

*Leave of Absence**Tuesday, May 29, 2007***SENATE***Tuesday, May 29, 2007*

The Senate met at 1.30 p.m.

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

Madam President: Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. John Jeremie S.C., Sen. The Hon. Hazel Manning, Sen. The Hon. Arnold Piggott, Sen Raziah Ahmed, Sen. Mary King, who are all out of the country.

I have also granted leave of absence to Sen. The Hon. Satish Ramroop, who is ill.

SENATORS' APPOINTMENT

Madam President: Hon. Senators, I have received the following correspondence from His Excellency the President, Professor George Maxwell Richards, T.C., C.M.T., Ph.D.

Hon. Members, I have six instruments, so with your permission I am going to précis them and I will simply give them to the reporter to have them put into the records. Is that all right?

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. OVERAND PADMORE

WHEREAS Senator Hazel Manning is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago.

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, OVERAND PADMORE,

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to be temporarily a member of the Senate, with effect from 29th May, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Hazel Manning.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 25th day of May, 2007."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MRS. JOAN HACKSHAW-MARSLIN

WHEREAS Senator John Jeremie is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, JOAN HACKSHAW-MARSLIN, to be temporarily a member of the Senate, with effect from 29th May, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator John Jeremie.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 25th day of May, 2007."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

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TO: MRS. MAGNA WILLIAMS-SMITH

WHEREAS Senator Arnold Piggott is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, MAGNA WILLIAMS-SMITH, to be temporarily a member of the Senate, with immediate effect and continuing during the absence from Trinidad and Tobago of the said Senator Arnold Piggott.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 29th day of May, 2007."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL RICHARDS, T.C., C.M.T., Ph.D., President and Commander-in-Chief of the Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MS. ROSE JANNEIRE

WHEREAS Senator Satish Ramroop is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ROSE JANNEIRE, to be temporarily a member of the Senate, with immediate effect and continuing during the period of illness of the said Senator Satish Ramroop.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 29th day of May, 2007."

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“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D., President
and Commander-in-Chief of the
Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: MR. ANTHONY SAMMY

WHEREAS Senator Raziah Ahmed is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, acting in accordance with the advice of the Leader of the Opposition, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ANTHONY SAMMY, to be temporarily a member of the Senate, with effect from 29th May, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Raziah Ahmed.

Given under my Hand and the Seal of the
President of the Republic of Trinidad and
Tobago at the Office of the President, St.
Ann's, this 25th day of May, 2007.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency, Professor GEORGE MAXWELL
RICHARDS, T.C., C.M.T., Ph.D., President
and Commander-in-Chief of the
Republic of Trinidad and Tobago.

/s/ G. Richards
President.

TO: PROFESSOR DAVID PICOU

WHEREAS Senator Mary K. King is incapable of performing her duties as a Senator by reason of her absence from Trinidad and Tobago:

NOW, THEREFORE, I, GEORGE MAXWELL RICHARDS, President as aforesaid, in exercise of the power vested in me by section 40(2)(c) and section 44 of the

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Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, DAVID PICOU, to be temporarily a member of the Senate, with effect from 28th May, 2007 and continuing during the absence from Trinidad and Tobago of the said Senator Mary K. King.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 25th day of May, 2007."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Overand Padmore, Joan Hackshaw-Marshlin, Magna Williams-Smith, Rose Janneire, Anthony Sammy and Professor David Picou.

PAPER LAID

Annual administrative report of the Siparia Regional Corporation for the period October 2005 to September 2006. [*The Minister in the Ministry of Finance (Sen. The Hon. Conrad Enill)*]

ORAL ANSWERS TO QUESTIONS

European Trade Mission (Details of Contingent)

52. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

With respect to the cultural contingent which accompanied the Trade Mission to Europe during the period September 06 to 22, 2006, could the Minister provide the Senate with:

- (i) the names of the countries visited by the cultural contingent;
- (ii) a detailed breakdown of the costs incurred;
- (iii) the names of the artistes and organizations that comprised the contingent;
- (iv) the amount of allowances/fees and other financial benefits received by each artiste and organization; and

- (v) the criteria employed for engaging the services of these artistes and organizations?

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, following the international exposure afforded Trinidad and Tobago through its participation in the 2006 FIFA World Cup finals in Germany last June, and coupled with the need to showcase the rich cultural heritage of Trinidad and Tobago, as well as position the country as a premium location for investment, trade and tourism, Cabinet in August 2006 agreed, inter alia, that a cultural contingent comprising 22 steel orchestra members, 14 Soca/Calypso/Chutney artistes/Dancers and two ministry officials that is, a total of 38 persons should accompany a trade and investment mission to Europe during the period September 6 to 22, 2006.

Cabinet also approved the sum of \$4,286,157 for expenses in respect of the contingent over the period.

With respect to part (i) of the question the countries visited by the cultural contingent which accompanied the trade and investment mission to Europe during the period September 06 to September 22, 2006 were: Ireland, Germany, Spain, France and the United Kingdom.

A detailed breakdown of the cost incurred as requested in item (ii) of the question shows the following:

Expenditure for transporting instruments, Port of Spain, London and return	\$ 92,503.04
Accommodation for 33 persons for 17 nights	\$920,040.00
Per diem for contingent members	\$279,167.50
Performance fees	\$451,400.00
Air fare for contingent members, Port of Spain/London and return	\$300,803.20
Expenditure in Europe—airfare to six cities, freight for steel pans, ground transport, cargo, logistics personnel and equipment rental	\$1,229,295.56
Departure tax for contingent members	\$ 3,100.00
European visas and brokerage fees	\$ 12,335.00

The names of the artistes and organizations that comprised the contingent are as follows:

23 members of the Exodus Steel Orchestra, Rain World Steel Band, Music Festival Champions 2005, nominated by Pan Trinbago:

Mr. Ainsworth Mohammed, Manager;

Mr. Earl Brooks, Jr., steelpan tuner;

Mr. Jamaal Lewis;

Mr. Kurt Edwards;

Miss Lisa Mc Clashie;

Mr. Stephen Pierre;

Mr. Kerron Ross;

Mr. Anthony Rose;

Mr. Kern Sumerville;

Miss Julie Williams;

Mr. Jeison Aberdeen;

Mr. Andy Husband;

Mr. Gabriel Fonrose;

Mr. Don Rampersad;

Mr. Clement Springer;

Mr. Errol Wickham;

Mr. Christopher Morris;

Mr. Michael Beharrysingh;

Miss Shivon Bourne;

Mrs. Susan Venus-Bourne;

Mr. Kenneth Joseph;

Mr. Gregory Mansano;

Mr. Roland James.

Seven Soca/Calypso/Chutney Artistes/Dancers as follows:

Mrs. Denyse Plummer nominated by the Trinbago Unified Calypsonians Organization (TUCO);

Mr. Kenrick Joseph, nominated by the Trinbago Unified Calypsonians Organization (TUCO);

Miss Oma Ramoutar, Shiv Shakti Dance Group;

Ms Anita Maharaj, Shiv Shaki Dance Group;

Miss Delores Alexander, Barataria Community Council;

Mrs. Natalie Joseph, Malick Folk Performers;

Ms. Jackie Davis, Phoenix Folk Performing Arts;

One liaison person, Ms. Jenny Lee;

Two officials of the Ministry of Community Development, Culture and Gender Affairs, Mrs. Patricia Henderson Browne, Community Development Supervisor I and Mr. Eric Taylor, Community Development Officer II.

The performance fees paid to the cultural artistes are as follows:

Mr. Ainsworth Mohammed, Manager	\$33,000
Mr. Stephen Bernard Pierre, tuner	\$33,000
Mr. Jamal Lewis	\$12,300
Mr. Kurt Edwards	\$12,300
Mr. Stephen Pierre	\$12,300
Mr. Kerron Ross	\$12,300
Mr. Anthony Rose	\$12,300
Mr. Kern Sumerville	\$12,300
Ms. Julie Williams	\$12,300
Mr. Jeison Aberdeen	\$12,300
Mr. Andy Husband	\$12,300
Mr. Gabriel Fonrose	\$12,300
Mr. Don Rampersad	\$12,300

Mr. Clement Springer	\$12,300
Mr. Errol Wickham	\$12,300
Mr. Christopher Morris	\$12,300
Mr. Michael Beharrysingh	\$12,300
Ms. Shivon Bourne	\$12,300
Ms. Susan Venus-Bourne	\$12,300
Mr. Kenneth Joseph	\$12,300
Mr. Gregory Mansano	\$12,300
Mr. Roland James	\$12,300
Mrs. Denyse Plummer	\$32,800
Mr. Kenrick Joseph	\$32,800
Mrs. Oma Ramoutar	\$12,300
Ms. Anita Maharaj	\$12,300
Ms. Natalie Joseph	\$12,300
Ms. Delores Alexander	\$12,300
Ms. Jackie Davis	\$12,300

The criteria used for engaging the services of these artistes included:

- The standard of performance to members of the cultural contingent displayed at home by proving themselves to be worthy cultural ambassadors of Trinidad and Tobago.
- The determination of the Government to expose the country's rich cultural mosaic, to large international cosmopolitan audiences and thereby support the objectives of the mission in respect of tourism, trade and investment.
- The availability and appropriateness of the artiste's material for showcasing to an international cosmopolitan audience.
- Outstanding artistes comprising groups of the Prime Minister's Best Village Trophy Competition.
- Nominations received from Trinbago Unified Calypsonians Organization and Pan Trinbago, the bodies responsible for the promotion of the national instrument, the steel pan and the calypso art form respectively.

Sen. Mark: Could the Hon. Minister indicate to this Parliament what tangible benefits have Trinidad and Tobago derived in the tourism, trade and investment arena since this very successful tour of these five European states?

Sen. The Hon. J. Yuille-Williams: I will be happy to answer such a question because the benefits are so many. I will be prepared to answer it either by a statement in Parliament or in response to a question. But since I may not get the other question I think we can bring a statement to the Parliament to let the country know the benefits derived from such a tour. We shall have that very shortly, because Cabinet has already approved the report on the mission.

World Cup/Germany (Details of Contingent)

53. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

- A. Could the hon. Minister indicate to the Senate the total number of persons inclusive of public officials, cultural practitioners and technical staff that comprised the contingent which represented Trinidad and Tobago from June 07 to 22, 2006 during the World Cup in Germany?
- B. Could the Minister also provide the Senate with:
 - (i) the names of the artistes and organizations that were selected; and
 - (ii) the criteria used in selecting the various artistes and organizations?

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, the 2006 FIFA World Cup Competition, the most watched sporting event in the world attracted over 20 million spectators and was held in Germany from June 7 to June 22, 2006.

Trinidad and Tobago was one of 32 countries to qualify to compete in the first round matches which in respect of our Soca Warriors were held in the cities of Dortmund, Nuremberg, and Kaiserlautern in Germany.

The Government of Trinidad and Tobago viewed this experience as an opportunity to ensure that full advantage was taken to market the country in the areas of tourism including sports tourism, trade and industry and culture during the World Cup games.

Trinidad and Tobago was expected to participate in the 2006 World Cup as the smallest nation ever to compete in this prestigious event. This outstanding achievement for a nation of our size attracted the attention and interest of the international community even before our Soca Warriors played their first game. As a consequence, Cabinet in May 2006 agreed inter alia, that a Trinidad and Tobago contingent of 129 persons comprising six public officials, 119 cultural practitioners, and four technical support personnel be selected by the Ministry of Community Development, Culture and Gender Affairs to participate in cultural activities associated with the 2006 FIFA World Cup games in Germany from June 7 to June 22, 2006. Cabinet also agreed that the sum of \$9,980,754 be identified to meet expenditure in respect of the contingent.

A total of 123 persons inclusive of public officials, cultural practitioners and technical staff comprised the contingent which represented Trinidad and Tobago in Germany from June 07 to 22 during the World Cup Competition.

The names of the artistes and organizations which were selected for inclusion in the contingent were as follows:

Public officials:

One Chef-de-Mission, Mrs. Roslyn Khan-Cummings;

One director, Mr. Eric Butler;

One Administrative Assistant, Mrs. Carlene Belmontes-Harry;

Three stage assistants:

Mr. Norvan Fullerton,

Mr. Michael Salickram

Mr. Michael Lucien;

Cultural Practitioners

Three Soca singers:

Mr. Shurwayne Winchester

Mr. Kees Diffenthaler

Mr. Iwer George.

