

**HOUSE OF REPRESENTATIVES**

*Friday, January 28, 2022*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**PAPERS LAID**

1. Annual Report and Audited Financial Statements of the Trinidad and Tobago Heritage and Stabilisation Fund for the year ended September 30, 2021. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
2. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Couva/Tabaquite/Talparo Regional Corporation for the year ended September 30, 2007. [*Hon. C. Robinson-Regis*]
3. Second Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Couva/Tabaquite/Talparo Regional Corporation for the year ended September 30, 2008. [*Hon. C. Robinson-Regis*]  
*Papers 1 to 3 to be referred to the Public Accounts Committee.*
4. Ministerial Response of the Ministry of Finance to the First Report of the Joint Select Committee on Finance and Legal Affairs on an Inquiry into the Ease of Doing Business in Trinidad and Tobago. [*Hon. C. Robinson-Regis*]
5. Response of the National Insurance Board of Trinidad and Tobago to the Second Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the efficiency and effectiveness of the National Insurance Appeals

- Tribunal (NIAT) with specific focus on the tribunal's capacity to dispose of appeals. [*Hon. C. Robinson-Regis*]
6. Response of the Personnel Department to the Third Report of the Public Administration and Appropriations Committee on the implementation of the recommendations of the Twenty Fourth Report of the Public Administration and Appropriations Committee on an examination into the Processing of the payment of Pensions and Gratuities of Retired Public Officers and Contracted Employees. [*Hon. C. Robinson-Regis*]
  7. Ministerial Response of the Ministry of Foreign and Caricom Affairs to the Interim Report of the Public Administration and Appropriations Committee on the Response of the Public Authorities to the COVID-19 Pandemic in Trinidad and Tobago. [*Hon. C. Robinson-Regis*]
  8. Ministerial Response of the Ministry of Foreign and Caricom Affairs to the Second Report of the Public Accounts Committee on an examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for Financial Year 2020. [*Hon. C. Robinson-Regis*]

### **URGENT QUESTIONS**

#### **Digital Vaccine Records (Immigration Division Equipment)**

**Dr. Rishad Seecheran** (*Caroni East*): To the Minister of National Security: Does the Immigration Division have the equipment to read the Digital COVID-19 Vaccine Records that international travellers will present upon arrival to Trinidad and Tobago?

**The Minister of National Security (Hon. Fitzgerald Hinds)**: Thank you, Madam Speaker. I wish to advise this honourable House that it is only port health officers, under the purview and the auspices of the Ministry of Health, that have the responsibility to check vaccination cards in accordance with our Public Health

Regulations.

The Immigration Division which falls under the Ministry of National Security, is not responsible for checking digital COVID-19 vaccine records. I thank you, Madam Speaker.

**Madam Speaker:** Member for Caroni East.

**Dr. Seecheran:** Thank you, Minister. Could the Minister state when the appropriate equipment will be provided to the Immigration Division?

**Madam Speaker:** Member, having regard to the response—[*Interruption*] Member for Couva, are you ready now?

**Mr. Indarsingh:** Always ready.

**Madam Speaker:** Thank you very much. Member, under the Standing Orders that question cannot be allowed, based on the response that was given by the Minister of National Security. Member for Caroni East.

**Dr. Seecheran:** Thank you, Madam Speaker. Minister, do the officials at the Port Health of the Piarco International Airport have the relevant equipment in order to read these QR codes?

**Madam Speaker:** Minister.

**Hon. F. Hinds:** Member, on the basis of the answer I provided earlier I thought it would be quite easy for the Member to understand that that question would be better directed to the hon. Minister of Health. [*Desk thumping*]

**Madam Speaker:** Member for Caroni East, question No. 2.

**Dr. Seecheran:** Minister, could you please indicate how do officials at the Piarco International Airport determine if someone is COVID-19 vaccinated upon presentation—

**Madam Speaker:** Okay. Member for Caroni East, I directed you to question No. 2. In any event, if that were a supplemental question to question No. 1, for the

same reason it would not be allowed. So maybe you proceed to question No. 2.

**Dr. Seecheran:** All right, no problem.

**Rapid Antigen Tests  
(Distribution to Students)**

**Dr. Rishad Seecheran** (*Caroni East*): To the Minister of Health: In light of the physical reopening of schools scheduled for February 2022, does the Ministry intend to distribute Rapid Antigen Tests to students to assist in monitoring possible COVID-19 cases?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker, and good afternoon to all. The Ministry of Education, quite wisely, has their own medical team to assist the Ministry of Education in matters pertaining to COVID. Under that rubric, the Ministry of Health provides all technical guidance, and we will continue to have these meetings on the same subject as we have been having at a technical level over the past two months.

I am advised, in speaking to my colleague, the Minister of Education, that she will be making the appropriate announcement on the matter that you have raised in the shortest possible space of time. Thank you very much, Madam Speaker.

**Dr. Seecheran:** Minister, how does the Ministry of Health intend to treat with a child that may be asymptomatic in the school system and without further testing?

**Hon. T. Deyalsingh:** It is quite amazing, because the same principle as to the previous question applies to this question. These are matters for the Ministry of Education, and we will provide all the necessary technical guidance. If anyone has to be hospitalized for COVID, child or adult, there are already existing protocols and standards to achieve those outcomes.

**Hon. Members:** [*Desk thumping*]

**Hon. T. Deyalsingh:** Thank you very much, Madam Speaker.

**Madam Speaker:** Member for Mayaro.

**Mr. Paray:** Thank you, Madam Speaker. Minister, have there been any conversations between your Ministry and the Ministry of Education in terms of planning in the event there is an outbreak at that primary school level, taking note that about 8,000 or 10,000 students will be returning to school in the height of the Omicron community spread? Thank you.

**Madam Speaker:** Again, Member for Mayaro, I will not allow that question to qualify as a supplemental question having regard to the question that was originally asked and the response. Member for Couva South.

**South West Regional Health Authority  
(Allegations of Wrong Surgical Eye Procedure)**

**Mr. Rudranath Indarsingh** (*Couva South*): To the Minister of Health: Will the Minister inform this House whether the South West Regional Health Authority (SWRHA) has launched an investigation into allegations of a wrong surgical eye procedure recently performed on a patient?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker. The procedure in question was not recently performed. It was performed on January the 11<sup>th</sup>, 2021.

As soon as the issue was raised with the South West Regional Health Authority, a full investigation was launched, and four days later on January 15, 2021, a full clinical disclosure meeting was held with officials of the South West Regional Health Authority, the parent and/or guardian of the child and the child himself. So the answer is yes, and I have given the timelines. The procedure, January 11<sup>th</sup>, full disclosure meeting, January 15<sup>th</sup>, four days later, after a full investigation was, in fact, done. Thank you very much, Madam Speaker.

**Mr. Indarsingh:** Minister, could you confirm to this House if the South West

Regional Health Authority has failed to hand over the medical records of this minor to the attorneys involved in this, looking after his interest?

**Madam Speaker:** Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much, Madam Speaker. As is well known in the public domain now, the matter is now engaging the attention of attorneys for the patient. So as such, I am advised that I should not be speaking publicly to prejudice the case one way or another. Thank you very much.

**Madam Speaker:** Member for Couva South.

**Mr. Indarsingh:** Minister, could you inform this House what your Ministry has done, in communicating with the South West Regional Health Authority, to prevent a reoccurrence of such, [*Desk thumping*] happening at the South West Regional Health Authority?

