

**HOUSE OF REPRESENTATIVES***Monday, July 09, 2018*

The House met at 1.30 p.m.

**PRAYERS**[MADAM SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, the hon. Kamla Persad-Bissessar SC, MP, Member for Siparia has requested leave of absence from today's sitting of the House. Dr. Lackram Bodoie, MP, Member for Fyzabad has requested leave of absence from sittings of the House during the period July 8<sup>th</sup> to 11<sup>th</sup>, 2018. And the hon. Maxie Cuffie, MP, Member for La Horquetta/Talparo has requested leave of absence from sittings of the House during the period July 9<sup>th</sup> to 31<sup>st</sup>, 2018. The leave which the Members seek is granted.

**PAPER LAID**

Notification of Her Excellency, the President, in respect of the nomination of Mr. Harold Phillip for appointment to the Office of Commissioner of Police.  
[*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

**ARRANGEMENT OF BUSINESS**

**Madam Speaker:** Leader of the House.

**Mr. Lee:** Madam Speaker, can I indulge you?

**Hon. Member:** Indulge?

**Madam Speaker:** Is this on—I have not announced the Motion No. 1 as yet. That is where we are, Motions.

**Mr. Lee:** I have a question to ask. I seek clarification. Madam Speaker, I rise to seek clarification on Standing Order 14. As you know, the last time we sat here last

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week Tuesday the Parliament was sine die by the Leader of Government Business. I received an email from the Parliament with an Order Paper, so I seek clarification. What are we doing here today? Is it an ordinary sitting we have today, or what is the rationale for coming back here today?

**Madam Speaker:** Okay, Whip, as you are correct, we are proceeding under Standing Order 14, Fixed Recess, business during fixed recess, specific business. Leader of the House.

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**  
Madam Speaker—

**Madam Speaker:** Prime Minister.

**COMMISSIONER OF POLICE  
(NOMINATION OF MR. HAROLD PHILLIP)**

**The Prime Minister and Minister of Housing and Urban Development (Hon. Dr. Keith Rowley):** I am not the Leader of the House, Madam Speaker. [*Desk thumping*] Madam Speaker, it appears as though things are getting stranger and stranger in Trinidad and Tobago. We have reached the point now where Members of Parliament do not know why they are in the Parliament, and, Madam Speaker— [*Interruption*] Madam Speaker, I am talking to you. [*Crosstalk*]

Madam Speaker, I rise and I beg to move the following Motion standing in my name:

*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 office 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. Harold Phillip as the person nominated for appointment to the office of Commissioner of Police;

*And whereas* the President has on the 2<sup>nd</sup> day of July, 2018 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. Harold Phillip to the office of Commissioner of Police be approved.

Madam Speaker, in my absence last week I followed the proceedings of the House and the commentary after, and there was a fair amount of confusion as to what exactly was the course being followed, both in the Parliament and outside of the Parliament, even at the level of the commission. I simply want to say, Madam Speaker, that if we start from the resolution of this Motion:

*Be it resolved* that the Notification of the President of the nomination by the Police Service Commission of Mr. Harold Phillip to the office of Commissioner of Police be approved.

Then it sets us on the right track that it takes a resolution in the House to take a decision on this matter.

So therefore, I observed that the Leader of the House, Leader of Government Business, got notification that correspondence had come to this House that this

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Notification was with the House. I checked and I found out at the time, about “middayish” or thereabouts, that this notification was not on the Order Paper. And whereas there are new Members of Parliament and members of the public, I want to make it very clear that the only place that a resolution can be dealt with and dispensed with in this way is when it is on the Order Paper. So, all the commentary about incompetence of the Government, and whatever, whatever, it is just so much hooey, because until it gets on the Order Paper, the Government has nothing to do with respect to its affirmation. It has been put on the Order Paper this afternoon, and that is what we come here for, to put through the Order Paper and to dispense with it.

I want to thank the Leader of Government Business for suppressing misinformation in the public domain, because had the Leader of Government Business not, upon observing that notification had come, had the Leader not indicated right then and there the Government's intention, God alone knows what sort of interpretations would have been put on the fact that the commission has sent this here.

But the Leader made it very clear, having been notified that this notification had come, even though it had not yet gone on the Order Paper, the Leader of Government Business told the country, by way of the House, that Government will not be supporting this position, and that is what should have cleared up all the conversation. But there are some people, Madam Speaker, who either do not know why they are here, or why the law should be followed. But, subsequently, I also discovered from abroad, that there was turmoil in the House, where the Government which I lead was being accused of violating the Constitution, and not following the Constitution. I want to make it abundantly clear, as I said before, the

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Government that I lead has no horse in this race. [*Desk thumping*]

What the Government has is a situation that is patently untenable, that in Trinidad and Tobago its arrangements for appointing a Commissioner of Police is so convoluted and confused and sometimes contrived, that for years we have not been able to appoint a substantive Commissioner of Police. That has been my lot as Prime Minister of Trinidad and Tobago, but I “ain’t” complaining. Madam Speaker, we are following the law. As a matter of fact, let me say something else too, when you all created this law, I was not in this country, and I remember asking a reporter just what madness was going on. Because, parliamentarians had decided that the system that had worked well since Tony May days, all the way up to now, ought to have been changed. And, Madam Speaker, if ever there is a case to be made that change for change sake, or for ulterior motive, does not always be change for the better, this is it.

Because what used to happen before, Madam Speaker, is that the Prime Minister of Trinidad and Tobago in the quiet of his office would have received from the independent service commission, after its assessment, a name of a person who the commission believes should succeed to the office of Commissioner of Police. The Prime Minister, who is also holding the office of the National Security Council Chairman, had been given the opportunity to sanction or not sanction that recommendation of the commission.

As far as history goes and as far as I know, on virtually every occasion, or in minuscule situations, there might have been an intervention of the Prime Minister accepting or not accepting. And in which case, all he could have done, or she, would have been to say, I do not agree for reasons which sometimes might better be left unsaid. And that is how we have done under all the years. The Prime

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Minister could not call up a name, could not put in a name, could not promote anybody. It was left to the commission to go back. The same thing we are doing now, to go back and look again, because what they had offered may not have found favour with the head of the Executive.

There are those who believe that the head of no Executive should have that power over the Commissioner of Police, but they will point to success in New York and London, where the Commissioner of Police falls directly under political control, and in some communities that are very safe and very well policed, the Commissioner of Police is elected in a ballot box. But they will tell you that the elected Government of the country must have no say “what so here”. And I was abroad when I was told that there was a bargaining taking place, and the Opposition bargained with the Government to give up the veto, otherwise they would not support a TT package of legislation that was meant to fight crime. Let me point out too that crime fighting was not an imperative under my Government. Under the Manning Government, criminals were running riot in this country to the point where a package of legislation came to the Parliament, and to get Opposition support they bargained away the veto and we put in place this camel designed by a horse committee.

The next thing we know is that we put a system in place so that the Prime Minister must have no say in the appointment of a Commissioner of Police, because it is political. Bring it to the Parliament. And what we end up with now is veto on steroids because it falls to the majority in the House to vote for the person. No longer the Prime Minister in the quiet of his office, but in public ridicule and public misinformation and public whatever, that we are now doing this. This is the law, and I took an oath to observe the law and to follow the Constitution. That is

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why I am standing in this seat. That is why I have the authority of Prime Minister, having taken that oath.

So, I do not know where it came from, to be said in the public domain, and even in the House—I understand that some members expelled themselves on that score. We are following the law. It is the law and the Constitution we are following. We are following that Constitution, while we accepted the notification and sent it to a joint select committee, following the process, whether we agree or not agree. We had serious disagreement about the processes used by the commission, but whether we agree or did not agree we were following the law as outlined in the Constitution there for us to appoint a Commissioner of Police.

It was turning out to be quite convoluted, and all kinds of assessments were being made, and are still being made. The country is confused. Where is this leading? But wherever it leads we have to follow the law. The one thing I will not do, Madam Speaker, is to take advice, because you have plenty bad advice about, and as Prime Minister you get a bucketful of that every day. I will not do anything that will create a condition for a legal challenge to succeed against this Government because we are trying to fix the law, or to fix a situation which has created this.  
*[Desk thumping]*

We came here, when I moved the Motion on the first nominee I made it quite clear, I did not go into any details about the condition of that nominee, about his suitability. I went into details about our unhappiness about the process, because there were a number of prickly points around the process. The Opposition also had some prickly points. Their position was, they like the nominee, and the prickly points were not sufficiently uncomfortable for the nominee to be dispensed with. The Government did not share that view.

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Subsequent to that, we expressed our concern, and I think I am not exactly sure, but I think we raised one of the concerns, because I was careful not to raise the details that we had, except I will continue to point out, and I want the people of Trinidad and Tobago to listen and to understand what I am saying—there are three people in this country who understand and cannot say that they do not know the role, function and effect of the National Security Council: One is retired Prime Minister Basdeo Panday, the other is former Prime Minister Kamla Persad-Bissessar and myself.

And those who gave the Prime Minister in office that veto to be able to say yes or no, they knew something that many of us do not know. But, of course, in some situations some people believe that to not know—in fact in this country today there is a fashion that conversations start with “I don’t know, but”—and then they proceed to be a commentator.

Madam Speaker, the law as it stands now asks that the order go through a certain process. On becoming Prime Minister, it was like pushing a stone wall up a hill to get this process started, even though we had not had a commissioner for years, and there was one being renewed every six months. To get the process started, I got to the point—and it is because the Prime Minister has no role in the matter. Let me make that very clear again, for all those who call on the Prime Minister to appoint a Commissioner of Police. The Prime Minister and the Cabinet have no role whatsoever in this process. We have to wait until this notification gets here. Until this notification gets here, as it did today. We know nothing about it, and we have no involvement, and if we only poke our nose or our finger into it, they would accuse us of all kinds of things, and the court could rule.

We looked at the legal options that we had, and we made some slight



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adjustments. Eventually, that was challenged in the court and was tweaked by a judge, so at least we thought that we had something that was workable. That is as far as the Government could have gone. And when that happened, and the Attorney General was pilloried from bench to bench, all he did was to get the process started. I got to the point in asking questions, quite respectfully. What is happening? Who is responsible? To be told about four different sets of people who were responsible. When it is not the DPA, it is the Permanent Secretary, when it is not the Permanent Secretary, it is the Police Service Commission. The end result is, it is the President, everybody involved, nothing happening. Eventually, Madam Speaker, after a significant amount of money was spent, I am hearing about \$3 million.

**Mr. Young:** Three point one.

**Hon. K. Rowley:** Three point something million. I am sure Neal & Massy, ANSA McAL, the Government of Barbados and Jamaica, they “doh” spend any such money to get to a point to determine who they want to appoint as Commissioner of Police. But in Trinidad and Tobago, three point something million dollars for the firm to evaluate and to tell the commission what the evaluation says. That is the law. Whether we like it or not that is what we put in law, and it was passed into law, and we have to follow the law. So, it came here to us with all kinds of things. The one point that the Government is not prepared to accept, and we said so early, with all those we evaluated, with all those who have horse, donkey and mule in the race, the Government's position is the process had been faulty and the deal-breaking point for us is that persons who did not apply for the position of Commissioner of Police must not walk away with the position. Because that, as far as we are concerned, was the ultimate in unacceptability.

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We made it quite clear, and it is on those grounds that we were able to say that the two names that were up front in the recommendation for Commissioner of Police would not be accepted by the Government. Some people had difficulty in understanding that, some people went out and made statements: “is because of somebody race”, “is because of somebody gender”, “is because somebody tall”, “because somebody fat”.

We said we are not accepting that you apply two divisions: a division for commissioner, a division for deputy commissioner. People who did not even think among themselves, inside themselves, maybe they did not think they qualified for the job. Maybe they thought somebody knew something that will disqualify them from the job so they applied for what they think they could manage. And what did the commission do? The commission “mix one callaloo” and say everybody is [*Inaudible*], and then tell you that somebody who did not apply for the position is now at number one. I made the point here, and I actually went through how the numbers went up and down capriciously, and the Government says we are not accepting that, within the law. The Government has that authority within the law to accept or not to accept.