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Four Calypso singers:

Ms. Mc. Cartha Lewis
Mr. Leroy Caliste
Mr. Morel Peters
Mr. Andrew Marcano

One Chutney Singer:

Mr. Samraj Jaimungal

Fifteen members of the Soca Band, Roy Cape All Stars:

Mr. Michael Lindsay
Mr. David Jacobs
Mr. Arnold Punnette
Mr. Marcus Ramsaran
Mr. Dexter Stewart
Mr. Roy Cape, Sr.
Mr. Roy Cape, Jr.
Mr. Garvin Marcelle
Mr. Carlyse Roberts
Mr. Anthony Boynes
Mr. Virgil Williams
Mr. Lyndon Kelly
Mr. Stephen Jardine
Mr. Thomas Patton
Ms. Rita Jones

2.00 p.m.

Twenty-five members of the conventional steelband, Phase II, Panorama champions:

Mr. Len Boogsie Sharpe, Mr. Franklyn Ollivera, Ms. Johann Chucharee,
Ms. Hapty Prince, Mr. Ronald Ashton, Mr. Dereck Boucaud, Ms. Akiela

Hope, Mr. Terry Bernard, Mr. Almond Rose, Mr. Mark Sealey, Mr. Keith Serrette, Mr. Jamal Glynn, Mr. Ronnie Collins, Mr. Steve Taylor, Mr. Anthony Franklin, Mr. Kenneth Harewood, Ms. Tiffany Joseph, Ms. Ashika Gaspard, Ms. Judy Noel, Mr. Dexter Wilson, Mr. Derek Ford, Ms. Jenessa Baptiste, Mr. Leason Jacobs, Mr. Wayne Pinder, Mr. Ronald Harrigan, the pan tuner.

Fifteen members of the Pan Round D' Neck steelband and the Defence Force Steel Orchestra:

Ms. Cheryl Ann Scipio, Mr. Roger Best, Mr. Dennison Reid, Mr. Barry Salandy, Mr. Dion Joseph, Mr. Marlon Edwards, Ms. Patrina Phillip, Mr. Randell Endeavour, Mr. Junior Stephenson, Mr. Dion Alleyene, Mr. Robert Tobett, Mr. Hayden Ifill, Mr. Sheldon Peters, Mr. Godwin Elie, Ms. Dorian Betaudier.

Five tassa drummers:

Mr. Sookdeo Sooknanan, Mr. Dinish Sooknanan, Mr. Andy Sooknanan and Mr. Sooklal Sooknanan.

Seven limbo dancers and drummers:

Ms. Kimmy Stoute Robinson, Ms. Jameelah Phillips, Ms. Aquisa Fredericks, Mr. Robert Taylor, Mr. Traves Eversley, Mr. Donald Noel, Ms. Xavier Philips.

Madam President, even though I have read individually the names of the limbo dancers and drummers, wherever they performed, all members of the contingent were part of the same act.

There were eight traditional mass performers:

Mr. Keenan Huggins, Mr. Augustus Telesford, Mr. Austin Wilson, Mr. Felix Edinborough, Mr. Ronald Alfred, Mr. Ashton Fornillier, Mr. Richard Reid and Mr. Dion Biggs.

Five chutney dancers:

Ms. Susan Badree, Ms. Neera Seenath, Ms. Candace Bedassie, Ms. Saranna Moonesar, Ms. Devani Ramnath.

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Ten costumed dancers:

Ms. La Donna Rouse, Ms. Samantha Flores, Ms. Sherma Burke, Mr. Stanis Wallace, Ms. Adanna Cobbier, Mr. Xiomara Radjman, Ms. Sanelie Renaud, Ms. Mandy Foster, Mr. Dalton Frank, Ms. Thalia Baptiste.

Eight “Moko Jumbie” performers:

Mr. Yusuff Bobb, Mr. Neilon Morris, Mr. Kareme Williams, Mr. Dexter Stewart, Ms. Kerry Kairam, Ms. Jonadiah Gonzales, Mr. Kenton Byron and Mr. Junior Bisnath.

Seven costume mas’ performers and assistants:

Mr. Leroy Prieto, Mr. Lionel Jaggessar Jr., Ms. Anra Bobb, Mr. Earl Thompson, Ms. Ann Marie Ryce, Mr. Keiron Sargent and Mr. Ian Baynes.

There was one liaison person, Mr. Junia Regrello; four technical persons, one show manager, Mr. Christopher Brathwaite; an Assistant Show Manager, Mr. Keith St. Cyr; one choreographer, Mr. Raymond Ross, and one wardrobe mistress, Ms. Raquel Darceuil.

The criteria used in selecting the various artistes and organizations are as follows—I will read them again:

- the standard of performance the members of the cultural contingent displayed at home by proving themselves to be worthy cultural ambassadors of Trinidad and Tobago;
- the determination of the Government to expose the country’s rich cultural mosaic to large international cosmopolitan audiences and thereby support the objectives of the mission in respect of tourism, trade and investment;
- the availability and appropriateness of the artiste’s material for showcasing to an international cosmopolitan audience;
- outstanding artistes from prize-winning groups of the Prime Minister’s Best Village Trophy Competition; and
- nominations from Trinbago Unified Calypsonians Organization and Pan Trinbago, the bodies which are responsible for promoting the national instrument, the steel pan, and the calypso art form.

Madam President, I am quite sure that Sen. Wade Mark knows the benefit derived from this cultural mission to Germany.

**German Contingent
(Details of)**

54. Sen. Wade Mark asked the hon. Minister of Community Development, Culture and Gender Affairs:

With respect to the contingent that went to Germany during the period June 07 to 22, 2006, could the Minister inform the Senate of:

- (i) the names of the cities that the contingent visited;
- (ii) the cost of accommodation and airfare for members of the contingent; and
- (iii) the amount of fees, allowances and benefits that each member of the group received?

The Minister of Community Development, Culture and Gender Affairs (Sen. The Hon. Joan Yuille-Williams): Madam President, I am unable to answer any more questions this afternoon. We will have to postpone to another day. Thank you.

Sen. Dr. Saith: She is asking for a deferral.

Sen. Mark: Oh, she is asking for a deferral. She is a bit tired or something? I have other questions.

Question, by leave, deferred.

Madam President: Question No. 68.

**Attorney General
(Role in Recent Matters)**

68. Sen. Wade Mark asked the hon. Attorney:

Could the hon. Attorney General provide to the Senate the following:

- (a) a comprehensive breakdown or account of his role in the Anti-Corruption Investigation Bureau; and
- (b) relevant information on his Office's role in the recent court matters involving Mr. Basdeo Panday and the Chief Justice Satnarine Sharma?

Sen. Mark: The Attorney General is not here at this time and I would like that one to be deferred. I want the AG to be here himself.

Sen. Dr. Saith: Just for the record, Madam President, we have the answer, but I would defer to the “king”. [*Laughter*]

Sen. Mark: That is very nice! That is very nice!

Madam President: Sen. Mark, if they have the answer, should we not—

Sen. Mark: No, no. I want the Attorney General here.

Question, by leave, deferred.

Madam President: You have question 69, but the Minister has asked for a deferral of all her other questions.

Sen. Mark: I thought it was this particular one that might have been a bit lengthy—question No. 54. I believe she is quite capable of doing 69.

Madam President: All right, Senator. All right.

Sen. Yuille-Williams: Let me formally request a deferral of the other questions under my name.

Madam President: One week or two weeks?

Sen. Mark: Madam President, let us be serious. The Minister has the answers to my questions. She said she is tired, virtually.

Sen. Yuille-Williams: [*Inaudible*]

Sen. Mark: You have to be tired because you are disrespecting this Senate.

Madam President: Senator, please.

Sen. Mark: Madam President, we go until 2.15 p.m.

Madam President: Senator, the Minister said she does not have the answer. She cannot give the answer.

Sen. Mark: She did not say that.

Madam President: She asked for a deferral so we have to assume she does not have the answers.

Sen. Mark: No, Madam President, we cannot assume that. [*Inaudible*]

Madam President: Minister.

Sen. Yuille-Williams: You are quite right. I asked for a deferral of two weeks.

Madam President: Because you do not have the answers.

Sen. Mark: This Minister has been constantly misleading you.

Madam President: No, no, no. Please! Please! I really do not think that you should be making that kind of statement. The Minister has given two answers, but she does not have the answer to two others and she is asking that the Senate consider two more weeks.

Sen. Mark: Madam President, I just want you to look at the bottom of the page.

Madam President: I know all of that Sen. Mark.

Sen. Mark: Madam President, she asked for a week.

Madam President: We know that Sen. Mark.

Sen. Mark: Now the lady is asking for another two weeks. That is totally unfair. I object to that.

Madam President: We note your objection, Sen. Mark, but there is nothing else we can do at this point. The Minister said she will bring the answers in two weeks' time. Let us move on.

Sen. Mark: [*Inaudible*] and I am saying if the Minister wishes one week, Madam President, I will support—

Sen. Dumas: No orders from you today! [*Inaudible*] [*Crosstalk*]

Madam President: Please sit down! Sen. Mark, the Minister wants to say something.

Sen. Yuille-Williams: Madam President, let me just tell you what happens to a question in a very disciplined party. There are a large number of questions and our Parliamentary Question Committee will meet and go through the answers. They are all Ministers with heavy workloads.

On Monday of this week, what was deferred from last week will go before the Parliamentary Question Committee. When the committee approves them, they will go to Cabinet for its approval on Thursday. I cannot read that question on Tuesday even though it is approved by the Parliamentary Question Committee on

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Monday. It must be approved by the Cabinet on Thursday and on Tuesday I will be able to read it. That is why I spoke in that manner, Sen. Wade Mark. We have a large agenda.

Madam President: We have a lot to debate. [*Inaudible*]

Sen. Mark: Madam President, these questions have been on the Order Paper for over five months, so who [*Inaudible*] [*Crosstalk*]

Sen. Montano: Why are we debating this? Under what Standing Order are we debating this?

Madam President: Please! I cannot have two Senators standing. You both know that, and you are just trying to be difficult!

Sen. Mark, I am aware, and all Senators are aware that these questions have been deferred. If the Minister does not have the answer, there is nothing we can do about it except to ask her please to bring the answer in two weeks' time. Can we move on?

The following questions stood on the Order Paper in the name of Sen. Wade Mark:

NCC TV

(Breakdown of Operations)

69. Could the hon. Minister of Community Development, Culture and Gender Affairs provide the Senate with a detailed breakdown of the operations of the NCC TV in respect of the following areas:
- (i) the number of employees and the nature of their employment;
 - (ii) the value of government's capital injection into its operations from its inception to the present time; and
 - (iii) the profits and losses experienced by the NCC TV since its inception to the current time?

Operations of NCC TV

(Government's Intentions)

70. Could the hon. Minister of Community Development, Culture and Gender Affairs inform the Senate whether there is any intention of the Government to discontinue the operations of NCC TV, to have it merged with the Caribbean New Media Group (CNMG) or whether the government intends to continue to operate indefinitely into the future?

Questions, by leave, deferred.

**WRITTEN ANSWERS TO QUESTIONS
(No Replies)**

Sen. Dr. Tim Gopeesingh: Madam President, there are a number of questions, like questions Nos 40 and 46, for written answer, which preceded questions Nos 53 and 54 which have not been replied to for the last three months. I would like to draw your attention to them so that you could draw the Government's attention to those questions.

Madam President: I have done that and I hope, through Sen. Dr. Saith, that we will get some of those written answers.

**NATIONAL LIBRARY AND INFORMATION
SYSTEM (AMDT.) BILL**

House of Representatives Amendment

The Minister of Public Administration and Information and Minister of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I beg to move,

That the House of Representatives amendment to the National Library and Information System (Amdt.) Bill listed in Appendix II of the Order Paper be now considered.

Question proposed.

Question put and agreed to.

Clause 3.

House of Representatives amendment read as follows:

In subclause (a), delete the words "30th June, 2007" and substitute the words "31st December, 2007".

Sen. Dr. Saith: Madam President, you will recall that we debated this Bill, I think, late last year, the purpose of which was to allow members of the staff of NALIS to have some more time either to transfer, go on assignment to NALIS, or to go back to their ministries.

When we passed it, we had assumed that June 30 would have given us enough time to do that. Unfortunately, the parliamentary agenda was such that by the time it came up in the other place—it was passed only last week—the remaining one month was not sufficient. An amendment was moved in the Lower House to

National Library and Info (Amdt.) Bill
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extend the period to December 31, which would allow the staff to take whatever steps they want to regularize their position in NALIS. The amendment is simple. It is to extend the period from June 30 to December 31.

Question proposed.

Sen. Mark: I have a copy of Act No. 18 of 1998, which establishes the National Library and Information System to provide for the development and coordination of all library and information services in Trinidad and Tobago and matters related thereto.

When I look at clause 20(1), [*Interruption*] I am referring to the amendment, I am not debating. I have a right to deal with the amendment. Madam President, you will see in the clause that is being proposed for amendment, the Government did, in the initial Bill that was passed in 1998, give a six-month period since the Bill became an Act. We are now in the year 2007. I ask Sen. The Hon. Dr. Lenny Saith: What are some of the reasons for this lengthy delay in getting the public officers and various workers to exercise their options as outlined in clause 20(1) of the Bill that gives life to NALIS?