**Madam Speaker:** Minister of Health.

**Hon. T. Deyalsingh:** So, Madam Speaker, when these incidents happen, as unfortunate as they are, as happened with Crystal Boodoo-Ramsoomair under the same South West Regional Health Authority, under my predecessor, the fact is these incidents give us time to pause, to review standard operating procedures, and the Ministry of Health is actively engaged in learning whatever we can from this incident, to make sure that this and similar incidents do not happen in the future. Thank you very much, Madam Speaker.

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

### ORAL ANSWERS TO QUESTIONS

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

Thank you, Madam Speaker. There are two questions for oral response and we will be answering both. There are no written questions for response.

**Madam Speaker:** Member for Naparima.

**Realize Road and Lengua Settlement  
(Commencement of Repair Work)**

**40. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Works and Transport:

Will the Minister state when repair work will begin on the major landslides located on Realize Road and Lengua Settlement in the Naparima Constituency?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. There is a major landslip on Realize Road located at the 2.0 kilometre mark. Repair work commenced on January 12, 2022, through the Highways Division, and is estimated at 25 per cent complete.

There is one major landslip on Lengua Road at the 2.9 kilometre mark. Tenders for repair to this landslip were received and the evaluation process has been completed. The preferred tenderer has been identified, and it is expected that this contract will be awarded after all necessary stages of the process have been completed.

Lengua Settlement Road is located off Realize Road, and falls under the purview of the Princes Town Regional Corporation. As usual, the Ministry of Works and Transport stands ready to provide any technical support that may be required. I thank you.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Can the Minister state when the repair work on Realize Road is likely to be completed?

**Sen. The Hon. R. Sinanan:** As I said, Madam Speaker, the project is about 25 per cent completed. At this time work continues, and weather permitting, funding permitting, this project maybe should not take more than about two to three months to complete.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Has the Minister conducted or completed the necessary geotechnical surveys to confirm the soil type, to ensure that the repair work will be a long-term solution?

**Madam Speaker:** Minister.

**Sen. The Hon. R. Sinanan:** Madam Speaker, as said on several occasions, the soil type on that part of the island has constant movement, and geotechnical studies are done at every location where there is land movement. Before a landslip project is started, geotechnical studies are done and completed to ensure that the landslips are what is recommended.

However, in that area, as the Member would appreciate, there is constant land movement. As a matter of fact, between 2015 and 2020, the Ministry of Works and Transport, the PURE unit, and the Highways Divisions have done over 60 landslips with maybe close to 10 ongoing. Thank you.

**Madam Speaker:** Member for Naparima.

### **Sikorsky S76D helicopter (Update on)**

**41. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Will the Minister provide an update on the Sikorsky S76D helicopter?

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker. Quite frankly, I am not entirely sure if there is any update, as this question asks for an update on the Sikorsky S76D helicopter. I am not sure, because I do not think there are any other dates to come. However, suffice it to say that the Government was saddled with the difficult assignment of sorting out the—  
[*Device sounds out*]

**Madam Speaker:** Minister, one minute please. Could the Member with the



offending device please leave the Chamber, get their device under control and they can return after. [*Interruption*] Member for Oropouche East, do I take it, it was your device, because I would ask you to leave the Chamber and then return?

**Dr. Moonilal:** No, it was not mine.

**Madam Speaker:** Oh.

**Hon. Member:** My device is always under control.

**Hon. F. Hinds:** Thank you very much, Madam Speaker. As I indicated, the Government of Trinidad and Tobago, this Government, was saddled with the very difficult assignment of sorting out the abject mess surrounding the ill-advised procurement of this helicopter, as a result of poorly negotiated and a dubious arrangement entered into by the former UNC Government on the eve of the 2015 general election.

However, notwithstanding this mess and the challenges it posed, and the cost to the people of this country, the helicopter was successfully returned to the lessor on July 24, 2021, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Can the Minister state why the Prime Minister did not keep his promise made in July 2021, at a post-cab briefing, to provide a statement—

**Madam Speaker:** Member, I am not going to allow that based on the question asked and the answer given. Member for Naparima.

**Mr. Charles:** Can the Minister give us an update on the terms of settlement with the supplier of the helicopter?

**Hon. F. Hinds:** For commercial and other reasons, legal reasons including, this settlement was the subject of a nondisclosure agreement and, consequently, I cannot go further than I have gone to suggest that they created an abject mess for the people of Trinidad and Tobago, and this Government had to clean it up, as with

so many other things. [*Desk thumping*]

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** No.

**COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER OF  
POLICE (SELECTION PROCESS) (NO. 2) (AMDT.) ORDER, 2021  
(ANNULMENT OF)**

**Madam Speaker:** Member for Naparima, and you are reminded you have 30 minutes.

**Mr. Rodney Charles** (*Naparima*): Madam Speaker, I beg to move the following Motion standing in my name:

*Whereas* it is provided by section 123(2) of the Constitution that the Commissioner of Police and Deputy Commissioner of Police (Selection Process) (No. 2) (Amdt.) Order, 2021, were published on November 25 and 26, 2021 by Legal Notices Nos. 277 and 278 respectively;

*And whereas* the Orders, among other things, significantly diminish the role of the Police Service Commission:

*Be it resolved* that the Commissioner of Police and Deputy Commissioner of Police (Selection Process) (No. 2) Order, 2021 and the Commissioner of Police and Deputy Commissioner of Police (Selection Process) (No. 2) (Amdt.) Order, 2021 be annulled.

Madam Speaker, Legal Notice 278 speaks in clause 4 specifically—sorry, yes, in clause 4 that clause 5 of the Order, that is 277, is amended:

- “(a) in subclause (2) by deleting the words ‘in descending order of seniority,’”;
- (b) in subclause (3), by deleting the words ‘the most senior officer on the Order of Merit List’ and substituting the words ‘an officer from the Order of Merit List to act in the Office of Commissioner of Police;

and

- (c) in subclause (4), by deleting the words ‘most senior officer on’ and substituting the words ‘officer nominated by the Commission from’.”

Madam Speaker, before getting into the details of the Legal Notices 278 and 277, I will speak briefly on the question of the removal of seniority as the main criterion for acting appointments from a selected group of ACPs and DCoPs in the process of acting appointments.

I will be speaking specifically about the importance of seniority as a component for short-term acting appointments, which could last a week—which could last a week.

It is common practice in Trinidad and Tobago that seniority matters. If a senior school supervisor was to go to any school and the principal is not there, or the vice-principal is not there, it is known, it is common practice that they speak to the senior teacher, because that is ingrained in the *modus operandi* and the behaviour in the teaching service.

If you were to go in the fire services also, and a chief fire officer was to visit, let us say the Princes Town Fire Station, he would ask for the most senior officer, the FSO who in charge of the station. If FSO is not there, he automatically asks to speak with the FSSO, the fire substation officer, and he goes in descending order, and I am making the point that seniority matters.

It matters if the Commissioner of Police was to visit a police station, let us say the St. Madeleine Police Station, he would ask for the inspector who is in charge of the station. Then if the inspector is not there, he speaks to the sergeant and he goes down the line to the corporal, because he recognizes that seniority matters in the Trinidad and Tobago Police Service.

Madam Speaker, I like to look at movies about warfare, on the battlefield. I

grew up in the time of the Vietnam War, and many of my colleagues in university in Canada were draft dodgers, and many people in St. Madeleine where I grew up died in the battlefields of Vietnam. On the battlefields invariably, if a platoon or a team is being led by a first lieutenant or a second lieutenant and he dies, immediately the “sarge” takes over in the battlefield. For operational efficiency and to deal with the problem, seniority matters. If the sergeant dies, the lance corporal, corporals take over, that is to facilitate continuity instinctively, because seniority matters.

