

Vote of Thanks

Friday, June 25, 2010

HOUSE OF REPRESENTATIVES

Friday, June 25, 2010

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

VOTE OF THANKS

Mr. Speaker: Hon Members, I wish to again express my gratitude for having been elected to serve as Speaker of this honourable House. Let me again congratulate hon. Members on being elected to the Tenth Parliament of this, our nation. The people of Trinidad and Tobago have entrusted this august representative body with the solemn responsibility to determine the destiny of us all, and you have entrusted me with the duty of being your Speaker. I feel proud and humbled by the trust and confidence which you have reposed in me. Let me assure you, hon. Members, that as a result of your trust, I will serve this House diligently and be a Speaker for all.

Hon. Members, I know that I am your servant whose foremost duty is to uphold the Constitution, as well as the rules and conventions of this honourable House, and to preside and manage the affairs of this House with complete impartiality. In this regard, I have no doubt that I can count on your constant support and advice. I also assure you that I will strive to preserve and protect the rights and privileges that have been enjoyed by your predecessors over the years, since such rights and privileges are necessary in the performance of your duties.

Hon. Members, as you are aware, I am no stranger to this Parliament, and indeed, I have watched with keen interest many of the proceedings of this honourable House. I am well aware that this House is guided by deeply entrenched rules of practice and procedure that any Speaker would do well to follow.

Hon. Members, please allow me this opportunity on behalf of all of us, to acknowledge the outstanding service of my predecessor in office, Mr. Barendra Sinanan, who over the last eight years has upheld the highest standard of parliamentary practice and procedure.

Hon. Members, the oath of office to which we have all subscribed, binds us to uphold the Constitution and the law, and to conscientiously and impartially discharge our responsibilities, and I now appeal to all hon. Members of this House to assist me in upholding both the Standing Orders of this honourable House and the dignity of Parliament.

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Hon. Members, the Chair wishes to congratulate the distinguished Member for Siparia, the hon. Kamla Persad-Bissessar on being elected the new Prime Minister of the Republic of Trinidad and Tobago. Congratulations are also in order for the following Members of their appointments: the hon. Dr. Roodal Moonilal, as Leader of the House; the hon. Dr. Keith Rowley, as Leader of the Opposition; and Miss Marlene Mc Donald, as the Opposition Chief Whip.

In closing, I again wish to acknowledge your trust and confidence demonstrated earlier by my election to this esteemed office, and I express my sincerest gratitude to all of you in that regard.

I thank you.

CONGRATULATIONS

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, may I on behalf of the Government of the Republic of Trinidad and Tobago, and my colleagues on this side of the House, extend to you, our sincere and deepest congratulations on your elevation to the exalted office of Speaker of the House of Representatives. [*Desk thumping*]

Mr. Speaker, throughout the years that I have known you, I have addressed you by several worthy designations: Senator, Minister and comrade. This afternoon, it is a signal honour and a distinct pleasure to address you as Mr. Speaker. We on this side are confident as with other Members, that you will undertake your responsibility with dignity and in the highest traditions of our Parliament. Those on this side join me in recognizing and appreciating your abiding sense of commitment to our nation, and your evident dedication to serving the people.

Mr. Speaker, this is testimony to the fact that your election was by unanimous decision of this House. We are aware of your illustrious service in public life, and we stand ready to support you and this House, as we conduct the business of the people. We are certain that you will be an effective Speaker of this House, fair but firm, balanced and judicious in ensuring that the highest debating and ethical standards are maintained in this august body.

Thank you. [*Desk thumping*]

Dr. Keith Rowley (Diego Martin West): Mr. Speaker, today must be a red letter day in the House, especially for those of us who have been deemed to be subjects of the king. It must be a great climb down for the king. King John—the Magna Carta was written for him, and democracy began when he allowed the people to take control of their business. So having heard you say today that you are our servant, I am delighted

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to have led the Opposition, which along with the Government's support, saw you elevated to the high office of Speaker in this House, which we on this side view as an officer of The House, and in that capacity, we have every confidence that notwithstanding what roads you may have travelled, what results you may have had, this is a great victory for you and for the House, and for the people of Trinidad and Tobago. We have every confidence that we will see from the Chair, fairness, impartiality, firmness, and of course, a sense of humour. I congratulate you.

Mr. Speaker, we are starting out the Tenth Parliament, and it is our expectation that the Parliament will continue to conduct public business in the same vein that we have started with your unanimous nomination.

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

While I am on my legs, Mr. Speaker, I want to take the opportunity to very sincerely and very warmly congratulate my parliamentary colleague of long-standing, dating back to a period long before many of you thought of being in politics. My colleague from Tobago West, that applies to you. Where were you then, when my colleague was the Member of the NAR days, and now today, she is the Prime Minister of Trinidad and Tobago?

Mr. Speaker, I have two daughters and I am very proud to know that our country without making much of a fanfare, had created the opportunity for our colleague, the Member for Siparia, to move smoothly from Opposition to Prime Ministership with the support of everyone in this country, not based on gender, but on competence.

I want to give her the assurance, Mr. Speaker, that what we said we mean. Whatever is in the interest of the people of Trinidad and Tobago, we will support. What is not in the people's interest, we will oppose vigorously. So we can look forward to vigorous cut and thrust in the Parliament. But I wish the Prime Minister a successful term on behalf of all the people I represent and the people of Trinidad and Tobago in general.

Mr. Speaker, I would also like to congratulate my colleague on my right, Miss Marlene Mc Donald, for agreeing to carry out the duties of Chief Whip for those of us on this Bench. I have every confidence that with a new face and new spirits, she too will distinguish herself in that post.

Finally, I want to congratulate my colleague, the Member for Oropouche East, who holds the exalted position on the other side of Leader of Government Business. A lot of new faces, a new Parliament, a new term, and we expect that

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will redound to the benefit of the people of Trinidad and Tobago, doing things sometimes differently, but everything in the interest of all the people of Trinidad and Tobago.

I congratulate you all. Thank you. [*Desk thumping*]

The Prime Minister (Hon. Kamla Persad-Bissessar): Thank you very much, Mr. Speaker. I join with others in this House in congratulating your good self in your election to that very exalted Chair, in this very honourable Chamber. You have expressed the view that you are no stranger here, and we are well aware of that. Very versed in the rules and regulations of the Parliament, and I know that along with the rest of us, you will very much want to see parliamentary reform and for us to lift this House even higher than it is already.

In that regard, I know that as Chairman of the Standing Orders Committee, you would want to look at changing the Standing Orders of the House to allow for debates of a greater standard than what has happened in some of the past debates, but I do not want to go there. I am really, really, very happy to congratulate you, and look forward to working with you in this Chamber. In addition, I want to congratulate the Member for Barataria/San Juan who was elected as the Deputy Speaker of the House. [*Desk thumping*] We also have that confidence in him, and look forward to working with him as well for the benefit of the Chamber and of the nation.

My colleague, the Member for Diego Martin West, now the hon. Leader of the Opposition, I sat in that chair as you are sitting now. My stay in it was very short I must say—[*Interruption*]

Dr. R. Moonilal: You do wish him a long stay.

Hon. K. Persad-Bissessar:—but I do wish you a long stay in that chair. [*Laughter and Desk thumping*] I wish you a successful term, and I hope that you are so successful that you will get a second term. [*Laughter and Desk thumping*] With due respect, Sir, I wish you the best in your efforts. We already had the opportunity to meet and to converse, to have conversations about the nation and it is a good start for all of us. I congratulate you.

I take the opportunity to congratulate the hon. Member for Oropouche East, who now holds the post of Leader of Government Business. We have every confidence in him, that he will conduct the business of the House in consultation with yourself and others on the other side for the benefit of the people. History in a second way, I do believe it is the first time that the Chief Whip of this

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honourable Chamber is a woman, and so, I take the opportunity [*Desk thumping*] to congratulate the hon. Member of Port of Spain South and to wish her well. The chair in which you are sitting is just as hot as the one that myself and Diego Martin West sits in, but I do wish you good deliberations with our Leader of Government Business, and every success.

To all the Members of this Chamber, a time for new beginnings as the Member for Diego Martin West just said, a new day and a new beginning in this Tenth Parliament. I congratulate each and every one of you, and I take the opportunity to thank the people who have made it possible for all of us to be representatives for them in this Chamber.

1.45 p.m.

When they voted for us and those on the other side, they voted for us to vote for them; therefore, in this Chamber when we vote, let us all keep in mind that we vote for the people of Trinidad and Tobago.

I thank you.

CONDOLENCES
(MR. DESMOND ALLUM SC)

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, I stand to pay tribute to a former Member of this House. I refer to the late Desmond Allum SC who died last week at the end of a courageous battle with cancer. You would surely recall that Mr. Allum served this honourable House from January 1992—October 1995 as the representative for Port of Spain North.

Highly regarded in all walks of life, he should be recalled as the parliamentarian whose mild mannered, easy going style betrayed his deep intellect, incisive thinking and passion for his country. Indeed, his personality made him a unique individual.

More than that, he was a legal luminary in the purest sense; a distinguished attorney with over 40 years of service, who was extensively involved in several major court matters over the past four decades. He was a role model among his professionals, his peers, with many of them continuously seeking his counsel on a wide range of matters. His death, therefore, represents a significant loss to the legal fraternity. It is no overstatement to say that he was one of the most outstanding attorneys in post-colonial Trinidad and Tobago.

Mr. Speaker, Desmond Allum SC was also a man with a social conscience. He spoke out regularly on national issues. What is not well known about him was his

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lifelong and selfless commitment to charity. He was a former director of the Cotton Tree Foundation, an organization he helped established. He assisted a number of charitable and non-charitable organizations in Fyzabad, the town in which he was born and to which he was always loyal and supportive. His work in charity also saw his dedication and continued support to a range of other groups in other parts of the country. He was benefactor to welfare bodies and sporting clubs and a mentor to youth organizations. Indeed, Desmond Allum SC was a man of integrity, honour and character; he was a distinguished man and an exemplar. He was a tremendous asset to this Parliament and to the legal profession, his political organization and the others with whom he served and supported. In fact, he was a tribute to Trinidad and Tobago.

Mr. Speaker, on behalf of the People's Partnership Government and the Prime Minister, the Member for Siparia, I salute Desmond Allum SC's sterling contribution to the growth and development of this nation.

May he rest in peace.

Dr. Keith Rowley (*Diego Martin West*): Mr. Speaker, for those of us on this side, Desmond Allum SC was a special person. As we take note of his passing, we acknowledge the loss of an outstanding son of Trinidad and Tobago. A normal man of the street, a man who made a mark and was highly acclaimed by his professional colleagues; a man who helped persons who never knew him.