A logical approach has been advanced and, even though we know that IR is very touchy and sensitive, I imagine that after seven years we still have these extensions taking place. What are the reasons? Will Sen. The Hon. Dr. Saith come back here very shortly with another extension? This has been going on for seven years. What is taking place now? Are workers unhappy with the various options that have been outlined in the law? We keep being asked for extensions.

I would like the hon. Minister to tell us, given the options that have been outlined in clause 20(1)(a), (b) and (c), how many workers have exercised their option to remain within this institution? How many have decided to move on or to be seconded to NALIS? How many have taken up employment in the public service at remuneration commensurate with that of the office held immediately prior; and how many have become eligible for the terms provided under the Pensions Act?

I think that the hon. Minister owes us an explanation of what happened in seven years, particularly with him at the helm of NALIS in the last five and a half years. Why have we not been able to convince workers to move on in the context of the law? I ask the hon. Minister to give us some clarification on this matter, so that we would be better informed.

Sen. Dr. Saith: Madam President, I will not be drawn in to being irrelevant as the hon. Senator is. This was debated. All the information he wants, if he goes to *Hansard*, he will see it; all the explanation why this is necessary was given. The original Act allowed for three years, two of which he was in charge. We came in 2006 in order to rectify that and extended it to June 2007. We did that and we thought that the legislative process would have been completed. It was not. We are now completing the legislative process. The staff needs to have this legislation in place to exercise whatever option they want to.

I beg to move that the amendment be accepted.

Sen. Dr. Gopeesingh: Would the Minister indicate to us, if he is willing to do so, what will happen to the officers working under the public service who do not elect to go across to NALIS? Where would they go and would they be retired under voluntary separation or would they go to another part of the public service? We did not have clear answers when we discussed this previously.

Another thing: Does the Government have a package that is well delineated for these officers going across to NALIS in terms of the gratuities and pensions they will receive? This is one of the major bugbears of transfers from government positions across to statutory authorities, state boards and enterprises.

It happened with the regional health authorities, so the same can happen with NALIS. I am sure the workers have questions about what will happen with their gratuity and pension. Will the terms and conditions be less than what are being given in the government service? Can they be fired? Would they be on contract or would they be on permanent employment? These are very important questions that the Minister should answer.

Sen. Dr. Saith: Madam President, once more, I refuse to be drawn into being irrelevant to the debate.

Sen. Mark: [*Inaudible*]

Sen. Dr. Saith: This is not the Public Accounts (Enterprises) Committee. You are not king here. [*Desk thumping*]

Sen. Mark: [*Inaudible*]

Sen. Dr. Saith: Madam President, we are debating—

Sen. Mark: [*Inaudible*]

Sen. Dr. Saith: Madam President, all the questions that the hon. Senator is asking, after I close the debate—I have my speaking notes here—I dealt with all of them when I presented the Bill. We want to change the date.

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Madam President, in accordance with the Standing Orders, I beg to move that the Senate agree with the House of Representatives in the said amendment as listed in Appendix II of the Order Paper.

Question put and agreed to.

RELATED BILLS

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, I beg to move that a Bill entitled an Act to amend the Constitution, be now read a second time. In moving the second reading of this Bill, I seek leave of the Senate to debate, along with this Bill, Bill No. 2 on the Order Paper, as they are related.

Madam President: What is the wish of the House?

Sen. Mark: I object.

Sen. Dr. Gopeesingh: I object, Madam President.

Sen. Mark: Madam President, may I—

Madam President: I do not need to. If there is one dissenting voice, then we cannot take them together.

Dissent indicated.

CONSTITUTION (AMDT.) BILL

Order for second reading read.

The Minister of National Security (Sen. The Hon. Martin Joseph): Madam President, I beg to move,

That a Bill to amend the Constitution, be now read a second time.

Madam President, you will be aware that on January 01, 2007 the Constitution (Amdt.) Act 2006 and the Police Service Act 2006 were proclaimed. Subsequent to the enactment of these two pieces of critical legislation, it was noted that there was a need for clarification on a number of issues and inclusion of other pertinent matters.

Coming out of the debate in 2006 on the Constitution (Amdt.) Bill, you may recall, Madam President, that due to some time constraints, it prevented this Government from treating with some of the proposals raised. Notwithstanding that, the Government had given the assurance that these proposals would be considered on another occasion.

Since the passing of the Constitution (Amdt.) Bill, the Government has been engaged in a number of initiatives to make provisions for the transitional arrangements relative to the implementation of the recently enacted package. One of these initiatives was the appointment of a senior planning group.

In April 2006, Cabinet granted approval for the appointment of a senior planning group to comprise one legal expert, one financial expert, one human resource expert, one law enforcement professional and one law enforcement professional with administrative skills. The senior planning group looked at the Constitution (Amdt.) Act, 2006 and considered all pertinent matters and addressed any issues that may have made the implementation of that piece of legislation difficult. During the exercise, a number of deficiencies were identified in this particular piece of legislation. It is against this backdrop that it became necessary to amend the legislation.

If I may remind you, Madam President and hon. Senators, these amendments were introduced into the Parliament on Friday, April 20, 2007 as the Constitution (Amdt.) Bill, 2007 and was passed in the other place with the full support of the entire House of Representatives. This Bill is now before this honourable Senate and represents the wishes of this Government and our friends in the other place.

I will deal with the Constitution (Amdt.) Bill, 2007, which seeks to amend the Constitution to effect certain consequential changes in relation to the operation of the Trinidad and Tobago Police Service and the Police Service Commission. The primary amendments:

- (1) expanding the appellant jurisdiction of the Police Service Commission with respect to matters of promotion;
- (2) expanding the authority of the commission to direct the Commissioner of Police to produce certain documents in relation to the management of the police service;
- (3) clarifying that reports on the management of the police service must be submitted in writing. The Bill said they must report every six months. One would have assumed that it was in writing, but we have now clarified to ensure that it is in writing;
- (4) restructuring the clause that treats with terminating the services of the Commissioner of Police and Deputy Commissioners of Police; and
- (5) exempting the Police Service Commission from the application of certain subsections of section 136 of the Constitution.

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Clause 5(a), if I may remind you, section 123 of the Constitution, as amended by the Constitution (Amdt.) Act, 2006, gives the Commissioner of Police “the complete power to manage the Police Service”. This includes the power to promote and confirm appointments and the power to remove a police officer from office in the exercise of disciplinary control. In particular, section 6 of the Constitution (Amdt.) Act, 2006 has empowered the Police Service Commission to, and I quote:

“hear and determine appeals from decisions of the Commissioner of Police, or of any person to whom the powers of the Commissioner of Police have been delegated, as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner of Police.”

2.30 p.m.

Inadvertently, this Government omitted to extend the appellate jurisdiction of the Police Service Commission to include decisions by the Commissioner of Police on matters related to promotion.

What the Constitution (Amdt.) Bill 2007, now purports to do is to give the Police Service Commission the power to act as an appellate body where an officer is aggrieved as a result of a decision made by the Commissioner of Police, on issues pertaining to promotion.

In the circumstances, therefore, the Police Service Commission will now act as an appellate body in matters dealing with both promotion and discipline.

Clause 5(b)—Another area addressed in this clause of the Bill pertains to the power of the Police Service Commission to monitor the efficiency and effectiveness of the Commissioner of Police and Deputy Commissioners of Police in the discharge of their functions. To assist the Police Service Commission in this regard, the commission will now be given the power to direct the Commissioner of Police to produce documents pertaining to financial, legal and personal matters, in relation to his management of the police service.

It was strange that there was some ambiguity on the side of the commissioners. Because the law, as it stands, allows them to monitor the performance of the commissioner and deputy commissioner. In monitoring the performance of the commissioner and deputy commissioner, it has to be in respect of how they discharge their responsibilities pertaining to the management of the police service, otherwise how would you be evaluating the performance of the commissioner and deputy commissioner?

However, it was felt that needed to be abundantly clear. Not only that, but it was also felt in the exercise of that responsibility, you must be able to summon any documents that the Police Service Commission feels it needs to have before it, in order for it to be able to evaluate the way in which the police service is conducted.

One would expect that the Commissioner of Police will have to indicate to the Police Service Commission, what are his plans and objectives for the performance of the police service at a strategic level and, perhaps, on an annual basis. It is on that basis the question of evaluating his or her performance would be done and decisions made as to how he or she continues to discharge the responsibilities. That was not clear and as a result we have now made it abundantly clear.

Not only that, we are also making the question of the Police Service Commission right, to summon whatever documents it needs to be provided with, so it can do that. This is what is being addressed when we talk about producing documents pertaining to the financial, legal and personal matters, in relation to his management of the police service.

It is felt that the Police Service Commission should have the authority to call on the Commissioner of Police to produce critical documents and records, in order to audit the legal, financial and personal functions within the Trinidad and Tobago Police Service, in the event that there was cause for concern regarding the efficiency and effectiveness of the Trinidad and Tobago Police Service. This will allow for one place, which is the Police Service Commission, where an in-depth overview of any problems within the Trinidad and Tobago Police Service can be reviewed.

Along those lines, let me, for the information of the Senate, indicate that there is a proposal now being considered that will allow for the appropriate staffing of the Police Service Commission, in the discharge of its new set of responsibilities. I would also like to indicate that is to kick in six months after the proclamation. The Bill was proclaimed on January 01, 2007. Six months means by the end of June, all the arrangements should be in place, in terms of the Police Service Commission, to discharge its new sets of responsibilities and also in terms of the Commissioner of Police. That is what was happening in the interim period, as it relates to making sure that the legislation becomes operational.

The senior planning group looked at all the details, with respect to the operation, recognized that these were some of the deficiencies. That is the reason some of these deficiencies are before us.

It is proposed that the Police Service Commission secretariat be responsible for a number of areas. The new Police Service Commission has proposed:

- Monitor progress towards accomplishing major priorities of the police service, as set forth by the Police Service Commission and the Ministry of National Security.
- Monitor and audit personnel and financial processes to ensure that the police service is adhering to pertinent laws and regulations.

This would be especially needed for promotions and disciplinary matters. This is in effect an auditing function and would require that the Police Service Commission have access to documents and meetings relevant to these processes for the purpose of observation and assessment.

- Appoint, evaluate and discipline the Commissioner and Deputy Commissioners of Police.
- Hear and determine appeals from police officers with regard to decisions of the Commissioner of Police regarding discipline and promotion.

As a result, the following functions are being recommended. That is in fact being reviewed now by the appropriate agencies within the Government:

- An appeals body:

The new legislation gives the commission the responsibility to hear appeals. This body will, therefore, hear appeals in respect to disciplinary and promotional decisions of the Commissioner of Police. It should possess personnel with expertise in law, management and human resource management.

- An audit bureau:

This bureau should have responsibility for conducting audit of personnel, financial and other record-keeping systems in the Trinidad and Tobago Police Service.

- Personnel to staff:

This unit should have expertise in financial rules and regulations of Trinidad and Tobago and knowledge of government accounting procedures of the Public Service of Trinidad and Tobago. This bureau is also needed to review the disciplinary procedures in the police service. Therefore, it must be staffed with expertise in law, as it relates to disciplinary processes.

- A research and evaluation bureau:

This bureau is required to evaluate the performance of the Commissioner of Police, Deputy Commissioners of Police and the police service according to criteria established by the police service, in consultation with the Police Service Commission, the Ministry and the respective officers.

This bureau would be responsible for developing criteria for evaluation, for consideration and approval of members of the Police Service Commission, drafting requests for reports from the commissioner regarding his and his agencies' performance, reviewing and evaluating reports received from the commissioner and other entities that may provide assessments of the police service to the Police Service Commission, conducting and producing independent evaluations of the commissioner, deputy commissioners and police service that are pertinent to the Police Service Commission's responsibilities and developing requests for proposals when the Police Service Commission wishes to engage with external consultants to acquire research and evaluation services and evaluating proposals received.

This bureau should be staffed with personnel with expertise in evaluation methodologies and competencies to conduct research, design data collection and analysis and data entry.

- A public education bureau:

This bureau would also be responsible for communication with all stakeholders about the commission's evaluation of the performance of the Commissioner and Deputy Commissioners of Police and by extension, the performance of the police service.

This bureau would also produce reports which would eventually be presented to the Parliament and subsequently be made available for public distribution.

The bureau should possess persons with expertise and experience in journalism, public relations and mass communications.

There is also a proposal with respect to how, and the number of personnel that should be employed to ensure that the new responsibilities of the Police Service Commission are efficiently and effectively discharged. As I said earlier on, that is being reviewed to make sure that the best use is made of the resources required and their synergies, in terms of the staffing. I am indicating to Senators the substantive progress made, as it relates to ensuring that the Police Service Commission is so organized.