Our colleagues do not have to agree with us, maybe they would have done differently, and they would have been within the law, as they have done before. Because when we had Mr. Parker in a similar position—this is nothing new, a commission had sent a fella here called Mr. Parker, he was number one act— [*Interruption*] Madam Speaker, please.

**Madam Speaker:** Prime Minister, while I understand where you are going, I really do not want us to rehash a debate that we have had before. I understand context, but I am just advising you and all other Members that this is about what is

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on the Order Paper. We have done within this session certain matters concerning process, and I really do not want us to go back into that debate. I do not think the Standing Orders permit us.

**Hon. K. Rowley:** Madam Speaker, I would try my best to stay within the Standing Orders, but all I am saying is that what I am doing now is nothing new, for the benefit of the public. And, being accused on this particular nomination of not following the Constitution, I want to make it very clear that that accusation has no merit whatsoever. None whatsoever, [*Desk thumping*] because we are following—in this country we take serious things for a joke. To accuse the Government of acting unconstitutionally, by a colleague of Parliament, is a serious matter; we have  
to address it, Madam Speaker.

Anyway, this debate is not going to be a long one from our side, simply to say that the law exists. I have been advised by the correspondence, or some documentation, or probably in the public domain—I was not in the Chamber—that the Police Service Commission has sought senior counsel advice; and so has the Government, as we get ourselves advice all the time. We do not advise ourselves on matters of this nature. The law requires the creation of a merit list, that merit list for Commissioner of Police exists. We are on that list. The Government is not prepared to accept persons who did not apply for the job, and therefore Mr. Harold Phillip does not qualify to get Government's support.

Madam Speaker, what does that do now? I read the newspapers from those who are following this issue, and the whole country is following it. Where does that leave us? Under the Constitution the merit list exists, and I am told that for the purpose of the Order of this—that is section 5 of the Order, the merit list exists, and it has

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been reconfirmed by senior counsel that the merit list exists. Whether we like who is on the list or not is not relevant. We are under oath in this House to follow the law, and the Government will take the legal advice that we got, that the list exists. And if the Government attempts to do anything outside of that, we open the door to legal challenge to be successful against the Government, and I will not do that. So, we followed the law.

Today, we will not affirm Mr. Phillip and the matter goes back to the service commission to follow the law. Thank you, Madam Speaker. [*Desk thumping*]

*Question proposed.*

**Mr. Ganga Singh** (*Chaguanas West*): Thank you, Madam Speaker. Madam Speaker, I can understand the Prime Minister's attempt to revise very recent history, because he was not here in the House. And notwithstanding the fact that he may have read what transpired, I want to indicate that this House convened in this special sitting, when it was adjourned sine die on the last occasion, is a result of the intervention of the Opposition protecting the Constitution. [*Desk thumping*]

The revisionist approach of the Prime Minister to follow the law, I will demonstrate, Madam Speaker, flies in face of the facts of what transpired in the House on the last occasion. I agree with the Prime Minister that we took an oath. Section 57 of the First Schedule says, as a Member of Parliament you took an oath, and I want to read that into the record. Because, you see, what transpired on the last occasion was really “sleight of hand” in attempting to deal with a notification.

**Hon. Member:** Sleight of hand.

**Mr. G. Singh:** Madam Speaker—sleight of hand. Okay.

**Hon. Member:** Slate, slight.

**Mr. G. Singh:** Yeah, we could spell it. Madam Speaker, form of oath for a

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Member of the House:

“I...having been elected...a Member of Parliament do swear by”—whatever religious book or affirmation, in my case it is the Bhagavad Gita—“that I will bear true faith and allegiance to Trinidad and Tobago and will uphold the Constitution and the law, that I will conscientiously, impartially...discharge the responsibilities to the people of Trinidad and Tobago upon which I am about to enter.”

Madam Speaker, so this oath tells us our duty. We have an anchored duty to protect the Constitution. [*Desk thumping*] And you know, Madam Speaker, the Member for Diego Martin North/East—[*Interruption*—no, no, the Member for Port of Spain North/St. Ann’s West is accustomed talking about those who are patriotic and those who are not. The principal duty of a parliamentarian is to protect the Constitution. And when Members on that side listen to what the Leader of Government Business had to say, and they stayed quiet, I call them now, Madam Speaker, plasticine patriots. [*Desk thumping*] Because they allow the Constitution to become malleable at the altar of political expediency. [*Desk thumping*]

Madam Speaker, you have a situation where, I want to perhaps refresh the Prime Minister's mind and read into the record what transpired from the unedited version of the *Hansard* of the 3<sup>rd</sup> of the 7<sup>th</sup>, 2018. And this is, as the hon. Leader of Government Business, my good friend, got up to adjourn the House, Madam Speaker, and this is what she said, and I quote:

“Madam Speaker, before moving the adjournment of the House, I must advise on a matter which concerns the business of the House. I am informed by the Clerk that a document has come to the Parliament regarding a

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notification for the appointment to the office of Commissioner of Police.

Madam Speaker, you will recall that in this very House we have determined that the process of the Police Service Commission in this matter was lacking in transparency and that one can come to no other conclusion than the Commission did a job which cannot be explained and which was wholly unreliable and appeared to be flawed.

Consequently, Madam Speaker, any recommendations coming out of that flawed process cannot and will not be accepted. In the circumstances, Madam Speaker, as Leader of the House, I have instructed the Clerk that this matter...”—

**Mr. Lee:** Standing Order 53.

**Madam Speaker:** Hon. Members, let us please observe the Standing Orders, please. I hope I do not have to be rising too often during this sitting for that purpose. Standing Order 53, and I have uphold it for the Members who have been speaking. Please carry on.

**Mr. G. Singh:** Madam Speaker, I want to repeat what I just said.

“In the circumstances, Madam Speaker, as Leader of the House, I have instructed the Clerk that this matter will not be proceeded with.” —and then there was desk thumping on the side of the Government, and then—“Madam Speaker, I beg to move that this House do now adjourn sine die.”

Then there was a role for the Speaker, because—and this is what Madam Speaker said:

“Madam Speaker: Member for Caroni East—Member for Chaguanas West, I think your outburst is unparliamentary. All right? And I would just ask you to withdraw that term.”

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—and then I got up, Madam Speaker, and this is part of the *Hansard* record:

“This matter that was raised is really a subversion of the Constitution.”

[*Desk thumping*]

—Madam Speaker then says:

“Member for Chaguanas West, I have asked you to withdraw the outburst. If you do not wish to do so—I really cannot—but then I will exercise other powers.”

**2.00 p.m.**

“Mr. Singh: Madam Speaker, I feel very strongly about it and I do not wish to withdraw.”—and the Member then leaves the Chamber. [*Crosstalk*]

Madam Speaker, so when the Prime Minister comes here and says that they followed the law, nothing could be further from the truth. [*Desk thumping*] The House was informed that there is a notification and the Prime Minister says, only when the notification is on the Order Paper that it is properly before the House. But, Madam Speaker, the law is clear as the Prime Minister says, because you see he is coming after the fact, and what is the law? The law is very clear. The conjoint effect of section 123 and Legal Notice 215 of 2018 indicates that there is need for an affirmative resolution of the notification by the House of Representatives and that the Order of Merit List is created. And that that Order of Merit, there is each person in that Order of Merit List has to, by way of notification, through the conduit of the Presidency would come before this House. That did not take place, [*Crosstalk*] that did not take place at all. It is only—

**Madam Speaker:** Member for Diego North/East.

**Mr. Imbert:** Yes, Madam.

**Madam Speaker:** I am being disturbed.

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**Mr. Imbert:** Sorry, Madam.

**Madam Speaker:** Thank you. Member for Chaguanas West.

**Mr. G. Singh:** Thank you, Madam Speaker, I hope I get injury time. So that what you have is that you have a revisionist approach by the Prime Minister. So that is what transpired. [*Desk thumping*] That is what transpired and that is simply the Government was not following the process.

In the newspaper of Wednesday, 4<sup>th</sup> July, Madam Speaker, *Daily Express* of Wednesday 4<sup>th</sup> July, the:

“Govt not going ahead with ‘flawed process’”

But the law is clear. Whether you indicate that the process is flawed or not you have to engage the procedure of the Parliament. [*Desk thumping*] And you could not usurp the power of the Parliament, nobody.

You see, Madam Speaker, when the hon. Member for Arouca/Maloney, Leader of Government Business said that basically she had the power, as the regulator of the business of the House, that she could decide what is on the Order Paper and what is not on the Order Paper. I say but she is, the hon. Member is anointing herself with power which she does not possess. [*Desk thumping*] That the hon. Member had arrogated onto herself a power she did not possess as Leader of Government Business, and the Standing Order is very clear. And in Standing Order 3, in Definitions, it says the:

“Leader of the House means the Minister who is primarily responsible to the Prime Minister for the arrangement of government business in the House;”

So when the Prime Minister comes today, was he a party to the decision to just say you have received some notification? And you know what was interesting about that, you had to pay attention because there was no way the name of Harold



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Phillip was mentioned in the [*Desk thumping*] utterances of the hon. Member, nowhere. So if you were not paying attention you would never know that this was a new notification, that there is somebody coming before the House and that it was not mentioned at all.

So that was a kind of surreptitious approach to the notification, and the law is clear. Section 123, the relevant section in the Legal Notice 215 of 2018 points that there is a process, that the process is from the Police Service Commission, the Presidency and the conduit to the Parliament and nobody can usurp the role of the Parliament. So, Madam Speaker, this is what the hon. Member is reported as saying to the press, a column by Ria Taitt:

“Govt not going ahead with ‘flawed process’”

Madam Speaker, “Govt not going ahead with ‘flawed process’”. And you see because this refutes what the Prime Minister is saying that you could end up rejecting Harold Phillip but you have to go through the process of rejecting Harold Phillip. [*Desk thumping*] You cannot reject Harold Phillip ab initio unless you engage the process. And this is what, in the face of the Opposition insistence that there was a subversion of the Constitution, this is what the hon. Member is reported as saying:

“She said the President sent a notification but it was dependant on the leader of the House to bring that notification to the attention of the Parliament.

Robinson-Regis”—hon. Member, I am reporting as indicated here—“later reminded the *Express* that Prime Minister Dr. Keith Rowley had stated during the debate on the Special Select Committee report that Government believed that the PSC process was unreliable and it would not be proceeding with any notification coming out of this process.

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She said that there was nothing stopping the Opposition if they wished to debate this notification, from moving a motion to debate the notification, but Government is adamant that the process was flawed.

Any motion would have to receive the support of the majority of members of the House...”—and so on.

Madam Speaker, so the President sends a notification which enters the portals of this Parliament and for the Parliament to do its work and the Leader of Government Business, like—constipates the process, [*Desk thumping and laughter*] constipates the process because the process has a flaw. [*Crosstalk*] And that therefore they are putting a block in the process. And that we regarded as a breach of the Constitution as it is against the law of the land and [*Desk thumping*] Government must be in accordance with the rule of law, otherwise anarchy will prevail.

So this is what, so it is clear then, what the Prime Minister said is not in consonance with what the Leader of Government Business said. [*Desk thumping*] There are inconsistencies.

**Dr. Moonilal:** Put that in the book.

**Mr. G. Singh:** So they are not going ahead with the flawed process and then of course, Madam Speaker, the Constitution says that it is the supreme law of the land. The Constitution is the supreme law of the land and any attempt therefore to breach that constitution is of course against the rule of law and against what the Government says through the Prime Minister.

The hon. Member also indicated in that excerpt, Madam Speaker, that the Opposition can bring any Motion to debate. But this was an affirmative resolution. The affirmative resolution provides no room for the Opposition to bring any

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Motion. [*Desk thumping*] It is by way of negative resolution and that therefore it demonstrates once more the gross incompetence of the Government in this matter.

[*Desk thumping*]

Rule of law. The rule of law really is what creates respect for government, which defines the approach that has to be taken in governance, and it is the rule of law which guides all of us. What you had on that last occasion, on July 3<sup>rd</sup>, was an abandonment of the rule of law and that does not augur well for the governance. The Prime Minister tried to retrieve the situation today by taking an approach that—[*Crosstalk*—the Prime Minister said that this is the law, this is the Constitution, and we agree with him, but that is not what was said, then.