At an earlier time, in my capacity as Deputy Political Leader of the PNM party and elections, one of my assignments was to recruit persons with respect to coming up with a slate of candidates for the 1991 elections. I had the opportunity then to work with and to recruit Desmond Allum SC into the PNM fold. One thing that struck me was that the sales pitch in that recruitment exercise to Mr. Allum SC was consummated when I convinced him that if he came into the politics he would be able to assist more people than he was able to outside of it. He was always conscious of the conditions of others.

Most people knew him as an outstanding lawyer, humanitarian, a man who saw needs and did not turn away his face; a man who could have held very high office, but chose to associate, at the same time, with persons who needed help on the lowest rung of the ladder.

Desmond Allum SC was a very bright person, but he listened very eagerly to the point of view of others. He spent one term with us in this Parliament and was a little disillusioned, but never lost sight of the fact that he wanted to help; out of that came the Cotton Tree Foundation. Many of us continue to assist and the Foundation is there as a living legacy of his efforts.

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Mr. Speaker, he was a sportsman as well and he always thought that his efforts could change this country. If one man's efforts could make a change, the efforts of Desmond Allum SC showed that was possible. We mourn his passing and would like to extend our deepest sympathy to his family, all those in his profession and who associated with him, who now recognize that we have lost a great son of Trinidad and Tobago.

We trust that his family would cope with this great loss. Those of us who knew him are richer for it. May he rest in peace.

Mr. Speaker: Hon. Members, I too would like to join the Leader of Government Business in the House and the hon. Leader of the Opposition in paying tribute to one of the nation's eminent legal luminaries, Desmond Allum SC.

Desmond Allum SC's contribution to the law and the legal jurisprudence of this country cannot be overemphasized. His acceptance of complex legal briefs from the most affluent in society, to the socially and economically displaced, is admirable and worthy of emulation for all members of the legal profession.

Mr. Desmond Allum SC was sworn in as a Member of Parliament for Port of Spain North/St. Ann's West on Monday, January 13, 1992 and served as a Member of this august House until 1995. His sterling contributions to the parliamentary debates will always be remembered.

He assisted in the framing of key pieces of criminal legislation such as the Indictable Offences (Amdt.) Bill, the Dangerous Drugs (Amdt.) Bill and the Bail Bill. He served as a member of the Committee of Privileges and the Public Accounts Committee from 1992—1994. In addition, he represented Trinidad and Tobago in October of 1995 at the 41st Commonwealth Parliamentary Conference held in Colombo, Sri Lanka, which dealt with "Democracy and Development, Adversaries or Allies".

Mr. Allum SC also chaired several special select committees of this House and piloted the Bill for the incorporation of the Foundation for the Environment of Trinidad and Tobago; thus, for a certainty, he has left his mark on the parliamentary landscape.

The nation has lost a true stalwart in the law and a champion for human rights and the atrocities of state power abuse. Indeed, it was Mr. Allum SC's deep concern for the poor and the downtrodden that gained the admiration of many. Today, we in this House join the nation in mourning the passing of this talented son of the soil who challenged the highest authorities from his student days in England up to the time of his passing.

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Hon. Members, I plead that his life's work would be remembered as a shining example of the true talent of the people of this nation. It reinforces the confidence that we must have in our people, as his integrity and strength could never be challenged.

Hon. Members, I shall now direct the Clerk of the House to forward a copy of the *Hansard* record of this tribute to the family of this great son of the soil. I ask that we observe a moment's silence to mark his passing.

The House of Representatives stood.

**HON. HERBERT VOLNEY
(ILLNESS OF)**

Mr. Speaker: Hon. Members would have been made aware earlier this week, via the print and electronic media, of the illness of the hon. Member for St. Joseph, Hon. Herbert Volney. This illness required that the Member undergo quadruple bypass surgery, which he successfully negotiated on Wednesday, June 23, at the Eric Williams Medical Sciences Complex. I advise this House that Hon. Volney is expected to be out of the intensive care unit sometime today. Further, at an appropriate time, when the hon. Member for St. Joseph is more advanced in his recovery process, I propose that a proper token of the sentiments of this House be forwarded.

Thank you.

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I have received communication from the Member for Point Fortin, Mrs. Paula Gopee-Scoon, MP, requesting leave of absence from today's sitting of the House. The leave which the Member seeks is granted.

PAPERS LAID

1. Report of the Commission of Enquiry into the Construction Sector in Trinidad and Tobago. [*The Attorney General (Sen. The Hon. Anand Ramlogan)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2009. [*The Minister of Finance (Hon. Winston Dookeran)*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Mayor's Fund of the Chaguanas Borough Corporation for the year ended September 30, 2008. [*Hon. W. Dookeran*]

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2.00 p.m.

4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chairman's Fund of the Mayaro/Rio Claro Regional Corporation for the year ended September 30, 2006. [*Hon. W. Dookeran*]
5. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Agricultural Development Bank of Trinidad and Tobago for the year ended September 30, 2008. [*Hon. W. Dookeran*]

Papers 2 to 5 to be referred to the Public Accounts Committee.

6. Annual audited financial statements of Trinidad and Tobago Free Zones Company Limited for the financial year ended December 31, 2009. [*Hon. W. Dookeran*]
7. Audited financial statements of Education Facilities Company Limited for the financial year ended September 30, 2009. [*Hon. W. Dookeran*]
8. Annual audited financial statements of the Rural Development Company of Trinidad and Tobago Limited for the financial year ended September 30, 2009. [*Hon. W. Dookeran*]
9. Annual audited financial statements of the Government Human Resource Services Limited for the financial year ended September 30, 2009. [*Hon. W. Dookeran*]
10. Audited financial statements of Palo Seco Agricultural Enterprises Limited for the financial year ended September 30, 2008. [*Hon. W. Dookeran*]
11. Audited financial statements of Trinidad and Tobago Mortgage Finance Company Limited for the financial year ended December 31, 2009. [*Hon. W. Dookeran*]
12. Annual audited financial statements of National Enterprises Limited for the financial years ended March 31, 2003 to 2006. [*Hon. W. Dookeran*]
13. Financial statements of the Business Development Company Limited for the year ended September 30, 2008. [*Hon. W. Dookeran*]
14. Financial statements of the Point Lisas Industrial Port Development Corporation Limited for the year ended December 31, 2008. [*Hon. W. Dookeran*]
15. Consolidated financial statements of the National Gas Company of Trinidad and Tobago Limited for the year ended December 31, 2008. [*Hon. W. Dookeran*]

Papers 6 to 15 to be referred to the Public Accounts (Enterprises) Committee.

16. Administrative report for the Export Import Bank of Trinidad and Tobago Limited for the year ended 2008. [*The Minister of Trade and Industry (Hon. Stephen Cadiz)*]
17. Administrative report of the Trinidad and Tobago Racing Authority for the year August 01, 2007 to July 31, 2008. [*Hon. S. Cadiz*]
18. Administrative report of the Betting Levy Board (BLB) for the financial year July 01, 2008 to June 30, 2009. [*Hon. S. Cadiz*]
19. Administrative report of the Business Development Company Limited (and its subsidiary, the Caribbean Leasing Company Limited) for the year ending September 30, 2008. [*Hon. S. Cadiz*]
20. Administrative report of the Trinidad and Tobago Bureau of Standards (and its subsidiary, Premier Quality Services Limited) for the fiscal year 2008/2009. [*Hon. S. Cadiz*]
21. Administrative report of the Arima Borough Corporation for the period October 2007 to September 2008. [*The Minister of Local Government (Hon. Chandresh Sharma)*]
22. Annual administrative report of the Government Human Resource Services Company Limited (GHRS) for the period December 2006 to September 2007. [*The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal)*]
23. Annual administrative reports of the Government Human Resource Services Company Limited (GHRS) for the period October 2007 to September 2008. [*Hon. Dr. R. Moonilal*]
24. Annual report of the Ministry of Public Utilities for the year ended 2008. [*Hon. Dr. R. Moonilal*]
25. The Integrity Commission of Trinidad and Tobago Twenty-First Annual Report to Parliament for the year 2008. [*Hon. Dr. R. Moonilal*]
26. The Integrity Commission of Trinidad and Tobago Twenty-Second Annual Report to Parliament for the year 2009. [*Hon. Dr. R. Moonilal*]
27. A legislative proposal to provide for Public Procurement and Disposal of Public Property. [*Hon. Dr. R. Moonilal*]
28. A legislative proposal to repeal and replace the Central Tenders Board Act. [*Hon. Dr. R. Moonilal*]

STATEMENTS BY MINISTERS
Land Grab at Cashew Gardens

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Thank you very much, Mr. President. I have been authorized by Cabinet to make the following statement.

Within the past few weeks from June 01 to present, we have witnessed an upsurge in illegal occupation as some squatters attempted to move into unoccupied vacant plots of state lands at Cashew Gardens, Carlsen Field, Chaguanas and other localities. This unlawful act represented the actions of a few misdirected, ill-informed and ill-advised persons to occupy state lands reserved for non-residential use.

It was attempted on plots of land belonging to bona fide persons who have made payments over the years to the Land Settlement Agency for their plots of land and who now find themselves and their properties overrun by these squatters. This act was clearly illegal and against the interest of the national community.

This land grabbing, as it became known; this drama at Cashew Gardens was played out before the national community on both the electronic and print media. Given the wide interest, several persons have given their views and opinions on this matter. We have listened and have taken on board these comments. We appreciate the empathies of all engaged. However, I wish to state clearly in this honourable House that this Government will not stand idly by and allow lawlessness by a few to disrupt the law-abiding citizens from enjoying their peace of mind and the property they are entitled to enjoy.

Under the Republican Constitution, every citizen has a legal right to protection from the State of their fundamental rights as enshrined in our Constitution. The bona fide residents of Cashew Gardens, who have legal agreements with the Land Settlement Agency to occupy their plots of land, must be protected by the State against those persons who have taken the law into their own hands and arbitrarily descended on those plots of land which belong to someone else. This Government will protect and defend law-abiding land owners at Cashew Gardens and all other law-abiding persons situated on all LSA sites throughout Trinidad and Tobago.

These are the facts with regard to the Cashew Gardens community. Cashew Gardens is part of a site listed in Act No. 25 of 1988, State Land (Regularisation of Tenure) Act. In October 1999, Cabinet Minute No. 2312 gave authorization for the development of these lands as a land development area to be developed as a housing solution.

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In 2001, approximately 26.68 hectares of land, part of LSA 51.142 hectares, was allocated to the HDC for its accelerated housing development programme. This site was part of LSA's vacant lot residential programme in 2001 and comprised approximately 350 lots of which 171 were assigned beneficiaries. Of the 171 beneficiaries, 137 have made payments on their lots as at September 31, 2009. Data from March 28, 2009's site profiling exercise reveals that 108 beneficiaries have occupied their lots.