There is also another proposal that pertains to the police service. There is a view that the commissioners should now be full-time commissioners, as it relates to the discharge. That also is a matter that is being considered.

You would recall that the functions—again to remind hon. Senators—of the new Police Service Commission, as listed in section 6 of the Act are:

1. To appoint persons to hold or act in the office of the Commissioner and Deputy Commissioner of Police.
2. Make appointments on promotion and to confirm appointments.
3. Remove from office and exercise disciplinary control over persons holding or acting in the offices specified in paragraph A.
4. Monitor the efficiency and effectiveness of the discharge of their functions, prepare an annual performance appraisal report in such form as may be prescribed by the Police Service Commission; resourcing and for the information of the Commissioner or Deputy Commissioners of Police; hear and determine appeals from decisions of the Commissioner of Police or any person to whom the powers of the Commissioner of Police have been delegated as a result of disciplinary procedures against an officer appointed by the commissioner.

We are also talking in terms of promotions.

The question is, if we are increasing the staff of the service commission, whether or not you will still need the commissioners to be full-time commissioners. The proposal is for them to be full-time commissioners. Again the question is, given the fact that we are moving towards increasing substantively, the staff of the commission, whether or not the commissioners need to be full-time. That is not before us. I thought I should make that information available to hon. Senators.

Clause 5(c) of the Bill also clarifies that upon request by the Police Service Commission, the Commissioner of Police must submit in writing a special report on any matter relating to the management of the police service. This requirement that the report be submitted in writing was not so specified in the Constitution (Amdt.) Act, 2006. One would expect that such an important report should be in writing. Notwithstanding, this amendment is to eliminate any ambiguity as to whether or not the report must be in writing.

Clause 5(d)—another important amendment is that which deals with the grounds upon which the Police Service Commission may terminate the services of the Commissioner of Police or Deputy Commissioner of Police. These grounds are:

1. Reported inefficiency based on one's performance appraisal reports.
2. Dismissal as a consequence of disciplinary procedures.
3. Being retired on medical grounds.
4. Being retired in the public interest.
5. Abolition of office.

These grounds aim to ensure a transparent process for the removal of a commissioner of police and deputy commissioners of police.

The amendment ensures that before terminating the services of the Commissioner of Police or Deputy Commissioner of Police, that the officer is given, where necessary, an opportunity to be heard before any decision to terminate his/her service is made.

Giving the officer an opportunity to be heard is in keeping with a public body's basic duty to act fairly. This duty is even more necessary where an officer's services are being terminated, particularly as a result of reported inefficiency on his/her performance appraisal report and/or dismissal as a consequence of disciplinary procedures.

Another amendment is that which deals with exempting the Police Service Commission from the application of section 136 of the Constitution. Clause 6 seeks to amend section 136(15) of the Constitution, to exempt the Police Service Commission from the application of certain subsections of section 136, that is subsections (5) to (11).

Let me briefly explain. The relevant provision, 136(15), states that subsections (5) to (11) apply to a number of entities, one of which is a service commission. This would include the Police Service Commission.

Subsection (5) provides that the salaries and allowances of certain office holders will be a charge on the Consolidated Fund.

Subsection (6) provides that after appointment, the salary, allowances, and other terms of service of certain office holders will not be altered to their disadvantage.

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Subsection (7) specifies the grounds of their removal.

Subsection (8) provides for the investigation of an office holder when the issue of his removal is in question.

Subsections (9) and (10) set out the removal procedure.

Subsection (11) provides for suspension from office, pending the decision whether or not to remove certain office holders.

Hon. Senators may recall that some of the matters mentioned in these subsections, which pertained to the Police Service Commission were addressed in the Constitution (Amdt.) Act, 2006. For example, grounds of removal and method of removal were dealt with in section 122A. As a result, section 136(15) no longer applies to members of the Police Service Commission, as it relates to matters concerning the removal of a member of the Police Service Commission. Exempting the Police Service Commission from the application of section 136(15) will mean that the protection afforded to members of the Police Service Commission, under section 135(5) and 136(6) would be lost.

The Government recognizes that it would be unfair to treat the members of the Police Service Commission differently to members of other service commissions as seen in the application of sections 136(5) and 136(6). Surely the members of the Police Service Commission have equal right to have their salaries and allowances protected and their terms of service, after their appointment, not to be changed to their disadvantage.

To this end, the Government seeks to amend section 136(16) to include the Police Service Commission under that subsection, which speaks specifically to subsections (5) and (6) so that what was taken away in amending section 136(15) is now returned.

These are the primary amendments to the Constitution (Amdt.) Act, 2006 as set out in the Constitution (Amdt.) Bill, 2007.

With that, I beg to move.

Question proposed.

Sen. Wade Mark: Thank you very much, Madam President. Before I make my contribution to this very important amendment to the Constitution, I would like to extend my heartfelt condolences to the families of former Senator Selwyn John, whose son, Dr. Russell John, was cremated yesterday after he was gunned down by criminals who entered his Madras Street office some time last week. He

was 35 years of age and a professional. He had a wife and two young children, ages five and two respectively. He perished under the bullets of criminals in this country. I would like to extend my sympathies to the former Senator on the passing of his son and I wish to extend condolences to his bereaved wife and family.

I also want to take the opportunity to record our profound sympathy to Dean Knolly Clarke whose brother, a Justice of the Peace, Asquith Clarke also perished two nights ago, under the hands of criminals, when they pumped several bullets into his chest. I would like, on behalf of the UNC, to record our profound sympathies to the families of these two fine citizens, who were doing nothing more than serving their country and performing their duties, so that we could build a better society.

Madam President, we have a Bill before us called the Constitution (Amdt.) Bill. This Bill did not drop out of the sky. I thought my colleague would have given the Senate some appreciation of how this Bill emerged and why we are amending it today, but he did not do it, for whatever motive he may have had.

I think it is important for us to note that it was as a result of meaningful consultation and dialogue with the Opposition, under the astute leadership of Mr. Basdeo Panday, who was later a target of vicious, political persecution in our country. He sat with the hon. Prime Minister and members of both teams and we hammered out, not only this Bill, but the Police Service Act, as well as the Police Complaints Authority Act.

Today we have come here to do what the hon. Minister has said: clean up and make some tightening up here and there, so that the Act could be operationalized. I think it is important that we examine the sequence of events leading up to this Bill that we are debating today.

You would recall that it was on March 27, 2006 the House of Representatives—after this landmark anti-crime dialogue and talks with the Prime Minister and his team—was able to hammer out a package of anti-crime or police legislation. That is after the Government had spent millions and millions of taxpayers' dollars to try to force us into supporting the measures that we eventually discussed, on the basis of mutual respect for each side. There was a giving and a taking and an exchange and we were able to arrive at a formula that we felt would be in the interest of our nation and our country.

The Bill was passed on March 27, 2006 in the House of Representatives. It came to the Senate, you were here, one day later, on March 28. We also deliberated and dialogued and it was passed. That is the package of measures: the

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Constitution (Amdt.) Bill, which is now an Act; the Police Complaints Authority Bill, which became an Act; and the Police Service Bill, which is now the Police Service Act.

Even though these measures that the Government of the day claimed, were absolutely essential and crucial to deal with the crime wave and the siege that criminals had our country and still have our country under, we were told—and the record will show, that it took this administration nine months—after getting passage of these important pieces of legislation that were critical to confront the criminals in our country—that effective management—and we agreed—of the police service is critical, crucial and vital to the delivery of the kind of service that the police ought to be delivering to the people of our country.

We said for the first time, we would give to the Police Commissioner, the power of control, where he can hire, fire, discipline and transfer police officers under his watch and his charge. He was given that authority for the first time, under our Constitution. Before, the power was delegated by the Police Service Commission. It was a landmark development in our country.

One would have thought that the Government would have moved with speed to effect and operationalize these pieces of legislation—Dr. Russell John, 35 years of age, a professional doing his duty, serving his country, a gentleman, a decent human being, a man full of life, energy and vigour—nine months after they were assented to, maybe the JP, Dean Knolly Clarke's brother would have been alive today.

It seems that these numbers who are perishing, as far as the Government is concerned, are mere statistics. They are not living human beings with families and friends.

My heart goes out to the family, because when I was at that service yesterday and I saw the young man in that coffin, at the age of 35, a professional whose father sacrificed as a trade unionist, on his meagre salary, to give his child an education. His child became a dentist. The wife was wailing, bawling and screaming and the two infants, 5 year-old, Lara and the other child two years of age, another girl—fatherless and husbandless. This Government took nine months, after we assented and supported the Government. It required a special majority. We gave the Government the special majority.

Do you know when this legislation was proclaimed after we passed it on March 28? It was proclaimed in December, I think it was on Boxing Day. The Minister of National Security could advise me exactly of the date it was

proclaimed. Why nine months later? Where was this so-called working group; the experts that you mentioned? By the way, who are these people? Minister Joseph, you owe us an explanation. Let us know the names and identities of these so-called people that you talk about; these five experts in this, expert in that and expert in the other. Who are these people? Are they nameless and faceless? We want to have their names.

Why did it take this Government that is talking about being concerned about crime, nine months to proclaim the three pieces of legislation that you have spent millions of dollars on, in order to force the country to force us to support the legislation? It is very, very sad.

One would have thought that the Minister of National Security and the Prime Minister of this country would have shown some respect when people, children, husbands and wives are being murdered, butchered massacred and slaughtered in this country. We are hearing that he would be getting a clean sweep. "The only sweep we hear he go have, is he go sweep Hazel kitchen". That is the only sweep he going to have. People are dying in this country, but the Prime Minister is talking about a clean sweep. People are dying every day. There is a sense of coldness, a brutal approach and callousness. Not a word from the Government on the slaughtering of Russell, not a word.

The Minister has indicated to us that there are five issues that have brought this Bill to this Parliament today. We are in the month of May. Nine plus five makes 14 months later and we are now bringing what is called cosmetic, yet important changes, and amendments to a piece of legislation that was almost the cornerstone of the Government's national security policy in this country. It was the lynchpin that they advanced to hold this country together and 14 months later we are now debating amendments. I am not too sure if I heard the hon. Minister correctly, but did I hear him say that by the end of June there would be an operationalization of the legislation; the Police Service Commission would be properly staffed and there would be resources for the Commissioner of Police so that he can do his job?

Instead of dealing with the living and being concerned about their livelihood, this Government prefers to engage in cheap politicking.

Do you know Indira Gandhi went to jail for using public funds for private purposes? I want to advise the senior members of the protective services that they should not become part and never become party to the PNM propaganda campaign for the next election using crime as the rubric, in order to draw in the

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Commissioner of Police and other heads of the protective services. They seem not to know their role. That is why some people are beginning to believe that the police service is being politicized. When we come to deal with the next Bill, I would elaborate on that particular point.

I was a bit concerned that a commissioner of police could write a letter. If you saw the release that he put out saying:

“I need to see you, Dr. Gopeesingh...”

Sen. Joseph: Madam President, on a point of order. The Senator specifically decided that we were not taking the two Bills together and as a result, the relevance of what he is introducing to this Constitution (Amdt.) Bill that is before us now—

Madam President: Yes. Senator, we are debating one Bill, because you did not want to debate both. I would like you to stick to this one Bill. Do not pull the Police Service Bill into this.

Sen. W. Mark: Madam President, I listened carefully to the hon. Minister. It seems like he is suffering from amnesia. He told us, a short while ago, the relationship between the Police Service Commission and the Police Commissioner and the Deputy Commissioners of Police. He made reference to that. I am making reference to the Police Commissioner in the context of this debate.

Sen. Joseph: With all due respect and on a point of order, he cannot substantively go into it. He can do it in passing.

Sen. W. Mark: No, no. You are not in charge of this Senate; it is the President who is in charge.

Madam President: Senator, please come back to the Bill that we have at hand. You know very well what you are supposed to do.

Sen. W. Mark: He is not in charge of this Senate.

Madam President: I will tell you when I am in charge.

Sen. W. Mark: You are in charge.

Madam President: I know.

Sen. W. Mark: Every time you come into my committee to disrupt it, then I will deal—*[Interruption]*

Madam President: Come back, please.

Sen. W. Mark: I would deal with that on another occasion. Why are they afraid? Is it because the Police Commissioner is becoming a party hack? Why do you not want me to debate that? Anyway let me go ahead.

Madam President: A point of order.

Sen. Dumas: Madam President, point of order. I am sure that it is the practice, where people cannot come here to defend themselves; direct reference to their behaviour should not engage us.

Sen. W. Mark: We must defend the Parliament. No Commissioner of Police has the right to attack any Member of the Parliament. He is out of order.

Sen. Dr. Gopeesingh: He is impertinent.