Madam Speaker, even in heaven, if some of us were lucky to get into on the other side, there are angels, there are archangels and there are those who “sitteth” on the right hand of the God. If any of those—and I know it might be difficult for that side, for them to get into the other side, because they are all wealthy, and we know the eye of a needle and whatever—but if they get there, do not—be clear to understand that even in the spiritual realm seniority matters. I am talking this in the context of the fact that seniority is being excluded for acting appointments in the Trinidad and Tobago Police Service. So in heaven we have angels, we have archangels, and we have those that “sitteth” on the right-hand side.

In Parliament, we have the Speaker, and if the Speaker leaves for whatever reason, the Member for Tunapuna, the Deputy Speaker immediately takes the Chair, continuity—continues almost uninterruptedly, because of a process of hierarchy, a process of seniority that takes place.

It happens even in our caucus. If the political leader, Kamla Persad-Bissessar, is not there, the Chief Whip takes over, and I may say that he conducts the meetings effectively and efficiently in her absence. [*Desk thumping*] The question is, we understand. We do not have to go for a list to find out whether my friend from Princes Town or Fyzabad should be in the chair. It is automatic, it is

understood. It facilitates operational efficiency.

In government, Madam Speaker, we have the President. We have the order, we have hierarchy, we have seniority and this is the wisdom of the processes of governance that we inherited from our colonial masters. So if the President, for whatever reason, vacates office for a short period, we have the President of the Senate who will automatically—there is no list, there is no argument. The entire country knows the order of precedence, and we have a fluid, seamless, continuous process.

**2.00 p.m.**

And if one were to look at management, one would have studied management and the different kinds of organizations. We have bureaucratic organizations. We have hierarchical organizations that are tall. You have organic organizations that are flat. And in all organizations, even in the organic organizations that are common in Silicon Valley where you have no clear hierarchy of authority, you have a system that identifies seniority in that system, based on competence, ability in the Silicon Valley such that an Indian or a Chinese student from abroad will rise in that level because of purely on the basis of competence.

So the chain of command, it is important and it is critical that we honour, we honour these approaches that we have inherited and they make for good order, they make for competence, they make for seamless continuity, a lack of chaos, a lack of misunderstanding, a lack of questioning authority because automatically we know if the FSO, a fire service officer is not at the station, automatically without any notes or memos going around, that the FSSO, fire substation officer automatically takes the leadership position.

But what we have here today, the results we have today are an attempt by the Government, those opposite, to interfere, control and influence the selection process for Commissioner of Police, DCOP and acting positions. There is something, something that is mischievous, Madam Speaker. These Legal Notices 277 and 278 are, in our view, instances of the Government attempting to infiltrate, control and give directives—

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

**Madam Speaker:** So, Member, I uphold the objection. I will ask you to please restate that and continue.

**Mr. R. Charles:** I will restate it. But I will just say that (6) is, “no Member shall impute improper motives to any”—

**Madam Speaker:** Member, I know what Standing Order 48(6) says. I do not know if you needed to refresh it but I do not know if that is part of your contribution. Please proceed.

**Mr. R. Charles:** I abide. We recall the infamous but fruitless Ten Point Crime Plan, when No.1, not 2, 3 or 4, No. 1 was and I quote, to:

“1. Immediately abolish the existing convoluted rules for evaluating and appointing a Commissioner of Police. The process will be simplified...”

—we were told. And this is where it falls to a question of what we have before us today is a matter of trust in terms of, can we believe that the removal of seniority from the acting processes are neutral and done in the interest of continuity and operational efficiency. We were told then and this is why we have to be careful on this side. The process will be simplified, simplified whereby the Police Service Commission will make an appointment. Who makes the appointment? The Police Service Commission subsequent to an evaluation. That is what we were told. That is what they were voted on, that the Police Service Commission will make an

appointment subsequent to an evaluation. Madam Speaker, that was in the 10-point plan prior to coming in, so we took them at the face—took the Government at face value. Simplify the process, empower the Police Service Commission to make appointments.

But the very first attempt after coming into power, and this gives the basis for why we have some concerns with respect to the movement of seniority for acting appointments, not permanent appointments. Substantive appointments, we all agree no one will argue that seniority ought to play some part but not the critical part in appointments to a substantive post of the DCOP and Commissioner of Police. We are talking here about acting appointments for one day, it could be a week. So somebody, a DCOP goes on, has an operation that lasts one week and we have to go to a list, when the process historically has been the most senior officer moves into the post. This is accepted by the officers in the police service. There is no conflict, there is no chaos. It is known.

But the early attempt to insert the PNM in the process to initiate the Government COP selection process was deemed by Justice Peter Jamadar to have constituted, and I quote, and I am talking about the question of trust. Could we believe it, what they say on face value?

“...unjustifiable and unlawful fetter and interference with the independence, jurisdiction and functions of the...”—Police Service Commission. This is the Judiciary intervening to tell a government that here you are unjustifiably and unlawfully interfering. Madam Speaker, if it were not for the hon. Kamla Persad-Bissessar, give her knock on the table, I want to hear it—

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:**—who fought that case on behalf of the citizens of Trinidad and Tobago, the PNM would have continued their illegal unconstitutional influence in

the COP selection process. These are antecedents.

**Hon. Members:** [*Desk thumping*]

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

**Madam Speaker:** Member, two things. One, I do not know, you have been speaking for some time, I do not know when you are going to begin to speak on the matter before us. And I overrule on 48(6). Please continue. But please now try to get to what we are about.

**Mr. R. Charles:** The framers of our Constitution wanted a transparent, independent, autonomous institution and we are talking about interference, so I am relevant. The framers wanted a transparent, independent, autonomous institution separate from any political interference. It is highly, it is singularly the most important task of the Police Service Commission to choose the best possible candidates to serve as Commissioner of Police and DCOPs. That process must be accepted by the population. It must be untainted. There must not be a perception, even the slightest perception of interference.

Madam Speaker, section 123(2) of the Constitution which provides the grounds for these Legal Notices was introduced by a previous PNM Government in 2006, albeit, albeit with Opposition support. Section 123 subsection (2) of the Constitution says and I quote:

“The Police Service Commission shall nominate persons for appointment to the offices specified in subsection 1(a) and section 22(1) of the Police Service Act...in accordance with the criteria and procedure prescribed by Order...”

And this is interesting:

“...by Order of the President, subject to negative resolution of Parliament.”

Madam Speaker, we went into those negotiations, it came up in the other



place. We went into negotiations to examine the power of the Prime Minister, the veto power which it was felt at the time by both sides that it gave him too much power. But guess what? Guess what? When we went into those discussions to remove the Prime Minister's veto and appointment of a Commissioner of Police because we felt that the Prime Minister had too much power in the selection process, we went into those discussions in good faith.

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

**Madam Speaker:** Member for Naparima, I have to uphold the objection. You know, all of that is not relevant to the issue. At least, up to now you have not shown the relevance.

**Mr. R. Charles:** Before the introduction of section 123(2) in 2006, the Police Service Commission retained autonomy to set out its own criteria and the process for selection of a COP and DCOP. Now as it stands, each, each Legal Notice brought by this administration 183, 277, in our view 278 has sought to erode the power of the Police Service Commission. And I say, what is the mischief in Legal Notice 277, amended by Legal Notice 278, what did it seek to cure? What is the mischief that these amendments identified in clauses 3 and 4, what is the mischief that they presumed to solve?