In 2008, the LSA prepared a land use development plan for this site. The proposed subdivision layout design was for the establishment of a complete community within the Cashew Gardens area. The proposed development plan is designed for the accommodation of 255 single family residential lots in this area. It is also designed to allow for large multipurpose plots for community and social facilities in the Cashew Gardens layout. This site is an approved housing development with final planning permission granted from Town and Country Planning Division.

The approved layout of this site includes designated plots for two early education childhood centres, two play lots, one health facility, a police post, a neighbourhood commercial centre and a large recreational facility. Provision has been put in place to make available to the Ministry of Education a primary school site, if required, to assist the community of 495 households and adjoining areas.

In November 2008, the LSA engaged engineering consultants, Alpha Engineering Limited, to provide designs and tender documents for the proposed infrastructural upgrade under the Squatter Regularization Programme for this site. These designs were subsequently completed in August 2009 with a project estimate of TT \$30 million and a projected work schedule for 18 months. The LSA is currently seeking approval to commence the tendering process, leading to a selection of a contractor in order to execute infrastructure works.

The LSA is also seeking a Certificate of Environmental Clearance from the Environmental Management Authority. Engineering designs have been completed since 2009, but the project has not been tendered for construction due to a lack of funding in the 2009/2010 development programme budget.

The LSA development upgrade squatter site is subject to the IADB funding and negotiations with the Government for this project. The site was not designed with a location for a sewer treatment plant and as such the LSA is currently in discussions with the HDC to share a sewer treatment plant in the HDC's development to the north.

To date, the implementers of the non-residential plot allocations have not determined, for example, the police post site, the community facility site or the early children education centre site.

Mr. Speaker, let me put the national community on notice that this Government is taking lawful and legal action to protect its assets on state lands throughout Trinidad and Tobago; be it in Point Fortin, the race course in Arima, Valencia or Sangre Grande; wherever, we will protect law-abiding citizens.

Almost \$200 million of taxpayers' money has been spent by the LSA to develop these squatter sites in a proper and orderly manner with all necessary infrastructure in place. This grab for land will not be tolerated and there will be zero tolerance in regard to this exercise.

For the benefit of the Parliament and the national community, the officials of the Land Settlement Agency (LSA) have also equipped me with the necessary map where they have undertaken the surveys so that we can determine with precision those persons in occupation, the squatters who have erected illegal structures. We are well aware of the incidence of illegal construction and of what these lawless persons are attempting to do.

This Government is guided by the principle that the highest mission of society is the development of its citizens. As we have said, we will embrace all; we will meet and treat with all in a humane manner, but that is not a licence for lawlessness.

2.15 p.m.

We have proposed seven interconnected pillars for sustainable development, four of which are relevant today. They are: a people-centered development strategy; poverty eradication and social justice; national and personal security; and good governance. None of this can be achieved if we condone or support the mindless situation which took place over the past weeks, which was driven by a few citizens. I want to re-emphasize that a few citizens were up to breaking the law. Illegal activities, even if based on the need for food or shelter, cannot be supported. We have, through the Minister of the People and Social Development, sought to provide social services for persons who are genuinely in need of such services.

Cabinet has established an Inter-Ministerial Committee, which was formed to manage this situation. This committee met on June 22, 2010. The Inter-Ministerial Committee comprised Sen. the Hon. Vasant Bharath of the Ministry of Food Production, Land and Marine Affairs, Chairman; Sen. the Hon. Anand Ramlogan, Attorney General; Hon. Prakash Ramadhar, Minister of Legal Affairs; Hon. Dr. Glenn Ramadharsingh, Minister of the People and Social Development; Hon. Chandresh Sharma, Minister of Local Government; Sen. the Hon. Brigadier John Sandy, Minister of National Security; and the Minister of Housing and the

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Environment. At this meeting, we discussed matters relating to the legal obstacles, which prevent us from dealing with this situation in an efficient manner. We also discussed what other solutions are needed to be put in place from an administrative and legal standpoint.

Mr. Speaker, I can report that this committee has recommended the establishment, first of a telephone hotline service, where we can receive reports from citizens in the national community regarding their observations of squatting and illegal land grabbing. This committee has also recommended the continuation of an exercise to demolish, not only at Cashew Gardens but at other sites, knock down and remove unoccupied or incomplete structures which have been erected. A schedule for such exercise is currently being developed. We will continue to serve notices on squatters where occupation has already taken place, with a view to early removal and saving necessity for an approach to the court. We will review the system through which the provision of land and housing units are provided, so that we can meet and treat with persons who are truly in a serious and needy situation. In the coming weeks, members of the Inter-Ministerial Committee will be reporting further on these actions.

As a nation, we can all clearly see that the actions of one person or a group of persons to undertake illegal activity cannot be tolerated. This is the nature of squatting and while we are humane, we must, at all times, uphold the law or change the law. This is our position. As the Minister of Housing and the Environment, I can state categorically that this is our solution. While it may not benefit an individual, we are sure that our approach will redound to the benefit of all citizens of Trinidad and Tobago.

Mr. Speaker, I thank you.

Clean Up and Beautify Trinidad and Tobago Initiative

The Minister of Works and Transport (Hon. Jack Warner): Thank you, Mr. Speaker. I have been directed by the Cabinet to make a statement to this honourable House on the status of the Clean up and Beautify Trinidad and Tobago Initiative, which is known by its acronym C&BT&T. All citizens have a part to play and a duty to ensure that our environment is preserved and protected through an initiative that unites us all. One such way that this may be accomplished is through its Clean Up and Beautify Trinidad and Tobago Campaign. In this regard, Mr. Speaker, the Government is partnering with the private sector to prevent littering, reduce waste, clean up our clogged drains and rivers and beautify our communities.

The C&BT&T Initiative was launched by the hon. Prime Minister on Monday, June 07, 2010, at the Ministry of Works and Transport Head Office Building in Port of Spain. The Ministers who attended this launch included the following: Hon. Kamla Persad-Bissessar, Prime Minister; Sen. the Hon. John Sandy, Minister of National Security; Hon. Chandresh Sharma, Minister of Local Government; hon. Dr. Roodal Moonilal, Minister of Housing and the Environment; Hon. Vernella Alleyne-Toppin, Minister of Tobago Development; Sen. the Hon. Emmanuel George, Minister of Public Utilities; Hon. Dr. Glenn Ramadharsingh, Minister of the People and Social Development; Sen. the Hon. Vasant Bharath; Minister of Food Production, Land and Marine Affairs; Sen. the Hon. Therese Baptiste-Cornelis, Minister of Health; and Hon. Rudranath Indarsingh, Minister in the Ministry of Works and Transport.

On this occasion, information was gathered with regard to contractors' interest in the Prime Minister's clean up campaign. A similar launch was also held at the San Fernando City Hall on Wednesday, June 16, 2010.

My fellow Members of Parliament, I am pleased to inform that the administrative secretariat was established on Wednesday, June 22, 2010 to conduct and supervise this campaign with the three following components:

1. Clean up of drainage systems, which would be conducted by the Ministry of Works and Transport.
2. Municipal clean up to be conducted by the Ministry of Local Government.
3. Beautification of Trinidad and Tobago to be conducted by all.

Additionally, on this day, a strategic meeting was scheduled to determine the structure and the implementation for the C&BT&T Initiative. The structure to be put in place to manage this campaign is the routine maintenance management system, under the purview of the Ministry of Works and Transport.

Furthermore, at this meeting, aspects of clean up requirements, distribution and allocation of resources, location of clean up areas, public awareness of the C&BT&T Initiative and the involvement of respective districts were addressed. A follow-up meeting was conducted on the same day at Crowne Plaza where feedback was solicited from interest groups for the clean up initiative. Members of this audience were then invited to a subsequent meeting hosted by the C&BT&T Secretariat, where there was open discussion on areas relating to the involvement of Members of Parliament; the role of NGOs; contractors input; national mobilization; transportation; communication; and media.

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Roles have been identified for specific agencies. For example, the Solid Waste Management Company Limited will be responsible for receiving all garbage at Forres Park and Beetham Landfills. Improvement to access roads in the vicinity of the Guanapo Landfill will be undertaken by the Ministry of Works and Transport. The Guanapo Landfill site will receive non-hazardous waste from the clean up initiative. Transportation trucks and other heavy equipment will be supplied by the Ministry of Works and Transport, the Ministry of Local Government and private contractors.

The secretariat will comprise members of staff of key Ministries, including the Ministry of Works and Transport offices in Victoria East, St. Patrick, Victoria West, Nariva/Mayaro and the municipal corporations. Meetings were held on Tuesday, June 24, 2010 with the various groups to finalize arrangements, after which feedback was provided to the secretariat for further coordination.

The C&BT&T Initiative is of national importance and as such everyone is expected to mobilize his or her constituency and liaise with respective district officers. Each constituency office is to be used as a mobilization point for the clean up exercise.

A media blitz comprising radio, television and printed matter will be launched as a means of mobilizing national response and passion to the Clean Up and Beautify Trinidad and Tobago Initiative. The C&BT&T Initiative begins officially on Sunday, June 27, 2010 and will be launched at the Beetham Estate by the Prime Minister of Trinidad and Tobago at 9.30 a.m. Following this, it is expected that this campaign will then be conducted throughout Trinidad and Tobago. A press conference was held today to inform the public and all stakeholders of the final details of the activities and the arrangements that will take place on Sunday, June 27.

Finally, I would like to encourage all citizens to take part in this Clean Up and Beautify Trinidad and Tobago initiative and I urge everyone to mobilize her or her constituency towards this national effort.

I thank you.

RELATED MOTIONS

The Prime Minister (Hon. Kamla Persad-Bissessar): Mr. Speaker, I beg to move Motion No. 1 on the Order Paper, which stands in the name of the Leader of the House. In moving this Motion, I seek the leave of the House to debate along with this matter, Motions Nos. 2, 3 and 4, which are all inter-related, with respect to the subject matter.

Agreed to.

Related Motions

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Mr. Speaker: May I advise Members of the House that on the debate to follow, Members can speak on all four Motions, although each question will be placed separately at the conclusion of this debate.