Sen. W. Mark: Totally.

Sen. Dumas: He is making allegations.

Madam President: Senators have the freedom of speech, but that does not mean that you should attack the character of others, so let us please be careful.

Sen. Montano: On a point of order. Standing Order 35 clearly says that a Senator should not bring into the debate Judges, or other persons engaged in the administration of justice. That would include the Commissioner of Police.

Madam President: All right, I made a ruling already, can we continue the debate, please?

Sen. W. Mark: I would stand in defence of the Members of Parliament either on the Government's side, the Opposition side or the Independent Bench. No police commissioner has the power to attack us. Anyway, let me continue.

Sen. Dr. Gopeesingh: He is rude.

Sen. W. Mark: We would move a Motion of privilege in a short while.

The hon. Minister indicated—[*Continuous interruption and crosstalk*] All right, we will deal with him at the committee stage. [*Interruption*] Of course, he is a political police. We want to know if the commissioner is a political commissioner.

Madam President: That is not for us to answer.

Sen. W. Mark: All right, the masses will determine that. May I continue? The hon. Minister said that, among other things, he was expanding the appellate jurisdiction of the Police Service Commission, with respect to matters of

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promotion. What he was saying is that this wise, visionary 2020 administration and their expert team were not able to discern, when they brought the legislation in the initial period, that you had to ensure that if you take action against a senior police officer, the Commissioner of Police and his deputies, as it relates to promotion, you must have a mechanism in place to ensure that the Police Service Commission is enshrined and is given that authority to determine the question of promotion within that rank of the police service. It is not only discipline as the hon. Minister said. We have now discovered that 14 months after—I cannot object, hon. Minister of Local Government, to a provision that is going to give the Police Service Commission the power to deal with matters of promotion. All I am asking is why did it take the Government 14 months to discover that particular weakness or deficiency in the legislation?

Could not the Government implement it as the hon. Minister of Labour, Small and Micro Enterprise Development has been implementing in parts on the Occupational Safety and Health Act? He did not promulgate the entire Occupational Safety and Health Act. He went in tranches because he wanted a transitional period, so people could get acclimatized to the new piece of legislation. Why could not the Minister of National Security adopt the same approach, where certain provisions of the law that we passed could have been effected? I am just asking. You will have a chance to respond.

They are now being given the power to administer and deal with the whole issue of promotion. If people believe that they are not being fairly treated, they are being bypassed and that there is too much politics at the hierarchical level of the police service, they can now go to the Police Service Commission to deal with their complaints or grievances.

We are also told by the hon. Minister, that the Police Service Commission is being given the power to direct and instruct the Commissioner of Police to produce certain documents in relation to the effective management of the police service.

I just hope that this thing works. The former incarnation of the Police Service Commission, delegated a humongous amount of authority to the Commissioner of Police. One hopes that—with this kind of power that is being given to the Commissioner of Police—upon the request of the Police Service Commission, the Police Commissioner would be in a position to produce the documents, in relation to effective management of the police service—that we have a competent, a professional, a person who understands managerial practices on a modern scale

and has a good grasp of human resource management practices and a multi-disciplinary approach to understanding how to manage a modern police service in our country, because we are not impressed with what is there now.

Let us hope that the Police Service Commission would be able to get the information that is requested. There is a consequential amendment. The Minister has indicated that the Commissioner of Police must report to the Police Service Commission every six months, so he can tell the Police Service Commission—I support a full-time commission. I believe that commissions should be full-time. I honestly feel that the Police Service Commission, with the kind of work they would have to do in this new dispensation, ought to be full-time.

When they demand reports and when the CoP knows under the law that he has to submit every six months, a report on the management of the police service, he is able to do in the interest of the population of our country.

We all recognize that one of the biggest problems—there are two major problems that we are faced with in this country—is that large sections of the population believe that the reason crime is out of control is because of the failure on the part of the Government to implement proper policies related to the security apparatus. In one instance, of course, it is multi-dimensional.

The other area that people are concerned about is the inefficiencies that exist in the police service today. Dean Knolly Clarke's brother made several reports to the police for protection. Do you know what? The police never responded. They never provided him with the kind of protection. I know of instances where people have called on the police and they have not responded. Why are they not responding? Is it because they do not have sufficient resources? Would the Police Service Commission and the Commissioner of Police have all the resources at their disposal to ensure that they effectively manage the police service?

Sen. The Hon. Dr. Lenny Saith who is a businessman would know that when you talk about effective management, it does not just lie with the head. It goes right down, in terms of systems and structures. You must have resources and personnel, to ensure when the people respond, make a call or cry out for help, the police could be there in a flash. *[Interruption]* You would get a chance to speak. You are my friend so I would not take you on today. Indian Arrival Day is some time soon. I have to say something about this later on today.

Hon. Senator: Tomorrow.

Sen. W. Mark: No, today. We will congratulate the community today. May I continue? I am continuing.

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We took 14 months, Sen. Padmore, to recognize that the Commissioner of Police should submit his report in writing. [*Interruption*] We were convinced when we agreed with you. We were convinced that is why we had discussions and dialogue and arrived at a conclusion and there was consensus.

Now we have new provisions in the law that talk about how the services of the Commissioner of Police and his Deputies' services are terminated: these top-ranking officers in the police service.

We are told on page 5 of the Bill, the grounds for termination.

“(c) reported inefficiency based on his performance appraisal reports;”

The Commissioner of Police and his deputies can be removed from office on the grounds of inefficiency arising out of their performance appraisal reports.

“(d) as a consequence of disciplinary proceedings;

after giving him an opportunity to be heard;”

We do not know if there are going to be separate regulations. These are public office holders. Loose language in legislation—I have not seen the regulations, maybe it is contained there, where they talk about after giving him an opportunity to be heard. We do not know what that entails. Is it an oral kind of exercise or would it be in writing? What kind of mechanisms would be employed to ensure that these officers are being given a fair chance when these matters of dismissal come up?

It goes on further to say:

“(e) where the officer holds a permanent appointment—

- (i) on being retired on medical grounds;
- (ii) on being retired in the public interest;”

His office could be abolished. These are grounds for the removal of the Commissioner of Police and his deputies, in this particular section of the Constitution (Amdt.) Bill.

I would like to ask the hon. Minister of National Security, when you look at the parent legislation, to tell us when would the Parliament expect nominations to come to this honourable Parliament? If this legislation is to be effected, as we are told, in the coming period, are we not going to be having a new Police Service Commission? If we are going to have a new Police Service Commission, we submitted as the Opposition approximately—last September—eight months ago,

our nominee to His Excellency. When we spoke with the President, months after, he had not, at that time received any nominations from the Prime Minister of our country. I do not know, as we speak, whether this matter has been corrected. It tells me whether the Government is serious about dealing with the police, crime and the kind of reform or whether it is really a “gambage”.

Sen. Dumas: Madam President, on a point of order. The Senator is bringing the President into the debate, in terms of his institutional capacity. I do not think that the conversations between the President and the Opposition, in terms of consultation on their tasks, are the subject of discussions in the Senate.

Madam President: Yes, that did seem to me to be out of place, Senator. You do not bring the President into your debate, please.

Sen. W. Mark: All I was asking is why the Prime Minister and the Government—We are not bringing the President, I agree with you. We do not want to bring the President into our debate. All I am asking—*[Interruption]* No, I agree with the President on this matter. Why, however, after several months, the Government, led by the Prime Minister, is yet to submit their list of nominees as requested by the Constitution, so that we can be in a position to sit in the Lower House and deliberate upon the personnel that should make up to the new Police Service Commission? That is the question we are posing. *[Interruption]* No. We can raise it here. We are Members of Parliament. The Lower House passed it and we passed it as well. It is downstairs for them to debate, in terms of discussion. We are asking why the Government has not acted—

Madam President: Senator, you are repeating.

Sen. W. Mark: The Police Service Commission, in accordance with the parent Act, shall:

“submit to the President a list of the names of the persons nominated for the appointment to the offices of the Commissioner or Deputy Commissioner of Police. The President shall issue a notification in respect of each person nominated under this section and the notification shall be subject to affirmative resolution of the House of Representatives”.

It is not only the issue of the members of the Police Service Commission, but we are also talking about the persons who are being put up or nominated for appointments, in respect of the offices of the Commissioner of Police and the Deputy Commissioners of Police.

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So, the Parliament has a role to play—the Parliament in the case of the House of Representatives—and all we are asking the hon. Minister of National Security is: Where are we with this particular provision? Could we expect by the end of this month or the end of June to see notification of nomination for appointments coming to the honourable House of Representatives? Would we be able to see that? The Government must be able to live by its word. It must be able to tell the country that it is serious about crime, and not give the people the impression that it is all about gimmickry and public relations.

Madam President, we have areas of concerns, and I hope that the hon. Minister would be able to bring about the necessary explanation or clarification to the areas we have mentioned in this very important debate that we are having on this Constitution (Amdt.) Bill, 2007.

Now, clause 6 of the Bill seeks to amend section 136 to exempt the Police Service Commission from the application of certain subsections of section 136. We are inserting after the words “a Service Commission” the words “other than the Police Service Commission”. So, section 136(15) should now read:

“Subsections (5) to (11) apply to the office of Ombudsman, a member of the Elections and Boundaries Commission, a member of the Integrity Commission, a member of a Service Commission other than the Police Service Commission, a member of the Salaries Review Commission and to such other offices as may be prescribed.”

Madam President, in subsection (16), after the words “apply to” insert the words “the Police Service Commission and”. So, we have the Government coming today with what it has described as tidying up of the legislation. We would like the hon. Minister to provide this honourable Parliament with an appreciation of what precisely would be required by the Police Service Commission.

Madam President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made, That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. Dr. T. Gopeesingh*]

Question put and agreed to.

Sen. W. Mark: Madam President, I do not think that I would take the entire 15 minutes. When the Minister indicated to us earlier in his presentation that the Government is moving in a very substantive way to improve the resources at the staff level of the office of the Commissioner of Police, we would like to know if he can share with us—the Government must have an appreciation of the level of resources that would be required to bring the Police Service Commission up to a level that is satisfactory for full operationalization of the legislation—the kind of resources that are required. What kind of personnel would be needed in order to bring—

Sen. Joseph: I do not want to take up your time, but I talked about the various bureaus, and I have indicated all of the various entities within the Police Service Commission that would be required. I said that what we are doing now is working out the numbers, in terms of the number of persons needed to be employed.

Sen. W. Mark: That is in the case of the Police Service Commission, but what about the office of the Commissioner of Police? Seeing that he is now taking on onerous responsibilities and duties: What plans do you have for him?

Sen. Joseph: We have to talk about that in the Police Service (Amdt.) Bill.

Sen. W. Mark: Well, I promise to allow you to speak on that. [*Crosstalk*] So, Madam President, all we are asking for is clarification, because this is our legislation, as much as it is their legislation. It was a joint effort on the part of the two parties aimed at improving the safety and security of the people of our country, and seeking to ensure that we can preserve life, limb and property of citizens of our country.

We are not impressed—with seven months to go before a general election in our country—or in anyway moved by the efforts on the part of this Government to instill the kind of confidence in the population that it has a plan to deal with crime in this land. We are not impressed, but the jury is out. We await the results, because we are not interested in old talk from this Government—all these so-called crime consultations that it spent hundreds of thousands of dollars on in terms of public relations.

Madam President, I would hope that this legislation that we are dealing with today, that the necessary structures, personnel and resources are imputed so that at the end of day, we could have effective delivery of quality service to the people of our country. People are crying out for effective governance! They want effective governance! They want a government that can deliver quality services. So, we need a police service as has been envisaged by this Constitution (Amdt) Bill with

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the resources, personnel, capacity and intellectual depth to deliver. We look forward, very shortly, according to the Minister of National Security to the full operationalization of these measures and we expect results. We expect fewer murders in our country. We expect to see young doctors like Russell John practising their profession without let or hindrance at their offices.

We would hope that when this Bill becomes law, we do not have a continuation of mayhem, murders and seizure of citizens by criminals in our land. We want to live in peace; we want to live without fear; and we want to go about our business in a way that we all would be happy and proud to be citizens of our republic.

We have identified with these issues. We have brought certain issues for clarification, and we hope, at the end of this debate, the hon. Minister would be in a position to further elaborate and clarify for us some of the issues that we have raised. I want to thank you very much for allowing me to make my contribution.
[*Desk thumping*]

Madam President: I believe there are no Independent Senators speaking. Is there anybody else on the Government side? Is there anybody else on this side?

