to Parliament on the basis of these provisions, the Parliament will have a role to play also in approving the appointment and also have a role in approving the disappointment of persons, that is to say, we can have a say, and that is where the scrutiny aspect is so vital in the removal of persons who fail to function.

So where the Commissioner of Police, for example, now under this new Police Service Commission, is not performing, then that Police Service Commission sends its report to the Parliament and based on those parliamentary

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reports, decisions can be taken to remove the Commissioner of Police. So even though you have given the Commissioner of Police a host of powers, the check and balance is there. That was one of the fears, that we had given this Commissioner of Police too much power and there are officers within the ranks who are very worried about that.

The point is, the way the law was framed before, you really could not have moved him, whether he was biased, whether he was malicious, whether he was functioning, whether he was not functioning. And, of course, you have political police as well in this country. We are hoping that the way this commission is formulated and being framed, that we will avoid those kinds of pitfalls. Of course, it is only the start. Today, as I said, has been with respect to parliamentary scrutiny and on the issue of parliamentary scrutiny, I am really very concerned that as a Parliament—the entire purpose of a Parliament is really to have that oversight on behalf of the people. The entire purpose of these Motions before us is to increase parliamentary scrutiny of Executive action and we know that this Government, really, most times will not want to subject itself to that kind of scrutiny.

In the absence of transparency, this is very true also when we come to the foreign visits that are made, and I am talking about parliamentary scrutiny. The Parliament has no oversight of what, when, why, how or where. You would recall that I had raised in this Parliament—and I raise again—that there is a Standing Order—79A—which provides for:

- “(1) There shall be a Joint Select Committee on External Affairs to be known as the Joint Parliamentary Committee on External Affairs. The Committee shall be a Standing Committee appointed for the duration of the life of the Parliament.
- (2) The House shall, for the purposes of this Committee, appoint not more than six members to sit with members of the Senate...
- (3) The balance of the Parties...shall be reflected in the appointment of the House members of the Committee.
- (4) The Committee shall consider such matters pertaining to External Affairs as may be referred to it by the Minister responsible for External Affairs, and shall submit its reports to the Minister who may in his discretion, lay or cause such reports to be laid in the House of Representatives.

- (5) The Committee shall have power—
- (a) to send for persons, papers and records;
 - (b) to appoint sub-committees from among its members and to delegate any of its authority to such sub-committee; and
 - (c) to make its own rules.”

Will this committee ever be established? We are in breach of our own Standing Orders.

Mr. Speaker: I do recall when this matter was first raised by the hon. Member for Siparia, I had asked the then Whip and the Leader of Government Business to submit names to me. Perhaps I would ask it again because there is, in fact, a Standing Order.

Mrs. K. Persad-Bissessar: Mr. Speaker, I thank you for that guidance and I will now ask this Chief Whip to send you the suggestions for these committees, because it is very important. Foreign policy is happening by “vaps”; it is happening on foot, as it were, and the nation has no scrutiny of that. Our Standing Orders were made since 1961 and since 1961 it was felt necessary to have this External Affairs Committee. There are very vital issues. There is the whole issue with Venezuela on the offshore there—very serious issues. The Prime Minister visits; he talks; sometimes we find out what was said or was not said. Our national interests are very important. Here it is, an entire delegation is in the United States and we really did not even know they were going until we read it in the newspapers, one; and two, we do not even know what were the policy decisions that were being made on behalf of the people of Trinidad and Tobago. So I would trust that when our names come to you, the Government would also send theirs, so that we can get that External Affairs Committee up and running.

As I close then, these matters highlight the potential for things to go very wrong. [*Interruption*] You know, it is always better late than never, through you, Sir.

Hon. Joseph: Consistent with that argument—

Mrs. K. Persad-Bissessar: Which argument is that?

Hon. Joseph: Better late than never.

Mrs. K. Persad-Bissessar: Which is what you are doing as well, anyway. You are in your last term of office. It is always better late than never.

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But you see, Mr. Speaker, whilst they are saying that, I think it should be very clear, it is not the Opposition Benches that are at fault in this issue. As I know it, at the start of each term a note is sent to the Chief Whip saying: “These are the committees; please put your names.” It is sent to Government—

Mr. Valley: That is why you should have done it in 1996.

Mrs. K. Persad-Bissessar: Well, there are many things you did not do in 1996 either, so that argument is worthless.

Mr. Ramnath: Since 1956 they did nothing.

Mrs. K. Persad-Bissessar: So I want to say this piece of legislation on the Government Benches has worked at this point in time. We will see when the appointments are actually made, if the appointees will work. We will see whether they can carry out those functions. Really, I want to wish the Minister well, because the fight against crime is everybody's fight and we are very happy that we joined with the Government in order to get these provisions in place to be able to help in the fight against crime.

We do have some other suggestions as we fight crime. We can look at, for example—I talked about prevention and detection. We can look at all those issues; the human resource issues, basically, that we have; the technological issues. Why is it, for example, we do not have a system of computerization in the police cars so when a policeman stops someone, he can run the chassis number, engine number, registration number, whatever it may be, right on spot to determine whether he has a problem? The Minister could respond to us with respect to computerization and sharing information of records.

Secondly, the sharing of records with the police service, harmonization with the records of the prison service, the Customs and Excise, the Inland Revenue division, all of these should be shared so that we would be better equipped to deal with detection and prevention. The E999 Rapid Response system, I do not know what has happened with that. I would ask the hon. Minister to also tell us what has happened because we need some sort of refurbishing. Are there new vehicles coming in? I believe in one of the Finance Bills there was some mention. So the Minister could let us know when they are coming. Will it come before the election or after? Please let us know.

We have issues dealing with investigation. I am told that there is a fixed period rotation of staff. When one shift ends at a station, I am told that the shift ends for everybody. Why is there not a, sort of, carry over? Because officers are

complaining that when their shift is up, everybody's shift at the station is up at the same time. Therefore, they go and a new batch comes in and you do not have that sharing of the information and overlapping. There are simple things that you do not need legislation for.

We had talked about buying out certain aspects of what the police officers have, their terms and conditions, in order to create a police force that would be able to respond to the needs of the day, that is to say, you have your bargaining unit; you have terms and conditions that you sit, and so on. But, really, you say the officer has a 40-hour week and we talked about buying out that and allowing an officer who is on a case; in other words, he is running down a man; his shift ends or his eight-hours is done: He stops running. No, no. You see, it sounds ridiculous but it does happen. The man is saying: "You see, I am doing a surveillance; it is 3.30; my shift is done. I am gone."

Do you know why they will do it? It is not because the officers are foolish or they do not care; it is because there is no proper recompense. If it is they go forward and they carry over to carry on their duties—this was discussed across the table; a buyout of the terms and conditions, firstly, and secondly, compensating police officers for the very dangerous, very difficult job that they do. What is happening with the package of compensation for police officers?

So you could pass all this legislation; you could bring all the consultants from abroad; you could appoint all these commissioners, and so on, but if you do not compensate police officers properly, then the morale of the officers would be very low. They have complained time and time again of back pay, in terms of overtime. Months go by and the officers are waiting for the paltry piece of overtime moneys. Why can simple administrative things not be dealt with to lift the morale of the officers? We have stood here on many occasions; we have attacked officers and so on, but we understand that the majority of the officers in the police force are good, decent and hardworking. [*Desk thumping*] There are some who have become polluted, as it were, with political interference; have become political police, and so on. There are others, like everywhere else, who get involved in fraud and matters like that. But the majority of the officers are decent, hardworking persons, but we do not give them that encouragement. You can praise them all you want, but at the end of it, it is dollars in your pocket, really, because their quality of life, the integrity of their lives, the quality of the life of their families, is dependent on them being able to buy the things for them and cater for their wives and children. So I again make that plea, through you, that whilst we put legislative measures into place, you need to deal with human

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resource issues which include the compensation package for the officers and you need to deal with the other administrative issues.

With these words, I thank you very much. [*Desk thumping*]

3.30 p.m.

Mr. Winston Dookeran (*St. Augustine*): Mr. Speaker, I agree that this is an important day in Parliament. It may not yet be the historic day of which the hon. Minister spoke, but it is very important because it has signalled a departure from the normal procedure dealing with the issue of appointments to our public service commissions and the Police Service Commission and this has raised a number of issues about which the hon. Leader of the Opposition spoke.

Let me first respond to the hon. Minister whom it would appear, framed the debate in the context of a management response. Given the fact that it came out of a bipartisan approach to which the Minister acknowledged, we saw the fruits of having dialogue between the two sides of the House on a critical issue of crime facing our country at that time, leading to this debate. This is an issue dealing with the democratic deficits in the country as opposed to a management response. It was acknowledged both by the Minister and the Member for Siparia that the genesis of this Motion before us, arose because of the debate with respect to public trust in public office holders in the country and more specifically, the Commissioner of Police and the method of selection for such a person.

During those discussions I remember the debate took place in the context of how we could protect public trust. That is why I say it is now a debate about the democratic deficit in the country. It was felt that the procedure which was previously in place did not instill public trust. Not only did the procedure do so, but there were also many instances in the conduct of office holders, that led one to believe that there was a partisan approach in the discharge of public duty on a very important issue. More than that, at times it was felt that there was sufficient public interference in the conduct of office holders who ostensibly hold office, that was supposed to be of an independent nature.

It was against that context that the debate took place. I remember well because it started with a view that the Opposition wished not to cooperate with the Government. Fortunately, good sense did prevail finally; dialogue on this matter took place and resulted in a genuine compromise as was expressed by Members of the Opposition and the Government's view in terms of its philosophy of autocratic control of public operations.

In that context, the Member for Siparia was right. The issue of the process of selection arose and that selection was done by virtue of a veto power that was then discharged by the Prime Minister. Because people began to lose faith in the Government in upholding that sense of public trust, the veto power was questioned. Historically, it was always felt that such constitutional authority would always be discharged in the context of public trust and democratic safety of the entire country. Because there was that fear that this was no longer so in contemporary Trinidad and Tobago, we found ourselves with this dilemma. Government was not seen as the institution that was going to protect the democratic interest of the country on critical matters regarding, for instance, the independence of the commissions and more specifically, the independence of the operations of the police authority.

You will recollect that the Government came forth with a proposal to abolish the Police Service Commission and to replace it with the Police Service Management Authority. In our view, the safeguards that were provided under the Police Service Commission were too great to be simply abolished. While it was recognized that there was need for more managerial accountability in the police service, you could not abolish it and then replace it with a police service management authority that had less safeguards. That was the proposal of the Government. Fortunately, we resisted and we said that we wanted to protect the safeguards for democracy as enshrined in the Police Service Commission and at the same time, to ensure that the Government would have the managerial responsibility and authority to discharge its function.

We added also that it was necessary for the public to trust what was happening. That is how the debate arose about the veto power being likely abused in our current environment. Even if it were not, those who seek and receive office on that basis may feel beholden to the office holder. [*Desk thumping*] It was necessary to leave the individual free so that he would know that what was given to him as an office holder of an independent office in this country, did not arise from the wishes of the Prime Minister but was supported by the consensus of the total society, as reflected by the Parliament. That was the genesis of the debate.

It is an important point of departure because it opens a new possibility for the role of Parliament in the issue of defending our democratic institutions and more specifically, in ensuring that there is independence in our commissions. The debate, framed as a management debate in a way exposes the Government's narrow view of this responsibility. Seeing everything in terms of fixed powers and management is admitting that the democratic institutions that are at work are not

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at fault. Today, we are trying to remove that deficit. We are trying to ensure that public trust in office holders of what is called independent commissions will be restored in Trinidad and Tobago. That is what this debate is about. When the matter was first raised, I remember the Government said that it would open scrutiny to the individuals who would be named and that scrutiny may lead to character assassination. I remember that the hon. Minister was there when we discussed whether or not opening the debate by an affirmative resolution in this House would allow an abuse on the part of the legislators.

We argued then, that that is to assume that legislators are by nature totally irresponsible and we could not make that assumption. There was a mechanism that would force the President in making his decision, to know that it would be subject to public scrutiny. That was a safeguard to allow the right choices and more importantly, public trust to be restored. This debate is about reducing democratic deficit in the country and not management structures as important as they are. I am somewhat disappointed that the hon. Minister in the framing of his presentation in the debate, did not view the larger issues of which this debate is an important step. It is not the only step. There are many more steps that we must put in place to ensure that there can be no room for the abuse of power by those in authority and the preservation of the public trust as reflective by the elected Members of Parliament.

In that context, I agree with a number of suggestions on this particular issue made by the Member for Siparia. I will simply put this in context and then look at how we could move beyond. Why did we arrive at this situation? I do not think that there could have been a better example that we could have illustrated why we arrived at this situation, than the recent decision of the Privy Council on the matter of Chandresh Sharma and others versus the Attorney General, regarding Appeal No. 73, 2006. I congratulate the Member for Fyzabad for taking the step that he had taken. I want to read a small part of that ruling which was the preamble upon which the ruling was based. It is relevant to the issues before us because it is a preamble that underlines the democratic system at large. It may have been applied to a specific case but it should be applied generally, to the democratic system. The Privy Council in its report on this matter said,

“It must, in the Board’s opinion, be inferred that the framers of the Constitution intended the parliamentary system to operate in a way which, subject to the constraints of democratic choice and adversarial politics, is fair and even-handed as between competing partisan interests. In the present instance, the PNM cannot be accused of abusing power or oppressing the UNC

members in any way relevant to this appeal. But the result must strike any objective onlooker as grossly unbalanced, the members of one side of an equally divided house all receiving ministerial salaries and the members on the other receiving (apart from minor allowances) no remuneration at all.”

The operative words in this judgment are the “democratic choice”; “fair and even-handed” and “grossly unbalanced”. When we take those fundamental democratic principles, we ask whether the system of appointment, selection and operations of the commissions in this country, can stand the test of meeting these requirements of a democracy, particularly, the one of fair and even handed and one in which it is grossly unbalanced, as well of course, preserving the democratic rights of individuals. That is the real test of whether these institutions are operating. Why after so many years has it reached the situation where there is a widely held belief that we can no longer rely on our institutions to be guided by these fundamental core values in a democratic system? That is why this debate is taking place.

It is a reflection of the value of having a bipartisan approach on issues that should be beyond the narrow politics in the country. One such issue is the constitutional arrangement of how we govern ourselves. On that very issue I will not go into it in any great detail, but it supports the point that the Government’s approach to dealing with the constitutional issue is testimony to the fact, that it is not in any way informed or influenced by these core values. The fundamental litmus test is whether or not there is public trust in the affairs of Government in matters that rightly belong to the bipartisan approach.

Two have been raised and are relevant to this debate. One is the issue of constitutional change and the other is the issue of dealing with the difficult, vexing and intolerable problem of crime. I do not want to go into full debate on the constitutional issue. It is clear that the Government and more particularly, the Prime Minister’s approach in handling the issue of constitutional change in this country do not support the core values of a democratic society, as reflected by those who can do so with greater accuracy.

It is against these principles that we must now introduce this new procedure to provide for parliamentary scrutiny. The issue is not parliamentary scrutiny by itself. The issue is whether parliamentary scrutiny would bring about public trust in the independent commissions. It is the first step and why I said it is an important day. It is not yet a historic day because the historic day would come only when we can restore public trust in the operations of our independent commissions in our country. There is more to be done before we get to that point,

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but it is a step in the right direction. The hon. Minister will agree that had it not been for the Opposition's persistent thrust in finding the right formula to retain that public trust, they would not have come to Parliament with this particular Motion. I give them credit that they have agreed to it and we do not mind being the author of the political change that is necessary to preserve the democratic rights in our country. That is the higher cause.

Against that, we must look at what is possible in the future because if this is not dealt with properly, it would lead to the situation which we have been talking about for a long time, where people begin to lose respect for the institutions of governance. When there is that general feeling that the institutions of governance no longer have either the moral authority or they no longer operate on the basis of the core values of a democratic society, then that society opens itself for other means of expression of the people's anger and rightfully so. This country is fundamentally a democratic society and no government can make it otherwise.

In that context, now, we have opened the door for new public transparency and accountability that would attempt to work towards the rebuilding of that full public trust by key office holders. It is a good move and must be commended. The fact that it is the outcome of deliberations is also a support for the argument that collectively, this Parliament can handle the serious problems that we are facing. We must find the right forum to do so. Although you may hold the power and office in the name of the people, you have an obligation at all times in the discharge of your public duty in building public trust for democracy, to engage in serious dialogue, conversation and participation with all the elected parties involved in the society. That is why we are beginning the change for a new society. We have been talking much about constitutional change, but the change would not come by people thinking it out. The change would come about if we take a responsible approach to respond to the people's requirements as they emerge on the people's agenda.

Today, the requirement is to restore public trust in governmental institutions. That is at the heart of many problems because people now believe that when they listen to Ministers there is no need to believe them anymore. They say what may be politically right but may not stand up to scrutiny thereafter. Today, we had a good example when the Minister of Sport and Youth Affairs admitted that he had said that he was dealing with a fixed price contract on the Brian Lara Stadium. When the Member for St. Joseph asked the question he admitted that it was correct, but there is no real compulsion on his part to explain that it was the wrong decision. It is a mistake that has cost the taxpayer and the people a lot, because we

can no longer trust the word of the Prime Minister or the Government in public affairs. That is the fundamental issue with which this departure from the old procedure is trying to deal.

The Government cannot be relied upon to protect the underlying principles and values of our democratic system, hence, we must use the legislative machinery to do so. I would not go into it in any great detail because we have done this often and we have attempted to put some kind of institutions that will be even-handed and fair in dealing with all the controversies surrounding the situation with the Chief Justice. Today, all I can say is that the way in which the Prime Minister is handling the issue with the Chief Justice is the best testimony to the fact that the Government is not informed in their judgment, by the principles outlined in the democratic system for fair play and even-handedness.

As you know, there are many allegations but there are only few who will be called upon to account for what is alleged to be wrongdoing when there are many others. One of the fundamental principles of a fair system is to be even-handed. If it applies to Paul it must apply to Peter. That is the responsibility that we once thought a government will discharge. We know now that they cannot do it and that is why the legislators must come into action.

There are so many reports; so much secrecy and things that have not been laid by this Government unless they are requested and pressured; so many questions on the Order Paper that remain unanswered for months, one which you mentioned today. One of the things we must ensure is that this Parliament does not become a front to protect the secrecy of government. We must be open, transparent and accountable to the people of Trinidad and Tobago. Our role is to call on these reports and to date, we can list a number that have been raised here and have not been brought to the attention of the people.

We must move beyond this boundary and deal not only with the issue before us, the Police Service Commission, but we must also go beyond that. The procedure is by way of a notification by the President regarding the appointment of the officers after due consultation with the Prime Minister and the Leader of the Opposition. That is the safeguard against any abuse. The best way to protect a democracy is to have open information, so that the public can make their judgment at all times as to whether office holders are acting in perspective of their interest.

The Member for Siparia outlined further steps. The more equally fundamental issue is that of the Commissioner of Police. I know that the Act before us has changed the method by which such selections must take place. Another

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fundamental issue that was paramount in the discussion was how that should be changed. A similar procedure will be adopted now. We look forward to an early date when we could get the assurance that in this country the Commissioner of Police will have full public trust of the people as reflected by the elected parliamentarians who are here. That is the safeguard for which we are searching. We cannot rely on that from the Executive arm and in the Prime Minister's hands as we have done in the past, because we have seen evidence of the abuse of the due process and power. That has raised this absolute necessity that has come. If ever there was an Opposition who has taken a rational and positive approach to protect our society from the abuse of Executive power, it is reflected in this legislation before the House.

I suggest that the net should be widened. Many of our independent institutions are now in need of direct scrutiny. Some have argued that our Independent Senators by virtue of their actions can now be susceptible to the charge that they do not have independent agenda. I will not say anymore except, that that is the whole principle of an independent institution to operate as a buffer between the adversarial politics of the day. In a society, obviously, you will have adversarial politics. We are in a democratic system; we have to make democratic choices and put our position to the society. The system of Government plays an important role in the independent institutions to protect the civil liberties and democratic rights of the people and for balance, that is necessary between the Government's responsibility to discharge its functions and at the same time, not to use this institution for political purposes. That is a fundamental issue. These institutions have an important part in the system of government. The fact that we have come to this stage is a reflection that that is not so. We must restore our independent institutions to an independent status. That is the litmus test that would tell us whether or not we are building that trust in the society, that is required to retain the fundamental precepts of a genuine democratic society.

4.00 p.m.

The Government may be tempted, and many times the temptation goes beyond temptation because they use their power to influence the independent bodies in the country. We know of instances which have been aired in the public domain in our country and there is no question about that. We have got to restore it, and we cannot rely on the Government to do it. We have to use whatever avenue that is available to us.

This Motion is a step in the right direction. It allows the scrutiny to take place by the Parliament. It allows the Parliament to exercise a great sense of

responsibility so that there will be no character assassination for the sake of character assassination, but if there is some kind of evidence for people not fit and proper for their office, then it will be raised here, and rightly so. Not what we have done in the Central Bank, in order to disregard the fit and proper criteria in many decisions including the appointment of members of the Central Bank board, but that is another issue which was raised here before. When you discharge your function you must be serious about whether you, in fact, are discharging your function on the basis of fit and proper criteria, and that is what I believe is before us today in terms of the names.

It is evident now that we have matured to look at the principles upon which we shall make public decisions. Thanks to my friend, the Prime Minister agreeing to talk with the Opposition on this matter; when they were really in a position they did not know what to do. As I said, it does not really matter how it came about, but it has come about.

I think now the net should be widened. I think we should go beyond the Police Service Commission—and I believe the Member for Siparia enunciated in some greater detail, the Judicial and Legal Service Commission. It is now a matter that is again raising eyebrows as to how they can be seen to be independent and discharge their functions in accordance with what the Privy Council said; democratic rights, fair and even-handed and not grossly unbalanced to a balanced position.

Therefore, I am suggesting that the only way to carry this argument further to ensure that the democratic deficit that we are trying to address here can be carried further. I hope that the Government has not done this for expediency. I hope they have done this because they understand the philosophical underpinnings of preserving the democratic institutions in our country and ensuring that public trust will always be paramount in our mind. The Minister, in his presentation, made no reference to that and I came to the conclusion that in his own mind, he framed this as a management issue when, in fact, it was an issue to deal with the democratic deficit in the country's governance system.

I believe that test must go beyond the Police Service Commission and I make the call now that we have the same test applied to the Judicial and Legal Service Commission, to the Public Service Commission and to the Integrity Commission. [*Desk thumping*] If we can agree on principle that public scrutiny for the selection process of members of one commission is admissible, that there is no logical reason why we cannot agree that it will be admissible for all public commissions. And as a start, we should do that and I invite the Government to put the

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legislation in place in order to allow for this same procedure to be applied to the other three Commissions that are supposed to have an independent status in the governance of this country. But that is only the first step. We may need to go beyond that. But I do not want to take the issue of constitutional change too deep too quickly, because we need to set the process for that in a more substantial way. We may need to question the selection of the office holders; we may need to satisfy ourselves that there is fair treatment in the conduct and in the discharge of the responsibility of the office holders.

In the final analysis, frankly, you cannot legislate on these matters. It depends on the core values that influence the office holders. Are they going to resist political interference or not? Are they going to remain firm on the principle of being even handed and fair? Are they going to ensure that these institutions are not going to be used to promote a government secret agenda? These are the questions we can only ask. The curriculum vitae are important, but they do not tell us about that particular aspect; we have to assume by virtue of their own track record that would be so.

I want office holders of independent positions in this country to feel themselves free and open to discharge their duties without regard to political interference on the part of the Government or the Opposition. [*Desk thumping*] It is only when we get to that stage, which we would have advanced that agenda today and, therefore, we need to go beyond merely the selection process. Perhaps, we might need to have an American style, I do not know, but some measure to assess the credibility, not only of independent office holders, but of those who represent us in foreign countries. But for now, I will simply put that on the agenda because that deals with the issue of constitutional change of which the Prime Minister feels it is his prerogative.

There is no question. The question of constitutional change in this country is not the prerogative of the Prime Minister to decide on the method, to decide who shall review what and how to have consultations. It is a matter of a bi-partisan approach and must be dealt with in that manner if it has to have public trust. And, therefore, we must start from the beginning.

I end my brief contribution on what I think is an important departure in our procedure of trying to ensure the independence of our commissions that have now a responsibility to win the confidence of the people in light of what has been happening. They cannot simply accept that because they are called independent, they are not seen as independent anymore. Not in Trinidad and Tobago today. And, we cannot rely on or expect the Prime Minister to do so on our behalf and,

therefore, I say this is a welcome step; it is but the first step. It is a movement in the right direction, but there is more for us to do if we are to restore the democratic system and independence of our commissions and our independent bodies in Trinidad and Tobago.

I make this contribution for the record in the Parliament so that our position will be clear on how we stand on issues of governance of Trinidad and Tobago.

Thank you.

Mr. Subhas Panday (*Princes Town*): I commend all the Members who have spoken on this Bill so far. Today is a red-letter day in this Parliament. Every single one of us in this Parliament should be proud of himself.

Mr. Speaker, today we are defusing the principle of the dictatorship of the Prime Minister, he being *primus inter pares*. Today, we are defusing the principle of the dictatorship of the Executive—and since the hon. Member for Diego Martin Central could ask me how I could say that, I would like to refer him to section 122 of the Constitution before it was amended. Section 122 of the Constitution before it was amended stated that:

“There shall be a Police Service Commission... the Police Public Service Commission shall be appointed by the President, after consultation with the Prime Minister and the Leader of the Opposition”.

Mr. Valley: Mr. Speaker, I ask once more, how is it that this change is getting rid of the dictatorship of the Prime Minister or of the Executive?

Mr. S. Panday: I know that he is intellectually deficient, but I will show him how to tie it in. The President is a creature of the sitting Government and the President, who wants to go back for another term, will indeed, do the things that are pleasing to the Prime Minister.

Mr. Speaker: Order! That statement is really unbecoming of an hon. Member of this House. I am asking you to withdraw it completely.

Mr. S. Panday: Mr. Speaker, I withdraw it. But you know, Mr. Speaker, that the President is elected by the Electoral College, and the President is elected by a majority vote and, who has the majority in the House?

Mr. Valley: Mr. Speaker, this Motion is an affirmative Motion by simple majority in any case.

Mr. S. Panday: As I said, the Member does not understand what he is saying. The office of the President's action is brought now into the public domain. So, the

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situation now is forcing the President to act in a particular way because he knows that if he makes a decision which conforms to the bidding of anyone, he would have to face the Parliament, and this is where we are today.

As I said, when the hon. Member called the names of persons who served on the Police Service Commission, I think he left out important persons who are sitting in this House today. The Members of the Opposition had dialogue with the PNM to enforce this situation today. We must commend the Members of the Opposition also and, maybe, the Member for Arouca South, who participated in that discussion to bring this position where we can bring into the open the actions of people. The Member for Siparia must be commended, the Member for St. Augustine must be commended, and most of all, the person who had been fighting for constitutional reform, if he had been sitting here today would have seen the first step in constitutional reform taking place, that is, the former Prime Minister, the former Leader of the Opposition. And the PNM is trying to tie him up in court all the time. And the PNM is trying to humiliate him and we must today, give some praise to the former Prime Minister and the Leader of the Opposition as a true leader. I would not go further because of the consanguineous relationship between him and me, but one cannot help—[*Interruption*] We must congratulate the Member for Couva North. The PNM has caused the matter to be in court hoping that the parliamentary term comes to an end before the matter is determined.

I congratulate the Members of the Opposition and inform members of the public that it shows where we can be when there is unity. When this momentous occasion took place, there was a united group. It shows that when there is a united group one could push the PNM as far backwards as one can. Today, we are not only speaking about the Parliament performing its fundamental role, but also to show that the Opposition is also performing that role. We feel, and I feel, and I speak for myself here today, that once there is unity of all the forces against the PNM, regardless of how much house padding they could put in place, they will make sure that the PNM goes out of Government, and good governance takes place.

Today, we have come before this humble House really answering a question from His Excellency, the President. The Motion says:

“...shall after consultation with the Prime Minister and the Leader of the Opposition nominate persons, who are qualified and experienced...”

in certain disciplines and he shall issue a notification and that notification nomination shall come before the House for approval. It is the first time in our

history that the President is speaking to the Parliament. It is the first time in our history that the system has been opened up, where every single Member of the Parliament, can participate in the appointment of such an important Commission. And, the President is asking us today that the notification of nomination of these various members of the Police Service Commission be approved and that is, indeed, a most important fact and process in the democratic system. Today, we can clearly say that nobody can tell the 36 Members in this House that we are “kicksin’.” [Interruption] You see how they have no respect for you, Mr. Speaker, whatsoever.

We want to let this country know that today, the Parliament and the legislators, are telescoping to the nation and maybe to the young people and the generations to come, that the Parliament is not a rubber stamp. It is not a case where the Government brings something in the House and we merely rubber stamp it. The President, today, is asking each of us to pronounce on these appointments and that is what I believe is important. For all of us in this House today it is an historic day. We are all participating; we are answering a question from the President. This has never happened before.

Whenever the President before this wanted to appoint a commissioner of the Police Service Commission, he may call and inform the Leader of the Opposition that he is appointing so and so, and he will deem that consultation. The next thing one would hear is one might object, as the Member for Siparia objected on the appointment of the acting Chief Justice. I do not know what went through his mind, but privately he appointed.

Mr. Speaker, the former Prime Minister, when he was Leader of the Opposition, was so frustrated with the system under section 122(2) in that when the former President, Sir Ellis Clarke, consulted with him he used to say I object and that was it and then the Constitution was being made a “pappy show”.

I remember the then Leader of the Opposition, Mr. Basdeo Panday had told the then President, if he wanted to consult with him on the appointment of persons to these commissions, to consult with him in public and whenever the President tried to speak to him he would go to the press and he would say this is what the President told me and this is what I said. It was a state of frustration, and the President ignored it and went his merry way. Today, it is different. We have travelled a very long distance today. We have come to the Parliament where the President, although he has consulted with the Prime Minister and the Leader of the Opposition, he has come to the Parliament, you can almost say for ratification. And that is what we say is important and that is why we are saying that the

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democracy is emerging. It happened because there was unity; it happened because they stood together and they fought. We sang from the same hymn book, we sang the same song. We withstood all the pressures of the PNM, as the Member for St. Augustine said, they wanted to do away with the Police Service Commission and put a police management committee in place. And, they stood as a united body. And today, the population and the country is a beneficiary of that. This is why I say there is a need for all people who are opposed to the PNM to take a stand on the same side.

Mr. Speaker, the House is not a rubber stamp. The House is performing its legislative duty; the House is performing its rightful duty. When we look—but the PNM does not see it so; the PNM sees it as a rubber stamping process in progress. That is why the Member for Diego Martin Central laid this Motion in this Parliament on Wednesday, and wanted us to debate it on Wednesday. Mr. Speaker, 48 hours was insufficient time to debate a fundamental and an important document like this. But they believe we were coming here merely to rubber stamp. We needed more time to go into the history of these people. I know some of those people and the 48 hours which they gave us, I tried to do some work, but 48 hours was insufficient.

Everybody knows Pastor Clive Dottin. Pastor Dottin is a well-known man, a man of integrity. The Member for Diego Martin Central says until I do something he does not like, like taking up all the gravel from—Mr. Speaker, when one looks at his curriculum vitae, one will see that Pastor Dottin is eminently qualified for the job. We want to tell Pastor Dottin and all the Commissioners, their names came to this Parliament today and every one of us, the representatives of the people had an opportunity to scrutinize. And as the Member for St. Augustine said, when you go there, you are not beholden to anybody who will call you and give you a letter in your hand as the Prime Minister did with the Commissioner of Police. You all have the backing of the entire society through the representatives in this Parliament. When you go there, act without fear or favour. Perform your duties according to your oath. Nobody could do you anything because the Parliament and the people are behind you. And that is opening up the democratic system.

Mr. Speaker, Ms. Cheeseman. I would like to say she looks like a young brilliant lady who was born in 1963. I did not get enough time to work on that. Jeewan R. Singh, I did not have enough time to work on him but I know Mr. Seenath Jairam. [*Interruption*] This is the point. The Member for Tobago East

says, that is your appointee. They are warped in their thinking. They are so fossilized in their thinking. And she never speaks.

Mrs. Job-Davis: Thank you, hon. Member, for giving way. Would you agree that—I heard you read the list of appointees—a resident Tobagonian should have been on that list?

Mr. S. Panday: Not only that, I recommend you, the Member for Tobago East, for nomination in that seat and do not let “Stretch” interfere with you. You are fighting for the people of Tobago. “Stretch” is like a “zandolee”. He is looking all about, running from Trinidad and going to Tobago. Push him back in Plymouth and let him finish building his house.

Mr. Speaker, the PNM is fossilized in its thinking. When I called the name Seenath Jairam—that is your nominee, I want to say hon. Member for Tobago East, he is the representative of all the people and the 36 Members in this House. We do not know who appointed him but we know when he goes there, he has the backing of the 36 Members in this House.

Mr. Speaker, I did some research on him. If they gave us a much shorter CV I would be happier—one sees indeed, that he was a good industrial court lawyer, a brilliant judge and he does a lot of high profile civil cases.

When I researched I saw all the cases he did were in the Magistrate’s Court. He has appeared and continues to appear on criminal matters in the Magistrate’s Court. One would have thought maybe, we could have said they probably could have gotten somebody from the criminal bar that has interaction with the police and understands how the police system works and the hurdles which exist, one could see them.

The Member for Pointe-a-Pierre and me, when speaking in this Parliament, apart from our intellectual superiority, because of our practice, we are able to see those fine points and bring it. I could only say about this gentleman—I know one thing, I probably wanted to investigate that he took bail for somebody and that person had absconded. He was summoned to court on summons-to-show causes and when he went to the court and explained his position the bail was not forfeited. I say that is only our investigation. That is the purpose for us being here, to investigate the persons whom you are presenting to us. I think his name was Mr. Hedwige Bereaux.

Mr. Speaker, that is all we know, but that is insufficient because they have been exonerated and that is insufficient for us to—

4.30 p.m.

Mr. Boynes: Are you treating with Mr. Seenath Jairam?

Mr. S. Panday: It seems to me that you were sleeping because when I spoke about Seenath Jairam SC and his voluminous and his plethora of qualifications—

Mr. Boynes: Let me just say, with respect to Mr. Seenath Jairam, that he is very distinguished and, indeed, the situation you are referring to, we want to admire. It was full disclosure with him. He came, he faced the music; he made a mistake and he said he dealt with it.

Similarly, when the Member—Winston Johad—asked whether the Brian Lara Stadium was a fixed-price contract, I recall saying yes, even though I had made an error during the press conference. I came here and said yes, I recall.

Mr. S. Panday: You should be fighting for Toco/Manzanilla again.

Mr. Speaker: Hon. Members, it is a good time to have some tea and the House will resume promptly at 5.00 p.m.

4.31 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed*

Mr. S. Panday: Thank you very much, Mr. Speaker. I was mentioning a certain member, Mr. Seenath Jairam. I have known Mr. Jairam as a man of great character. He is a very competent person and a deserving person. The point I was trying to make was not in any way to humiliate or embarrass him, but just to make a point.

I have read many of his judgments. They are very good. I have seen him practise and I know he is a man of intense integrity. He is a very prominent attorney; I hold him in the highest esteem and I am certain that every Member of this Parliament will recommend him for that job. The point I was really trying to make is that this is democracy at work. We, the Members of Parliament, who represent the people, can investigate on behalf of the population. I meant to cast no aspersions whatsoever and I am certain that persons who put their names up will know that if they have anything in the cupboard, it will come out. It was not my intention to pull anything out of the cupboard against anybody.

We look at Christopher Thomas. I know Mr. Thomas also. I know that he was an ambassador and that his life and actions would have been under public scrutiny and we can say nothing about him. In those circumstances, we want him to know also that all the Members of this Parliament support him. We support Mr. Jairam;

we support Mr. Jewan Singh, Ms. Cheeseman and Pastor Dottin. We feel that the Government should give us more time from the laying of these documents so that we can do some more work. Be that as it may, as the Member for St. Augustine has said, it is a step in the right direction.

We also would like to see more constitutional change. These people have been appointed under the greatest scrutiny by the population. We feel that we should respect and honour them and give them unlimited power to perform their functions. I would like to see section 123(3) repealed. It says:

“Before the Police Service Commission makes an appointment to the office of Commissioner or Deputy Commissioner of Police, it shall consult the Prime Minister, and a person shall not be appointed to such office if the Prime Minister signifies to the Police Service Commission his objection to the appointment of that person to such an office.”

We feel that since we are opening the system, as the Member for St. Augustine said—

Mr. Valley: That has been changed.

Mr. S. Panday: If that has been changed, we go with that. Also, we want that all the service commissions fall under the same rubric and, for example, that restriction be put in the Public Service Commission. If one looks at section 121(4) of the Constitution, one would see:

“A person shall not be appointed to an office to which subsection (3) applies if the Prime Minister signifies to the Public Service Commission his objection to the appointment of that person...”

If we are saying it is good because we are extending democracy or putting it to work, the time has come when all the commissions should be reviewed. Appoint them in the same manner as the Police Service Commission is being appointed and give them the powers, after they have withstood the scrutiny of the Parliament. Mr. Speaker, if they can withstand the scrutiny of the Parliament, then they would have been persons competent to perform such a job and we must not allow a political person in any way to hinder or impede that commission or any commission from performing their functions.

In this commission, the commissioners will hold office for five years, but there are two other commissions I want to talk about, one of which is the Integrity Commission. The Constitution does not say how it is appointed. When one looks at section 138 of the Constitution, it merely states the function of the commission.

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We feel also that since the Integrity Commission performs such a vital role in the purported preservation of democracy, the members of the commission should be appointed in the same manner as members of the Police Service Commission. The Equal Opportunity Commission should be appointed like that as well. If that is done and there is any perception that the Integrity Commission is toeing the line of the Government, that will evaporate. If the members withstand the scrutiny of the whole House and it is recommended by the House, it will perform in a particular way. People will not be in a position then to cast aspersions on the Integrity Commission.

Today, the Member for Siparia had asked why you would send to the Director of Public Prosecutions (DPP); then the Member said you were wrong to do it; then you go to the court and meekly withdraw it, while it appears that you are harassing the Members of the Opposition, spending millions of dollars to prosecute them. In that case, where you sent that file to the DPP with respect to the Member for Diego Martin West, they sent one of the most junior lawyers to fight the case. One would have thought that they would have been even-handed and, in every matter in which they want to take action, they get the best legal minds.

They get the best legal minds for people who are opposed to the Government, but when it comes to one of their own, according to the Member for Fyzabad, one sees that they go there and crumble before the court. The Integrity Commission must answer to the population. We must ask: Are they doing the bidding of someone higher than the Member for Diego Martin West? Are they participating in the screening process of the PNM that they send his file before the commission and to the DPP, who then goes out and says that there is sufficient evidence to charge the man?

The question is: Does the Integrity Commission have lawyers? Who advised the Integrity Commission? Was it a geologist who advised the Integrity Commission to send the file of the Member for Diego Martin West to the Director of Public Prosecutions? When he challenged why they sent his file to the DPP, they send the most inexperienced lawyer to cave in and consent. Something is wrong in town and the Integrity Commission is called upon by the Parliament of the people to explain why they behaved in this particular manner. They tried to humiliate him. They have so much power to humiliate people but at the end of the day they will stay quiet.

I would have thought they would have gotten proper legal advice, probably from a senior counsel. When they looked at the Landate file and there was nothing in the file, they should not have sent it to the DPP. We are all Members of

Parliament and they are subjecting Members of Parliament to the trauma and humiliation of a public trial. The Member was so humiliated that he decided—*[Interruption]* If the newspapers were right, he took legal action against them and, at the end, they ran and hid in a corner.

We wonder. We ask them today: Members of the Integrity Commission, was there a hidden agenda? I am casting no aspersions on you. That is why we are saying that we must make these commissions, which appear to be independent, independent. We, as Members of Parliament, together, must change the laws and make them accountable to us. We are not interfering with them, but we must make them accountable.

There is another one called by the name of section 110 of the Constitution. I am not saying that the gravel was not taken to Landate, you know, but I am speaking about the process. I would not be so bold—

Dr. Rowley: You were going well so far, but you are going like Mr. Partap. You just spoiled it.

Mr. S. Panday: As we vote on the nomination of the President, this is an exercise of opening up the process; opening up the democracy. Why must the Integrity Commission, which claims to be an independent body, act in secret?

Mr. Speaker: I think, hon. Member, the point has been made by the Member for St. Augustine and you are beginning now to repeat yourself. Please, move on!

Mr. S. Panday: Mr. Speaker, although you say move on, I am certain you are concerned as much as I am about the behaviour, practice and procedure of the Integrity Commission.

There is another one called the Judicial and Legal Service Commission. One wonders, when one comes before the Parliament trying to deal with the Police Service Commission, whether that little step is sufficient to deal with the administration of justice. As we see here today with the Police Service Commission—we are trying to modernize the system to enhance one aspect of the administration of justice, to deal with crime in the final analysis, but that alone cannot deal with it and we are asking that another commission be dealt with immediately, almost hand in hand with the Judicial and Legal Service Commission.

Section 110 says:

“(1) There shall be a Judicial and Legal Service Commission for Trinidad and Tobago.”

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It says who is supposed to be appointed. It also says:

- “(2) The members of the Judicial and Legal Service Commission shall be:
(a) the Chief Justice, who shall be Chairman;”

I do not know why he has to be there as chairman.

- “(b) the Chairman of the Public Service Commission;”

I do not know why he has to be there.

- “(c) such other members (hereinafter called ‘the appointed members’) as may be appointed in accordance with subsection (3).”

They put some conditions there and they say:

- “(3) The...members shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition...”

Look at what happened in the recent consultation. As the Member for Siparia said, it was indeed a farce. We say that this commission is as important as the Police Service Commission in the administration of justice and we should also have the Judicial and Legal Service Commission appointed in the same manner.

There is a Judicial and Legal Service Commission. We are asking: Is it because the framers of the Constitution believe there is a lacuna in the law that it allows the method of appointment of the Judicial and Legal Service Commission by the President after consultation with the Prime Minister and Leader of the Opposition? Is it because of that method of appointment of the Judicial and Legal Service Commission that they instituted this clause?

Hear how they circumscribe the power of the Judicial and Legal Service Commission. Section 111(2) states:

“Before the Judicial and Legal Service Commission makes any appointment to the offices of Solicitor General,...”

Most important, and that is supposed to be an independent office. This commission is supposed to be independent and they are going to appoint a Solicitor General, who is supposed to be independent:

“Chief Parliamentary Counsel, Director of Public Prosecutions, Registrar General or Chief State Solicitor it shall consult with the Prime Minister.”

These are important positions which play such a pivotal role in the administration of justice—those offices which need to be independent. They say they must consult with the Prime Minister, a politician.

Mr. Imbert: [*Inaudible*]

Mr. S. Panday: Aha! He does not read. That Member for Diego Martin East does not read; he just speaks. It seems to me that his intelligence is only matched by his height.

Dr. Rowley: That is not original; that is a Basdeo Panday statement.

Mr. S. Panday: Mr. Speaker, I go on to the next section now. [*Interruption*] I will give you the one from the Member for Couva South. It is because he comes from that cult that rode horses and kicked black people that he thinks like that. He does not have to pay to think.

Mr. Speaker: Do not pollute your contribution by going there! Talk about what you are talking about.

Mr. S. Panday: The Member for Diego Martin West said to describe him properly, Mr. Speaker. Member for Diego Martin East, what is wrong is that when one looks at the section 111, if it had stopped at “consult with the Prime Minister” that was okay, but it goes on to say that:

“(3) A person shall not be appointed to such an office if the Prime Minister signifies to the Judicial and Legal Service Commission his objection to the appointment of that person to that office.”

Mr. Imbert: What is wrong with that?

Mr. S. Panday: You are still backward, Member for Diego Martin East. You are trying to create independent institutions. Why then, in those circumstances, are you allowing the political directorate to interfere in such appointments?

We are saying that there is need urgently to reform the Judicial and Legal Service Commission. This commission feels that it is a law unto itself. I remember some time ago, some member of the public questioned why the method of appointment of judges and magistrates was a secret. There is a perception that only people from the cocktail circuit were being appointed to the high-position judiciary and that persons were not being appointed to the high-position judiciary because of their competence. People were saying that if you want to get in there, you must be in the right club, QPCC, in order to be seen.

When there was an outcry against the kind of persons who were being appointed to high positions in the Judiciary, do you know what the then chairman of the Judicial and Legal Service Commission said? They do not have to account to anybody. They can do what they want. We are saying that when there are

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appointments in the manner in which they occur now in the Constitution and the Prime Minister has the veto on appointments and there are certain kinds of appointments, we do not hear which one he vetoed. He can veto a sufficient number of persons to get the person he wants. That is why we are saying that we are enhancing the democracy. All Prime Ministers could have done the same thing with the Police Service Regulations. We are saying we are going forward, but the PNM cannot go forward. It is only when the UNC squeezed them into a corner for constitutional reform, then we got this. It now shows that they did this with a heavy heart and leaden feet. [*Interruption*]

We said that if they did not amend the package, we would not give them our support; if they did not bring this amendment, we were not going to give them our support. If you come today and say all Prime Ministers do that, then you show that you are not genuine in what you are doing. Mr. Speaker, that is why we need to deal with the Judicial and Legal Service Commission to make them accountable, not only to the Parliament, but also to the people.

We feel also that the Constitution should be amended in such a way that, being as we are in the Westminster-type system where the Executive could be a dictatorship in the Parliament and the Prime Minister is head of the Executive, since our Constitution, like Westminster, says that there must be separation of powers where they have Executive, the Legislative and the Judiciary, we feel that a politician who is head of the Executive and almost head of the Parliament, controls both the Executive and the Legislature; two arms of Government. The Prime Minister controls both arms of power and we see that the separation of powers is blurred and that the Prime Minister is being given the power to interfere in the Judiciary to the extent that he, under section 137, has the power to call upon the President to impeach the Chief Justice.

I humbly submit that we must appoint the Judicial and Legal Service Commission just as we do here with the police service. They must know that the country is behind them. The country must know that when their names come before the Parliament that they have been scrutinized and that people have integrity and competence. When we give them the job—

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

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

Question put and agreed to.

5.25 p.m.

Mr. S. Panday: Thank you, Mr. Speaker, and I thank all Members of this House. The point I was making is that if we scrutinize them and we put the right people there, then we could say we must not fetter them in any way whatsoever. This is one of the things.

How could a Prime Minister, the Head of the Executive and the Legislature, tell the Head of the other arm of Government, which is the Judiciary, resign or I would embarrass you? How could that happen? That should never happen. The Prime Minister, any politician or Member of this House, must never have that power to call the Head of the Judiciary and threaten them like that: Resign or I will humiliate you. It seems to me that any person who does that, does not understand the function of the separation of powers and the rule of law.

What is the function of the Judiciary? The function of the Judiciary is to stand between the tyranny of the Executive and the population. When you could threaten them—He is so weak and afraid of the Prime Minister, what kind of Judiciary would we have if—

Then you will spend the State's money to persecute him and hound him down. When you had that evidence against the Chief Justice, you went straight up to the Privy Council and spent millions of dollars in order to prosecute him in the Criminal Courts. What humiliation it is for a Chief Justice to be tried in a court by his juniors. [*Interruption*] It was because the Prime Minister wanted to put him in court. He was trying to evade it. When he went there, you humiliated him.

Another member of the Judiciary will go before the courts, having given evidence, because in these matters; semi-paper committals, you give evidence and that evidence is evidence-in-chief. Therefore, it is not that you did not give evidence, but you gave evidence-in-chief. When you give evidence-in-chief, you refuse to be cross-examined. The matter fell down and yet a Prime Minister—having done that and having known that the Judicial and Legal Service Commission had appointed a tribunal to look into the behaviour of that person who refused to give evidence on a matter against the Chief Justice; who could be charged for wasteful employment of police time and misbehaviour in public office—will still ask that officer: Are you willing to give evidence against the Chief Justice again? He said yes.