And, Madam Speaker, police officers talk to me. They are concerned. And we ask the question, is it that—and I am not imputing improper motives to anybody on that side. I am just saying based on the letter and what is written here, is it that some junior ACP is being looked upon who could not qualify to act as DCOP because of his lack of seniority? It is a question. A valid question. Whether we want to deal with here or not, people are asking it and they have told me so.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** Is it that there is somebody who lacks seniority that somebody

wants, and I am not calling any name, I am not casting any aspersions on anyone. I am just saying, what is before us and what are the conclusions. So we ask, what is the mischief? The roles of the COP and DCOP are two of the most important in Trinidad and Tobago because crime is growing and it is significant. Just yesterday we had in South Park Mall about 400, 500 yards from my home a person was shot in the car, two persons killed. And I am just saying that these appointments are significant and we have to be careful. Last November we saw the most murderous month in the history and—

**Madam Speaker:** Member, please get on with it. Please.

**Mr. R. Charles:** Who, Madam Speaker, thought up this selection process? Who thought up this process? I want to invite the Attorney General to tell us where he was when these Legal Notices 277 and 278 were drawn up? I impute no improper motive. I ask a question relevant to this. Madam Speaker, when these Legal Notices were brought in November 2021, the office was under the direction of the Minister of Energy and Energy Industries who was acting in his place. It is important for accountability and transparency purposes that the Attorney General tell this country what he was doing in the UK while this Minister Young was acting in his stead. And if he had little to do—

**Madam Speaker:** Member, again I stand on relevance. Again, I stand on relevance.

**Mr. R. Charles:** Madam Speaker, the authorship of this document is relevant.

**Madam Speaker:** Member, you went on to ask what the Attorney General was doing in England. And I am standing on relevance and I have ruled that it is not relevant. Please get on with it. I am not going to stand again without invoking the Standing Orders.

**Mr. R. Charles:** I go ahead, Madam Speaker. Thank you for your guidance. We

want to know who drafted these documents. It is critical to know and the public demands and the people of Naparima want to know.

Section 6 of Legal Notice 277 of 2021 revokes Legal Notice 103 of 2009 and 183 of 2021. Madam Speaker, I listened intently to the debate in the other place. I listened to the debate and while there was discussion on seniority and it was said that it was not—it should have been—it should have been left out as the criteria for selection of ACPs—sorry, of DCOPs, Commissioner of Police. I think that they overlooked the question that we were talking about acting appointments. Acting appointments not substantive positions.

Madam Speaker, but we are not surprised. It is a matter of record that we brought an annulment Motion of Legal Notice 183 to the Senate on July 05, 2021, July 05, 2021. We recognized that something was amiss and it was not wholly in line with the Constitution. That predates these two Legal Notices. Despite our concerns it was upheld in the Senate, of course, with the support of everyone. Not a single, not a single non-UNC Member of the Senate supported the UNC in identifying shortcomings in Legal Notice 183, and it was left to the courts to determine that it was ultra vires the Constitution, in significant parts. Why it is, and that is why I am saying, when we look at law, good law, we do not want the Judiciary to be constantly having to determine, having to clarify what I consider the slipshod work done in drafting Legal Notices.

Madam Speaker, our concerns were validated by the courts. The courts saw major process with the flaws outlined in Legal Notice 183. It was the courts not our Parliament which spoke stridently on the unconstitutionality of Legal Notice 183. And it is the courts who I am sure in future will unearth the mischief of Legal Notices 277 and 278. As it stands, I know officers are going to go to court to clarify the criteria and why they are overlooked but particularly senior officers.

So hear the mischief, hear some of the mischief and I will allude to one. If you remove the seniority component, it means that a junior ACP could act as Commissioner of Police. So let us assume that it is one week we are talking about that he acts for. One week and he is giving instructions to the DCOP because he is now by the list he has been elevated to act as a senior Commissioner of Police. So in the week under question, he is giving instructions to the DCOP and when the acting appointment finishes, he reverts to his junior position and he takes instructions subsequently. Is that not going to create—is that not a recipe for chaos in an organization that strives on order, discipline, continuity, seniority and rank, Madam Speaker?

Again, again we talk about our legislation not—our Legal Notices and our laws not being tested in a situation where they have to face serious and difficult questions.

Madam Speaker, this administration, and they do not want to hear it, I will say it, they think ad-hocratically, Toffler's idea, and tactically without considering long-term strategic opinion. So we on this side wish to alert the Government that actions must be considered to ensure that all decisions taken by acting appointments between 2009 and 2021 under Legal Notice 103, 2009 will not be legal based on Justice Kangaloo's ruling. So are we now in the embarrassing position of having to depend on the doctrine of necessity or the presumption of regularity to cover the "dotishness" that we have done in those Legal Notices. Moving on.

**Madam Speaker:** Member, are we talking about the Commissioner of Police and Deputy Commissioner of Police (Selection Process) (No. 2) Order, 2021? And the Commissioner of Police and Deputy Commissioner of Police (Selection Process) (No. 2) (Amdt.) Order, 2021?

**Mr. R. Charles:** Yes, we are.

**Madam Speaker:** Please get to that.

**Mr. R. Charles:** I am making the point that unless we think it through and we analyse it carefully, we are going to fall into the same problems with the previous Legal Notices. Is that not a valid fact to consider? So we continue making the same mistakes over and over. But I go on. Legal Notice 278 erodes the constitutionally enshrined powers of the PSC and that is relevant.

Madam Speaker, Legal Notice 277 of 2021 was made on November 25, 2021. Less than 24 hours later the Government issued—and I am speaking to Legal Notice 278, 24 hours they issued, they gutted the process outlined in section 277. Clearly no thought and they do not want to hear it. No thought. So you make legislation. The courts overrule it. You make 277. You run back the next night and you change it and make another one. That is relevant in terms of to how can this stand the test of time.

**Hon. Members:** [*Desk thumping*]

**Mr. R. Charles:** And if they do not want to do it, well, the courts will do it for us. The courts will do it for us.

Sections 4 and 5 of Legal Notice 277 before the amendments were made in Legal Notice 278, mandated that the Police Service Commission establish and maintain an order of merit list in descending order of seniority. Let—I want to talk—time is running out and I need to talk on the—

**Madam Speaker:** Member, you have two more minutes.

**Mr. R. Charles:**—on the problems with the practical. Let us examine some of the more practical problems. One, what happens if a DCOP takes four days leave? Would it not be easier to appoint the most senior officer on the merit list whose rank, experience and merit would command the respect of his subordinates in the

short term? Or would you place persons who will meet with resistance and have not earned the respect of the rank and file to flounder in these most important posts?

Two, these Legal Notices would be the criteria for selecting any of 12 or so equally qualified and experienced officers and it brings into the question of subjectivity, maybe a nudge by Cabinet in a certain direction. It is a dangerous precedent.

Three, it opens the door for legal challenges by officers overlooked for acting appointments. We are not strangers to this occurrence. There have been multiple instances where senior officers have challenged merit lists. One of the most recent was the lawsuit filed by Senior Superintendent Anand Ramesar who applied for the job of Commissioner of Police. The judge in that case claimed, that is CV 2021202670, *Anand Ramesar v the PSC*, said at paragraph 44:

On the part of the claimant such interest lies in upholding a straightforward and consistent process for the recruitment and selection of a Commissioner of Police.