Sen. Dr. Tim Gopeesingh: Madam President, we are here today to debate an amendment to an amendment of the Constitution (Amdt.) Bill. It seems as though every three or four months we will be coming to debate a new amendment on an existing amendment. We find ourselves very perplexed as to why this is happening. Previously, we thought we had a full debate on the issue of the Constitution (Amdt.) Bill. We also thought that we would have gotten some action from the Government pretty early since the Constitution (Amdt.) Bill, the Police Service Reform Bill and the Police Complaints Authority Bill were passed. The Minister indicated that these Bills were proclaimed in January 2007 and, suddenly, four months later, they have realized that they have to make amendments to the Constitution (Amdt.) Bill.

This Constitution (Amdt.) Bill was discussed in 2002 and it had a number of implications in terms of the civil liberty and freedom of individuals. When we started discussing this Bill in 2002—it was first laid in Parliament and then it went through a whole series of consultations. Sir Ellis Clarke led a tribunal to bring about recommendations—it needed certain changes. I think a fundamental change was that the Government wanted the Police Complaints Authority to be in charge rather than the Police Service Commission. That was debated and we did not agree with that suggestion. We had objected to the fact that the Police

Complaints Authority would have been allowing some form of political interference, and we argued strongly for it and it was changed. Today, the Minister of National Security has asked us for a number of changes that he is proposing.

Madam President, let me get to his presentation. He said that the Constitution (Amdt.) Bill has to allow the Police Service Commission to function closely with the Commissioner of Police; and to get information from the Commissioner of Police on issues of discipline and promotion from the Commissioner of Police so that an appeal tribunal could work effectively and function well.

I remember in one Joint Select Committee report which was tabled here not too long ago, there was marked difficulty in achieving a good relationship between the Commissioner of Police and the Police Service Commission. The Commissioner of Police was tardy in many instances in providing reports to the Police Service Commission, and that was well documented in the Joint Select Committee report. We are wondering what new would occur for the Commissioner of Police to be able to deal more effectively and closely with the Police Service Commission, when over the years there has been a disconnect between the Commissioner of Police reporting to the Police Service Commission.

So, the Minister has to tell us what mechanisms would be put in place to facilitate the Commissioner of Police to work effectively so that the Police Service Commission would be able to get the information that they need on a regular basis.

Now, we know that the Commissioner of Police would now have about 7,000 police officers before him to administer the whole question of performance management and performance management appraisal. I think Sen. Prof. Deosaran would agree with me that when we elicited on discussions with the Police Service Commission, there were two parallel arms operating in the police service with respect to the question of human resource management. One was managed by a lady who had a significant number of officers under her watch, but she was limited in scope in determining the areas she was looking at as far as the human resource management is concerned.

There was basically an absent human resource management capability within the police service. So, I want to ask the hon. Minister: How are we going to do a performance management appraisal of these 7,000 officers within the police service so that the Police Service Commission would be able to get the information with respect to the whole question of discipline and promotion, so that the appeal tribunal within the Police Service Commission would work

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effectively? The point I am making, hon. Minister, is if you have a manual system of performance management appraisal, and there is a split in the management capability within the police service that is not working well in terms of the whole management appraisal, when a police officer is disciplined or he feels that he has not been promoted properly or he did not get the promotion that he wanted, I want to proffer that the Commissioner of Police would not have substantial information and documentation as to why this officer was not promoted or disciplined. The whole aspect of management within there is very weak at the moment.

When we were debating this matter we asked what they were going to do in terms of improving the whole issue of human resource management, because what comes into that is the question of job descriptions. I am sure that the police service does not have job descriptions for any of the police officers. I am sure the hon. Minister would be unable to tell us whether they have job descriptions for the 7,000 officers—from corporals to sergeants to inspectors and from senior superintendent to deputy commissioner and to commissioner. There may be a job description for the commissioner. How are we going to evaluate these officers in terms of promotions? How are we going to evaluate these officers in terms of discipline? Have you put down something in writing so that they would be able to say these are the things that they are supposed to do on a daily basis or these are the things that they are supposed to do in the performance of their duties? This is a very important issue in this whole Constitution (Amdt.) Bill.

The hon. Minister talked about staffing and he said that the appropriate staffing for the Police Service Commission should be in place by June 30, 2007. We know that the Police Service Commission and all other service commissions throughout Trinidad and Tobago have been asking for an increase in staffing for a long time; and improvement in terms of personnel to assist them in their day-to-day function. This is why, in one of the Joint Select Committee reports there were almost 300 to 400 cases of indiscipline within the police service not being finalized and determined. These matters are still outstanding.

So, the hon. Minister has to indicate to us what kind of staffing we are looking at, and what the Police Service Commission will have at their disposal. As Sen. Mark indicated, and we concur on this side that we believe that commissioners in the Police Service Commission should be full-time, because there is a lot of work to be done. If the Police Service Commission, in conjunction with the Commissioner of Police department were working effectively and in tandem, we feel that the level of crime in this country would not be what it is today. Things are falling apart between both sets. The Commissioner of Police on one hand has

tremendous difficulties in managing his police service and, on the other hand, the Police Service Commission has difficulties in terms of doing the things that are required to monitor and evaluate the police service.

The Minister said that this should be in place by June 30, 2007, but here it is he is trying to give us information that we cannot accept. There is unreliability in terms of implementation by this Government and putting things in place so that they could function. We all know that the hon. Minister may have nice ideas and good intentions, but in terms of the implementation capacity within his own Government and, particularly, within his ministry, he would know that crime plan after crime plan has failed. So, with respect to implementation as far as appropriate staffing is concerned, he would have to advertise for this and persons would have to be interviewed. We have not seen any advertisements. When he said that appropriate staffing for the Police Service Commission would be completed by 30 June, 2007, I do not see this as a reality. That is just one month away, and there have been no advertisements as far as we are aware.

He said that the Police Service Commission secretariat would be responsible for a number of areas, which would be to monitor promotions in the police service and in relation to pertinent laws and so on. In terms of the relation to laws, we know that Sen. Seetahal S.C. mentioned at one time that the Commissioner of Police does not have a legal advisor around him, to assist him in answering difficult legal matters that come before him. I am sure if he had a legal advisor he would not have told him to send out such a rude media release about the need to see Mr. Gopeesingh now. That was very rude and impertinent. He should not have done that.

If we debate something in Parliament and he has a problem, he could have called me and said: "Sen. Dr. Gopeesingh, you have made some statements"—I substantiated the statements in my media release that I gave with two newspaper articles; one in the *Guardian* and another newspaper substantiated the statements that I made. I think if he had proper legal advice he would not have done what he did in that media release.

If he wants to question a Member of Parliament about something, he should have the courtesy to call that Member. Madam President, I have said enough on that matter. We know that the Commissioner of Police was wrong to interfere with the statements made in Parliament. He was outside of his scope and ability to interfere with statements made by the Parliament. He was trespassing and bordering on irresponsibility.

Sen. Dr. Saith: Take him to the Privileges Committee.

Sen. Dr. T. Gopeesingh: I will. I am considering my option of taking him to the Privileges Committee. I will be sending a letter to Madam President pretty shortly. I was speaking about legality.

The Minister said that one of the issues with the Police Service Commission secretariat would be monitoring of the police service in relation to pertinent laws. As far as we understand, the Police Service Commission does not have the capacity, at the moment, to get legal advice on a number of matters. I do not know whether that is still occurring, but as far as we are aware, it seems as though the Police Service Commission is on its own working without that type of facility and advice that they need from time to time.

Now, the functions of the Appeal Board of the Police Service Commission are to look at disciplinary matters, promotional matters, law, human resources and management. Madam President, it is all pie in the sky. We made an agreement with the Government to ensure that the Constitution (Amdt.) Bill and the Police Service Commission (Amdt.) Bill are passed.

The whole process of appointing members of the Police Service Commission should have started a long time ago. We find it untenable that the new law had been proclaimed in January. We have no evidence of the Government's determination and willingness to nominate members to serve on the Police Service Commission. So, if they have not nominated members to serve on the Police Service Commission which has to come to Parliament, all these issues about law, human resources and management; where are they going to get these people? The election would be called and we would be in government, and we would have the responsibility then and we will do it faster than they have been able to do it. *[Interruption]*

Well, in essence, you have esoteric ideas, and you have things that you want to do, but you have not been able to accomplish and implement them. Madam President, you know, the Government is weak with respect to implementation. They are dismally weak on implementation.

Madam President: Do not pull me into the debate.

Sen. Dr. T. Gopeesingh: I am not pulling you into the debate. I am just speaking about the lack of implementation and the incapability of this Government to implement any area whatsoever. You see this in health, education, infrastructure and also in economic non-performance as well. It is pervasive. It is only promises after promises. So, we have promises here with this Police Service Commission (Amdt.) Bill and we know that nothing would be implemented.

The Minister talked about an Audit Bureau. When Sen. Mark asked the hon. Minister about the areas where he is going to improve the Police Service Commission he said—the hon. Minister talked about an Audit Bureau, a Research and

Evaluation Bureau and a Public Education Bureau. Madam President, the Commissioner of Police who is supposed to have a strong team—every day you see them trying to tell the population about certain cases that are before the courts and explaining to the population certain criminal matters that they are investigating. They are weak on these matters and the population really does not buy in to their public image gimmickry that they are exercising. So, the population does not believe them, because they are saying one thing one week and another thing the next week.

We want to ask the hon. Minister: Where is this Audit Bureau? Where is this Research and Evaluation Bureau? How could you evaluate persons when you do not even have a human resource management plan in place? He knows that. It is a real joke that we are talking about a Research and Evaluation Bureau within the Police Service Commission. You have all these nice names for management-type situations. We know that the hon. Minister is trained in management, so he brings nice superfluous language in terms of management style, but these cannot be transferred into practical reality whatsoever. Anyone of us could get up and talk in management language, but to transfer that thinking in terms of what you really desire into practical reality is far-fetched. In medicine we called it a “Nike’s” move. That is when you have one thought here and you jump to another thought without an intervening trend in-between. That is a psychiatric type of talk; it is “Nike’s” move. So, Madam President, we have no difficulty with the full-time commissioners.

With respect to the removal of officers and preparing an evaluation report—*[Interruption]* I have jotted his points in a logical order, and I am responding to them in that same order in which he gave them—and as far as we are aware, the Commissioner of Police has never prepared an evaluation report. I have a Police Service Commission Report for 2004 and it has compliance by the Commissioner of Police with delegated authorities. This is what the Police Service Commission report of 2004 said. We are discussing the Constitution (Amdt.) Bill which would allow the Police Service Commission to have an appeal tribunal, and they have to work in tandem with the Commissioner of Police. It says here:

“The compliance exercised by the Commissioner of Police with the authority delegated to him by the Commission has not been consistently timely. Over the last year, the Commission has addressed this question with the Commissioner through regular structured meetings. The situation has improved but continues to fall short of the ideal. The Commission is aware of the tremendous responsibilities and duties that fall on the Commissioner.

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However, untimely compliance with certain delegated responsibilities undermines efficiency, morale and quality performance.

The Commission perceives the tardiness in compliance as a personnel/management issue which impacts on its work.”

We can come and speak ad infinitum about the relationship between the Commissioner of Police and the Police Service Commission. He has 7,000 officers to look at, and he has to look at promotion, discipline and evaluation of his force which you know is not going to happen. We continue day in and day out with the inefficiencies in the police service.

So, the Police Service Commission with its appeal board and appeal tribunal and so forth has to look after police officers who are aggrieved within the police service and we know they would not be able to do it. It is going to fall flat and end up with judicial review, and the courts would be flooded with judicial review, because the Police Service Commission would not be able to get the reports from the Commissioner of Police and everything would go haywire. So, to bring this piece of legislation and say this is what they are going to do, we know it is untenable and it is a joke.

He said that upon request by the Police Service Commission the Commissioner of Police must submit the report in writing. We said so originally when we were debating this Bill. I remember we asked them to put it in writing, so that the Commissioner of Police would submit his report in writing. So, any commissioner of police could have gone and spoken to the Police Service Commission and say this is what is happening, but if it is not in writing it is not going to have any legal effect. So, you have realized the major faux pas that you have made and you are now coming to ask us to agree for the Commissioner of Police to put things in writing to the Police Service Commission.

Hon. Senator: Do you agree or disagree?

Sen. Dr. T. Gopeesingh: We agree on that. That is what we said earlier on. We said that should have been put into the Bill. With respect to the grounds for termination, the Police Service Commission may look into the inefficiencies and disciplinary proceedings within the Police Service Commission, but how would the Commissioner of Police be able to improve his performance? Whether it is a new Commissioner of Police which can be contracted as a Commissioner of Police, according to the new Act, how are they going to improve his performance? Has the Minister really looked at that? The Minister is a management expert. *[Interruption]* You spoke in management terms. The Minister is a management

expert, but I think if he searches himself he would not be able to give a reasonable explanation to this Senate as to how a commissioner of police is going to be able to improve the service in its present-day configuration and structure, and to look after 7,000 police officers with the multiplicity of disciplinary issues that confront him on a daily basis. That commissioner of police would be swamped with all the efforts of the Police Service Commission. It does not matter how well they are configured, they would not be able to get the desired outcome in terms of looking after discipline and promotion within the police service.