The matter is a criminal matter and should be held in public, where the public could have heard the evidence and seen what is taking place. He does not want to go in public and give evidence. He is afraid of that. He says: "I will give them in

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private.” Then the Prime Minister, knowing that one member of the Judiciary is under investigation, still went on to appoint a tribunal under section 137.

A politician must not have that power under the Constitution. He could use it as spite and for people whom he believes are his opponents. I know why. Today I can say why he went against him. It is because anybody who stands up against the political directorate in this country—they go for you with full force.

The Member for Diego Martin Central said that a certain judge was a UNC functionary and the Chief Justice, being a man who would stand up for the Judiciary and the independence of the Judiciary, should not do this. If they did not like the decision of the judge, why did they not appeal? One week after, they start talking about section 137. This is a democracy developing and we must not allow our institutions to be brought into disrepute. That is what appears to be taking place. We are legislators and we must ensure that everything appears to be above board; that we are performing according to our oath, without fear or favour and at the same time, without spite, hate and ill will. In an important situation like this, no politician must be given that power.

Coming back to the Judicial and Legal Service Commission, which is a Commission, I think, it is as important as the Police Service Commission. It is reported—and I hope they are wrong, because if what is reported in the newspapers is true, somebody should bring a Motion in the Parliament to dismiss certain members of the JLSC.

Imagine, Mr. Speaker—[*Interruption*]

Mr. Speaker: I want you to be extremely careful how you are proceeding. You are coming close to offending Standing Order 36(10), so be careful.

Mr. S. Panday: Politicians are doing it. If we want the democracy to evolve, we must make sure that politicians are not given the opportunity for their personal vendetta and bad mindedness. We must not give them that opportunity to interfere with the important institutions in the country. That is the point. The Police Service Commission and the Judicial and Legal Service Commission are equally important and we must deal with them in the same way.

In this case, as I said when I started: Dear, Mr. Christopher Thomas, Mr. Jeewan R. Singh, Mr. Cheeseman and Pastor Clive Dottin, you have the blessings of the country and the Parliament. You do not have to whimper to the whims and fancies of any politician. You are not beholden to any Prime Minister or anybody. We would make sure that they would not be handed their letter of appointment, as

the Commissioner of Police had been handed his by the Prime Minister. When you send a message like that to the Commissioner of Police, what is the message you are sending? You are sending the message: You are a PNM police. We want to tell all policemen: “We respect you. You may have your bad habits or whatever it is, we want to respect you.” All policemen are for all the peoples of Trinidad and Tobago.

I come back to the point in the administration of justice. It also plays a fundamental part. When the Prime Minister knowing—this is why I want to find out if the Prime Minister had foreknowledge of what the Ventour Report would have been. He appointed the Chief Justice before the Ventour Report came out. I am certain now he would say, if you question him: “With hindsight, I would not have done what I did.” Having regard to the Ventour Report, it made scathing remarks against certain people. The JLSC gave reasons.

One would say that the Judicial and Legal Service Commission is playing footsie. How could you say that this is an important case. Somebody is presiding over an important case and we want to keep him for that? If I were that presiding officer, I would only be starting important cases right through. If that is the excuse—the Member for Caroni East said that he needed six months again, in order to review his decision. If I was that judicial officer, I would start new cases as we go along and I would not give decisions and hold them and carry them for the ride. This is the position in which the JLSC has put itself. This is where we say: political interference in the Judiciary. That is the bottom line.

Everybody knows that the Chief Justice had six months to go. He went and suspended him.

Mr. Speaker: All this is very interesting, but you are not being very relevant. The nexus between what you are saying with the JLSC is one of accountability. If you want them to come here—But you are straying.

Mr. S. Panday: With the greatest of respect, in this situation, under the Motion, the Prime Minister cannot interfere in the appointment of the Judicial and Legal Service Commission. We are doing it. Sorry the Police Service Commission—

Mrs. Robinson-Regis: But, you were—*[Interruption]*

Mr. S. Panday: I do not wear wigs, and I pay for my wigs without credit cards. Let me continue.

Mrs. Robinson-Regis: You would need one just now.

Mr. S. Panday: The point I am making is that it goes to show that we are trying to make sure that politicians must develop the institutions to such an extent that politicians must not have the power and authority to, in any way, attack another arm of the government.

There is the issue of administration of justice. Will this legislation really deal with anything serious, when you have criminals following what certain people have done? The police might be efficient. This may cause the police to be efficient. This may cause the police to have a greater detection rate, but when the matters come before the courts now and you have the witnesses—like the matter in which the Member for Pointe-a-Pierre was in last week—who say: “ah not giving evidence”.

What has happened in the past, in the Chief Justice case, is spreading. I had a case and when the witness said he was not giving evidence. I told the magistrate: “Yuh cyah do notten because a certain person holding high judicial office did the same thing.” She said: “No, doh worry wid dat. That is ah one and done position.” You have to give evidence in her court. The witness refused to testify and the criminal walked out. What is happening today? As we pass legislation to make the police service more efficient, we have people in high places bringing the administration of justice in disrepute. They have performed certain acts which criminals are following and we cannot deal with it. It says here that a witness was scared to testify, so a murder case collapsed.

The next one states:

“Witness bail out”

Do you not see a frequency or pattern developing? Within one week, you have two situations where witnesses refused to give evidence in serious matters. It is the pattern which is developing, we are saying, because of what has happened in the past. The actions of certain people have undermined the administration of justice and are setting criminals free. That is the point we are making. This is what we as a Parliament must condemn. Standing Order 36(10) states that you cannot talk about that, but everybody on the streets could talk about it.

The next one is that they are using spurious excuses. In my matter, the witness said: “You cannot tell me to give evidence”; and they have quoted: “Nobody will bully me to give evidence”. Having spent so much police time, money of the state, going through the court system, booking cases and coming before the court, you are now using judicial time. [*Continuous interruption and crosstalk at a high volume*]

Mr. Speaker: The Member is speaking and almost all other Members are speaking at the same time and the Hansard reporter is having great difficulty. I cannot hear what is going on myself. Please, I am appealing to you all, respect the Hansard reporter.

Mr. S. Panday: Yes, Mr. Speaker. I want to tell—okay I would spare him.

In the *Guardian* of June 20, it states that a main state witness testified on Monday that he could not remember. That witness was obtaining the same objective as the person who says “you cyah force meh to testify”. He was not boldface, arrogant and adamant as the person who said: “You cyah force meh to testify”. He said: I “cyah” remember. At least he is much meeker. Belville George, a construction worker of Morvant, was to testify in a murder trial. That was such an important trial. When he took the witness stand before Chief Magistrate Sherman Mc Nicolls, in the Port of Spain Eighth Magistrates’ Court, he said that he no longer wanted to give evidence at the preliminary enquiry and they could not do him anything. George, like that other person, had allegedly given a statement to the police, hours after the murder.

That is how the person went to the DPP and gave a statement for a criminal proceeding, which is tantamount to evidence-in-chief, and then failed to testify. He was given an opportunity to look at the document to refresh his memory. He said he did not want to refresh his memory. He said: “I just could not remember.”

When people see what is happening, we hear them say that the Judiciary is in a state. That means that the administration is in a state and, although we are supporting this legislation today, we wonder if this alone could clean up the snags. [*Continuous crosstalk and interruption*]

Mr. Speaker: One minute. The Members for Diego Martin East, Laventille East/Morvant, Tobago East and Nariva, if you all want to speak, go outside. You cannot speak when a Member is speaking, when he is on his feet. Please continue.

Mr. S. Panday: Thank you, Mr. Speaker. We as a Parliament must not be afraid to speak and we must also perform our oath. The public is waiting with bated breath to see whether, indeed, there was spite, hate and ill will, that in the case of the CJ, a tribunal will not be appointed and the date for retirement will come. The man would not have had his day in the criminal court and would not go before the tribunal and have to go home.

We must make sure that our legislation is so tight that the politicians must not be in a position to interfere. It seems to me that this Prime Minister had certain

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ideas in his head—when this current Chief Justice was qualified and was in line to become Chief Justice, they brought somebody from the outside. He appeared to be their friend and they put him there for seven years, blocking Chief Justice Satnarine Sharma from moving forward. The moment he moved forward, it appeared that the Prime Minister—

Mr. Speaker: Member, this debate is not about the Chief Justice. This debate is about the Police Service Commission and the appointee/nominees. Could you please just leave the Chief Justice alone for the moment?

Mr. S. Panday: The connection I was making was that—

Mr. Speaker: You are belabouring the point.

Mr. S. Panday: This deals with the administration of justice.

Mr. Speaker: What you are doing is eroding the point you have made. You have dealt with it already and you keep repeating yourself. Talk about the Police Service Commission for me, please.

Mr. S. Panday: Thanks very much for petting me like that.

I want to tell the members of the Commission that they have our full support. *[Interruption]* I will suffer you. I will chew you up and spit you out.

Mr. Speaker: You are wasting time.

Mr. S. Panday: I will make him sit there. Having said that, I want to speak to the Minister of National Security. We are trying to modernize the police service and make it more efficient, but look at what is happening with the Witness Protection Programme. We are asking you, hon. Minister, although we are saying that we have confidence in the system; we have confidence in the appointment of these commissioners; people have no confidence in the Witness Protection Programme. What are they doing about that?

In the *Guardian* of June 19, a High Court judge called on the Government to improve the Witness Protection Programme, after an alleged eyewitness to a murder refused to testify. He went on to say that he heard on a radio programme where a person was in the Witness Protection Programme and that police officers involved in the programme were giving criminals information about state witnesses.

We are passing this law today, but how are we dealing with the problem? He did not want to participate in the programme. As a result of his refusal to testify, the state had to drop its case against a 20-year-old gentleman from Five Rivers,

who was charged with killing Ralph Knights of Green Street, Tunapuna. This is even worse than the one that took place in the Magistrates' Court. This is a case where this person went to the Magistrates' Court and he swore on oath in the preliminary enquiry. Many resources would have gone in the preliminary enquiry to prepare notes and indictment. The Director of Public Prosecutions would have had to study the file and we would have had to hire lawyers and spend money on the file. The matter would have been brought to court. When it reaches before the judge and you tell the judge, "I am not giving evidence", the judge cannot do you anything. The administration of justice, as a whole, is under stress and we need to deal with it.

I ask the hon. Member and I want to warn the Prime Minister that there is a case which is coming up, involving a witness in the Witness Protection Programme. If the programme continues in such a way, as it pertains to him, you would hear, in the first week of July, another set of high-powered criminals going to walk free. I am putting you on notice. You have come to the House today—I would not do that—to pass legislation. I want to give the hon. Member the warning. If you really want to deal with crime, this is an issue to deal with.

In closing, I want to pitch in something on behalf of the policemen. This is the *Report of the Protective Services Compensation Committee* which states that a total of 114 applications went in by police officers who were injured while on duty, or who were killed. Out of that, only 9 per cent of the officers who went before this tribunal were successful. All the others were unsuccessful.

"Based on information provided in the Appendices, it is noted that of the 114 claims considered over the 14-month period, a total of 11 or 9.65 per cent received favourable judgments. These judgments included 4 claims from the spouses of deceased officers and 7 claims for personal injury."

These officers who performed and are expected to perform in an efficient manner, with this legislation that has come before us, we must not only put pressure on the policemen to work but we must make sure that we take care of our policemen.

I would close now. The Chairman, in his remarks, said:

"The most difficult aspect in performing our function as is the consensus of the Committee, is in witnessing and hearing the disappointment of unsuccessful Claimants who have suffered serious injury, yet who are not entitled to compensation and our inability to secure 'ex-gratia awards' for such deserving Claimants who fail to qualify for compensation due to our jurisdictional limit injury claims to award compensation only for loss of limb or loss of use of a limb."

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Today, as we wish that committee success and we wish them to office we want them to make a recommendation. We give them their first job and we ask them to make this recommendation on behalf of the policemen. It may be that even if the present limits remain, consideration can be given to an amendment to the Act, giving the committee power in claims involving injury to police officers, exception to award compensation in its discretion outside its present limited circumstances.

For example:

“Claims which involve gunshot injury to Claimants for criminal wrongdoing should, we feel, automatically qualify for compensation. So too should injuries sustained in hot pursuit of criminal wrongdoers. Yet the Committee has had, having regard to its present limited jurisdiction to award compensation, to dismiss such and like claims where the Claimant although visibly continuing to suffer great trauma and loss has not in fact lost a limb or the use of limb. The amendment suggested could redress what appears, having regard to the objective of the Act as indicated in its preamble, to be a grave injustice to such Claimants.”

Mr. Speaker, we looked at dealing with crime from a holistic point of view. I want to conclude where I started. An opposition united, could push down this PNM, as they have done on this issue.

Thank you.

Dr. Roodal Moonilal (*Oropouche*): Thank you very much, Mr. Speaker, for the opportunity to participate in what has been described as an historic occasion, when the House debates a notification pursuant to constitutional changes agreed upon between the Government and the Opposition.

It is indeed a significant moment in our history and in the evolution of a constitutional administrative change, that we would meet to discuss a matter dealing with the appointment of very qualified citizens to the Police Service Commission.

It is significant in another way in that the Police Service Commission is, indeed, the location for analysis and discussion of the key problem facing this country, crime. There are really two issues: the public service reform issue and, of course, the issue of crime and they are making changes, in probably the most important area in our national life.

It is not my intention, at the outstart to take all 75 minutes, but if colleagues wish me to, we would see how that goes. This is a significant moment. I imagine

it is significant when you compare other moments in our history, the 1962 period of independence, the drafting of the Republican Constitution and even before, the meeting at Marlborough House in London between the Government and Opposition, at which place the PNM Government, led by Dr. Eric Williams, met and discussed with Opposition Members, including Dr. Rudranath Capildeo.

From reading the books written on that period by Mr. Ken Lalla and others, they tell a story that it was the Opposition Members that had to push the Williams delegation, representing the PNM, to accept what appeared to be the progressive policy, having independent and neutral service commissions. The service commissions were not new. They dated back into our Crown Colony administration, when the British Government—the colonial power—established service commissions. They came in the 1962 Independence Constitution. This was because of the lobbying and strong arguments presented by the Opposition as well.

One can immediately cite the parallel that today, when we acknowledge, but not celebrate this major step forward, it is done in consultation. We would argue, by the driving force of a united Opposition, as the Member for Princes Town alluded to—maybe the Member for Pointe-a-Pierre is on my mind for other reasons.

For the parallel between the negotiations between Marlborough House and the negotiations at Whitehall in Port of Spain some time ago between the former Prime Minister, Mr. Basdeo Panday, a team led by him, and Prime Minister, Patrick Manning.

It is a historical and proud moment to participate in this debate—the very few of us who may return after the next general election. I imagine many of our friends opposite would not have that opportunity, but I will come to that later, as we go along. It is inevitable that we would have to confront other imperatives of constitutional change and create a more efficient bureaucracy.

Now that I have the attention of all Members fully, I would like to make a critical point about the history of the PNM. While Members of the governing party, in some cases, rightly boast about their history, that their party has been in existence for 50 years and they have presided over, as I estimate, 70 per cent of our post independence period, this country has been led by a PNM government. They have emerged.

One of the weaknesses of institutions may well be history, in that the PNM was born in the Crown Colony system. The management practices and cultures of Crown Colony administration may have influenced the thinking and the cultural

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features of the PNM. Those cultural features, thinking and practices are heritage. When we think of heritage, we think of culture, song and music, but there is something called management heritage. You inherit institutional cultures and practices. One of the hallmarks of Crown Colony administration was secrecy and loyalty. The Crown Colony was established on the basis that state affairs are, by definition, secret and confidential.

During that period, we emerged out of two world wars. Of course, there was the Cold War and ideological battles taking place and the infiltration into the colonies of all types of leftist, communist and radical movements. It was felt that anything government does must be secret. Government cannot be conducting their business in public. It is really a secret. The culture was one of nondisclosure. That culture comes even into our present administration today. Sometimes, if you speak to a public servant on the phone and you ask for information, he or she will tell you: “Well, I cannot give you this information. I have to get permission from above.” If you ask the public servant his or her name, the person would say: “Hello I cannot give you my name neither.” This is in the context of 2007. It is really the culture of nondisclosure and secrecy, as part of the Crown Colony management that came into our independence period.

Today, there is now a clash between that culture, the heritage of non-disclosure and the modern requirements of public management, which are really disclosure, openness and transparency. That is an important point which I would like to bring to your attention.

The other issue had to do with loyalty. Under Crown Colony administration, the Governor, acting on behalf of Her Majesty, the Queen, would appoint or cause to be appointed to the upper echelons of the civil service, persons who were trusted by the Crown. You could not be appointed to a senior position in the civil service if they check and some members of your family are radical elements in the labour movement, you went to Moscow or Cuba, or you are the daughter or someone whom the State believes might be a subversive element. It is not like today, where you grant quarry licensing to people who sought to overthrow the State some years ago.

Under Crown Colony management, loyalty was important. The Governor had the role to select, on behalf of the Queen. When we went into independence and later republican status, we took with us that culture that the Prime Minister, who is really the manager of the kingdom—historically a Prime Minister is the manager of a kingdom—and first Minister, got unto himself that power to appoint to the top level, whereas that is a relic of colonialism. Her Majesty needed to have

loyal servants at the top. The Prime Minister got what we call veto power of one kind or another.

Today, across the developed and enlightened world, that veto power is almost disappearing because it is felt that power belongs here in this Chamber, among the elected representatives of the people. That is where power belongs. Any veto power must be here. Of course, if it is the sole prerogative of one person, it becomes even worse.

When independence came and a new government was formed, the Prime Minister of the day and other Prime Ministers as well—I am making an academic point, not a political as such—sought to appoint whom they believed to be loyal to their government and not disloyal or prone to supporting elsewhere. That is a colonial relic.

The Americans have gone a step forward, although they have difficulty as well, where they have used their Congress—I am always tempted to say Congress of the People—of the United States, where their Senate and House of Representatives have a certain veto power over appointments to the top level of the United States administration. That is seen as more democratic and more open.

Today, when I came to this House for our business, I had on my desk a few notes including the resumé of several persons: His Excellency Christopher Thomas, Pastor Dottin, Jacqueline Cheeseman and Mr. Jeewan R. Singh and, of course, Senior Counsel Seenath Jairam. Gone are the days when people are appointed to important office in Trinidad and Tobago and you do not know who they are or where they have come from. You could pass people on the streets in Port of Spain and do not know if somebody is a member of the Teaching Service Commission or a member of whatever Public Service Commission. These things just happen. If you are an avid reader of the *Gazette*, you will know who is appointed and who is not. If you regularly rush to the Government Printer to obtain your supply of the *Gazette*, you will know. The general population never knows. To be honest, many people may never have cared. Only when you are looking for a job, or you have some complaint, you want to know who is in charge of the teaching service or the police service. This level of openness, transparency and disclosure is welcome.

When you look at the CVs, I do not want to make comments on any specific person, you can see law, management law, industrial relations sociology, youth work and persons who have been dealing with the fight against crime. This is useful.

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I really believe that we in the UNC believe in quality. That is our defining characteristic, as members of the UNC. Our defining value in the UNC is equality and social justice. When we talk about equality, we do not mean equality only on the basis of class or ethnicity, but also geography.

I want to put on record, I am not objecting to anyone. A concern that maybe we should look at, as well, is to have other commissions and other bodies representation from Tobago. Tobago and Trinidad must be treated equally. In my book, they have better roads and better development. Anytime things get bad in Trinidad, I may migrate to Tobago. They are much better than Oropouche, in terms of resources. They have to develop that place. It is very beautiful.

Representation at the national level should also encompass gender, ethnicity and locality. It is important that people; ordinary citizens feel that persons of their own community and upbringing can advance and be reflected at these very high-level commissions. Before, as the political leader of the UNC said, these things—you are appointing and looking at the cocktail circuit to see who are attending all the parties and who is drinking champagne and wine and say: “Ah ha, what you doing? Come, come we want to appoint you.” You take a drink by the bar and you get an appointment. You see the same few people all the time in these cocktail circuits. Mr. Speaker, I know you are there because of your office. It is the crowd there. Persons of high office, of course, are obliged to attend those things.

On the resumé matter again—I wanted to make the point that while we look at management, law and industrial relations, a point we made in the debate—I want to make a reference to a report to support the point—the demands of the modern police service includes technology, knowledge of information, high level compensation management, high commitment, human resource management, et cetera. One also want to go beyond the traditional parent disciplines of law, sociology and accounting, to see what new disciplines could be introduced and given recognition in law, that you can attract persons with that type of discipline.

Since independence, you say that you are appointing a board and that you wanted a lawyer, an accountant and a management expert. Today, we have gone in an area where Information Technology—some of the major problems in the police service might be engineering and quality maintenance issues. That is a special scientific field. That is called total quality management. Someone who studied sociology would not know anything about that. We need to look beyond these traditional old colonial borders as we move forward.

The Government, with the driving force of this Opposition, has been stumbling in the right direction. They have stumbled in the right direction because we have driven them along that line.

I want to go back to the Minister's statement, to indicate that the Minister couched the debate in the context of management. There was a management challenge. The Member for St. Augustine made another point. He said that this thing is not only management. He called it a democratic deficit and that there is a governance issue here as well.

There can be no doubt about it that this country, in terms of crime, has collapsed. Within recent times, there has been a new trend emerging from the Government. We saw it by the Member for Diego Martin West. We heard it on a previous occasion by the Member for Laventille East/Morvant, the Minister of State in the Ministry of National Security. This Government has gone from denial to disclaimer. They began by denying there was a crime problem. There was a denial that crime is serious.

You remember there was a time, not too long ago, when the Opposition Members spoke about crime, we would hear from the Government that we are exaggerating and trying to make the country look bad and the thing is not how we are talking? The former Prime Minister went to England and spoke about rising crime in Trinidad and Tobago. When he came back here they said: "You were unpatriotic. You are bad-talking the country." They were in a state of denial. Today, they are in a state of disclaimer. It is not us.

There is a parallel with American policy, but I do not want to bring American policy into our debate. There is now a sentiment emerging from the American Government that if the terrorists win, it is really the American citizens to blame and not the government. It is the citizens. You are not strong and do not have the resolve.

When the Minister of Housing, the Member for Diego Martin West, spoke on Wednesday evening at a function of the Housing Development Corporation, in Port of Spain, he said it was shameless that they are trying to build houses in Port of Spain and the army must come on the site to protect workers, contractors and secure property at the HDC. This is something to feel ashamed of. He felt ashamed. He was vexed.

When the Member for Laventille East/Morvant spoke on another occasion, he was angry with young people who would commit crime and bring the society into disrepute and attack elderly people. It was in the context of the Homes for Older

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Persons Bill. The Member for Laventille East/Morvant was vexed that we have so much crime. He condemned young people for going in this direction.

The Members for Diego Martin West and San Fernando West are on record, I have the quotations, where they spoke out in Parliament about the lawlessness in the society and that nothing works. The law and order collapsed. I have their quotations. I do not want to quote it at length. Do you know what we do not get from them? Nobody will get up and say: "I am a Government Minister. We have been in office for six years and we take responsibility for this crisis that has engulfed Trinidad and Tobago." They will not take responsibility. They will not hold themselves accountable. They will come and join the Opposition to speak about how bad crime is, but at no time will you hear from the Government's side: "We have been there for six years, it has gotten worse and we have failed you."

They may have to go in their campaign and apologize to the people of Trinidad and Tobago and say, "T&T, we have failed". They have what I call collective disclaimer. They are disclaiming. It is like in a car park where they put up a disclaimer which states: "Anything lost in your car..."—[*Interruption*] It is an exclusion clause, as the prominent attorney indicated. They have moved from collective denial to collective disclaimer. That is a pattern that has emerged. I am only hoping that they are not going to con the population with some Mickey Mouse statistics and conmanship about decreasing crime.

I have in my possession—I am dealing with—I do not want to get too much in the governance issue. I thought the Member for St. Augustine raised that. The Minister spoke about management. I wanted to stay with the police management issues and the appointment of these commissioners. I have in my hand a report: Trinidad and Tobago Police Service Crime Management Review, 1999 to 2003 and First Quarter of 2004. It is a report prepared by the Office of the Commissioner of Police, Trinidad and Tobago Police Service. It is a somewhat lengthy report. I would go into a few issues dealing with management.

Let me make a few observations about this report. I have read this report and I can tell you that it appears that the office of the Commissioner of Police is coming around to understanding the critical problems facing policing and crime-handling in Trinidad and Tobago. This report—I do not know who helped and did it—speaks to some very important progressive policy issues and is a comprehensive report that seeks to position the police service to be on the button and to deal with the criminal enterprise, by 2008. It is a report with a 2008 projection.

What is interesting about this report is that they have said in their executive summary that, of course, to provide safety and security, there must be a vision and that must not be confined to systems, procedures and work processes, because those processes are obsolete when you look at changing economics, technologies and human resource capabilities.

They acknowledged that certain categories of serious crimes and certain areas have been increasing at an alarming rate. There is an acknowledgment, and I thought this is useful, that the police is acknowledging that, given the openness of the world today, globalization, travel and exposure technology, ordinary citizens' expectations are much higher, in terms of policing.

You walk the streets of London and a policeman or policewoman comes up to you and you expect a service. If you walk in Port of Spain, in a way you expect the same service. You expect the police to be courteous. They have pointed out this issue. It is not like the police, when they arrested the Members for Chaguanas and Caroni Central. The police told Dr. Kirk Meigho, "Doh spit in my face, you know".

They have done what is called a SWOT analysis. Persons with distinctions in management will know what a SWOT analysis is. It represents the strengths, weaknesses, opportunities and threats of an organization. They have highlighted certain strengths which are interesting. One such strength is, of course, the professional people. There are core competencies such as culture, job security and dedication of officers. Under the weaknesses which outweigh the strengths somewhat, there are inadequate human and physical resources, inability to meet the demand for police services, inadequate utilization and distribution of human resources, low employee morale, over centralization in decision-making, negative public image, lack of adherence to standards and lack of access to modern technology. Those are the weaknesses, not the strengths.

I do not want to go into detail on those matters, but I found it interesting that when they looked at global trends, they were suggesting that one global trend that has impacted upon the local environment deals with human rights issues, in that policing is becoming more complex because of the human rights culture that has been diffused, where citizens now are more assertive of their rights. The policing environment needs to look at that.

Another issue deals with national trends. They outlined many national trends, opportunities and problems. One that we have been speaking about—and persons like the Member for Laventille East/Morvant has been on record as condemning Members on this side for—is dealing with these issues.

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When I spoke about equality in policing sometime ago, I made reference to the issue in the United Kingdom. Equality in policing in the modern world means that your cosmopolitan and diverse society must be reflected in policing in the protective services. At no time did I tell the House, I was very clear, that I am suggesting quota system and affirmative action. What I was saying is that a modern police force needs to reflect the cultural make up of the society. It appears that the police service agrees with me when they said on page 10 of this report:

“A national trend heightened awareness of ethnic and cultural factors, the opportunities for a service more sensitive to the various communities in Trinidad and Tobago and more capable of dealing with differences...”

The weakness, as they have pointed out, is the inability of the service to adjust to this plural society. Imagine the police is making the point. You would get the report and you would have an opportunity at 12.00 tonight to respond. They are making the point that the weakness in a report from the Office of the Commissioner of Police is the inability of the service to adjust to this plural society.

I have been vindicated, because heightened awareness of ethnic and culture factors—They said:

“For a service more sensitive to various communities...”

This, I do not want to use unparliamentary language, Minister from Laventille East/Morvant will not understand. He cannot make an analytical connection between two simple points. How do you promote a service that reflects the diversity and sensitivity of a multi-culture society, without having an employment policy that allows for that reflection and sensitivity? To me, it was an elementary connection between two points. He joined the police service through the football team. I will come to that in a while. We have another matter to raise. The point is that the police service will not reflect the various communities and diversities, unless we deal with the employment issue. I was very happy to read that point in the police service report.

Another problem they face is, of course, a more demanding society, rights, recruitment, selection and training. They identified those as problems. They said that the weakness is getting the inappropriate recruits, including criminals.

Was it today or yesterday there was a headline in the newspapers: Cop on 21 charges? “Cop” means a police officer. A next newspaper said: “Cop on 22 charges”. There was a dispute with one. The police recognize that they have

inappropriate recruits, including criminals; a matter that they believe should be dealt with. These are the matters that they have identified in their very comprehensive report.

When you look at the serious crimes committed in this country and the state of policing, it is shocking. After six years of this administration, did you know there are police stations in this country that do not have station diaries? They get diaries donated by TSTT or some other public entity. Do you know that there are police stations that do not have the forms—I think it is called a summary and warrant form—printed and distributed? That is shocking.

What was amazing as well when I read this report was that the police was saying, through this report, that they were in need of a very, very rigorous programme of construction of police stations and upgrading police stations.

6.25 p.m.

In this country, the Government boasts about building 5,000 houses per year, but, you know, if they could have built police stations like houses, we would have no problem with crime or very little. They have built thousands of houses, but they cannot build police stations. There are 17 police stations in this country—they are listed here—that do not have facilities for female police officers. Do you believe that? That was mind boggling, in the context of 2007 and in the context of OSHA, where you have health and safety legislation which impacts on public entities. They said that they are in need of 54 new police stations; upgrading of several more; and providing facilities for female police officers at 17 police stations.

I also found it interesting that the Government cannot tell this nation today how many police stations they have built over the last six years; how many police stations they have refurbished; how many police stations they intend to build; and where they intend to build those police stations. This matter is very dear to me, because this police report here, from the Commissioner of Police on Crime Management, deals with management issues, and they indicated that they need, at present, 38 police stations to be constructed; the refurbishment of nine police stations; and facilities for female police officers at 17 stations.

Mr. Speaker, one police station needs to be constructed in Oropouche, so when I saw that I jumped. They need to construct a police station in Oropouche and also a fire station, but that is another matter. Mr. Speaker, I will ask the Minister of National Security, in due course, to indicate to this nation how many police stations they have built and refurbished. I am going to move along now.

Another burning problem with policing and the management of crime has to do with recruitment and staffing. The numbers tell an interesting story. When you look at the current strength of the Police Service and the numbers identified—well, at the time of this report which was in 2004—the total strength needed was 7,245. So, let us say, 7,000 needed; the actual strength is 6,500, so there is a current shortage of 719. When they do trends for the future, an interesting story comes to light. In the future, we would need close to 4,000 new officers in Trinidad and Tobago. So, you have a dual problem where you have a shortage and you need to recruit, and you have a problem with recruitment, because you are getting inappropriate persons; some with criminal records. The shortage figure, if we want to call it that, is 3,276. This was for 2004. I do not have 2007 data. The highest number, of course, is police constables; 2,700; corporals, 363; and sergeants, 315 go up. Mr. Speaker, there is need for 3,276 new officers and the problem with recruiting is that you seem to have a system where the “bad apples”, so to speak, can be selected as police officers.

Mr. Speaker, last year, in October or September, there was an examination to enter the police service. Mr. Speaker, 1,500 persons wrote this examination and 21 persons failed. So, apparently, the failure rate was very gracious. Of the 21 persons failing, some are related to senior police officers. They went and formed a football team and about 10 or 12 persons entered the police service through the football team. Now, you will complain later when you see a front page headline: “21 charges for Cop”. That is what you practise today. One of those who came in on the football will rise to become Commissioner of Police, hopefully, not given our Opposition driven amendments. That is the state that this Government has led us to. That is the problem. What have you done? You must account!

In fact, the Government should be well advised that when next they go to make a manifesto and so forth, they can abandon that because nobody is going to believe what they are proposing. What they should do is give a report on what they have done and have a separate report on what they have done to deal with crime. Tell the country what you have done to improve that recruitment system, so that criminal elements cannot come into the police service. What have you done to diversify the catchment areas? That is the issue.

Mr. Speaker, it cannot surprise you when you look at the data—I have data in my hand and, regrettable, I only have a trend line analysis for 1999 to 2003. I do not have any data that comes up. During the period 1999 to 2003, murders went up by 148 per cent; wounding and shooting by 130 per cent; kidnapping by 73 per cent; and other serious crimes have increased. Mr. Speaker, look at the magnitude!

Mr. Valley: Mr. Speaker, just a question to the hon. Member. If you have the statistics, is it not true that for the three-year period 1999 to 2001, the annual rate of increase in murders was in the vicinity of 25 per cent and, subsequently, since this Government has been in office that rate has declined?

Hon. Member: What!

Mr. Valley: In 1999, if I remember it correctly, the rate was 99; it went to 125, the following year; then to 152 and 200 and something—effectively a rate of roughly 25 per cent—and the rate has declined. [*Crosstalk*]

Dr. R. Moonilal: Let me seek to deal with this matter raised by the Member. Actually, it is an interesting point, and it relates to how they deal with other issues. Mr. Speaker, these are figures from the police databank; in 1999 there were 92. I have data supplied by the Modus Operandi Unit. You can go and tell the police service that they have it wrong. According to the police databank it was 2,118. Mr. Speaker, that is 18 plus 826, an increase. We could work a percentage out from 26 over 92; maybe 25 per cent or so. The point the Member for Diego Martin Central is seeking to make is that although every year it increases, it increases by a diminishing amount. Now, that is a fascinating argument. Although it is increasing every year, the rate of increase is decreasing. I do not take heart in that, because when I look at 92 murders in 1999, 229 by 2003 and 368 by 2005, one cannot take comfort in that type of thing.

Mr. Valley: I am saying, first of all, to arrest this situation, you must reduce the rate of increase and, eventually, what you are seeing is an actual decrease year and year; 2007 versus 2006. That is what you are saying.

Dr. R. Moonilal: My Speaker, I understand thoroughly what the Member is saying, and it is an interesting debate. If you do a trend-line analysis and you project, you may well reach a point where we will go back to a very low murder rate in the year 2012, 2014, or 2015. Between now and then, another 1,500 persons would be murdered. I do not think it is proper or a good way to analyse a matter like crime where you increase over a period of time, and you measure your success by the decreasing rate of the increase. To me, that is not acceptable; I am sorry.

Mr. Speaker, kidnappings increased in 1999 to 2003 by 73 per cent. Recently, the Minister made a statement about the decreasing number of kidnapping for ransom, but it is instructive that the police data tells you that in 2006 and 2007, for the same period, I think it was quarterly, it had the same amount; 5 kidnappings for ransom. So, they were looking at annual figures, but for the period it is the same.

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Mr. Speaker, incidentally, there was a dramatic fall in narcotic offences by 60 per cent. When you look at the report and you read the report, they explained that this had to do with the passage of the Dangerous Drugs Bill in 2000, and that is when they classified some matters and it dropped. The trends here are linked to your lack of management and direction in dealing with crime. Regrettable, Sen. The Hon. Martin Joseph came in a few years ago—

Mr. Valley: And he is doing a fantastic job.

Dr. R. Moonilal: He first had to deal with the mess created by his predecessor, the Minister of Tourism, who came into the job clueless and spectacularly unqualified to assume that responsibility. He may have created more problems than he solved. Talking about solving, another interesting statistic—maybe the Member for Diego Martin Central will have the decreasing rate of the increase for this one as well—is that there is data on 1999 to 2003 for wounding and shootings for that period and crimes committed and detected. The detection rate in 1999 was 61 per cent; by 2003, the detection rate was 35 per cent. Look at that! In 1999, the detection rate for wounding and shooting was 61 per cent and by 2003 it was 35 per cent.

Mr. Speaker, with respect to rape, incest and sexual offences, in 1999 there was a detection rate of 68 per cent. That has remained more or less the same coming down to 65 per cent or so.

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

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

Question put and agreed to.

Dr. R. Moonilal: Mr. Speaker, the Member for Diego Martin Central is encouraging me to take my full time, so I will. The point I am making without quoting all the statistics that I have before me is that the detection rate has also been reduced dramatically, and that speaks to incompetence, inefficiency and a lack of management. Detection is a management challenge. That is the challenge. The Prime Minister made an interesting point some time ago. He said that he has information, but he cannot convert it into evidence. Mr. Speaker, do you know what the word between information and evidence is? It is called competence. You need competence to go and convert information to evidence that can be used in a court of law. The Prime Minister has admitted on numerous occasions that the

competence level has collapsed. So, he now cannot convert what he thinks is information into evidence.

When police officers are begging for water and female police officers have to go home because they do not have facilities at the police station; who do you blame for that? Osungie? Mr. Speaker, there is a song about that. You have to blame the Government. You have to blame those who are in charge of policy, management and resources.

Mr. Speaker, an interesting point is when the police gave an analysis of existing mobility and needs assessment, they identified how many vehicles they need and costing and so forth. They need to obtain 567 new vehicles. They give you a costing of the vehicles, the fees and the charges and so forth associated and that is \$124 million. Do you know what they wrote in this report and it is really shocking to see? Given the state of wealth in this country; given the resources available to the Government—whether they wrote it in 2004 or 2007 it is irrelevant—they wrote here that it is to be noted that funds are not available under recurrent expenditure to undertake this project. So, while we were talking about the \$300 million mistake at the Brian Lara Stadium, the police could not get funds to procure vehicles so that they can provide a higher quality of policing and service to persons.

It shocks you when you look at \$148 million-plus for the mansion for the Prime Minister, and you do not have money to buy police cars. They cannot patrol and they cannot do their duty and secure our citizens. That was shocking to see in this report and their needs analysis and so forth. I would not quote all the needs of the police service, but to indicate that they include a water tanker, welding plants, wreckers, crime scene units, prison vans, dog vans, panel vans, motor cycles and so forth. They deal also with science and technology and I spoke about that earlier on.

Mr. Speaker, interestingly, there is a plan to change the uniform of the Trinidad and Tobago Police Service to include shoulder patches, name plates and shield badges like in the United States of America where you will fill out your shield badge. So, they have all these plans on the table.

The report suggests, in a nutshell, that the problem has been resources and management. We spoke about detection, but I am not sure if the definition of detection involves conviction. We spoke about the detection rate moving from 65 per cent in 1999 to 35 per cent in 2004, but what is the conviction rate? How many persons would be convicted? That is the point. As we have seen, the only

people they are chasing down are their political enemies or who they consider to be their political enemies. They do not chase down the ordinary brutal criminal.

Mr. Speaker, I wish the Member for San Fernando East was here, because I have a question to ask him. I really wanted to ask him: What in life Sat Sharma ever did to him that from 1994 to now he has been chasing down this man and hounding down this man? This Chief Justice has never been there long enough to be the chief of justice. The janitor probably spent more time in that office than him. Anytime he goes there they go again for him. What has this man done to the Member for San Fernando East that he holds this grudge, spite, malice, vindictiveness and hate? I do not know. It is not now. It is since 1994. I do not know. That is a question I intend to pose to the Prime Minister in due course when he is in the House.

Mr. Speaker, on the matter of policing, we spoke about management and the challenges and so on associated with that. I want to wind up now, because I am sure that the Member for Fyzabad would have a lot more to say on these matters. I want to join other speakers on this side of the House and indicate that the central issue that we are dealing with, contrary to what the Minister is saying, is not management. It is the issue of governance of the public sector; it is the issue of fairness.

I also read that judgment initiated by the brave Member for Fyzabad. I read the judgment resulting from the courage work of the Member for Fyzabad. It is shocking! I want to return to the first point I made on Crown Colony administration. We have to depend on Lord Bingham; Lord Hope and Lord Wolfe for justice and fairness. Do you know what they said in the report? They said intuitively you can sense that if you have a house with 18/18 and 18 persons are being paid; the other 18 should be paid as well. I want to make a point on that. I share the concern of the Minister of National Security.

I want to tell one or two media houses that really have been propagating a certain amount of mischief on this matter that on average I can calculate that 20 per cent of the work of a Member of Parliament might be done in the Parliament. It could be less than that. If you are a back-bencher and you never talk for a year, and you only talk during the budget debate, then you should not get pay at all. [Laughter] Mr. Speaker, 20 per cent of the work of a Member of Parliament is done in the Parliament. A Member of Parliament's work is 24/7.

I spent about nine years in university doing about three university degrees, and when I got elected, somebody called me 5 o'clock in the morning to tell me that his cesspit overflowed. [Laughter] Now, my response is unparliamentary, but

the problems of your constituency are day or night. You have to attend functions. We have what is called case management where you meet constituents and take up their issues and write letters to state agencies and even the private sector. You have to attend all types of functions.

Mr. Speaker, the modern day electorate and elector is not like 1962, where you just come and say that you are doctor this or engineer that or lawyer that. The modern electorate believes that you should be at their doorsteps every time they open their door. When they look through the window they should see you walking on the road. Those are the modern demands of electors. As a Member of Parliament, during the 18/18 deadlock, we came to the House. Had they agreed with my nominee as Speaker, I would have voted. [*Laughter*] We came to the House and we participated. Let me move on from that and to indicate that during that period all of us maintained our contact on our work for our constituencies. So, I leave that there to move on.

What led me there was the issue of fairness. Fairness is an important element in the rule of law dealing with justice, democracy, and the administration of justice. You cannot treat two persons differently, who are essentially in the same category facing the same circumstances. You cannot treat them unequally and then claim to be living in a civilized democracy which upholds the rule of law. So, when we read that it was not in the public interest to suspend the Chief Magistrate, we just said what utter garbage they must be purporting, when you could suspend a man and send him home with no tribunal—they do not have desk and chair—but he is at home with somebody else; the public interest.

Let me move on to another issue dealing with police management. I want to call upon this Government to give support to the commission. I raise this point, because it is a very important point and it is rooted in history. Mr. Speaker, it is not my fault that I have a good sense of public administration and the history of Crown Colony government. One method used by Government in the Caribbean; not just Trinidad and Tobago—do you know what governments in the Caribbean do? We have books written on this matter and so forth. They put people on commissions; whether it is the Police Service Commission, the Teaching Service Commission, and when they want to continue with their bad ways they starve the commissions of funds and resources and money. Sometimes these commissions have to beg for photocopying paper and they cannot get it. Sometimes they are in a small clustered room where they would share table and chair, because the air conditioning unit has been broken down for more than six months.

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Governments in the Caribbean—we have record of this in Guyana when the Burnham and Hoyte regimes were in power and so forth—would set up a commission to deal with equality in the public service, but the commission would not have an office, a desk and a chair and they suffered the inequality. The commissioners you are appointing here—Mr. Singh, Ambassador Thomas and so forth—I would like the Government to make a real commitment—not a commitment in principle—that it will provide them with the resources that they need to do their work.

Hon. Joseph: The Member was not here when I outlined the 45 persons from the highest calibre that have been appointed. How can he now turn around and talk about whether or not the Government is going to make sure that the commission is not starved?

Dr. R. Moonilal: I welcome the news of the Minister, but I want to tell him that as a Member of Parliament, regrettably so, we do not take your word for everything. [*Laughter*] What we do is read the reports that are published and laid in this House by the various commissions. If you want, I can produce the reports now of the Teaching Service Commission, the Police Service Commission and all the other commissions where they have complained about the lack of staff. Would you now rise and tell me that these reports from the commissions that were laid in the House are erroneous? I am making a point to the Government. This Minister is really betraying an important point. Earlier, we thought that he had some intelligence on this matter. It is not just the Police Service Commission alone that needs resources. Yes, we are debating the matter involving the Police Service Commission, but there are other institutions that are central to Government; that are central to the work of police; and that are central to public officers. Do you know the conflict in the police service now is between civilian persons and those who are police officers? That is a serious conflict at the Police Headquarters building. They are in a serious problem over a clash of cultures between police who do administration work and public servants who themselves are administrators, civilian workers.

The Police Human Resource Director has recently resigned or redeployed or transferred or sent home. The Human Resource Director was pointing out in several reports that there was serious mismanagement in the police service involving payment of overtime, staffing, instructions between police officers and civilian staff and so forth. So, they ended the problem by getting rid of her. That

is how they ended the problem. That is a serious problem to manage that. You have to provide resources for all the commissions and all the institutions. They are going to come again. We have other commissions to talk about.

If the Minister stands here and tells us that he is going to build 20 police stations tonight that is good, but we can only go as responsible Members of Parliament by what is laid in the House in the reports of the various commissions. When they complain of staffing, resources and they cannot get their work done, we must take that seriously as Members of the House. As you know, you could stand here and promise anything. You all are promising everything to everybody who would listen.

Hon. Member: They are promiscuous. [*Laughter*]

Dr. R. Moonilal: That reminds me of the Member for Laventille East/Morvant, but that is another matter. They will not distract me with those types of issues. I was dealing with the issue of management in the police service and the conflict within the staff establishment.

Mr. Hinds: Leave me out—

Dr. R. Moonilal: The Member for Laventille East/Morvant will have time to defend himself. I made no allegations against him. He will have an opportunity to defend himself.

Mr. Panday: In court.

Dr. R. Moonilal: Not in court. I am sure not in court. Mr. Speaker, that management challenge in the Police Service dates back. The Minister, like his Prime Minister, is eager to jump up when you talk in the House. They pop-up like an Internet pop-up ad to give us information and so on. The Prime Minister is like that as well.

I want to ask the Minister: What has the Government done to build confidence between the police and the public? What have they done? What are the strategies and policies? You know, that is a major crisis facing policing. Today, crime has changed and the challenges have changed. Do you know the police have an ad in the newspaper saying if you see something, say something? If you have any information, you can call them.

Mr. Speaker, when you call them there is somebody hoggish on the telephone. If you go in the police station they want to “bouff” you up. If you go to the police station to report that someone stole your tape deck, they would start quarrelling

with you as if you are the crook. That is the estate constabulary; the British policing type techniques of old. Today, the police officer is a service officer, speaking properly and cordially and saying: yes Sir; yes Madam. This is what modern policing is. So that people would have confidence in you and they could approach you and talk.

Mr. Speaker, to be honest with you, I receive very kind treatment from the officers on the road if I go anywhere and so forth. I imagine that it is because I have an MP sticker on the front of the car. A member of the public, stopping to ask direction, and going to the police station to get some kind of response or help; what is the response? I am happy to note from my report here on Crime Management Review, that they intend to put suggestion boxes by police stations.

Mr. Ramnath: Somebody will steal it.

Dr. R. Moonilal: Well, that is another problem. Somebody might steal the suggestion box. The Member for Couva South is suggesting that you should fabricate and tie down the suggestion box. Do you know why they are doing that? They want responses from people. They want the public to give suggestions and ideas on how they can better improve themselves. This is part of modern policing.

In the old days, when the Member for Diego Martin Central was in another job site, you would become a police officer just by a mean and hungry look and by looking at somebody and staring—you look like a bad john or a big fast bowler, that alone was needed, because you would instill some fear, but that is gone. The criminal elements might be small and look like meek humble persons, but they are deadly and vicious. They use technology and modern weapons. They do not get frightened by seeing some big burly human being. They do not get frightened with that anymore. You have to use different strategies and you have to build confidence by the public in the police. If the police cannot identify with the community, and they do not reflect the community and their communication skills are bad—

Personally, I was happy when the police started a weekly press conference. I thought this was stumbling in the right direction, because they were taking questions from the media and responding. Do you know that some of these senior police officers—it was the first time that you saw them and know what they looked like. They have to develop communication skills for police officers. Could we say, with some authority, that the majority of police officers speak well or can communicate? Communicating is just not talking.

Do you know on the Monday after the Saturday alleged terrorist plot, Fox News, which is a really big American based network, interviewed several persons from Trinidad and Tobago? They said that they were cutting into the press conference at the Port of Spain headquarters—Fox News goes to possibly 100 million persons in the United States of America and elsewhere—and after 10 seconds of listening to one of the senior police officers, in the middle of a word, they cut out. With an American network, every second could be \$200,000 for a second on that network. They could not take a whole sentence. They were taking so long to get a sentence, and in America, the television and entertainment world you need to communicate quickly; to communicate your point in 10 seconds. All of these are requirements.