Madam Speaker—

**Mr. Lee:** Madam Speaker, 53 please.

**Madam Speaker:** Hon. Members, again, I know it is recess but remember we are back here to do the business of the people and I ask for everybody's cooperation, let us get this done. Everybody who wishes to speak will be allowed the opportunity to speak in the proper manner. I now recognize the Member for Chaguanas West.

**Mr. G. Singh:** Madam Speaker, it appears to me that the gravitas of this matter that is associated with the appointment of a commissioner is really moving away from, and into the realm of, “he say, they say, them say”, as the Prime Minister indicated, he was not a part of the law, the law that was changed in 2006.

Mr. Manning as he then was, Prime Minister, indicated that that 2006 amendment arose out of a consultative process. It arose out of a consultative process and this is what Mr. Manning said. You see, Madam Speaker, it is at that very basis, you go back to the foundation of how this law came about, “the fons et

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origo”. And this is what Mr. Manning said at page 8 of the *Hansard*. And Mr. Manning went on to outline the process and so on. And he said:

“Secondly, the way the Commissioner of Police is appointed; that is another change that is of significance. Hitherto, the Police Service Commission made an appointment of a commissioner of police but the Prime Minister had a veto on it. In other words, the Prime Minister could not propose a commissioner of police, but if after the Police Service Commission goes through the appropriate procedures as established by law, the Prime Minister is then consulted and the Prime Minister has a veto, he can say, yea or nay. If he says no objection, it goes through but if he objects then, of course, they would have to do something else. This is not a process that”—not only—“involves...the appointment of the Commissioner of Police, every department head in the public service is subject to that prime ministerial veto and there is much to be said for it.

What the legislation now before the House proposes is that the prime ministerial veto disappears but that the name, as identified by the Police Service Commission, will itself come before the Parliament and also will be the subject of affirmative resolution. The difference between this one and the appointment of the members of the commission is that the police officer who is going to be the commissioner of police will be, in fact, a public servant and has no way of defending himself.”

And then he compares it. But, Mr. Manning was very clear. He, together with Mr. Panday, brought about this change.

Now, it seems to me that the Prime Minister, in his ruminations, has a problem with the removal of that prime-ministerial veto and the placement of that

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veto within the ambit and the embrace of the Parliament of the country. But that is the law, and he acknowledges that is the law. And that, unless you change that law then you have to live with the law because, it appears to me, Madam Speaker, that the hon. Prime Minister, when they provide, gave those instructions to his Members and he galvanized his troops to vote against the process, which he indicated—and he is entitled to do so—to utilize that constitutional majority in the Parliament, not the constitutional, the simple majority in the Parliament to vote against the process, he is entitled to do that.

But, of course, it appears to me that in his judgment he had not looked at the orbit of his decision. He did not see the issue from the eyes of others and that therefore this chaotic and shambolic mess that we are in is as a direct result of the Prime Minister [*Desk thumping*] of this country and the PNM Government not thinking things through. Not thinking things through. Because now you have the scenario, and which is required of you going through every name, everyone on the Order Paper, everyone on the notification list, everyone on the merit list, they will now have to come before this Parliament and nothing is wrong with that; that is the law. But the country which is being ravaged and savaged by crime will not have a substantive Commissioner of Police until this whole exercise is completed. In fact, the law provides for it to run for a year. That is the Legal Notice 215 of 2018.

I am just guided, Madam Speaker, that on March 27, 2006, the then Member of Parliament for Diego Martin West voted for this piece of legislation that is before us, [*Desk thumping*] voted for this piece of legislation, on Monday 27, 2006. So, now to come and to say—

**Mr. Imbert:** Standing Order 48(1), Madam Speaker.

**Madam Speaker:** Member for Chaguanas West, please continue.

**Mr. G. Singh:** Thank you, Madam Speaker. So that the reality then is that this is what was agreed upon and this is what we changed. So, Madam Speaker, what you have in a situation like this is that when we look at the newspaper reports over the last few days, you begin to understand the trauma being suffered by the country and what is taking place. So after saying that the process is flawed and there would be no debate, “tune change”. The road march now was, we will debate on Monday.

*Daily Express*, Thursday 05 July, 2018:

“Govt back-tracks on top cop notification.”

Headline:

“We’ll debate on Monday”.

And this is a column by Ria Taitt on page 4 of the *Daily Express*, of Thursday 5<sup>th</sup>.

And I quote, Madam Speaker:

“The Government has egg on its face.

It appears that it blundered when it announced it was not proceeding with a parliamentary debate on the notification from the President that Harold Phillip’s nomination for Commissioner of Police be approved.”

So you understand. So all this flies in the face of what the Prime Minister told us.

Today:

“On Tuesday, however, Government Leader Camille Robinson-Regis casually announced another notification had been received from Her Excellency, but because the process was flawed, that second notification would not be brought to the Parliament floor.”

So debate off, debate on. Gross incompetence. [*Desk thumping*] Poor judgment.

Madam Speaker, it is all—in fact my colleague, the hon. Member for Oropouche East, did not say it was one egg on their face, he said there was a crate of eggs on their face. [*Desk thumping*]

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**Dr. Moonilal:** You get none for cake.

**Mr. G. Singh:** Madam Speaker, and the article goes on to state that:

“Yesterday, however, the Government back-tracked, stating the notification would be debated on Monday after all.

Singh yesterday said he was clearly vindicated.”

Whilst I do not intend to bring you into the debate, Madam Speaker, what I said was that there was an attempt to give me a red card, when the foul was committed by the Government. [*Desk thumping*]

Madam Speaker, it brought to mind a phrase in Macbeth:

“Fair is foul and foul is fair”—as they—“Hover through the fog and filthy air.” [*Desk thumping*]

Madam Speaker, so that it is clear that the House Leader owes us an apology. The hon. Member owes us an apology for the manner in which she conducted the business of this notification.

**Dr. Moonilal:** Yes, yes. [*Desk thumping*]

**Mr. G. Singh:** So it goes further, Madam Speaker. In the newspaper of Thursday 05 July, *Express*, by Ria Taitt again:

“PSC head to President on”—Commissioner of Police—“issue:

We can’t do over selection process”

And I will read, Madam Speaker:

“Police Service Commission...Chairman Bliss Seepersad has told President Paula-Mae Weekes that it cannot redo the selection process for a Commissioner of Police...

She has also informed the President that the Order of Merit List candidates for the top position in the Police Service is still valid, based on advice from

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Senior Counsel.

In a letter to the President dated July 1, 2018, which accompanied the notification for the appointment of Harold Phillip as CoP, Seepersad stated: ‘We simply do not have money, time and other resources to allocate to conducting a completely new process.’”

Madam Speaker, whether the Government had allocated moneys to the Police Service Commission, the Police Service Commission having established an Order of Merit and there is a timeline in the law for that Order of Merit, it did not matter; it did not matter whether they had all the money in the world, they could not restart the process until the completion of the Order of Merit. [*Desk thumping*] So no utilitarian issue as to whether or not that you had money or you do not have money, the law is the law. The law is required to be followed because we are a country that abides by the rule of law, that abides by the Constitution.

Madam Speaker, when you look at the whole question of how we had to fight to get this debate going, you understand the role of the Government. Why did they not mention his name, Harold Phillip, in the utterances of the Leader of Government Business, why? Is it because there was something surreptitious?—I do not think so. I think the hon. Member just—I do not know the situational things that transpired it, but if you look at the *Express*, Editorial of Friday, 06 July, 2018, and you understand the sequence from the 3<sup>rd</sup>, this is the 6<sup>th</sup> of July, Madam Speaker:

“The Govt’s tangled web”

And you remember the utterance of Walter Scott, Madam Speaker:

“O, what a tangled web we weave when”—it is our intention—“to deceive.”

[*Desk thumping*]



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The Editorial goes on to say, Madam Speaker:

“Like the never-ending story of the Galleons Passage, the appointment of a Commissioner of Police has become a soap opera in the genre of farce.

Just when you think it is about to end, up pops a new twist. The latest episode has left not only the Government with proverbial egg on its face but the Speaker of the House as well.

Leader of Government Business Camille Robinson-Regis has only deepened the farcical nature of the exercise in trying to convey the impression of government’s magnanimity in not adding to the ‘continuing disquiet regarding the process’. The reason the government has abandoned its effort to block debate of second-ranked nominee, acting deputy CoP Harold Phillip”—

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(1), please.

**Madam Speaker:** Member for Chaguanas West, I would allow you a little more latitude but I think you have sought to address and respond, but do not forget what we are here for, okay? So I am allowing you a little latitude but I will ask you to please, having made the point, I think you have made the point with respect to how we got here and therefore if you will go on to your next point.

**Mr. G. Singh:** Thank you. But even the Editorial—thank you, Madam Speaker, even the Editorial is indicating:

“...Ms Robinson-Regis should apologise to the House and provide a credible explanation for the government’s error.”

The Editorial also goes on to say, Madam Speaker, that there are other institutional office holders who should do the same thing, but that is a matter of record and for the reading of those concerned.

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Madam Speaker, so this tangled web that we wove over that period. The *Sunday Guardian*, Madam Speaker, says, *Guardian* Editorial of Sunday 08 July, 2018:

“Get us a Commissioner of Police

How could a country have such difficulty in selecting a leader for its crucial law enforcement arm? What does it say about this Republic that we have failed to pick a Commissioner of Police over several years?

What does it say for a country that we have had an acting Police Commissioner and giving him a ‘ten days’ every six months?

What does it say about the process conducted by the Police Service Commission?

What does it say about the role that the Parliament must play in the final selection?

What does it say about the function of the President in this process?

What does it say about the public’s expectation that they would have a leader of law enforcement?

What does it say about the members of the Police Service who, expected to have respect for their leadership, look on at the failure to confirm their leader?

What does it ultimately say about successive governments’ failure to settle this matter once and for all?

What does it say about the country’s ability to deal with the frightening rise in crime?

Without clear answers, where does that leave us?

We deserve better.”

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So that is what I say, Madam Speaker. When the Prime Minister and his Government took the decision to make a certain judgment they orbited in a certain arena and they operated within a bubble and they did not understand the impact of that and what is happening in the country. So that they were utterly disconnected, utterly and totally disconnected.

And the Prime Minister reverted and talked about the process again that came through the Special Select Committee about the fact that once they did not apply for that position, that they will not be countenanced at all. That not understanding, appreciating the talent pool strategy that the only thing separating [*Desk thumping*] the Commissioner of Police from the Deputy Commissioner of Police was a period of five years. All the duties were basically the same.

So this is what it is. This is what it is. So the Prime Minister who voted for the process talks about a convoluted process. And Prime Minister Manning as he then was, God bless his soul, he indicated that, look, this was on a trial basis. We have had part of this legislation work smoothly. When we come here for the affirmative resolution, for members of the Police Service Commission, that went smoothly. So the two new appointees, Bliss Seepersad and Suzanne Craig both came for affirmative resolution of the House, that worked smoothly.

So the President did that after consultation with both the Leader of Opposition and the Prime Minister. So that affirmative resolution worked smoothly, but in this part of the process they did not work and the Government used its majority, which it is entitled, to veto the process. The question is then, what is to be done? Where do we go from here? Where do we go from here?

Madam Speaker, before we deal with what is to be done we must be very clear. [*Crosstalk*] In fact, Madam Speaker, you may recall, when you had that little

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booklet, what is to be done and they then, and an accompanying document, the Communist Manifesto, those were regarded as subversive literature. And that you could not access then and that you had to read them very, very clandestinely in order to deal with it. But those were the days of the Public Order Act and so on.

So, Madam Speaker, the Endell Thomas matter and Endell Thomas, the matter arose and Lord Diplock pointed out, Madam Speaker, that:

“Under a party system of government such as exists in Trinidad and Tobago and was expected to exist after independence in other Commonwealth countries whose constitutions followed the Westminster model, dismissal at pleasure would make it possible to operate what in the United States at one time became known as the ‘spoils’ system upon a change of government, and would even enable a Government, composed of the leaders of the political party that happened to be in power, to dismiss all members of the public service who were not members of the ruling party and prepared to treat the ...performance of their public duties as subordinate to the furtherance of the party’s political aims. In the case of an armed police force with the potentiality for harassment that such a force possesses...”—

**Madam Speaker:** Hon. Member for Chaguanas West, your original 30 minutes are now spent. You are in fact within your 15 minutes. So if you wish to use the balance of your time to continue.