**COMMISSIONER OF POLICE
(NOMINATION OF MR. NEAL PARKER)**

The Prime Minister (Hon. Kamla Persad-Bissessar): Thank you very much. Mr. Speaker, I beg to move,

Whereas section 123(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 ("the Act") provides that 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;

And whereas section 123(4) of the Act provides that the President shall issue a notification in respect of each person nominated under subsection (3) and the notification shall be subject to affirmative resolution of the House of Representatives;

And whereas the Police Service Commission has submitted to the President the name Mr. Neal Parker as the person nominated for appointment to the office of the Commissioner of Police;

And whereas the President has on the 11th day of June, 2010, issued a notification in respect of the nomination;

And whereas it is expedient to approve the notification:

Be it resolved that the notification of the President of the nomination by the Police Service Commission of Mr. Neal Parker to the office of Commissioner of Police be approved.

As I proceed to speak on this Motion, I want to take this opportunity to thank the hon. Member for San Fernando East for his nine years of service as Prime Minister of the Republic of Trinidad and Tobago. During that time, we have had the benefit of meeting with the hon. Member for San Fernando East in his capacity as Prime Minister, to craft a package of legislation dealing with the police service and the process we are involved in now, comes out of that.

In addition, I would like to thank the former Prime Minister as well for the opportunity afforded to the Opposition at that time, to contribute to making a legislative change when it came to making a police service in Trinidad and Tobago. Hon. Member for San Fernando East, through you, Sir, we thank you for

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the great contributions you have made to the people of Trinidad and Tobago in the nine years you served the Republic as its Prime Minister.

2.30 p.m.

To better understand why we are here today at this juncture with this notification, it may be useful to go back prior to 2006, and put it in context as to how we came about with the various pieces of legislation which have led us down this pathway.

Prior to 2006, there was a reform package containing three pieces of legislation for the police service. Through that, the Police Service Commission was entrusted with the constitutional power to appoint persons, including the Commissioner of Police, to hold or act in an office in the police Service. This power is seen in the now repealed section 123 of the Constitution. The selection process of a candidate then, under the old law, was based primarily on seniority, but before the Police Service Commission could make an appointment to the post of Commissioner of Police or Deputy Commissioner of Police, the commission was constitutionally mandated to consult with the Prime Minister.

I quote from section 123(3) of the Constitution which says:

“...and a person shall not be appointed to such an office if the Prime Minister signifies to the Police Service Commission his objection to the appointment of that person to such an office.”

This section of the Constitution has been repealed by the 2006 reform.

So, there were two problems, in addition to the greater problem in the society, which led us to have bipartisan talks to deal with the issue of crime. The first, as I have said, is the issue of appointments to the highest office in the police service which would be made primarily because of seniority. The second issue had to do with the controversy surrounding the veto power of a Prime Minister over persons selected by the Police Service Commission.

In the changes in 2006, the then government and the Opposition recognized that there was need to reform the governance of the police service in order to ensure more effective and more efficient management of the police service. Both the then government and the Opposition agreed at that time that the role of the Police Service Commission, in relation to the police service, had to be drastically transformed. It was recognized that this was necessary if the service was to be modernized successfully.

As a result, the appointment process of members of the Police Service Commission was changed by that legislative package. Prior to that, the President would appoint a Police Service Commission after consultation with the Prime Minister and the Leader of the Opposition. That was the law.

In the old package, we changed that process, and that is what the law remains today and, that is, the President, will, again, consult with the two leaders—the Prime Minister and the Opposition Leader—and nominate persons who are qualified and experienced in specified disciplines, but then that nomination had to come to this honourable House for approval. It is only if the House approves the members of the service commission, then those persons would sit on the commission. Prior to that, the discretion was entirely in the hands of the President at the end of the consultation process.

The reform in that 2006 package also resulted in specified powers and grounds for removal of the commission members, and that was spelt out in the new package. All these changes can be found now in our Constitution in sections 122, 122(A) and 123. The need for the change, at that time, as we saw it, was also necessary, because officers who may have merited performance and who may have, therefore, merited promotions based on performance could not be so promoted, because seniority was the main criteria. That was the major criteria used to determine promotion.

So, for example, if there is a junior officer who is performing very well, he was at the mercy of non-performing seniors, because of the system based on seniority and not on meritocracy. This was clearly demonstrated in the decision of the Court of Appeal of Trinidad and Tobago in the case of *Gopichand Ganga and the Police Service Commission*. In that case, the officer in question was not promoted because of the issue of seniority.

The system of promotion and appointments prior to 2006 then meant, effectively, that persons had reached the top echelons of the police service because of seniority and not necessarily because of merit and performance. Such a system it was felt contributed greatly to poor and ineffective performance by officers who often were very frustrated in terms of performing better, working better and working harder, because they just had to wait until someone resigned or until someone passed away, because you had to move up because of seniority. So, it does not matter how hard you work as an officer, you could not rise to the top.

So, with such a system based on seniority, what happened was that most officers would be nearing their age of retirement by the time they reach to the

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position to be appointed as a commissioner or deputy commissioner. It was recognized, therefore, that the system needed reform.

Mr. Speaker, I am happy to note that the long title to the 2006 Police Service Act, Act No. 7 of 2006, reads as follows—this is what the Act seeks to do and I quote:

“...to ensure the efficient and transparent management of the Service and to provide that the principles of equity and meritocracy shall be applied at all times...”

If we use the rules of statutory interpretation, what this means from reading the long title of this Act is that it could be used by the courts when interpreting and applying the legislation and, therefore, the end result should be that equity and merit, together with performance and not only seniority would be the guiding principles for appointment and promotion in the police service. Mr. Speaker, I am sure we will all agree that this is necessary if we are to achieve a transformed modernized police service. So, today, we are here in furtherance of that objective.

The veto powers as well, which I mentioned before which lay in the hands of the Prime Minister was repealed by that package, but up until its repeal, the use of the veto was very controversial. Many senior officers in the police service were forced to file matters in court, because they felt they were being treated unfairly. In the case of Ganga-Persad Kissoon, for example, he was the top candidate at an interview and the most senior officer, yet his appointment was vetoed through the prime ministerial veto.

There was great concern about the fact that a Prime Minister could veto the appointment of an officer and the exercise of this power could not be questioned. For the police service, it meant that the will of the Police Service Commission was being defeated, because the veto power was, in effect, a secret power, because there was no obligation in law to explain or give reasons, and no obligation to disclose anything about its use—there was no duty to give reasons why it may have been exercised in a particular way. So, Members would recall that the reform of the police service was very critical and is very critical in the fight against crime.

During the last decade our society had been plagued by high and continuous rising crime rates. Over 3,000 persons have been murdered in the past nine years. It became a national cry for us to return to a safer society. So, these are the issues, as I give the background and the context within which that new legislative package came into place, and to put it into perspective to understand what has brought us all today at this juncture.

As a result of all these matters—the difficulties in terms of promotion being dealt with on merit and being relegated on issues of seniority; the controversy surrounding the veto power and, of course, the escalating crime rate—in that context, a policy decision was taken by the then government to empower the Commissioner of Police to have greater management and control of the police service, and the commissioner was to be given certain powers.

One would recall in the past commissioners saying the expression "toothless bulldog"—they did not have the power. They were at the top of the service, but they did not have any power to hire, fire, discipline or in any real regard to act as a modern CEO should act as head of such a service.

And so, the policy decisions were made that the powers to be given to a commissioner of police should include: the power to appoint; the power to promote; the power to transfer; and the power to discipline and remove officers in the service, except the position of Deputy Commissioner of Police. This and the wider objective to modernize the service was achieved or hoped to be achieved, with the enactment of the package that I spoke about—the comprehensive package of legislation.

That package was passed in this House with the support of Members on both sides of the House; the then government and the then Opposition Members, because as citizens, we were all concerned with the escalating crime and our failure to deal with crime. The package included the Constitution (Amdt.) Act, 2006, which is Act No. 6 of 2006; the Police Service (Amdt.) Act, 2006, which is Act No. 7 of 2006; and the Police Complaints Authority Act, 2006, which is Act No. 8 of 2006. Well, these Bills went into law and became Acts on January 01, 2007.

In 2007, further amendments were made to the Police Service Act and the Constitution to bolster the capabilities of the police service and to clarify ambiguities. Further, to give effect to the reform, regulations under the Police Service Act, 2006 were also made in 2007, and they became law in 2007. So, this process has been quite a lengthy one that involved consultations with teams from Members from each side of the then House. The legislative drafting took place and it came to the House and it was passed and, thereafter, modified as ambiguities arose or matters needed to be clarified.

To complete this package, and in order to achieve the goal of a modern police service, capable of returning the nation to a safer place, the necessary constitutional orders were made in August, 2007. These are seen in Legal Notices 165 and 166 of 2007. Again, these orders were supported by both sides in both houses of the Parliament. Essentially, these constitutional Orders set out the new

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procedures to be followed by the Police Service Commission in selecting and appointing the Commissioner of Police or the Deputy Commissioner of Police.

What would happen and what was envisaged to happen when that law was passed, is that the candidate for the position of commissioner or a candidate for the position of deputy commissioner was required to possess specified academic qualifications and professional experience together with certain core personal criteria. So, there are three areas, academic, professional together with core personal criteria. However, where a candidate lacks the specified academic qualification, but possess the higher level of professional experience together with the core criteria, he may be considered for appointment, so it would be a mix of the three areas.

As a result of the legislative changes, the officers in the First Division and Second Division of the police service are to be appointed by the Commissioner of Police. So, the commissioner was then given the power for all those in the First Division and the Second Division, except when we come to the post, of course, of the commissioner himself and deputy commissioners. In the case of the commissioner and the deputy commissioners, they are to be appointed by the Police Service Commission.

This change was seen to be in keeping with the goal that a commissioner should have greater control and management of the police service. To further this objective, section 22(2) of the Police Service Act, 2006, expressly gives the commissioner the power to appoint persons on contract who are not in the police service as police officers if he considers this to be in the best interest of the police service.

By virtue of section 123 of the Constitution, the commissioner and deputy commissioner of police are to be appointed by the Police Service Commission, as I said before. However, the action of procedure was significantly changed, as I mentioned earlier, by the constitutional Orders. The veto of the Prime Minister is abolished and the appointment is subject to the approval of this honourable Chamber.

What had happened was that the Parliament replaced the veto power of the Prime Minister. In effect, you may say then that the Parliament now has the veto power to approve or disapprove nomination coming from the Police Service Commission. I remember we had argued about that provision when both sides of the House met in the committee stage. We felt that it would be necessary that the representatives of the people be given a say in the selection of the important position of the Commissioner of Police and the Deputy Commissioner of Police.

So, the Police Service Commission now, under this new law, would nominate persons for appointment to the office of commissioner and of deputy commissioner of police, in accordance with the criteria and the procedure that had

been prescribed at the constitutional order subject to affirmative resolution here in the House. The commission would then submit to the President a list of the names of the persons nominated for commissioner or deputy commissioner. The President is then required to issue a notification in respect of each nominated person, and then the notification comes here for approval or disapproval. The commission then can only make an appointment to the vacant office of commissioner or deputy commissioner of police only after this honourable House approves the notification in respect of the relevant office.