The Member for Diego Martin West and others would dismiss that type of suggestion, but if you look at developed countries, they have police officers who speak well and communicate well. You have to go in that direction, recognizing that to come in the police service in the first place, you did not have to study communication. So you should not feel shame or bad because police officers may not have the requisite skills, but we need to train them and ensure that they come up to standard. So, like these Cabinet Ministers who parade after Cabinet on Thursday and so forth, the police officers would have some type of skill in communicating their point to the population.

Mr. Speaker, as I said, there are other Members on this side who I am sure would like to contribute to this debate, and to raise other very relevant matters, and I would allow that to happen now. Thank you. [*Desk thumping*]

Mr. Kelvin Ramnath (*Couva South*): Thank you, Mr. Speaker. I could assure Members that during the period that I am about to speak that it would be rather exciting. [*Laughter*]

Mrs. Persad-Bissessar: You have already begun.

Mr. Valley: After that contribution, you need to give us that assurance.

Mr. Ramnath: I welcome the Motion. Like my colleagues, I support the Motion. First of all, I want to congratulate the joint team that came up with this experiment, if not, the fundamental change that it is designed to bring about in our governance structure. I have heard a lot over the last few months about police reform, I think we all have heard a lot about police reform, and the objectives of the Minister and the Government with respect to creating a safer society. So that for the average person and, indeed, for most of us, whatever could be done to improve the safety of citizens, will always be welcomed.

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Outside of this Chamber, the average citizen of the country lives in constant fear of those citizens who wish to deprive us of our freedoms. I do not have to remind hon. Members that right in this Parliament, Members of Parliament, including the Prime Minister at the time, were subjected to the worst form of attack; not only physical, but an attack on the institution of Parliament which threatened to destroy our democracy. If you ask citizens out there—and many have been asked through polls and other forms of enquiry—how safe they feel, there is one common thread running through these comments and, that is, we do not feel safe. I think that anything we do here that would give them the assurance that we are doing something in the interest of public safety, would be looked upon as a positive step. [*Desk thumping*]

I want the Minister and the Government to understand that what we are doing requires follow up, and should not be seen as merely an attempt to change the Constitution and the rules and to hope for better things to come. I think that the Minister of National Security is, perhaps, living his most exciting life in a most exciting time, by having the responsibility to put words into action and laws into action for the benefit of the entire society. I welcome the opportunity too, once again, like all my colleagues on both sides, to pray that we are going to see some reprieve from the attempt to destabilize the society and the peace and order which we want to characterize our existence.

There is another aspect to this, and I really do not need to spend valuable time on it. Before I go any further, I just want to comment on what my colleague, the Member for Oropouche, was talking about with respect to the role of MPs. If there is anybody in this Parliament who should be paid the highest should be the Speaker, who sits there and has to tolerate, particularly my friends from the opposite side. [*Laughter*] So, in terms of time spent—I am not doing this to seek any favour. I do not think that there is anything to be said that has not been said by the public of Members of Parliament with respect to the need for reform; the need for implementing new measures; and the need for the improvement in the services and so on.

Firstly, what I am concerned about is when you give so much power to a Commissioner of Police, we expect that not only will he exercise such powers in the interest of public safety and security, but there will be a monitoring mechanism to ensure that we do not end up with a police commissioner that is more powerful than the head of State.

[MR. DEPUTY SPEAKER *in the Chair*]

This is a concern that I have because every time we give up our powers as legislators—every time we amend the Constitution and give up power to other persons, we run the risk of an abuse of power. Therefore, there must be monitoring mechanisms to ensure that this does not happen. People who tote guns and who have the power of depriving one of civil liberty must be checked to ensure that there is no abuse of those powers.

The Motion that is before us today is really one which gives effect to a constitutional change; a constitutional change that required a special majority, and which was arrived at after a lot of consultation. The first thing to look at is that we have the ability and capability to talk, to share and to come to decisions in running the country. Of course, governments are very selfish. They do not wish to share power because they have fought hard to win power or they have fought hard to acquire power. Power sharing is not something that is easy to arrive at, especially, in an adversarial system.

When I look back at the 18/18 situation, I say to myself sometimes, that perhaps we missed a golden opportunity of not having, on that occasion, a government of national unity. Perhaps, it would not have lasted long, but it would have given us an opportunity to experiment with power sharing, particularly in a society that is divided as we are, because of historical circumstances. Mr. Deputy Speaker, I make this point against the background of the need in a diverse society of working together on some very important issues that will benefit the country.

Service commissions were first established because of a fear by the then Opposition Democratic Labour Party (DLP) that there would have been a runaway horse in the newly independent nation, and there would have been an abuse of power. In fact, in 1961, around the period of independence, when the Marlborough House Conference took place in 1960, you had very strong lines of separation between the DLP and the PNM. It was Lionel Seukeran in his book who—I am told today by the Member for Oropouche that others have written about it—indicated that the biggest victory for the Opposition at the Independence Conference at Marlborough House was achieving the establishment of service commissions that would, to some extent, guarantee that politicians did not run away with the power.

So, people have been very reluctant to change an archaic and irrelevant institution; that is with respect to today's needs in a modern technologically driven society. I do not think that many persons on the Government side are

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willing to say what I am saying. Generally, politicians are very conservative, but the truth is that this experiment has gone on for too long in an independent society, and we must find a solution. We cannot continue to have institutions which are entrenched in law, and which are not relevant to the needs of today's society. It is also important to assure the society that if we are going to remove these so-called protections, that we are going to put in place something that will ensure that there will be accountability and that government would behave in a responsible manner.

I am not happy, as a Member of Parliament, and one who has been here for quite some time. [*Interruption*] I did have sabbatical. You know, there is a deliberate effort to throw me off track. I think I am going to look at you and speak. I find it difficult, as a legislator, to relinquish our power to individuals who have never been elected to office, and who exercise considerable influence and power in the society. I hold the view that people who exercise power should obtain such authority from the citizens of the country through elections, in particular. I do not have to tell you whether in Government or in Opposition, the fact that these commissioners are like sacred cows. If as a Member of the Government you try to talk to them, you will discover, as the Member for Oropouche was saying, there is a tremendous amount of silence and reluctance to even talk to those of us who are elected by the people. So, what we are doing here today is an important advance in our democracy.

We are now saying that the President of the country, whoever the holder might be, has now to defend his appointments which he never had to do in the past. All he had to do was to write to the Prime Minister and the Leader of the Opposition and say, I have consulted you, this is my decision. According to one former President, consultation means having told you of my intentions, and not asking you for your opinion. I am not making up that. Prime Ministers have heard such remarks coming. [*Crosstalk*] I do not know if you were a Prime Minister at one time. You probably have tried to remove the Prime Minister. Anyway, I do not want to get into any crosstalk. I have to leave the Chamber in a very short while.

Mr. Deputy Speaker, what we are doing today is saying to his Excellency, whoever he or she might be, that when you have decided to appoint persons to the Police Service Commission, your decision must be subjected to the scrutiny of Parliament. It could very well turn out that the majority party in Parliament could say to his Excellency, by voting against the persons he has nominated, that we do not agree with you. That is a victory for democracy.

When you feel that you have an obligation to maintain the status quo, there can be no growth. In the past, the President was untouchable in that regard, and after the so called consultation would say, these are my men and women.

I heard the hon. Minister talk about certain persons in another place, who felt that they should have been consulted on a certain matter. I do not speak for my distinguished Leader of the Opposition; I do not speak for my colleagues in the Bank-Bench; I speak for myself. I believe that we have reached the point in a modern democratic society to abolish that other place. Mr. Deputy Speaker, I believe that.

Mrs. Persad-Bissessar: I agree.

Mr. K. Ramnath: Member for Diego Martin Central, can you imagine how many elections that some of us have fought? Perhaps, too many that you can remember. The hon. Minister has a choice. He can get elected. This is not intended to attack my hon. friend. I am just saying that in terms of our democracy and the maturing of our democracy, I do not see why what we do here must be reviewed by people—*[Interruption]* I understand the hour is late but, certainly, I do not believe that. I am not suggesting that our constitution reform exercise should not take into consideration the need for a bi-cameral legislative arrangement, but the people should also be elected. When that happens, that is one of the main reasons that constitution reform has been so slow.

If you are going to give powers to Senators to interview and make very important decisions—interview public servants and people on various statutory—boards and so forth—and they are not elected, I think that the State would be very hard-pressed to want to give them additional power. *[Desk thumping]*

Mr. Deputy Speaker, I want to assure you that I had no discussion with my friends opposite before I began to speak. *[Crosstalk]*

Mr. Deputy Speaker: Hon. Members, please. The contribution of the hon. Member for Couva South is good.

Mr. K. Ramnath: Thank you very much, Mr. Deputy Speaker. I am saying that perhaps one of the reasons that Parliament today is not given additional power is because of the structure of Parliament. I want to see the Parliament have more power. I would prefer if the distinguished lady and gentlemen who will now—after we have finished this debate—be members of the Police Service Commission come before a parliamentary committee of elected people, to have a discussion rather than us having this discussion in their absence.

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I would hate very much that what we are saying is misreported tomorrow in the newspapers, because they might very well decline. I do not think that you are going to pay them any kind of money that is worth their time, apart from the fact that they want to serve the country. So, the reason I am saying that we should look at reform in its widest form, including the abolition of the Senate, is so that an elected Parliament—whether it is an elected Senate and/or House of Representatives—can be given a lot more power to assist the Government of the day in exercising its functions. Therefore, this attempt or follow up on the constitution reform exercise which has started in the Ministry of National Security and in the police service, is something that should allow us to begin to expand in other areas of operations.

If I were a Minister, I was there for a short while and, clearly, it was difficult for me to work. I do not know how these goodly people across the table remain in office for so long. I am too rebellious to remain that long in a backward system; a system which prevents people from giving of their best and recognizing talent and so forth. I do not think that applies to my friend across the table but, generally speaking, it is difficult to be in Government. [*Interruption*]

I once wrote a simple letter in handwriting to the Public Service Commission enquiring about the status of a constituent of mine who had applied for a position as a Road Officer. The document ended up in the Cabinet room, and I was severely chastised for interfering in one of those sacred cows organization called the Public Service Commission.

7.25 p.m.

I said to myself and the then Prime Minister, that is intolerable for you to tell me that I am out of place for enquiring; I am a representative; I am a Member of Parliament; I need to find out what is happening to my constituents, and of course, the rest is history. [*Crosstalk*] Anyway, the point I am trying to make—

Mrs. Persad-Bissessar: You have to write on the MP letterhead, not the Minister letterhead.

Mr. K. Ramnath: I am sure that those who sought to undermine me at the time—

Mrs. Persad-Bissessar: None of whom are sitting here?

Mr. K. Ramnath: No, no, I am not talking about my distinguished colleagues on the Back Bench at all. They might have had some contact with the people I am talking about at one time. But anyway, there is an attempt to have me digress from my contribution.

The point I am making though is that we have a wonderful opportunity and albeit quite late, to begin to look at more efficient delivery of services in all areas. I do not want to get into this, but if I was the Minister of Works and I had an organization which was running parallel to me like say, UDeCott or Rural Development and so on, and I did not have any authority over these people as a Minister of Works responsible for ensuring that Government overall plan for the development of the country, I would be rather concerned.

Mr. Imbert: What would you do?

Mr. K. Ramnath: You could see me afterwards for professional advice. You could see me afterwards for counselling, but I understand you. [*Laughter*]

Mr. Imbert: Would you write the Service Commission? [*Laughter*]

Mr. K. Ramnath: I probably would have another short period in Government. So, we have to start talking as a country about constitutional reform as that reform is required for the advance of the provision of delivery of services and other important deliverables. The other issue is that today Parliament is put on trial because we are in a position to either accept—it looks as though I would have to ask you to have them speak at the back of the Chair.

Mr. Deputy Speaker: I am suggesting that.

Mr. K. Ramnath: Parliament is put on trial today in that we as a group of lawmakers can accept or reject the proposal of his Excellency. Not only his Excellency, he is obviously going to be concerned about whether we are favourably considering his recommendation. We have a duty to decide as we are put on trial, whether we are going to accept that or not.

The other issue is, if as a Commissioner you know that you are subject to the scrutiny of Parliament, you would not take any—if you did in the past or if you plan to—to be complacent you will have to think about it twice. You cannot assume that it is automatic; that somebody will call you based on, perhaps your record, or based on his Excellency's assessment of your role in society and so on. Now you know that you are the subject of scrutiny and no longer could somebody get up and say "36(10)"; whatever that is. In my days here, if you sought protection under the Standing Orders you did not have to know those numbers and so on; I think that is a waste of time. I think the Speaker ought to be knowledgeable enough to know if a Member is out of order, but we probably need Standing Orders reform as well. One is quite certain that when you look you will still see in there the Queen in the Standing Orders, but that is a different issue.

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However, the point I am making is that the commissioners themselves will become very aware and vigilant and therefore I feel that they would exercise their powers with a lot more concern. I just want to draw your attention—somebody took up my newspaper—in today's *Newsday*, Friday June 22, there is a public notice and it reads as follows, with your permission:

"Judicial and Legal Service Commission"

The Judicial and Legal Service Commission refers to two articles published in the *Sunday Express* of June 17, 2007, respectively headlined the "McNicolls Misconduct" and "The Ventour Report". The Commission hereby declares that none of the information and/or documents set out in the said article was disclosed or supplied by the Commission as constituted at the date of the said publication.

So it is a disclaimer, but it would have been nice if the Commission could have said that they did in fact receive a report; they are considering the report and the public will be notified of a decision in a reasonable period of time. These conditions; they do not believe that we have a right to know and it may not be that it is a deliberate policy to prevent us from knowing; it is just that they have been allowed by society in general and by the manner in which they have been appointed, to do whatever they felt that they had to do in accordance with their terms and conditions of appointment.

The point I want to emphasize is there must be transparency even in the work of the commissions. Parliament must have a role from time to time in bringing these commissioners before us to deter whether the mandate given to the different commissions has been carried out or is being carried out. Because they are responsible to a large measure in a form of management of governmental affairs. It might be said that they supervise and they discipline and so on. My boss is the person who has ultimate responsibility for keeping me on the job or not keeping me on the job. If the Commissioner does not have the power to hire and fire, subject to some kind of appeal consideration, then policemen do not have to care two hoots about Mr. Commissioner, as has happened and is happening in the country.

So it is important that the changes that we are making to the various pieces of legislation also open up the commissions to scrutiny by the Parliament. I know there is some of that in the various committees from time to time would call them and so forth.

I want to say that this is a very positive move and those of us who have been involved in the discussions must be congratulated. I want to say that this came about as a result of the pressures that were brought on the Government to deliver.

There is nothing wrong with that. One of these days my friend from Diego Martin East will not only have lost his public works portfolio, he probably would have lost almost everything, because he does not have the will like the hon. Minister of National Security to say, canvas and campaign for fundamental management changes. I am not trying to put them in a situation of competition; I am simply saying that if you feel something is not working in your Ministry you must have the courage and the conviction to say to your boss, "I want certain changes to take place".

The reason why the Government cannot deliver is—and I am not talking about your Government, I am talking about governments—because of archaic institutions. I am sure every Minister wishes that they could hire people and fire them. I am not saying that you want that power, but you want to be in a position to deliver, and if you cannot deliver you want to know why you cannot deliver and get people to deliver. That is how progressive private sector companies operate.

Mr. Imbert: I could hire and fire.

Mr. K. Ramnath: You will have your chance to speak. I want to say that we must move from this accident; this one-off type of situation where there was discussion with the Opposition because there was a need to secure support to one that is voluntary now and say, we have problems in another area; whether it is teaching; whether it is the Statutory Service Authorities Commission and so on. Let us talk about how we can make the necessary changes in those areas of operation in order to advance the cause of the people by creating more efficient delivery of services.

So in this case, we had a problem with police and we needed to have more powers given to the Commissioner; we need to tell the country we are doing something, therefore we call the Opposition and say we must talk. I am saying this gives us an opportunity to continue the talking. [*Desk thumping*] There was one Attorney General on the PNM side when I was here between 1981 and 1986, where he would get up and say, "We have the power to rule and we shall rule as we see fit", and that kind of arrogance had characterized government. Now we are talking about how we can work together to get the job done.

It also now creates a new role of the presidency. In fact, one of the these days—I wish that I am here to experience it—we will not only have the Police Service Commission being appointed in the way it is appointed—[*Desk thumping*]*—*but we would have all service commissions using this model. It will also send a message to President's House that we are reforming the institution of

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the presidency. I want to make it abundantly clear, no blame or tact on the office holder, but it is—if I may repeat myself—time that we do not place in the hands of a single person who has never faced the electorate; the powers that the President of the country today enjoys.

The earlier point I made—I just want to elaborate a bit—is that today, Government has a greater duty to account to the electorate and to the citizens as a whole. We do not have the mechanisms. We have today joint select committees and many of these joint select committees, as well-intentioned as they are, cannot get members to fully participate in their activities because of the pressure of either the Government Ministers who have a lot of work to do or Members of the Opposition who have to work in private jobs.

It is about time that we seriously consider MPs being full-time on both sides—*[Desk thumping]*—that you pay people decent salaries. In a discussion with the Minister of Finance, Conrad Enill recently, he drew to my attention what has happened in Singapore. The highest paid people in Singapore are politicians and the salary and allowances of politicians are so attractive that you can get into politics but you can get out very easily as well. Because there are stringent controls and expectations of politicians.

Hon. Member: What is the salary?

Mr. K. Ramnath: I am not too aware of salary, but I can tell you that the salary of a politician in Hong Kong is over US \$1 million a year. So if we want to get the best out of our parliamentary system that ensures that Government departments and Ministers are kept accountable and on their toes, we have to make sure that we attract the best people in politics, as well as, to maintain them in the system.

I feel that Trinidad and Tobago must have its best management team starting at the level of Government, and people do not have to be subjected to the kind of treatment they are subjected to by political leaders and so on, to whom you must express personal loyalty, otherwise you face the possibility of—

Mr. Valley: Extinction.

Mr. K. Ramnath:—extinction. I was talking to my friend for Diego Martin Central. *[Laughter]* He was not talking, I was talking and I was saying collectively we all create leaders who devour us in the process. So perhaps if we look after the politicians of the day in a much better way; perhaps if we pay them very well and provide them with the best perquisites, we can get a cadre of people who devote their time fully. We have to go through a lot of problems to even get terminal benefits.

When you look at the pension that you would get; there has been some improvement in gratuity, but you could have given the best years of your life to the Government and the Parliament of this country and when you have retired, you probably are not in a position to go back and start all over again, but you are also not in a position to live off the benefits we give our people today. It is extremely sad that we are the authors of our own difficulties, because we have some power to do what we want to do.

Finally, the parliamentary reform that I alluded to earlier must be something that entails a full discussion. Every time we go to some Commonwealth Parliamentary conference, on the agenda are topics relating to parliamentary reform and the role—

PROCEDURAL MOTION

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Thank you very much, Member. Mr. Deputy Speaker, in accordance with Standing Order 10(1), I beg to move that this House continues to sit until the completion of the Motion before us, as well as Bills No. 1 and 2 on the Order Paper.

Question put and agreed to.

POLICE SERVICE COMMISSION (APPOINTMENT OF MEMBERS)

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

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

Mr. Valley: I have never heard him in better flight.

Question put and agreed to.

Mr. K. Ramnath: Having satisfied the House up to this time I do not want to get into any trouble so I will wind up at this stage. [*Laughter*] I will also try to facilitate the early closure of other debates by giving up my 30 minutes.

I just want to say that we should begin to put on the agenda in our various political forums, the need for political reform discussion, which would involve a lot of matters outside of the parliamentary agenda to be in readiness for supporting measures that would make the delivery of services to the taxpayers' of the country more efficient.

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I want to say that the measure before us today is not a panacea for all ills; that I want to wish the Minister well. I also want to let him know that we will be monitoring the efficacy of the measures that will be put in place as a result of the decision we have taken to give the kind of powers that we have given to the Government, as well as the support we are giving for those people who have been nominated to serve on the Police Service Commission.

[MR. SPEAKER *in the Chair*]

Let me just say I think that is a distinguished group of persons. I think that these persons who have volunteered to serve will do an extremely good job and I look forward to results which are consistent commitment and the sacrifices they would have to make in order in the various capacities.

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Thank you very much, Mr. Speaker. We did not plan that this debate would continue up to this time. We thought that coming from the President, as is normal with these institutional matters, for example when the report comes from the Elections and Boundaries Commissions, where a report comes from the Salaries Review Commission, that following those norms that a matter coming from the President really in effect we would, unless there was some reason.

Yes, the House has a right to review—the whole purpose of bringing it here—but unless there is some reason one would have expected this to be a 15-minute matter. Especially, since from the debate so far, all Members agree that the commissioners selected by the President are good commissioners, persons of requisite standing in the community, who we believe can carry out the job. More than that, we are clear in our minds on this side, that when the Government comes to the Parliament, the Government comes to have legislation enacted; have motions passed and so on. Yes, we believe that the Opposition must have its say in the tradition of Westminster and the Government, as you say, would have its way. We can only be the Government by having the majority in the House.

We are committed to have certain pieces of legislation debated this evening, because as you know we are getting very close to the end of the term and therefore we have certain time frames. We are aware also, that those on the other side, because we have been there, will attempt to limit the amount of work we can do in the House.

Hon. Members: Oh, no! Oh, no! [*Crosstalk*]

Hon. K. Valley: And we see a clear strategy, but we do not have a difficulty with that. We say this is a Friday evening; tomorrow is Saturday, and therefore we can sleep all day tomorrow, so that if it requires, because we are clear that the Opposition must have its say. Therefore, if the Opposition wants to speak, there would be no objection on our part, but we will—[*Interruption*]*—*we can limit you to 45 minutes, we shall not even do that. [*Mr. Ramnath stands to depart*] Kevin, I have to pay you a compliment. I am coming, I am just warming up.

Mr. Singh: Like an old stove, it will take a while. [*Laughter*]

Hon. K. Valley: Mr. Speaker, so that we are clear that whatever is required, we will do our work. I got involved in the debate especially because of the last speaker. Really, as I said, I think it was the Member for Couva South's finest hour. [*Desk thumping*] He touched on some critical issues, because what we are seeing today is a number of the speakers described today as a historic day. I want to join because we are seeing in effect a change in the paradigm.

At the time of Independence, when we put in place the Public Service Commission, it was as a result of a feeling at that time that locals could not be trusted and there was a need, therefore, to have this Commission to protect the public service. Politicians could not be trusted, so as to protect the public service from the politicians, there was supposed to be this independent commission and managers therefore could not manage, because a critical aspect of the management function was taken away from them; the recruiting function; discipline function.

So that in the public service one is aware that at times there were persons on suspension, on half pay, on three-quarter pay and so on, and you could do them nothing—

Mrs. Persad-Bissessar: For years.

Hon. K. Valley: —yes, for years and they came back and that was it.

7.55 p.m.

And on this occasion, yes, we have now found a way to give the people in charge the right to manage, at the same time, providing some protection. What have we done? We have said first of all, that listen, yes, and we have given up and the Prime Minister has given up his veto power with respect to the Commissioner and I think also the Deputy Commissioner, they both have to be approved now by the House. There are certain requirements that they have to

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meet the House, but more than that, we see today, that even the Commissioners must be approved by the House and there is also a reporting requirement from time to time.

The Member for Couva South said that, "Listen, why do we not look at this for the other Commissions", and I think it is an idea that is worth considering because as a fact, we need to give the Permanent Secretaries in the different Ministries that ability to manage; we need to give the people in the statutory service that authority also. So that—

Mr. Speaker: I did warn Members before and I see the Minister of Sport appear to be most guilty. Look, when you come into the House, you must take off your cellphone or put it on vibrate. It is as simple as that.

Hon. K. Valley: Thank you, Mr. Speaker. Mr. Speaker, I am saying that I think that suggestion is worthy of very serious consideration. Coming nearer home, putting this piece in that jigsaw puzzle with respect to the overall management of crime and criminal activities and so on, one sees that it fits nicely. This House previously, just a few weeks ago, we had certain amendments to the police package. The critical element, of course, was the fingerprinting. Again, we thank the Opposition for their support on that matter, and the fact that there was an amendment there, not only would the persons who were charged require to be fingerprinted, but we also had that amendment that required members of the Police Service also to be fingerprinted. We have spoken about the DNA legislation that is at present before a select committee. Again, we are looking at making certain amendments.

Mr. Speaker, I think with these different pieces of legislation, any Government would be in a much better position to deal with crime and criminal activities. We admit that after the fact is a lower alternative than before the fact, in other words prevention, and the Government of course has been at pains to put things in place. We have an expanded social programme, we heard the Member for Siparia talking about the poverty line, Mr. Speaker, but you were aware that since this Government came into office in 2002, we have done quite a lot to improve the social safety net.

The other day when the Minister of Social Development spoke on the Finance Bill, when he outlined the number of initiatives taken by this Government with respect to the older folks, one saw the type of programmes that is in place for the senior citizens. But there are a number of programmes also, whether it is the MuST Programme, the On-the-Job Training Programme, different programmes

that are in place for the younger people. So we have dealt with the prevention aspect, we are now dealing via all these pieces of legislation with after the fact, in other words, given that there is a crime problem, how do we deal with it?

I made the point that we are already seeing results. I made the point when the Member for Oropouche was speaking that one saw first of all a reduction in the rates of increase. I do not know why he has difficulty with that, especially a person who has three degrees, including a PhD—that is how we measure inflation. We talk about rate—[*Interruption*]

Dr. Moonilal: And two jobs.

Hon. K. Valley: And two jobs—of increase. We talked about inflation, we say that the rate has moved from 10 per cent—you know in October of last year, and happily, I do not know how many of you heard it today, but the rate has gone even lower than the 8.4 per cent in April, it is now 7.9 per cent based [*Desk thumping*] on the efforts of the Government; 7.9 per cent. More than that, similar to what is happening on the crime front, we see actual decreases in certain areas, the Minister for Legal and Consumers Affairs made the point at the press conference yesterday that fruit and vegetable prices have decreased since December.

But, I will tell you something else, the Government removed VAT on certain items in January and when we look at what has happened, we see a fall in prices of roughly 65 per cent of the items. As Members would know, there have been increases in world prices for some products, so the others are affected by increases in world prices and so on.

Coming back to the crime therefore, we saw first of all a decrease in the rates, while between 1999 and 2001, just before we came in, the rate was somewhere around 25/26 per cent.

Mr. Sharma: What are you speaking about?

Hon. K. Valley: What is this?

Mr. Sharma: What are you speaking about; what is in front of us?

Hon. K. Valley: Yes, 25 per cent. That in fact the rate decreased until at present, we are seeing an actual reduction. When one looks at the figures, last year to this year, we have seen an actual reduction in murder. So, I simply want to put that on record.

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Mr. Speaker, I think the Member for Oropouche also made reference to having to rely on Lord Bingham, Wolfe and so on to get their money that was owed to them. What is the reality? The reality is that before the judgment, the Government came to the Parliament with a Bill to provide that. Before the judgment.

Mr. Panday: Two days before the judgment.

Hon. K. Valley: Before the judgment. But more than that, if the truth be told—[*Interruption*]

Mr. Sharma: Tell the truth, I am expecting you to tell the truth.

Mr. Speaker: Order!

Hon. K. Valley:—that this was in the works for quite some time [*Laughter*] and Members opposite are well aware of that. The Member for Couva South spoke about the issue of pensions and so on and I simply want to put on record that in addition to the last Salaries Review Commission Report which dealt with pension, that Cabinet has agreed and I am mandated as the Minister responsible, mandated the pension committee as the report stated to look at the parliamentarians' pension and they are in fact doing that, Mr. Speaker.

Mr. Sharma: What about referring to the SRC were you thinking of how [*Inaudible*]

Hon. K. Valley: I missed that. If the Member wants to—[*Interruption*]

Mr. Sharma: The judgment you referred to stated that Members of Parliament do more work than the SRC has been looking at, so you may want to consider referring the judgment courtesy to the SRC.

Hon. K. Valley: Mr. Speaker, the judgment was on the newspapers. If the House Committee takes a decision to have the judgment referred to the SRC, of course, as Chairman of the House Committee, I would be so mandated. I intervene simply to put on record a few things, one, that yes, we agreed that we should give consideration to taking the change in paradigm even further. To note that what we are doing here today fits into an overall jigsaw as I say, put in another critical part in our fight against crime and criminal activities which is extremely important and that yes, we acknowledge the support of the Opposition with respect to this whole initiative; and yes, we would want to continue working with the Opposition in a bipartisan manner on issues such as these which would be to the interest of the people of Trinidad and Tobago.

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

Mr. Chandresh Sharma (Fyzabad): Thank you very much, Mr. Speaker. Mr. Speaker, let me first start with the main requirement of Members of this House on both sides and that is to speak the truth. If also just advanced by the Member for Diego Martin Central must first be corrected, and that is, the Opposition is not here to block legislation, both benches here are prepared to come everyday if required, Monday to Friday, so do not indicate that we are here to block and to delay. Call us here everyday. You want to come back Monday, Tuesday—it is the Members of the Government who fly the world over and cannot come to the Parliament, and as a result, to have long sessions at the expense of the State, of course. [*Laughter*] More than that, it is also the Government that seems never to indicate to the Opposition or to the country what is on the legislative agenda, so nobody knows. So come—[*Interruption*]

Mr. Valley: No, no. Mr. Speaker, I have to take objection to that. I have to take objection as Leader of this House because on every occasion we state clearly what is the Government's plan with respect to legislation. [*Crosstalk*]

Mr. Speaker: Order!

Mr. C. Sharma: You see, it is perhaps late and the Member might be hungry and you may want to consider adjourning for dinner because I am making the point two days before telling us is not enough. Tell the whole country; put it on the newspapers; you spend millions of dollars advertising your faces in the newspapers; put it on the newspapers and say, this is what we are coming to do, so we can incorporate. You want to get the cooperation of the Opposition which we are prepared to lend you when necessary.

Now, Mr. Speaker,—[*Interruption*]

Mr. Valley: You see why he cannot get more than 45 minutes [*Laughter*]

Mr. C. Sharma: That is all right, the truth can be told in 45 or 40 minutes. [*Laughter*] I am not interested in any extension, I can extend more than you can extend and you know that. [*Laughter*] You know when I met you in India—you remember when I met you in India, I took you a few places. [*Laughter*] Mr. Speaker, have you been to Africa?

Mr. Speaker: No.

Mr. C. Sharma: Good, you must go to Africa and you would be able to answer the question. This is the first time that the Opposition has been consulted with in a meaningful and measurable way to the extent that the names that are

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appearing for which we are debating today, some have come from the Opposition. It started off with a letter—what was presented to us today; it says:

“The Constitution of the Republic of Trinidad and Tobago notification is hereby notified that I, George Maxwell Richards, TC, CMT, PhD, President, after consultation with the Prime Minister and the Leader of the Opposition, in accordance with section 122(3) of the Constitution of the Republic of Trinidad and Tobago nominate X, a person who is qualified and experienced in the discipline of X to be appointed as a Member of the Police Service Commission effective from July 01.”

Now, this is good news, but let me read a little bit of the bad news.

“Office of the President,
Trinidad and Tobago,
June 13, 2007.”

This is written to the duly constituted person who sits on this side and it reads.

“Re: Section 1 of the Constitution of the Trinidad and Tobago.

I am directed by His Excellency, the President to state for the information of the Leader of the Opposition, and in accordance with section 137(4) of the Constitution and on the advice of the Prime Minister, His Excellency has by instrument dated June 13, 2007, suspended the hon. Chief Justice, Satnarine Sharma from performing the functions of the Office of Chief Justice of Trinidad and Tobago. His Excellency desires to appoint Mr. Justice Roger Hamel-Smith to perform the functions of the Office of Chief Justice of Opposition.

Accordingly, I am directed by His Excellency to enquire whether the Leader of the Opposition has any objections to His Excellency’s desire to appoint Mr. Justice Roger Hamel-Smith to perform the function of the Office of the Chief Justice.”

Let me tell you what the Leader of Opposition wrote on the same day, dated the same day, June 13, the titles and so to His Excellency.

“Dear His Excellency,

In response to a letter from your good office dated today enquiring of my concerns of any concerns I may have—” [*Interruption*]

Mr. Valley: How did you get those letters? How did he get them?

Mr. C. Sharma: You ask a stupid question in the middle of my contribution.

“—to the appointment of Mr. Justice Roger Hamel-Smith to act in the office of the Chief Justice, I wish to register my serious objections to the choice. You may recall that Mr. Justice Hamel-Smith was named as having provided legal advice to the Prime Minister and/or his agents in a previous attempted impeach to the Chief Justice, Mr. Satnarine Sharma. It was viewed that his participation in this way may compromise him not only as a senior judicial officer, but as a successor to Mr. Sharma in these troubling circumstances, since he would have been a direct beneficiary of his recommendation.

It is my firm belief and the recommendation that you should consider other candidates who are further removed from this fiasco as to avoid additional and compounded damage to the image and reputation of the Judiciary and the justice system which is currently battered by the recent and unrelenting difficult attack from the Executive against judicial officers.”

Mr. Speaker, I do need to remind you that the press release from Office of the Leader of the Opposition dated June 14, Judiciary must remain independent, and therefore that, on June 13, from the Leader of the Opposition when she indicated, “I cannot rubber stamp a perversion of justice.” So, the matter being debated today is a very serious one that requires our collective wisdom.

You see, the greatest fear in the country, today, is fear itself, citizens across the country. How does the ordinary man, the simple minded man in the country, have a feeling of what is happening in the country? Oftentimes he goes to the newspapers or to the electronic media, if the simple minded man looks at the newspapers today, “Crying Cop, tears flow from officer as 21 charges read were out”.

Mr. Bereaux: Win one, lose one.

Mr. C. Sharma: You “ain’t” win nothing. Secondly, you see a 13-year-old child giving birth to a baby under this PNM administration and they talk about all the social welfare benefits—the Minister just got up having nothing to say and indicated about social welfare. When you look at the teenage pregnancy rate in this country, it is frightening under this PNM; when you look at the prison population it is frightening under the PNM, horrible and the Government talks about treating issues.

Of course, on page 5, UNC gives President 36 hours to clear air on CJ tribunal. Let me read a letter that I caused to be written on my behalf from the offices of a

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very distinguished attorney-at-law, Cindy Bhagwandeem. The letter dated yesterday, was written by Cindy Bhagwandeem, an attorney registered to practice in Trinidad and Tobago to:

“His Excellency The President,
Republic of Trinidad and Tobago.

Your Excellency,

I act for Opposition Member, Mr. Chandresh Sharma. I am instructed that you purported to suspend the hon. Chief Justice of Trinidad and Tobago.”

Mr. Speaker: You must show me your connection between the contents of that letter and what is before us in terms of the Police Service Commission. Show me the connection before you read the letter please.

Mr. C. Sharma: Mr. Speaker, the first document I read is a letter from the—

“It is hereby notified that I, George Maxwell Richards, after consultation with the Prime Minister and Leader of the Opposition in accordance with section 122(3) of the Constitution of Trinidad and Tobago, I wish to nominate a particular person to be appointed as a Member of the Police Service Commission.”

I am making the links of Service Commissions and I am going to show where the Service Commissions need to be revisited in addition to what the Member for Diego Martin Central said, but I will come back to that.

So, the letter is written and it is in the newspapers today and it is public information in any case, on page 5 of today’s *Guardian*. Perhaps I should read from the newspapers.

“Fyzabad MP, Chandresh Sharma is threatening legal action, challenging what he calls ‘the premature and pre-emptive suspension’ of Chief Justice Satnarine Sharma. In a pre-action letter sent to President George Maxwell Richards yesterday, Sharma is seeking answers on when the tribunal appointed on May 18 will begin its investigations, among others...”

Mr. Speaker, the point here is, the SEA students who are awaiting results for examinations cannot be appointed to a school that does not exist, the same way an airline cannot sell a ticket to a destination that does not exist or a destination that they do not go to, the same way a tribunal that does not exist in law, there is no staff, in fact, when the hon. Minister made the point—

Mr. Speaker: I see you are attempting to plead your case right here. Leave it for the lawyers, do not plead your case right here. Move on.

Mr. C. Sharma: Mr. Speaker, I have no intention of doing that, I simply want to make the point and I made the point earlier, that the greatest fear in Trinidad and Tobago is the fear of living in Trinidad and Tobago under the PNM, and more so, the police. Many, many citizens in Trinidad and Tobago have the opinion that the police is in the hands of the Government. Why do they think so? Well, they have seen certain things.

On one occasion they saw truck loads of heavily armed police officers going to the home of a former Prime Minister, Mr. Basdeo Panday, for some reason, battled geared, battled dress and on another occasion they saw police officers going to the home of the Chief Justice of Trinidad and Tobago. Again, they ask the question, if they are doing this to the former Prime Minister and they are doing this to the Chief Justice—in office—what will they do to the small man?

So, when you talk about the Police Service Commission, this is what comes to their mind and they are very, very worrisome. In fact in the case of a Member of Parliament for Diego Martin West, where it was alleged that materials were moved—I think to the tune of \$3 million—from a Government project to a private project in which he has invested interest and we saw nothing coming out of it. We saw on one hand it went to the Integrity Commission, the Member for Couva South just read from a newspaper where a particular Service Commission said that they were not responsible for the leak of the information. They did not say that it is not accurate; in fact, it seems to suggest that the information is accurate, the source is in question.

But in the case for the Member for Diego Martin West for instance, I got information that there were 14 charges laid against the Minister; it was leaked to the Minister and he quickly ran to the court. He got the court to rule in his favour and was removed, but still 14 charges. The point is, again, in the eyes of the small man, the simple minded person, what is he seeing? He is seeing a PNM Government in control of the Police Service and he is fearful if he could live in this country. So the matter referred to this House from the Office of the President, is of concern, whilst we are happy with the persons so appointed for which we are lending our support, there are critical areas that we need to clear immediately.

Report after report has come to this Parliament about the conduct of the Police Service Commission; about the conduct of Police Officers, in fact it is said that the police truly for some reason does not seem to represent the potpourri of

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Trinidad and Tobago. In fact, when you look at promotions in the Police Service, when you look at the recruitment in the Police Service, it leaves a lot to be desired.

In fact, looking at some of the information that is available on the international reading audience via the website, Amnesty International, unlawful state killings, Trinidad and Tobago abuses by the security forces in August from the constituent of Fyzabad, Robin Drunath-Chin—a Hindu priest was reportedly abducted by four police officers. In November, nine inmates in Golden Grove, the prison in the town of Arouca were reportedly shot with rubber bullets by members of the Police Service. So, Mr. Speaker, these are tremendous concerns. Then you see in the 18/18 when the Government was taken away from the UNC, we saw the intervention of the police in a particular way again.

The Ministry of National Security oversaw the police service and the defence force rendering them respective to their surveillance authority and we saw the hon. Prime Minister, personally hand in a letter of appointment—it never happened before in history of the Trinidad and Tobago—to the then Commissioner of Police. What does that seem to suggest? We have seen police officers going with the political Leader of the PNM who also happened to be the Prime Minister to lend support to statistics and that kind of thing. Prisoner's rights and obligations, although a person is in prison who has lost certain rights to his freedom, this does not mean he has lost other rights concerning his treatment. Again, you see prisoners complaining across the country.

In fact, a few days ago we saw the Member for Point Fortin in a court in Point Fortin and we saw prisoners there complaining about the attention; about lack of treatment given out to them. A prisoner has a right not to be beaten; a prisoner is not to be punished without a fair hearing; prisoners are not to be restrained as a punishment; prisoners have a right to be released immediately when their sentences are finished and you see these things happening in the country and you ask yourself, what is happening.

Searches—and I referred to the search at the home of the former Prime Minister and the Chief Justice of Trinidad and Tobago—what is this signaling to the national community, to the average man? He has been told that there is a degree of fear; he is concerned whether he can be safe in this country; whether the Government is going to use the police to give them support and this is how the PNM administration obtained support during their last family day sports at the Eddie Hart grounds.

Many citizens of Trinidad and Tobago who are employees of make-work programmes, CEPEP, URP and other programmes, there were reports in the media, never denied, both in the print and electronic media where there were forced to attend the rally. You will see all of them in PNM t-shirts. They cannot afford a t-shirt, they tell you that, they are from our constituency as well, but they have to wear the PNM t-shirts. When you see the number of public transport service bus all over the country taking these people, but I was on the point of searches. All searches must be conducted with regard to decency and self respect. Females must be searched by staff of the same sex; strip searches must be done private. When you see what they did when they went to the home of the former Prime Minister in South, lack of respect—the PNM police in some ways; the political police in some ways, so the Police Service Commission to which we are going to appoint these Members must be brought to the attention, we must never fear to raise these important concerns.

8.25 p.m.

Mr. Speaker, I want to look at what we expect the Police Service Commission to do and what we expect them to obtain by way of treating with all police officers. On many occasions we have said that recruitment must be representative of the people of Trinidad and Tobago and must no longer be just those who are friends of the PNM. On one occasion I suggested that the entrance examination be conducted by an independent body, namely the University of Trinidad and Tobago (UTT) or the University of the West Indies. So any citizen of Trinidad and Tobago, having met the requirements to join the police service or any of the armed or unarmed services, could write the exam at a national place and, having passed, can move on to the other stage.

Mr. Bereaux: [*Inaudible*]

Mr. C. Sharma: How I got in home by you. [*Laughter*]

Hon. Member: Oh goosh!

Mr. C. Sharma: Preserving the public peace is very important. [*Crosstalk*]

Do not misread that; we are personal friends; I go to his house.

Prevent crime and arrest offenders—when we heard that the Prime Minister called the Marabella Police Station, and remember in your younger days, Mr. Speaker, a former minister by the name of Patrick Solomon went to a police station and released his son; over the years, this has captured in the minds of the people of Trinidad and Tobago that the police service is a PNM police service and

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you need to move away from that; otherwise persons would keep migrating. The majority who do not migrate would take to the streets one day.

When you go to the prisons and you see the population—I was very ashamed to hear the Member for Laventille East/Morvant crying in the Parliament two days ago about what happened to an elderly lady in the United States. I almost sent my handkerchief for him. He was not looking at what was happening in Trinidad and Tobago, where our daughters are raped; a 13-year-old giving birth to a child.

"Girl 13 gives birth"

Great is the PNM, it shall prevail. This must be the PNM poster for the next general election. [*Crosstalk*] The Member for Tunapuna said, "Doh blame de Government."

Mr. Speaker, the Member for La Brea has a history of assaulting young people in his constituency. I have spoken with him and he has changed, so we could always offer counselling sessions to persons. [*Laughter*]

People are always willing to be treated fairly and squarely, regardless of age. Two days ago, while the Member for St. Ann's East talked about the elderly, I reflected on how the PNM treated the elderly, when I saw what they were doing to my friend from La Brea, from the Member for Arouca North, but I will deal with that when I speak on the Bill on another occasion.

Preserve order at every public election—I wanted to make this point: The Police Service Commission must start signalling to the Trinidad and Tobago Police Service that for the election due in a short time, their duty is not to the PNM. Their duty is to the people of Trinidad and Tobago, to all the electors. The Member for San Fernando West could tell you that when she was a candidate for the election, she had the police at her beck and call, but we did not have that. [*Crosstalk*] She is from the PNM. That applies to most of the PNM Members; they can call the police anytime and use them and abuse them, but we do not subscribe to that.

Miss Seukeran: Really? How come they do not tell me that?

Mr. C. Sharma: Preserve order at every public election—the violence from the PNM must be a thing of the past. Today when the Member for Siparia raised a concern about a particular outfit in the country receiving lands to quarry, the Member for Diego Martin Central argued that they were citizens too. On the one hand they are saying that these persons need to be kept away from the national community, but on the other hand they are saying that they are citizens too, so

they are already beginning to negotiate to establish friendship with a particular group to gain their support at the election. The constituency of San Fernando West was won on the first occasion by less than 300 votes with the use of violence and force, and there were persons on the train line with machine guns, not police officers. *[Interruption]*

Miss Seukeran: What?

Mr. C. Sharma: Do not say “What”; you know what I am talking about. *[Crosstalk]* Ortoire/Mayaro and two others—I am glad the Minister is out of the Parliament, because he should be very ashamed, because he knows the role he played in Mayaro with the use of state funds and state forces.

In the last election, less than 1,250 votes separated the Government from the Opposition, all the learnings, local and abroad, showed that the PNM Government used its majority in terms of money and state resources, because persons were getting cellphones, sneakers, shades, hampers and food; they were getting X and X plus. *[Interruption]*

Mr. Speaker: Hon. Members, the sitting of the House is suspended for dinner. We will resume at 9.15 promptly.

8.32 p.m.: *Sitting suspended.*

9.15 p.m.: *Sitting resumed.*

Mr. C. Sharma: Mr. Speaker, the Police Service Commission to which we are attempting to appoint persons to serve, has to be seen in context with the other service commissions or other similar bodies. When you look at what has attracted the national attention in recent times, one such body is the Integrity Commission and, again, fear visits the average citizen. Why is this so? We have seen the conduct of the Integrity Commission in a way that troubles the average person in Trinidad and Tobago.

We have lost a Member of Parliament because of the actions of the Integrity Commission which are very questionable today. We saw the Integrity Commission going after the former Member for Couva North, the former Prime Minister, Mr. Basdeo Panday, with a kind of vengeance. Whose vengeance were they carrying out? Were they agents of the PNM party? Were they the agents of the Government? Why did they go with such force? We saw hundreds of persons not filing declarations, but we saw the Integrity Commission going after Mr. Panday and a former minister, Mr. Finbar Gangar.

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We saw in the case of the Member for Diego Martin West, a total turnaround, and this should disturb every citizen of Trinidad and Tobago. It is a frightening development. It means, like the police service, the Integrity Commission seems to have a similar relationship. In fact, when you look at what obtains in the public domain in the case of persons who did not file, it begs the question: How come they were not treated with? Why did the Integrity Commission engage a high priced attorney in the case of Basdeo Panday and a nobody in the case of the Member for Diego Martin West? [*Crosstalk*] How is it that everything seems favourable to PNM Members?

Mr. Speaker, like you, I was elected here in 1991. I served in the then Government of Trinidad and Tobago and I never got a credit card. We see Members opposite getting credit cards, travelling the world and spending at their leisure. [*Interruption*]

Dr. Rafeeq: You came in 1999.

Mr. C. Sharma: I was just making sure that he was paying attention; thank you. [*Laughter*]

This matter we are treating with is a good development, because it is the first time since I have been here that a real measurable and meaningful consultation with both sides and the Office of the President has brought us here. For this reason we need to talk about it. We need to tell Trinidad and Tobago.

As I ran through the newspaper a few minutes ago, something attracted my attention and during the tea break somebody sent me some information—it is interesting what obtains with technology. This is a photograph of the hon. Prime Minister of Trinidad and Tobago. The article said:

"PM and the ladies"

One of the persons is Mrs. Manning, the Minister of Education, and the other is Nancy Piloni, the recently elected Speaker of the US House of Representatives. They were attending what is known as the Black Caucus, a very important body in the US.

When you look at the origins of the Black Caucus, it is very instructive to find out how they came into being. [*Crosstalk*]

It is a pity that the Member for Tobago East cannot speak; she would do very well if she learned to speak.

The Black Caucus was founded 35 years ago in 1971, to promote, to a large extent, the ideals of black persons in the United States. [*Crosstalk*] Rightfully so;

I am supporting it. In fact, two white Members from the US Parliament applied to be members and were turned down. They were told very nicely, "This is a black thing." I made that reference, because when you look at what is happening in Trinidad and Tobago, the time is coming very soon where we may need to have a similar caucus. I am glad I am attracting the attention of the hon. Minister; this is what leads to revolution, to bloodshed. [*Crosstalk*]

Mr. Speaker: Order!