**Mr. G. Singh:** Thank you, Madam Speaker. Thank you, Madam Speaker. As I was indicating that:

“In the case of an armed police force with the potentiality for harassment that such a force possesses, the power of summary dismissal opens up the prospect of converting it into what in effect might function as a private army

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of the political party...”—

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(6).

**Madam Speaker:** So Member, I will allow you to continue, but just remember, please.

**Mr. G. Singh:** Thank you. Thank you for your generosity, Madam Speaker.

“...what in effect might function as a private army of the political party that had obtained a majority of the seats in Parliament at the last election.”

We in the Caribbean, Madam Speaker, we have had instances where Prime Ministers utilized the police force to make it a private army of the political party in power. In Grenada, the Mongoose Gang; in Haiti, Duvalier, Tonton Macoute; in Guyana, Forbes Burnham and the Brown Shirts. [*Crosstalk*] So that, therefore, you have a situation that you have to insulate the police force from the politicization—

**Mr. Lee:** Madam Speaker, 53 again, please.

**2.30 p.m.**

**Madam Speaker:** Member for the Port of Spain North/St. Ann's West, please— Member, please. Okay? As I said, it is recess. I know we may all be mentally there but let us remember, physically, we are still in Parliament. Okay? Please. And I am not going to stand again on Standing Order 53.

**Mr. G. Singh:** Thank you, Madam Speaker. So that, therefore, when the Prime Minister says that as Prime Minister he has no say, there is good reason for the Prime Minister not having a say, because the history has taught us that evil exists in the Caribbean and that, therefore, that insulation that is necessary must take place. So that when the Prime Minister says that he has no say, and the Prime Minister says, in his domestic ruminations that are carried in the newspaper, that he is being held accountable but he has no say, there is good reason for that. There is

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good reason for that. And the Prime Minister also indicated when he went to London that he was surprised and disappointed that none of the members of the diaspora—

**Madam Speaker:** Member, I am not going to let you go back there. Okay? I am not going to let you go back there and I am sure you appreciate that. Please, continue.

**Mr. G. Singh:** So, Madam Speaker, it is clear then—okay, fine—that the Prime Minister, in this setting, said his elected Government has no say. That is what the law says; you must have no say. He said that Mr. Manning bargained away the veto. But that was a consultative process, and I want to remind him of what Mr. Manning said, that there was maturity across—with the Opposition and the Government.

This administration has sought to demonize the Opposition when they require the embrace of the Opposition to deal with this legislation. [*Desk thumping*]. Madam Speaker, Michael Harris' column today: Unravelling the CoP web of futility.

“In that debate”—and I quote from him—“the Government faces several critical challenges—to its credibility and its integrity, to its leadership capacity and to its willingness to do what is right to save this country from disaster.

The challenge to its credibility and integrity is very clear. It is inconceivable that the Government can move to accept the nomination of Mr. Phillip as commissioner of police when that nomination is based on the very same process which it had described as flawed on which basis it supposedly had rejected the nomination of Deodath Dulalchan.”

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And he goes on to state further in the article—how much time do I have again, Madam Speaker?

**Madam Speaker:** You just have about 50 seconds.

**Mr. G. Singh:** Madam Speaker, what is to be done? It is clear that the Prime Minister has to take leadership and embrace the Opposition with a view to changing the law. What are the options available to him? Go back to the prime ministerial veto; change the law with respect to that, and that we cannot do without—but he must do something. Crime is ravaging this country [*Desk thumping*] and the Prime Minister, and the Minister of National Security, and his Government appears to be totally inept and bereft of any credibility in dealing with rampant crime that is ravaging and savaging this country. Madam Speaker, I thank you. [*Desk thumping*]

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

**Dr. Roodal Moonilal (Oropouche East):** Thank you very much, Madam Speaker, for the opportunity to join the debate on an unusual day, for a special—I understand a special sitting pursuant to Standing Order 14. Madam Speaker, coming after the Member for Chaguanas West, it will be difficult, because the Member for Chaguanas West, quite rightly, placed some of the key issues in proper perspective and was at pains to point out the stumbling and fumbling that resulted in us being called today.

Madam Speaker, I want to begin by stating, categorically, that we are summoned today as a result of the collective incompetence of this Government. [*Desk thumping*] And not surprisingly, some of our colleagues would have had other plans and other places to be, because we were under the impression that we did, for a short time there, embark upon a recess.

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There are some outstanding issues I would like to raise concerning what we have before us today. Unless I am mistaken, Madam Speaker, this is the third occasion when a government of the People's National Movement would assemble to vote against the appointment of a Commissioner of Police. This is not the first; it is not the second. It is the third. Because on that fateful day on the 6<sup>th</sup> of June, 2018, there was a vote taken at some time and that vote resulted in the Government expressing their lack of approval for another Commissioner of Police.

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(1).

**Madam Speaker:** Member, I will give you a little leeway—please.

**Dr. R. Moonilal:** Thank you, Madam Speaker. So, Madam Speaker, we are here today because another notification found its way. And notwithstanding the statement from the Member for Arouca/Maloney—and the Member for Chaguanas West raised that. He spoke on it. He quoted from the *Hansard*. Notwithstanding that position, the Government was forced to retreat and assemble the Parliament today to consider this notification.

**Mr. Young:** Madam Speaker—

**Dr. R. Moonilal:** What Standing Order? I am not giving way.

**Mr. Young:**—I want you to look at 55(1)(b), tedious repetition. We have heard this over and over. [*Desk thumping*]

**Madam Speaker:** Member of Oropouche East, as you said, it was ventilated and dealt with, so I expect that that is by introduction, and you are going on to your new point.

**Dr. R. Moonilal:** Madam Speaker, thank you very much for permitting me 10 words on an issue that was raised by the Member for Chaguanas West. My Friends opposite are extremely jumpy. I assure them, this is not—we are here today to do



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the people's business in good faith.

Madam Speaker, the Prime Minister today raised a couple matters which I just want to touch. I just want to touch on those matters. You see, I just want to raise an issue before me which I believe needs some clarification concerning these notifications that are before us. As you recall, Madam Speaker, there is a notification before us today concerning the nomination for Commissioner of Police of one Mr. Harold Phillip, and there was a package of documents served on Members of Parliament and I will be referring to some of the documents which have properly been served to me as a Member of Parliament.

But, Madam Speaker, on a Supplemental Order Paper some time ago, I believe it was dated the 2<sup>nd</sup> of February, there was notification for the appointment to the position of Commissioner of Police for one Mr. Deodath Dulalchan. I say no more on that in case they now jump up again. That has been dealt with and gone. But there was also a notification for the appointment of two Deputy Commissioners of Police. I have noticed, Madam Speaker—and I just needed clarification from anyone who cares to clarify—that on that evening of the 6<sup>th</sup>, there was a vote against the Commissioner of Police but there was no vote taken on the Deputy Commissioners, and one has been removed from the Order Paper. Is that true? And if that is so, by what process, or how, when and why, was a name removed from the Deputy Commissioner of Police notification that was properly on the Order Paper? Because unless the House dispenses with the matter, a name cannot be removed; a notification cannot be removed. [*Desk thumping*] So, Madam Speaker, at this stage, what I am saying is, that must have been an oversight; it must have been a mistake of some kind, because a Deputy Commissioner of Police's name cannot be removed without a vote.

Madam Speaker, today, the Prime Minister made an interesting point, and in an otherwise short address, belaboured the point that we are here today because we brought about change that did not result—in the view of the Government, did not result in a progressive step forward—in the view of the Government. And I think that is an important statement and I underline the point by saying that when a Prime Minister speaks, he or she is no ordinary speaker, because what really comes from them one expects to be policy statements; one expects to be statements that represent the considered view of a government. This the why Prime Ministers often depend on a written text and do not jump up every minute and speak off the cuff, and so on, because it is policy statements you are making. So when you talk about change was made but this did not result in progress, it clearly suggests that there is a policy U-turn that the Government may consider—a policy U-turn.

Madam Speaker, I am one of those persons who, in May 2006—I believe it was May 27<sup>th</sup>—I registered a vote, along with my colleague from Siparia, my colleague for Chaguanas West. I do not know if anybody else. But the three of us joined the then government, led by Mr. Manning, to vote, yes. And as the Member for Chaguanas West said before, the Member for Diego Martin West, the Member for Diego Martin North/East, maybe one more—the Member for Laventille West, they also voted yes to that change. And today the Prime Minister comes years after, now to say, “Well, I voted yes, but this thing did not work. I do not think it is working.” And what are we talking about when we talk about not working? You see, the Prime Minister is right. There was a time, from Eric Williams come down, when the Prime Minister would sit in his—and it was generally his until 2010—  
**Madam Speaker:** Member for Oropouche East, as I said, I allowed the first two speakers some historical context, and so on. I think the point about what existed

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before now and the whole story to now, I think that has been adequately stated and answered, and developed. I really would like us now to concentrate on what is before us. Thank you.

**Dr. R. Moonilal:** Thank you, Madam Speaker. Let me leave the issue—because, clearly, I do not want to develop it—by saying that I do not support any attempt to go back to the future with that archaic approach. And I move on. [*Desk thumping*]

Madam Speaker, let me get to the present. I support this process. So I am not talking history now, I am talking contemporary events. [*Desk thumping*] I support this process where Mr. Harold Phillip's curriculum vitae is before me, and before us, and we can now ponder at this CV. We can discuss the nominee, unlike the past, which I will not talk about, where no Member of Parliament would have had this opportunity. And this, I believe, is progressive, notwithstanding the fumbling and the bungling that we have met today. [*Desk thumping*]

Madam Speaker, a statement made by the Prime Minister concerning this current event we are in today left me troubled, when the Prime Minister, speaking on behalf of the Government, suggested, in speaking, that the Police Service Commission should go back and do over the process. And I heard that, and I was very concerned about how a government, an Executive at the head of Government, could tell the Police Service Commission, "Look, we do not support this. We have found errors in your process"—whatever they are. I am not going into that. There is another debate on that. I was concerned that the Prime Minister of this country could take a position that, "We are not supporting this nominee because the process was flawed. The person applied for 'B' and you gave them 'A'. Go and do it over."

But it cannot work that simple; I do not think it is that simple. And bearing

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that out, came a letter which was part of my package. I am properly going to quote now what is in the package there. And it is a letter that came to us from the Parliament as part of the package, dated July 01, 2018, addressed to Her Excellency, of course, and the letter is signed by one Bliss Seepersad. I suspect that is the same Bliss Seepersad as the Chairman of the Police Service Commission. That name came before this House to be a member as well.

Madam Speaker, I was taken aback by this letter, and I just want to read extracts from the letter. And it says to Her Excellency:

“We have received your confirmation that the nomination of Mr. Deodat Dulalchan was not approved by the House of Representatives.”

This is the letter I am reading from:

“The motion made no mention of the process employed by the Police Service Commission although the House of Representatives, the Report of The Special Select Committee and the Minority Report were all highly critical of aspects of the process.”

So the Police Service Commission—[*Interruption*] But I am reading for you, Member for San Fernando East.

The Police Service Commission is saying that there was no mention of the process, presumably by Her Excellency, but the report of the Select Committee and the minority report are all highly critical of aspects of the process.

“Senior Counsel has advised the Commission that the existing Merit List is still valid and the process as laid out in Legal Notice No. 218 of...2015 dictates that we should submit the next highest ranking candidate”—

Notwithstanding the above, two of the current Police Service Commission”—

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Well, I am reading as I see it:

“Notwithstanding the above, two of the current Police Service Commission were not part of the entire process having been appointed subsequent”—and so on.