The courts are telling us that if you have a list here and list there, you will run into problems, Madam Speaker. We now have a system, we now have a system where we have a list for the substantive post of the Commissioner of Police. And we have another list for acting appointments to the DCOP and COP. And, Madam Speaker, right now we have Andre Norton—

**Madam Speaker:** Member, your time is now spent.

**Hon. Member:** Thank God.

**Madam Speaker:** Member, you have to end, I beg to move, if you wish.

**Mr. R. Charles:** Thank you. Thank you, Madam Speaker, for your guidance. I beg to move.

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** This Motion requires a seconder. Member for Couva South as seconding.

**Mr. Indarsingh:** Madam Speaker, I second the Motion and I reserve my right to speak.

*Question proposed.*

**Madam Speaker:** Member for La Horquetta/Talparo.

**Hon. Members:** [*Desk thumping*]

**The Minister of Youth Development and National Service (Hon. Foster Cummings):** I thank you, Madam Speaker. I join this debate on this Motion and let me say, Madam Speaker, that when I looked at this Motion I thought, what effect would come from if this Motion was successful and so I played close attention to the Member for Naparima hoping that he would outline the justification for bringing such a Motion that has the effect or could have the effect, if successful, of causing immense chaos, bacchanal and confusion in Trinidad and Tobago.

**Hon. Members:** [*Desk thumping*]

[MR. DEPUTY SPEAKER *in the Chair*]

**Hon. F. Cummings:** And notwithstanding the fact that I played closed attention during the presentation, I was unable to get from the Member what could possibly be the justification for bringing such a Motion to this House. But then again, it is the usual behaviour, Mr. Deputy Speaker, of the UNC Opposition. They are not concerned about anything other than doing things that would cause chaos and bacchanal. Because, Mr. Deputy Speaker, when you look at what is being attempted here today, it is clear that were we to lose our senses, Mr. Deputy Speaker, and support such a Motion to annul the Order for the appointment of the

Commissioner of Police and Deputy Commissioner of Police, that we would certainly be going in the direction of sabotage to the leadership of the police service. And the only point that the Member who moved the Motion kept making is the question of seniority.

Mr. Deputy Speaker, those on the other side would try to have the population believe that the appointments of the current Commissioner and Deputy Commissioner of Police have somehow been tainted in some way and it is clear that their claims are unfounded, unjust and unscrupulous but that, of course, is just the UNC's DNA.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** Mr. Deputy Speaker, we are all aware of the process that was taken to fill these positions particularly at a time when our country and the rest of the world is navigating through this pandemic and there is, of course, an additional need to ensure the safety and security of our citizens. We then have to ask, Mr. Deputy Speaker, what could possibly be the motivation for an attempt to reverse these decisions? Who would that benefit? What benefit could possibly come from such an action? And how do we look at persons who would even contemplate such an action and judge their responsibility and their commitment to service to the people of Trinidad and Tobago?

These two roles are critical to the administration and management of the police service at this time, to the delivery of an effective and efficient police service and to ensure that the police, of course, are answerable to the communities that they serve. But yet in an attempt to grab headlines, as is usually done, we have this absolute and complete waste of parliamentary time, Mr. Deputy Speaker.

Mr. Deputy Speaker, the Member attempted to speak about the crime plan of the Government. And, you know, history, it is said that history is the greatest



teacher. They were in office at the time. They called themselves the People's Partnership. They have since discarded that name but we know it is the same organization. And what was their crime plan?—state of emergency, LifeSport.

**Dr. Moonilal:** Mr. Deputy Speaker, I am still waiting to hear about the Order.

**Mr. Deputy Speaker:** Again, hon. Member, we would like to stick close to debates, so I will give you a little leeway to tie in your point quickly in order to the Motion before us.

**Hon. F. Cummings:** Mr. Deputy Speaker, I thank you your guidance but I was directly addressing a point made by the mover of the Motion. Five Ministers of National Security, gutting of the SSA—

**Mr. Hosein:** Mr. Deputy Speaker, 48(1) please. Where is the relevance of the Member's contribution to this Order?

**Mr. Deputy Speaker:** Again, hon. Member, the speaker before would have brought certain things into the debate and it would be only fitting that it can be rebutted accordingly. Proceed. I will give you some leeway but, again, tie it into the point.

**Hon. F. Cummings:** Thank you, Mr. Deputy Speaker.

**Dr. Moonilal:** Mr. Deputy Speaker, the speaker before was stopped by the Speaker when he went down that road.

**Mr. Deputy Speaker:** Is it a point of order, hon. Member?

**Dr. Moonilal:** Still 48(1).

**Mr. Deputy Speaker:** Overruled. Proceed.

**Hon. F. Cummings** Mr. Deputy Speaker, “you can't play mas and fraid powder”. If you come into the House—

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:**—and you raise issues, we are going to respond to you. The

Member spoke about the Government's crime plan. I am sharing with them what their crime plan was. I am sharing with the people of Trinidad and Tobago and it directly relates—

**Mr. Indarsingh:** Mr. Deputy Speaker, 48(1). This has absolutely no relevance to this debate here this evening. Absolutely none.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Thank you for your point. Proceed.

**Hon. F. Cummings:** Thank you, Mr. Deputy Speaker. “You can't play mas and fraid powder.”

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** Citizens of Trinidad and Tobago pay close attention to what is taking place in this House. And what the UNC is attempting to do, although this Government will certainly not support this Motion, will we vote against this frivolous Motion.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** What they are attempting to do is to cause chaos and bacchanal in Trinidad and Tobago. That is all that the UNC is about.

**Hon. Members:** [*Desk thumping*]

**2.30 p.m.**

**Dr. Moonilal:** Mr. Deputy Speaker, 48(6).

**Mr. Lee:** Mr. Deputy Speaker, 48(6).

**Dr. Moonilal:** Mr. Deputy Speaker, 48(6)

**Mr. Lee:** Mr. Deputy Speaker, 48(6), please. He is imputing improper motives.

**Mr. Deputy Speaker:** Chief Whip, Chief Whip, hold on, one second. Chief Whip, Oropouche East, who do I recognize?

**Hon. Member:** It is who has the power.

**Hon. Member:** The Chief Whip has—[*Inaudible*]

**Mr. Deputy Speaker:** Proceed. Proceed.

**Hon. F. Cummings:** Thank you, Mr. Deputy Speaker—

**Hon. Member:** Let us see who have the power, Chief Whip?

**Mr. Deputy Speaker:** Chief Whip, wait please. Hold on. I asked a question, no one took on the Chair. Proceed.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** Thank you, Mr. Deputy Speaker. As we are talking about Commissioner and Deputy Commissioner of Police, Mr. Deputy Speaker, let me remind them again of their actions while they were in Government. When they came into office in the office of Commissioner—now, this former UNC government, now Opposition—

**Mr. Rambally:** Mr. Deputy Speaker, 48(1), please. There is no relevance here.

**Hon. Members:** [*Desk thumping*]

**Hon. Members:** [*Crosstalk*]

**Hon. F. Cummings:** Mr. Deputy Speaker, they are getting very antsy.

**Mr. Deputy Speaker:** Member, please, one sec, one sec. Proceed.

**Hon. F. Cummings:** Thank you, Mr. Deputy Speaker. At the time, in the office of Commissioner, acting was a gentleman called James Philbert. They very quickly hounded him out of office, the UNC at the time; very quickly and engaged in a process that gave to Trinidad and Tobago two foreigners in the person of Mr. Dwayne Gibbs and Mr. Ewatski as Commissioner and Deputy Commissioner respectively. Because, you see, if they want to talk about the office of Commissioner and Deputy Commissioner, we have a story to tell as well in respect of their behaviour.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** And, Mr. Deputy Speaker, it was not too long after they fell out of favour with the two Canadians who were here and summarily dismissed them and sent them packing out of Trinidad and Tobago, they then appointed to act, Mr. Stephen Williams, to the office of Commissioner.