Mr. C. Sharma: The fear is that the resources of the State as administered by the PNM are not reaching to the masses of the country and large sections of the community are not treated with. Time and time again, we have brought the information, so I do not want to go through that list. But in a nutshell, when you look at the distribution of houses, the distribution of contracts and promotions, when you look at the funding available for community events or self-help funding and the slush fund maintained by the Minister of Community Development, Culture and Gender Affairs, when you look at who gets money and who does not, it is very frightening. People would get fed up at some point and act in a particular way; they might be arrested or they would attract the attention of the police service. The Police Service Commission would need to look at the cultural challenges in the country to treat with the issue.

I want to visit what is happening here today and to put it in a larger context. This is really a new approach to governance. It is the ideal partnership that should obtain where there are elected representatives. The judgment from Lord Bingham said that when we were 18/18, we both served; we were both Members of Parliament. That attraction for sharing in developing the best policies for Trinidad and Tobago, where all our citizens can be happy, must be encouraged.

In fact, there is a school of thinking which says that a new management policy must be adopted for governments to succeed, with the aim of reforming the public sector and all the sectors that contribute. It further says that the public sector, and more so the civil service, must become the obvious focus of this change, since the civil service plays an important role between government and society. The Police Service Commission may want to consider that.

The areas they were focusing on were decentralization; market orientation; outcomes; recognizing the citizen as a customer and a shareholder—very important—and governance, which means partnership, governing for all the people. The PNM does not govern for all the people of Trinidad and Tobago. [*Crosstalk*] It is the only Government I know that does not govern for all the people. When you look throughout the Caribbean you do not see that.

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Other areas included the adoption of economic and leadership principles. We do not see that reaching out to the small man at all. We are still seeing geopolitical discrimination in community after community in this country. When you go to the constituencies under the leadership of the UNC Members, they would tell you, time and time again, that they write hundreds of letters. In fact, the judgment from Lord Bingham indicated that Members of the Opposition were required to communicate with ministers to make representation on behalf of their constituents.

I can tell you for both Benches that hundreds of letters are written with very little results, and then those constituents, on whose behalf we write, become frustrated sometimes and do things that may engage the attention of the police in their districts or elsewhere. That would lead to some level of frustration or disappointment. What would that mean? It would mean a Police Service Commission. I am glad that the persons appointed seem to represent a good cross section of Trinidad and Tobago. [*Crosstalk*]

Partnership is not only between the Opposition and the Government, because in the case of the Member for Tobago East, who is a distinguished Member of the Government, she was not consulted at all and today she asked us to advance her cause for a representative to come from Tobago. So, again, even from the Government, the Opposition has to make representation from time to time.

Mrs. Job-Davis: "But you not easy." [*Crosstalk*]

Mr. C. Sharma: As a good, loyal Opposition, we are committed to making sure that we treat with all citizens; we represent the citizens of Trinidad and Tobago as well.

Mr. Speaker, what I hope would emerge from the Police Service Commission's appointment is that this new body would look at the total fabric of Trinidad and Tobago in arriving at the best solutions and the best management of the Police Service Commission, the traditions and institutions that determine how this power is to be exercised and how citizens can be given a voice. Oftentimes citizens complain about a lack of police assistance or abuse by the police. The Police Service Commission would need to communicate to the national community and its customers, who are all the people of Trinidad and Tobago, how decisions are arrived at every level, so that those questions could be treated with even before they are asked by the citizens: How would they treat with public concern?

I think there is a Police Complaints Authority. What work do they do; do they really reach out to the citizens? They should know how to cause fewer cases to go

there by good management from the Police Service Commission, and they should also know about the right to participate and make decisions with regard to the best policing in the country.

One cannot help but take into consideration the exercise of political, economic and administrative authority in the management of the police service. Some of these good practices would include accountability, that is very important, because everyday we see moneys being spent. In fact, under this particular Minister, the most amount of money has been spent in the Ministry of National Security. In fairness to him, the short answer is that we are not seeing the returns; we are not getting value for money.

Everyday a large sum of money is spent; like new kids, you have a few dollars and you see new toys and you say, "I want this and I want that", And they buy it left, right and centre. Oftentimes the story that is not told and the story that is well known to the national community, is that there are lots of kickbacks from those purchases. I am not suggesting that the Minister is part of it, nor am I saying that he is not part of it, because I do not know. In every country in the Caribbean we have seen where kickbacks have reached ministers in many instances, and Trinidad and Tobago is no exception. In fact, in a survey that is available it is said that in the Caribbean the richest ministers of government can be found in Trinidad and Tobago at this particular time.

Mr. Imbert: You are saying that again?

Mr. C. Sharma: Freedom of association and participation—today the police are sent to see who is participating in "UNC business" and other organizations and bodies that may not be in favour with the Government, who are not lending support.

Mr. Speaker, good policing will lead to a sound judicial system, and we know what the judicial system is today. The case of the Attorney General is a very sad one. In the case of the Chief Magistrate, again you see that the Black Caucus' founding principles might play in Trinidad and Tobago. It seems as though when you look at the pattern of behaviour by the Government in the cases of Basdeo Panday, Sat Sharma and Dr. Narynsingh and the list can go on and on—[*Interruption*]

Mr. Valley: Tell them not to do wrong!

Mr. C. Sharma: You see, Mr. Speaker, the Member for Diego Martin Central waves a magic wand, "Tell them doh do wrong." What is the Government doing? The Government is using its powers to hunt down these persons. Feroza Ramjoh,

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we can call Kanhai from the Water and Sewerage Authority (WASA) and the other guy from Petrotrin; they all did wrong. It seems the only persons doing wrong are from one particular group, and the PNM makes no bones about that. They are very happy. That is dangerous.

Look at promotions in the police service. This is a lawyer Opposition; we are arguing for the case of Graham. The response from the Government, "No, no, no", but in the case of Philbert, he jumped seven places to become Assistant Commissioner of Police, Acting Commissioner of Police. [*Crosstalk*]

Mrs. Job-Davis: He is bright!

Mr. C. Sharma: Bright! What does that say? I said earlier that Amnesty International talked about killings, police shootings, et cetera. When political interference took place in the surveys that we have read about throughout the Caribbean and elsewhere, that was how it came about; the politics became involved in the police service and the police service was used to do their dirty work.

Freedom of information and expression—big Minister of Government, my equal in this Parliament, he is minister outside of here; I refer to the Member for Diego Martin Central. We are both Members of Parliament; he can come here with bits of information, because he has the title, "Minister of Government", but he questions when I present information in the House, because all information is privy to the Government; only they have mailboxes.

Mr. Valley: What he talking about?

Mr. C. Sharma: We cannot get any information. When you go home, read the *Hansard*.

Mr. Valley: About what?

Mr. C. Sharma: Anything you care to.

One of our former colleagues in this Parliament, a distinguished gentleman, Gordon Draper, said that:

"...some Caribbean States inherited the British constitutional form of government, but a time-lag occurred because of the different stages of development in the colonies as compared to Britain...the Caribbean civil service has been characterized by tension between the political and administrative directorate..."

That is the point I am making; the Government's interference, and the country is suffering for it.

Today we obtain \$75 for a barrel of oil and the country has nothing to show for it. The Government's response is to add police stations, add more police officers, lock up the citizens of Trinidad and Tobago; it is to that I made reference. The other thing the Government is proud about is the social welfare package. You add no value to the national community. Who you do not lock up, you give them a hamper. What is the end result?

"Girl 13 gives birth"

Great is the PNM. This is so common in the PNM and they dismiss it so lightly. [*Crosstalk*] The levels of mistrust:

"...this often occurs between the minister and senior public officer."

[*Crosstalk*] All the time, mistrust. Inadequate preparation from the State has resulted in all these ills we are seeing.

"Unclear vision and goals"

I want to be certain that the Police Service Commission will be able to distinguish issues by way of consultation, that it makes sure and involve the national community.

Mr. Speaker, the Member for Diego Martin Central talked about reexamining the roles and functions of the service commission. We are prepared to lend support to that, but do not use the service commissions to do your dirty work as you use the Integrity Commission and the Public Service Commission, in promotions, in sending persons to courses, the award of scholarships, et cetera. Identifying the senior management of all the commissions and the support services. We hope that the Police Service Commission will design a proper system for identifying, rewarding and promoting high performing officers. When you look at promotions, 90 per cent is political. The Prime Minister, as indicated by other speakers, presented the letter of appointment to the Commissioner of Police.

"Focused and strategic human resource development."

We have spoken about this in the police service for far too long. How does the Government treat with it?

For the longest while the Government said that the police service needed a human resource manager. Well, a human resource manager was employed and did her work. They did not like that and got rid of her. Is this what the country is in 2007? You bring in a professional and because she is doing her work and not carrying out your political agenda, you terminate her. That is how the Government operates.

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Mr. Speaker, the country is without water today. A Commonwealth Scholarship winner who came first in the interview conducted by an independent body—I speak of Kamchand Kanhai, you “lick him up”. What was his fault? What was his shortcoming? Was it because he was a person of East Indian origin? In terms of his qualifications, they were very good; so you see the kind of interference. In Petrotrin you see the same thing; a list of agencies. At the end of the day we are not benefiting.

Mr. Valley: What about Henry Sealey?

Mr. C. Sharma: Malcolm Jones? [*Laughter*] [*Crosstalk*]

"Since governance represents a system that is supposed to increase the citizens' access to their leaders..."

Mr. Valley: Do you remember Lee Sing? [*Laughter*]

Mr. C. Sharma: I am glad the Member reminded me. Lee Sing sat in the toilet of a plane from Jamaica to Trinidad; he got promoted within 12 hours; a world record. In fact, it is going to be entered in the Guinness Book of Records. They gave him a licence to save the jobs of five persons, and you "lick up" 9,000 persons in Caroni. [*Crosstalk*]

Mr. Speaker, you would agree that things are very, very bad in this country and as a result we must be certain that we encourage the new Police Service Commission, with the appointment of these very distinguished sons and daughters of Trinidad and Tobago, to make sure we look within the police service for diversity; to make sure that the strategies are being developed and that the Commission really reaches out. [*Interruption*]

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

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

Question put. [*Crosstalk*]

The House divided: Ayes 8 Noes 10

AYES

Rafeeq, Dr. H.

Sharma, C.

Partap, H.

Nanan, Dr. A.

Panday, S.

Baksh, N.

Singh, G.

Yetming, G.

NOES

Valley, Hon. K.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Robinson-Regis, Hon. C.

Narine, Hon. J.

Roberts, Hon. A.

James, Hon. E.

Callender, Hon. S.

Seukeran, Hon. D.

Job-Davis, Hon. E.

Question negatived.

Dr. Hamza Rafeeq (*Caroni Central*): Mr. Speaker, I really had no intention of participating in this debate, but since the time of the Member for Fyzabad has not been extended, I will take a few minutes of his time. [*Crosstalk*]

Mr. Speaker: Order!

Dr. H. Rafeeq: The service commissions are important institutions in this country. As the Member for Diego Martin Central mentioned, and I am really responding to some of the things he said in his contribution, they were established to serve as a buffer between the political directorate and members of the public. The service commissions have been around since 1962, which would make them about 45 years. They have served us well, but as we evolve, of course, there need to be alterations in the way we do business. One of the things we are doing today is changing the way in which one of the service commissions is being appointed. We have had successes with the service commissions and we have had problems

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with them, but we must be careful that we do not go overboard at the same time as we attempt to change the way we do business, as far as the service commissions are concerned.

We have had experiences, for instance, where disciplinary action has been taken against members of the public service, to the extent that, as the Member for Diego Martin Central mentioned, they have been suspended for one year, two years, three years sometimes on full pay or half pay, and some of these employees suspended by the Public Service Commission have gone on to do degrees in various disciplines, utilizing the time that they have been suspended to attend university classes to do their degrees or other courses. That really has not served the country in the best possible manner, where you have a person suspended for three years, drawing a salary, not contributing to the work he was supposed to do and getting a full salary. At the end of the day, he would probably be reinstated and get all his benefits. I do not think that really served the country in the best way.

We have to be very careful that we do not go overboard at the same time. Recently we had an experience where, in an attempt to decentralize the delivery of services in the health sector, the Regional Health Authorities (RHA) were established and we now have employees who previously would have been employees of the Public Service Commission, now being employees of the RHAs.

Recently we had an incident where two employees belonging to the North Central Regional Health Authority were dismissed in very short order. In fact, I had called on the Minister of Health to make the report of that investigating committee public, because we have information that if a proper investigation was done and the two employees were given the opportunity to put their side of the case and be represented, as would have happened in the case of the Public Service Commission, the decisions may have gone differently.

The employees I am talking about, I am sure everyone knows, are the nurses who were involved in the care of baby Justin Paul who was burnt. We are not holding any brief for the nurses in the sense that whoever was guilty should be made to pay the penalty, but if a proper investigation was done, if those were employees under the Public Service Commission, it would have been different. I am sure that a lot more persons would have been interviewed and investigated and it is quite likely that the results would have been different, because from our information, the investigation was not properly done in the case of the RHA. While we want to move away from some of the practices of the service commissions, we have to be sure that we do not go overboard at the same time.

Mr. Speaker, today, we are dealing with the Police Service Commission. I will just take a few minutes. We have to be very careful that the public has confidence in the service commissions, especially with a population like ours, a plural society. I suggest just as other Members have suggested, that we deal with the other commissions in a similar manner, in terms of appointing the commissioners. We should particularly look into the appointment of the members of the Elections and Boundaries Commission (EBC).

We know that the Elections and Boundaries Commission performs a very important function, as far as our democracy is concerned. I think it is time that we look at the appointment of the EBC, maybe in a similar way or something close to what we are doing here with the Police Service Commission, so that persons can have more confidence in the whole electoral process by having more confidence in the Elections and Boundaries Commission itself. [*Desk thumping*] I think we should seriously look at that one.

I do not want to be accused of anticipating, but I also suggest that when the time comes to appoint the Equal Opportunity Commission, we should also look at doing it in a manner similar to this, because that will be dealing with very sensitive matters and persons would want to have confidence in the decisions the commission makes. First of all, they would have to have confidence in the way the commission itself is appointed. In addition to the other commissions, the Equal Opportunity Commission and the Elections and Boundaries Commission are two very sensitive organizations and they should be appointed in the manner that we are appointing the Police Service Commission today.

I do not know how the Member for Diego Martin Central could take comfort in the fact that the percentage of murders have gone down. That does not give any comfort to the people of Trinidad and Tobago. The numbers are important and the numbers have been high. Within the last five or six years we have had close to 1,500 murders; that is high. No matter how you put it, that is high. [*Crosstalk*]

Mr. Speaker: Order, please!

Dr. H. Rafeeq: We need to deal with that. If by appointing the PSC, things will get better, then all of us, of course, will be happy and we would be in support of that. [*Interruption*]

Mr. Valley: I just want to make the point simply, that given the rate at which the murders were growing under the UNC government, if they had remained in office, it would have been much worse. [*Crosstalk*] It was growing at 25 per cent per annum; if that had continued it would have been worse than what it is today; that is the point being made. [*Crosstalk*]

Dr. H. Rafeeq: The Member for Diego Martin Central seemed to forget that when we came into office in 1995, the murder rate was high and we brought it down to 92 in the year 1999. Whichever government is in office, the murder rate is high. Unless you understand that, unless you believe that, you would not do anything about it. You have to believe and accept that the murder rate is high. [*Crosstalk*] The whole population accepts that.

Mr. Valley: That is why the Minister has put things in place such that in the last year the rate has been falling; it has been lower than it was in the prior year. [*Crosstalk*]

Mr. Panday: It was lower than it is now!

Dr. H. Rafeeq: A murder rate of 380 and one of—[*Interruption*]

Mr. Speaker: Member for Princes Town, you had a very good situation prior to waking up. You did not quite have your 75 minutes, but you had your time. The Member is making a very good contribution and I would like to hear him.

Mr. Panday: "I doh like how he disturbing the Member."

Dr. H. Rafeeq: The murder rate is high; we have to accept that. Whatever you have put in place, it is not working effectively, because the murder rate is still high. A lot more needs to be done to bring it down.

Let us be practical. We have had a lot of kidnappings within the last five years. The Member for Siparia made the point over and over again. The Minister said that kidnappings were going down. The number of kidnappings for ransom that have been reported have gone down, but we know there are a lot of persons paying protection money; that is also true. There are many persons paying protection money for them not to be kidnapped and whether the Minister accepts it or not, that is a fact of life. That is happening in Trinidad and Tobago, even as we speak. If you do not accept that, then you will not do anything about it. A lot of robberies are not even reported.

I know in my own community a lot of robberies are not reported, because persons have had the experience that nothing was done. They report it; they take a report, a police officer may come about 10 or 15 hours later and take some statements and that is the end of it. Even if the matter reaches court, they would not go and give evidence because of fear. All these are practical situations; you have to accept that the crime rate is high. You have to do a lot more about it.

I want to make one final point. The Minister mentioned something in the same vein when he tried to use statistics and, as the Member for Siparia said, statistical

conmanship; he said that food prices have been going down. I do not know, that might be so; the price of vegetables may have gone down within the last couple months. [*Crosstalk*] But if we look at the price of vegetables in 2002 and the price of vegetables and other foodstuffs in 2007, there has been a 100 per cent increase; that is a fact of life. From 2002 to now there has been a 100 per cent increase in the price of food.

If, in fact, the poverty line was determined to be \$625 and that was mainly based on a basket of food items, that has now gone up by 100 per cent; so you cannot use \$625 today to determine the level of poverty. [*Crosstalk*] You have to, at least, double that \$625. I just wanted to make these few short points in response to the Member for Diego Martin Central.

Today, we have given you the Police Bills, you now have a new Police Service Commission, soon you will be getting a new Commissioner and Deputy Commissioner; you have all the financial resources at your disposal, what next? [*Crosstalk*] We want to see a decrease in the crime rate in short order.

Dr. Adesh Nanan (*Tabaquite*): Mr. Speaker, I am very happy to participate in this debate—[*Crosstalk*]

Mr. Speaker: Order!

Dr. A. Nanan:—when we are dealing with this particular Motion, to point some things out to the Minister of National Security, who seems to be living in an ivory tower with respect to the state of security in this country. We are looking at an island with a steel curtain. Apparently, the Minister does not go around Trinidad and Tobago, because everywhere you go, persons have burglar proofing. There is burglar proofing throughout the homes of Trinidad and Tobago. [*Crosstalk*] This is a matter that has to be addressed. I start off my contribution dealing with the Police Service Commission and the appointments.

Realistically, what do we want in Trinidad and Tobago? Security improved and the public feeling reassured. When we look at the newspapers and we see: "Crime cop

Tears flow from officer as 21 charges read out"

We ask the question: How can this particular initiative be achieved for the public to feel reassured? I will quote examples, Mr. Speaker. [*Crosstalk*] In my own case, at my residence, there was situation where I found my dog the next morning.

Mrs. Job-Davis: Is it that the gate was left opened and the dog walked out? [Laughter] [Crosstalk]

Dr. A. Nanan: This is a serious matter, Mr. Speaker. [Crosstalk] As I recall that particular night, in fact, it was the night that Inshan Ishmael was locked up, there was lot of commotion at the back of Anand Ramlogan's house; the lawyer. He lives obliquely to me. [Laughter] There was a lot of disturbance in the night and my dog was loose. There was no question about him being tied up or on a leash. [Crosstalk] When I got up in the morning, I found my dog on a leash. [Laughter] [Crosstalk] I would not call my dog a fully domesticated animal— [Laughter] [Crosstalk]

Hon. Member: "Yuh provoking him."

Dr. A. Nanan: I am not dealing with sand and gravel in Scarborough. [Laughter] [Desk thumping] I will not descend to that level in this debate. I will not deal with the teacher in the Scarborough Secondary School. [Desk thumping]

Mr. Speaker: Stay with your dog, please; get on with it. [Laughter]

Dr. A. Nanan: When I informed the police about the matter and they arrived on the scene—[Crosstalk]

Mr. Speaker: Order!

Dr. A. Nanan: Mr. Speaker, I have a lot of say. If they disturb me, I will go on past my 45 minutes and I am sure they will extend my time. [Laughter] [Crosstalk]

When the officers came to my home and they looked at the water storage tank, they saw some fingerprints; they dusted for fingerprints.

Hon. Member: Dog prints? [Laughter]

Dr. A. Nanan: I was afraid that anybody who came into my yard may have tampered with my water. [Crosstalk]

Member for Diego Martin West, you could contribute to the debate. I am speaking to the Speaker. [Crosstalk]

Mr. Speaker: Order!

Dr. A. Nanan: The officer pulled out a form to be filled out and started with my description. [Laughter] [Desk thumping]

Mr. Hinds: The officer probably thought it was you! [Laughter]

Dr. A. Nanan: I am making reference to their particular format with respect to policing in this country. There is a form to be filled out. [*Crosstalk*] The officer wrote down the shape of my face and the colour of my hair. So it is the victim that is being identified by the officer. [*Crosstalk*] This is the situation with respect to policing in this country and it stems from the Mastrofski Report. [*Crosstalk*] You are taking the identification of the victim and while you are doing that the alleged perpetrator is on the loose. [*Crosstalk*]

When I pointed out that security was improved and the public felt reassured, another situation developed in my particular neighbourhood. There was a suspicious vehicle in the area. [*Interruption*] This is all related to the PSC and the police. [*Crosstalk*]

Mr. Speaker: I agree with you; I do not know why Members are humbugging you. [*Laughter*]

Dr. A. Nanan: So there was a suspicious vehicle in the neighbourhood. A phone call was made to the police and a response came back half an hour later. The information was given to the dispatcher with respect to the vehicle number, colour and the time the vehicle was in the neighbourhood. The call that came in half an hour later asked the same questions for the answers already given to the dispatcher. There is no linkage in that Ministry in terms of communication, and the Minister must be aware of that. [*Crosstalk*] There is a breakdown at all levels.

Mr. Speaker: Order!

Dr. A. Nanan: A person making a phone call in a distress situation, where there is a suspicious car in the neighbourhood, probably the possibility of a kidnapping in the area or some other crime to be perpetrated on unsuspecting citizens—[*Crosstalk*]

Mr. Imbert: Who will kidnap you?

Dr. A. Nanan: The call came in and they asked the same questions that were asked before, when they were given to the dispatcher; nothing happened after that. There was no visible car or any unmarked vehicle coming to check the areas. So it is all a pappy show; all this thing about blimp—[*Crosstalk*]

Mr. Hinds: You mean a "puppy show".

Dr. A. Nanan: Where is all the information they are getting from the blimp going? Where is the storage mechanism? [*Crosstalk*]

Mr. Speaker, I want the Members on that side to understand that the Minister of National Security is a guest in this House.

Hon. Member: So! I do not understand that. [*Laughter*] [*Crosstalk*]

Dr. A. Nanan: That is one incident. I have several incidents to read. [*Crosstalk*]

Mr. Speaker: The distinguished Member for Caroni East is absorbed in the contribution of the Member for Tabaquite and he said that you are disturbing him. We have some incidents; we have just gone by two, there are many more to come, so just cool it.

Dr. A. Nanan: Mr. Speaker, I really do not need your protection; I can handle them.

Mr. Speaker: You do not need my protection?

Dr. A. Nanan: I do not want to go into the area tonight where I could deal with wigs, liposuction, Scarborough Secondary and every one of them. I do not want to go there, because I want to concentrate on policing in this country. It is important for every citizen to have the reassurance that they can rely on the police service, but that is not happening in this country today and we cannot see it happening in the future. So when the Minister comes here with the Police Service Commission recommendations from the President, we need to have the reassurance that having the PSC in place, as the Member for Caroni Central pointed out, we have the management structure to give us that confidence.

When we go out on the ground and find that we are in a desperate situation, the Minister of National Security should reassure the public. Ever so often there is a press conference by the Police Commissioner giving us no information. [*Crosstalk*] We need to have more confidence emanating from the police service. I do not know if the Police Commissioner is aware that he cannot do anything right now; he must say so. You cannot use a public relations exercise to satisfy the population; it failed in the Ministry of Health and it will fail in every other ministry. [*Crosstalk*] No matter what you do, no matter what technical gadgets you buy, the results will show. No matter if you lie to the House—sorry, Mr. Speaker—use untruths here with respect to statistics, every citizen is aware.

In every newspaper you would see a situation where people are afraid. There is crime taking place. They are now labelling different parts of the country as hot spots. They are now moving to the south and southwestern division and saying those are hot spots. [*Crosstalk*]

The persons heckling me the most is the junior Minister of National Security and the Member for Diego Martin West. Why are they trying to railroad me?

Because they know what I am saying is absolutely true. [*Desk thumping*] The national community would be aware, because in every single rural area of this country, every household right now at five past 10, is behind burglar proofing. Check the numbers on the streets.

Do you know it is summer in Washington at this time and there are lots of people out in the streets having a good time? Why can we not have that in Trinidad and Tobago? Why must we be locked up in our houses like prisoners, because of the PNM Government? It is unfair to the citizens of this country to be in a situation like this, to be terrified to leave their homes. [*Crosstalk*]

Mr. Speaker: Order!

Dr. A. Nanan: And not only in the night, but also in the day; that is the situation. [*Crosstalk*] It is getting worse because of the Minister of National Security, because of the total incompetence of that Minister. [*Desk thumping*] There were several situations where that Minister could have intervened, but he is not aware of the situation in this country. For the Member for Diego Martin Central to come to this House and support that Minister is totally unacceptable. The Member for Laventille East/Morvant, who is coming after me, cannot dispute the facts that I produced this evening. I had the information at hand; it has happened to me; I have experienced those situations. [*Crosstalk*]

People are afraid to go to the beaches. You check out how many persons are going to beach houses on a holiday weekend? Mayaro is a ghost town because of you. [*Crosstalk*] Every single part of this country is being railroaded; the tourism plan is totally obsolete. [*Crosstalk*]

Mr. Speaker: Order!

Dr. A. Nanan: The former Minister of National Security was a total failure and now it is reflected in tourism. You could see what is happening. You could say what you want, Member for Diego Martin West. [*Crosstalk*] [*Laughter*] In every area, all the tourism sites in this country are crime ridden; no management. I am sure when we leave here, probably around 2 o'clock in the morning, there would not be one single police officer on the roads; no highway patrols. There is a whole smokescreen taking place in this country. [*Laughter*] [*Crosstalk*]

Buy new gadgets; spend a lot of money; put more and more money into the Ministry, but what is happening? They do not want to bring the crime rate down. If the Member for Diego Martin Central could talk about the rate of increase is decreasing—[*Interruption*] That was what he said, and he tried to justify it. [*Crosstalk*] You could say what you want, Members.

Mr. Panday: He said so!

Mr. Speaker: Order!

Dr. A. Nanan: The facts will reveal that what I am saying is absolutely true with respect to the crime situation in this country. You could never hide it, because it is reaching the international arena and every time something comes out on the front page of the newspaper here it is sent throughout the world via the Internet.

I am not here to blacklist Trinidad and Tobago. I want here to be a paradise, just how it was before; but not them. [*Desk thumping*] They are happy as it is now; that is what they are happy about. [*Crosstalk*] I will tell the Members on that side that there is a God above and this country will become a paradise again, despite your attempts. [*Desk thumping*] It will return to how it was before: pristine, beautiful and peaceful. That is what this island is about. [*Crosstalk*] [*Laughter*] Persons cannot go to the beaches anymore; they have to stay home; it is a stay home society now. They cannot go out; no social life, no recreation facilities in this country.

No matter what the Minister of Sport and Youth Affairs says about recreational facilities, they are building a stadium that nobody will go to. That stadium will remain a white elephant, because people are afraid to go there. People are afraid to come out of their homes because of the situation, and there is no support coming from the Ministry of National Security.

10.10 p.m.

The Prime Minister talks about a new radar system, a 360 degree radar for this country; he talks about gun ships. What about the people on the ground who are suffering? Everything is inextricably linked. [*Interruption*] They could say what they want over there; that is the situation here and somebody has to say it. Yes, we are giving you the support but the country needs to have that reassurance and we do not have it at this time, and if you all continue on this path to destroy Trinidad and Tobago, it will never happen.

You would be out of office before you even know it, and it will be your nemesis; it will be on your tombstone—[*Laughter*] and it will happen to every one of you all because you are not paying attention to the country. All the joyrides you are going on, all the travels—look, your Member of Parliament for Port of Spain South—I feel sorry for him—was involved in a car crash in Nigeria. I feel

very sorry for him. All those things would never have come out. It is a secret over there. [*Interruption*] I went on parliamentary business, for your information.

Mr. Panday: He went to do your work!

Dr. A. Nanan: That is the situation—secrecy. That is why we have this. This will be with respect to the Police Service Commission and the appointments.

Another area that they are not dealing with—we have been blacklisted by Fox News, the same international media—

Mr. Speaker: Have some water.

Dr. A. Nanan: Thank you, Mr. Speaker.

Dr. Rowley: You have nothing to say.

Dr. A. Nanan: I have nothing to say?

Dr. Rowley: You have positively nothing to say. You are rambling and brambling.

Dr. A. Nanan: The national community will have the say on you, Member for Diego Martin West.

It is unfortunate that at a time like this when there is some kind of compromise between the Opposition and the Government you would think that they would listen to the Opposition and they would understand that is the situation, and I will continue to point out the various areas.

We heard about the construction of police stations. The Gasparillo police station has been under construction for a long period of time and that is the situation in every single area in this country. At this point in time if they really cared about security and the citizens' safety, those police stations would have been upgraded and finished. But no, that is not their concern. They have no real concern. They are doing very little to maintain safety in this country.

What about the human resource management component, a very important component in the Ministry of National Security? What have we heard? They fired the Human Resource Director. That is the position. So how can we have any confidence in the Government with respect to the police service? What should have been the functions of that Human Resource Director? They were: Human resource planning; sick leave management; employee and industrial relations. I ask the Minister if there is any linkage now between the functions of the director of human resources and the complaints division. Has that been rectified or is that still a problem?

Of course, there is the anomaly in that Ministry of the reporting mechanism of the director of human resources and the senior superintendent of human resources. But what we want to see in this country is offenders being brought to justice. We heard of the very low detection rate in this country; we heard of a poor Witness Protection Programme. All these are peripherals that are important with respect to good policing and building confidence. I started off my contribution with confidence in the police service; neighbourhood watches; the interaction between the police service and the neighbourhood.

Dr. Rowley: No Sir, it was the dog.

Mr. Imbert: It was the man and the dog.

Dr. A. Nanan: Mr. Speaker, why the setting up of neighbourhood watches in this country? Why do we have to pool together? Why do neighbours have to be their own brothers' keeper in this country? A Police Service Commission is being put together in this particular Motion and still, will it help to alleviate this problem? Will we still have to be our brothers' keeper, when everybody has to be watching out their windows when somebody comes home to make sure they are not shot at or somebody being grabbed at their gate? Is that what we are looking at? Is the Minister of National Security looking at that current situation in this country with respect to the threat of kidnapping? How many parents are thinking of sending their children to private schools or moving away from the Government system, keeping their children at home because of the situation in crime and kidnapping? You would see many more children being kept at home. That is the situation in this country and it can get worse.

So I am here to point out that if the Government does not take note and start to take drastic measures to stop this decline with respect to the lack of public confidence and trust in the police service, we are heading down a precipice. But do not despair. Have heart, because the UNC is here and the UNC will return.

Mr. Panday: Lyrics!

Dr. Rowley: That is best thing you said all night. You are a real stand-up comic.

Dr. A. Nanan: I want to examine another important area of policing in this country which is community policing, introduced successfully under the United National Congress. Even a praedial larceny squad was also put together. But they have dismantled everything and when the UNC opposition makes an observation, they order a number of police vehicles. When the United National Congress administration, under the distinguished political leader and former Prime

Minister—in fact, in 1995 when the UNC came in, highway patrols were introduced; community policing was introduced; all in that first year. They will recall that—1996. They could go back and check it.

The E999—everything was introduced in a step-by-step process. Everything was linked. All the systems; the communication mechanisms were in place; all the networking was taking place. But under this administration everything collapsed. What has happened is that everything that the UNC built, the PNM destroyed and they continue to do so. They want to put their own plans that have been failing continually year after year. We have seen more and more plans being introduced and all have failed. Not one of them could stand up here and say that any one of those plans that were introduced has been successful. Not one of them here could stand up and say that, because they know it is not true.

Wherever you go in Trinidad and Tobago, every single plan that they have put in place has collapsed and they continue to introduce new plans without any succession planning. Look at the personnel in the police service with respect to seniority and succession planning. Is the Minister of National Security planning for the retirement of so many officers in the next few years?

Mr. Hinds: So there was not sufficient planning?

Dr. A. Nanan: Yes. Look at the police service and look at the retirement that is going to take place in a few years. Does the Minister of National Security or the Government have some succession planning in place? I am sure the Minister will say so. But those are the situations we need to look at if we are looking at the management of the police service. But we also need to look at the realistic position we have here now with respect to the deteriorating crime—

Mr. Hinds: The operational plans.

Dr. A. Nanan: Whatever you want to call it; a strategic review, or whatever. But we need to have something. The Government should bring a plan here and say that “this will be our plan”, not this budget that you bring every year and say you are going to buy helicopters this year. You did not buy it last year; you would buy it this year; “Next year we would try and buy it that year.” Or do you know what? “The tender documents were wrong, so we will go out again to tender.”

That is how we are going year after year, not only in National Security. That is happening in all the other ministries. The Mamoral Dam, “yes, we are going to build the Mamoral Dam” and then you come back and say something is wrong

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with the tenders; you have to go back out to tender. There is postponement and postponement. That is the PNM style: postpone and postpone and postpone. So how can things happen?

Mr. Speaker: You know the adage that the Opposition must have its say and the Government will have its way, there must be some limit to that. So can we hear you on, say, Mr. Christopher Thomas, for example?

Dr. A. Nanan: A very distinguished gentleman, Mr. Speaker. [*Desk thumping*] [*Laughter*] It is their Prime Minister who said that all you needed was a level head and common sense to be a Minister, and you see what has happened with that statement; the kind of incompetence coming from that side with respect to ministerial responsibility. That is why today the distinguished men and women with respect to this Police Service Commission that is going to be set up give us hope in that direction. That is where the hope is coming from, with respect to the appointment of the commission. That is coming because of the UNC, not the PNM, because we had initiated this particular intervention.

So these persons that are being put forward today by the President gives hope to the belief that there might be some mechanism that these people—not the PNM—on this commission can make a difference, because we have seen the failure of the Government with respect to national security in this country. So the President has given us some light, some hope, with the appointment of these commissioners. They would be working with respect to their roles and responsibilities, but it is up to the Minister of National Security and the Commissioner of Police to make it happen. But if it is their belief with respect to the Minister of National Security and the other members of not facing the reality, how can we go forward? These commissioners will fail. How can these commissioners perform the job that they have been appointed to do if there is a situation of denial from the PNM? They must face reality. There must be a kind of hand-in-hand working together with respect to the commissioners, the Commissioner of Police and the top officers in the police service.

Mr. Hinds: How could it work with the commission?

Mr. Panday: Appellate.

Mr. Hinds: What kind of relationship is he speaking of?

Dr. A. Nanan: Not sleight of hand, Member for Laventille East/Morvant; not touching people in your Ministry. [*Interruption*] I apologize for that, Mr. Speaker.

Mr. Panday: He look for that! He provoke him!

Mr. Speaker: Are you raising a point of order?

Mr. Hinds: A point of order.

Mr. Speaker: Which is it?

Mr. Hinds: Standing Order 33(4) or 36(5). [*Crosstalk*]

Mr. Speaker: No, no. I know you all enjoy a particular friendship but you do not need to abuse your friendship, hon. Member for Tabaquite.

Dr. A. Nanan: Thank you, Mr. Speaker.

Mr. Valley: "I apologize."

Dr. A. Nanan: I already apologized. But, Mr. Speaker, it is a passionate debate that is taking place here today because it is a situation where our country is under siege by the criminals. That is the situation in this country. That is what is happening. Our citizens are under siege and if I can make an intervention in this debate to change that, that is what I am trying to do, to get the Government to accept that the situation is grave. There are no highway patrols. Our citizens are being killed on our roads.

Mr. Speaker: You know this debate has turned out to be a debate on crime, but, again, could you tell us how the commission will solve what you are speaking of?

Dr. A. Nanan: I said that if there is no belief with respect to the Government and the denial process that is taking place in that Government, the commissioners will not be able to function properly. That is the first step. The first step must be that the Government must say, "yes, we accept that crime is out of control." They must say that crime is out of control and your commissioner must say so and then you will get public confidence because then they would know he is speaking the truth.

The man in Toco or even the man in your constituency, is getting shot. I am sure as I speak here there are going to be people who are going to be shot in various parts of the country. That is the situation. I did not want it to be like that and I hope it does not happen. In fact, I hope that after our debate tonight if crime could just cease. That would be a blessing in disguise, that the country recognizes that there is an amnesty and people would put down their guns and give Trinidad and Tobago a chance to go forward and blossom. That is how we should go.

I thank you for the opportunity to make a contribution in this debate. [*Desk thumping*]

Mr. Harry Partap (*Nariva*): Mr. Speaker, I want to make a short intervention on this Motion before us this evening, this Motion of notification of the nomination of members of the Police Service Commission. [*Crosstalk*]

Mr. Speaker: Order!

Mr. H. Partap: I feel privileged to be part of this piece of history here today in relation to the appointments to the Police Service Commission, for it is the first time that the members of the commission will be approved by Parliament so that we all will have a say in the appointment of the members of the commission. The service commissions that were introduced in the 1962 Constitution were introduced at the insistence of the then opposition, which was the Democratic Labour Party, and maybe the wheel of history is turning around and today it is the Opposition in Parliament today that had influenced this major change in the manner in which the members of the Police Service Commission is appointed.

We owe this to the Member for Couva North and former Prime Minister, Mr. Basdeo Panday, for this revolutionary change in the way that the members of the commission had been appointed. What it did in a sense, it made consultation important and it made for real consultation. And this has been the fruit of real consultation. The consultation that the Constitution had allowed, you had to accept what was put before you. The Prime Minister and the President would have made their nomination and they would have informed the Leader of the Opposition and that was considered consultation. This is meaningful consultation here, what is happening today and I join with my colleagues here, as well as those opposite, in also recommending that the other commissions also follow this procedure.

The Police Service Commission by itself, no matter who we put there and what system we use to put these people, they would not be able to solve the crime situation in this country unless there are specific things that must be done by the Government. I have noticed this evening that the Member for Diego Martin Central have been trying to put a spin on the number of murders committed in this country. He was putting a spin to make it appear that they have been doing a good job in containing murders in this country. That is not true and the Member for Caroni Central did, in fact, tell him that the murder rate—I do not care about the murder rate, really; I am looking at the raw figures. We have 132 or 136 murders for the year already. That is 136 too many. You have to put things in place to contain crime.

One of things that the commission will have to do, and the Government itself will have to do, is to ensure that the people who operate the system, the

policemen, are taken care of; that they are not used and abused. Many of the speakers on this side have said that there are a tremendous number of good policemen and I commend them because I have seen them out in the field, especially in the rural districts. I traverse my constituency even late at nights and they conduct their searches. They stop the cars and they make the checks, and so on, and that is good. It makes me feel safe.

I will tell you something. When the PNM was handed office in 2002 and we leave Parliament late and I have to go to Tableland on an evening, I used to be in mortal fear. When the Member for Caroni Central and the Member for Princes Town—because we pool for traveling—stop at a traffic light, we are always in fear. We are looking back; we are looking on the side and so on, because we feel that we can be pounced on any time by criminals. This is what you caused! You caused us to be in fear and we are still in fear. We are saying that you have to do your work. And the Member for Laventille East/Morvant I know is trying his best, but sometimes he puts his hands in wrong places. You have to put your hands in the correct places to solve the problems in the police service.

Mr. Ramsaran: A pastor telling you that, “yuh” in trouble.

Mr. H. Partap: In the constituency in which I serve at the moment, Nariva, which will be changed after the next election, there is a case of a senior police officer—and I would call a corporal a senior police officer—who has retired three years now—

Mr. Hinds: You are a lay preacher?

Mr. H. Partap: Try to understand what I am saying. I am talking about people’s lives that you do not care about.

Mr. Speaker: Listen, I know the hour is late. This debate is probably just beginning and we still have one Member, I think, to speak. All I would ask Members, let us talk about the commission. I think I have heard enough about crime. So let us talk about the commission, because as I said before, there must be some limit to the Opposition having its say. Let us deal with the commission.

Mr. H. Partap: Mr. Speaker, I believe that the matter I am going to raise now is a matter that the commission could look after. [*Crosstalk*] It has to be— [*Crosstalk*]

Mr. Speaker: Order!

Mr. H. Partap: Mr. Speaker, I will speak to you.

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I told you a corporal in my constituency is retired for three years now and he cannot get his gratuity or his pension. I can call his name because he told me I can use it. He said he went to the commissioner's office; he went to the Minister's office. He did all he could and today, because he cannot get his gratuity and pension, he is owing on his house. Two weeks ago the bank came to foreclose on his house. We had to intervene and beg the bank officials to give him more time. I told the bank officials that a new police commission is going to be set up; perhaps he might get a chance. [*Desk thumping*] There might be the possibility that this new commission is going to solve his problem.

Mr. Valley: He is a priest!

Mr. H. Partap: This is no priest business. You are talking about a man who served this country and he has scars on his body emanating from his work in the line of duty, and now he is like a vagrant.

Hon. Member: Call his name.

Mr. H. Partap: I can call his name: Mr. Rambarose Gadar. He lives in Gadar Avenue in Biche. He served this country well and I am hoping that this new commission would be able to deal with this man. [*Crosstalk*]

Dr. Rowley: He owns his own avenue and he cannot pay rent?

Mr. Speaker: If you all continue this way I will have to suspend for about an hour and then we will come back. So please. [*Crosstalk*] I will do it.

They lack compassion. I will inform the gentleman that the matter has come to Parliament and very soon the commission will be in operation. I will also tell him that they laughed at his problem. They do not care.

10.40 p.m.

Miss Seukeran: I am not sure if there is a Standing Order. Could I clarify something in terms of process to the Member for Nariva? I commend him on the fact that he is adequately representing his constituent. Perhaps, if he were honestly trying to represent his constituent and he did quickly, we might be able to constitute the body to create the commission and get the man's pay for him.

Mr. H. Partap: Perhaps, the only thing for me to do is sit in the commissioner's office so that the man can get his pension. All we can do is make the representation. [*Desk thumping*]

I hope that the new Police Service Commission will look at the wider Trinidad and Tobago to assist them. Some of the police stations that are not being built

have been promised for about five years. I refer particularly to the police stations in Cumuto, Biche and Manzanilla. There have been promises. Every year there are promises. We hope that the commission will be able to resist any approaches by the Government to control them. We have seen this in other commissions. Every commission seems to be polluted by the Government in office now. We hope that the commissioners—I know that they are strong, particularly Mr. Christopher Thomas has been very strong; he has been resistant and does what is right. Justice Ventour's report shows that he is a very strong individual. We look forward to them doing what they are supposed to do.

I will go through the CV of Mr. Christopher Thomas to give you an idea of the strength of the personality. He has his Doctor of Laws from the University of Maine; he has a BA; he has two master's degrees. He has spent most of his time in the diplomatic service.

Mr. Speaker: We could take it as read.

Mr. H. Partap: It has to be said. I will not go through all of it. He had a very distinguished career in the diplomatic service and has international connections. This CV tells about the strength of the man. This is why I was very happy when I read Justice Ventour's report to see if he stood up for what is right. [*Desk thumping*] We hope that the members of the commission have certain strengths. We trust that as we give them support they would continue to do what is right.

Thank you.

The Minister of National Security (Sen. The Hon. Martin Joseph): Mr. Speaker, let me start by thanking the 10 Members who participated in this debate. Hon. Members, forgive me if I do not address what each Member said, since most of them spoke about the crime rate. My colleague, the Member for Diego Martin Central indicated homicide. In all jurisdictions homicide is the barometer used for policing because you cannot lie about it. In other statistics you could say that it is not reported and you would hear an under-reporting of other types of crime. I will deal with the statistics for the last four years.

Year	No. of homicides
2004	260
2005	386
2006	370

In 2006, for the first time we saw a marginal reduction of 4.4 per cent over the previous period. [*Interruption*] It is not a joy. At least, you are starting to see a

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reduction, notwithstanding the fact that there was an expectation that there would be a continued escalation.

Mr. Panday: Mr. Minister, could you state how many persons were shot and did not die? How many persons were shot on their shoulders and hips and are in hospital?

Miss Lucky: Mr. Minister, I take your statistics and point. I know that you will not have this information before you and I do not want to be unfair to you. The statistics that I have received show the detection rate with respect to homicides at or around 50 per cent. I have looked at other jurisdictions as the United Kingdom, America and Australia. You are right, in that it is the barometer that is used because you cannot lie about somebody being killed. Their detections rates are in the 80s and 90s. I am very concerned about the prosecution. How many of these go on to successful convictions all the way up to the Privy Council? Can we get that? I think that it would give us the level of where we are. Your detection rate is not increasing.

Sen. The Hon. M. Joseph: Thank you very much. I will address that.

I come to the year to date in 2007; from June 01, 2006 to June 22, 2007. In 2006, there were 192 homicides and the year to date in 2007, is 134. There has been a reduction and we are continuing to see a reduction in the numbers. The Member for Pointe-a-Pierre made the point relating to the question of detection and conviction. You are right. I do not have that information. I can tell you some of the measures that we have put in place to deal with that.

The other issue that you talked about is kidnapping and I have to respond. I can only talk about the reported kidnappings. It was not reported to the Government; it was reported to the law enforcement. In 2005, there were 280 reported kidnappings of which 58 were kidnappings for ransom. In 2006, there were 214 kidnappings overall of which 17 were kidnappings for ransom. In 2007 to date, there were 77 reported kidnappings of which five were for ransom. Now I am hearing that the kidnapping rate is looking so good because of coward tax and extortion money.

When it was first raised in the other place we brought it to the attention of law enforcement because it was said that it was occurring especially in the central area and law enforcement was supposed to be dealing with those individuals, that is talking to business people to see to what extent business people can indicate to law enforcement, whether this is happening and what measures can be put in place to treat with it. I make the point again, that no one ought to be encouraging

paying this because you would be developing an industry for which somewhere down the road, you would pay for it. That is all I can say at this point in time.

Mrs. Persad-Bissessar: Mr. Minister, if you will please give way. You have given us homicides and kidnappings. If you have any statistics with respect to serious crimes in the same way over the last several years—we have been trying to get this from the Commissioner of Police without success.

Sen. The Hon. M. Joseph: That will be made available. I do not have all the serious crimes. The information is not being hidden.

Mrs. Persad-Bissessar: Shall I send our request to you, sir?

Sen. The Hon. M. Joseph: Yes.

The hon. Member for Oropouche raised the point concerning strength. The Government is not afraid to provide the information. At the end of the first quarter of this year, there was a total of 1,226 vacancies in the police service. The sanctioned strength is 7,492 and the actual strength is 6,206.

Category	No. of vacancies
Assistant Commissioner	5
Senior Superintendent	8
Superintendent	50
Assistant Superintendent	18
Inspector	75
Sergeant	193
Corporal	229
Constable	1,226

With respect to the filling of these vacancies, we have passed legislation that would allow the assessment process to deal with the filling of the vacancies in the First Division and measures are being put in place. Some of you made fun of the assessment process. We indicated the time frame so that in September, given the new policy and procedures for appointment to the First Division, we would be filling those vacancies. Given the Promotion Advisory Board, the other vacancies in the Second Division would also be filled and it will not be based on seniority or the so-called favouritism that the Member for Fyzabad spoke about earlier. It would be based on a merit process which we debated at length the last time I was here.

Mr. Sharma: You can wrap up now.

Sen. The Hon. M. Joseph: I can wrap up?