“As such we could not, as a responsible Body, simply forward the next candidate’s name without attempting to address some of the concerns raised concerning the process while being mindful of the following:”

And the Police Service Commission is telling Her Excellency, and for that matter telling the Parliament and the country, because this comes to us:

“1. We are duty bound to act in the best interest of the people of Trinidad and Tobago;”

Well, thank God for that. We need to know that. The next point:

“2. The state of the Economy. We simply do not have money, time and other resources to allocate to conducting a completely new process;”

The head of Government said, “We are not satisfied with this progress, go and do it over again”; the Police Service Commission chairperson is saying on behalf of the Commissioners, “We ‘doh’ have money, time and other resources. So just forget it.” I think that is the effect of it. There might be a cruder way of saying it. But, just forget it.

“3. The rising crime rate in the country;”

They are also considering this there:

“4. The unprecedented length of time (6 and a half years) since we have had an appointed Commissioner of Police.

5. The untenable situation where all of the top positions in the Police Service are held by persons acting...This does not create

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atmosphere”—and they comment on that—“taking responsibility....

6. Two of the four persons in the most senior positions have been at one time or another rejected by the House of Representatives as suitable candidates for the top position.”

I will stop there but I want to make some other observations. By virtue of this letter we are on to a crisis. We are on to a stalemate, where—[*Crosstalk*]

**Mr. Lee:** Madam Speaker, Standing Order 53.

**Madam Speaker:** Member for Diego Martin North/East, I am just inviting you, take a little walk and come back, please. Yes, please. [*Interruption*]

**Dr. R. Moonilal:** But you are quarrelling with the Speaker? Madam Speaker, the Member for Diego Martin North/East is troubling—

[*Member for Diego Martin North/East departs Chamber*]

Thank you very much. So the Police Service Commission is telling the country that the head of Government says, “Go and do it over again. We are not satisfied with this process.” They are saying, “We have no money, we have no time, we have no resources. This economy bad. Look, everybody come you reject them. So just take the next nominee.”

We are here today—the Government has already indicated that they are not going to support this nominee. What happens next? Because the Police Service Commission, by the letter sent to us, is clear: “We do have money, time and resources for you.” So are we going to be coming back here in July, in August, in September to go through this farce? To go through this fiasco? This is a crisis that we are facing and it requires now, some type of approach and intervention. It requires considered and mature leadership. [*Desk thumping*] This is a matter in which the Government, the Opposition, and might I add without bringing into the

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debate, Her Excellency ought—

**Madam Speaker:** So what I want us to do is, I guess you, to me, are going into the realm of some sort of conjecture. I want us to deal with what is before us, and I thought that is where you intimated that you were heading. So please get back there.

**Dr. R. Moonilal:** So, Madam Speaker, this requires mature leadership and a solution, otherwise we will be called here every two weeks to do the thing again and again.

**Madam Speaker:** That is precisely the point I was making. We are not going into the realm of the future. Let us deal with what is before us, please.

**Dr. R. Moonilal:** Thank you. Madam Speaker, I just put on record the nature of this letter. It is part of our package, and I think, quite rightly, we are asked to reflect on it.

Madam Speaker, the Prime Minister made the point, and the Prime Minister made the point today—today—not yesterday or day before—and I note the language too—that the real issue—the real, real, real issue—was persons who apply for one job and got another job. That was the big issue. But we need to ask the question now. Is that the deal breaker? Is that consideration being extended to any other appointment, such as Deputy Commissioner of Police? [*Desk thumping*]

And the Prime Minister, reflecting earlier, indicated that there was a lot of talk outside about the objectives of the Government and whether the Government has a horse in the race. I will tell you, Madam Speaker, let me put it clear, categorical, in response to a statement made by the Prime Minister today, that the Opposition has no candidate, [*Desk thumping*] has no interest in any candidate. In fact, many, if not all of us, do not even know these gentlemen in question.

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[*Crosstalk*]

**Madam Speaker:** Members, every Member will have an opportunity to speak. It is a debate. Member for Oropouche East.

**Dr. R. Moonilal:** Thank you, Madam Speaker. So the Opposition has no candidate. We are concerned with a process. We are concerned with fairness. [*Desk thumping*] We are concerned with transparency and the rule of law. So it is not an interest in any person. And you could put that in the scrapbook too. Because, you see, they spent millions of dollars to produce some comic book, on the next side, when people “doh” have water to drink in this country. [*Desk thumping*]

Madam Speaker, let me move on to the candidate. We have had in the public domain, discussions on the candidate. The candidate is certainly not a new name to all of us, because how it went down initially was that the candidate was also shortlisted for another position of Deputy Commissioner of Police. And in the original notifications, this candidate, Mr. Harold Orlando Phillip, was shortlisted as a Deputy Commissioner of Police. Madam Speaker, we can have no difficulty with the qualifications. You have Bachelor of Law, Executive Masters, Business Administration, Legal Education Certificate, Diploma in Security Administration, et cetera, and a career police officer, it appears, with extensive service at different ranks in the police service. The only thing that was troubling about this candidate—and I am on the candidate now, because we have had the opportunity of getting into detail. The troubling aspect of this candidate was a judgment in the High Court, I believe by Mr. Justice Seepersad—was it?

**Hon. Member:** Yes.

**Dr. R. Moonilal:** Yes, in which very serious conclusions were made concerning



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the integrity, credibility and commitment to the rule of law by this candidate. Madam Speaker, on reading that, I was very, very concerned that the matter arose in that context. But we were told before that the Police Service Commission considered that. It was something before them, and their legal advice was that notwithstanding the judgment, it cannot or ought not to debar the candidate. That was the legal advice that we got on this very candidate before us.

Now, Madam Speaker, you will permit me to express my very deep concern with this because this is not a case where, you know, it is *mauvais langue* and it is old talk and you hear by the bar something about a police officer and so on. This is not that case. This is a case where a High Court judge found damning conclusions about character and integrity and credibility, and the Police Service Commission reflected on it. But their advice was that the Police Service Commission can consider those circumstances but they cannot debar the candidate. It was so in another case of another candidate as well.

Madam Speaker, we were very concerned with that one, and it was raised. The matter now is because—and, Madam Speaker, these matters are all interlinked. That is why one has to take off of another. Because of an earlier refusal to support a notification we have this notification before us. This did not come just so. This came because something was rejected before. And having rejected that before, and given the process—that is the concern of the Government—the Government says today that they are prepared to vote against this nomination as well.

But, the Member for Chaguanas West ended his contribution by again putting the context for this. The context for this debate is not the CV. It is not the diploma at the United States' New Mexico Military Institute. That is not the

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context. It is not the LEC that the person has. It is that what is required now is some type of focus and some type of stability to the police service [*Desk thumping*] by virtue of solidifying leadership.

And, Madam Speaker, I have very briefly to refer to the letter again that is part of our package, of the Police Service Commission, and they have indicated that they have sought legal advice, and so on, and they are using another process. You see, I want to get to this thing “process” because we throw out the first nomination on the basis of process, and today, this Police Service Commission has indicated in a letter that they use a process too. And I am reading about the median and the mean and the standard deviation. The last time I heard of that was Form 5 Maths. They have used all of these methodologies:

“...a statistician in the employ of the Commission undertook a statistical analysis of the available data...using the standard deviation from the mean to normalize the scores. This ‘normalization’ procedure provided some assistance...”

And based upon that, they admit they have no documentary evidence of the process:

“We were obliged to accept the verbal explanations...by the...Commissioners...”

They say:

“Given the small number of individuals that remained in consideration... 2 of the individuals on the”—initial—“list were over...60. 1 other candidate had disciplinary convictions lodged...”

I am very concerned with this, and this is part of a letter that I got.

It is stated here that one other candidate had disciplinary convictions lodged

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against him. Who is that candidate? Madam Speaker, I am entitled to raise this because this is the material that was sent to me to debate today. Who, to my knowledge—and I was probably more involved than all Members because of virtue of another body we established—I cannot recall any candidate having disciplinary convictions lodged against him. I could be wrong, so I just raise that matter:

“2 other candidates were deemed to lack the experience necessary for the position of CoP.

The remaining candidates were ranked by each of the 4 Commissioners according to their preference for best candidate for the position of CoP. The resulting scores were totaled and the Merit List was established.”

Madam Speaker, they clearly have embarked upon a process of their own and they have come up with this. And in the standoff that exists now, and in the crisis that we have created—and Madam Speaker, it is not my intention at all to talk about the rampant murder rate in this country. But in the crisis that we have created here by our own doing, by the doing of the Government—they have created a crisis, and in this crisis we do not know when the story will end. [*Desk thumping*] We do not know.

In fact, this bungling is worthy to be in their scrapbook. And I have my own views which I will share very briefly on this matter, that it is either we—I do not know how, because, you see, we are in a more difficult position than we were in before. You see, there was a time when nothing was being done, or something was being done—a process—and it was taking years. Or nothing was being done and you had an Acting Commissioner. This a case now where the Police Service Commission is saying they have legal advice to bother the House of Representatives every month. That is what the Police Service Commission—

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knowing that you do not want anybody because you believe that process is unfair—knowing that—and the process is flawed. So how and when will we resolve this position of a Commission of Police duly appointed? And Mr. Harold Phillip, today—and I just want to make this point.

**3.00 p.m.**

The House of Representatives' rejection of a candidate is something that we should not dismiss easily. Madam Speaker, people spend their life in a career. When they join a service, whether it is the military, the police, the civil service, and so on, they all properly aspire to ambitions that one day they will become the Permanent Secretary, they might become the Chief of Defence Staff, they might become Commissioner of Police. This is normal that they will aspire to the highest office within the profession that they so choose.

**Mr. Ramadhar:** It is a good thing.

**Dr. R. Moonilal:** And, Madam Speaker—this is a good thing. And now, to put on people's record that they were a candidate for a particular job of commissioner of police and rejected by the House of Representatives, they end their career with that stain that they were rejected. Because in this matter, unlike 2008—Madam Speaker, I am talking about the present and not the past. I am speaking of the present—nobody, the Prime Minister or no Member of Government is saying that these persons are not qualified. They are not saying that the person lacks experience, they were not in the police service, or we believe that they are unsuitable, unfit for office.

So persons have now been repeatedly rejected for this position, they carry that on their career as a blemish of sorts and they are being told that it has nothing to do with you. It has to do with the process that you participated in—

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**Mr. Ramadhar:** And you are a victim of it.

**Dr. R. Moonilal:**—and you are a victim of that. So, Mr. Phillip today is a victim of the process and, Madam Speaker, I believe that this is unfair, that public officers who dedicated their life to this country must face this indignity of being rejected by the House of Representatives in this manner.

Madam Speaker, I know, I do not want to go back in history because they are tempting me to, but the matter with Mr. Parker was raised by the Prime Minister and in just 30 seconds or so, or less, I will indicate that the records show—and we can quote from the passage and so on—at that time that there was a conflict of interest situation involving Mr. Parker and the institute that was given the job to recruit.

**Hon. Member:** And he is a Canadian.

**Dr. R. Moonilal:** Yeah, and Mr. Parker incidentally was a Canadian citizen. So, Madam Speaker, the issue of Mr. Parker that the Prime Minister raised, there was a conflict of interest matter involved in that and the Government of the day chose not to approve that, but then quickly approved two other citizens of Canada, I believe it was, and proceeded with that and then solidified the approach.

Madam Speaker, today the population was hoping that the Government would have come with a flight plan not just to say no to this person or any person so nominated, but a flight plan—what are we going to do about it? We were hoping that the Government would indicate that we have already asked the Attorney General to review the Order again, to close the loopholes, because in the select committee report there was a recommendation about reforming the law. So we were hoping that the Government would tell us today that the Attorney General is working assiduously to review the Order, to close the loopholes, to tighten it,

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ensure that it abides by the rule of law, but in quick succession we can put something in place to arrive at a commissioner. We got no such indication. No such indication.

So that the population does not know the thinking on this matter. All we know is that we come here and reject. So it is just reject, after reject, after reject, everybody. It does not matter at this stage, and the population would have also been interested in knowing whether some type of consultative process—

**Madam Speaker:** Hon. Member for Oropouche East, your original 30 minutes are now spent. You are entitled to 15 more minutes if you wish.