One of the intents of the changes was to ensure that we should get the most skilled and most competent candidates to be identified and appointed in the manner that was fair and transparent. Another intent was to ensure that the selection and the appointment process was an independent process free from the political influence, save for this very final stage. When it becomes bipartisan, it is free from political influence in a partisan manner—it has become bipartisan which is in the highest order of democracy and transparency so that the people's representatives in the Parliament would have that final say. So, transparency is now brought to the appointment process by virtue of this parliamentary oversight.

It was felt that this new approach was fundamental, because the Commissioner of Police would now be a person or an office vested with complete constitutional power to control and manage the police service. Therefore, the commissioner should be selected and appointed in a manner to reflect the principles of modern management.

2.45 p.m.

It is to be noted that under section 22(1) of the Police Service Act the commission is given the power to appoint persons on contract who are not in the police service to the rank of Commissioner of Police or Deputy Commissioner of Police if the commission considers this to be in the best interest of the police service. If I may just read section 22(1), because there is an issue that I am seeing being bandied about and I would like to pause and deal with that. It is relevant to section 22(1) of the Police Service Act, No. 7 of 2006 and it reads:

“The Commission may, having regard to the qualifications, experience, skills and merit of a person who is not in the Service, appoint on contract such a person as a police officer to the rank of Commissioner or Deputy Commissioner for any specified period.”

By virtue of this express provision which has carved out a different jurisdiction—we want to call it that—in terms of the appointment of a commissioner of police and a deputy commissioner of police, this in my respectful view—and I am so advised—will

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trump any regulations which say that a commissioner of police or a deputy commissioner of police must be a citizen of Trinidad and Tobago. What it means is that the regulations that were made which said that to enter the service as a corporal one had to be a citizen of Trinidad and Tobago. That was made in the regulations, but it is strike law, it is law 101 if one may say so, that an enabling statute—

Dr. Rowley: A constable.

Hon. K. Persad-Bissessar: Sorry, a constable entering to be a citizen, that the enabling statute—the parent statute trumps any position in the regulation. So, where you have an express provision which says that you can appoint someone who is not in the service, I am so advised, respectfully, that does not mean that the Commissioner of Police or the Deputy Commissioner of Police must be a citizen. Last night I was looking at the news and I saw learned counsel had raised that issue in the public domain so I thought I would deal with it to clarify the position.

So this Parliament expressly provides that someone could come from outside of the service but the requirement that you must be a citizen, was to enter the service at the rank of constable—you said—in the regulation it says citizen. So it was clear. I am advised by the legal persons that we are not acting outside of the law. The Police Service Commission was not acting outside of the law with the said nominees who were not citizens of Trinidad and Tobago.

So I am saying under section 22(1), the commission can appoint persons on contract, but not in the police service as commissioner or deputy commissioner. The Commissioner of Police in 2007 was Mr. Trevor Paul. His tenure came to an end on November 10, 2007 based on compulsory retirement which necessitated invocation of the process, and that is when this process began for the first time, December 2007. After the tendering process had been completed, the then Government appointed the Justice and Safety Institute from Pennsylvania State University to undertake the process of selecting candidates for appointment to the office of commissioner.

An account of the delay in commencing the exercise in the requirements of the selection process it was necessary to extend the tenure of the Commissioner of Police, Mr. Paul for the period of one year as the Police Service Act provided. However, Mr. Paul did not remain in office for the entire extended period, as by letter dated June 18, 2008, he expressed his intent to bring the extended service to an end on June 13, 2008 and he demitted office about July 04, 2008. Since then Acting Commissioner of Police, James Philbert was appointed by the Police Service Commission to act as commissioner since July 05, 2008 and has continued from periods of time to periods of time to act in the position of Commissioner of Police.

In July 2008, based on the submissions of Penn State, at the conclusion of the recruitment exercise, the PSC nominated Mr. Stephen Williams for the position of Commissioner of Police. We came to this Chamber in July 2008 to approve that first notification from His Excellency the President, contained in the name of the person to be considered here for approval or disapproval as Commissioner of Police. We had reached that point because of the procedure set out in the law. Mr. Stephen Williams was the nominee proposed, but the then Government refused to approve the appointment of Mr. Williams and argued that the very process set out in the legislative reform and the Constitution orders, that process was flawed.

You may recall hon. Members, those of you who were here then, that the Opposition supported the appointment of Mr. Williams but the will of the majority at that time prevailed, as a result of that now—rejecting Mr. Williams—the process to select another candidate had to be started once more. Further, as I said, in the interim while that process was going on, Mr. Philbert attained the compulsory retirement age in December 2008 and his tenure as a police officer was extended for one year in the first instance then another year. Although that extension was for a one-year period as required by law, the Police Service Commission has, because of the time taken for the process to go on, they have been renewing the appointment as acting commissioner for six-month increments and the last increment of three months, then engagement previous to this was to end—I am told—on July 03, 2010 and they have extended him to the end of September.

The objective to have a commissioner with the power to manage the service to ensure human, financial and other resources of the service are used in an efficient and effective manner is in effect being frustrated because of this process. As the Opposition then, we asked how long will the second selection process take, at what cost, and in the meantime, how many murders will occur? We now know that during the last four years the process to select and appoint a commissioner of police has cost this country more than \$8 million and over 1,800 murders. I am told that the first process was \$3.4 million and the second process, where we are now, cost just under \$5 million.

We had a situation as well, where, despite the urgent need to appoint a commissioner of police—the crime rate is escalating—the then Government decided to revoke the Constitution orders that had resulted in a local candidate—Mr. Williams—so those orders were revoked. It was argued that the process set out was flawed, so in May 2009 new constitutional orders, Legal Notices 101 and 102 were made and the orders of 2007 were revoked. What did these new constitutional orders 2009 bring? Essentially, they were the same as the previous ones of 2007: qualification, experience, core criteria requirements, however the actual selection process set out in Legal Notice 102 of 2009 was changed.

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What happens now is that the process provided—this was when the constitutional orders were changed to make this new process—for the Director of Personnel Administration to contract a firm to conduct the recruitment of candidates for advertising the positions for the tendering and receipt of applications for the selection of persons for assessment and vetting and for the assessment of the five highest candidates by the Police Service Commission as selected from the shortlist submitted to the Police Service Commission by the firm and for the establishment of an order of merit list contained in a list of the persons nominated by the Public Service Commission and for the submission of the highest graded candidate on the order of merit list to the President. The President would then notify the House of the name of the candidate for its approval.

Where this Chamber does not approve the nominated candidate as set out in the notification, what happens is the next listed candidate in the order of merit listed is then submitted by the person to this House. So should we reject the notification sent to us today, then it does not stop there; then we go back to the second list of persons, and should we reject the second list of persons, then we go to the third list of persons coming out of that process. It is only when this list is exhausted the process would be restarted, recommenced.

The new procedure has now resulted in the selection of a list of new candidates, the 2010 notification. The presidential notification dated June 11—and as I say we brought it to the very first sitting of the House—and the first sitting thereafter was on June 18, which is the first sitting of the Parliament, we laid this notification in the House because we thought it was of vital importance for the nation which has been beseeched by crime, that is before us today, and what it shows is that Mr. Neal Parker is the first person nominated for appointment to the office of Commissioner of Police.

We have been advised, Mr. Speaker, that during the process, out of a total of 73 applicants, only four locals made applications, and we are also told that there are no local persons in the list of the first five candidates. There are no local persons listed in the first five of these candidates. When the Government received the notice we decided to have some consultations. At a meeting with the members of the Police Service Association it was disclosed that Mr. Parker was a member of the selection committee in 2008 that undertook the process to select a commissioner of police.

Mr. Parker, in the first process, was involved on that side of the table as an assessor, and the 2009/2010 process he is on this side of the table as a candidate. We would talk a bit more about that in a minute. When this was disclosed to us I

caused a letter—sometime later on Wednesday, and I really want to thank the Police Service Association for bringing that information to our attention, but we needed to verify—on Thursday morning which would be yesterday the 24th, to be sent to Amb. Thomas, asking him to verify whether this information was true. He responded by letter the same day and he confirmed that Mr. Neal Parker, the person listed at the top of the list at the top order of merit was indeed involved at Penn State University as an assessor in the 2008 process. So what did I do? I sought legal advice. I felt I could not be my own lawyer in that case so I sought legal advice. [*Interruption*] And there are different views. Some are of the view that the participation of Mr. Parker in the 2008 selection process does not necessarily taint or vitiate the entire process now in 2010, because the second round of selection is a separate independent process from that of the first in 2008.

Furthermore, there is the view that there is no allegation of bias and the analogy was given that one may have been an unsuccessful candidate in the last round but you come back in this round again to be a candidate, so whether there is an unfair advantage, having gone through the process before, that analogy was used.

On the other hand, there are those who are of the view that Mr. Parker may, somehow, have enjoyed a unique competitive advantage, or what is known as an unfair advantage over the others, having sat on the other side of the table as an assessor. So we have these different views. That said, this is a matter which has caused us great concern; public perception must be taken into account. There is a delicate and sensitive position—this one, Commissioner of Police—and a new commissioner of police must necessarily inspire and restore public confidence in the police service.

3.00 p.m.

The new commissioner should not be personally burdened or distracted with any question marks over his head, such as questions now surrounding his appointment in the performance of his duties, especially in the fight against crime that we have to weigh, and so he should not be clouded and distracted by issues such as those. In addition, of course, there is always the possibility of litigation, because I am saying there are two views as to whether the integrity of the process was compromised by virtue of Mr. Parker's participation in the 2008 process. Faced with all these issues, faced with concerns that a national should be the person to hold the Office of Commissioner of Police, that a foreigner should not hold it, we had embarked on a series of meetings last Monday—and I want to take this opportunity to thank all those patriotic individuals and civic minded groups who accepted our invitation on a very short notice to participate in consultation.

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In this regard, I want to thank the Second Division of the Police Service, the Executive of the Police Service, and various business organizations throughout the country, as well as NGOs and CBOs who were invited to speak with us. I was reminded by them that this was the first occasion in which citizens and interested parties were in fact invited to discuss the appointment of a commissioner of police. [*Desk thumping*] With due respect, I believe this bears testimony to our commitment to shared governance and consensus building as we confront national challenges.

So the importance of ensuring a smooth appointment of a commissioner of police at a time when we are seeking to modernize the police service to tackle escalating crime, it cannot be overstated. Crime affects every one of us, and I am sure none of us would like it to be a political football. I do not want such an important issue to fall victim to the politics of convenience and partisan political interests. Collaboration and consultation was essential, because for our democracy to grow, that is most essential and is in keeping with the philosophy of the People's Partnership Government.