With respect to the issue of police stations which the hon. Member for Oropouche indicated, I have said in this honourable House that we have been challenged as it relates to the question about the construction of police stations. At present, five police stations are under construction and are due for delivery. The latest information we have is that the police station in Toco was supposed to have been ready for delivery on May 31, 2007; today is June 22, and we have not had delivery of that police station. The police station in Gasparillo was also due for completion on May 31, 2007; today, June 22, we have no delivery of that. The police station in Mayaro is due on June 30, 2007, I doubt that that would be a reality. The police station in Tunapuna is due for completion on June 30, 2007 and the police station in Belmont on July 15, 2007.

I do not have the number of new dates with respect to the completion of these police stations. This is the reason I said in this place that it is an embarrassment to the Government and we would find a way to deal with it. We would package these police stations, fire stations and other things and find contractors to deliver on them. I do not care where I find them. It is unfortunate because an impression is being given that the Government's priority is wrong; it is building Prime Minister's residence, this and that. Police stations are not being built not because there are no funds for them but because the contractors—I do not know if the job is too small or too big. They are not delivering.

Mrs. Persad-Bissessar: The Prime Minister's house and stadium.

Sen. The Hon. M. Joseph: An impression is being given that the priority for funding is wrong. That is the problem that I have.

Dr. Moonilal: Thank you very much, Mr. Minister. I find it extraordinary that you, the Minister of National Security cannot give an explanation why these five police stations have not been completed on time. [*Crosstalk*] We will find the contractors and ask them.

The other point is that of the 38 police stations that need to be built, you are addressing five.

Sen. The Hon. M. Joseph: Mr. Speaker, I have indicated that the five police stations have not been completed because the contractors who are working on these projects have not delivered them.

With respect to the other packages of police stations, we are looking to package them and ensure that they are attractive enough so that it could be done expeditiously.

Miss Lucky: Thank you for giving way. I could have made a contribution but I realized that it might be better not to pepper you with questions that you cannot answer. I ask you to look into these things so that when you come back it would not be a case of a cat and mouse game. I am interested in these things. In a previous debate I made the point that Mayaro does not have a fire station and depends on Rio Claro. I will not put you in the position now to give account. I am asking you to look at it.

Do you remember that you also spoke about the model police station? Tonight, you will not have the information. When you come back can you give us a report as to how those five model police stations are progressing and what is happening? We are interested in knowing these things so that we could monitor how things are taking place.

Sen. The Hon. M. Joseph: In terms of the five model stations: in Arouca, the reception area is 100 per cent complete and the other areas are 98 per cent complete. In Chaguanas, the reception area is 100 per cent complete and the other areas are 20 per cent complete. Remember that we are changing the charge room to a reception area as part of the new interface between the police and the public. The reception area in Morvant is 80 per cent complete and the other areas are 85 per cent. In San Fernando, it is 80 per cent complete and the other areas 90 per cent. The reception area at West End is 100 per cent complete and the other areas, 100 per cent.

With respect to refurbishment, we embarked on a first phase of refurbishment of police stations throughout Trinidad and Tobago, except those for which construction is taking place. We are now in the second phase of the police station refurbishment project. There are 56 police stations in eight divisions. The scope of works includes electrical upgrade and air conditioning. Glass works to seal air conditioning were complete at a cost of \$7 million. The names of the stations and the work in the divisions are listed. It is 11 o'clock and in the interest of time I would not go into all the details. The scope also includes sewerage upgrade; waste disposal systems; carpentry; masonry; repairs and painting of each station at a cost of \$12 million which will be complete by September 2007.

I heard much about the question of policing. We are improving policing in Trinidad and Tobago in four areas such as, creating a functional organization

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where issues of meritocracy; accountability for performance; rational and evidence-based decision making and effective internal communications; promoting professionalism in areas of training and education; adherence to high standards of service; competency and integrity; improving crime control; crime analysis; strategic application of resources; intra and inter-agency coordination, implementation and follow-through and enhancing service responsiveness to public priorities; fairness; increased trust and confidence in the police in which the five model stations are being used.

Issues were made also about the Justice Protection Programme. The Member for Princes Town talked about the ineffectiveness of the Justice Protection Programme. The regulations to support the Justice Protection Programme were recently passed. We have now put measures in place to make the operation of the Justice Protection Act more meaningful. I must say that—I am not saying this because of his contribution—I thought that the Member for Couva South put the whole issue before us in a very structured and direct way. [*Interruption*] I beg your pardon. I do not know if it was a farewell speech. We have indicated that this represents a step towards the overall transformation of law enforcement in Trinidad and Tobago. I shudder to think what I will have to deal with when I come back to deal with the laying of the order. It will be interesting when we come to deal with the question of appointment of commissioner and deputy commissioners.

As the Member for Couva South said, we are living in interesting times. Transformation is always interesting and it gives us much hope for the future. Again, I thank the 10 Members for their participation in the debate.

I beg to move.

Question put and agreed to.

Resolved:

That, the Notification of the nominations of Mr. Christopher Thomas, Mr. Seenath Jairam, Ms. Jacqueline Cheeseman, Pastor Clive Dottin and Mr. Jewan Singh be approved.

HOMES FOR OLDER PERSONS BILL

[Second Day]

Order read for resuming adjourned debate on question [20th June, 2007]

That the Bill be now read a second time.

Question again proposed.

Mr. Speaker: When last we met, the hon. Member for Chaguanas was on his legs. He has 11 minutes of extended time.

Mr. M. Ramsaran: Mr. Speaker, I left off when I was making recommendations of what to do with senior citizens and maybe, I will end with that. I asked why this Act was not proclaimed. The Member for Arouca South shouted that it could not be. I will remind this House that the Members for Diego Martin Central, Diego Martin East, Laventille East/Morvant and Sen. Martin Joseph made short pointed contributions; asked questions and made recommendations. When I went through *Hansard* for that period I was pleased to see their active participation. At least 10 amendments were made. When it went to the other place another six or seven were made. It was thoroughly examined and amendments were made in both Houses. When the Member for Arouca South said that it should not be proclaimed, I want to put on record that the PNM and Opposition in both Houses agreed with the said Bill and it was approved unanimously.

My colleague, the Member for Pointe-a-Pierre will look at the Bill in its entirety and the legal aspects. You will be surprised to see that after six years there are so many flaws in the legal part. That it is not funny. I went back to *Hansard* as I promised I would. I want to read into the record what the Member for Laventille East/Morvant said and when I repeated it, he said that I was not speaking the truth. I quote from hon. Fitzgerald Hinds when he made that statement.

Before I read that, this question was raised and reported in the media. In today's *Newsday*:

“Ramsaran then claimed Hinds was implying the country's senior citizens were involved in criminal activities. However, Sinanan supported Hinds' position that he made no such allegation.”

Mr. Speaker, you are brought into the newspaper. I will quote what the hon. Member said.

“I was told by the hon. Minister that part of the problem in Trinidad and Tobago is that there is a tremendous amount of dishonesty. There are many persons who spend their moments, spend all their lives, trying to defraud other people, including the State with bogus documents. I understand that there are many fraud investigations in this realm, and part of the reason for the inordinate delay, as it would appear to the applicant, has to do with their being

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very careful to get everything correct, because there is a lot of fraud around it, a lot of trickery and scampishness in Trinidad and Tobago.”

11.10 p.m.

Mr. Speaker, when I read that into the record—maybe, you did not listen to me, but this is what the *Newsday* of today is saying:

“Ramsaran then claimed Hinds was implying the country’s senior citizens were involved in criminal activities. However, Sinanan supported Hinds’ position that he made no such allegation.”

It is quite clear in the *Hansard*, allegations were made. I do not know what they are talking about. I read it into the record. What was said there was very demeaning to the senior citizens, and I must put the record straight.

When we speak about senior citizens and older persons in Trinidad and Tobago, we must try to level with them and allow them to lead lives of comfort in their retirement years, so to speak. I would like to make the following recommendations before I take my seat. I recommend:

1. Review the restriction governing the payment of old age pension.
2. Review the restrictions that debar people from receiving old age pension because, with the cost of living as it is today, the senior citizens in this country will need all the financial assistance they could get. Let us come to this Parliament to debate them and see how we can really improve on that.

I remember when we were debating the five years restriction abroad; the hon. Member for Arouca North made a point that we should add this to the age rather than saying no pension. If somebody spent 10 years in the United States or wherever, they will get a pension at 70 years and this was accepted. We would like to see a debate on this to see how we could free up the system so as to help the people who are really in need.

3. I recommend the immediate increase of the disability grant to appease the status of the old age pension.

As I mentioned before, no senior citizen homes, no homes in Trinidad and Tobago would charge \$900 to keep a person for a month and these people would be at a disadvantage all the time, so I recommend that we look at the disability grant seriously, and due to the increase these people could enter into these homes.

4. Increase the ceiling of the disabled to that equal of the old age pension.

I said it the last time we met when the Minister made the promise in this Parliament—it is in the *Hansard*—that it will be done. It has not been done and to me, this is another dishonest act. Talking about dealing with people with disabilities and coming to the Parliament—when we meet people with disabilities, they say they watch Channel 11. They do not have too many other activities and they sit and hear every word. I was surprised to have learnt what they heard—and what was not carried out in this Parliament. We have to be very careful how we treat with them.

I make this point because we understand that most public servants, most persons in this country retire at age 60 years. And, with the cost of living as it is now, they lead very poor lives.

5. I recommend that the age of pension be reduced from 65 years to 60 years to qualify for old age pension. This age must be reduced given all the circumstances. I would expect to see a lively debate taking place in this Parliament later on.
6. Homes for older persons must be properly equipped.

Mr. Speaker, when you visit these senior citizens homes as I like to call them, and one looks at the conditions which exist, one must look at it. We have money in this country now that we could spend \$300 million in doing this and that. I am not the one to argue that you should take the money and put it here but your wealth could be shared. Senior citizens homes could see some improvement in the quality of their living standards. The homes for older persons should be properly equipped with beds, toilets, soaps and so forth, to be more user-friendly for the senior citizens and for the handicapped.

Programmes must be prepared to stimulate the lives of the residents of homes for older persons. When people go there, as somebody said it is time to die. We should make their last days more encouraging that people could do something with their spare time rather than sit there and wait. [*Interruption*] I am sorry if you did not say it, but it was said during the debate. Senior citizens and people with disabilities who visit public places should be given priority treatment and attention. I am not saying we could legislate that, but at least, we could think about it. We are so callous. We see older people in lines and we just move past them when they are waiting on transport and so forth.

I am trying to say as a Government and as a Parliament—as we brought religion into this debate—we should really treat our senior citizens with respect and ensure that their last days are spent with some dignity.

Thank you very much Mr. Speaker.

The Minister of State in the Ministry of Trade and Industry (Hon. Diane Seukeran): Mr. Speaker, I rise at this rather late hour, somewhat enervated after the contribution from the Member for Tabaquite. I thank him for having woken me up here at this late hour, after 10 hours. I have to point out something; we are talking about competitiveness. We are talking about this country, a small developing island state, having to battle in a global environment on equal terms with the giants as competitive as they are, and spending 10 hours selecting five names in a House such as this. I must make that statement this evening before I enter into the debate in front of us, “An Act to Repeal the Homes for Older Persons Act, 2000 and provide for the licensing, regulation and control of Homes for Older Persons”.

I was thanking the Member for Tabaquite, and at the same time, noting his colour coordination. I commend him. At the same time, I notice that on the wrist of the Member for Oropouche, is a lovely red band and on the Member for Fyzabad, who is wearing a brilliant flaming red tie, all of which symbolize the colours of my own party. I was wondering whether they were attempting to cross over on this side. [*Crosstalk*] I just wanted to wake up the House a bit—I have not seen the beret, but I understand the beret is red.

Mr. Speaker, in the course of the debate the last time in this House, and listening again to the Member for Chaguanas, and to the hon. Member for Naparima complaining that we were only dealing with the Bill, and sought only to deal with 6 per cent of the 10 percent that constituted the senior citizens of Trinidad and Tobago. He wondered what was happening to the other 94 per cent of that full population and the rest of the population and the rest of the 4 per cent.

I remember distinctly that hon. Member for Chaguanas said certain things that I would like to deal with. He also pointed out that a policy had been made to which the hon. Minister who is now in charge of Social Development and you would recall that the Member for Chaguanas at the time of the 2000 Bill was the Minister of Social Development, and the new Minister said he could not find the policy. In fact, in the course of his contribution the Member for Chaguanas pointed out the policy emanating from the Bill. Mr. Speaker, that is not how we do business on this side. Perhaps, Policy is the most salient thing, at which we must look very carefully because coming out of that, we understand how this Bill came about, why it came about. We need to examine in detail policy from which the Bill emanates. So I will do this in some detail and point out what the hon. Member for Chaguanas said, that the hon. Leader of the COP, the Member for St. Augustine, said a while ago that it does not matter how something comes about or who starts it. What is important is that it does come about. This Bill is an

extraordinarily important Bill which has been brought to this House this evening. The issue is the time lag between the year 2000 and the year 2007, which is when we began debating this Bill.

The Member for Chaguanas pointed out as far as he was concerned we all supported the Bill then, and we know that the Bill has now been amended in the Senate. I fully expect that the Member for Pointe-a-Pierre with her normal very pertinent comments will continue to ensure that this Bill will have further amendments. She usually makes valid suggestions which will be taken into consideration so that what comes into effect is, in fact, good law. That is all we are interested in. We have to amend laws and time after time, we will amend law so long as the law that comes out benefits the people of Trinidad and Tobago. The issue, then, is one of time lag and the Member for Chaguanas saying there was reason for it.

But to recall what the Minister of Social Development pointed out, there were eight major and several other deficiencies in the Bill of 2000 such as the definition for a Home, whether the Minister may grant a licence and yet the Act in 9(2), provided that the Division of Aging within two months might refuse a licence; and later could not grant the licence: the premises, the Facility Review Team did not have the legal authority in the Bill, and we go on to the professional we do not have in the country and so forth. There were certain issues identified by the Law Commission itself so that one could not just ignore it and bring the Bill to the House at it were. I will agree that it took time to bring it here, but it was worth doing. That is what is important because in the first place and very important issue, a policy document emerged. That policy is a very wholesome policy that treats with the entire issue of ageing. And it deals with the entire 100 per cent of the 10 per cent. Not simply the 6 per cent that is treated in the Bill. The policy deals with the full population.

Mr. Speaker, the policy states categorically that it was developed by a multidisciplinary committee with representation from both the public and private sectors and non-governmental organizations. Having begun the draft, they went out to public consultations, so they got the views of the public and all of these stakeholders, conducted meetings in the North, South, Central, East and Tobago, and a draft document was then compiled and sent back out for comment. It was subsequently revised and out of that emerged the Bill, as we know it now.

I think it needs to be stated very clearly that this document from which the Bill comes, was very well considered by all the stakeholders. I would like to point out that this entire list of several pages contains the stakeholders of the Ministry

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of Social Development as produced for me by the Ministry. You will see there are substantial stakeholders that did meet and dealt with this.

Miss Lucky: Thank you very much for giving way. I am very happy that there were many stakeholders who give you support. Could you indicate to me whether any of the stakeholders considered whether the legislation in its current form needed to get a special majority? Do you know if that issue arose?

Hon. D. Seukeran: Unfortunately, I do not have that knowledge. Perhaps the Minister in the course of his summation will assist. It does not say so in the documents. It says the draft was revised, went back out to them and the policy came out of that, not the Bill but the Policy.

Mr. Speaker, the underlying principles of this policy are accessibility, participation, dignity, healthy active living, independence, home and community care for persons who are considered to be senior citizens. And, I have to tell you, Mr. Speaker, that I am at the point at which I am now a senior citizen and, that therefore, this Bill is very important to me. But there are many healthy senior citizens. If you look at the breakdown of the generation served, 60 years to 75 years—and old age pension begins at 65 years, you see that and all of these underlying principles are in line with the UN principles for older persons according to those documents.

We then looked at context of the policy, at the situation. This document looked at the international outlook and very particularly at the demographics in Trinidad and Tobago. It is a frightening demographic. For instance, the CSO figures indicate in this document which I shall be very happy—I think the Minister has already laid it in the House, that between 1960 and the year 2000, there was 141 per cent growth in the ageing population. And in 2000 that was 9 per cent of the population. In that year, the number of senior persons was 120,434. Seven years later today, it is 130 persons, and we are at 10 per cent of the population. It is estimated that by the year 2020, when we hope to be a developed nation, this country will have 230,000 persons who are senior citizens or 15 per cent of the population.

Note very carefully that the policy looks at the decreasing levels of the male/female population, that ratio in the ageing population. Men seem to be dying earlier than our women and certainly, in terms of the Camejo study done in 1990 which said in the year 1997 the life expectancy of a male was 68 years and 73 years for a woman. Today, the UN Population Developing Divisions, 2006 report says that the life expectancy rate for a man is 78 years for a male and 81 years for

a female. Mr. Speaker, I expect that I shall outlive many of my colleagues in this House today. That was a very interesting fact that they looked at. In the demographics, when we looked at those we saw that fact, and you wondered what kind—if you are not going to have that number of people living to these long ages what kind of society was the older person going to be living in?

Remember the seven stages of man, by Shakespeare: First the infant mulling and puking in the nurse's arms; then the school boy with satchel on his back and windingly and unwilling to school, the lover—the soldier was bearded, the lover was wild and passionate. There was a middle-aged gentleman with his stomach rounded filled with capon, like good capon and lined. There was the wisdom of the sixth age; of course, there was that seventh age which said: sans eyes, sans nose, sans teeth, sans everything. We are not quite there yet but remember those—

Mr. Singh: Is the hon. Member aware that in Hinduism there are three stages of man: The Brahmacharya stage, in which you are a youth and you deal with matters of learning; the Grihastha stage in which you become a householder and then the Sannyasa stage in which you renounce everything and you give up a lot of the pleasurable things that would normally be regarded as hedonistic.

Hon. D. Seukeran: I am fully aware of the three stages of the Hindu agenda. In fact, I believe that all of us who are in this House and serve as MPs, given the condition of service, serve in the Sannyasa stage, having given up so many financial opportunities.

I am being corrected by the Minister of Agriculture, Land and Marine Resources that it is four stages. If you remember that and you look at the fact that we are talking about that golden age of senior citizenship, you have to look very carefully at the society in which we live. To get a glimpse of what it is—we can describe it from here to eternity to really understand it is to look at it through the eyes of the newspapers. It gives you the snapshot, it paints a picture of our society and even though you acknowledge there is a bias in so many of the newspapers and that is expressed here, because too often there is an absence of policy from owners, managers that allow the objective view and obscures objectivity. So the reader is denied the benefit of thought. You, nonetheless, turn the pages to begin to get a snapshot and if you look at the snapshot, the *Guardian*: “Man chopped to death in Santa Cruz”; “No bail for weeping policeman” who had a series of robberies: possession of marijuana, arms, ammunitions—and he is weeping. He went, committed an act of terror and then; the police are searching for an escaped murderer; a new enquiry starts into the Saada Singh, and you remember that beautiful child from San Fernando whom I knew so well, and you look most importantly at the babies. Injured baby conscious again; a two-month old baby

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who fell out of his mother's arms while mother was in argument with another person, and fractured his skull. These babies seem to get younger and younger—remember Akiel Chambers, Sean Luke, Amy Anamuntodo, Justin Paul, the baby who was burnt so terribly, a couple of hours old baby.

Mr. Speaker, when you look at today's *Newsday*, you see a 13-year old gives birth. Social division officers are involved but, nowhere here do I see a policeman. This child is 13 years old, therefore she cannot consent to sexual activity and, therefore, the crime of rape has been committed and I do not see anywhere that any policemen is involved. That says something about our society. You look at the *Newsday* editorial, the indifference of motherhood speaking to the manner in which infant Nicholas was being treated for head injuries, battered by a male relative and then finding traces of cocaine in his blood stream. What you see is the lack of duty of care; the tragedy, and let us not forget Pigeon Point where a young man and his girlfriend, two beautiful young people, critically damaged and scared for life, no care for safety, absolute mayhem, lack of care in the country of Trinidad and Tobago for anyone.

One continues to look at that snapshot. "Thugs disrupting HDC work in Morvant." The Minister of Housing is speaking of the attempt to force him to hire particular contractors.

Mr. Speaker, I remember so well the same kind of incident in my district of San Fernando West, Embacadere where a river which runs through the squatting area caused the road to cave in. The Minister of Works and Transport very kindly got a contractor to come down, because it is a main access, to fix the road. The same thing happened and the contractor and his workmen were absolutely terrified. They ran away from the job. They said they were not going back there. The Minister said he was not sending back anybody there and for more than a year the residents of Embacadere sat under siege because of a bunch of people.

Mr. Speaker, the Member for Oropouche was commenting on this HDC incident. He was talking about the illegal action at HDC sites. I listened to him and I am hearing to—

Mr. Speaker: I am a little lost. If you could get back to the Bill before us.

Hon. D. Seukeran: I am simply painting for you a picture in which older persons live, all of us live, but especially older persons. I want to point this out because this is where older persons live. In these homes, where the citizens live and relax—and we are trying to set standards by the new Bill—rats continue to overrun Palmiste Park. All of us know how beautiful it is today.

“San Fernando woman robbed at home while she is doing her house work.” That is the imaging of the society in which we are passing this Bill, and it is the background on which the policy is built.

Mr. Speaker, you have to look at the Policy, goals and objectives and if you look at the goals, you will see that it is in order to sustain the well-being of the population hence I was painting a picture of where we are at, by facilitating the attainment of basic human needs, those that need to be assisted and that older persons are treated as an important resource rather than a burden to society. The overall goal of a policy is to promote the well-being of older persons in a sustainable manner and to provide older persons with the opportunity to be integrated into the main stream of society.

Mr. Speaker, I want us to look at what the policy addresses. At page two, indeed this entire document looks to the social security, income, security participation, involvement, social inclusion, dignity and respect, health care, housing, entertainment and so forth. All of these things are dealt with in this particular page.

It seems to me that we need to look very carefully and, therefore, if one is looking at all of the things that this policy looks at, then you need to determine whether the Bill, in fact, does fit it. And I venture to say that it does because the Bill emanates from a policy—and the policy says: the development of a comprehensive policy on ageing is critical as it will serve as a platform for the implementation of effective measures for sustainable development of older persons. It goes on to state that it has to be done through collaboration among all relevant ministries and agencies of the country, the public sector and the civil society and the private sector. It speaks very much to the fact that as the country pursues developed nation status, and in keeping with the pillar of nurturing a caring society, it is necessary that the entire human resource capability of the country is developed and that requires a multi-pronged approach.

As we began, I noted that there was a difficulty of the time lag and, therefore, you might want to ask why it took so many years to bring the Bill. While this policy was being devised, while consultations were ongoing, certain other things were happening. It is not that there was an absence of will on the part of the Government, that nothing was happening that will help the society. If you look at page nine of the *Social Sector Investment Programme*, these are all documents laid in the House with the budget, and the *Private Sector Programme, 2007*; they are public knowledge. It says on page 9, and you will recall this is a very innovative tool that started in 2003 and there have been five produced so far that provide a synopsis of the economic input of Government's investment in the

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social sector. If in 2004—2005 we spent \$5 billion, how did we spend that \$5 billion? If we spend a further \$5 billion this year, how are we spending it? There is a two-fold benefit to this document because it can be used as a tool to gauge the performance of that social service sector investment if you are using the benchmark of the millennium development goals, and it facilitates strategic planning and intervention, as well as providing information flows.

There is another document because, we are talking to the fact of the caring society, the policy vested, the Bill emanating from and when you look at the *Guide to Social Programmes and Services* from the Ministry of Social Development, an excellent document and I commend the Minister for it, you look and find the multi-pronged approach that had to be entered into in the time lag period. There were so many things happening as you devise all the programming, ministry by ministry, multi-pronged-education, community development, agriculture, health, labour and small business, local government, public utilities, national security, science and technology—each of them adding to what was happening while we were drafting the Bill and all the work that went on, Ministry by Ministry administering to that 10 per cent of the population.

You cannot say that nothing was happening. Member for Chaguanas, the time lag was being well spent.

11.40 p.m.

The policy goes on to look at the major concerns of the older persons and this is where we come to the Bill. It speaks to health issues and it says that there were three major issues. One was health, and the people interviewed talked about arthritis; eye problems, 47 per cent; hypertension, 34 per cent; diabetes, 23 per cent; heart disease, 21 per cent. The problem was the cost of medication for this, the access to health care and the cost of medication. They went on to talk about the need for glasses as you grow older and dentures—someone spoke about this already. The diseases they came up with were Alzheimer's, chronic non-communicable diseases, heart ailments, cancer, diabetes and, very importantly, the skills levels of the professionals who serve them.

As I said, the third most important problem, apart from the minor problems, and the cost of health care, access to health care—the third question was loneliness. The Member for Chaguanas, in his contribution last day, made a vital point, well said and absolutely true, when he said that it seemed to him that the older you get, the poorer you get. The value of money goes down. Mr. Speaker, that, I thought, was a point very well made.

You look at that statement of his in the light of the data in this policy and how it shapes the Bill. The Camejo Study [1999] said that among older persons living in households—remember that only 6 per cent of that 10 per cent are in homes; the other 4 per cent live in family homes, equally at risk in their homes as they are in the Homes for older persons—4.6 per cent are widowed, 2.2 per cent divorced, 7.2 per cent separated, 4.2 per cent no longer in common-law relationships and 6.3 per cent never had a partner. The loneliness became evident as you looked at what was happening to these people.

It was found also that 16.15 per cent of the respondents lived alone, 22 per cent in two-person households and 72 per cent of these older citizens were heads of households. With respect to social organizations, only 27 per cent belonged to a retirees' programme or any programme. Twenty-five per cent belonged to their church groupings, so on Sundays the ladies or gentlemen would go their churches. The Member for Nariva could justify that 91 per cent felt that a senior citizens group should be established in the community and 78 per cent indicated that they would join such a group. Of the 50 that were not interested, 50 per cent of that was due to disability, and 87 were in favour of day care centres.

I think it extremely vital that we look at the statistics coming out of this document in the manner that it should be looked at, as we shape policy and devise the Bill. When we look at the Bill and see that it classifies homes—remember this document speaks to the entire ageing population and the Bill speaks only to 6 per cent—if you look at the classification of homes, Schedule II, the amended version has just two types of homes, one of which, Type I, is for healthier older persons, who are not in need of acute medical care, but may require assistance with performing activities of daily living, including administration of medication and who may also require supervision by a member staff. In other words, they are reasonably healthy. If you think of a home with persons like this, it tends to be a communal type of living. They share the same sort of interests and there can be a community built within the home.

The second type of home is for the more infirmed of the older persons who require the administration of medication and continuous supervision by a registered nurse or physician. These are persons who are far more dependent on help and who need medication and supervised registered nursing or physician's help. Whereas Type I does not authorize the operation—yo-u have to be very careful—if you are operating Type I, which is for the healthier citizen, you cannot also have the second type, the less well persons, in a Type I home. However, in Type II, you can have persons who are healthy living with them. That will help,

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so that the classification, in light of what we have heard here, is particularly important as we look at the Bill.

Again, coming back to the policy, you look at the economics. We dealt with the social impact in the policy, but the economic data coming from The Camejo Study [1999] found that older persons—remember the Member for Chaguanas quote of the older you get, the poorer you get and the more disabled you get—had concerns with the cost of medication and resident fees for homes.

When you look at this Bill and you look at the data required as part of the licences. That is a knowledge-base that the Ministry of Social Development would certainly have a handle on and may be able to make direct intervention as you look at the variation of fees and how far they are going. I am not suggesting that it will happen, but it allows the possibility of the Government looking at this very closely.

The study notes that the main source of income for the older and the oldest old was Government's old age pension. This very often had to be subsidized by financial assistance from relatives. Remember this is 1999 I am speaking of. That study also found that 80 per cent of the respondents had worked during their earlier life so there was the issue of NIS. You will note that today NIS has a discrepancy that if someone was receiving a NIS of just under the \$1,000 limit, very often there was a prohibiter that did not allow them to access the full amount of the old age pension. Today, we see that NIS is no bar; that the ceiling has risen from \$1,000—it is no longer \$1,250; it is actually \$2,250, that is the ceiling by which you can access old age pension.

At the time of the study 80 per cent had worked; 10 per cent was still at work; 63 per cent were male and 37 per cent were female; most were self-employed and, as we said, the old age pension was there; 50 per cent of the respondents received such an income; 33 per cent received NIS; 18 per cent received government pension, which could be less than or slightly greater than that and put them outside the bar of old age pension; 13 per cent were in receipt of financial assistance from their children. Elderly women were most affected by the inadequate income.

Mr. Speaker, we come back again to the question raised so often in this House as to the sufficiency of the old age pension in terms of the cost of living. Earlier, the Member for Siparia raised it. Because that question is raised so much and because of the consciousness coming out of this, the multi-pronged approach that we were talking about, what was happening during the time it took this Bill to be

brought here, I draw your attention to the *Public Sector Investment Programme*, page 67. If you look at this document, remember the Bill speaks to only 6 per cent of the 10 per cent of the older population and this affects the full 100 per cent of the population of which many of these persons are older citizens and very much so in light of the Member for Siparia questioning of the purchasing ability of the basket of goods by the pensioner.

Importantly, the Minister, recognizing that many of the social programmes, the billions invested in this social sector programming, does not only directly affect the older person—I want us to think of the older person; we are just painting the picture and, as brutal as it is, it reminds us of how many children—the responsibility of an older person is enormous. We have this societal syndrome of the barrel child. Not only children, but the older citizens are at risk because of that. They have a duty of care to provide for those children.

When you look at page 67 of this document and the numbers of programmes that are here—one full page in fine print—and the quantum of money that we are talking about; a total in terms of the development programme for 2006, it is approximately \$780 million. In terms of the remedial work, there is approximately \$1.7 billion in preventative. In this you are not only talking about the older programme such as the GAP programme, which is \$9 million, or the NSDP programme, which provides the street lighting programme, the self-help programme, all of these things that add value to the life of the older citizens.

Remember today you are talking about filling recreational needs. If you look at Palmiste Park today, or the ground in San Fernando, you see older persons walking at night because of the NSDP lighting programme. It affects the lives of the older persons. Look at that, Mr. Speaker. Look at the Women in Harmony Programme; look at the domestic violence programme; so many of our senior citizens are victims of domestic violence—\$2 million. You look at the Adult Education Programme, so many of them are entering the programme—\$7 million and more. You look at the GAP, the NSDP, the MEL facility, the Community Education Programme, another \$1.5 million; you looked at terminal malls, \$2.5 million, the remedial programmes, disability grant, old age pension, which is \$1 billion, public assistance, transformation and development centres, social health and rehabilitative efforts, the SHARE programme and the cash transfer programme. When you add those programmes, that quantum of money that was budgeted in 2006, was \$1,758,950.

Mr. Partap: Did it improve the life of the people?

Hon. D. Seukeran: Of course it was improved, so it is not fair to look at the old age pension grant. You have to look at all these programmes that impact the quality of life and put a dollar value to them. You can. That document is available for us.

When you think of the barrel child, that grandmother has to look after, to find school fees. In education today, there are free books, free education all the way to tertiary level. The baby is taken at early childhood level, so at three, the grandmother's problems begin to be diminished. Help is there with the training programmes; free books, free breakfast, free lunch, transport. Quantify the dollar value provided for the barrel children and to the role of the grandmother.

Look to the youth programme and see free tertiary education under the Ministry of Science and Technology, straight through, in Trinidad and Tobago, in every university of the Caribbean and outside of that too, in the private sector; not just UWI, in St. Georges, wherever. They can qualify the grandmother's cost. Remember, with the "barrel child", when the parent has gone to greener pastures, that parent soon finds out that the cost of living is 10 times higher than here and they cannot send back the money, so occasionally you get a barrel with a little bit of clothes or a little gift, but the real cost is borne by the grandmother, who is living on an old age pension. These things all impact.

Those kids who, academically, have fallen through the cracks, through Science and Technology, COSTAATT, though MuST, HYPE; all of the programmes, help. That grandmother's life is now assisted by these programmes where we are paying young people \$60 a day to go to school to learn a trade to the point where, through University of the West Indies (UWI) and the University of Trinidad and Tobago (UTT), they can come to the point of an associate degree and then switch to the University of the West Indies (UWI). All these are costs that help the older citizens. Do not forget school feeding. I want us to understand that when we talk about policy document that raises all of these things. It is not just old age pension; it is all these programmes, billions of dollars worth of social sector programmes.

I want to spend a moment to look at the Ministry of Social Development emergency cases grant. There is the grant for necessitous children. You can get housing for disaster victims; if you die, they will bury you—\$3,000; they will pay for your spectacles; they help with your housing repairs, \$5,000; medical equipment, dentures, wheelchairs, \$5,000; home help, dietary grant, clothing grant for the necessitous child. Remember the young widows with all these children, children get educational grants, book grants, temporary assistance, when you are evicted from your house; you have pharmaceutical grants over and above the Chronic Disease Assistance Programme (CDAP). You have the book grant and the house rent grant for three

months; so many programmes under this Ministry that are not costed in the old age pension. These are all things that have to be added.

There is the HDC housing repair grant of \$10,000. So you are an older person, you have your house, you are a pensioner, the government will assist you with \$10,000; then there are matching grants up to \$30,000 that you can use. There is a ton of money that is given by Government over and above the old age pension that assists older citizens in this country. It is high time we recognize it. None of what I am saying here is held in the domain only of the Government. These are documents laid, public knowledge, budget documents, innovative documents that give you information at your fingertips as to what is available to the people of T & T.

If you look at health issues, the Chronic Disease Assistance Programme (CDAP) in particular, this began with a few and expanded to diabetes, hypertension, cardiac diseases, depression, arthritis, Parkinson's disease, glaucoma, asthma, enlarged prostate, acid reflux and a simple thing, gas, old people always have gas. I am beginning to get gas at this hour of the night—epilepsy. These drugs are under the Chronic Disease Assistance Programme (CDAP). Under this programme, for 2006, the actual expenditure was \$26 million; projected expenditure for 2007 is \$60 million.

Mr. Speaker: Hon. Members, the speaking time of the Hon. Member for San Fernando West has expired.

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

Question put and agreed to.

Hon. D. Seukeran: Thank you, Mr. Speaker, and thanks to my colleagues. You see, the Chronic Disease Assistance Programme (CDAP), to assist with the health issue raised in the policy document. We are expecting to spend \$60 million in 2007. That is the projected figure; it might be more. The CDAP programme and all the projects I am talking about are helping boost the Senior Citizens Grant. In 2007, that projected expenditure is \$1.05 billion, which is an awful lot of money for that, plus the billion dollars we are now adding. When we listen to the Opposition talk about the basket of food that the old age pension cannot buy, when you look at the actual amount given via many programmes, to say that is the only thing given is not true. It is not the only thing that an old person gets.

Mr. Speaker, do not forget the training programmes. Women in Harmony, from age 45, women can work through until they become independent. I remind you of the Ministry of Health's surgery list. It is free to the citizen, but the Government pays for every surgery done in the public hospitals and in the private domain.

Mr. Speaker, there is no waiting list for hip replacement, cataract and hernia in this country. CT scans—I remember a baby in my constituency who fell three floors and the father took the child to the only place that had a CT scanner, a very famous medical centre in Trinidad, where the child was refused the scan because the parent could not pay the \$3,500. At 2.00 in the morning, the man was knocking at my door and I was writing a cheque for \$3,500 to save a baby's life. The cheque was cashed although the baby died the day after the scan was done.

Mr. Speaker, you have to understand what this means to the parent or to the grandmother who is taking care of a “barrel child”—what it means now to have a CT scan free. Do you know that there are dual citizens nationality, who have to pay a fortune in the United States of America, coming back to Trinidad and Tobago, creating long lines, to take advantage of CT scans, MRI scans and mammograms that are free? Echograms, simple things for heart surgery, I cannot tell you the amount of cardiac stuff that is done by the Ministry free of charge to the citizen—the valves that are replaced; the angiograms that are done.

You have to add all of this as a cost factor. Billions of dollars are spent, as you hear, in the budget. The money goes to different programmes as we hear in the budget. They go to different programmes. As we said, in the Vision 2020 document, it is a multi-pronged approach, standing on five pillars.

Government in the old days operated as silos. We see government ministries as silos. This other very excellent document, again public knowledge and innovation, *Government at Your Service: Highlights of Achievement* talks to the continuum, not only in the provision of services for the older person, but the continuum of the provision of services by the Government through various ministries linking ministries so that we cease to have the silo effect where one ministry does not know what the other is doing.

Mr. Speaker, you noted all the ministries we were talking about. Quite apart from these, there are other things. Of course, you know there are the NGOs. Government funds NGOs substantially. In this same document, the *Social Sector Investment Programme*, we talk to the dollars for the NGOs. You look at them and there are hundreds of them listed here; all assisted by the Government of Trinidad and Tobago, with subventions to the tune of approximately \$1 billion, whether to the Maha Sabha or ASJA, TML, Living Waters or Chest and Heart Association. It does not matter which one of them, the Government of Trinidad and Tobago is helping to fund them. When we talk about old age pension, we cannot talk about it in isolation.

I think we are spending too much time on this, but I take the opportunity of commending the Ministry of Finance on these innovative documents that bring into the public domain information at our fingertips as to what the Government is doing and all the—I cannot use the word I want to use—mistruths that are being spread out there are denied in black and white.

I will finish very quickly, but just to note that you can go through this document and find one by one what you are talking about. We have dealt with those documents and we come to institutional and administrative things that have to be done and it goes straight through to the legislative programme. The document is a very comprehensive one.

We have looked through the eyes of the newspapers. We have looked at attitudes entrenched in our society; the dangers faced by our older citizens and by our population. In these newspapers that I so rarely read, you find almost a consonance in the disharmony of these headlines; in the sadness of the story. Fear that was spoken of, fear that is rooted in the sadness of a society that is as sick as could be. That is our society—[*Interruption*] You can sit there and blame the PNM as much as you want, the objective of sitting here is to create good law, so we take the points of the Member for Pointe-a-Pierre one by one as she makes a vital contribution as we make good law in this House protecting the citizens from this.

In the sadness of what we hear across there, typical of the sickness of this society, what I found very sad was the contribution here and in the newspapers the equally dismaying, the confusing outcome of the Privy Council, the highest body of law in the Commonwealth. You heard a Privy Council send a most dangerous message to the entire Commonwealth and developing world. It set a precedent that said no; obstructionism, do not worry to elect a Speaker, and get paid.

12.10 a.m.

I am saying it as it is and as the country out there sees it. That was sad for me. It was a dangerous piece of message, but that being said, lest I become like Fyzabad over there and refuse to see the beam in my own eye before I try to remove the mote in another's, I will acknowledge that we have failings, that all of us contribute to the sickness of the society that permits old people and babies to be abused as they are abused in the society and is not helped by the obstructionism and hindrance of 10 hours to elect five names in a House that ought to be passing law. If I sound angry, I am angry.

Let us turn to the Bill. You will see that Part II has 23 clauses that set out clearly the terms of the licence, how to protect the citizen in the home. That is the

business of this Bill. It tells you that the Minister can issue this licence for only two years, that it can be renewed, extended, be suspended and be revoked by the Minister under certain terms. That is by the recommendations of the Facility Review Team, which is set up by clause 27.

Clause 34 makes—this is what is so important—the offence of abuse. That was lacking, I believe, in the last Bill in a serious way. If you look at abuse, you would see that clause 15 makes it an abuse to receive a patient, after you have notice of revocation. This is a very important point, because we see this happening too often because homes that ought not and do not have the standards to operate.

Clause 25 speaks to the overcrowding. Overcrowding is an offence. Persons living in this home must live in comfort.

Clause 34 makes it an offence by any person and clause 34(2), by a company. This distinguishes between the personal liability of the manager or whoever and the liability of a company and gives the discretionary waiver to the court, in terms of the amount of the penalty. I thought was an extraordinary important thing.

Clause 39 allows the transition. Too often we hear that the government is getting into business. We do not believe in the government getting into business. We are trying to facilitate the private sector. The transition clause for the one-year period to get to the standard and licences is there.

Most importantly is that you see that clause 40 makes or clarifies the issue of the private hospital. The private hospital speaks to the classes and the findings of overcrowding, different from this Act. It speaks to the superintendent and not the manager. There are different things under this Bill that are not found in this and, therefore, clause 40 says, without the avoidance of doubt, categorically that Private Hospitals Act shall not apply to the Homes for Older Persons licence under this Act. I thought that was an extremely valid point to be made in this document and I trust that my colleague from Pointe-a-Pierre will look at that.

To end—[*Interruption*]

Mrs. Persad-Bissessar: Is there only one Member in the House?

Hon. D. Seukeran: I commend my colleague, the Minister of Social Development on the policy and the Bill, and indeed the Government for its multi-pronged interventions and the yeoman service of the NGOs, which is evident in the policy supporting document. No doubt, this Bill does not state any of these; neither the subventions, through the various Ministries or the social programming

and the Bill itself. It does not offer the full panacea for the ills, trauma and travails that are attendant upon old age, the sixth and particularly the seventh age of man. Hopefully, when you come to sans, eyes, sans tooth, sans nose and sans everything, you really do not know anything. At least one hopes so.

This Bill deals only with 6 per cent of the population's vista and we have proven, by documentation laid in this House and noted again this time, that we are treating with the full population and the full 10 per cent of the population that is called senior citizens.

It raises the question, as you look at the policy and the Bill: Do you want to see more homes? Is it that you want to see more granny suited or more community-assisted living for independent, healthy people?

The debate is raised, exactly as the Member for Couva South did so admirably today. We can have serious debate, not maligning each other. It is not important whether it was that government or this Government, it is that the Bill is good. That is what is important. Do you want to build more homes? What are the incentives that you want to give the private sector, not the Government, to enter into the business of building these homes?

As is stated time and again, the Bill is one in a series, in the continuum of Bills to come and the continuum of services to be rendered to the older generation, one of whom I am.

If we are to reach developed nation status, then we really do have to look at law in the way we are and not waste time in the way we have wasted in this House. I trust that I have not wasted your time. I know that the Member for Pointe-a-Pierre would not waste my time. With that, I want to commend particularly, to the public, these books and this Bill to this House for passing without much further ado.

Thank you.

Miss Gillian Lucky (*Pointe-a-Pierre*): Thank you very much, Mr. Speaker. If I might just indicate, it being 12.17 a.m., the Member for Siparia seems to be suffering with a little bout of jealousy and envy that I have gotten such accolades from the Member for San Fernando West. To whom much is given, much is expected. When one gets that kind of accolade one has to literally rise to the occasion. I hope I do not disappoint the House.

Let me pre-empt all those in the Front Bench. I want to make exception for the Member for Princes Town, whom I really do admire—I do not include him. I want to pre-empt what would be done on Monday night because this is what

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would be heard at their Monday night meetings: “Deals. They are making deals with the PNM. Even so, the Member for San Fernando West was able to predict what the Member for Pointe-a-Pierre was going to say and was talking about it.”

As a former prosecutor I learnt one thing, our profession does not allow us to tout or to advertise. As a prosecutor, we often complained that even when we won matters where there was due process, you would see the names of defense attorneys and you would never see the names of prosecutors. We learnt that your work had to speak for you. In other words your character and your prowess had to be spoken out by the work you did. If it is proven in this House by the *Hansard* that the contributions I make, some of them contained commendable aspects in terms of amendments, then so be it. I do not need to make deals.

This morning, what I intend to do is go straight to the Bill, because there are many clauses that concern me. I am asking the hon. Minister and Member for St. Ann's East, whom I recognize is not trained in law—I am not saying that in any defamatory or derogatory manner—but you must have your legal experts. I am asking you, to please go to them and see whether, at the end of the day, anything that I am about to say make sense. If it does not, so be it and we have to disagree, so be it. I am also going to ask the Member for Princes Town if he is making a contribution, at least with some of the legal points, if he could see whether in fact the thinks they have merit or not.

What concerns me is this. I listened carefully to what the Member for San Fernando West said and I do agree that all the reports that she referred to do contain very important information. She has commended that we read them. She has given us relevant excerpts. What still concerns me is that even in the contribution by the Member for San Fernando West, I have not been able to be convinced that the lapse between the 2000 Act and the 2007 Bill can be justified, because of some great or fundamental policy change. Put another way, with the greatest respect to the Member for San Fernando West, when you look at the two pieces of legislation, there really is no great change in policy.

What worries me is that I have been reading in the newspapers—I know this point has come out in other contributions, with respect to other Bills being debated—is that there seems to be this view that when legislation comes to this House, it is not given the kind of attention that it deserves and that some Members are negligent in the duty of being good legislators. What concerns me is when the Government has been bringing Bills that have been on the table for far too long, we are not getting the kind of fundamental changes in those pieces of legislation that would justify the time lapse.

The one that comes to mind immediately is the equal opportunity legislation. When you look at what obtained in 2000, the fact that we had a Court of Appeal decision that literally, step by step, indicated what were the provisions in violation of the Constitution, and when you saw what the Government brought to us for debate, there was no fundamental change. People can understand if there is a fundamental change, maybe that is why it took six years, even though I would not buy into that. Look at what we have in 2007 and at what we have in 2000, and the questions I would have asked about the 2000 legislation are the very questions that I ask about the 2007 legislation, even with the amendments that have come from the other place.

The first question that comes to mind is: Does this legislation require a special majority? I do not want the issues that are raised by the Back Bench Opposition to be used as fodder by the Front Bench, to go into personalities as to whether it was a good point or a bad point. That is what some of them, not all, tend to do. I want to make sure that we get it right. We did have a Member from the other place, putting in the public domain—I take a point that the Leader of the Opposition said that she gave a press release denying it or correcting it and so did the hon. Minister of National Security. It bothered me that there was this big headline. In the Trinidad and Tobago, let us face it, people read something, they believe it and they do not go back to check. Once your name has been tarnished, nothing that anybody says thereafter is going to wipe it away.

When there was a statement by a senior attorney who should, in my view, have known better saying that—I cannot quote it verbatim because I do have the press release with me—or suggesting that it was a done deal—those were not the words used—but that when it came there was no great debate. That was unfair. To suggest it was an omission, when in this year, there was clearly an amendment and a debate, what was really the problem, with the greatest of respect to Members on the other side—is that the Government took too long in terms of assenting it.

It makes me wonder—if I were to descend to the level that some people would go to—if that person had an agenda. I do not want to go there. Is it that the person did not want to offend the Government and therefore, preferred to give the Parliament collective responsibility? We did not deserve it. When that amendment came—I am not into who prompted it coming, because we are getting different versions. When we take our time in this House to get things right, we do not even get the acknowledgement for it. That is what bothered me. That was one thing that we did right. Yes, there was an omission, but the amendment came. The only

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people, with the greatest respect, who let us down—It is like when you are running a relay, you are depending, when you pass that baton, to those on the final leg to take it, we gave it to the Government. We gave them the baton. They just had to go and get the thing assented to. Bam! We had a kind of—the baton fell and there was a problem.

When you show the public that within 24 hours you could have gotten it done, with members of the public still thinking that it was an omission that they were able to correct in a day. They do not seem to understand that it was already the law, it was passed in both Houses and it just needed to be assented to. That is why I have often asked in this House, if those in Government and those who will be going into government, when we have issues like debates in which we are going to find one of the major issues, do we need a constitutional majority? Could we get access to some of the advice that would have been given? It is all in the arena, in my view, of disclosure.

I want to zone in immediately, why then is the Member for Pointe-a-Pierre saying: “Is it that we need a special majority?” I have looked at those provisions; more specifically the provision that deals with the powers being given with respect to warrants.

Clause 32 is the clause that is giving a magistrate—of course being satisfied upon information on oath by an inspector or member of the Facility Review Team and that there are reasonable grounds for believing that an offence is committed or being committed in one of the homes—that power to issue a warrant. The warrant is being issued to an inspector or a member of the Facility Review Team. That concerns me, because when I first saw the word “inspector”, I automatically thought a precepted person or somebody who is attached to the police service. When I looked at it, there is really no definition of an “inspector”, there are criteria that are set, but I will come to that.