**Dr. R. Moonilal:** Thank you, Madam Speaker.

**Madam Speaker:** Please proceed

**Dr. R. Moonilal:** Thank you very much, Ma'am. The population would have been hoping that some type of consultative mechanism would be put in place between the arms of the State to address this matter as a matter of urgency, and I call upon the Government to embark on a process of consultation with the Opposition and other stakeholders on this matter. [*Desk thumping*]

It is a crisis that will not go away, Madam Speaker. It will not go away. It is a recurring crisis that we face in this country today, and this is not a debate on crime as you would point out to me so I am not going to talk about the—what is it, the blood walk or the boardwalk?

**Madam Speaker:** You say you are not going to talk about it. So please.

**Dr. R. Moonilal:** Madam Speaker, I pass that. So, Madam Speaker, I will summarize and end in a couple of minutes, but to say that it is a dangerous thought that is being harboured opposite of going back in time. Today, all examples of transparency and openness across the developed world, in particular, would show

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that this approach of parliamentary oversight, accountability, is a preferred approach in the selection of individuals of high public office, and I would ask the Government to rethink their position. It is not a perfect system at all. It is not perfect, but it is not bad and it is much better than when we had Eric Williams and Tony May, or Lance Selman and so on. It is much better than that.

In fact, the Government—[*Electronic device goes off*—]—can even look at the congressional model, where persons actually come before—

**Madam Speaker:** Excuse me. The Member whose device is disturbing, could you kindly just leave, attend to your device and return please. Continue, Member for Oropouche East.

**Dr. R. Moonilal:** Yes, thank you, Madam Speaker. We have examples in the world where persons who are being considered for appointment, apart from talking on the floor and reflecting on their CV, and so on, they actually appear before a congressional committee or a special committee of the House to be interviewed, to be examined, and if Mr. Phillip came before me I would certainly ask Mr. Phillip, in reflecting on him, about that matter of the High Court judgment. We will not have an opportunity to do that in our system, but to reflect on that.

Madam Speaker, a lot has been made about this application and, believe it or not, the application was also sent to us as part of our package. It was also sent to us as part of our package, and it is an interesting point on the application I just want to reflect on because that becomes a big issue for the Government today. For Mr. Phillip in particular, and we are reflecting on him, he had applied for Commissioner of Police—sorry, Deputy Commissioner of Police, not Commissioner of Police, but there was also another box here for both, and unless I am mistaken we had 21 candidates or so who had applied for both positions. What

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would be the position of the Government had Mr. Phillip, or another nominee to come down the road—I am not anticipating—if someone came and they applied for both?

So what would be the crisis we face then? Because if you are saying that the bugbear here, the breaking point, the deal breaker, was that someone applied for B and you gave them A, what about if 21 applied for A and B, would that argument still hold? Would you say, okay, we can put the person now because they applied? I think it is simplistic, utterly simplistic, to lodge an argument in such a critical matter on the issue of you applied for B and not A, when the people were at pains to point out that they used a talent pool strategy. [*Desk thumping*] They were at pains to point that out. And to hook an argument on that one point is simplistic to say the least, and this is why there may be people in the national community who believe there is more in the mortar.

**Hon. Member:** Than the pestle.

**Dr. R. Moonilal:** And I saw a Minister with the pestle this morning. Madam Speaker, the Government has a duty today to indicate to the population and all of those persons, who the Member for Chaguanas West quoted from—all of them—to indicate what is the position of the Government as it relates to ending this fiasco. Because it will—you see, I keep saying that had you done nothing it would have brought more stability. This is destabilizing a critical institution. [*Desk thumping*]

In fact, strange enough, by doing nothing you could have brought stability, but you are destabilizing this now and I am not even going to talk about court action and so on that people may contemplate. That is a completely different ball game. But unless and until the Government wakes up to this crisis, ongoing as it will be, and put in place some type of new system, legal and policy, to end this—



because the Prime Minister made the point—I think the Prime Minister made the point too and I had a note of it here, the cost. I have calculated, Madam Speaker, that it cost this country since 2008 in the vicinity of \$10 million not to appoint a Commissioner of Police by all those different institutions. It cost the taxpayers \$10 million and in this one I believed it was \$3.1 million or \$3.2 million spent on this last occasion, and if this continues you can spend a lot of money with absolutely no end in sight because it cannot be that you return to the House of Representatives—one time you quarrelled that the person was not suitable, and the next time the process was not suitable, and you just continue and continue.

The Opposition has taken the position that—and I do not want to revive any debate—whereas processes were followed, they were all explained, we may have had our difficulty with certain techniques used and so on, but they were not fatal to the process. However, the Government took an opposite position and, therefore, in rejecting the first nominee they now have to reject the second nominee, and they have to reject the third, and the fourth and the fifth in this process. It will not bring any stability, Madam Speaker, and quickly to resolve it is to put in place a new mechanism borne out of consultation.

Madam Speaker, I would just want to end by saying that there was something of a vision of former Prime Minister Patrick Manning when he met Members of the Opposition to put this in place. He knew exactly what he was doing and the Opposition supported that because we saw transparency, we saw fairness of some kind, we saw the rule of law. And today, we have little transparency with these types of rejections, questionable commitment to the rule of law and certainly not value for money when we squander money in this way, because now that you reject everything left, right and centre, the money wasted,

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the money gone. You cannot get it back, and in those circumstances the Government has presided over this. We will leave them now to play in the mud that they created out of this mess. Thank you, Madam Speaker. [*Desk thumping*]

**Dr. Fuad Khan** (*Barataria/San Juan*): Thank you, Madam Speaker. Madam Speaker, I want to thank you for allowing me to enter this debate. I would not be very long, but while reading this Motion it shows that:

*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 Office 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;

This clearly delineates exactly what was supposed to occur. It does. The Police Service Commission submits the names to the President which they think are appropriate, the President submits the list of names to the Parliament based on the Constitution, and the Parliament determines yes or no affirmative resolution, yes or no of the names. Unfortunately or fortunately, this process has been going for quite a long time.

You see, Madam Speaker, when you are a Member of the House, such as I have been from 1995 to now, I have seen it occur on different sides of this process. When it occurred I was here. When Prime Minister Manning before, and the basket of legislation, et cetera, and what occurred, it is all in the history, Madam Speaker,

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and the Prime Minister was correct in bringing it up. What he said there was correct. Everything he said was correct because I was there also together with him. However, when you move into a future and you move into systems, sometimes the systems could be correct, sometimes they could be flawed, sometimes they could be good, sometimes they may not so good. And sometimes when we create law, we create law with the best interest at that time, and I want to make a mention to two laws that I have been looking at for the last couple months. I am thinking about, well I saw the Anti-Terrorism Bill, et cetera. I do not want to go there. No.

**Madam Speaker:** You know, I do not want to cut you too early, but you know I want you to relate all that you are going to say to what is before us. So I am not going to let you go to other laws. I hear you about intent, and so on, and maybe you could relate that point to what we are debating before us, okay, and keep it to that. Thank you.

**Dr. F. Khan:** Madam Speaker, thank you very much, but I want to just mention with no—I am not looking at your decisions, but sometimes this is a Parliament and we have to parley and speak, and sometimes it is not a court of law where you bring files up front and then you come afterwards and then you cannot put back the files. We have a different kind of system. I am just trying to give a link. So when you look at a law and you say this is a good law at the time, can I bring in the Jim Crow laws of the United States of America? They were laws, legislation. Can I bring in the apartheid laws of South Africa? They were laws. And if we said this is the law and this is how we have to go, always remember the Jim Crow laws of the United States caused people of the Afro-Americans to be denied voting rights and the apartheid laws of South Africa created laws that denied people their own right and jailed Nelson Mandela.

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So I am saying to you, when you create laws at that time maybe it was good for the people who created the laws then, and maybe it was good for Mr. Manning and whoever it was then. Today is a different day but the law stands, and until you bring a new law, and a new Constitution, and constitutional reform, then we have to abide by what has occurred. The Member for Chaguanas West and the Member for Oropouche East made mention of the fact that the Police Service Commission is an independent body. It is not a creature of the Government, the Opposition. It is a creature of the Constitution, independent constitutional commission and they went through the system, were there any—

**Mrs. Robinson-Regis:** Madam Speaker, may I invite you to look at Standing Order 55(1)(b), please?

**Madam Speaker:** So, Member for Barataria/San Juan, I am going to give you a little leeway, but I want you to, after you have laid that foundation—so I am giving you about two more minutes if you could go into your contribution and on a point that has not been dealt with.

**Dr. F. Khan:** Definitely. Maybe they do not want to hear the truth, Madam Speaker. “Ah sad”. Not you, not you. Maybe they—

**Madam Speaker:** No, I have determined. So let us go on.

**Dr. F. Khan:** And the thing about it, this is a creature of the Constitution. What were the criteria that the Government told the commission how to select a commissioner of police? Did they speak to the commission which they are not allowed to? What were the criteria used? What definition was used?

**Mrs. Robinson-Regis:** Madam—

**Dr. F. Khan:** I am trying to develop a point.

**Madam Speaker:** Just one minute. What I am saying is we are not going back to

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process. We had a whole debate on process. As been made already by the Member for Oropouche East, he has dealt with a process since June. So that if you are going to go to speak to that, I will allow what has come to us since June, but I really do not want us to go back and open up any debate. And you in your experience, you said you have been here since 1995 in your various roles; I think you appreciate what I am trying to say. Thank you.

**Dr. F. Khan:** Thank you, Madam Speaker. Well, could the Leader of Government Business indicate what she would like me to speak about?

**Madam Speaker:** Member for Barataria/San Juan, is it that you are finished?

**Dr. F. Khan:** No, no, I am just asking—

**Madam Speaker:** Okay. All right, please continue.

**Dr. F. Khan:**—for clarification—

**Madam Speaker:** Please continue.

**Dr. F. Khan:**—because I am not too sure. Right now I am at a loss what to speak about, or how to speak about it. [*Interruption*] I am not giving way, Member. [*Desk thumping*] I am completely at a loss. What I would like to do, Madam Speaker, is this though. I want to apologize to the constituents of Barataria/San Juan as I stand here—yeah, I will—for putting them into this facade that the Government cannot elect a commissioner of police to protect them, and I am very sorry for the people of the Trinidad and Tobago that the Government has bungled this. Rather than taking what the Police Service Commission has said, they have bungled this thing, and by doing it they have opened themselves to all the lawsuits. That is what they have done. You have opened yourself to all the lawsuits that will come. You have created no change, no differences. You rejected what came from the Police Service Commission. That came up as the result of a merit list or

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whatever it may be, or talent pool together with the different statistical analyses, everything. You rejected that, but the Prime Minister comes here and says, I do not want to open this thing to legislation, to litigation sorry, but by your very actions you have done that.

So we could sit here, Madam Speaker, every two weeks and continue this process because once you rejected one on process, the process has not changed, you send it back to the Police Service Commission, the process would be the same process that they used, they will come up with the same names if they were correct in their first assumption, and you cannot be telling the Police Service Commission change your method because that is what they have. So, what you have to do, Madam Speaker—and the former Prime Minister Basdeo Panday has always said we need in this country constitutional reform, and this is a classic example of constitutional reform.

So I am trying to indicate, as a senior Member of the House, together with my colleague the Member for Diego Martin West, that we have been speaking constitutional reform, we have been asking for constitution reform, there is a classic example that our Constitution is not working, so let us sit together and deal with the Constitution and come up with a process. Madam Speaker, that is all I have to say. [*Desk thumping*]

**Dr. Bhoendradatt Tewarie** (*Caroni East*): Thank you very much, Madam Speaker. I will not be very long, but I do want to make a few points. I think it would have been better for all of us, since the hon. Prime Minister got up to lead this debate, if he had come to the Parliament and said to us, “Look, we made a blunder, we made a mistake. We should not have done what we did last time. We tried to avoid a debate on this matter as we did with the matter of Mr. Dulalchan

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when that matter was dispensed with in the Parliament without the presence of the Opposition.” In that situation, I think the country would have felt well, okay, at least the hon. Prime Minister is speaking the truth, and we on this side would have felt that, okay, the Government made a mistake, but they have come, they have admitted it and we are prepared to acknowledge that. No big thing.