You would be surprise to know, Mr. Deputy Speaker, that notwithstanding the interest that they now have in the position of Commissioner And Deputy Commissioner and the appointments to office for these officeholders and the process that they are trying to discuss here today, you would be surprise to know that during their tenure, after they dismissed Mr. Gibbs and Mr. Ewatski, that they did nothing to engaging in the process of an appointment of a Commissioner or Deputy Commissioner of Police. They continued with an acting arrangement that lasted three years. So for three years they did absolutely nothing to appoint a new Commissioner of Police. That is on the record. That is the UNC's conduct, Mr. Deputy Speaker. And then, Mr. Deputy Speaker, they come here to try—as I said earlier on, to cause chaos and bacchanal.

**Dr. Moonilal:** Mr. Deputy Speaker, 48(6). Accusing Members of the Opposition of seeking to create chaos and bacchanal is improper motives, please.

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

**Mr. Deputy Speaker:** Again, hon. Member, retract and you are free to restate accordingly in a better format.

**Hon. F. Cummings:** Thank you for your guidance, Mr. Deputy Speaker. They do all that they can to make the country ungovernable. Mr. Deputy Speaker, this Motion is reckless. This Motion is of no use. This Motion will definitely fail. This Motion will certainly not receive the support of the Government and we will vote against this Motion because the UNC is irresponsible in bringing such a Motion to the House.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** Let me remind them—because they do not like to be reminded, you see, Mr. Deputy Speaker, that during their term in office, while they have certainly gotten a renewed interest in the office of Commissioner of Police during their term in office, they had no time for this process. And I will not use the word that they wreaked havoc. I will not say that, Mr. Deputy Speaker. But what I would certainly say is that they were very irresponsible in their actions.

**Mr. Lee:** Mr. Deputy Speaker, please. Please.

**Mr. Deputy Speaker:** Member, one second.

**Mr. Lee:** He “cyah” use those words and say he “doh” mean it; 48(6), 48(6). We are not wreaking any havoc. He is giving the impression that the Opposition is wreaking havoc.

**Mr. Deputy Speaker:** Member, again, could you kindly rephrase, please? Hold on one second. Member for Chaguanas East, I will prefer—at least do not stand in cubicle, please. You could have a seat next to it. Thank you. Chaguanas West, sorry. Proceed.

**Hon. F. Cummings:** Mr. Deputy Speaker, following due process, a Commissioner of Police was appointed in 2018 to 2021. We know that following the end of that contract, that we are all quite familiar with the events that took place following that and we know that matters attracted the court’s attention and that certain clarification was given, and the process is now in place where a Commissioner and Deputy Commissioner can be properly appointed.

We have, after due process in place, an Acting Commissioner and an Acting Deputy Commissioner of Police properly appointed by the action of the Police Service Commission, the President and the Parliament, as is the process. And therefore, we are comfortable that we have in place management for the police

service for the enforcement of law and for crime prevention and for the protection of life and property of our citizens. That is the kind of order that one would expect from a government in office and one would also expect that an Opposition that is responsible would be in place to support proper law and order, Mr. Deputy Speaker.

So I ask, once again, the question, Mr. Deputy Speaker: In whose interest and whose interest could the Opposition be serving to look towards having these Orders annulled? What could it possibly bring? What benefit could it possibly bring to the citizens of Trinidad and Tobago? Such action, Mr. Deputy Speaker, is certainly irresponsible and a blatant disregard to the citizens and the people of Trinidad and Tobago who expect better from their elected representatives. Mr. Deputy Speaker, this Motion should be dismissed. This Motion should not have come here in the first place.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** The action of the Opposition in this regard is certainly irresponsible.

**Mr. Hosein:** Mr. Deputy Speaker, 48(1). And also, I would just like to raise another issue. Is the Member—

**Mr. Deputy Speaker:** No, Member, hold on one second.

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Member, Member, hold on. Standing Order?

**Mr. Hosein:** 48(1). And the Member is also challenging the decision of the Speaker to have this Motion before this floor.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Member, Member, thanks. Proceed. Overruled.

**Hon. F. Cummings:** Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, you know, you cannot play mas and “fraid” powder. You cannot play mas and “fraid” powder.

**Mr. Lee:** Mr. Deputy Speaker, 55(1)(b). My colleague is repetitive in his debate.

**Hon. Members:** [*Desk thumping*]

**Mr. Charles:** And he is the leader of the—[*Inaudible*]

**Mr. Indarsingh:** He is the leader of the—[*Inaudible*]

**Mr. Deputy Speaker:** Again, hon. Member, again, I will have to uphold the Standing Order in terms of repetition of the term but proceed.

**Hon. F. Cummings:** Mr. Deputy Speaker—

**Mr. Indarsingh:** You campaign aspirations.

**Mr. Deputy Speaker:** Members, please. Each Member will have the opportunity to enter the debate. Please, minimize the crosstalk, please. Speak in hushed tones, I would appreciate it. Proceed.

**Hon. F. Cummings:** This happens, Mr. Deputy Speaker, when you try to make sense out of nonsense and that is the behaviour and has continually been the behaviour of the Opposition in this Parliament.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** And what we are saying to Trinidad and Tobago is to pay close attention to the actions of the Opposition. Pay close attention to them and pay attention to their actions as they try to get—

**Mr. Lee:** Mr. Deputy Speaker, please, 55(1)(b). My colleague, my friend has been saying that from the start of his debate. He has said nothing different. He keeps repeating it, Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Overruled. Proceed.

**Hon. F. Cummings:** Thank you very much, Mr. Deputy Speaker. I ask you to pay careful and close attention; careful and close attention because certainly this—

**Mr. Rambally:** Mr. Deputy Speaker, 48(1). This Motion is not of the Speaker's opinion of the UNC. That is not what this is about.

**Mr. Deputy Speaker:** Overruled.

**Hon. F. Cummings:** You know, Mr. Deputy Speaker, there comes a time when we all have to account for our actions and I put it on the record that this Motion will certainly be looked at and frowned upon by the people of Trinidad and Tobago when the time comes; will certainly be frowned upon. And, Mr. Deputy Speaker, we are clear—we are very clear that this useless action before the House today will not receive the support of the Government of Trinidad and Tobago. We are absolutely clear about that.

**Hon. Member:** [*Inaudible*]

**Mr. Deputy Speaker:** Member. Member for Naparima, that is three times within a couple seconds. Please, you had your say. You may have the opportunity at the end of the debate but please. Proceed.

**Hon. F. Cummings:** The Member in bringing this Motion and laying this Motion through the 30 minutes or so that had to speak had little to say to justify us debating this Motion. And in reference to bringing points about heaven and angels and all of these sort of points, I want to say to him that there is heaven and there is hell, and there is a hierarchy in heaven and there is also a hierarchy in hell. I want to remind him of that.

**Hon. Members:** [*Desk thumping*]

**Hon. F. Cummings:** Mr. Deputy Speaker, the position of Commissioner and the position of Deputy Commissioner are both filled by acting appointments, properly done so; properly done so, I repeat. And therefore, it is to the benefit of the citizens



of Trinidad and Tobago that we have a Government like the People's National Movement in office, led by a Prime Minister like the Dr. the Hon. Keith Christopher Rowley who is about serious business. When we come to the people of Trinidad and Tobago, when we come to the Parliament—

**Mr. Hosein:** Mr. Deputy Speaker, 48(1). It is about 20 minutes and the Member has yet to speak about the Order that is before this House.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Overruled.