Clearly, an inspector could be a civilian. Even when you look at the Facility Review Team and some of the designations as to persons who could comprise that team, it is interesting that one is a police officer. I would come to it in more detail, but that is what concerns me. Here we have a piece of legislation, which in itself is giving a magistrate the statutory power—we all know that magistrates are creatures of statute—being given in—this is not subsidiary legislation but it certainly is a piece of substantive legislation.

I thank the Member for Princes Town and even the Member for Siparia, who seem to be understanding this point. Is it, with this provision, we need a special

majority, especially since this person, who is going to somebody's home or going to one of the homes is going to have very wide powers?

Again, it is a point that has to be considered. I do not want, in this debate, to say that in 2000 you have it or you did not have and now you have it. To me, that takes the debate to a level we do not need to get at. Let us try and get it right. I am asking the hon. Minister if it could be a situation in which this document or legal advice you received, whether they have addressed it. That is why I asked the Member for San Fernando West whether the stakeholders—I understand your point, they dealt with policy. I still maintain that I do not think that their policy has taken this legislation into some new realm that the 2000 Act did not take us to. This is something that I think needs to be addressed.

You could imagine, there are persons who bring actions against members of this team and/or inspectors for abuse of process or for the action being unconstitutional. To me, we are going to be encouraging litigation, which could have been avoided. That is one of the big things that jumps out at me.

What I am going to do—I am so sorry it is near to 12.30 a.m. but this has to be done—is to quickly itemize the points that concern me. Hon. Minister, I think if it is done in this way and your advisory team looks at the *Hansard*, they can take the points and dismiss them or consider them accordingly.

I do note that the other place did deal with some of the concerns that I had and, therefore, there are amendments. I immediately draw attention to clause 6(3) which states:

“An applicant who submits fraudulent information under subsection (2) commits an offence...”

And it goes on. I am concerned about the use of the words “fraudulent information”. I will tell you why. In subsection (2), some of the things that you have to disclose are clear: the name of the institution, its address and the type of licence. Those things would be clear. When you look at paragraph (f) for example, it says you are also supposed to furnish information as to the proposed operating cost and rates for patients.

Once you introduce something that does not have specificity and something where you are asking people to make a genuine estimate, or to do some kind of risk assessment, or to give a proposal, it means you are recognizing immediately, that the information is not specific and, therefore, it is based on an estimate that ought to be genuine. When, therefore, you say fraudulent information if, for example, you are giving that information for the proposed operating cost of

homes estimated—well I propose it will cost \$1million, when in truth and in fact at the end of a year, it is \$2 million—it is easy to say that it is fraudulent information and it really would not have been. Maybe some operating costs were undervalued or there was not an appreciation as to some other thing that was not considered.

The simple point I am, making is that the problem can be solved. Hon. Minister, Member for St. Ann's East, what I am trying to do is, as I highlight a problem, suggest a solution. Maybe it could be reworded: “An applicant who submits information knowing such information to be false...” Immediately, it means that you have had knowledge that what you were giving is false information. That, to me, is an example of what would be simple issues that can be resolved quite simply.

If one looks at clause 19(2), you would see there the use of the phrase “fraudulently made”, which suggests that there is the recognition that you make certain declarations and if you show that the person was intending to deceive or wilfully mislead, then it becomes a criminal offence.

Then, one goes to clause 11, the renewal of the licence.

“A licensee wishing to renew a licence which is due to expire, shall at least one month before such...” [*Interruption*]

I am coming back to the constitutional point. I promise. I am now going through—Member for Siparia, could I suggest, I am going through it in a chronological order with the clauses—when we get to that section, I promise I would give way. Is that you wanted? If you wanted me—Let us move on and when we reach there at the correct—[*Interruption*] Let me finish this point with clause 11. Clause 11 is a good clause. It is suggesting that before the licence needs to be renewed you are getting—it is not a grace period but—some time before to make an application; very good.

That is done with respect to driving permits. It is amazing that some people do not know that. They think that the one month applies as a grace period after your driving permit has expired. There are some people who drive around the country with an expired driving permit and when the police officers stop them and check and say that it is expired, the person says: No, no, I have a month's grace. They do not understand that the month's grace they get is a month before it expires, they can go.

The problem I am seeing is that one month is too short. Because when you look on at all the things that have to be complied with, all the checks that would have to be made, the Facility Review Team would have to go and check records, if you have a home that comes within the ambit of this Act, I think they ought to

be given more than a month, if they so choose. I think you might want to consider a three-month time period. It does not jeopardize anything. In fact, it is very consistent with the approach of ensuring that before expiration, there is not a mad rush and people are running around the place trying to get documentation in order. If there are problems, the owner or the manager of the home would have some time to get things in order, especially when we know there are some state departments, not all, where it is not always very easy to get documentation that is necessary. For clause 7, extend from one month and consider three months.

There is a little technical error, in my view, occurring in clause 11(2)(b), which is the Facility Review Team has conducted an assessment of that home and submitted its report in accordance with section 28. I think section 28 ought to be 29, because 28 deals with the powers of the Facility Review Team, whereas 29 is the clause that makes any mention of preparing reports, based on inspections conducted. Hon. Minister, you might want to consider whether that 28 ought to be 29.

Again, this is something that concerns me. It was in the old Act and it is not being reflected here, it is this. There is no provision in this new legislation that mandates that the licence that is granted to an institution should be displayed. I think that is very important, because when one has—the old legislation talked about displaying the licence granted in a conspicuous place. I am not seeing it in this legislation. Perhaps I have—Minister, anytime you want to jump in, please feel free to do so—not seen it. It is in the regulations, I am being told by the Member for Tabaquite.

Again, if there is, therefore, such a regulation, then I do not understand why the clause that made the provision and stated that a person who knowingly displays a licence, which is not valid, commits an offence, was removed. I think it is important to make a provision that when you have a licence you display it. Having displayed it, if you are displaying something which is fraudulent or something that is expired, I think there ought to be separate provision. It was in the original 2007 Bill that was presented but it was removed in the other place. You might want to give consideration to that.

We move on to clause 14 dealing with revocation of a licence. I know, again I am subject to correction, that with respect to the rules of construction, as they apply in legislation, that “and” can also mean “or”. When one looks at clause 14(1)(a), it says:

“if the licensee or Manager has been convicted of an offence under this Act or any other Act;”

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It deals with a licence at anytime being revoked by the Minister.

If you have a traffic ticket and you do not pay it and you are fined through the court, that is in fact an offence. It would mean that you would have been convicted of an offence under an Act. I am not sure whether you wanted it to apply to somebody who got a traffic conviction, or a conviction for a traffic offence. What I want to suggest, hon. Minister, is that you may want to follow what is done in other pieces of legislation brought to this House and that is where an offence carries a particular penalty, sometimes it is said an offence for which there is imprisonment for more than six months. You might want to consider it. It is not reinventing the wheel, because that has been done before. Again, you might want to make sure clause 14, that “and” really means “and/or” and not “and” where you must satisfy (a) to (c).

This was a point raised by the Member for San Fernando West. Member for San Fernando West, you would remember that you were commending clause 15, and rightly so:

“An older person shall not be received in a Home after the date of the receipt of a Notice of surrender by a licensee or a Notice of suspension or revocation by the Minister.”

If I understood your point correctly, Member for San Fernando West, you were saying that is protection that is given, because the home is being told: “Listen, if you had your licence revoked or suspended, you cannot receive an older person.” But, what is the penalty? If, for example, a home did receive such a person, an older person, in circumstances as envisaged in clause 15, it would mean that they were in contravention. Where is your offence? Where is your sanction? Where is your penalty now?

Hon. Minister, I know there is section 35(1) which we call the all encompassing section. It says if you committed an offence there is no penalty provided for of there is an offence or you do something—it does not say in contravention of the Act—it does not create an offence. It states what has to be done, but there is no sanction. Again, you might want your legal team to look at that.

Then we move to Part III, clause 21. Certainly, we are moving according to time—[*Interruption*] Sorry.

Miss Seukeran: Point of clarification. In terms of that one, if you were to read it as:

“An older person shall not be received in a home after the date of the receipt of a Notice or surrender by a licence or a notice of suspension or revocation by the Minister...”

and add a line that says: if you did that, it would create an offence? Then would clause 35 apply?

Miss G. Lucky: You could start by saying that it is an offence for a home. You can do it that way, or you can go straight to clause 35 and where it says:

“...where a person commits an offence under this part...”

You can put it there and try to include either a new subsection in 35 or:

“...where a person contravenes any provision in this Act.”

There are two ways. The way you have suggested it, it can be done. To me, that is the cleaner way, but in case there are any other clauses that I have not picked up, you can still do it in clause 35 also.

Miss Seukeran: Just to clarify this. I am suggesting this, because you looked at clause 35(2). I was talking about that as well. Clause 35(2) deals with the company aspect. To keep clause 35 clean and make it in the other place the offence, it will apply to clause 35(1). That is what I thought about it. [*Interruption and crosstalk*]

Miss G. Lucky: Do not worry. We would have our little intellectual debate. We do not have to take on the asides of others. Even though that is your point with clause 35(1) and (2), the point still remains that you would have to deal with it. You can still make it clean in clause 35, by adding or including the fact: where a person commits an offence under this Act or is in breach of any provisions of the Act. It will still achieve the same results. I am glad we are having this level of legal suggestion. It is quite enjoyable at 1.40 a.m. That is clause 15. I do take your point, Member for San Fernando West—good clause. State the procedure, but for every procedure that is set, there must be some kind of sanction. The problem in Trinidad and Tobago is that we often say what has to be done but many people do not comply because if there is no sanction they do not feel that anything will be done to them.

Moving on to Part III, the requirements of a licence, clause 21. [*Interruption*]

Dr. Rafeeq: I thank the Member for giving way. You were on clause 15 and you went to Part III. I am looking at clause 17, which introduces Administrator General for the first time. I do not know if you, in the reading of the Bill, saw that as a person defined anywhere. I have not seen that anywhere.

Miss G. Lucky: You are very right, Member for Caroni Central. That is why I am glad that at least we are seeing a little team spirit here. Maybe the whole

concept of running with the baton has done it, or the fact that I was able to get ahead of the Member for Tabaquite. You do make a good point. You are right, Administrator General would need to be defined. I think that is a good point. If we can continue having this level of cooperation, I am sure we will get through even faster.

Clause 21 states:

“A Home shall have a named Manager, who shall ensure at all times, there is present on the premises an officer who shall be responsible for the operations of the Home.”

Again, this is very good. However, what if no manager is named? What if a home decides, this is trouble now and no manager is named? Another important point is, where is it going to be recorded who is the manager? Because later in the legislation, you will see that the manager could be the subject of criminal sanction. It is important, I think, in the home, to make it clear. First of all, you must appoint a manager. Who is the manager? It must be recorded somewhere so that people will know their responsibilities. If there is to be any criminal charge you do not have to have people saying: "I never knew I was the manager, or I had it in name only." You need to get these things clarified.

Moving on to clause 23(2). I did check this point with the Member for Barataria/San Juan, whose profession I respect very much. This particular clause, if I understand it correctly, wants to ensure that if there is a death of an older person in a home, several things must be done. The subsection says:

“The Manager of a Home...”

There you see a responsibility given to a manager.

“shall report the death of an older person to the Police and to the Division.”

Fair enough. I still think, report the death of an older person and you have to add: registered in his home, because it is not just reporting the death of an older person. It is an older person who is in his home. That is a little too wide. When you look at the definition of older person it just a person who is 60 years and over.

This is the one that concerns me. Let us look at—I am sorry to give us this Mathematics, but it will stimulate us—clause 23(2):

“Where an older person dies within forty-eight hours of being admitted to a Home for Older Persons...”

good

“the Manager of such Home for Older Persons shall, within six hours of such death, report the death to the Police...”

You have six hours to report the death to the police.

“and an autopsy shall be performed by a pathologist registered under the Medical Board Act.”

This concerned me because I went with a hypothetical situation and discussed it with the Member for Barataria/San Juan—*[Interruption]* The Member for Fyzabad made the point as the Member for Barataria/San Juan was saying, which is when it happens in a hospital, it must be within 24 hours.

There is a bigger problem. Let us say—Mr. Speaker, I do not mean to put anybody into mental gymnastics of Olympic proportions at almost 12.45 a.m., but let us say an older person is admitted into a home on Monday and at 6.00 p.m. went to sleep. Everything was fine and at 7.00 a.m. the next morning, Tuesday morning, that person is found dead. The person came in on Monday, went to sleep at 6.00 p.m. and is found dead on Tuesday morning. The first thing is this clause triggers in because the person has died within 48 hours of being received. Member for Caroni Central, I ask that you follow through because I also respect your profession. If you look at the clause, however, it says that you are supposed to—it says:

“the Manager or such Home for Older Persons shall, within six hours of such death...”

What if when the pathology report is received, the person died in his or her sleep at 8.00 p.m.? Went to bed at 6.00 p.m. and died at 8.00 p.m. It meant, according to this, you would have had to report it within six hours of the death. The death was at 8.00 p.m., which meant that you had to report it between 8.00 p.m. and 2.00 a.m. on Tuesday morning. Member Fyzabad, it does not mean when discovered, but I am glad you said it because that is the suggestion I am coming with. Death is death. Member for Caroni Central, I do not think death could be discovery of death.

Dr. Rafeeq: Expect that somebody, most times it has to be a professional, has to certify that the person has died. If the person certifies the death at 8.00 a.m., then you know that is the time that the death has been certified.

Miss G. Lucky: I agree, but look at the phraseology. That is what concerns me. The phraseology does not say—remember the pathology report could give an

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estimate of death. To solve the problem—I think in the legislation, let us look at what would be may be not the usual circumstance, but what could happen. It is easily solved, Member for Fyzabad. You said that it really means discovery. My suggestion therefore, hon. Minister, is that we put in these words:

“Where an older person dies forty-eight hours of being admitted to a Home for Older Persons, the Manager of such Home for Older Persons shall...”

I am suggesting: “within one hour of the discovery of such death”. As soon as it is discovered the person is dead, either through what you have said, Member for Caroni Central, there is a certificate or it is clear that somebody has walked in the room and said: “We do not have a certified report that the person is dead, but it is clear that the person is dead”. To me, if you are in a home and the person is dead then, you should do that within record time. It is not difficult to go and make the report. There will be subsequent investigations. The suggestion is: “Within one hour of the discovery of such death”. I think that will solve the problem. Again, I am asking if you can get your legal team, hon. Minister, Member for St. Ann's East, to look at it because these points may be innocuous, but when they do happen, people do get caught.

Again, it says the manager of such homes. I know provision is made if there is no manager. There should be a person acting as the manager. Does it really have to be the manager, or could it be somebody who is designated? *[Interruption]* And/or representative coming from the Member for Fyzabad. I am trying to incorporate, so that nobody feels jealous or left out.

Clause 27—*[Interruption]*

Dr. Rafeeq: I am glad that you are allowing me to interrupt you so that I would not have to go through this in my contribution again, if that is okay.

Miss G. Lucky: I am trying the same technique.

Dr. Rafeeq: Clause 24 states:

“The Manager of a Home for Older Persons shall provide the Division with a bi-annual report of the status of residents.”

In the regulations, which refer to clause 24, at 32 it states:

“A Manager of a Home shall provide the Division with a bi-annual report on each resident as required by section 24 of the Act.”

This states:

“...the status of residents.”

The regulation is saying:

“...on each resident”

They are also saying that the report must be made on the prescribed form. The prescribed form on the Third Schedule is really a resident status report that is for all the residents together. There is a conflict there that is difficult to resolve.

Miss G. Lucky: Again, I thank the Member for Caroni Central. Hon. Minister and Member for St. Ann's East, I know you are taking the notes and it is a very valid point, because this is where policy now comes in. Is it that you want to follow what the regulation is saying or that you want to follow with the substantive Act is saying? I think what would be more important would be getting a status on each of the residents. I would like to think that ensures that there is that level of individual attention.

The next clause that I am concerned about is clause 27. [*Interruption*] Member for Fyzabad, if you want to make any point, I will give way. Sometimes I am able to pick up what you are saying and sometimes I get carried away with your red tie. An older person is defined. It can be admitted, but I am talking about this specific provision. Member for Fyzabad, let me continue if you want to interrupt, I do not mind, but it is a little difficult following you at this level.

I am looking at clause 27 and I am making the point that this is the clause hon. Minister, that deals with the Facility Review Team, and in designating, in subsection (3), the qualifications or experience that three or more persons should have, I notice that you have a medical practitioner, a fire officer and it goes on, but you have no member of the police service. That is my reading of it. I would have thought that is important because police officers, especially when they would be executing warrants, would be trained. How is it done? I know there is a provision in this legislation that talks about the inspector or the member from the team is supposed to show the certificate of the inspector. You want a police officer who would have that level of understanding. How do you deal with people who may be recalcitrant or obstructionist? I would come to that later, why it is very important.

Again, you may want to consider whether you want to include a police officer, although I really do not think that solves the problem I am more concerned with, which are the powers that would be given to the inspectors and/or members of the Facility Review Team.

The reason I make that point hon. Minister and Member for St. Ann's East, is that one of the organizations in this country—I think an organization that really does commendable service, in terms of trying to ensure that we protect the rights of the creative geniuses or genii amongst us—is the Copyright Organization of Trinidad and Tobago (COTT).

In many instances, when they have reliable information that there are persons who are breaching the copyright law or are infringing the rules against piracy, there is the need to have a police officer and someone trained in that regard. I am seeing this team having a role of monitoring and going into people's premises. One has to be very cautious when you are dealing with the power being given to ordinary citizens to go into premises. Again, you may want to look at. We are not looking at the power where there is consent by the manager or the owner. You are looking at the power when there is a warrant. I am very, very concerned about it.

Dr. Rafeeq: Except in clause 27(3), the committee can be just three people. If you really want a police officer on each team, then it must be specifically specified because it says three of all these disciplines.

Miss G. Lucky: I do take your point, Member for Caroni Central. It does concern me. I want to make sure that there is a police officer and certainly somebody who has been trained in that regard.

Interestingly enough, again, if I am missing it, I notice that there is nobody trained in law. There is no attorney at law. That certainly jumped out at me, not because of my profession but because I could see that there would be many instances where you want to consider whether the process or procedure is a correct one. I know this is not cast in stone, but you might want to look at it.

Again, clause 30(1) states:

"The Ministry may employ on contract suitably qualified persons to be inspectors of Homes..."

What is meant by "suitably qualified persons"? What is the qualification? I know it is in the regulations but, Member for Tabaquite, I am making it in the context of the powers that these inspectors would be given. Again, please bear that in mind, hon. Minister.

I have already dealt very quickly—because I am mindful of time and all the persons on the Front Bench who would want to speak—with clauses 32 and 33. Those clauses deal with the warrants and the power of the magistrate. Again, I am very concerned as to whether this is a section that gives a power that could be

abused, not to the magistrate, but those who would have the warrants and whether these sections attract the need for a special majority.

Also clause 33 states:

"A person who obstructs an inspector in the exercise of his duties under this Act, commits an offence."

Here you would have an inspector who is not necessarily trained in the law, or is a member of the police service and one can immediately see—think of any person operating a home, especially with the crime situation where it is—I am not going to embark on the crime situation, I think that was done enough for several hours this evening. An inspector, having the power coming to a home, where older persons are being attended to, one could see immediately the manager of that home or person running it, wanting to be very satisfied, before letting somebody in, this person has the necessary authority. When you make it an offence, is it that there is going to be a register of all inspectors or persons who are appointed in the *Gazette* or daily newspaper, so that a person could check and verify what is your name or let me see whether you are on the list of inspectors. I think that is a level of verification that people will want. With the way people can make fraudulent documents they can come and say: "Look, I am an inspector." But, in truth and in fact they may not be. You may want to have some level of formality.

Ms. Seukeran: In clause 32, would you be satisfied if a Minister—It states:

"Information on oath given by an inspector or a member of the Facility Review Team..."

You are querying the powers of the warrant. If the Minister were to permit that, in other words, the Minister were to authorize, would you feel better about that?

Miss G. Lucky: I would feel worse. I would tell you why. It has nothing to do with—it is not a political problem. My concern is that there is one issue which is the granting. The magistrate would have to satisfy herself or himself that there are reasonable grounds. What is done is that there are persons who go on oath. Based on what they have said on oath, they have seen older persons being beaten or something like that. The concern is what happens thereafter. Remember, according to clause 32, it is based on an oath by an inspector or member of the team. The Magistrate will them, if so satisfied, issue the warrant authorizing the inspector or the member of the team. The issuance is now, but now that the member of the team or the inspector has that warrant, it could be an ordinary civilian going to someone's home.

When we think of search warrants, we think of police officers who come with warrants and go into person's homes, not civilians with warrants. That is something you might want to consider. Remember, these would not be police officers who are going to execute the warrants, as we say; who would know that you back a warrant and how you go through the whole execution of a warrant. It is a procedure in itself. Many times it is violated and that becomes a big issue in a courtroom. You may want to consider that.

Remember, in any event, the Minister would be the first person who says: "Okay, I am authorizing you to go and seek to get the warrant." The Minister does have a role to play. I am concerned with what happens with the issuing and then after the issuing. That is my concern.

Ms. Seukeran: Are you not more concerned with the quality of who is the Facility Review Team and who is the inspector? If the inspector is the right quality of officer, then would that still be a problem?

Miss G. Lucky: That is the correct word, right quality of officer. Even with your use of the word "officer", I am immediately thinking a member of the police service. Do you understand what I am saying? That is my concern. The inspector does not have to be a member of the police service. It could be a civilian. Here, a civilian would be getting a warrant. A warrant has always been seen as a legal document or quasi-legal document. Before you execute a warrant there are certain things that have to be done. I am concerned about that. [*Interruption*] The suggestion being made by the member for Caroni Central is a strengthening of subsection (2), where I put a note: "A warrant issued under this section shall direct a police officer to accompany any inspector." I am thinking if you put "shall" instead of "may", it would mean that the magistrate would have been satisfied—this is assuming but admitting we do not need the special majority and that is a separate point—based on oath, and says: "Okay, I am so satisfied, I would issue a warrant, but put it in the name of a police officer who would then accompany the person to wherever the home would be and execute the warrant." I think it is solved by, as you say, Member for Caroni Central, changing "may" to "shall".

Then, we come to the part that—I have to go into the law. I know at this hour it is going to be rough. I would try my best to see how best I can crack the back of it, without further boring some people who might already be so bored. It has to be done. It is offences and penalties. Here is a situation where if you get it wrong, there will be massive problems.

Member for Laventille East/Morvant, one of the attorneys trained on the other side and Member for La Brea, I am sure you all are aware of section 5(1) of the Summary Offences Act, Chap. 11:02. That is a section that says—I would not read the whole thing. I would read the relevant parts:

“When any person is charged before a magistrate...”

This means that it is a summary matter.

“with assault or battery, upon any male child, whose age does not in the opinion of the magistrate exceed 14 years, or upon any female...”

This is the part.

“or upon any old, infirmed or sickly person...”

Here you have a section in legislation that already caters for an assault upon children, women and older persons. Of course, there is no definition here, but it is catering for old persons.

Clause 34 of the 2007 legislation is creating the offence of abuse of an older person. And, therefore, the first thing is—again I am really deliberately trying not to read the whole thing to confuse anything. You could have a situation where you have a section in the Summary Offences Act and this clause and the elements of the offence are the same.

Enter section 62 of the Interpretation Act. Section 62 of the Interpretation Act says:

“Where an act constitutes an offence under two or more laws...”

This could be the situation here.

“the offender is liable to be prosecuted and punished under either or any of the laws.”

You can charge him or her under both.

“but a conviction or an acquittal upon a prosecution is a bar to a prosecution for the same offence or an offence is substantially the same offence under any of those laws.”

Mr. Speaker: Hon. Members, the speaking time of the 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.

Miss G. Lucky: Thank you very much, Mr. Speaker and to all of those who allow me to proceed with what I think—Hon. Minister, I think this particular part you really need to have the involvement of a representative from the Office of the DPP because you are talking about criminal prosecution and criminal charges.

The first thing that jumps out at me is you could have two charges—nothing is wrong with that. I would use the quick analogy. When persons are at the Piarco Airport, for example, and they are found with drugs, two departments immediately come. There is the Customs and Excise Division. They could be charged for attempting to export. Let us say you have the elements for that offence. Then there is the police who would charge for possession or possession for the purposes of trafficking. What is now before the courts at the Court of Appeal level, is that some persons who are charged—both charges, when they go before the court—they plead guilty. When they plead guilty, what happens is, in some instances, there has been a penalty or sentencing for each one. That is supposed to be done. What they subsequently argue—the accused person, now the appellant, in the Court of Appeal—is that, listen, section 62 applied and, therefore, when I was mandated to pay the fine, under the Customs Act breach, that meant it was an impediment or a bar to any further sentence being imposed.

You have to make sure that things run in tandem because you could have the police charging and then you could have people who are affiliated with the department also charging. That is when you could have some problems. It is either you want to make this so clear that it is not already conceived in the Summary Offences Act. I am well aware that it is a summary offence act and it does not include an indictable offence. It is something that you may want to consider.

My problems did not end there. Looking at clause 34 (1), it states:

“If any licensee or Manager of a Home for Older Persons...”

That is two categories, licensee or manager.

“who has in his care an older person, wilfully assaults, ill-treats, neglects or exposes such older persons to be assaulted...”

When one says “exposes”—a manager of home is unaware, even with due diligence, that there is somebody who is employed and at nights instead of going and tucking in the older person, is slapping the older person, can one argue—it will be argued—that the manager was exposing that older person to that abuse? The section limits it to a licensee or Manager and that really bothers me. I would

be honest with you, if anybody came for my advice as to whether they should be a manager or be involved in this home, I would say: "Listen, be anything, do not be the manager. Be anything, do not be the licensee. Or better yet, make sure it is a body corporate." I would come to that point.

In subsection (2), even though provision is made for body corporate, it talks about in lieu of imprisonment. What some homes may try to do is to say: "Listen, we rather pay a fine than have any jail problems so, licensee would be in a body corporate and manager, we would see how we could dodge that, even the provision, I agree, says there will be a manager." Again, I make the point that you have to make sure there is a sanction. The body corporate then, could even be deemed to be manager. You have to be careful.

Then it goes on. This also troubled me. Again, being somebody who has been involved in prosecuting for criminal offences, it bothers me when I see things that are not clear. It says:

“...or neglected in a manner likely to cause the older person unnecessary suffering or injury to his health...”

What is meant by “unnecessary”? When one uses—in criminal offences, which by the very rules of law and construction—criminal statutes and criminal provisions, they carry some very special rules. For example, the general rule is that criminal statutes cannot be retroactive. They must be very clear. When you start using “unnecessary suffering”, what do you mean? You saw this person every night in pain and cannot—so you decided to give them an overdose of morphine. I may sound ridiculous, but you have to be careful because people will try and use loopholes to see how they can evade any kind of criminal liability or responsibility. I am asking for in-depth analysis of this part.

It gets worse. Clause 34(2), is the first time I have ever seen this. Again, if anybody in the House could direct me to where this may have occurred in another piece of legislation, I would be very happy. I have never seen in a criminal statute, what was done in subsection 34(2). It says:

“A body corporate that is convicted...”

I am not going into the details. It states if the corporate body is convicted, in lieu of imprisonment:

“an amount that is in the discretion of the court, where the offence is an indictable one.”

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The court is being given what I am seeing as the widest ever discretion because there is no maximum that is placed.

This concerned me because my understanding of the law, especially the criminal law, is that a criminal statute must be specific, in terms of the elements of the offence and in terms of the penalty. That is why many times in provisions we see maximum penalty. If you contravene this is the maximum.

The court is given the discretion as to whether to impose the maximum or anywhere between zero to the maximum. When you put an amount that is in the discretion of the court, yes, the court has a discretion, it must be within some parameter. Because every citizen knows if you kill another person unlawfully, you face the death penalty by hanging, but there is nothing here.

I could help by giving the citation for a case. It is *Asterphan v. the Attorney General of Dominica*, 55 West Indian Report, page 172. Again, it was not on all faults factually, but it takes about the rules of construction and what you have to look at. Put very simply, I could see an argument being mounted and successful that clause 34(2)(b) is void for uncertainty. Clearly, when you go before a court you must know what you are facing. That is something else you may look at, but it gets worse.

Subsection (3) states:

“For the purpose of this section, a licensee or Manager shall be deemed to have neglected an older person in his care, in a manner likely to cause injury to his health, if being able to do so, he fails to provide adequate food, care of lodging for such older person.”

I am sure in my mind, maybe it is staring me in the face, but I am not appreciating if the licensee or Manager comes before the court and says: "Listen, this is deeming to have neglected, so it is not here stated to be an offence.”

“but, if being able to do so...”

What if the manager or licensee says: “We are unable to do so. We could not do it.” I am not sure what that phrase:

“if being able to do so...”

means. I do not know if it was for a civil litigation and, therefore, you were trying to shift the burden now and there is a presumption that you were able to and, therefore, the defendant would have to come and say: "Well, I was unable to do it". I do not know if that is it.

1.10 a.m.

Mr. Speaker, then there is the use of the word “adequate”. Again, for example, in contract law, it is said that consideration must be sufficient, but need not be adequate. When you use the word “adequate”, what do you mean? Is it a subjective test? Is it an objective test? What may be adequate for one older person may be inadequate for another. Again, to use a word that the Member for San Fernando West used a lot is the word “policy”. I am not going to use a “p” word, but I would use an “o” word which is “objective”. What is the objective? What are you trying to make an offence or what are you trying to protect? If you know that, you would be better able to craft and draft the particular legislation.

I noticed there was a reverse burden that appeared in the 2000 legislation—and I thought it was helpful—where there was a presumption that a person was a manager and, therefore, it was for the person who was so charged or so liable to show that he or she was not a manager. Again, maybe I think with a prosecutorial mind—I cannot blame myself because I was a prosecutor for eight years and I still do some prosecutions of matters—it certainly helps when reverse burdens that are reasonable are placed in the legislation. It is done from time to time. For example, if somebody is in possession of ammunition or arms, the person has the onus to show the Firearm User’s Licence (FUL) because that is something that would be to his personal knowledge.

At the end of the prosecution’s case, for a person to get over on a technicality, because the prosecution was unable to prove that the person was a manager, because nobody from the home wanted to give evidence and no document was forthcoming. Those are the matters that are really frustrated. Again, it was in the 2000 legislation and maybe you would want to consider whether it ought to be concluded.

Mr. Speaker, believe it or not, I am actually coming to the end. [*Interruption*] Well, I did have interruptions and I thought it helped. I am sure the Members who interrupted are going to either not speak or be much shorter. Mr. Speaker, the transition in clause 39—and it is something that is needed—talks about:

“Where on the coming into force of this Act, a person operated a Home for Older Persons, he may continue to operate such Home for Older Persons for a period of one year from the date of the coming into force of this Act or such shorter period...”

I feel the word there ought to be “longer period”, because you are giving a transition of one year and, of course, that longer period must be within the determination of the Minister. So, I am thinking that instead of the word

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“shorter”, they meant to use the word “longer”. Again, maybe the Minister may want to look at it to see whether that was an oversight.

Mr. Speaker, there is one other matter. Clause 11(3) deals with the renewal of licence and it says:

“Subject to subsection (2), a licence shall be renewed effective from the biennial anniversary date of its issue.”

Again, maybe I have gotten it wrong, but I know what they are trying to say. They are saying that every two years you need to renew, but I do not think that this says that. You are saying that it is “effective from the biennial anniversary...”, and I think it could be solved by saying: “Subject to subsection (2), a licence shall be renewed biennial from the date of its issue.” The words “effective from” concerns me and, again, you want to get it right.

Mr. Speaker, as I conclude, those are the issues. I hope I did not disappoint the Member—

Mr. Valley: Before you conclude, there was the issue with respect to the special majority. I thought you were coming back to it. I do not know whether I missed it.

Miss G. Lucky: I did come back to it when I was dealing with clauses 32 and 33. I said that I was concerned and I would be very happy if the Minister could advise us or share with us any documentation. The Member for Siparia had a point and I am willing to give way.

Mrs. Persad-Bissessar: First of all, let me give the assurance to the Member for Pointe-a-Pierre—let me thank her for giving way—that my comments at the start had nothing to do with any kind of jealousy. There is no way that I am jealous of you, so please take that.

Miss G. Lucky: Thank you.

Mrs. Persad-Bissessar: In good spirit at 1.15 a.m. in the morning. I want to support your point with respect to the constitutional majority, but I also want to ask you and the Minister who is there to consider another provision which seems to me to be breaching the Constitution, and it has to do with the definition that you have given for “Homes for Older Persons”. The Constitution guarantees the right of enjoyment to property. Enjoyment to property means the use of the property in whatever way you want to use it; of course, not breaking any law, but within the laws of the land. So that if you have a home that is your property. If you are using it for housing older persons and caring for older persons, it is still

your property. What the Government is seeking to do now is to regulate the use of that property, which is all fine. The motive is great; we support that motive, but in terms of the Constitution, you will be in breach of the Constitution by the definition that you have now given for “Homes for Older Persons” which I am going to come to in a second.

I just want to make the point that where it is the Constitution gives a right; whether it is freedom of expression, freedom of the press, or enjoyment of property; any restriction or regulation on your use of it is, in fact, a violation or an infringement of your right. I could give you the example of the *Antigua Times* case which I am sure the hon. Speaker is very aware of and my colleagues from Pointe-a-Pierre and Princes Town—where there was a freedom of expression guaranteed. It had something to do with the importation of newsprint, and you had to go through a procedure, a process and a licence requirement, and a licence requirement is, in effect, held to be a violation of a constitutional right. Now, in our society, we balance rights; rights are balanced against responsibilities. There is a balancing act which must be done. So, the Constitution gives you the power to regulate and so on, but you do it with a special majority.

Let us take the definition for Homes for Older Persons as contained in the Act and it says:

“‘Home for Older Persons’ or ‘Home’ means a house or premises...”

I am doing this in your contribution because I would not speak, but I need you to look at that as well.

Miss G. Lucky: You can go ahead.

Mrs. Persad-Bissessar: Thank you.

“‘Homes for Older Persons’ or ‘Home’ means a house or other premises used for the care and housing of more than four older persons whether for reward or not;”

So, here I am, I own this house and I have four old ladies living with me—my aunts and so on—and I am not taking any reward from them; that is my private home and my private business, and you are now telling me that I must apply for a licence and be subjected to all these things that are happening. I am saying that is a breach of a constitutional right. Even, if I have collected money, it would still be a breach of enjoyment of property.

Mr. Valley: And all of these things were wrong—*[Interruption]*

Mrs. Persad-Bissessar: That is okay. The Member said that when she started and you had seven years to correct it. That does not take us further; it really does not take us further. I am asking the draftsmen to consider it, because you do not want—as the Member for Pointe-a-Pierre has been pointing out—that when you pass it for people to bring all kinds of constitutional motions against this licensing right. So, I really think that it should be considered. I would also ask the Member to consider that aspect, in terms of breach of fundamental rights.

Miss G. Lucky: I want to thank the Member for Siparia. If we could get things done like this, I think it augurs well for showing—well, they would have to look at the delayed broadcast or the repeats—what could happen if we use our collective intellects. I do take the point, Member for Siparia. Hon. Minister, as I conclude, I just want to say that it was done before by the Member for St. Joseph. There was a piece of legislation that the Government was dealing with which dealt with finance. What the Member for St. Joseph had done—showing what is done in the Back-Bench Opposition—was offered his assistance.

Mr. Valley: It was the Heritage and Stabilisation Fund.

Miss G. Lucky: Thank you, Member for Diego Martin Central. It was the Heritage and Stabilisation Fund. I am happy that at this hour you are listening to me and you are helping. He met with the team of advisors and experts and things were thrashed out. Even if there was an agreement to disagree, there was the benefit of having things thrashed out and ventilated. Today, quite openly, and without compromising any positions, if there is any assistance that I can give on condition that it is free of charge, I just want if you would like an opportunity for me to interact with the persons who are advising you—may be amplified—and I would be so willing. [*Desk thumping*] I do not even need to be acknowledged, simply because if we get it right; collectively we would have gotten it right. [*Desk thumping*] That is not something that is just said for points, but it is something that I try to do. Again, I am just making the offer to you that I am willing to give the assistance.

Mr. Speaker, I find there is a level of hypocrisy, and this is not for the Government, it is for all of us. I find that when it comes to dealing with older persons, we come here and say it on the cameras how much we care for older persons; we look out for them so much; and we want to make sure that they get their pensions, but in our society I do not think that we treat our elderly well. I have given examples of being in a banking institution and a woman was behind me and all I could have done was given her one place. I am not hitting the banks, because this applies across the board; the private and public sector.

Look at the way we treat our calypsonians and chutney artistes. Many of them have died impoverished and they have made tremendous contributions. Mr. Speaker, when I look at the age—now I find myself getting more data on calypsonians for personal reasons—I see that some of our calypsonians who are really dynamic on stage are in their 60s—65; 66 and one is nearing 70—and you really do not think of them as old persons. You grew up listening to them, and names come to mind like Black Stalin, Sparrow, and I think even Crazy. When they perform, you think that they are young and you think that they go through everything we go through, but they have made such vital contributions to our society—

Dr. Rafeeq: And politicians.

Miss G. Lucky:—and politicians as well. Whether they have really helped us might be a subjective or objective test; I do not know. I really want to encourage this Government and governments to come to let us just stop playing the politics, and let us really look at those persons in our society who are elderly and who have made tremendous contributions; not just in culture, but in sport and education. There are those who are really in need.

I think—and I want to use calypsonians and chutney artistes—if they have given so much, they should be performing at gigs and so forth for the fun of it, because they want to share, and not because they have to worry—they need to perform to make money and pay an instalment for something. They must be doing it because they love it, and there are ways that it can be done. When the Performing Arts Centre is completed, if ever it is, give those persons an opportunity to just lecture and teach. They love it. These are the masters who love their professions and what they did. They are not looking for money down the road. Give them something! You could learn at the feet of the Mighty Chalkdust, Black Stalin—I do not want to leave out anybody—but I am just saying that there is so much that could be done.

Mr. Speaker, with these words, I know there were many, but I am hoping that they would be taken on board and, like I said, let us see if we could get it right. I thank you, Mr. Speaker. [*Desk thumping*]

Mr. Valley: Mr. Speaker, you know the Government is always open to suggestions and so on, and the Member for Pointe-a-Pierre has made a number of suggestions with respect to this Bill and, therefore, we need to look at the issues. I want to move that we suspend further debate on this Bill, at this time, and move to Bill No. 2 on the Order Paper. I so move.

Question put and agreed to.

ACCREDITATION COUNCIL OF TRINIDAD AND TOBAGO (AMDT.) BILL*Order for second reading read.*

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid): Mr. Speaker, I beg to move,

That a Bill to amend the Accreditation Council of Trinidad and Tobago Act 2004, be now read a second time.

We have before us a single and simple amendment. Perhaps, it might be useful if I were to refer to the specific clauses to which the amendment is relevant. If we turn to section 26(1) of the parent Act, it says:

- “(1) No institution shall carry on the business of post secondary or tertiary education or use any of the words ‘university’, ‘college’, ‘tertiary college’, ‘polytechnic’, ‘community college’, ‘technical college’, ‘technical institute’ or ‘technical university’ in its name unless registered under this Act and any regulations or rules made under this Act.
- (2) A registered institution shall not—
 - (a) alter its accredited programmes without prior approval of the Council; or
 - (b) misrepresent to the public the recognition gained by it for its programmes for awards.”

Mr. Speaker, the other relevant clause is clause 29. This particular clause is the clause that makes the transitional provisions. Understanding that there were institutions already in operation, and there was need to ensure that there is the transitional period, clause 29(1) says:

“Institutions lawfully performing their functions in Trinidad and Tobago at the commencement of this Act shall, for a period of two years thereafter, be deemed to be authorized to continue to perform such functions...”

The important part here is that there was a two-year transitional period, and the proposed amendments today are attempting to extend that period from two years to four years.

Mr. Speaker, it is necessary then that I give this honourable House an update as to what has been happening over the last two years, as it relates to the establishment of the Accreditation Council of Trinidad and Tobago. Act. No. 16 was proclaimed on July 09, 2004, so the two-year period would be two years as of

that particular date. In two years, it was contemplated that the Accreditation Council would be fully established and having been established, it would then work with the institutions so that the institutions could be upgraded where necessary to meet the quality standards as determined by the Accreditation Council. It was always contemplated that the relationship would be facilitative and developmental; meaning that the ACTT would work along with the institutions to help them to strengthen, improve themselves and to correct whatever deficiencies or inefficiencies that may exist.

Mr. Speaker, what have we done so far? Well, the board was appointed by the President in September 2004. Remember, July was the date of proclamation, and the board was appointed in September. Five months later, the board having conducted its search, hired an Executive Director, and that was done in February, 2005 and the secretariat was established. It preceded the Accreditation Council, and a phased recruitment process during the period March to October 2005. While it was engaged in that recruitment exercise, there are a few points of which we must take note.

One is that you must recognize that quality assurance and accreditation is really a new and emerging field in Trinidad and Tobago and the wider Caribbean. That being the case, you would find that there are very few qualified persons and experts in the discipline and in the field available in the Caricom regions, and that would make, of course, the recruitment exercise a very difficult exercise.

We also found that having recruited persons there was need to expose the staff recruited to further training—expose them to seminars and conferences and so forth. So, having accepted them on staff, it was necessary to work with them to improve their ability to function in the posts for which they were hired. We established offices in Port of Spain in July, 2005 and an office was also established in Tobago in March 2006. We have to understand our establishment of our own Accreditation Council in the context of what has been happening in the region, so that we can place ourselves in the wider regional context.

The University Council of Jamaica was established in 1987, and that has been under review for some time. Barbados, Guyana, St. Kitts and Nevis have adopted the Caricom draft Bill which was the Bill upon which our Accreditation Act was originally based. They have also established national accrediting bodies. However, it must be noted that among all of these, the Accreditation Council of Trinidad and Tobago stands as the most fully structured and staffed national accrediting body in the region. We do, in fact, now have a highly qualified staff of about 30 persons.

The reputation of a country's higher education system is predicated upon the competence, integrity and transparency of its accrediting system. What that means is that you cannot establish an accrediting body in a vacuum, and you really have to look at what is happening internationally. You have to subscribe to international standards of best practice. What we have done is to look to those countries which have a richer history in accrediting. The main countries we looked at were the United States of America, the United Kingdom and Canada.

The US was actually the one that attracted our attention more than the other two. We found there that there were six regions for accreditation; the North-Central Association of Colleges and Schools; the New England Association; the Middle States Association; Southern Association; Western Association and the North-Western Association. The largest among these was the North-Central Association of Colleges and Schools. That particular accrediting body had over 100 years experience.

It is important to note that among accrediting bodies in these countries, they are generally not established by governments, but they are a network of institutions that would have formed these associations, and they would regulate themselves as it were. But the reality is, in developing countries where there is a slightly different dynamic, it has become necessary in many developing countries around the world, for governments to take the lead role in the establishment of accrediting bodies to ensure that quality is maintained among high education institutions.

We identified the North-Central Association of Colleges and Schools in the United States, and we established a relationship with them. The purpose of the relationship is so that we could learn from them, and that they would provide the guidance on the structures and systems that we need to establish; provide training for our staff; and where appropriate we would adapt the criteria, policies and processes to ensure international comparability of the standards set by the Accreditation Council of Trinidad and Tobago. So, we were benchmarking ourselves by a well-established accrediting body.

Over the last two and a half to three years, we spent considerable time putting in place policies, systems and practices to earn international recognition. Mr. Speaker, it is important to note that accrediting and accreditation is about a network. You really have to be part of an international network which has already established standards, and seek to learn from the standards that they have established; meet those standards and join the network.

There is an international network called the International Network of Quality Assurance Agencies in Higher Education (INQAAHE). INQAAHE is made up of every recognized and reputable accrediting and quality assurance agencies in 73 countries. It is really like the United Nations of accrediting bodies. It is made up of all the reputable and recognized accrediting bodies.

The membership is not automatic. You have to qualify. It is based on compliance with very stringent requirements in terms of your governance structure; in terms of your autonomy, your policies, and your organizational capacities. They look at these variables and determine whether they would admit you. As I said before, it is not an automatic admission policy that they have. You simply cannot declare yourself to be an accreditation council or body and expect to earn admittance as a consequence of your declaration.

All members are committed to abide by a code of good practice for external quality assurance agencies. I said 73 countries and there are 156 members and 153 accredited bodies which are members of INQAAHE. It is small, because within countries there might be more than one accrediting body. Out of the 156 members, Trinidad and Tobago is one. What that means is the Accreditation Council of Trinidad and Tobago has met the requirement established by INQAAHE to be a member of that particular international accrediting network.

The ACTT has also been instrumental in the formation of the Caribbean Area Network for Quality Assurance in Tertiary Education (CANQATE). CANQATE is a subregional network of INQAAHE. So, having gained acceptance into INQAAHE, we have formed a subregional network, which is an excellent move from the region. There are other institutions that exist in Latin America, Europe and Asia. Our own Executive Director has been the Vice-President of CANQATE. Remember, I did say earlier, among the regional accrediting bodies, we are indeed the leading body in terms of the maturity of our accreditation council.

We are also members of an institution called the National Recognition Information Centre (NARIC) of the United Kingdom. NARIC has the most comprehensive international database of recognized institutions and programmes. When I am winding up, I am sure the issues are going to come up, and I will discuss the difference between registration, recognition and accreditation.

Based on all these collaborations; our membership in INQAAHE, our collaboration with the North-Central Association of the United States and our relation with NARIC and what we have learned from other bodies, we have

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developed our own document called the Policies, Procedures and Processes which would guide the operations of the Accreditation Council of Trinidad and Tobago. This particular document, the Policies, Procedures and Processes contains the criteria for registration for post secondary and tertiary institutions. It has outlined the process for the registration of post secondary and tertiary institutions; the criteria for accreditation of institutions and programmes; the process of initial and continued accreditation of institutions and programmes; the criteria for conferment of institutional title which is different from registration; the revocation of suspension of status; and the process of appeal against the decision of the council. So, a lot of our efforts have gone into the development of that particular document, which would guide the operation of the Accreditation Council.

Within the last year, ACTT has been engaged in the process of accepting applications for registration. As we accept these applications, it is necessary for me to just simply point out what are the requirements for registration for any tertiary institution. The Accreditation Council must be satisfied that you meet the legal and regulatory requirements which you must satisfy. There is need to meet standards as they relate to proper governance and administrative structure. You must ensure that you have a proper quality management system; a resource management system; they will examine to determine the effectiveness of your teacher-learning processes; you must have review mechanisms within your institutions; and there must be continuous improvement strategies.

Just to give an example of one of these, if the ACTT were to review your governance structure, it would be looking at your administrative strength and capacity; the academic policy and procedures; quality of the faculty; quality of your staff; the physical facilities; and the financial stability of the institution.

We have started that process of registration to which this amendment is directly related. In fact, in November last year, when we were ready to invite institutions to register, we did meet with all the institutions at the Bureau of Standards in Macoya. We gave a full presentation to these institutions as to what is required for the registration process. We published handbooks and distributed them; and we also advised institutions to proceed to apply and submit their documents. We indicated to institutions as they apply for registration we would be prepared to work with them within the time period allowed by the legislation, understanding that it was our intention to extend the period to four years.

The reality is that the two-year period, as a Parliament, I think we underestimated the task of establishing an Accreditation Council and developing the documents necessary; the criteria necessary; and what was required in terms of the fact that we would have to relate to international organizations and so on to really get it right. We have been for the last year in a position to engage institutions, and now having engaged the institutions it is not our intention to violently close down institutions, but rather to be facilitative and developmental and work with institutions to help them to strengthen and upgrade themselves. That has been our approach and philosophy and it is within that context that we are extending the period.