But instead, the Prime Minister got up to say that, “We did not even know why we were here in Parliament”. They hardly knew what they were coming to Parliament to do, and the Member for Chaguanas West in outlining the history of this thing, the whole evolution to this point, made it very clear that the Government was very uncertain, they were very unsure as to how they were going to proceed.

I think we can conclude after all is said and done that, first of all, they did not want to have a debate on this matter. [*Desk thumping*] I think the reason—I am not sure about the reasons why they did not want a debate. They had raised the issue of the process in the earlier debate as we discussed the report of the Joint Select Committee and perhaps they wanted to avoid a debate in order to get out of any kind of political wranglings about the individual personalities involved, but we are a responsible Opposition. We will not do in this Parliament what was done outside in the pages of the newspapers—[*Desk thumping*] and we would not in fact use the opportunity here, notwithstanding evidence that is available, to defame anybody who cannot come to the Parliament and represent themselves. [*Desk thumping*] But they made a blunder, they did not think things through, and the Member for Chaguanas West said that. And on many occasions when we have come here, especially for policy-related issues, I have argued the case that the Government is very weak on thinking the issues through to conclusion and impact, and that is why they get into such difficulty. [*Desk thumping*]

So, the first thing, they did not want a debate; secondly, they may have had good reasons for the debate which is really not a cause for worry in a situation in which you have a responsible Opposition; and thirdly, ultimately they get “ketch” and they try to rationalize the whole process. [*Desk thumping*] I do not think that it is helpful for the Government to do that. I mean, the whole country knows what the reality is. We certainly know in the Opposition what the reality is and you are not going to fool us by rationalizing and rewriting the history of the event, and you are not going to fool the population [*Desk thumping*] by rationalizing and rewriting the events, but there are important issues that were at stake.

The Member for Chaguanas West raised many of those issues and I would not go into that, except that on one occasion here the Prime Minister mentioned that sometimes when I speak I speak to esoteric issues, and for the general population esoteric means that you raise issues that are important only to a few people, not large numbers of people. In other words, the issues that I raise the country is not concerned about, only a few people, perhaps with intellectual interest, because he said esoteric, intellectuals have an interest in that.

But I want to say the vast majority of people in this country are very interested in the Constitution. The vast majority in this country are interested on the role of the presidency, for instance, and the relationship between the presidency and the Executive. The vast majority of citizens in this country, if not all, are interested in the Parliament and how the Executive accounts to that, they are interested in democracy, they are interested in how the Constitution works and why it is important to honour the Constitution or follow the law and not violate the law or violate the Constitution. These are important things to the population. This is a country that has always chosen the constitutional path, Madam Speaker, and it is



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important to recognize that.

I was very, very surprised when in a debate in this House, the Member for Point Fortin talked about the role that he played at a certain time in the history of this country—

**Madam Speaker:** Member, I think I have given you a lot of latitude where you have set your context and, therefore, I am not going to permit you to go back to some other debate. I think you have set the context and you may be well positioned to jump off from there to what is before us, and I will appreciate if you consider that path forward please.

**Dr. B. Tewarie:** I will abide by the ruling, Madam Speaker, but I will emphasize that the Constitution and the law are very, very important to people and the functioning of the institutions. Whether it is Police Service Commission, presidency, Parliament, the Executive, democracy, all of these things are very, very serious to the ordinary person and it takes certain things to sort of trigger them.

The issue has arisen, since we are here, of the qualifications of the person and the CV of the person, and the person that we are debating with the notification to affirm and, of course, with the choice, the democratic choice, as the Prime Minister pointed out, to affirm or not to affirm, to support or not to support, but in looking at the CV here—and I am not doing it in relation to this CV alone—I am raising a point about the appointment of the commissioner. When you look at the résumé of this person, one thing I find missing in this résumé, and perhaps in all that came up, is the ultimate job of the Commissioner of Police which is really to keep crime under control, to maintain the peace and good order, and to keep the society safe.

**3.30 p.m.**

It seems to me that that is the job of the Commissioner of Police and that is the rubric for having a Government that is accountable for good governance and if these things are not required as part of the specifications, as part of what we expect as a Parliament of what the country is demanding from a Commissioner of Police, I think we are always going to end up in difficulty. Because the amount of qualifications a person has, the amount of administrative responsibilities they have undertaken, the amount of projects that they have managed, it really does not matter. What really matters, is whether you can maintain the peace, keep good order and keep crime under control, and there are certain things that are required of that with all the men and women that you have in the police service.

I would say that since there has been a call here by the Opposition, by all the Members who have spoken, that we re-engage this process and address the question of how we might quickly get a Commissioner of Police because right now the crime is raging, but we do not have a situation where we are going to see the end of this process very soon since that has been the cry of the Opposition, to let us put this matter to bed and it is the initiative required of the Government to engage the Opposition to do this, perhaps when we do this, we can address the real issue of why we need a Commissioner of Police and what kind of police we need. And if we do not address that, I do not see how we are going to address the larger problems in the society and the larger problems in national security in Trinidad and Tobago. Because at the end of the day, it is about results and the question is, how do you achieve results and what kind of person do you need to achieve results, and what does that then require of what the Police Commissioner is required to do.

So as I said, I will not be very long in this matter. I think that the

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Government has really found themselves in a box. They have come here today and they had—what options did they have really? They could support, which would be hard to do because they said that the entire process was flawed. They could not support, as they have pledged to do in order to be consistent. Or they could abstain, which would make no sense for the Government because they are in the lead and this matter is brought here and they have the majority. So in that kind of situation, they really boxed themselves in by the way they proceeded and the way they boxed themselves in the beginning, it really had to do with the fact of how in the Parliament, they created the conditions when we walked out of the Parliament and then they proceeded to pass several Bills.

**Madam Speaker:** Member.

**Dr. B. Tewarie:** That is part of the history.

**Madam Speaker:** Member, while I understand the history because I am certain I was here, I am not allowing us to go back to another debate. Please, continue.

**Dr. B. Tewarie:** Had the decision not been taken then, Madam Speaker, to address the issue of Mr. Dulalchan, this matter may not have come up here today and it certainly would not have come up in the same way. But that is what they chose and this is the end result of that. We, in the Opposition, are happy that we had an opportunity to debate; that the constitutional part was followed; that the law was followed as well, and that more than that, we had an opportunity to air this matter publicly as we are supposed to do under the Constitution and the law of Trinidad and Tobago. [*Desk thumping*]

And having said that, our position is very clear on this matter and more than that, we ask the Government on other occasions to simply come to the Parliament and come clean with the issue. We have a responsible Opposition and we will play

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a reasonable role, and on the matter of how you change things in order to put a Commissioner in place in reasonable time, the Opposition has indicated by every speaker that we are open to discussion and reasonableness in solving a problem for Trinidad and Tobago which needs to be solved. [*Desk thumping*]

**Dr. Surujrattan Rambachan** (*Tabaquite*): Thank you, Madam Speaker. We have spent a large amount of parliamentary time in discussing this matter, not only on this occasion but on several previous occasions. I want to congratulate my colleagues who have spoken here on the floor on this side, for bringing the issue to the fore [*Desk thumping*] and for demonstrating to the Government and the public at large that we are prepared to engage in conversations and we are prepared to engage in discussions that can result in as quick a time as possible for the selection of a Commissioner of Police.

Because, Madam Speaker, while this debate goes on in Parliament, the country continues to be under siege and the only thing that is king in the country at this time, is crime. This discussion on process, as important as it is and as much as it has been used to say that the particular nominees no longer qualify, this discussion, let us all admit on both sides, is hurting the people of this country, our people. Every person in this country is hurting. And when people are not seeing any end to this in terms of how a Commissioner is to be appointed, Madam Speaker, frustration will continue to grow in the country and eventually people fight or they take flight, and we are reaching on the borders of fight or flight in this country because of a frustration that is setting into the country. [*Desk thumping*]

Madam Speaker, while we are debating the process, and through the debate on a so-called flawed process, we are eliminating those on the merit list, the debate in the public is a different debate. The people are debating the failure of the

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Government, who is in charge, to deal as expeditiously as possible with the appointment of a Commissioner. And if this means that you approach the Opposition and say, “Let us sit together and develop a process that will bring this sad situation to an end”, I think this is deserving of attention.

Madam Speaker, I used to be, for 35 years of my life, a leadership and management consultant and I am personally appalled that it cost \$3.1 million—and at the end of that to hear of a flawed process—to engage a so-called firm, KPMG as it is, in order to do what? To write a job description, to have people interviewed and to use some method to come up with, say, this is the merit list. Three point one million—

**Mrs. Robinson-Regis:** Madam Speaker, Standing Order 48(1), please.

**Madam Speaker:** Okay, so Member for Tabaquite, as I said, in terms of what we are dealing with, is this particular notification. The process in terms of what has happened before, engaged an entire debate in this session so I cannot allow it. So, please, if you can move on to what is before us. Thank you.

**Dr. S. Rambachan:** Madam Speaker, what we, as parliamentarians, have had before us is a Motion and all we have before us to determine whether a person is eligible or not eligible, qualified or not qualified, was the CVs, the CVs that were in front of us. But, there is no way in which, as a parliamentarian, except based on the CV, to judge whether there is a relationship between the kind of performance required as a Commissioner of Police and what is there on the CV. A CV does not necessarily mean performance. We can write all kinds of CVs, but it does not necessarily mean performance. And I think it is very important. If we talk about a flawed process, then let us talk about what we parliamentarians are using in order to come up with a decision. In my respectful view, I think that in the whole

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process, what should have been paramount in the minds of KPMG and the Police Service Commission, is what is right in terms of the kind of leadership that the police service requires at this point in time. Madam Speaker, you can talk about strategic leadership, you could talk about policy-oriented leadership—

**Mr. Deyalsingh:** Madam Speaker, Standing Orders 48(1) and 55(1)(b). That has already been done by the Member for Oropouche East.

**Madam Speaker:** Okay, so again, Member for Tabaquite, I uphold and I will remind you, hon. Member for Tabaquite, we are not looking at KPMG and the process. I also think the Member for Caroni Central touched on the point of—and he put it in a different way but it is basically the same thing in that what we are asking for in a police commissioner, is not necessarily academic credentials but other things. So I think those points have been exhausted and I would ask you to go on to the other point that you have to make and please relate it to what is before us. Thank you.

**Dr. S. Rambachan:** Madam Speaker, the point I want to make—and I will end on this—is that this country needs an operational type of person in order to deal with the crime situation [*Desk thumping*] and the candidates presented so far from the CVs that I have read and the public knowledge of their performance, does not meet the operational style required in order to deal with that situation which puts our citizens under siege.

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

**The Prime Minister (Hon. Dr. Keith Rowley):** Thank you, Madam Speaker. My apologies for my late arrival, I was expecting that all Members were positioned to have their say, so I was taken a little bit by surprise that I had to stand up now.

Madam Speaker, I heard a lot today about Patrick Manning and I too want to

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add my piece about Patrick Manning because if one followed what was said here today, his famous statement that “they have to say something” would have been demonstrated here today. We said that there is a Motion before us and I was painfully short, I probably think, given what has been said, in trying to keep to the matter in front of us, but my colleagues “had to say something” and they said a lot, and now, I am forced now to have to respond to a lot of what they said so that the parliamentary record can reflect fact from fiction.

Madam Speaker, a lot was said about an apology from the Leader of Government Business and my colleague from Caroni Central said that the Government did not want a debate, and my colleagues want to congratulate themselves, that is okay. They want to take credit for something; that is okay. But what are the facts? Madam Speaker, for the record, the facts are that on Monday, the Leader of Government Business became aware that a correspondence had come to the House where a notification was made. That was Monday, the House was meeting on Monday. The Senate was due to meet on Thursday and Friday.