Hon. Members, I am very pleased to let you know and to inform the public, that the hon. Leader of the Opposition kindly accepted our invitation to meet with us, with a team of his colleagues to meet with a team from the Government side, in search of an amicable solution to the problem. I am very pleased to announce that our discussions were very, very cordial, and I want to take the opportunity especially to thank the Member for Diego Martin West, in the spirit in which he approached the discussions [*Desk thumping*] on a bipartisan basis for the benefit of the people of Trinidad and Tobago.

I am also very pleased to say that both sides in our discussions, we were able to find common ground and to arrive at a joint position with respect to the Motions. We may have different views in terms of the way forward, but we have found common ground. Therefore, it is my view which we shared with the Opposition, that the present process needs to be reviewed. We agreed that the current process as set out in the constitutional orders is costly, cumbersome and complicated.

In the 2008 selection process as I said, it took about a year—completed \$3.4 million. In the second attempt, the process is still not yet completed and will not be completed today. The process has taken another year or two, and in the meantime what we have agreed, is that a joint team comprising Members of the Opposition and the Government shall commence discussions with a view to reviewing the entire process to appoint a commissioner of police, and we hope these discussions shall bear fruit. In seeking to achieve a model to best serve the interest of the people, we will propose that the team undertake consultation with stakeholders, NGOs, Chambers, the IRO, and other CBOs and NGOs.

I am of the view that two critical issues that will merit attention in the forthcoming review process is the issue of the use of foreign consultants and assessors, and secondly, the need to ensure that we as a nation draw on our local talent to see whether a citizen of Trinidad and Tobago is suitably qualified for this very important position. [*Desk thumping*]

In the meantime, we have jointly decided to reject the nomination of Mr. Neal Parker. Having participated as a member of the selection committee in the 2008 selection process, the public perception of him enjoying an unfair advantage is one that may have some illegitimacy. We know the maxim all too well that justice must not only be done, but must be seen to be done. We cannot delay the appointment of a new commissioner of police, but we must also avoid the possibility of protracted litigation and question marks hanging over a commissioner of police who may have been appointed in such circumstances.

It is my understanding that there may be another candidate who was also a member of the selection committee in 2008 selection process and is now a candidate after the 2010 selection process. On principle, the position of the Government remains the same. If such a candidate should be nominated for approval by this House, we will not support such a nomination. Any person who was involved in the 2008 process on the other side as an assessor, who turns up now as a candidate for the post, will be rejected by the Government, and my understanding is that it will be the same from the Opposition Benches.

So, hon. Members, that does not mean that we have to wait for the law to be changed in order to have a commissioner of police and deputy commissioners appointed. I have said to you, that should we reject this nomination, then it will go to the next on the order of merit list, and that we will bring to the Parliament. The notification that the President will send is the law, and while that is the law, we have taken the decision jointly that we will respect the law and obey the law in terms of the process until such time that we can change the law. We cannot afford that there is no commissioner of police whilst another two- or three-year process takes place, so we to continue with the existing law. This was a joint position with the view to review that law, but in the interim, as we reject the nomination of Mr. Parker, we look forward to the notification as to the person who is second ranked on that list.

I want to take this opportunity again, to express the gratitude of the Government for support of our colleagues on the other side, and for all those who we met with and consulted with on such a matter, a matter of such grave national importance. We look forward to the continuing support of the Members of the Opposition, and we seek to make this nation a better place. In pursuit of this

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objective, Government through a bipartisan cooperation will continue to advocate and seek to ensure a fully professional police service based on modern management, principles, internal accountability, requisite supervision, fair and equitable promotion and appointment processes, meritocracy, and an environment of the fairness, transparency, accountability and integrity.

Mr. Speaker, may I say that I am very happy to announce that the Government will be moving to give to the police service, 60 vehicles. [*Desk thumping*] The Commissioner of Police has asked through the Minister of National Security that the vehicles that were used for the various summits—They were given 60 by the previous Government. They are still in dire need of vehicles, and our decision would be that we would give 60 further vehicles to the police service from that fleet.

On those words, Mr. Speaker, I beg to move and I thank you. [*Desk thumping*]

Question proposed.

Dr. Keith Rowley (*Diego Martin West*): Thank you, Mr. Speaker. It might be pure luck on the part of the people of Trinidad and Tobago, that this matter happens to be first matter to attract the attention of the Tenth Parliament of Trinidad and Tobago. Because given the subject matter, the very last thing that we would want as a people, is to come out of this process and see in the Parliament, a political debate which results in a commissioner of police being selected against some partisan background.

Mr. Speaker, having said that, it reminds me of a good ol' Tobago story about a "fella" called Browne. Mr. Browne had a problem. Mr. Browne had a horse and he had no saddle. This was a real problem for him, so he sold the horse and bought a saddle, and that is where this Parliament has found itself. You see, the origin of this particular situation has to do with a point of view way back when Members in the Parliament or politician at large, felt that the old system of appointing a commissioner of police, which saw a Police Service Commission that was selected by a Cabinet, appointed by a President, and a commissioner subject to a veto by the Prime Minister, that somehow resulted in a commissioner of police who was a creature of the Prime Minister of the government of the day. That is how this whole thing started. When we tried to change it, it resulted in a law that now binds this Parliament and this country. That law as the hon. Prime Minister pointed out this afternoon, had as its objective—I think is the title—in the title of that law which says that it is supposed to be giving us efficient and transparent action towards efficiency and transparency in the appointment of a commissioner of police and the operations of the police service.

Now clearly, Mr. Speaker, if that was the objective of the law, what has happened has been the direct opposite. There has been no efficiency, and certainly there has been no transparency. What has happened is that what was not in the title has been obtained at serious expenditure cost wise. Because in an independent country at striving to demonstrate our growth and maturity, we can appoint a President, we can appoint a Prime Minister, we can appoint a Chief Justice, but somehow, because of that idea that the Commissioner of Police was the Prime Minister's boy, we somehow cannot appoint a commissioner of police. So we created a law that said we would do all these things that the Prime Minister just outlined, and at the end of that, we should have this commissioner who is without political influence. Well then the opposite happened. In attempting to do that, we resulted in a situation where I cannot recall any commissioner of police being more directly under the control of the government of the day, than one who got himself appointed four or five times on extensions in the acting position. That is what happened.

Now that the process for the second time had delivered the same thing that was delivered the first time and threatened to deliver the same thing third, fourth and the fifth time, we are in the Parliament to take a decision under the law. We were provided with five names, no documentation. It was interesting that in our meeting with the Government yesterday, headed by the hon. Prime Minister, we asked the Prime Minister whether she and her staff got documents about these people. The Prime Minister said that she saw something in the newspapers with respect to whether there were five foreigners. I found that astounding, that Parliament is to make a decision—we are pretending that it is our decision, the Parliament—but the Prime Minister would have seen in the newspapers that numbers one to five are foreigners. It brings me to the point: What exactly is the role of the Parliament in this process? Is it that the Parliament is meant to accept the proposed office, or make a decision then, based on what?

A question came up: If it is that we are to reject one deputy commissioner for some good reason, who is next in line? We do not know because we have not gotten any documentation.

3.15 p.m.

When we sought to change the old system which might have had its own shortcomings, that fact demonstrated to us that we created a new system which has its own, and probably worse, shortcomings, because if the Parliament rubber stamps, that is worse than a prime ministerial veto. If the Parliament is being asked to take a decision without proper information—and we also found out that the question of Mr. Parker's—I do not want to say "duplicitous"—luck, came to the

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attention of the Government again from extraneous sources. Then Mr. Parker said, "I see no problem; I have done nothing wrong." It reminds me of young George Bush when he wanted to run for the presidency of the United States. He had to have a vice-president, so he took one of his father's old friends, called him up and said, "Detail for me the criteria to choose a vice-president." It was a "fella" called Dick Cheney who went out on a vice-presidential search. Dick Cheney drew up the qualifications for vice-president, went out of office, came back and told George Bush, "I am the man." [Laughter] That is how George Bush ended up with Dick Cheney. We all know what the outcome of George Bush and Dick Cheney was. Right now it is viewed that the Iraq battle, which we are all paying for today, came out of that decision.

I could not, for the life of me, see how Mr. Parker could think that he who had drawn up the criteria for the first examination of applicants, could not have had an inordinate disadvantage. Most certainly, the Prime Minister is correct in disregarding any such applicant; but that did not happen. It was brought to us from the President to the Parliament. He was the number one recommended character. Suppose somebody had not told us that before today and we had gone ahead and accepted that, what would have been the position of this Parliament, under a law that was meant to give us transparency?

Even as today the Prime Minister is talking about the other four, because one has gone, the law says you are allowed to come down from Nos. 1, 2, 3, 4 and 5 and if in the five you cannot pick one, you start all over again. So we have four left, because Mr. Parker has been removed, for good reason. We are hearing, without certainty that another one might be in the same situation. So here is the Parliament being asked to take a serious decision on a matter that is so serious, more serious than the appointment of a Chief Justice that we can do; than a President, that we can do; but we do not know if one of the nominees or the offerings has that same problem. Clearly there is something fundamentally wrong with this process. I dare say, far more unacceptable than the old system where the accusation was that the Prime Minister might have favoured his own person or that the Commissioner of Police, because he was appointed by a certain administration, he could have been seen to be that administration's lackey. That is where we are at.

The thing about it is that it is there as a result of a law which this House passed. One of the things we have to accept is that we did pass bad law; it is not working and what is worse, it has no chance of improving. That package of legislation did have some good parts. It was a very lengthy substantial package.

That part which applied to the Office of Commissioner of Police, which gave the commissioner greater authority and paw power to act, that was good and should be kept, because up to that point this whole question of responsibility without authority was an issue, not only in the police service, but in many other areas, that people have responsibility for certain things.

You may recall the famous toothless bulldog comment made by a commissioner of police. This law sought to deal with that and I think that was dealt with fairly comprehensively; I have no difficulty with that, but on the issue of the selection of the commissioner, which starts with the requirement or opportunity for having foreigners, unknown, nameless, faceless persons—and I am not making this up; they had to have been nameless, faceless persons to us, otherwise we would have known that Mr. Parker was an evaluator. We did not know; nameless, faceless persons in a foreign country would receive applications and treat with those applications, to be able to tell us which of those applicants were the best.

Mr. Speaker, I think we went overboard at the time when we dealt with this, thinking that we did not have it within this country, whether in the public or private sector, the ability as an independent nation to evaluate applications for the Office of Commissioner of Police. I think we sold ourselves short; but having done that, there is no reason we need to stay there.