We expect really to complete the process by July 2008—provided this amendment is passed. After July 2008 institutions that are not registered would then be operating illegally and then the Accreditation Council would have to take action to ensure that they do not operate, because the legislation would deem them to be operating illegal after that particular date.

I am happy to report that a number of institutions have begun the registration process. Their documents are in and even for those whose documents are not yet in, I am working with many of them to help them to put things in order so that when their documents do come in, we would have an outcome that is positive for the institutions and the entire country.

That really explains the need for the amendment. We are extending the period from two years to four years which would mean that the transitional period would move from July 2006 to July 2008, so that we would be able to have all those institutions continue to operate legally, and from 2008 we would try to ensure that we get all the registration done so that our institutions can proceed.

Thank you very much. [*Desk thumping*]

Question proposed.

Mr. Ganga Singh (*Caroni East*): Mr. Speaker, in the wee hours of the morning, we are here—it is now 1.40 a.m discussing—

Mr. Valley: Do you want to go home now?

Mr. G. Singh: I indicated to you that I felt that you had acquired certain statistic tendencies by having your Members sleeping away on themselves at this hour of the morning, and that you had abandoned your responsibility to maintain the dignity of the House. Nevertheless, we are here to do the people's work and we intend to give a full contribution on this matter, because it is a very important Bill.

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The first point that I want to make is that whilst I am here at 1.40 a.m. in the morning dealing with this matter, the hon. Minister, a guest in this House of Representatives, continue to treat the elected Members of this Parliament with utter disdain. Mr. Speaker, question No. 36 which you raised midday yesterday, has been on the Order Paper for over seven months, under the watch of that Minister. I am going to read it:

“Could the Minister list:

- (a) all the contracts entered into by the University of Trinidad and Tobago (UTT);
- (b) all Consultants whose services are engaged by UTT and the fees paid to them;
- (c) all legal fees paid to attorneys-at-law for and on behalf of UTT; and
- (d) all foreign personnel of UTT and their respective salaries?”

What is hard about that? What it is that you are doing in your ministry—

Mr. Ramsaran: That is “bobbol”.

Mr. G. Singh:—that you have problems answering these simple questions? For over seven months, this question has been on the Order Paper; postponed, delayed and deferred over 10 times. We are here at 1.40 a.m. speaking on this matter, but for over seven months you have abandoned your ministerial responsibility to treat this Parliament and this House, in particular, with a measure of dignity.

The hon. Minister said that he underestimated the task at hand because at the time—

Sen. Abdul-Hamid: I said “we”.

Mr. G. Singh: The hon. Minister said that “he” underestimated the task at hand; not “we”. You do not have mice in your pocket when you are a Minister. You take your ministerial responsibility; you take your ministerial portfolio; and you have responsibility for that portfolio, and you underestimated the task at hand by claiming that two years were insufficient time.

The next question that brings to mind is that you are seeking in 2007 to have us extend the period of the transitional provision for a four-year period that would take us to 2008. Why was there the delay in bringing this legislation? Your period ended in July 2006 so, therefore, you are in no man’s land at this point in

time, and you come to the Parliament almost a year after the transitional period ended in June in 2007, seeking an additional year, effectively, to 2008. The point that we have to make is that you are almost a year late in bringing this matter to the Parliament.

This Minister seems to always underestimate and lack the capacity to estimate time appropriately. He came in this House on Friday, December 15, 2006 and made a statement. In that statement he indicated that it was the intention of the Government to bring an Act of Parliament to incorporate the UTT. I would quote at page 13 of this statement:

“The combination of this process and the intention of the Government is the creation of a recognized and respected institution that will be incorporated by an Act of Parliament by the end of the first quarter of 2007.”

Who will believe you now? Who will believe you? Where is your credibility? Why did you not apologize in your opening statement? Where is the Bill to incorporate the UTT? From my understanding, the first quarter of 2007 ended in April.

Mr. Ramsaran: In March.

Mr. G. Singh: I am even being generous by giving you an additional month. It ended on March 31. Where is the Bill to incorporate UTT? You are saying that it was always your intention to do so. When we raised the issue of UTT, the Minister indicated that it was always the intention of the Cabinet to bring an Act to incorporate UTT, but their first approach was to incorporate it by way of the Companies Act, and several months after there is no incorporation; nothing. UTT continues on its merry way and the Minister is not in charge.

Mr. Ramsaran: Is it Caldar Hart?

Mr. G. Singh: Mr. Speaker, UTT falls under the jurisdiction of the Minister and his ministerial portfolio. It is a university; a laudable objective in itself. What is the reality of what is happening in UTT? There is a lot happening in UTT and the Minister seems to be taking—I do not know whether or not he has the political will to engage the people in UTT and to stand firmly, or he is certainly turning a blind eye to what is happening in UTT and hope things would improve.

The Minister in his opening remarks make absolutely no mention as to how far they have reached. He indicated that they have now started the process. So, therefore, the Accreditation Council, in its list of duties, has been engaged in only a series of administrative matters. They have not embarked significantly on the

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list of duties as required under law. For example, to maintain a list of accredited post secondary and tertiary institutions operating in Trinidad and Tobago and a list of accredited programmes and awards offered in Trinidad and Tobago.

When you look at the Accreditation Council of Trinidad and Tobago website, under the heading “list of accredited institutions”, do you know what they have there? Please stay tuned for a listing of accrediting institutions. This is the website. Policies; please stay tuned for our policies. Procedures; please stay tuned for our procedures, and this Minister comes to this Parliament and expects us to stay tuned. [*Desk thumping*] Well, I think, in the wee hours of this morning, we have to tune him up. [*Laughter*]

Mr. Speaker, the listing of duties laid out in this Act is important because we were supportive of the Act. Accreditation is a critical component in maintaining the integrity of the academic offerings. We said that it was an important part of the tertiary architecture in this country to maintain the integrity of the offering but, Mr. Speaker, where has the Minister reached? By his own admission, he has not reached anywhere. He told us that the Act was assented to in July; you appointed an Executive Director in September; you joined a series of international institutions; there is a series of administrative matters; and at the end of the day, you underestimated the task at hand.

When you came to pilot this piece of legislation, the Accreditation Council of Trinidad and Tobago, and with these listing of duties, you had no idea that you had to accredit post secondary and tertiary institutions and the programmes and awards of such institutions, and you had to register post secondary institutions, foreign and local which offer programmes in Trinidad and Tobago? You had to recognize accrediting programmes and award or foreign institutions operating in Trinidad and Tobago? You had to advise on the recognition and so forth to determine the equivalency of programmes and awards; to develop and advise on a unified credit-based system for post secondary and tertiary education sector which will facilitate the transfer ability of credits and so forth?

All you have done really is to establish relationships including joint accreditation exercises with regional and international accrediting and quality assurance bodies, and I do not know how far you have reached. You said that you have joined and you are probably paying membership fees. That is as far as you have reached. Stay tuned! Can you imagine, you stay tuned for procedures; you stay tuned for policies and you stay tuned for a listing! Minister, you need to turn on. You have a series of requirements to protect the interest of students and other stakeholders.

Mr. Speaker, the hon. Minister is really not doing his work, and it is no wonder that the poll said that he is the least known Minister in the Government.

Mr. Imbert: That is not true.

Mr. G. Singh: Who is it then? Is it Christine? [*Interruption*] Mr. Speaker, I was making the point that if you do not protect the integrity of the offering of these post secondary tertiary level academic institutions and other areas, you are going to run into serious problems of creating a kind of bogus diploma mills. The hon. Minister indicated that they have linkages with the American system. I will go on to demonstrate how in the American system you have a series of institutions, because of lax regulations in certain states they produce bogus diplomas and bogus PhDs. It is like bogus all over, but we will deal with that.

I want to deal with the fact that the hon. Minister, in dealing with the statement on UTT, indicated that within the first quarter of 2007, an Act of Parliament would be brought to incorporate UTT. We had insisted that was the appropriate way to go with a new university in Trinidad and Tobago, having regard to so much public moneys being expended in this sector. The reason we wanted to bring UTT via an Act of Parliament is to ensure that it got the scrutiny of the Parliament.

Mr. Speaker, I want to refer—I would read without any comment—to a matter in the Industrial Court. It deals with Trade Dispute No. 428 of 2006 between the Banking Insurance and General Workers Union and the University of Trinidad and Tobago. I will read from paragraph 8 and it says:

“The Worker functioned in the position of Vice-President Finance and Administration for a period of some 4 months, during...”

Mr. Imbert: Will the Member give way? Is that matter still being heard or has a decision been rendered?

Mr. G. Singh: The matter is before the court.

Mr. Imbert: So, a decision has not yet been rendered?

Mr. G. Singh: Not yet.

Mr. Imbert: Mr. Speaker, in those circumstances, is this matter sub judice?

Mr. Speaker: You are referring to Standing Order 36(2) which says:

“Reference shall not be made to any matter on which a judicial decision is pending, in such a way as might, in the opinion of the Chair, prejudice the interests of parties thereto.”

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Until such time as I am of the opinion that what the Member is saying will prejudice the interest of the parties, he can proceed.

Mr. G. Singh: Mr. Speaker, thank you very much. It is not my intention to prejudge any matter or prejudice any matter. I merely intend to read into the record, parts of the affidavit and with no comment whatsoever. I was reading paragraph 8 and it continues:

“The Worker functioned in the position of Vice-President Finance and Administration for a period of some 4 months, during which time the Worker discovered a number of financial irregularities, all of which he raised with the Chairman and President of UTT, Mr. Ken Julien, including, *inter alia*:

In or about April 2005 the Worker discovered that a company by the name of York Structures commenced construction purportedly of a building located at O’Meara, in Arima, for the sum of \$150,000.000.00 Mr. Bhajan was at the time responsible for Capital Projects. Invoices were presented to the Worker for payment approved by Mr. Bhajan, some of which were processed and paid, until the worker discovered that there was no contract for this project.”

Mr. Ramsaran: What!

Mr. G. Singh: Mr. Speaker, it continues:

“The Worker further discovered that it was Mr. Bhajan was the one who, once again, notwithstanding the absence of a written contract for the building, approved invoices submitted by York Structures for payment of public monies. The Worker brought this to the attention of Mr. Julien, and advised him that in the absence of a written contract, he will not authorise any payments on that supposed contract. Mr. Julien became visibly upset and indicated in very strong terms that it was he who granted the contract to York Structures. The Worker still refused to authorise any payments, consequent upon which the relationship between himself and Mr. Julien became strained. The Union requires the UTT to disclose all documents in its possession in respect of this project.”

Mr. Speaker, that is why I go back to the question; all the contracts entered into by the UTT. Seven months have passed and the hon. Minister has failed to answer the question. [*Desk thumping*] I am beginning to understand why.

Mr. Speaker, paragraph 8(iii) states:

- “(iii) In relation to the York Structures project, a company by the name of APR Consultants was awarded the contract as project managers at a fee arrangement of 4.5% of total cost, whereas the industry norm was in the region of 2% to 2.5%, a difference in dollars of approximately \$3,000,000.00. The Worker again brought this inflated contract sum to the attention of Mr. Julien, whereupon Mr. Julien ceased to have any further communication with the Worker. The Union requires the UTT to disclose all documents in its possession in respect of this transaction.”
- (iv) In or about May 2005, the Worker discovered that UTT in the person of Mr. Dave Bhajan, issued purchase orders from time to time for Dell computers from a company by the name of Diamond Systems and Supplies Limited. This series of purchases were irregular for several reasons:”

Mr. Speaker, they went on to outline:

- (a) there was no need to utilize the services of an intermediary company and so incur additional cost in the purchase of those computers in the present day marketplace. A direct purchase request could have been made to Dell or any other manufacturer, who provides as a matter of course, special manufacturer pricing for bodies such as UTT;
- (b) there was no tender for the supply of those computers, it was a matter of sole selection;
- (c) the price paid for the computers supplied by Diamond Systems and Supplies Limited was approximately 300% more than if the computers were purchased directly from the manufacturer, for example, a Dell laptop computer which would ordinarily sell for approximately USD\$500.00, was being purchased by UTT for \$25,000.00 TT dollars.”

Mr. Ramsaran: My God! It is 2.00 a.m.

Mr. G. Singh: It continues:

“Again, this was brought to the attention of Mr. Julien by the Worker, who informed Mr. Julien that he had stopped all purchases from Diamond Systems and Supplies Limited; that with immediate effect UTT would now be dealing with the manufacturer direct, and that Mr. Bhajan, was the chief architect of the transactions. The Union requires the UTT to disclose any and all documents in respect of this transaction.

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- (v) In or about August 2005, upon the Worker's return to office from a business trip, the Worker discovered a cheque in the sum of approximately \$300,000.00 made payable to a company by the name of Advance Dynamics Limited and signed by Mr. Bhajan. This company's contract expired around May 31 2005, and the Worker inquired of Mr. Bhajan what was the purpose of the payment since that contract had expired, to which Mr. Bhajan replied that the Board had extended the contract. Mr. Bhajan asked the worker if he knew who Advanced Dynamics was, the Worker replied he did not really care, to which Mr. Bhajan said Advanced Dynamic is Barry Mc Comie, the Worker asked who is that, and Mr. Bhajan said its Professor Julien's brother in law, to which the Worker replied that he's in the middle of a cess pool of corruption and refused to pay the invoice."

Mr. Panday: Stay tuned!

Mr. Ramsaran: Stay tuned boy!

Mr. Speaker: Order.

Mr. G. Singh: It continues:

- (vi) A few days following the Advanced Dynamics revelations, a series of invoices and purchase orders in the sum of \$2,800,000.000 came to the Worker for signature and payment, in relation to renovations for the offices of Kenesjay Technologies Limited, Mr. Julien's personal company. The Worker asked Mr. Bhajan about these requests, to which he replied that Mr. Julien instructed him that he is going to move certain officers of the UTT to the Kenesjay location, and that those officers included Mr. Bhajan, the provost, the corporate secretary, and the appropriate administrative staff."

Mr. Ramsaran: They should move the Minister too.

Mr. G. Singh: Mr. Speaker, I will continue reading 8(vi):

"The worker also advised Mr. Renee Monteil, Executive Director and member of the Board of Govenors, of the request, who instructed that the words Kenesjay be deleted, and the words, 'UTT Tacarigua' be inserted. The Worker forwarded this transaction to Minister Abdul Hamid, who was responsible for the UTT, and refused to authorise payment."

Mr. Speaker: Hon. Member for Princes Town, you cannot stay there and keep giving a running commentary. If you want to contribute we are going to hear

you. It is very early in the morning, and we have plenty time. Do not give a running commentary, please. Continue hon. Member.

Mr. G. Singh: Mr. Speaker, this matter continues. It points to—it is supported by documents, letters and so on. I would make this available to anyone who wants a copy. [*Interruption*] I know it is early in the morning, and the Member for Tobago East has the Scarborough Hospital around her neck like an albatross. [*Desk thumping*]

The point I am making is that this is under the Minister's watch; this is what is taking place in UTT. Why is the Minister delaying the Bill to provide an Act to incorporate UTT when you promised us in this Parliament and the nation, by virtue of your statement, that it would be done in the first quarter of 2007? Have you underestimated Ken Julien? Minister, it seems that your underestimation continues.

When the Minister came on December 15 and provided that statement, he was grandiloquent; he was pompous in his approach, indicating what they had done with the various sectors and the kind of funding and so forth. He was filled with bombast. Today, he is like a deflated balloon by indicating to us that he has underestimated the task. I want to know—and I will give way if he can answer the question—when are you bringing the Bill to incorporate the UTT before this Parliament? When? [*Interruption*] You do not know off-hand.

Mr. Ramsaran: You have to call Julien.

Mr. G. Singh: Mr. Speaker, so this accreditation that is taking place, as I indicated, is about a process and also about programme. They have not even pass the first base; nothing in the process. It is only now they are engaging applications. You are at the application stage; now engaging. Well, with respect to the programme, you will never complete that. Accreditation is both a status and a process. What is the learning that they tell you?

2.10 a.m.

Mr. Valley: Tells us what?

Mr. G. Singh: Tells us nothing! Tells us nothing about the process nor the status; you are now engaging the process! After three years, you are now engaging the process. He tells us that they are linked to a North American Organization and in North America they have all the learning and so on and so on. I wonder if the hon. Minister is aware of the kind of abuse that takes place in the diploma mills of the American system. There is a list in the *Irish Times* of 12 famous diploma mills; they call it the “dirty dozen”. They are:

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- “1. Columbia State University, Louisiana: Shut down by the Attorney-General of Louisiana after an aggressive marketing campaign that promised degrees within 27 days. Advertised in *The Economist*.
2. La Salle University, Louisiana: Claims to be restructuring itself after its founder president was jailed and the premises were raided by the FBI. The biggest institution of its kind in the United States. Advertises in *The Economist*.
3. Chadwick University, Alabama: The second largest institution of its kind in the United States, it claims accreditation from a bogus agency. Alabama law prevents it from accepting students from Alabama. Also operates the American Institute of Computer Science...
4. American State University, Hawaii: Recently offered an American reporter a bachelor's degree in journalism for \$1,890 and a thesis of a mere 2,000 words.
5. American International University, Alabama.
6. Columbus University, Louisiana.
7. Monticello University, Kansas; advertises in *The Economist*.
8. Frederick Taylor University, California.
9. Pacific Western University, Hawaii: Advertises in the *International Herald Tribune* and *The Economist*, offering to ‘match your position with a legal degree and transcripts.’
10. City University of Los Angeles, California: The name could easily lead to confusion of CULA with UCLA, the respected University of California, Los Angeles.
11. Kennedy Western University, Hawaii. (Name has changed to Warren National University.)
12. Trinity College and University; operates from South Dakota, USA and the UK. In February, 2007, several United Nations staff were fired from their jobs after it was discovered they had padded their resumes with Trinity ‘degrees’.” [*Interruption*]

Who?

Sen. Abdul-Hamid: I will tell you about your partner partner.

Mr. G. Singh: Who is that? *[Interruption]*

Mr. Speaker, what we are saying is, the importance of this accreditation, having regard to the development of our economy; having regard to the state of development of the country and demand for services and the fact that the educational requirements being what they are, if you do not have a proper functioning accreditation council people are going to acquire degrees from these bogus universities and diploma mills. It has happened in this country. The deceased Winston Ali, a former candidate for the PNM for Caroni Central, tragic situation really; when it was found out that he had padded his résumé tragedy occurred; killed himself, his wife and children.

The point I am making is, if you do not have a proper regulatory environment or body as part of your architecture, then you are going to fall prey to this. It has been brought to my attention that there is a senior manager at one of the statutory authorities, whose résumé has escaped scrutiny, has a bogus one. I will tell the particular Minister the information. They grant these university degrees once you could pay for it. This one really, really—it takes the “ea” in really—really tells you what is happening at these American institutions.

In 2004, a pet was awarded an Executive MBA by the Texas-based Trinity Southern University. *[Laughter]* *[Crosstalk]* This pet belonged to a deputy attorney general looking into allegations of fraud by the school. *[Laughter]* The pet’s application was originally for a Bachelor of Business Administration, but due to the pet’s qualifications, including work experience in fast-food and as a paperboy, the school offered to upgrade the degree to an executive MBA for an additional \$100. *[Laughter]*

Mrs. Job-Davis: “Where you does get dem stories from boy?”

Hon. Members: It is true; it is true.

Mr. G. Singh: As a result of the incident, the Pennsylvania attorney general has filed suit against the school. You see, Mr. Speaker, this is what you have taking place. You have an abuse that is taking place in these diploma mills, and which is prevalent in our society because we see many people holding themselves out with all kinds of PhDs. In the American system, because of the religious schools, because you have religion and you cannot get into the protection of religion, you have many theological schools offering all kinds of doctorates. There is no preacher worth his salt without a Dr. before his name.

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They may be bona fide PhDs, but when I read what is happening in the world of the bogus diploma mills, you realize that this is another avenue of exploitation. People are purchasing their PhDs from these so-called theological colleges and they become doctors; so doctor here is preaching here; doctor here is preaching there and so on. That is what is happening; there is no real integrity in the offering of these so-called theological colleges.

Hon. Member: I think you are against doctors.

Mr. G. Singh: No, I am not; I think it has to do with the fact that in the Dr. Eric Williams era you were not anybody until you had a doctorate before your name, and that kind of historical antecedent has created that kind of PhD factory that we are now getting in Trinidad and Tobago.

Dr. Rowley: You have something against Rambachan. [*Laughter*]

Mr. G. Singh: Mr. Speaker, you see this whole area of the procurement, because when you procure these university degrees then it enhances your social mobility. The fact of the matter is that a highly educated person is entitled to better jobs and therefore impacts positively on their quality of life. We must be very careful and that is why I am really disappointed that the Minister has taken so long to bring this thing, because of the mushrooming of institutions in this country. All kinds of universities coming and recruiting people in Trinidad and Tobago.

You see Crowne Plaza, they have a meeting there; Hilton; Marriott, all over they have meetings and they bring people who are unsuspecting to get into this university and I am certain that of that list of 12 I have called out, that is just the tip of the iceberg. They would have some of the best logos; all kinds of emblems and so impressive that you would really think that they are bona fide when they are just diploma mills.

Mr. Speaker, so you have that level of dishonesty in the system taking place. I would tend to think that the Minister ought to tell us, because I think he has responsibility, the criteria for accessing scholarships for medicine at St. George's University in Grenada. A lot has been said about that in the public domain; many people are still talking about it, and the Minister has a responsibility to tell us how many students acquired scholarships, the criteria and how you go about accessing that.

The Minister also ought to tell us—you said COSTAATT was misconceived and so on, okay you take your policy position—why has the Principal of COSTAATT been removed. Did he resign or was his contract terminated? I recall when the

Principal was introduced to the country it was done by way of a whole page ad; I read his résumé; I read his background and I felt that he would have a significant contribution to the growth of the community-based kind of college approach that is required. He has left these shores and not a word has been uttered.

The Minister also has responsibility for the National Training Agency. Recently the CEO of the National Training Agency, Mr. Fazad Karim, the UNC General Secretary, was terminated or asked to resign or fired; I do not know. And the Minister owes us a responsibility because in this political cauldron that is Trinidad and Tobago today, you ought to have some measure as a Minister with responsibility, to understand the sensitivity of the situation. [*Crosstalk*]

The Minister ought to tell us, whether there is a move or whether the site of the fish farm has been earmarked to locate the Accreditation Council Headquarters in Bamboo Settlement No. 2.

Mr. Ramsaran: That sounds fishy. [*Laughter*]

Mr. G. Singh: Mr. Speaker, I will tell you this, that I purchase tilapia off and on again from that farm, so I know that the western section of the farm is functioning. Here it is in this country you have land all over the place; Caroni has been shut down. Caroni lands, I think 7,000 acres the figure is, available, but you want to put the Accreditation Council Headquarters on a fish farm and there are very few locations in Trinidad, in which you can have that kind of operation taking place.

I know Dr. Indar Ramnarine and he wrote his thesis on fresh water fishes in Trinidad and Tobago and he operates the farm there. He is a university lecturer at the University of the West Indies (UWI). So I do not know what the hon. Minister is talking about. That is the kind of loose lip situation that emerges and the utterance of the Minister brings to mind what I read in the *Time Magazine* of June 18, 2007, most recently:

“Loose Lips

Overstating the Threat of Terrorism Risks Making Us Less Safe”

And it talks about Trinidad and Tobago. It goes on to say:

“The men charged on June 1 with plotting to blow New York City’s John F. Kennedy Airport hoped to outdo the attacks of 9/11, according to complaint filed against them. ‘Anytime you hit [a] Kennedy, is the most hurtful thing to the United States,’ one suspect allegedly told an informant. But the men were

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amateurs and the worst their plans might have achieved was not an apocalypse but a fire in a remote part of the airport. Thankfully, authorities foiled the plot before it could get smarter.

Yet when U.S. Attorney, Roslynn Mauskopf announced the bust, she deployed code-red verbiage. ‘Had the plot been carried out, it could have resulted in unfathomable damage, deaths and destruction.’ It was ‘chilling.’ The devastation could have been ‘unthinkable.’

This is how prosecutors talk, in fluent hyperbole. In their mind, the trial has already begun, and a press conference is an early chance to sway potential jurors and raise their own profile.”

And they go on to say, Mr. Speaker:

“Loose lips”

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

Motion made, That the hon. Members’ speaking time be extended by 30 minutes. [*Mr. M. Ramsaran*]

Question put and agreed to.

Mr. G. Singh: I thank the hon. Members at the wee hours of the morning for extending my time. So you have a situation where “loose lips”; it reminds me even at this hour; you remember the TV show “MASH” and there was “Hot Lips Hoolahan”. [*Interruption*] It reminds me of your lips, Member for Tobago East. [*Laughter*] [*Crosstalk*]

Mr. Ramsaran: “This time you go make mistakes.” [*Laughter*]

Mrs. Job-Davis: Mr. Speaker, strike that from the record, please.

Mr. G. Singh: Mr. Speaker, coming back to the point I am making. I am making the point that as we seek international recognition and so on, all that is well and good, but let us look after our matters here. If I want to send my child to an institution, why is there not a list of institutions that are listed, available on the website so I can have some measure of credibility? How are you going to fund GATE if you do not have a list of accredited institutions? Is there not a connection and why is there a delay? Because you have the mushrooming of institutions.

What is the effect of the lack of accreditation on UTT? My colleague, the hon. Member for Caroni Central provided me with an advertisement:

“Application for Admission

2007/2008

The University of Trinidad and Tobago is inviting applications for the following programmes:

Doctor of Philosophy Programmes

Master of Science Programmes

Research and Development Programmes at the Masters and Doctoral levels are available in the following specifications...”

You see there is the process accreditation; there is the status accreditation; you have the institutional accreditation and the programme. These programmes, have they been assessed? Do they qualify? Is there a linkage? My colleague, the Member for Siparia said, are these degrees recognized? Therefore, when we send our children to UTT they can go and do further enhancement of their qualification at other international institutions. Can they do that in the current scenario? The hon. Minister ought to deal with those issues.

I want to also deal with this whole question of the delay by the hon. Member in bringing that piece of legislation, because it will help us understand. I believe that the UTT as a technology-based institution is an excellent idea and something that is very, very relevant to the society, but I feel that notwithstanding its concept, things have gone awry. You see, the University of Trinidad and Tobago has gone to court to avoid the embrace of the Freedom of Information Act. After we raised matters in this Parliament at the beginning of 2007, the University of Trinidad and Tobago has gone to court in this writ; in the matter of the construction of section 4 of the Freedom of Information Act, 1999, as amended, between the University of Trinidad and Tobago and the Attorney General, claimant and the Attorney General, defendant.

Minister, you gave permission for this University to take the Government and the Attorney General to court, for an interpretation of the Freedom of Information Act, where it is applicable. *[Interruption]* Who is Marajh? Are you saying that you gave UWI permission to give Camini Marajh a doctor of letters and she is not deserving? Are you saying that? Here it is, we are funding this institution call UTT, hundreds of millions of dollars and this institution is acting against public policy; against transparency by taking the Government to court to say, we do not fall within the Freedom of Information Act.

What it is that is inimical to the operations of UTT that you do not want it to fall under the ambit of the Freedom of Information Act? It goes back to the lack

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of an answer to question No. 36; that is Civil Claim No. CV20070081, but it is not that alone. I know my good friend, the hon. Member for Diego Martin Central said that the integrity legislation has to be applicable to UTT, because it falls under the Companies Ordinance, so it is effectively a state enterprise. [*Desk thumping*] He said so.

Mr. Speaker, the UTT has also gone to court, it is Claim No. CV20070080 in the matter of the Integrity in Public Life Act, 2000 as amended and in the matter of the construction of paragraph of the schedule to the Integrity in Public Life Act, 2000 as amended, between the University of Trinidad and Tobago and the Integrity Commission, first defendant and the Attorney General of Trinidad and Tobago, second defendant. So what are they saying now? The freedom of information is not applicable to me; I take you to court. The integrity in public life is not applicable to me and the board of directors, not applicable. But you see we could spend the money, because the money has been allocated by the taxpayers' through the parliamentary budgetary process. We must spend the money without any scrutiny or accountability.

It is really abhorrent to good governance that you could engage in this process and the matter is before the court. So that here you have under the jurisdiction of the hon. Minister a lack of transparency taking place in the procurement; in the location of resources; in the manner in which they deal with the State resources. You see when I ask the question, what were their fees for attorneys, UTT; you understand why they do not want to answer that simple question, because you know why? [*Interruption*]

Mr. Ramsaran: Seven months.

Mr. G. Singh: Seven months.

Mr. Ramsaran: Just now it will be nine.

Mr. G. Singh: You understand why, Mr. Speaker? You see the attempt to remove themselves—I am dealing with the integrity of the offering of UTT and the lack of accreditation council to ensure that you have the integrity of that offering. Secondly, you have the move to remove themselves from any openness or transparency for accounting for Government moneys and hundreds of millions of dollars being spent at UTT and no accountability.

But you see, Mr. Speaker, the crystallization of these High Court matters had its genesis in the minds of certain persons in UTT, when they sought an opinion from MG Daly and Partners, in which Mr. Daly, an opinion dated March 21, 2005

to the attention of Kenneth S. Julien, T.C., Professor Emeritus, Chairman, and provided the manner as to how they should proceed to avoid the embrace of the ambit of the integrity legislation. Mr. Daly, as the good lawyer that he is, says and I quote from part of his opinion:

“With regard to the position of the directors under the Integrity in Public Life Act, compliance with that legislation is required in respect of bodies in which the state has a controlling interest. The presence of other shareholders with the same voting power as the State shareholder should negate the application of the Integrity in Public Life Act to the University but the introduction of those shareholders needs to be made with dispatch.”

Martin Daly, in his opinion, which he would have been paid handsomely for by the taxpayers’ money, is telling the UTT and the governors of UTT how to avoid. You have shareholders with the same voting power as the State shareholder and that would get around the application of the Integrity in Public Life Act, and that is how they proceeded.

They proceeded to outnumber the board of directors with persons other than those who fall under the ambit of the State as State shareholders. That is what this Government is participating in. That is what this Government is silent about. You take a legal opinion; you tell the Integrity Commission we have no regard for you; we would take you to court and on the basis of the fact that we have, notwithstanding we are taking all the moneys from the State, we will not be subjected to Integrity in Public Life legislation, but ordinary Members of Parliament, all other board of directors of State enterprises are subject to integrity in public life. For the simple reason, public policy requires when you deal with State moneys that you should be accountable and be under scrutiny. There is this attempt with the conjoined effect of the opinion and the court action, is to avoid the embrace of the integrity in public life and that in itself tells a story.

This procurement is proving to be quite a problem throughout the whole area of Government. You have people who are taking the approach that look, we will deal; self dealing has become an accepted approach. For example, this is from the Permanent Secretary, Ministry of Education. I quote:

“From: Permanent Secretary

Ministry of Education

To: All Principals;

School Supervisors

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Dated: February 27, 2007

Subject: Development of an Asset Register and Computerized Maintenance Management System (CMMS) for the Ministry of Education.”

The Ministry of Education previously had the responsibility for determining what institutions were accredited; what institutions were recognized and this is what, in this system, they have to say:

“This Circular Memorandum serves to introduce representatives of the Consulting Firm—Global Competitive Strategies Limited.

The Ministry of Education has contracted Global Competitive Strategies Limited to:

- (i) Develop a detailed asset register for each school; and
- (ii) Implement a Computerized Maintenance Management System that can be accessed via the Internet.

This project involves:

- (i) The collection of physical information on school buildings, car parks, recreation grounds and all other facilities; and
- (ii) A physical inventory, by room, of the school’s furniture, computers and other electronic equipment, office equipment, lab and other equipment.

Please verify the identification of the representatives of Global Competitive Strategies Limited as they enter the school and extend the necessary courtesies and assistance to them, as required.

s/Angela Jack

Permanent Secretary”

2.40 a.m.

So, Global Competitive Strategies got a contact to create an asset register and a computerized maintenance management system for some 500 schools, secondary and primary. Five hundred schools are a multi-million dollar contact. But, who is Global Competitive Strategies? Who? Global Competitive Strategies is a good friend of the Member for Nariva. The Member for Nariva would have known about it because the owners of Global Competitive Strategies are Kenrick

Harrison Burgess and his wife. So, here it is Margaret Burgess—so, here it is you have a man who wrote the report on the Biche School for the IDB I think it was; Biche High School. Then was employed in the Project Implementation Unit at a significant amount of moneys, but whilst he is at the Ministry of Education, there he has a contract that was not tendered or anything of the sort.

So, Burgess working for \$80,000 or \$90,000 a month—I cannot recall really, but I know it was more than \$70,000 a month because it struck us—now has a contract to go and do the asset register for 500 schools in this country; he and his wife's company, Global Competitive Strategies, conflict of interest; insider dealing; self dealing; corruption taking place in the procurement process. Mr. Speaker, this is under the watch of the Minister of Education, Hazel Manning. This is under the watch of the Prime Minister's wife, the Minister of Education, participating in this level of corruption and condoning it.

So, Mr. Speaker, why could the principal of each school not determine what are the assets of the school? So much desks, so much chairs, so much blackboards, so much computers asset register for schools and you would have some persons with minimum qualifications. The principal who is entrusted with the duty to protect the school's asset ought to create that assets register, and if you want to test the integrity of the system, then get the school supervisor to authenticate.

Mrs. Persad-Bissessar: The principal is the custodian of the assets.

Mr. G. Singh: And my friend from Siparia has indicated to me, the principal is the custodian of the assets [*Interruption*]*—*at this hour of the morning I make many friends. So here it is you have a situation—

Mr. Imbert: Mr. Speaker, on a point of order. The Member is being irrelevant, I do not see the relevance of this custodian of education assets. [*Crosstalk*]

Mr. G. Singh: Mr. Speaker, I am dealing with this whole question of the education system and if it is that you have corruption taking place in the education system, then what are you going to have throughout the system? Whether it is post-secondary, primary secondary or tertiary, then you have that and I am saying, Global Competitive Strategies Limited got a contract while Mr. Burgess is within the bowels of the Ministry of Education.

Mr. G. Singh: Mr. Speaker, I am telling you I have the documents here. [*Crosstalk*] Mr. Speaker, I have the documents here so you cannot—I have the documents of incorporation of Global Competitive Strategies.

Mr. Imbert: So what does have to do with this debate?

Mr. G. Singh: What it has to do with this debate is the whole question of the integrity of the process. What we are saying, there is need when you are dealing with an accreditation process, process of accreditation, status accreditation, institutionalized accreditation, the whole gamut and range of the processes, it has been very clear to us that the Minister really has only now started that process.

If you have a website that tells you stay tune, Minister, shut it down, do not embarrass yourself. Stay tune for policies; stay tune for procedures; and what you are looking into UTT, stay tune for corruption. Stay tune. Stay tune for corruption in UTT; stay tune for corruption in the Ministry of Education; so you could stay tuned. The fact of the matter is that the Minister is coming in 2007 for something he should have done in 2006. When did it dawn upon you that the task before you, you could not handle within that time frame? When did it dawn? You see, he was traipsing all over the place, coming to the constituency of Caroni East, when he realized that this is the real lion, he decided to go to Chaguanas East. [Laughter] Chaguanas East, he was in my constituency walking around the place, going into Ramgoolie Trace, promising the people to put roads and never delivering anything, but anyway, that is just a political aside.

So that therefore, when you deal with this whole issue of accreditation and this is a very serious issue, the issue of accreditation, very serious. We have virtually established ourselves as the learning centre in the Caribbean. Jamaica used to be like that, the focal point. Trinidad and Tobago now is the focal point, in particular, the Eastern Caribbean countries, Guyana also. So, therefore, you need to have that sense of urgency to deal with this whole question of the programme accreditation and the institutional accreditation, and Minister, it appears thus far whilst we are supportive of the legislation, we have no faith that you will deliver because if you cannot answer a simple question in seven months, I can tell you that a lot of things can happen in seven months.

So, Mr. Speaker, with these few words, I take my seat, I thank you.

Mr. Chandresh Sharma (Fyzabad): Thank you very much, Mr. Speaker. Mr. Speaker, this is indeed a very disturbing moment for all of us in this Parliament, because today, a few minutes ago we heard so much about fake degrees and diplomas mills and so. Hearing the Minister presenting this Bill, sounded very much like a fake because he said absolutely nothing that added any value. In fact—[Interruption]

Mr. Imbert: You were not even here.

Mr. C. Sharma:—when you look over the last few minutes, the Minister's presentation in particular, it makes you ask the question: how does a Prime Minister really arrive at Ministers? Because in my respectful and qualified view this Minister is totally unqualified for this post. I am not talking about his academic qualifications because he sits over a Ministry that has billions of dollars at his disposal. He reminds me of what obtained in Guyana some years ago under Burnham, when they did not want to subscribe to the University of the West Indies; they went on to establish the University of Guyana. The same thing has obtained here today.

In fact, so much talk about degree mills and diploma mills, the University of Trinidad and Tobago might soon be declared that and the reason I say that is because when the Minister talked about accredited and he identified some of the institutions to which I will treat with in a few minutes, he really does not understand what he is about. He does not understand the programmes. For instance, at the University of Trinidad and Tobago, you have somebody who taught physical education now teaching degree students. I do not think he has a degree to start with—

Mr. Valley: [*Inaudible*]

Mr. C. Sharma: So it is being confirmed, thank you, Diego Martin Central. And the Member for Diego Martin Central as a senior Cabinet Minister is aware somebody with a physical education diploma or something is teaching degree students and he is so proud of it.

Mr. Valley: Mr. Speaker, for the avoidance, I am not so aware. I was merely making the point that he is just picking up what the Member for Oropouche mentioned sometime ago.

Mr. C. Sharma: That is exactly the point I am making. They send all the police they have to go to the homes of the Chief Justice and the former Prime Minister and they would not do the research for this.

Mr. Speaker: Please, not at this hour in the morning. Please, I am begging you.

Mr. C. Sharma: Here you have teaching so many courses. Now the question is, when the Minister obtains the accreditation, how will this help if these degrees are taught by persons who are not qualified? You cannot use it. I am surprised the

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Member for Diego Martin East who is a former lecturer at some place is not aware. Again, the point is that they are prepared to white brush everything. Many lecturers at the University of Trinidad and Tobago are not qualified to teach the courses they are now teaching. And I want the Minister to tell the national community, not only tell this House, what is being done about that and how could he continue that. You have students who have paid \$500 to obtain material and to date they are not getting the material, so how can they really read for this degree.

Mr. Speaker, we saw recently where PhDs have been awarded and the question is how do they arrive at these things? The Member for Caroni East raised the question about scholarships. For instance, the 25 scholarships offered at the St. George's Medical College, is it because the Minister's relatives are benefitting from it that they turn a blind eye? Are you aware, Mr. Speaker, how these scholarships are given? Where are the advertisements: How come nobody from the constituency of Fyzabad has not seen that advertisement? Have you seen the advertisement for the University of Trinidad and Tobago? It does not indicate where it is accredited by whom and when it was obtained.

The libraries that obtain at the University of Trinidad and Tobago, there is absolutely no material that suggests it is an institution of higher learning. Imagine computers and Internet facilities are not available; I have students from my constituency who go there. To wait for results, last term results are still not available.

Hon. Abdul-Hamid: [*Inaudible*]

Mr. C. Sharma: Say that again. You must learn to speak, this is the Parliament. You cannot get away.

Mr. Valley: You too.

Mr. C. Sharma: Yes. Mr. Speaker, when you look at the composition of the staff, how did they arrive at the staff of these university campuses? Where were the advertisements? What were the requirements? Is it a Master's degree? I would think all the universities at least all the teaching requirements would be a Master's degree. There are many persons with a first degree teaching there and this is equivalent to what obtained in Guyana. Exactly what is obtained in Guyana.

Now, why the establishment of the University of Trinidad and Tobago, is it to destroy the University of the West Indies? Let us look at the University of the West Indies. I do not want to dispute the fact that the University of Trinidad and

Tobago is needed, but proper structure and proper process is required. I hope the Minister who is leaving is not one of the recipients whose relative got a scholarship because I get the feeling that his relative might be a beneficiary and they are afraid to answer. It is said that you would require at least one university for a month until the 21st Century to treat with the global population for students. So that the University of Trinidad and Tobago is a good idea with the process that you have employed.

Mr. Speaker, UWI to date has graduated approximately 75,000 students. In fact, in 1995/1996, we increased the enrolment under the UNC by 270 per cent.

Hon. Abdul-Hamid: “Wha”!

Mr. C. Sharma: 270 per cent. “Wha”, you did no research, you went on the Internet and download foolish things and you come here. Tell it to me differently, produce your results—270 per cent. [*Crosstalk*]

Mr. Speaker, between 2005/2006, 78 per cent of the students registered in St. Augustine were undergraduates, while 21.8 per cent were postgraduate students, again, an increase. Of course, you know the University of the West Indies has a higher percentage of female students. In 2005/2006 St. Augustine graduated 1,896 students with first degrees and 655—[*Interruption*]

Mr. Valley: [*Inaudible*]

Mr. C. Sharma: You have a question?

Mr. Valley: You get your Masters?

Mr. C. Sharma: Is that the question?

Mr. Valley: Yes.

Mr. C. Sharma: I would give you a Masters just now—655 students with higher degrees. Listen, this is not a degree mill, where did you get your Masters from?

Mr. Valley: If you get that, you would be able to teach.

Mr. C. Sharma: I intend to remain in the House; you have to go to a senior citizens home soon. The social sciences accounted for 38.1 per cent of graduates followed by 21 per cent and 16.9 per cent in the school of engineering.

So, Mr. Speaker, UWI and you see the race card always surfaces because when the Member for Caroni East said that you are spending so much money at UTT, here what the Minister said, “We spend so much more at the University of the

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West Indies.” What is your point? Make sure and develop the University of the West Indies; do not starve them of funds; make sure moneys are made available to them.

Let us look at enrolment under the UNC, 1995/1996, 5,732 students; 1996/1997, 6,408 students; 1997/1998, 6,816 students; 1998/1999, 7,095 students; 1999/2000, 7,360 students; 2000/2001—[*Interruption*]

Hon. Abdul-Hamid: The word is student.

Mr. C. Sharma: Yes, you go ahead, pronounce it properly—7,626; 2002/2003, 9,226; and the growth continued in 2003/2004, 11,407; 2004/2005, 12,870; 2005/2006, 14,000; 2006/2007, 15,400. So, Mr. Speaker, the University of the West Indies must be encouraged, they must be given the funds and they must make sure the entry requirements remains. What you tried to do with UTT is to lower the entry requirements and you also lower the standards for teaching and that is largely to accommodate the PNM supporters more than anything else.

In January, 2006, IMF Working Paper by Mistra highlighted the seriousness of migration from the Caribbean to the developed world. Mistra found that with respect to Trinidad and Tobago 79 per cent of all individuals with university education migrated to OECD countries from 1965 to 2000. Mistra findings is a serious cause of concern for policy-makers and for all of us. We are concerned and that is why we are saying you have to make sure. Let us look at the percentage of the labour force that has migrated to OECD.

Mr. Valley: Who is Mistra?

Mr. C. Sharma: Go up and do some research; but you have money to do all kinds of things.

Mr. Valley: Who is Mistra?

Mr. C. Sharma: Antigua and Barbuda, 67 persons left and in the case of Trinidad and Tobago, 79 and that was that year alone.

Mr. Speaker, what we are finding is that the Government continues to have this idea or continues everywhere, where it has influence, where it is using taxpayers' money, to break all the rules. You just heard of a gentleman who got a contract for approximately 570 something schools and they look at each other and say, “Listen nah, whose friend is that?” All they are concerned is that a friend within the PNM gets it. Whether they deliver; whether it is a waste of the citizens' money is no concern. This Government continues to waste taxpayers' money every single where.

The Minister made a lot of reference to Internet notes and he went on to identify things he does not know. There are six areas. He spoke about the North-Central Association of Colleges and Schools, that is one of six and that says absolutely nothing. The Middle States Association of Colleges and Schools; the New England Association of Schools and Colleges; North Central Association of Colleges and Schools, the one we referred to; the North West Commission on Colleges and Universities; Southern Association of Colleges and Schools; Western Association of Schools and Colleges and there are also six for religious schools .

So, that being a Member here says absolutely nothing. The question really is, what level is the University of Trinidad and Tobago offering at this time—the two Universities in Trinidad and Tobago based on the International Association of Universities, one being the University of the West Indies, St. Augustine and the other being the Caribbean Union College. When the Minister made reference to the other institutions, these are really off campuses of other schools. For instance, the Henley Degree that is available here, the New Brunswick in Canada and they have extension of campuses here and they meet those standards for the parent university.

So, what the Minister has really come to ask for is not clear at all. What is the purpose and how does he intend to lift the standard of education for the students in Trinidad and Tobago? Where are these students going to go with these degrees? Nobody seems to know and the question is what are we doing about making sure the lecturers, the professors if you want to call them that, the assistant professors, the associate professors meet international standards. You cannot go having political appointments all your life. There must be a stop to it. What we are seeing are political appointments. One of these days you will hear the Minister got a PhD too.

Mr. Speaker, the other thing is the moneys. Now, the Member for Caroni East made reference to—why is UTT trying to escape reporting to the national community? This is how the PNM operates. They did the same thing with NEDCO and no justification because NEDCO loans were going largely to supporters and it was being exposed. Why do you want to prevent UTT that is spending a billion plus dollars from reporting to the national community? Why?

The concern for all of us in Trinidad and Tobago is that the University of the Trinidad and Tobago at this time needs revisiting. We have to make sure that the students who are attending there and who are paying moneys by the way—

because they pay \$500; they have to meet other cost—do not find themselves with a degree that they cannot market outside of Trinidad and Tobago and we are very close to that. We make the point further that the lecturers and the professors, whoever they might be, they must meet the international standards to teach, to lecture and to do research because you cannot have someone at a first degree level because no university in the world allows that, not even a degree mill university because they indicated that they have all these PhDs and so. Because what you would have at the end of the day are persons holding this diploma in their hands that is totally useless.

In addition to that, is the question of employment and engagement. How does it come about and what are we doing to make sure that it is open to all nationals? How did the appointments first come into being? Where were the advertisements? Who decides the quantum of money to be paid? Is it all political, friends and families? And we are seeing a lot of that at the University of Trinidad and Tobago.

Mr. Speaker, I looked at the affiliation of the University of Trinidad and Tobago and the question really is, how did it come about? Was it because somebody paid moneys, entered into private agreements? How did it come about? Recently, we saw regional and international alliances of the University of Trinidad and Tobago, one institution, the ISE in Spain; another South Hampton Institute; Maritime Centre in the United Kingdom; Southern Alberta Institute of Technology in Canada; Tata Infotech, India—I think the Minister may have visited the Tata group, did you?—the University of Huston; the University of Texas; the University of the West Indies; Mechanical and Electrical Engineering Technologies. The question that begs: How did we arrive with these regional and international alliances? It is because we paid moneys? Is there an exchange research programme and how come other universities are not involved? Did we advertise for persons or universities that may have had interest to come on board with us? How did we arrive at these?

The Member for Caroni East made reference to a pet obtaining a degree, but what he did not tell you, it is a true incident that formed the basis of a \$100,000 lawsuit filed in early December.

Mr. Valley: He said it is a true incident.

Mr. C. Sharma: So, the point is, it is from Trinity Southern University run by two Texas brothers who have been subsequently accused of selling fake degrees and prescription drugs using span e-mail. Would we find the same thing in UTT?

Because if it is that your lecturers do not meet the international standards, you would be termed the same thing, your degrees would end up being fake.

Mr. Speaker, how does the University of Trinidad and Tobago purchase and earn equipment?

Mr. Imbert: With money.

Mr. C. Sharma: I am glad the Member for Diego Martin East said with money, there are absolutely no bidding processes; no public tenders; it is all friends and family creating these companies, who become the suppliers and I think the Member made reference to that.