**Mr. Singh:** Correction, the House met on Tuesday.

**Hon. Dr. K. Rowley:** You! [*Crosstalk*] Madam Speaker, I started my presentation by saying that I was not in the House, I was out of the country, I was in communication with the Leader of Government Business. Monday afternoon—I think it was?—that the notification came. Was it Tuesday? [*Crosstalk*] Tuesday, Tuesday, Tuesday, sorry, my apologies. Tuesday, the notification came but the Order Paper that brought the House here on Tuesday did not have on it, notification. And I stand to be corrected on that, that was my understanding and I think that is the fact. I also knew that the Senate was meeting on Thursday with the possibility of the Senate meeting on Friday, because in my discussions with the

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Attorney General, the Senate was to go to completion to pass what was before the Senate. So Thursday and Friday were reserved to complete that matter that was going to the Senate. The next parliamentary day after that was Monday.

**Mr. Lee:** So what is “sine die”?

**Hon. Dr. K. Rowley:** Madam Speaker, “sine die” that my friend from Pointe-a-Pierre is holding on to, “sine die” means any day, it does not exclude any day and—*[Interruption and crosstalk]* Madam Speaker, please. Madam Speaker, under normal circumstances, we would have gone to recess on Friday but the notification came—she became aware of it on Tuesday. Am I being advised that we should have gone to recess and leave it hanging? We chose not to do that and we chose not to call the House on Friday with the expectation that that could have stymied the other place and the business that was concluded there.

So if my colleagues on the other side want to take that to mean that we are bungling and that we are incompetent and that is why you are here, that is what you think, we do not think so. We are here because we wanted to be here. *[Desk thumping]* And I keep saying over and over in this country, that people who do not know and always talk long, long, long, long, long on what they do not know, we knew why we were going to come here today, on Monday, because we did not call it on Friday and we came the first opportunity after that. And you come here and waste people’s time today, whole evening, talking about “the Government did not want to debate”.

Madam Speaker, the other one, another colleague from somewhere, we are prepared to engage—I am not even sure which of my colleagues said that but one of them said that. We are prepared to engage in as quick a time as possible and my question is: Since when? Let me remind you, Madam Speaker, because I am not



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reminding them. As Morris Marshall would have said, “stick break in dey ears”. Let me remind you, Madam Speaker. The last Commissioner of Police who held that job substantively here, was Dr. Gibbs and his colleague Ewatski. I think it was on the 1<sup>st</sup> of August, 2012, they were dismissed from office in midstream, they were dismissed from their position, they were paid millions of dollars and they left.

I was in this House and subsequent to that, on numerous occasions in this House and outside the House, I said to the Government then and to my colleagues, some of whom are still here, come to the Parliament any Friday with a replacement for this conundrum and you have the support of the Opposition. [*Desk thumping*] The record will show that. They never did. In fact, they went on saying that it is better to have somebody acting, they will work harder to get the job. That was the Attorney General speaking for the Government. And it was not that crime was not a problem then, you know, because crime was such a problem then, that they declared a state of emergency by accident.

**Mr. Lee:** Madam Speaker, 48(1), we are dealing with the notification. [*Crosstalk*]

**Hon. Dr. K. Rowley:** Madam Speaker, I am responding to what they said to me.

**Mr. Lee:** We did not raise the state of emergency in our debate. [*Continuous crosstalk*]

**Madam Speaker:** Okay, so Prime Minister, you may continue. Just remember this is not a debate on crime.

**Hon. Dr. K. Rowley:** Madam Speaker, with all due respect, I am taking part in the debate and I will follow every instruction you give me but as I preface and I present my thoughts, I will respond to what was put on the *Hansard* here today.

Madam Speaker, they are now saying to us and we are happy to hear it, that they are eager to change what is in place. Because what I did say earlier on, when I

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spoke, was that what we have changed it to, certainly has not made it better. So I am glad to hear that they have come to that position and that they are prepared to remove a simple—but in the meantime, in-between time, this is the law. So until the law is changed, we are required to follow the law. So today, even though we are expressing an intention to change it and for the first time, we are hearing from our colleagues, in treating with Mr. Phillips as the “recommendée”, we have to go with the law.

Now I know, Madam Speaker, they would like to blame the Government for everything. You heard the Government being castigated today: the Government’s incompetence, the Government this, the Government that. Madam Speaker, they are trying to give the public the impression that it is something that the Government did or did not do, why we are in this conundrum. Madam Speaker, let me point out to you where we are with respect to this matter. Madam Speaker, I want to quote for you the strictures of the law that hold all of us in place here today:

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

Section 3(e):

“the Commission shall then take into account all information on the candidates and thereafter establish an Order of Merit List;”

Whether we like it or not, whatever we want to do, whatever we intend to do, this is what the law says has to apply today. So the Commission has done that, not the Government. The Government has no role. I try to point out to you, Madam Speaker, how anxious the Government was in the beginning of our term. We discovered what we could not even initiate the process. When we took a little step

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forward to try to initiate the process, my colleagues went to court and challenged the initiation of the process and the judge cauterized that and they make it look as if the Government was doing the worst possible thing by interfering in the process. The Government has and had no role because the law does not give the Government a role.

But today, all my colleagues who spoke, fulminating about the Government's incompetence and the Government's bungling in a process in which the Government has no role. [*Desk thumping*] And some of them, "follow the law, follow the law", "you are breaking the Constitution" and having said that for 10 minutes, the next 15 minutes: "Try something, do something, come with something". I mean, I know it is vacation time but "yuh could ah gone in de beach" but we had to be here, conduct this business.

Madam Speaker, the law then says:

"the Commission shall select the highest graded candidate..."

So now, it puts a stricture on the Commission as to which candidate, which candidate? The highest graded candidate on the Order of Merit List and submit that candidate's name to the President—not to the Cabinet, not to the Prime Minister—in accordance with the procedure as set out in section 123 of the Constitution. It says nothing there about the Cabinet or the Government. The one authority in this country that has no role in this process is the Cabinet. The President has a role, the Commission has a role. It is only when it comes before this House that we, the Executive, begin to have a role.

So what was all this "story" about "the Government this" and "the Government that", —want to misinform the public again, as usual, because everything that goes wrong in the country: the Government, the Government, the

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Government. And when they were in Government, they sat on it and did absolutely nothing, and coming here today with all kinds of suggestions and solutions.

Madam Speaker, then it goes on. That Order of Merit List, even if we thought, as we thought or did not think that a new commission or the same commission would have been in place, we said here after the JSC report, take it back to the Commission, let them see what was unacceptable and let them review it. Today, I am hearing my colleague from Oropouche East, accusing me of Diego Martin West, that I gave instructions to the Commission to go and interfere with the process and the Commission is now acting under the instruction of the Prime Minister. That is the kind of thing they talk, hoping that anybody without sense would believe that. The vast majority of people in this country are intelligent people and will not fall for that, Madam Speaker, because no such thing happened. As soon as you reject one nominee on the notification, it automatically goes back to the Commission because the Commission is the only authority to proceed with it from there. But they “had to say something” even though it is not true.

And then, Madam Speaker, it says section 4:

“Use of Order of Merit List in certain circumstances”

That is section 4 of the Order under the Constitution. It says:

“Where the Order of Merit List is exhausted, the process set out in this Order shall be recommenced.”

Madam Speaker, so there is an Order of Merit List established at the Commission under law. They have not sent me a copy because they do not communicate to the Prime Minister. They have not sent the House a copy, I do not know. But what I do know is that the law says you will do this until the list is exhausted. So what is all this advice about, we do not know where it is going to end, we do not know what

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to do to, the Government brought no solution, the Government brought no proposal. Madam Speaker, it is cast in law that a merit list exists. And I am hearing from the text that they all read today, that the Commission said they sought senior counsel advice. Maybe they were thinking that the merit list could have been adjusted or could have been reviewed in some way or change, the senior counsel's advice that they got and others got is that that merit list under law exists and it has not been made obsolete. So what is all this advice to not follow the merit list but follow the law, the merit list is the law, and you coming here every day is the law, [*Desk thumping*] and you voting against it is the law, or voting for it, that is the law.

And you know they congratulate themselves as though they are making some discovery and they are standing in the public interest when all they are talking is hooey. Madam Speaker, it is here spelt out in the law and then it goes on in section 5 to say:

“Validity of...”—the—“Merit List”

And I am sure the senior counsel would have read this.

“Validity of...”—the—“Merit List”

Section 5:

“For the purposes of this Order, the Order of Merit List shall be valid for a period of one year.”

So the only thing we can look at in this House is when does that one year expire and the Commission will then tell us we have nobody else on the merit list. Only then, Madam Speaker, can the process be legally restarted. So all this advice about restarting the process and changing “de dis” and—only when that merit list is exhausted and only the Commission will tell us that. I do not know who is on the

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merit list, I do not know a name on the merit list, but what I do know is that the Government has no authority to interfere with the merit list.

And Madam Speaker, to come back to the point about the Leader of Government Business and, we did not want to debate. If I get up in this House tomorrow and say we should abolish capital punishment and that is the Government's position going forward, does that mean that it is abolished? Does it not mean that you have to have a process in the Parliament to change the law to do it? So all that the Leader of Government Business did was to indicate to the country early, to stop all kinds of mischief, that we will not be supporting Harold Phillip because he does not meet the condition that we will support. Simple as that.

And having said that, Madam Speaker, pretty talk this evening: "The Government should ah come with ah flight plan". I mean, "when yuh all gonna give up"? "You fight ah whole election campaign, Rowley not fit, yuh come today, no flight plan." This is the flight plan. [*Desk thumping*] It is called law. This is the flight plan. The flight plan that we are following is Legal Supplement Part B—Vol. 54, No. 128—16<sup>th</sup> December 2015. That is the flight plan. If you deviate from this, then we end up at a destination where even my colleagues in here will put on their self-appointed robes and run to court to challenge what the Government did. This is the flight plan, we are following the law. Now, they want to confuse me. Half of them are saying "follow the law", the other half saying "give me a new flight plan". You will not confuse this Government. [*Desk thumping*]

Then I heard another one, Madam Speaker, my honourable colleagues on the other side, saying that he is not supporting going back to the veto. Whoever said that? Who on this side ever advocated going back to the prime ministerial veto? "Put up ah strawman and try to shoot it down." Wasting our valuable vacation,

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fighting something that was never said. It was a point of departure what used to be, right? And of course, he goes on to say that we should start the process through a new merit list. Whoever said that? Where did that come from? How could you be following the law and at the same time saying, a new merit list?

The level of confusion—or I am going to be kind, I would not say outright dishonesty, I will say confusion and they just keep confusing the public over and over and over because they want to create an issue where none exists. If we have to come here three or four times because the Commission keeps sending people to us, that is what the law demands and those of you “who too busy, doh come” and the people will know who to send to the Parliament the next time.

**4.00 p.m.**

And the reason why we have come in the vacation, as we have come, is because this matter is so important, because we understand that we have to have a Commissioner of Police in place. You did not understand that for three years. [*Desk thumping*] “You come praising yourself about the appointment of, what is her name, Ms. Susan Craig. That was done because you was not here. If you was here it was ‘manima’.”

Madam Speaker, he comes quoting Michael Harris. Michael Harris is very concerned about what the Government’s credibility will be if the Government “do dis” and if the Government “do dat”; one week ago, you know, Madam Speaker. Last week Tuesday the Government made it abundantly clear, through the Government’s premier spokesperson in the Parliament, the Leader of Government Business, that the Government will stand by its position and will not be supporting Harold Philip.

One week later, Michael Harris writes some article about what the

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Government is going to do and they come here and quote Michael Harris. I want you to quote Michael Harris throughout, not just cherry-pick, because he writes some very interesting things about other things. So now that you have made him a Bible we will quote it in here.

Madam Speaker, we are getting advice because, of course, if you spend the whole evening criticizing, you have to give advice, because we are stupid so we do not know what we are doing. We have no plan. We are now in a spider web, we cannot come you. So you know what? You know what their objection is? Change the law. Change the law. So what they are inviting us to do, Madam Speaker, is to abandon the existing law and put ourselves into their hand to change the Constitution, so they could play the same kind of games they have been playing for the last two and a half years. No thank you.

I beg to move. [*Desk thumping*]

*Question put and negatived.*

### ADJOURNMENT

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn sine die.

**Hon. Member:** Are you sure about that one?

**Hon. C. Robinson-Regis:** Quite sure.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.03 p.m.*