**Hon. F. Cummings:** When we come to the people of Trinidad and Tobago, we are about serious business. So this attempt to come to the House to annul Order No. 2 of 2021, and therefore, to interfere—to attempt to interfere with the current position and the current status quo, we reject it out of hand and we will not certainly give any credit to this waste of parliamentary time. Mr. Deputy Speaker, I thank you.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** I recognize the Member for Chaguanas West, and Member, you have 20 minutes.

**Hon. Members:** [*Desk thumping*]

**Mr. Dinesh Rambally** (*Chaguanas West*): Thank you, Mr. Deputy Speaker. Mr. Deputy Speaker, it was somewhat painful to listen to the last speaker, Member for La Horquetta/Talparo. And I know he said, you know, we have to make sense out of nonsense and I have been trying to do that, Mr. Deputy Speaker, in order to respond. And that really is a painful task, to take the sense out of the nonsense which I have just heard.

Now, the approach taken in the Motion that is before the House today, I know my colleague who spoke before, Member for La Horquetta/Talparo, he says

in whose interest could this Motion have been brought by Members on this side? And that is quite different because I heard the hon. Attorney General, on a similar Motion in the other place, welcome this Motion because he felt that this was necessary to have a debate on something which is critical at this point in time in this country.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** But I think what happened is that the Member who was just speaking, the Member for La Horquetta/Talparo, he got ahead of himself, Mr. Deputy Speaker. His interest, his enthusiasm with this particular Legal Notice, it may give credence to an appointment process in his own party that he feels will jettison him to be the leader of his party, not seniority. So I think he got ahead of himself—way ahead of himself.

Now, I want to say that—he says—I just want to answer, Mr. Speaker, some of the comments which I think were allowed and we need to respond to that. The last speaker says there is no justification for bringing the Motion and that Members on this side, we are going in the direction of sabotage of the Commissioner of Police. Now, Mr. Deputy Speaker, I find that quite ironic because I do not know which island or country the last Member is living in but for the last few months, it is quite clear which Members on which side—

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

**Mr. D. Rambally:**—have engaged in a process which sabotaged the Commissioner of Police in this country.

**Mr. Indarsingh:** [*Inaudible*]—of confusion.

**Mr. D. Rambally:** And it seemed as though he was—

**Mr. Deputy Speaker:** Members, please.

**Mr. D. Rambally:** Mr. Deputy Speaker, it seems as though he was resorting to clause 3 of the PNM's motto which is that we must blame the pandemic.

**Mr. Al-Rawi:** Mr. Deputy Speaker, I respectfully rise on Standing Order 48(1).

**Mr. Deputy Speaker:** Member, I will give you some leeway. Tie in the point quickly. If not, you will have to move on. So tie it in with regard to what we are discussing.

**Mr. D. Rambally:** Yes, yes. Mr. Deputy Speaker, it seems as though the last Member—and I am responding to his point that, you know, we on this side have some ulterior motive or ill motive in bringing this Motion. And I am simply saying that in case that, you know, the Member for San Fernando West is not aware of that motto, Members on that side, clause 1 is blame Kamla.

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

**Mr. D. Rambally:** Clause 2 is blame the UNC and clause 3 is blame the pandemic. So it seems as though he resorted to the pandemic as well when he was talking; so there is no chaos under the UNC. And let me set the tone and the context in case the Member did not understand or he is somehow—he is not in tune with what is going on the ground.

**Mr. Deputy Speaker:** Hon. Member, again, the pronoun; again, proper terms; Member for the particular constituency; hon. Member as the case may be also. And as I am on my legs one time, “chaos”, I will prefer you do not use the term. I will like you to retract it because, again, it happened earlier—

**Mr. D. Rambally:** Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Hold on, hold on, hold on because it happened with the previous speaker where we asked it to be retracted. So again, I am just letting you be aware of it.

**Mr. D. Rambally:** Mr. Deputy Speaker, I will take that guidance. I missed the

part where it was called upon to be retracted by the Chair.

**Mr. Deputy Speaker:** Proceed.

**Mr. D. Rambally:** So if that is the case, Mr. Deputy Speaker, I will withdraw the word “chaos”. So, Mr. Deputy Speaker, if I may say that you have to view what is being debated here today against a certain context. And what is that context? There is a lot of mistrust. There has been societal upheaval in this country, in our society. There has been a lot of debate over the last few months as to how it is we could end up without a Commissioner—a substantive Commissioner of Police. I am not going to get into that but we take to take these things into context. We on this side were not the authors of that situation and what you have here now is you are dealing with a direct procedure which will lead to hopefully resolving that scenario, so I am not going back into that but it continues to engage the society. So I leave that there, Mr. Deputy Speaker.

May I say, Mr. Deputy Speaker, we are not here—as the other side would want, you know, citizens and those who listen to us debating here, we are not here to nit-pick as they would want people to believe. But essentially, we would really like—and this is our opportunity in filing this Motion of annulment and I want to support and endorse this Motion brought by the Member for Naparima. Essentially, this Motion is to scrutinize the Legal Notices 277 and 278 as a means of essentially safeguarding and protecting our democracy.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** Mr. Deputy Speaker, I say we need to safeguard our democracy because a bigger issue—these notices are symptomatic of a bigger issue at play and I repeat, namely the selection process of the Commissioner of Police and Deputy Commissioner of Police. I believe it is redundant, Mr. Deputy Speaker, to repeat the content of these notices. We are familiar with them. But just for the record we

have had Legal Notice being amended by Legal Notice—Legal Notice 277 being amended by Legal Notice 278. And the essential difference was the removal, as the Member for Naparima had indicated, the removal of the criteria of seniority.

Now, some of these Legal Notices, Mr. Deputy Speaker, have made the rounds in the courts and we have heard about that. And in the other place I know Members on both sides and even the Independent Bench in the other place would have spoken to this and so they have been subject to judicial scrutiny. The courts have deemed certain parts and ruled—adjudicated certain parts to be superfluous. So what you have is a situation where the predecessor notices to 277 and 278, they did not get a passing grade. So I want to make that point as I move on.

Mr. Deputy Speaker, when someone has a fever, it is not always the fever itself that is significant. The fever is usually an indication that there is something more, an infection somewhere or delirium. And this is the situation we face here in dealing with these Legal Notices. In and of themselves, they have thrown us, Mr. Deputy Speaker, what we would say a “googly” but we will deal with it. They have removed this key component called “seniority”.

Now, everyone knows that in the public service, not only the police service, in the public service, seniority is like a badge of honour. It represents the fact that you have served with pride and commitment or at the very least that you have dedicated a great part of your working life towards the development of the field in which you work. The police service is no different, Mr. Deputy Speaker. Many officers would have moved up the ranks such as constables, corporals, detectives, superintendents, commissioners, et cetera. This is how officers made it to the top. But that system, by virtue of these Legal Notices, has now been effectively dismantled in the selection process that is now being put forward.

So I say, Mr. Deputy Speaker, it is a slap in the face of those officers who have been aspiring for years to reach to the top and to be able to give of their skills and experiences and wisdom they would have acquired and their appreciation of the nuances of the job that would have made them extremely suitable candidates and reliable candidates. So you cannot equate someone with 25 years' service to someone who possibly has—we take it hypothetically—seven years' service, regardless of academic qualifications, not in the police service. But what you see here, Mr. Deputy Speaker, and what we are debating is that with one stroke of the pen their aspirations are now scratched out. No notice, no consultation.