Maybe sometimes we say things that do not sound too profound, but then when you see it in print and it confronts you, then you realize the full import of what you have said and you need to back up a bit. I think this law puts the Parliament in this situation. Whatever the intention, having to digest that we are now accepting that we have to go abroad for evaluators, it was a good thing to have the application process and to widen the process and to make the post more available to persons other than the next in line; the person who reads the *Gazette* and sees who is going home when and, "when my turn comes", and you are applying for the post by turn.

Some policemen would swear that there are others who come to office with things that they burn and things that they shake to get "fellas" to move out so that their turn would come. [Laughter] They told me that story and it is serious. Sometimes they do get bad working relationships, because a "fella" thinks another "fella" is pushing him out by virtue of his date in the *Gazette*. But the new law should have prevented that a bit or reduced the incidents of that by allowing the post of commissioner to be available to a wider cross section of persons within the service or even outside the service.

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I think we went a bit too far, because we ended up with a situation where having said that we would open up the position to the whole world, I am not sure if that was what was meant when we said we would go abroad. We could go abroad looking for nationals abroad, without looking for the world. Anywhere in the world you go, you can meet people from Trinidad and Tobago and some of them are holding very responsible positions. In fact, it is good for this country to have nationals go abroad, hold positions and come back to this country with that experience. So when we said that we were going abroad, it might have been the thinking then that when we advertised for the Commissioner of Police, you do not do that inside of Trinidad and Tobago; you go outside of Trinidad and Tobago, so that our nationals abroad who might be interested could apply and we could consider them in the mix.

If that was the thinking, the law does not say that. The law says that we advertise and any foreigner—any foreigner—is free to apply. I have seen the outcome of this being discussed in racial terms. There are some persons in this country who can only say race in issues. Mr. Parker happens to be a white Canadian, so persons who are taking objection to voices that say, "We do not want a foreigner," automatically see a white man; we are against a white man, but it could easily have been a foreigner from Africa, from India, an Aborigine and there still would have been the argument: Do we really, as an independent nation, want to go for a foreigner? Forget his colour, he is a foreigner. Is it that we want to get the best national for the job, one in or out of Trinidad and Tobago? What are we trying to do? The question is that we are not sure and that uncertainty came out in the discussion between the Government and the Opposition.

It might be surprising to know that even at that stage in the discussions, we were not sure exactly what the law—the letter might have been saying that, but was that the intent? We discussed the intent, because coming face to face with a situation which says to us that of all the policemen we have in this country that came in, with or without qualifications, worked themselves up to the point of being in a position to contend for Commissioner of Police, the highest ranked one is number eight. Against a background which says what we are saying on these Benches, that we really should be going for the best available national to be our Commissioner of Police—that is our position—we want to get the best national of Trinidad and Tobago from here or from who might be abroad, and then we see that the highest ranked one is number eight.

Mr. Speaker, I have great respect for my colleague from Siparia; she is our Prime Minister, but I suspect that if we open up the post for prime ministership to every woman in the world, she might never come first. There might be somebody

who is better qualified in terms of academic qualification, length of service to her constituency or whatever. There might be somebody out there. What we have done with opening up the Commissioner of Police situation to the world, especially to people who can contest for the posts, are likely to be people who have good academic training. I do not see the day, in the near future, where we will not have a foreigner coming in at the top in, when that is weighted more heavily, than a Trinidad and Tobago cop who has come up through our ranks with good qualifications, good attitude and a knowledge of the society. Who gets the edge there?

Once you use foreign evaluators, you send a subliminal signal already and then they are predisposed to seeing the foreigner as having an advantage. We do not have to argue this in the Parliament. Even we ourselves in treating with our own people, we treat our own people in a certain way, that it is only when they get approval by foreigners that they make it, that "they reach." A local singer would be singing her throat out in Trinidad and Tobago, and we say, "What nonsense they singing here?" If that same nonsense happens to get mentioned on *Billboard*, all of a sudden acceptance is reached. An artist is painting in Trinidad and Tobago, Mr. Speaker, I know you may not have gone to see the masterpiece; the artist feels slighted because, "I am working here for decades." That one picture appears in the *New York Times* one Sunday evening and all of a sudden we in Trinidad and Tobago know that we have a world class artist, because foreign approval gives the person a stamp. We do not give stamps in this country of our own approval.

So we go and get foreign evaluators, nameless, faceless persons to evaluate for us, and I dare say, I would be surprised that if we were doing the evaluation ourselves that we would rank at level eight our best policeman. No, Mr. Speaker; I have not seen the evaluation, I do not know who the persons are, but I think that we are better than that. Having ranked him at number eight, it means that he is ruled out for any consideration; and any system that provides five options and rules out our best option, something is wrong with that system. We on this side do not accept it.

The hon. Prime Minister spoke about policemen who come up through the ranks, not probably having what it takes and gets there waiting to be picked by virtue of longevity. That may be true for some officers, but at the same time, there are other officers who would have got to that position by dint of hard work and dedication. Let us not broad brush the police service upper echelons, by creating an environment of thought by saying that they are all up there purely by having survived for so long. Police work is not easy work and when they get to the top, some of them deserve the benefit of the doubt. I do not think number eight is a good reflection of our best police officers.

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What is the job of a commissioner of police? It is very simple: It is to manage the human and other resources of the police service, to provide protection and security for the people of Trinidad and Tobago. To do that he or she has to make maximum use of those officers who are, in fact, people under arms, in case we do not know or have forgotten that. Policemen and policewomen are citizens authorized under arms.

They carry firearms, small and medium calibre, and sometimes better than that.

3.30 p.m.

Whenever you get into a situation of rank, the question of morale is very important because without morale you cannot perform to the level expected. When you end up in a situation where you tell the police service that their best effort places them at number eight and that national pride tells them that their Commissioner of Police now and in the foreseeable future would be foreign whether or not they like it, that would affect the self interest of the officers and it would demoralize the police service. Because the objective is to get the best of the police service, we should, especially at this time, do nothing to further demoralize them.

We met with the First and Second Division officers. We had a very good meeting and we put everything to the policemen and they put everything to us. Somewhere along the line, we asked them: "On a scale of 0 to 10, where would you rate the morale of the police service at this time?" They said: "Five." That was not surprising to us. In any army, if your morale is five, the Minister, who is with us today, will tell you that you have a serious problem.

Then we asked: "If you are being made to work under a foreign commissioner of police, based on your public expression of dissatisfaction, where do you think the morale will go?" They said: "Down to about 2.5." Then we said: "Would you cooperate with a foreign commissioner of police?" They said: "Yes, we are a disciplined service, but our morale would be damaged."

Mr. Speaker, we have been warned. This is nothing new. We are inventing nothing here. We had a problem a few years ago and we brought in Scotland Yard investigators to investigate difficulties in the police service. That investigation produced virtually nothing because the police service did not cooperate with Scotland Yard investigators. After that, we had a second stint with a batch of Scotland Yard people working with our police service; and we know how that interaction went down.

In the region, subsequent to the passage of this law, a Caribbean neighbour, namely Jamaica, hired a foreign commissioner of police. My investigations revealed that they virtually had to ask him to leave so that they could take back the police service. The police service had virtually collapsed due to non-cooperation.

There are other instances in the Caribbean where it did not work, Mr. Speaker. For good reason, there is a point of view shared by us that we should, as far as possible, avoid walking that road. It might have been thought at one time it was a good place to go, but it is not something we want to encourage.

Mr. Speaker, the system that we are made to use now by the law in front of us virtually guarantees a recurring cycle of what is in front of us today. If we do not accept one of the five, the law says that we have to stop the process and start over, probably with the same evaluators; probably costing more than \$4 million this time; invite more foreigners; end up with probably 10 foreigners because you may find that local officers may be so demoralized as to fall lower on the totem pole and the Parliament would receive from the President another list of five asking the Parliament in a year or two to do the same thing we are being asked to do today.

We need to break out of that cycle to appoint a commissioner of police. The only way we can break out is to go back to this law, review it and treat with it in such a way as to remove the offending parts. Our discussion with the Government yesterday was basically along this line. The Parliament has a job to do. The Government is responsible for securing the people of Trinidad and Tobago. The Parliament is responsible for accepting and appointing a commissioner of police.

Mr. Speaker, it may very well be that because this matter has come to the Parliament under the good intention that there needs to be a role for the Parliament, that we are creating an environment for the politicization of the police commissioner's office. That may be the outcome.

What we are trying to do now—this Opposition with the cooperation of the Government—is, on behalf of the people of Trinidad and Tobago, to stay as far away as possible from an environment where a commissioner of police is appointed and that process is seen to be one in which one side of the House favours and the other does not. If that happens, the very origin of the problem returns because, as I said earlier, the origin of the problem is an appointment previously made under the hand of a prime minister who was in office at the time was seen to be the Prime Minister's making.

If this Parliament does not find consensus on the appointment of a commissioner, have we not created the same thing, except that on this occasion it was not created by the Police Service Commission away from the Cabinet; a police service commission that could, even by a stretch of the imagination be deemed to be independent as the Government truthfully said? The Opposition will say no, it is not independent because the Government appointed the commission; but at least we could have comforted

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ourselves by saying that the Police Service Commission was an independent body which appointed the Commissioner of Police.

If we replace that, as this law is threatening to do by appointing a commissioner of police from one side of the House against the other, we would have done a worse thing and the very thing we are trying to get away from, we would walk into a worse situation. So this Parliament has a job to ensure that we do what has to be done and when a commissioner of police comes out of this process, he or she is not seen to be the creature of one side of the House, because this House does have two sides, physically.

The law requires the Parliament to act and, therefore, this problem before Parliament requires some serious consultation and cooperation between the Government and the Opposition, otherwise we will create a problem outside of the House, in the police service, which might create failure when success is desperately needed.

We have said publicly, on appointment, that we will support whatever is in the interest of the people of Trinidad and Tobago and we will oppose whatever is inimical to the interest of the people of Trinidad and Tobago. That is our position.

In that context, we have difficulty, based on what I have just outlined, in supporting a foreign commissioner of police given our experiences; given the reactions of the service and given what this is threatening to do in making permanent this stalemate, this delay, this expense and the potential demoralization of the police service. We have a problem with that part of it.

We also have a duty, on the other hand, to see that the House discharges its responsibility. The Government is the government of Trinidad and Tobago. The matter is before the House and we will play our part to ensure that the public interest is well served. The Government has agreed that we will move expeditiously to review the legislation to remove any parts offending the interests that we talk about.

We have tried to figure out how long it will take to fix the law. We have been advised from other quarters that fixing the law will not be a matter of a few weeks or a couple of months—the process will be time consuming. Therefore, we wait to hear what specific commitment the Government will give to the House; not to us, to the House. This is a matter for the House, the Parliament.