Mr. Hinds: Do not study the Member for Caroni East, he is a [*Inaudible*]

Mr. C. Sharma: What a shame, I mean the whole country—this is what you have reduced Trinidad and Tobago to. Every single industry, from CEPEP to the education institutions to the medical to the hospitals, everything is friend and family. That is why the quality of life is dropping and you are doing absolutely nothing about it. When it is drawn to your attention, you fuss over it; you sweep it under the carpet, but the country is suffering. People do not have food to eat; you cannot get medication; and everything is spending large sums of money. Your understanding of governance in everything there is to make sure there is a cost overrun; to make sure there are square pegs in wrong holes; to make sure everything is political.

Mr. Speaker, the country cannot continue. This is a high institute of learning and must reflect that. We must bring together the best minds; we must have international advertisements where we can attract people who can add value.

3.10 a.m.

Mr. Speaker, the Minister should tell us how students can be certain that graduating from the University of Trinidad and Tobago (UTT) and the other universities, they would be assured that the moneys and time spent would reflect in their earning power and their employment. He has not told us that. Many students are very concerned. For teachers, for instance, it is compulsory to go to the university. I think they are now reading for a bachelor of education.

They are not satisfied with the teaching methods available. When you look at the CVs of the lecturers, they are not what the international standards would be. The students would not be able to use that first degree to go on to a master's

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degree outside of Trinidad and Tobago. We are doing a disservice and the time has come for us to treat with it. We have to stop hiding it, because the Government thinks it can have its way all the time.

When you go to any international website and you look at educational institutions in Trinidad and Tobago or the Caribbean—[*Crosstalk*]

Mr. Speaker: Order!

Mr. C. Sharma:—the University of Trinidad and Tobago does not surface as one of the institutions of higher learning. What is the status of UTT based on the international standards, based on the very thing the Minister indicated in the House? Is the Minister saying that simply by being a member of one of the councils that is the end of it? The answer is no, it cannot be. I think the time has come where we must level with the national community. We must show the national community how much money we have spent at UTT to this day.

One of the frightening things coming out of UTT is the cost of building and acquiring goods and services; it is extremely expensive. The PNM Government will go down in the Guinness Book of Records as being the Government that paid the most amount of money for the least things.

Today when the Member for Toco/Manzanilla spoke, I asked what the cost per square foot of the stadium was. The answer told was that it would be one of the most expensive constructions in the world. That will not be able to be measured. The UTT is already becoming one of the most expensive institutions in the world for education, with the kind of moneys you are spending. You are spending large sums of money and getting very little in return, and nationals of Trinidad and Tobago are suffering.

They go to the health centres and they cannot get pharmaceuticals, but you are putting up billion-dollar buildings. They boast, “We are spending billions and billions.” Whose money are they spending? The money for our children. We are doing them a disservice. We are in the Parliament at 3 o'clock in the morning and we are doing a disservice to the national community. [*Crosstalk*]

The Government has developed a strategy where very few of them speak, but they heckle from the other side. Thank God they are on television so the national community can see them and listen to the Member for Laventille East/Morvant. For the last five years I have said very little. I am hoping the Minister in his reply would be a little more factual and would really tell us what is happening at UTT; that he would indicate to us something about the concerns raised by students.

I raise these concerns on behalf of the students, where there are persons not qualified and lecturing to them. What would be the value of their degree when earned in the next year or so?

With those few words, I thank you.

Mrs. Kamla Persad-Bissessar (*Siparia*): Mr. Speaker, at 3.15 a.m. on June 23, is exactly two days more than the seven months ago on November 21, 2006, when this Bill was passed in the Senate. We are just over seven months later at 3.15 a.m., debating a Bill which had been laid in the Senate and gazetted on November 09, 2006. Debated and passed in the Senate on June 21. There seemed to be a great urgency then to have this legislation pushed forward, but then something happened. There is a very nice song I know that I am reminded of at 3.15 a.m., Kuch Kuch Hota Hai. I do not know what happened, but something happened.

It took seven months after November of last year, when this was done very quickly, to come. It took from November to June this year to come to the House. [*Crosstalk*] I am talking about November last year to June 22 and 23, 2007. I ask the Minister to tell us why there was that delay, especially when we are being asked to go retroactively to legalize what had become illegal. [*Interruption*]

Mr. Valley: If the Member checks, she would see that this Bill has been on the Order Paper for quite some time. I think it came on around December of last year. The point is simply that there were other matters to be debated and this is now being debated. We had to give priority to the police package and so on.

Mrs. K. Persad-Bissessar: We are here at 3.15 a.m. and you say that you have to give priority to some things. I remember that we were brought out one Wednesday and we shut the Parliament down at 4.30 at the tea break. When we started the Homes for Older Persons Bill, we could have continued that debate. I do not know if you had somewhere to go, but you brought us out. [*Interruption*] I am being reminded that we came several times, spent 15 minutes in this House and adjourned. So do not talk to me about priorities; this was a priority then.

You have come to ask us to legalize what has become illegal. When you hear the revelations coming out from the Member for Caroni East and others in this debate, we are being asked to legalize illegality. This is retroactive legislation. We are being asked to pass legislation, to have whatever it is we are doing here deemed to have come into operation on July 08, 2006. [*Crosstalk*] That is what we are being asked to do.

“This Act is deemed to have come into operation on July 08, 2006.”

The Minister is saying, “I need more time to put my house in order, for the schools, colleges and so on to put their houses in order; the initial two years I thought it would take was not sufficient; I need more time.” Then you allow this thing to become illegal since July 08, 2006. It is really one year later since the original section 29 had said that this would be done within two years. We are substituting two years with four years, but one year of those additional two years has already gone. I see the Minister nodding, therefore, I ask him kindly if he would tell us, from then to now, what has transpired.

I did read his contribution in the *Hansard* and he said that they got most things in place by October. So I do believe there would have been things that happened from November when he last spoke to now; that they had put the Council in place, hired all the staff and so on. What has happened in that seven-month period from November to now?

In this House, at 3.20 a.m., it has now become a priority; we must finish it this morning; the priority is this morning; to legalize illegality. What is it that we are doing? Has the Minister provided us with the information? How many institutions are we talking about? How many of these institutions are operating illegally since July 08 to now, almost one year later? Because of the effluxion of time, the period given had expired and, therefore, they had a duty to come to the Parliament, because they needed this extra time to do it.

They did it with the Bail Act; they brought us here on several occasions before the sun set on the provisions. We have seen it with other pieces of legislation. I do believe that Parliament is owed an explanation as to why at 3.20 a.m., and we are counting down—I think we will be here until 6 o’clock—there is a priority now, this morning, to get this thing done; when for the past year, up from July 08 when the thing expired, there was no priority.

When I listened to the Member for Caroni East and some of those matters were brought to the national attention, it happened somewhere around the same time when this Bill was in the Senate. The Minister could tell us whether it is so or not, but we wondered whether it was because of the heat of the exposés by Camini Maharaj on UTT at the time, that it was not so urgent for us to come to the House to deal with it. The Minister will probably tell us what he did from then to now in that one-year period. Why have we not registered anybody? Has any institution been registered? [*Crosstalk*]

Mr. Speaker: Order.

Mrs. K. Persad-Bissessar: I recall that when we debated the parent Act, it listed from A to Z the things that would be done by this Accreditation Council. The first item on it was to register the institutions; thereafter you would have B, C, D, in terms of the programming and all kinds of things. It is a huge task and I do understand that the process would take you some time. Would the Minister be kind enough to tell us this morning how many institutions have, in fact, been registered, if any at all, since this Act came into operation in 2004. Has any institutions been registered? Has any institution gone to step two and three and four? [*Crosstalk*] [*Interruption*]

You want to tell me? I have to ask the questions; I am not finished. At this time of the morning I need to finish my questions. I would be very happy to hear the Minister thereafter; especially since the Leader of Government Business has agreed that because of the lateness of the hour, he would provide those of us going to Siparia and San Fernando with security personnel. [*Interruption*]

Mr. Valley: For the avoidance of doubt, I have no authority to agree to any such thing and, therefore, the Member is a stranger to the truth.

Mrs. K. Persad-Bissessar: I am very sorry; I thought you would have been kind enough to make some kind of arrangements so that we would be safe on our way home. But since he cannot find it in the goodness of his heart so to do, we will continue. I would probably have to stay until it is daylight and then go home, so we will continue speaking.

We are talking about accreditation at the tertiary level institutions. [*Crosstalk*]

Mr. Speaker: Order!

Mrs. K. Persad-Bissessar: But we need to look at a seamless education system; that is, you come in from the pre-school, into the primary, you transfer into secondary and you go on to the tertiary level. I would be grateful if the Minister would confirm whether at the moment the population that enters the tertiary level institutions is about 10 to 12 per cent or whether it has increased. If it has increased, where are these persons being housed; is it in these very institutions that are not being accredited?

I would like the Minister to let us know also about these institutions persons are attending. I know, for example, of a person who signed up for a law degree, LLB, and they have to pay a fee to the school. They get the GATE, which pays the tuition, but they have to pay a fee of \$7,000. That comes out of their pockets or

their parents' pockets. So even though the GATE is there, they have that exam fee for each year; at least that was the first year and it was \$7,000 I am told.

The question is, if these schools are not offering the programmes, you have said that it was Government's money and you are giving GATE, we were told that they are not losing anything if the programmes are not being properly taught, because in addition to their crediting, they would get an LLB out of the University of London, so it is a recognized degree. After spending the \$7,000, if the programming is not done properly, which was the point made by both the Members for Caroni East and Fyzabad, if the teaching is not up to standard, they would have spent that money and it would have gone to naught.

There are two issues. One issue really is whether the degrees that they receive in these tertiary level institutions all over the country are recognized anywhere in the world. At the moment I am told that degrees out of UTT are the still not recognized anywhere outside of Trinidad and Tobago. It may well be that Government will deem UTT's qualifications to be acceptable, because the Government wants to encourage the UTT, but at the moment I am told I cannot go anywhere in the Commonwealth, as we can do with a University of the West Indies degree, and be recognized as having a valid degree that could take me further.

My friend said that from the research 65 per cent of those persons go away after doing their degree; it is really cause for concern. The issue is not simply the degree being recognized; that is the first one. You can earn a recognized degree, but the quality and standard of the teaching are so poor, faculty members would be under-qualified. The Member for Fyzabad mentioned persons teaching without a degree themselves; if that is so, the faculty members may be under-qualified. Therefore, you do not get the teaching and training that would take you forward into actually passing and earning a degree. That is a serious cause for concern.

We know in this country that education is really the only way out of poverty and crime and also for improving your quality of life. For the majority of persons it is the only way out. It is the passport, the key to a better quality of life. We appreciate the UTT, but we want it to be pursued and carried out in a manner that students coming out of there would be very proud of the degrees or diplomas they earn, that they can take it elsewhere.

There should be a seamless education system and, therefore, 10 to 12 per cent coming out of the secondary system, the numbers have increased, as the Member for Fyzabad has pointed out, but we still need to go much further. If you look at

the developed countries, you are talking about 50 per cent of their post secondary school population going into the tertiary level. If we are at 12 per cent, we are really way, way down below. Perhaps the Minister can also address steps that will be taken by the Ministry of Science, Technology and Tertiary Education to boost that 12 per cent to take it higher in the shortest possible time.

I discovered from the UNESCO statistics, when looking at tertiary level, that there are many students in this country, many children of school age who are outside the education sector. There are many students of primary school age who are not in that sector; another grouping of persons who are not in secondary schools. The UNESCO statistics of our nation's children are being deprived of secondary education, and I find that mind-boggling.

I know that under the UNC, and it was continued up to this year by the PNM, was the policy decision that all students will go from primary to secondary schools and everyone would be entitled to that level of education. I know this year the Minister said that they will be keeping back students, that students will be failing, so they will not carry that universal secondary education by not giving everyone a chance. Therefore, it is very disturbing to know that 30 per cent, that is three out of every 10 children of secondary school age. [*Crosstalk*] Mr. Speaker, UNESCO statistics of 2005. If it has changed from six or seven, you have updated statistics, I would be very happy if you would share it with us; but at the moment 30 per cent are out.

When we talk about the primary system as well, we have statistics coming out from UNESCO where, again, one in 10 children is out of the primary school system. That is cause for worry. So while we are pushing ahead with UTT and the tertiary level, what will feed the tertiary level has to be from the primary into the secondary, into the tertiary. Therefore, it is cause for concern. If you have different statistics, I am sure we will be happy to hear what you have to say.

I raise two other issues basically. Why is it that we designed UTT in a manner to compete with UWI rather than to complement it? What was the rationale? It is true that you are dealing with different kinds of programmes at UTT from the academic nature of the programmes at UWI, but the UWI accreditation and degrees are recognized worldwide. If we could have worked with the UWI in a complementary fashion, we would have been able to have the degrees done by the UTT recognized as well. We could have had the two running in tandem.

We have put them separately and you end up then with the UTT degrees not being recognized anywhere. What was the rationale behind that? If there was

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such a rationale, why is it taking so many years before the UTT can come on board? From all the exposés, we have spent millions in contracts with foreign universities to do the programming and, therefore, in some way to be responsible for that accreditation, when UWI has a tremendous history. Many of the nations' leaders have been educated at UWI in the Caribbean region. [*Crosstalk*] They are well recognized, not just in the Caribbean region but outside.

I ask the Minister to provide the rationale for creating two separate entities, and you could still have had the two entities; in fact, everyone is aware that we have a UWI Mona campus, UWI St. Augustine and UWI Jamaica, different campuses, but at the end of the day, you would have had that accreditation, so we could have complemented each other rather than competed. I ask the Minister to clarify for us what was the rationale for that.

One other issue I want to raise has to do with the faculty of the UTT. I am being told that they have a full complement of staff at the administrative level; it is almost completely staffed; again you can confirm if that is so, but we do not recall and the Minister could tell us, seeing advertisements placed to set out these posts for persons to apply. I ask the Minister to let us know what was the process and procedure for hiring this administrative staff.

Secondly, we have reports coming in that a research assistant is being paid a basic salary of \$20,000 a month. In addition, they are given a housing allowance of \$6,000 a month; a travelling allowance of \$2,000 and there is a further communications allowance. That brings you up to over \$28,000 in the salary attached to a research assistant.

Mr. Singh: More than the Speaker!

Mrs. K. Persad-Bissessar: More than all of us sitting here, except on the Government Benches. Compare that to what a research assistant at UWI is given. I am told that the figure is somewhere in the vicinity of \$6,000. How can that be? You have set up this UTT; you have a person working as a research assistant, are his qualifications and experience so much greater than a research assistant at UWI? Would their job specs be so much different from a research assistant at UWI, it being the recognized, accredited institution? [*Crosstalk*]

The world has accredited the UWI. The degrees at the University of the West Indies are recognized. [*Crosstalk*] It is 3.30 a.m., if you want to speak, speak after me. Just stay quiet. Do not speak while I am speaking; it is getting really irritating at this time of the morning; and he will not stop.

Mr. Speaker: Speak to me.

Mrs. K. Persad-Bissessar: It is difficult, because I am hearing this noise and it is annoying.

Mr. Partap: Like a saw mill!

Mrs. K. Persad-Bissessar: I am on the issue of the difference in salaries. I think that is a major difference; \$28,000 for research assistants at UTT and \$6,000 for research assistants at UWI. What are the job specifications of a research assistant in one versus the other?

From the Camini Maharaj stories we have seen the amount of moneys being spent there. We talked about the funding of UWI—Minister, please correct me if I am wrong—I am told that you indicated that they would have to raise \$30 million in funding, that you will be giving them \$450 million fixed funding and, therefore, “Fellas, you go out there and raise a further \$30 million.” I do not know if that is true. Here you have the UTT, like a sacred cow. [*Crosstalk*] It has been sprayed with money.

I mentioned one example with the research assistants; it is the same for all the staff there; the salaries are at an exceedingly high rate. I do not begrudge anyone’s salary, but there must be some kind of parity in terms of the UWI staff. There must be some kind of consideration given to how taxpayers’ dollars are being spent, if the staff is qualified and they are worth it. I wonder if anybody in this Parliament, apart from the Government Benches, makes \$28,000 a month, any research assistants here. My answer will be no. There is no \$28,000 for research assistants. What about these Hansard reporters? I do not know if they are getting anywhere near \$28,000. We sit here till 3 o’clock in the morning and we come here Monday, Tuesday, Wednesday and Friday. The research staff, I am reminded, for MPs gets \$5,000. We have somebody known as a research assistant, \$5,000. So what are these persons in that institution doing to earn this \$28,000 a month?

On those issues of funding, I am sure the Minister will enlighten us. Did the Minister indicate that he was giving only fixed funding to UWI of \$450 million and that it would have to find \$30 million somewhere else? What are the differences in terms of the salaries? How many institutions have been registered under the law and how many have gone further than the registration process? What is the total number of institutions in the country that need to be brought under this piece of legislation?

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What has happened since you last came to the Senate and indicated how far you had reached with the accreditation process? What since then has happened in the seven months?

With those words, Mr. Speaker, I thank you.

The Minister of Science, Technology and Tertiary Education (Sen. The Hon. Mustapha Abdul-Hamid): Mr. Speaker, let me begin with the hon. Member for Caroni East and congratulate him, in his own career as a student, for resisting the temptation to turn to a diploma mill. I know it must have been very frustrating attempting during his nine-year period trying to get his LLB from UWI. It must have been frustrating. [*Crosstalk*] It must have been very, very tempting.

Mr. Panday: Shame on you!

Mr. Speaker: Order!

Mr. Bareaux: He is correct. Are you speaking the truth? [*Crosstalk*]

Sen. The Hon. M. Abdul-Hamid: In any event, the hon. Members—
[*Interruption*]

Mr. Panday: “Where horse reach, donkey will reach.”

Sen. The Hon. M. Abdul-Hamid: “And then Ganga reach.”

The hon. Member for Caroni East made the point that we were required to make a list. I really have to comment that he cannot understand what is required in the registration process. This is not a grocery list; this is not a list of songs you like, a list of things to do; the process required for an institution to get on to a list of institutions registered, is a very involved and challenging process.

Remember as I mentioned earlier, the Accreditation Council of Trinidad and Tobago’s board was appointed in September 2004. There is a lot required after that to set up the institution properly. You have to identify a qualified person to lead the process, your executive director, and that took five months to do. It took two months to appoint the board; five months to get the executive director appointed, so half year already would have passed in two-year period, by the time you would have appointed the executive director. Then you have to hire staff, which took another five months.

The reason there was some difficulty is that accreditation in developing countries generally, and most significantly in the Caribbean, is a new discipline, so that finding persons who are qualified in the activities related to the functions

to be performed by an accreditation council, was difficult. Even when you found persons, you had to upgrade their skills. So it took a full year before you were in a position to consider that you had your staff in place. [*Desk thumping*] That took one year.

Beyond that, there is a lot of work to do in terms of the processes, the policies and procedures that you had to develop. But is it that the staff members are simply going to sit around a table and develop policies and procedures or must we now consult with institutions that have been practising accreditation for decades and, in the case of our partner, for over 100 years? We had to look in the international environment, identify institutions and then seek to form partnerships with these institutions.

The institution we identified was the North Central Association out of the United States. It required us to examine a number of institutions out of the Canadian system, the United Kingdom system and the system that applied to the United States. Having done that, we determined that the North Central Association of Colleges and Schools was the most appropriate for our particular needs.

Having done that, we then partnered with them over a period of months to develop our policies, to develop our procedures and processes and we also partnered with them in training. It is not that we just joined this or that; we had to train our staff to make sure they could perform the functions they had to perform efficiently and properly. It is not something we take very lightly. We do not set up institutions and put our general secretary to run the institution. We are extremely serious about the processes that need to be put in place to ensure we get the best qualified persons to run the institution and that they are, in fact, run consistent with international best practice. [*Desk thumping*]

It takes time to do things if you want to do them properly. You cannot set up an institution that is only a fraction of what you would have established. You have to establish the thing properly and we have done that. So working with the North Central Association of Colleges and Schools and learning from their 100 years experience, we were able to develop our own policies, procedures and processes. I made the point that we joined the International Network of Quality Assurance Agencies in Higher Education (INQAAHE). To become a member of INQAAHE is not a simple matter; you cannot just establish an accreditation council and walk into INQAAHE; you have to meet their minimum standard.

They have to evaluate you as an institution to determine that the Accreditation Council of Trinidad and Tobago is indeed and, in fact, able to perform its

accreditation function consistent with the international best practice and then they invite you into their network. The way it works is that any body that ACCTT accredits or registers would be recognized by all the other members of INQAAHE and any institution that any other member of INQAAHE recognizes, registers or accredits, would be recognized by ACCTT. That is how a network works.

We are not called upon to accredit an institution in the UK. If there is an accredited body in the UK that has accredited an institution or a programme there and that accrediting body is a member of INQAAHE, then we accept what they do, because INQAAHE would have ensured that accrediting body is meeting international standards. We are not called upon to accredit every programme throughout the world. There are millions of programmes across the world. There are accrediting bodies established across the world.

In INQAAHE there are 156 accrediting bodies and they accredit these programmes dispersed throughout the world. As an accrediting body accredits a programme anywhere, every member will accept it. Having been admitted, it means that INQAAHE has admitted that the Accreditation Council of Trinidad and Tobago has been established consistent with the standards that it has set, which means we are, in fact, meeting international standards of best practice, contrary to what they have been implying.

Mr. Speaker, more than that, I mentioned the National Recognition Information Centre (NARIC) out of the United Kingdom. It has the world's largest database of programmes that are recognized. All we need to do, being a member of NARIC, is to access the database to determine programmes in the United States, Denmark, India or any part of Africa. If there are institutions that offer programmes recognized by NARIC, then we too would accept the recognition as being given there.

There are a number of points they need to understand, which I know they do not understand. There is registration, which is what we are dealing with; we register institutions and we are extending the period for them. It is not that I need more time; it is that institutions need time too, because part of the process means that we have to work with institutions to ensure that they upgrade themselves and meet the standards. That is an extremely important part of the whole process.

It took just about two years to get to the point where the ACTT was functioning and was in a position to perform its tasks and we have begun to deal with the registration of institutions. We have produced our own document under the guidance of all these international agencies and our policies, procedures and processes are consistent with what is required. [*Interruption*]

Mrs. Persad-Bissessar: You said that it took two years to set up the Council and get it functioning and that now we are three years in. Has any institution been, at least, registered?

Sen. The Hon. M. Abdul-Hamid: I will come to that. [*Interruption*] I have 75 minutes; I have them; “doh tell meh yuh tired”.

Mrs. Persad-Bissessar: I am just sleepy. [*Crosstalk*]

Sen. The Hon. M. Abdul-Hamid: Well relax.

The hon. Member for Caroni East spoke about linkages to the American diploma mills. All he was saying was that there were problems with diploma mills in the United States, and that is true of many countries across the world. I am sure that the North Central Association of Colleges and Schools does not recognize any of these diploma mills. He intended to suggest as though we were partnering with the American system, as though we would become like the American system; that is far from the truth. We have partnered with an accredited body to ensure that diploma mills do not exist in Trinidad and Tobago, because we are meeting the international standards as it relates to accreditation.

Let me try to deal with some of the issues that the hon. Member related to the UTT. He read from an affidavit. An affidavit is really a key in a matter that is before the court. An affidavit is only one side; it is one person making a particular argument; that person is saying that this is my case or this is my story. But the Member did not read the response.

Mr. Singh: I do not have it. [*Crosstalk*]

Sen. The Hon. M. Abdul-Hamid: It is not in his interest to have it.

Dr. Rowley: He would never have it.

Sen. The Hon. M. Abdul-Hamid: He read it to create the impression that these are facts. [*Crosstalk*]

Mr. Speaker: Order!

Sen. The Hon. M. Abdul-Hamid: Sometimes you learn more from what people do not say. What he did not say was that the particular person he cited was somebody who was dismissed from the University of Trinidad and Tobago, so we are dealing with a disgruntled employee. This disgruntled employee has taken and prosecuted his case in the public domain in a particular way. [*Crosstalk*] He has found companions from among the ranks of the Opposition in order to prosecute

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his case. That is what we have found; that is what has been put before this Parliament and has been masqueraded as though it is some kind of accurate fact. [Crosstalk] It is extremely far from the truth. [Crosstalk]

Mr. Speaker: Order!

Sen. The Hon. M. Abdul-Hamid: He spoke about the recognition of UTT's degrees. Accreditation is different from registration. Registration of an institution means that institution has a capacity to deliver excellence; not that they are actually delivering excellence, but they have the capacity to. [Crosstalk]

Mr. Speaker: Member for Laventille East/Morvant!

Sen. The Hon. M. Abdul-Hamid: To be accredited you need to have had a few cohorts of graduates, because part of the accreditation process requires that the performance of the graduates, in any industry, be assessed. It is impossible for any institution that is newly established to have a cohort. In fact, the UWI Institute of Business operated for nine years before they got any accreditation or recognition whatsoever.

Mr. Imbert: That is the school she went to?

Sen. The Hon. M. Abdul-Hamid: There was never a peep out of them complaining; they said nothing. [Crosstalk] It takes time for an institution to earn accreditation. Institutions must be producing graduates and the graduates must be operating in industry and in the workplace and their performance must be of a particular quality. That factor will then in turn be factored into the assessment as one tries to determine the accreditation of an institution.

It was not too long ago that the previous Minister of Science, Technology and Tertiary Education had to come here to make an amendment to the law to have graduates of UWI in medicine practise medicine in Trinidad and Tobago, because previously the law in Trinidad and Tobago required that they be registered with the Greater Medical Council in England. That council dismissed the UWI medical degree; as a consequence of that, our local laws required that they be registered with that Greater Medical Council. [Crosstalk] Once they were dismissed, they could not be registered, and we had to change the law here. [Crosstalk] We had to change the law to allow graduates of UWI to practise medicine in Trinidad and Tobago. [Crosstalk]

The Member said that the University of the West Indies was recognized; who recognizes the sociology degree; who recognizes the degree in government; who recognizes the degree in economics? The Institute of Incorporated Engineers

constantly monitors what happens at the Faculty of Engineering and there is a relationship. The accreditation for the engineering degree is provided by that institute at UWI. That is the same Institute of Incorporated Engineers with whom the UTT has established its relationship and they have already begun the process of evaluating UTT's degrees.

There is a debate going on worldwide as to who should run universities. Part of the limitation of UWI's governance structure is such that it is run by academics. At Oxford, Cambridge and other universities, there are debates going on to determine whether they ought to move away from that system of governance and move to a system where there is a greater role for industry and whether the institutions ought to be managed by private sector industry types.

We have set up a university, not where we have invited industries to come and play some minor role, but the UTT is, in fact, governed by captains of industry. As a consequence of that, the needs of industry are specifically understood. In the design of UTT is developing programmes that are specifically relevant to the needs of our industry. Our graduates, in fact, will be leaving UTT better prepared to enter industry.

I am giving this assurance to the national community that in five short years the demand by the industries for graduates of UTT is going to far exceed any other institution in the Caribbean, simply because of the role of governance of the institution. [*Desk thumping*]

There are on-the-job training modules within the University of Trinidad and Tobago's programmes. [*Crosstalk*] We have done more than that. The hon. Member for Siparia mentioned about partnering with UWI. Indeed, in the engineering programme there is an ongoing partnership with UWI. There is no animosity between the two. There are lecturers at UWI who are participating in UTT's programmes and there is that ongoing partnership. Why only UWI? The UTT has gone further and partnered with the world's best universities in various disciplines in the different disciplines that UTT is offering.

For example, in the information technology discipline at UTT, we have partnered with Tata Infotech of India. Everyone knows this particular institution, and India's reputation as a whole, for achievements in IT. In our process engineering, we have partnered with the Danish Technical Institute; number one in Europe in processing. We have partnered with the University of Texas at Austin in the establishment of the Natural Gas Institute of the Americas, again ensuring that the best quality and expertise is made available to UTT, as we

partner our programmes. We have partnered with the University of Cambridge in the development of a degree programme in manufacturing. [*Crosstalk*] We have partnered with institutions around the world that have a strong reputation, are well established and recognized by a number of the accrediting bodies across the world. [*Crosstalk*]

So considering the input from these institutions, the input from industry and our input of local academics, we are finding that we have created a product that is specifically relevant to Trinidad and Tobago, but is among the best quality available anywhere in the world. That is what the University of Trinidad and Tobago is.

I do not understand what this issue is with UTT, why UWI feels threatened. In fact, the presence of UTT has had a positive impact on UWI. It has sent UWI scampering to do its work to build and develop its own programmes. As a consequence of the establishment of UTT, they have covered a whole new strategic review of how UWI is going to develop over the next few years. Operating in a monopolistic situation before, they felt comfortable. Now that you have a second institution, you find a situation where UWI is taking its task far more seriously than it might have done before.

It has sent them to review all their graduate programmes, understanding that competition is here. That can be only healthy. The same Dean of the Faculty of Engineering has been the one leading UWI's review of its graduate studies programme. Indeed, a lot of expansion has taken place at UWI, which I would come to just now. A lot of that expansion has not been in science and engineering, but in areas other than science and engineering. Thank God for UTT for stepping up and stepping in and filling the void in a discipline that is so necessary, if we are going to move to developed country status.

At a counselling meeting in Mona, the deputy principal complained that there were too many unemployed Mona graduates. The reason was because the graduates were not specifically relevant to the needs of the Jamaican marketplace. What sense does it make that you produce 1,000 sociologists, when you need 100 or 50 or you produce 50 engineers when you need 1,000. There has to be an alignment with the places available at the university and the needs of the economy. Mr. Speaker, UTT is developing its programmes on the basis of exactly that, the needs of the economy and industry in Trinidad and Tobago. We design our programmes on the basis of that particular understanding. There is that particular alignment with which we are working. That is, indeed, the perfect formula to ensure the success of UTT.

Once the cohort of graduates moves into the workplace, accreditation is normally retroactive. Once they have determined that these students have been performing, it is quite normal and easy to ensure that UTT's graduate do enjoy the accreditation on the basis of retroactivity.

One of them made the mistake and said that the Minister has done nothing. [Laughter] They questioned the Minister's suitability for this job. That is fine; let me tell you what the Minister has done.

When we came into office, we had set for ourselves that a target of 60 per cent will move on to higher education by 2015, as part of our developed country status. We have set 2020 for the country, but in order for us to get there, we must have the expertise, because all our systems and services will only operate at the standards of international best practice, if you have the expertise operating in the health sector, operating in the judicial system, operating in the education system. So the expertise must be prepared first. Our deadline is 2015, that is the education sector; we have to get our house in order. We must be operating at developed country status before everyone else; our goal, our target is 2015, 60 per cent of the students moving out of secondary school, moving into some form of higher education.

It means then that capacity is a factor. Where are we going to get capacity? The hon. Member for Fyzabad spoke about expansion in UWI. Let me tell you what expansion has taken place. I will tell you about the funding as well. When we came into office in December 2001, for that academic year the capacity at UWI was just around 8,000. By 2002, that had gone to 9,000 plus; by 2003, 10,000 plus; by 2004, 11,000. Today, the capacity of UWI's St. Augustine campus stands at 16,000 citizens of this country. [Desk thumping] That has not been easy and it has not come cheap.

In 2001 in their budget, the allocation to UWI was \$199 million. In the following year, for our first budget in government, that increased to \$299 million. By the following year it was \$350 million; by 2004, it had gone to \$460 million, and another \$460 million in the following year. By 2005/2006, the allocation from Government was \$540 million and by the end of this year, the Government would have allocated to UWI, \$600 million. They allocated \$199 million. The hon. Member for Fyzabad said that we were starving the university of funds. The come here and make all kinds of irresponsible statements. [Crosstalk]

In five years, in recurrent expenditure alone, UWI has received approximately \$2.5 billion from this Government, to run a single institution. That is what it took

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to move the capacity from 8,000 to 16,000. We are a government investing in the people of this country; that is where the money goes. [*Desk thumping*] The 16,000 spaces at the University of the West Indies are still not enough.

An Independent Senator came here and made the case that we must have more than one additional university. A case has been made for two or three. There are countries with 50 universities. What is wrong with Trinidad and Tobago having more than one university?

Mrs. Persad-Bissessar: Not a thing is wrong! [*Crosstalk*]

Sen. The Hon. M. Abdul-Hamid: There might very well be need for more universities; there is absolutely nothing wrong with that. As you know, we are in the process of constructing our main campus at Wallerfield. Major upgrades would have taken place to the campus at Point Lisas. There is a campus now under construction at Maritime. There is to be one in Tobago. The campus at Wallerfield would yield approximately 7,000 places. By 2010, we expect UTT to make available to the citizens of Trinidad and Tobago, tertiary education places of the highest quality education. The number of tertiary education places we expect is somewhere between 12,000 and 15,000 places. [*Desk thumping*] Remember, our goal is 60 per cent, so we have to create capacity.

We have also established the community college. I have dealt with it before, what COSTAATT was and why there was the need to rationalize and streamline the institution. The same way his speech today was scattered machine gunfire all over the place, they could not find a bit, it was the same way that they set up COSTAATT; bits and pieces all over the place. You cannot set up an institution offering an associate degree in civil engineering, and have the same institution offering introduction to automotive repair and introduction to air conditioning repair. You have to rationalize your levels. It is either the institution offers tertiary level programmes or it is a skills training institution.

With the community college, we have taken all the skills training programmes and migrated them out of the College of Science, Technology and Applied Arts of Trinidad and Tobago (COSTAATT). We are migrating them into a new technical/vocational training company, where we will establish a band of technology centres where all the skills training would take place. We have taken the engineering components and migrated them to UTT. We have given community college its own focus and emphasis. The community college will be responsible for health sciences, foreign languages, humanities, management, et cetera, a number of professional areas.

The community college will give this country all the nurses, radiography technicians, scrub technicians, pharmacy assistants, all the CAT reporters, journalist training, communications and a wide range of areas. That is going to be their discipline. We have already approved three campuses: one in north, one in south and one in Tobago and we are looking at approximately 15,000 to 16,000 quality education places in disciplines that we know are specifically relevant to the needs of the society. [*Desk thumping*]

That is what the Minister and the Ministry has been doing, working out the institutional infrastructure to ensure that our institutions are meeting the needs of a fast developing country. [*Desk thumping*]

4.10 a.m.

So our national technical/vocational training company is where we will do all of our skills training; technology centres spread across the country: north, south, central, north-east, south-east; a single governance structure. The role of private sector, again, we always factor that in and we have already worked out the governance structure. But in this institution, that is where we will do all our training for the energy and non-energy sectors: our drilling, rigging, pipe fitting, pipe construction, masonry carpentry and so on, and this institution would be dedicated to that particular course.

There are other institutions that we could talk about but we have been working on the capacity factor. Capacity is a main factor; relevance is a second and very significant factor. I have already identified that the way we treat with relevance is that we get industry to participate in the governance of the institution and we are keeping our eyes specifically on the development objectives. There are a number of companies that would have been established under the auspices of the Ministry of Trade and Industry and those are areas that we hope to develop. Film: We have established an Academy of Performing Arts inside UTT. Yachting: The maritime campus of the University of the West Indies will provide the training necessary for that.

So as we contemplate industries for development purposes we will also contemplate the education programmes that are required and would feed these industries as the industries themselves develop. [*Desk thumping*] That is what sense is. They do not understand that. Had he gone to 10 years in his degree he might understand. He left early.

But more than that, we recognize that there are large numbers of citizens in this country who may have left the secondary education system and have found

themselves not having the skills to make them marketable. So we have undertaken a number of interventions which are expected in the short to medium term to make them valuable in the context of the current industrial activities. Because our position is, as this country moves on, not a single citizen would be left behind. That is our philosophical position. So what we have done, recognizing the need, we have created opportunities. There is the Multi-Sector Skills Training Programme (MuST) and what we have done with this programme, recognizing the activities taking place in the construction sector, recognizing that there are large numbers of unemployable young people in this country, we have designed a programme and how the programme works is this way: We take a training instructor and to each training instructor we assign 16 trainees and they move on to a live construction site. The trainees, working alongside experienced, skilled workers and getting guidance and instructions from their training instructor, over a six-month period are able to learn the skills that are associated with the construction sector. They learn to lay tiles, to plaster, carpentry, electrical installation, depending on what their interests might be.

What do we do for them to provide incentive, understanding that some of these young people may need incentives? Some complained: “Look, we cannot come because we do not have proper clothing.” We provide them with clothing. One said: “I cannot come because of the safety requirement.” We give you a hard hat and goggles. We give you steel-tipped boots. They say: “Well, I do not have any tools.” We give them hammer, saw, measuring tape, all the basic tools that they need, at the expense of the Government. We give them insurance in the event that they get injured. On top of that, they need money to survive; we give them a \$60 per day stipend. [*Desk thumping*]

Since the inception of the MuST Programme approximately 12,000 citizens of this country have been able to move from inactivity and on the block; some in a tree; some under a bed—we have taken them all; we have embraced them and we have put them on a course of progressive and positive development and activity and converted them into productive citizens.

We have also dealt with the On-the-Job Training Programme, recognizing that there are citizens who may leave the secondary school system—a different category—with two, three or five O levels, not being able to get a job because the employers may be saying: “You have no experience.” Recognizing that these people may have the capacity and the capability of performing the task, we decided that there is room for an intervention on the part of the Government so we created the On-the-Job Training Programme where we, the Government, will find

a job for you and give you an opportunity to learn the specific skills that are required; learn what the working life is about and demonstrate your capacity to a prospective employer, so when you graduate from the programme you are able to say on your CV: “Look, I had a period of training on the On-the-Job Training Programme.”

Previously, the training period was six months and two months ago Cabinet took a decision to extend that training period from six months to one year—[*Desk thumping*] extending the training period to ensure that our young people get a proper period of training. That is at significant cost to the Government. That is where our money goes. When we spend money we spend money on the people. Any trainee with O levels gets \$1,600 per month; any trainee with A levels, \$2,500; any trainee with a first degree, \$4,000 and a post graduate degree, you get \$5,000. All of this is intended to provide the kinds of incentives to ensure that our young people develop themselves. Since 2002, when this programme was established, the number of young people between the ages of 16 to 30 who have benefited from the programme is in excess of 33,000. [*Desk thumping*]

There are other programmes about which I can speak, but they also said that the Minister has done nothing. Forget the Minister. This Government has introduced—because we spoke earlier about capacity and relevance, we must also speak about accessibility. I am hoping to demonstrate that we have all the variables covered. Accessibility speaks to two factors. One is geographical location. Institutions must be within reach of the students in the communities. So we have ensured as we have established UTT; as we have established the Community College, as we establish the technology centres, that they are widely distributed throughout the country. The purpose of that is to ensure easy access by our citizens. So we have placed them strategically throughout the country.

But accessibility also has to do with the matriculation requirements. You see, traditionally, if you wanted to access a degree programme you had to have A levels and that is as a result of our experience with the British. The challenge with that is to the extent that you have a limited number of A level places, you have a limited number of persons qualified to proceed. If you look at the system in the United States they move directly from high school via the route, in some cases, of an associate degree. That is what we have done. We have created associate degrees and we have also created the National Engineering Technicians Diploma. The diploma programme is roughly equivalent to what one might do at the A level. So you can enter the University of Trinidad and Tobago.

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The question was raised about lowering the standards of the UTT. No such thing has taken place. I could talk about standards at the former TTIT but I will leave that alone. What we have done is created the National Engineering Technicians Diploma which allows students to move directly from the O level qualifications via the route of a diploma and then on to their Bachelor of Science degree programme. So we have created a programme there that will allow our students to access Bachelor degrees and tertiary education programmes: Masters, PhDs and so on.

At the last council meeting UWI said that it wants to move to 22,000 in the next six years and I told them they had to make some adjustments to their matriculation requirement and UWI was eager to say: “We have started to do that already.” So they are arguing something; criticizing UTT; holding UWI up in praise, but the very thing that UTT has done successfully UWI is now moving to try to copy to see what UTT has done. [*Desk thumping*] So you have to understand that UTT is, in fact, ahead in many ways and that is something of which we are particularly proud.

Affordability is the other factor: Accessibility, capacity, relevance, affordability. Many of those on the other side were part of a government in 1988 that for the first time in the history of Trinidad and Tobago this country saw a situation where fees were charged to citizens who wished to pursue a tertiary education programme. Even in 1986, when the price of a barrel of oil dropped to \$9, our government maintained a position where access to tertiary education was free. That was done, again, because of a philosophical position that education—because they talk that talk about education being the vehicle for upward mobility. But that is talk and I know it is talk, because when they were faced with the challenging situation in 1988, one of the first things they did was to implement a system of fees to the university. The effect of that was that for 18 years Enterprise was locked out of the university. Laventille, Endeavour, Ramgoolie Trace, La Brea, were locked out of the university.

People in Trinidad and Tobago who did not have the funding, the \$2,400, \$2,800, \$3,600; whatever the fees might have been, were locked out and denied a tertiary education place based on—I am being told—the inability of the citizens to pay. We recognized that as being a backward step, so for the first time in 18 years this Government introduced a system where, effective January 01, 2006, tertiary education opportunities were made available to the citizens of this country in circumstances where tuition was made completely free—free tertiary tuition we provided in this country.

They always talk about dollar-for-dollar. When they introduced dollar-for-dollar—I have described dollar-for-dollar next to GATE as a pipsqueak, because dollar-for-dollar offered assistance on the basis of, “you put one dollar, I put one dollar”. First of all, it can be argued that it was discriminatory on the basis of inability to pay.

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

Motion made, That the hon. Minister’s speaking time be extended by 30 minutes. [*Hon. Dr. K. Rowley*]

Question put and agreed to.

Sen. The Hon. M. Abdul-Hamid: Thank you very much, Mr. Speaker and thanks to hon. Members. As I was saying, for years the charging of a fee meant that only those who had the ability to afford were allowed the opportunity to pursue a tertiary education. So if you argue that education is the main vehicle for upward social mobility, then what you were, in fact, doing was denying the poor any opportunity for upward mobility.

Dollar-for-dollar was available only to those who had the first dollar. So it was, in fact, a subsidy to those who had demonstrated some capacity to pay, and to the extent that it did not cater for those who did not have the first dollar, it was discriminatory against them. Even so, they had a big banner stretching across the width of a stage and as tall as a man and it said: “Dollar-for-Dollar”, intended to create a particular impression in the minds of the people. It covered only the University of the West Indies and COSTAATT, I think, and it covered only first-year students. So when dollar-for-dollar was introduced, the people in second-year UWI had no benefit, you know; people in third-year UWI had no benefit, only those in first-year, which meant that by the time dollar-for-dollar was finished, they had spent about \$20 million—a paltry sum, relatively speaking—and only about 2,000 or 3,000 had benefited. That is what dollar-for-dollar was.

GATE, on the other hand, we made it completely free to all students. We have paid 100 per cent tuition fees. [*Desk thumping*] More than that, it is available to students at UWI in every year—year one, year two and year three. It is available at all the public institutions to students pursuing undergraduate programmes regardless of the year in which they are. It is not for first-year only.

Mr. Hinds: Will it be available for nine years?

Sen. The Hon. M. Abdul-Hamid: It is available for every year that you pursue your undergraduate programme: first, second and third year.

Mr. Valley: Not fourth and fifth.

Sen. The Hon. M. Abdul-Hamid: Or seventh and eighth, as the case might be.

Mr. Hinds: Ganga Singh would have lost out then.

Sen. The Hon. M. Abdul-Hamid: Mr. Speaker, we have embraced all the public institutions, but we have also embraced private institutions. Nowhere else in the world that I am aware of, do we have a situation where any government is paying the tuition fees for students attending private tertiary institutions. That is a phenomenon that is applicable only to Trinidad and Tobago and has only come into existence under a government that has demonstrated clearly that it has the interest of the young people in the society at heart. That is where we have determined it is good value for money as we spend the petroleum dividend, as it is called.

We have signed a memorandum of agreement with 33 private institutions and the memorandum forms the basis upon which we engage these institutions. We provide the tuition fees and these institutions provide the education. Today there are 15,000 students in Trinidad and Tobago attending private institutions paid for by the Government of Trinidad and Tobago—affordability. [*Desk thumping*] At the postgraduate level, we also provide additional assistance.

They did, in fact, mention the St. George's University. There is a system of scholarships which is administered by the Ministry of Public Administration and Information. There is, indeed, a scholarships division, the chairman of which is the Permanent Secretary, Ministry of Public Administration and Information, and a number of other permanent secretaries sit on that committee, including the Permanent Secretary in the Ministry of Science, Technology and Tertiary Education. There is a well-established process in the determination of who gets scholarships. It is not only scholarships to St. George's. If the Mexican government or any government—the United States government; any government; any Commonwealth country—wishes to offer scholarships to citizens of Trinidad and Tobago, that country cannot simply come and pick anybody they would like. There is a process. The scholarships are advertised; people apply. That is exactly the same process that is employed in the determination of students who gain a scholarship to go to the St. George's College. In fact, I think it was either asked as a question and the question was answered in Parliament, or it might have been a

Motion on the Adjournment. So it is there in the record of *Hansard*, clearly explained to the satisfaction of the population, because this is something that we take very, very seriously.

But what you find happening across there very often, is that they look at the people who get the scholarships and they start to count names. I have heard one of their Senators counting names. I do not know what he is looking for, but he is counting names—

Mr. Valley: Oropouche does it too.

Sen. The Hon. M. Abdul-Hamid: That is an ugly and unpleasant attitude for any citizen of this country to have. Why do they not count names at the University of the West Indies? Count names somewhere else! If you want to count names, “leh we” go on a name-counting contest. It is unholy, even unthinkable, unconscionable that a citizen of this country will so construct his priorities and so construct his attitude and his mind that he would see citizens and see opportunities strictly in terms of his own philosophical ideological structure in his mind. That is a sad, sad statement as it relates to the thinking of some of those on the opposite side.

Excellence is the last variable that I need to talk about and the Accreditation Council is charged with the responsibility for ensuring excellence in our system. As I have mentioned earlier, we have established the ACTT in accordance with the world's best practices. We have consulted with the best. We have consulted with the international networks and we have satisfied the international networks that the Accreditation Council of Trinidad and Tobago is, indeed, set up in such a way so as to perform its functions to the satisfaction of the international oversight bodies, so much so that we have readily gained acceptance into these bodies, meaning that to the extent that the Accreditation Council performs a registration exercise; performs an accreditation exercise, it will, in fact, be accepted by these institutions.

The answer to the question: There are 13 institutions that have already submitted their documents for registration and the University of Trinidad and Tobago and the University of the West Indies are both working on the submission of their own documents. The very same UWI has recognized the need and the importance of ensuring that it is meeting the standards as established by the ACTT. Even beyond those 13, we are working with all institutions to make sure that they will meet the standards.

We are very comfortable that we have made the kinds of progress that would be necessary. The time we have spent has been well-spent; it has gone into producing a quality institution—as I have said constantly—an institution of which we can be proud and in which we can be sure that when it makes its determination it will be making its determination and ensuring that our institutions are established, governed and perform consistent with the best institutions anywhere in the world.

Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in Committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Question put and agreed to, That the Bill be reported to the House.

House resumed.

Bill reported, without amendment, read the third time and passed.

ADJOURNMENT

The Minister of Trade and Industry and Minister in the Ministry of Finance (Hon. Kenneth Valley): Mr. Speaker, I beg to move that this House be now adjourned to Friday, June 29, 2007 at 1.30 p.m. and that day is going to be Private Members' Day.

Dr. Rafeeq: Mr. Speaker, good morning to you and Trinidad and Tobago. On Friday we will be doing Motion No. 4 on the Order Paper. This is a Motion that has been filed by the Member for Caroni East and it deals with the Scarborough Hospital.

Mr. Speaker: Just to wake up the House, do we have a Motion on the adjournment? [*Laughter*]

Mr. Valley: Yes, five Motions. [*Laughter*]

Question put and agreed to.

House adjourned accordingly.

Adjourned at 4.35 a.m.