The idea of the Commissioner of Police being disciplined or retired on public grounds, I think we need some explanation on that matter. We could understand the Commissioner of Police retiring on medical grounds, but the commissioner of police being retired on public grounds; what does that really entail?

He said that the officer must be given an opportunity to be heard, but to be heard, how? Is it in writing, orally or both? The same way that you are asking us to put something down and to agree that the Commissioner of Police must put forward the issues to the Police Service Commission in writing, how would the Commissioner of Police be given an opportunity to be heard? Is it in writing, verbally, or both? This matter needs to be looked at before you come and ask for another amendment to an amendment.

Madam President, I think I have exhausted my issues on the Police Service Commission except in one part of the Constitution. They are asking for a member to be appointed to the Police Service Commission, and as it is at the moment, no person who has a criminal charge against him or her could be appointed as a member of the Police Service Commission. In this Bill before us, you are now asking us to agree to appoint someone to the Police Service Commission even though a conviction is on that person, but the conviction must be greater than six months for him not to be able to sit on the Police Service Commission. Why did you introduce that? We believe that anyone who has a conviction registered against him—whether it is less than six months or greater than six months—should not be able to sit on the Police Service Commission. I think what you are asking for is wrong. We would not go with that.

Madam President, this is my contribution on the Constitution (Amdt.) Bill. Thank you very much. [*Desk thumping*]

Sen. Dr. Jennifer Kernahan: Madam President, I just want to thank you for the opportunity to contribute a few thoughts on the Bill before us, the Constitution (Amdt.) Bill, 2007. The United National Congress (UNC) has been very clear that constitutional reform is fundamental to the necessity of taking this country to a

higher level of development. There are those who scoffed initially at the idea of the need for constitution reform but, do you know what? The same persons who scoffed for years at the need for constitution reform in this country went secretly behind the population's back and produced a whole brand new constitution which was rowdily rejected by the population; both on the grounds of the process being flawed and in terms of the draconian content of that constitution.

Madam President, what has happened is that this country has been allowed to degenerate to a state almost of social anarchy. Imagine, coming to this debate today, and the Leader of Opposition Business in the Senate had to make reference to citizens who have suffered the trauma of losing loved ones; young persons with their whole life before them and so forth. In such a short period of time, we are being hit day after day with new trauma, new deaths and new losses to the human resource of this population which is a most fundamental resource.

Madam President, because of all these criminal activities that have been allowed to flourish and develop in our country—both at the level of the communities and at the level of white collar crime—we have seen the need for constitution reform with respect to the police service; the operation of the police service; and the Police Service Commission. These matters have come to the forefront as the most urgent pieces of legislation to reform the Constitution.

Madam President, there are so many levels at which this Constitution of ours needs to be reformed to really bring true democracy and participatory democracy to the people of Trinidad and Tobago. This is a piecemeal approach; it is an ad hoc approach; and it is an after-the-fact approach, and we are forced to participate in this approach, because we are not in a position to do otherwise. After the next general election, we are going to see a comprehensive approach to constitution reform in this country by a UNC government.

The Constitution (Amdt.) Bill made several important changes with respect to the way the police force is operated and the role of the Police Service Commission. One of the important advances that we saw in the Constitution (Amdt.), Act 2000 that we are amending today is the fact that clause 5(d) of the Bill in subsection (2) says:

“The President, in the exercise of his power under subsection (1)(d)... may consider the report of a Joint Select Committee...”

We are amending today to include “the Police Service Commission” which was laid in Parliament in furtherance of subsection 66(a)(1)(e) and (b).

Madam President, the point is that an important advance was made, because it says here in this amendment in 2006 that the report of the Joint Select Committee of Parliament may be considered by the President in order to make his decision. That is important. We have recognized that the Joint Select Committees of Parliament are important institutions, and now the Police Service Commission is an important institution in helping the President to make his determinations and decisions. The power of the Police Service Commission was also spelt out in the amendment of 2006, and it has been elaborated upon in the amendments before us.

I would like to concentrate on clause 5 of the Bill before us which deals with the reports in writing that are necessary here, and which the Minister has brought. It says that the Commissioner of Police must submit reports to the Police Service Commission on the management of the police service, and the Police Service Commission would have the power to call on the Commissioner of Police to produce documents pertaining to financial, legal and personal matters in relation to the police service.

With respect to the whole question of reports and the reporting formats and so forth, in the first instance, I want to ask the hon. Minister—since the Commissioner of Police is given wide power in clause 6 of the Constitution (Amdt.) Bill, 2006 to deal with issues of discipline, we now have the issue of promotion in the police service. I would agree totally with my colleague, Sen. Dr. Gopeesingh that it imputes a whole area of resources that we have not seen spelt out here. I do not know where we would have access to that—legal resources, infrastructural resources and administrative resources. This is a whole new institution.

The Commissioner of Police is no longer just a person. Given the Constitution amendment that we have seen in 2006 and in this amendment, the institution needs infrastructural support so that the Commissioner of Police would be able to deal with these issues that are now squarely on his plate.

The Minister comes here today and tells us about the infrastructural support that would be given to the Police Service Commission, but there was no mention about the infrastructural support that is necessary for the Commissioner of Police. It says in the amendment before us, just as an example, in clause 5(b)(6):

“For the purpose of subsection (1)(d)—

- (a) the Commissioner of Police shall, every six months, submit a report in writing to the Police Service Commission on the management of the Police Service;”

That is how the Bill is phrased. I want to ask: What aspects of management are we talking about here? Management is such a wide terminology. What exactly is the Commissioner of Police expected to put in this report? What aspects of management are we talking about here? I have not seen it referred to in any part of the Bill or in any of the schedules of the Bill and so forth. Would the Commissioner of Police be required to produce a strategic plan for the police service? Would it be on a yearly basis or biannually; what intervals would the Commissioner of Police be required to produce a strategic plan? Would the Commissioner of Police be required to have within the strategic plan measurable objectives and parameters by which the Police Service Commission would be able to adjudge success or failure of this strategic plan? Would he be required to put targets into this plan? When you talk about the Commissioner of Police every six months reporting to the Police Service Commission on the management of the police service, is this what you are talking about? Would the Commissioner of Police just write whatever he feels to write in this so-called report?

This is a very important point. We have had that experience with joint select committees where we had to actually specify all the subheadings and so forth in a particular report, otherwise they would give you anything they feel. They would give you any information that might be irrelevant to the points or your areas of interest, and then you have to send it back and say you do not want this and you do want that and so forth. So, when you are talking about reports in this very loose language, you have to be very specific with some kind of format.

What are the aspects of management you are talking about? Is it target, fulfilment of quotas by the different divisions in the police service, or is it by division, region, constituency or community? What are we talking about here in terms of the performance of management of the police service when we talk about this? This is something that is of interest to me. We face this every day when we write to any particular body for a report. You have to tell them exactly what you want in the report and the format of the report. You have to tell them the kind of information in your areas of interest. Unless we are doing that, it is just words on a piece of paper. One Commissioner of Police would just scribble off maybe two pages; another one would give you ten pages; and somebody else would give you a whole book. What is the concept behind this request? The same refers to the special report.

We have come to this Parliament here to make a big deal about putting this special report in writing, but if we do not have a proper concept of what this special report should consist of, like the areas of interest and exactly what you are

going to talk about in this special report; is it things that would come up like emergency issues? There is no point in using up reams of paper to produce reports that have no interest, no relevance and do not push the whole concept of managing management of the police service forward.

Madam President, if we are talking about management, we are talking about pushing things forward like reports that would give us targets that are met or that are not being met. Why are they not being met? The Commissioner of Police would need to meet his targets and so forth.

Coming to the issue of resources, there is a clause in the 2006 Bill that says that the Commissioner of Police must use, in the most effective manner, the resources that he is given to run the police service. I was wondering about the resources for the Commissioner of Police. Is he going to spell out the resources that he needs? Is he going to get all these resources that he needs to run the police service? All the complaints that have been coming from inside the police service and the reason they cannot function is that they do not have the resources.

We have articles in the newspaper every day when people call a police station to say that there has been a robbery, murder or some emergency in their communities, the police would say that they have to get a car and so forth. They do not have the resources like cars and so forth.

There was an article in the newspaper recently where people were wondering why VMCOFF—the organization that is supposed to manage the resources, in terms of transport for the police service—is not functioning. Why are the vehicles that go there not repaired and given back to the relevant agencies and so forth on time so that people can function properly and service their communities and so forth?

So, Madam President, this question of resources is very important. Is the Commissioner of Police going to get the kind of resources that he needs to do his job? Is it that the institutions that we have set up to ensure that these resources are available are going to function? If you are going to have the Commissioner of Police responsible for making sure that police stations have cars and drivers and so forth, and you have VMCOFF functioning in opposition to that and not supporting that move, then we are back to square one. What we are going to get in all these reports every six months would be the same old litany—I do not have the resources; I cannot function; I cannot meet the targets; and I cannot meet the objectives because the infrastructure is not there. This is because of the incompetence of this Government—square pegs are always put in round holes. People are not called to account and everything is a laissez-faire, laid-back attitude.

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I am certain that this situation is not going to change overnight. A leopard does not change its spots. This Government does not care about delivery, competence and performance. They are not going to put the institutional and infrastructural resources that are necessary to support the Commissioner of Police in his new function, and then they are going to blame everybody else, but not themselves. [*Desk thumping*] They would say, it is not us, it is the Commissioner of Police who is inefficient and then they are going to look for a way to move him. A whole charade is going to take place here. This is what is going to happen. We know the people that we are dealing with and we can predict these people because they are very predictable.

Over the years their attitudes have not changed; their ideologies have not changed; and their modus operandi has not changed, and we can predict what is going to happen. We can predict what is going to happen with the Commissioner of Police with respect to these resources.

So, Madam President, all this old talk about a report every six months and so forth, I can predict what that report would say—I do not have the resources to perform my function. That is what is going to happen in this country under this Government.

Sen. Dr. Gopeesingh: It is esoteric.

Sen. Dr. J. Kernahan: Although we are here to support this Bill—because we have played a very great part in bringing this Bill to fruition, we want to see this country move forward; we want to see the crime rate decrease; we want to see criminals behind bars; and we want to see white collar criminals as well as community leaders whom they have hold up as exemplars in this society under control—we are very much afraid because with their laissez-faire attitude and they being in bed with the criminal elements, they will not give him the means to do what he has to do. We will be back to square one unless the UNC does what it has to do and take government in this country. I thank you. [*Desk thumping*]

Madam President: Hon. Senators, we would suspend for tea and we will return at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam President: I do not think we have any other speakers, so Minister.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Madam President. Let me first of all start by thanking Members on the other side for the contribution that they each made to the debate. It is always interesting that, as I indicated, this matter was debated in the other place, and while both places are completely different, the contributions themselves were also very different.

Let me attempt to address some of the matters raised by my hon. colleagues on the other side and let me start with Sen. Dr. Kernahan first. Sen. Dr. Kernahan raised the whole question about the operational aspects, and she asked whether or not all of the various—and summarizing, the question about the support systems and specifics as it relates to how are the reports going to take place; whether they are going to be strategic.

In introducing the Bill, I briefly indicated the intention is that the police service and the Commissioner of Police will determine the strategic direction; will have to identify what are some of the issues that need to be addressed and the extent to which the police organization is in fact addressing them. That is the reason we made certain that provisions for the requesting of certain documents, et cetera be made available.

We also talked about the previous experience, as it related to the operations of the Commission, et cetera. It is precisely because of that, Madam President, hon. Members, that we have taken a decision to go in a particular way. It is kind of ironic that you were saying that you want the Police Commissioner and the leadership of the police organization to be responsible and accountable for the performance.

You would recall that when reviews and criticisms had been levied against our police organization, especially when comparisons were being made when Giuliani came here and was talking about what we needed to be doing; you are talking about accountability. We are talking about making sure that the Commissioner is responsible for his shop. Now that we are doing that, you are saying you are not so sure if he can do that and whether he can handle 7,000 people. [*Crosstalk*]

Madam President, we have taken a strategic decision; we are moving in a particular direction; we are ensuring that the mechanisms that would ensure that legislation can be operationalized; that those things are being put in place. We sat here and were criticized for why it took so many months, et cetera. Part of the reason why it took some time, Madam President, hon. Members—not that we are making excuses—was to ensure that all the necessary support mechanisms are

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there to ensuring the Commissioner, in the first instance and I indicated that there were certain areas; we are strengthening the Police Service Commission. For the first time the Police Service Commission is going to be organized in a way that will give it the best opportunity to discharge the responsibilities that must be discharged.