I am of the view that we cannot conclude this matter today. The Parliament is here trying to approve a commissioner of police, the Government having taken the position, quite properly, that we are not to go with Mr. Parker. We have

nobody in front of us, so I expect that this House will be adjourned soon and we will go back to the drawing board on consultation in the context of a commitment to revisit this law which has the potential to create a worse problem than the one it is trying to solve.

Thank you, Mr. Speaker. We await the outcome of this document.

The Prime Minister (Hon. Kamla Persad-Bissessar): Thank you very much, Mr. Speaker. I thank the hon. Member for Diego Martin West for his contribution; his comments and his commitments.

Just a few points on the issue the hon. Member raised on the role of Parliament—that the provision was included that we would have parliamentary oversight. I suggest humbly, hon. Member, if we did not have this parliamentary oversight, Mr. Neal Parker would have been appointed by the Police Service Commission in spite of the problem we discovered. They listed him as number one. If it had stopped with the Police Service Commission, he would have been the Commissioner of Police and we would have discovered thereafter that there may have been a compromising of the process.

Dr. Rowley: Would the hon. Prime Minister agree that had the process not been what it is, to create Mr. Parker's presence, the commission would not have had it in front of them?

Hon. K. Persad-Bissessar: That is a going-backwards argument and you may be right on that, but I am making the case for parliamentary oversight. I am of the firm view that whatever process we may put in place, the Parliament as the representative of the people should maintain that parliamentary oversight. Yes, this process got us to where we are—the change into law. Laws are not fixed in stone and I am happy that you have agreed to a review of the process.

Dr. Rowley: Is the Prime Minister clear that what the Parliament is required to do is oversight and not approval?

Hon. K. Persad-Bissessar: We are not being required to approve. We are required to approve or disapprove and may then decide, if we change the law, that there are other things we can do. I agree with you on that. I have to be convinced to remove the Parliament from the process.

In the discussions when we are reviewing the law, we can put other things that will give the Parliament a better oversight. We are not just here to approve; we are also here to reject. We have agreed to reject this particular nomination. What would have happened if we did not have this provision, the Police Service

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Commission would have sat quietly and appointed the person. You see how good it is to talk. It was good that we decided to have those consultations and this is where the information came to us.

Just on that issue, in the review of the law, of the role of Parliament. We have seen in other jurisdictions where representatives of the people and therefore of their parliaments or assemblies are given a greater role when it comes to appointing persons who hold very serious and high public office, in terms of the Judiciary and national security.

3.45 p.m.

In terms of the Judiciary and national security, those are areas which we want to see, when we talk about parliamentary reform. The representatives of the people, when they voted for us, voted for us to vote for them. When we sit here to vote, we are voting for the people who have put us here in the first place. Hon. Member, others on that side and the Government, of course, we are committed to constitutional changes and parliamentary reform. This may give us one opportunity to put the Parliament into the loop, in a more meaningful way than to just approve or disapprove. That was just on that point.

I do not know, we inherited this process as we all know and, therefore, I know those of us on this side make no apology. It is a process we inherited but we are in a situation where you may be in a catch-22 position, as we discussed yesterday. We were happy for your agreement to take this forward in a certain way. It would appear to me, I do not know if this is so, I am told, that Professor Mastrofski—the hon. Member spoke about nameless and faceless persons doing evaluation, but I do understand—is affiliated with Penn State University, which is the firm that was selected to do the assessment and the process that was going on. Maybe somebody knew them, obviously, for that to have happened. We have to put it behind us at this time.

I want to further indicate the purpose of the law then. The hon. Leader of the Opposition spoke about the Prime Minister's boy and it was to remove that veto that the person was seen and perceived as the Prime Minister's boy. That was one of the problems, but the others were in terms of getting merit; persons promoted with merit and not just on seniority. I think those were some of the things. We would look together. I want to advise that we have received information that the person who is next in line or on the order of the merit list is a person by the name of Dwayne D. Gibbs. That will be the notification coming to us. We will make this available—this is an investigative background report which we have managed to get with his resume—to the Opposition. If you are in agreement, the notification will come to the Parliament

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on Monday and we will debate that on Friday next. If you are in agreement and the House is in agreement, we can take this. It is just one-week delay and we can go forward. We want to make the point as well that there is no additional cost in going to the person next on the merit list for debate for Commissioner of Police.

With those words, I want to thank you and thank Members of the House and Members of the Opposition team who joined with us and all those citizens who participated in the debate and to say also that we were very disappointed when, on the last occasion—let me start again. This process, hon. Member for Diego Martin West, may keep bringing back a foreigner, but the very first time we followed this process, it gave us, at the top of the list, a national of Trinidad and Tobago and he was rejected. The nation was rejected then.

As we close, because we have taken the matters together, on the issue of the three deputies, we have taken a joint position as well, that we will go with this process, which is the law now, to accept the notification of the three deputies. They are Mr. Stephen Williams who was indeed the national that came on the top of the list the last time; Mr. Maurice Piggott, also a national of Trinidad and Tobago; and Mr. Jack Ewatski, who is not a national of Trinidad and Tobago, not Mr. Jack Warner. For these three persons, we have agreed that we will approve that their appointments be made. Again, I thank you all very much.

I beg to move.

Question put.

Motion negatived.

**DEPUTY COMMISSIONER OF POLICE
(NOMINATION OF MR. STEPHEN WILLIAMS)**

The Prime Minister (Hon. Kamla Persad-Bissessar): Mr. Speaker, I beg to move,

Whereas section 123(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 ("the Act") provides that 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.

And whereas section 123(4) of the Act provides that the President shall issue a notification in respect of each person nominated under subsection (3) and the notification shall be subject to affirmative resolution of the House of Representatives;

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And whereas the Police Service Commission has submitted to the President the name Mr. Stephen Williams as the person nominated for appointment to the office of Deputy Commissioner of Police;

And whereas the President has on the 11th day of June, 2010, issued a notification in respect of the nomination;

And whereas it is expedient to approve the notification:

Be it resolved that the notification of the President of the nomination by the Police Service Commission of Mr. Stephen Williams to the office of Deputy Commissioner of Police be approved.

Question proposed.

Question put and agreed to.

Resolved:

That the notification of the President of the nomination by the Police Service Commission of Mr. Stephen Williams to the office of Deputy Commissioner of Police be approved.

**DEPUTY COMMISSIONER OF POLICE
(NOMINATION OF MR. MAURICE PIGGOTT)**

The Prime Minister (Hon. Kamla Persad-Bissessar): Mr. Speaker, I beg to move,

Whereas section 123(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 ("the Act") provides that 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.

And whereas section 123(4) of the Act provides that the President shall issue a notification in respect of each person nominated under subsection (3) and the notification shall be subject to affirmative resolution of the House of Representatives;

And whereas the Police Service Commission has submitted to the President the name Mr. Maurice Piggott as the person nominated for appointment to the office of Deputy Commissioner of Police;

And whereas the President has on the 11th day of June, 2010, issued a notification in respect of the nomination;

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And whereas it is expedient to approve the notification:

Be it resolved that the notification of the President of the nomination by the Police Service Commission of Mr. Maurice Piggott to the office of Deputy Commissioner of Police be approved.

Question proposed.

Question put and agreed to.

Resolved:

That the notification of the President of the nomination by the Police Service Commission of Mr. Maurice Piggott to the office of Deputy Commissioner of Police be approved.

**DEPUTY COMMISSIONER OF POLICE
(NOMINATION OF MR. JACK EWATSKI)**

The Prime Minister (Hon. Kamla Persad-Bissessar): Mr. Speaker, I beg to move,

Whereas section 123(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 ("the Act") provides that 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.

And whereas section 123(4) of the Act provides that the President shall issue a notification in respect of each person nominated under subsection (3) and the notification shall be subject to affirmative resolution of the House of Representatives;

And whereas the Police Service Commission has submitted to the President the name Mr. Jack Ewatski as the person nominated for appointment to the office of Deputy Commissioner of Police;

And whereas the President has on the 11th day of June, 2010, issued a notification in respect of the nomination;

And whereas it is expedient to approve the notification:

Be it resolved that the notification of the President of the nomination by the Police Service Commission of Mr. Jack Ewatski to the office of Deputy Commissioner of Police be approved.

Question proposed.

Question put.

Deputy Commissioner of Police

Friday, June 25, 2010

The House divided: Ayes 28

Moonilal, Hon. Dr. R.

Persad-Bissessar, Hon. K.

Warner, Hon. J.

Dookeran, Hon. W.

Mc Leod, Hon. E.

Sharma, Hon. C.

Alleyne-Toppin, Hon. V.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seepersad-Bachan, Hon. C.

Khan, Dr. F.

Roberts, Hon. A.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Ramadharsingh, Hon. Dr. G.

Ramadhar, Hon. P.

De Coteau, Hon. C.

Indarsingh, Hon. R.

Baker, Hon. Dr. D.

Partap, Hon. C.

Samuel, Hon. R.

Douglas, Hon. Dr. L.

Ramdial, Miss R.

Roopnarine, Miss S.

Deputy Commissioner of Police

Friday, June 25, 2010

Seemungal, J.

Khan, Miss N.

The following Members abstained: Miss M. Mc Donald, Dr. K. Rowley, Miss D. Cox, N. Hypolite, Mrs. P. Mc Intosh, C. Imbert, F. Jeffrey, Dr. A. Browne, Mrs. J. Thomas, Miss A. Hospedales, P. Manning.

Question agreed to.

Resolved:

That the notification of the President of the nomination by the Police Service Commission of Mr. Jack Ewatski to the office of Deputy Commissioner of Police be approved.

ADJOURNMENT

The Minister of Housing and the Environment (Hon. Dr. Roodal Moonilal): Mr. Speaker, before moving for the adjournment, I would like to indicate to the Opposition that at the next sitting, the Government intends to do two matters, one is the debate on the notification, in the form of a Motion, for the appointment of a commissioner of police and secondly, to debate the Motion that will deal with the two legislative proposals, which are Nos. 28 and 29, Public Procurement and Disposal of Public Property and the Central Tenders Board; both in the form of a Motion. Both items we intend to deal with at the next sitting.

Mr. Speaker, I beg to move that his House do now adjourn to Friday, July 02, 2010, at 1.30 p.m.

Mr. Speaker: Before putting the question on the Motion for the Adjournment, may I inform the House that I wish to be able to appoint members of all committees of this honourable House and the statutory Joint Select Committees at the next sitting of this honorable House. I invite the Leaders of the two sides to submit their names to me during the week ahead.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 3.57 p.m.