Concerns have been raised about the timeliness and we are already in May and the extent we are going to be moving post-haste, Madam President, hon. Members, to ensure. Again, all this is collaborative work. It is not that we have been in a vacuum going ahead. We have been discussing and as a result, we are confident that the structures and the resources required for the Police Service Commission, in the first instance, because that is what we are talking about—and I myself am not going to violate my own rules, when we come to talk about the Police Service (Amdt.) Bill I would speak specifically to what is required.

Sen. Dr. Gopeesingh talked about who are these experts and who are the people; name them. Madam President, the persons who were responsible for assisting in the structuring of the organization; he wants to know who made up the senior planning group. The terms of reference of the group, as agreed by Cabinet on April 13, 2006 in relation to the Police Reform Bills: to outline major tasks to be undertaken and the key persons in various Government agencies and the private sector to perform specific tasks; to establish various task groups as needed, whose members will be full-time in accordance with relevant subject matters; to outline major tasks to be undertaken for the Trinidad and Tobago Police Service to assume its new responsibilities and also, to review the consultants' proposals in respect of the governance structure, which constitute the Ministry of National Security, the Police Commission and Trinidad and Tobago Police Service and develop appropriate implementation strategies.

The Senior Planning Group consisted of the following persons: Glen Roach, Deputy Commissioner of Police; Steven Williams, Superintendent of Police; Annette McKenzie, Financial Expert assisted by Ms. Kathleen Maloney; Ashton Brereton, Human Resource Expert, assisted by a Human Resource Task Group, consisting of three human resource professionals, Mr. Ellis Lewis, Ms. Jacqueline Pierre and Mrs. Judy Williams-Martinez; Legal Expert in Personnel, Mr. Joseph Pantor, assisted by Ms. Gretel Biere, attorney-at-law.

In attendance: Senior Superintendent, Keith Renaud, Manager, Association of Caribbean Commissioners of Police and Colonel Dennis Shri, Executive Advisor and former Commissioner of Police of the Kansas City Police Organization. These are the names of the persons who—one of the Members wanted to know—made up the group of experts.

Sen. Mark raised some specific matters. The question of when will the notifications for the offices of the Police Service come before the Senate. Under the Constitution (Amdt.) Bill, the notification in respect of each Member in the Police Service Commission is subject to affirmative resolution in the Lower House. He was also concerned with notification for persons to the post of Commissioner of Police and Deputy Commissioner of Police. This notification is also subject to affirmative resolution of the Lower House.

Madam President, as I have indicated earlier on, the intention of the amendments is to ensure that we strengthen the Constitution (Amdt.) Bill to ensure that the Police Service Commission is provided with the means by which it can discharge its new responsibilities in a manner that we are confident will ensure that we improve the performance of the police service. Again, when we came to talk about the amendments to the Police Service (Amdt.) Bill, I will respond to some of the questions and concerns raised by Members, because in a lot of instances most of them are to deal with the other Bill, and it would have been nice—that is the best I can say—if we had agreed, as we did in the other place and dealt with them co-jointly—if that is such a word—then it would—[*Interruption*] But we did that; we said that; anyhow—

Madam President, with those few words, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 3 ordered to stand part of the Bill.

Clause 4.

Question proposed, That clause 4 stand part of the Bill.

Sen. Dr. Gopeesingh: Madam Chairman, this issue of the criminal offence; by inserting after the words “criminal offence” the words “which carries a penalty of six or more months of imprisonment”, could you look at that again for us, please.

Sen. Joseph: Madam Chairman, if my memory serves me correctly, I think it was right in this place that Sen. Dana Seetahal, SC had said that the question about penalizing someone for a criminal offence for which the penalty is not more than

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six months would be—I do not want to say discriminatory. She had raised the concern about the penalty being too harsh and it was accepted in the other place and that is the justification for the change here.

Madam Chairman: Any other query?

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5.

Question proposed, That clause 5 stand part of the Bill.

Sen. Ali: Madam Chairman, under (d), this is an amendment in subsection (8). This may be just a typographical error which says:

“by deleting paragraphs (c) and (d) and substituting the following:

‘(c) reported inefficiency based on his performance appraisal reports;’

I think it may be just a typo or an editorial item; “reported” I thought it would be, otherwise it does not make sense.

Sen. Joseph: It is a typo.

Sen. Ali: Madam Chairman, the language under (d) “on dismissal in consequence”, did not read so well. In fact I found it sounded strange when we started this section with saying “termination of services”, which is what this subsection (8) refers to. Then they say, “on dismissal in consequence of disciplinary proceedings”. I found it a little strange language.

Sen. Joseph: I am guided by the draftsmen.

Question put and agreed to.

Clause 5 ordered to stand part of the Bill.

Sen. Dr. Gopeesingh: Just forgive me for half a second; the question on clause 5(e)(ii):

“on being retired in the public interest.”

Perhaps it is a little vague “on being retired in the public interest”.

Sen. Joseph: My understanding is that is already provided for in the Public Service Regulations. And I think being retired in the public interest might be equivalent to bringing the organization into disrepute of some kind.

Sen. Dr. Gopeesingh: If it is enunciated in another part of the Act, well then that is fine.

Sen. Joseph: Yes, it is.

Sen. Dr. Gopeesingh: Which Act is that?

Sen. Joseph: The Public Service Regulations.

Sen. Mark: I just wanted to get clarification on the section that deals with “after giving him an opportunity to be heard”—

Madam Chairman: We have gone back to clause 5?

Sen. Mark: Well is it not that you are on, Ma’am?

Madam Chairman: No, we are on clause 6; you voted on clause 5.

Sen. Mark: Could I get a little clarification, if you will?

Madam Chairman: Where? What is it now?

Sen. Mark: “after giving him an opportunity to be heard”; I just wanted to—

Madam Chairman: Where is that?

Sen. Mark: That is clause 5(d): “after giving him an opportunity to be heard”. You saw that, Ma’am?

Madam Chairman: Yes.

Sen. Mark: All I want is some clarification as to how this is going to be manifested. Are we going to have regulations to govern the Police Service Commission in dealing with these matters, Minister?

Sen. Joseph: But we already have regulations for these matters.

Sen. Mark: But I am saying, would I be able to see the mechanism for the senior officer to be heard? What do we mean by this? Is it orally? Is it in writing? Is there a mechanism?

Sen. Joseph: This is standard.

Sen. Mark: We know it is natural justice.

Sen. Joseph: It is standard and the standard procedure would be applied, and I do not think we could spell it all out in here.

Clause 6 ordered to stand part of the Bill.

Preamble approved.

Question put and agreed to, That the Bill be reported to the Senate.

Senate resumed.

Bill reported, without amendment.

Question put, That the Bill be now read the third time.

The Senate voted: Ayes 28

AYES

Joseph, Hon. M.

Saith, Hon. Dr. L.

Yuille-Williams, Hon. J.

Montano, Hon. D.

Enill, Hon. C.

Chin Lee, Hon. H.

Dumas, Hon. R.

Abdul-Hamid, Hon. M.

Kangaloo, Hon. C.

Titus, R.

Padmore, O.

Hackshaw-Marslin, Mrs. J.

William-Smith, Mrs. M.

Janneire, Mrs. R.

Mark, W.

Gopeesingh, Dr. T.

Kernahan, Dr. J.

Ramadhar-Singh, Dr. G.

Phillip, R.

Sammy, A.

Mc Kenzie, Dr. E.

Ramchand, Prof. K.
 Deosaran, Prof. R.
 Anmolsingh-Mahabir, Mrs. P.
 Khan, Bro. N.
 Ali, B.
 Cropper, Mrs. A.
 Picou, Prof. D.

Question agreed to.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Minister of Public Administration and Information and Min. of Energy and Energy Industries (Sen. The Hon. Dr. Lenny Saith): Madam President, I would like to adjourn now and take the next Bill next week. Tomorrow is a public holiday and a number of people have engagements.

Before I move the Adjournment, I want to take the opportunity to indicate to my colleagues that Indian Arrival Day is tomorrow, it is 162 years since the first indentured labourers came from India to this country; a holiday we have been celebrating since 1995. I think this is the 12th year of celebration, a celebration which has spanned three administrations: PNM, UNC and PNM.

I want to take the opportunity to wish all those who celebrated early, which I hope is the entire country, a very happy day and to ask my colleagues and Members of the Parliament to enjoy. And given what we see on the roads, to be very careful.

I now beg to move that the Senate be adjourned to Tuesday, June 05, 2007 at 1.30 p.m., at which time we would take the other Bill, an Act to amend the Police Service Act, 2007.

Thank you, Madam President.

Indian Arrival Day Greetings

Sen. Wade Mark: Madam President, may I join in extending greetings to the Indo-Trinidad and Tobago community in particular, and the national community in general on Indian Arrival Day, which would be celebrated tomorrow, May 30.

Madam President, we must be cognizant of the fact that 162 years ago East Indians were brought here as indentured servants. They embarked on an enormous struggle and today we would like to pay special tribute to the generations, both past

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and present, who have undergone various trials and tribulations over those years to emerge to a very strong and resilient people, culturally, socially, economically and even politically.

In spite of all the efforts by various forces to oppress them, they have remained politically strong in this land. We wish all the people celebrating Indian Arrival Day tomorrow a very happy, safe and peaceful day.

We are very happy to have been the government in office at the time to have declared as a permanent holiday May 30, not as Arrival Day, but as Indian Arrival Day in this country. I say to my brothers and sisters of Indian descent that the struggle has been long and hard, but together with our African brothers and sisters and the national community, we shall ensure that this society remains free, democratic and just, so that all of the people—my friend included—regardless of their race, colour, creed, religion or status, shall live in peace and harmony.

Madam President, to you and your family, I want to extend happy Indian Arrival Day and to the members of staff and to all the people who have always helped us on a daily basis in this Parliament.

I thank you, Madam President.

Sen. Dr. Eastlyn Mc Kenzie: Madam President, you know it is a little different for us in Tobago, because historically we have not been a part of the indentureship system that came into the country, but we can boast now of having our own Indian Arrival Day. In fact, we can actually remember when we have had members of the East Indian fraternity coming to live in Tobago. In fact when I went to school there were probably two East Indians in our entire island, and so we can talk about Indian arrival outside of indentureship.

I would like to take this opportunity on behalf of the Members on the Independent Bench, to extend to our descendants coming from the Indian diaspora, our best wishes for a wonderful day tomorrow. I think, Madam President, those of us who are not of East Indian origin could learn a lot from the resilience and the struggle and actually the fight of our brothers and sisters from the East Indian diaspora.

I would like to say that we in Tobago feel very much a part of what is happening, because we have actually experienced our friends coming in to live amongst us in Tobago; they have actually extended that hand of friendship and love and we attend their functions. We have had our Indian Arrival Day celebrations on Saturday and many of us were there on the Esplanade in Tobago having a good time with our brothers and sisters.

There were those who came from Trinidad and they have been coming for years and we are pleased to see that the celebrations are held in the open now; formerly it used to be at Swallows and it was a small function. Those of us who were very curious actually went to see what was the puja and what were the songs. I remember sitting and learning some of the songs from the Member of Parliament, Manohar Ramsaran's wife; coming over every year. Then we moved from there and went near to the Golden Star; then we moved from there and went to the grounds of the American Stores. Now we are at the Esplanade and I think it shows the sort of enveloping of all our brothers and sisters.

I am sure, Madam President, that this will spread; our children in the schools have begun to recognize and understand what the whole celebration is about. I think the more we can do this the more we will break down the barriers or misunderstanding amongst us. And if we start with the children and the whole thing goes, I think there will come the time when we will see ourselves as one people, as citizens of Trinidad and Tobago.

May I again, on behalf of all of us, not only wish you, Madam President and your family, but the members of staff here and their families; the protective services and their families and the public of Trinidad and Tobago, the best wishes.

May we have a good day; may we have a peaceful day; may we have a day free of any injuries, any fatalities, any road deaths and any anger. Let us have a very wonderful and peaceful day and look forward to us living closer together as time goes by.

Thank you very much.

Madam President: Let me take the opportunity to join with all sides in wishing each and every one of you here a very happy day. One hundred and sixty-two years ago if my grandparents did not come to Trinidad, I would not be here today and the same can be said for many of us here in this Senate and of course in the country.

I want to echo the words of Sen. Dr. Saith, that while you have a nice day, enjoy yourselves, relax, please be careful, particularly on our roads. So to you here, to the staff, to the protective services, others of non-Indian descent like Minister Montano and Minister Chin Lee; I know you are also celebrating your arrival and therefore I wish you too and other members of the community to have an equally happy day and to join with each other in celebrating whenever you arrived in Trinidad and Tobago.

Once more, all the best; I look forward to seeing you next week.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.30 p.m.