The powers of a Commissioner of Police are quite far-reaching and sensitive, and I will not go into that. I think we are all *ad idem* on that. But selection of such a post, Mr. Deputy Speaker, must—it must command utmost care and attention. It is the Commissioner of Police who ultimately is the figurehead, whose brand and approach to crime-fighting will set the tone for the rest of the service. And we have seen this in the past. So that person ultimately embodies the line—and this is something that I feel very strongly about. That head figure is the person that embodies the line that separates anarchy from democracy and that is what is at stake here, Mr. Deputy Speaker, as we debate these notices.

Now, it is a well-known saying that:

“Wisdom”—and this is really to tease Member for Naparima and everyone—“is with the aged, and understanding in length of days.”

And that, of course, Mr. Deputy Speaker, comes from the *Bible*.

Now, wisdom, pure and simple, is something that we cannot purchase, we cannot get it on paper. It is something that will come with the experience. Now, was it not possible or, Mr. Deputy Speaker, would it not have been more prudent as it were that the drafters of Notice 278 could have inserted a preference for

seniority, if not an absolute requirement? So we must ask: Why the absolute removal of this criteria? Mr. Deputy Speaker, it seems to go against the tradition of respect and promotion based on seniority. So we must ask, we get the suspicion that this was done to potentially serve specific causes. I am not saying those on that side are doing it. I am saying that when you have—and I will come to it in passing in a little while. When you look at what we have here, it creates a suspicion, whether or not Legal Notice 277 and with an immediate amendment, 278, was done potentially with specific causes beneficial to certain parties. And this is what I am saying, when you have an atmosphere of mistrust, we cannot deny the events which unfolded in 2021, in relation to the Commissioner of Police—the Police Service Commission. So I say that, you know, we must be weary of these things, perception in the Police Service Commission in the selection of Deputy Commissioner, substantive Police Commissioner, Acting, whatever it may be. They are all grounded in perception and that will lead to confidence.

But be that as it may, Mr. Deputy Speaker, we still have to look for what lurks beneath. We must question the rapid-fire production of the second Notice 278, and Member for Naparima did make mention of this, coming fast on the heels of Legal Notice 277. Mr. Deputy Speaker, after a long, drawn-out process involving what happened with the Police Service Commission—and we are talking about court battles—whatever may have taken place in the courts, we are now talking about remedying a situation and in remedying the situation, you come up with Legal Notice 277 but immediately, within 24 hours, there is a removal of a substantive part of the earlier Legal Notice. So it makes us realize that possibly there is a certain level of desperation that has set in with the framers of those Legal Notices and those on the other side. Mr. Deputy Speaker, the haste with which the

merit list was recalled very much resembles the haste with which Legal Notice 277 has been amended.

**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** And I would not be surprised if there is going to be a Legal Notice 279 given the rate this Government is flip-flopping on these matters.

So, Mr. Deputy Speaker, one just, as I said, has to think back on the process that played out and quite recently, in the corridors of high power, to see what is at play and no doubt these Notices are just a part of that process.

Mr. Deputy Speaker, it gives me no pride in saying this but sometimes I think a certain blight has overtaken the process of appointing a Commissioner of Police in this country for some time now. Many commentators have discussed this convoluted process. Every time; every time this occasion arises we try to reinvent the wheel and why are we doing that? We are suddenly seized and bedazzled by the pretzel-like processes surrounding such an appointment.

And, Mr. Deputy Speaker, as if that was not enough, the Government—this Government continues to “confuffle” the process with what we are dealing with today, these two Legal Notices. So here, again, we are asking the same old questions like: Who is acting or who is a contract worker? Who is a senior or skilled or experienced? So the process seems designed, Mr. Deputy Speaker, to frustrate and the Government has not made it any simpler with these Legal Notices. It is mind-boggling that for a small country like ours, Mr. Deputy Speaker, where we are mostly very legally-minded, that a simple drafting exercise can cause us such headache. So this is something, Mr. Deputy Speaker, it may be that it is testament of a lack of proper understanding and application of the law. And that is why a Motion to annul had to be filed to be able to debate these notices.

**3.00 p.m.**



**Hon. Members:** [*Desk thumping*]

**Mr. D. Rambally:** If these Legal Notices were properly produced to the public and if a sensible explanation can be offered, we would not be forced to have done this. And that is in direct response to Member, previous Member on the other side who was speaking, Member for La Horquetta/Talparo. We would not be forced to be here today to try to have it annulled to entertain this discussion. And we would like it annulled because the population knows that these Legal Notices are the culmination—jump high or jump low, the people are saying that these Legal Notices are the culmination of a process that started with the possibility of high level of interference in the selection process.

In other words, these Notices, Mr. Deputy Speaker, Legal Notices 277 and 278 have their genesis, their origins in suspicion and mistrust. We all know that this country has sleepless nights over the unfortunate dissolution of the Police Service Commission which, I want to say is the spring board—

**Hon. Members:** [*Interruption and crosstalk*]

**Mr. D. Rambally:**—which is the spring board from which any Commissioner of Police and any Deputy Commissioner of Police may be appointed. So, Mr. Deputy Speaker, how many minutes do I have again, please?

**Mr. Deputy Speaker:** About three minutes.

**Mr. D. Rambally:** Three minutes. So, Mr. Deputy Speaker, we know that the collapse of the Police Service Commission, the Order of Merit List was sent to the President's House, I say that on the record, it is already there. And then also immediately recalled and no satisfactory explanation has been given to the citizens of this country and, yes, the questions remain. To this day, Mr Deputy Speaker, we do not have the satisfaction of knowing the worrisome details of that recall but the country has speculated. It is not for us to speculate about it, it is for this honourable

House to debate it. And I want to say, Mr. Deputy Speaker, there has always been an urgent need, like a hunger if you will, for this Government to get and maintain some control over the selection and appointment processes. Their last attempt, Mr. Deputy Speaker, to exercise control in this way was countered—

**Mrs. Robinson-Regis:** Standing Order—[*Inaudible*]—Mr. Deputy Speaker.

**Mr. Deputy Speaker:** Again, Member, you were going pretty fine but, please, just stay away from that last point you were trying to make there, please. I will have to uphold the—

**Mr. D. Rambally:** Yes, thank you.

**Mr. Deputy Speaker:** And you have just about, just over a minute.

**Mr. D. Rambally:** The last attempt—thank you, Mr. Deputy Speaker. The last attempt to exercise control in this way was thankfully countered by the courts of Trinidad and Tobago. Mr. Deputy Speaker, I look forward to hearing other Members in the debate but I endorse fully, Member for Naparima, the Motion which is before the court to annul Legal Notices 277 and 278 and I would urge Members on the other side to engage in some introspection, we need to get this right and part of getting it right is inspiring confidence in our population that what is being done here and what is being debated and what is going to follow through to be the selection process for Commissioner and Deputy Commissioner, substantive, acting, whatever it may be it must be done properly with no perception of interference. So, Mr. Deputy Speaker, I thank you for the time.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Leader of the House, Chief Whip? Leader of the House, Chief Whip? Am I to recognize Member for Oropouche East, Chief Whip?

**Mr. Lee:** Yes.

**Mr. Deputy Speaker:** Okay, I will recognize the Member for Oropouche East at

this time. Twenty minutes.

**Hon. Members:** [*Desk thumping*]

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Mr. Deputy Speaker, for allowing me the opportunity to speak on this very critical Motion filed in the name of the Member for Naparima. Mr. Deputy Speaker, the debate has so far taken an interesting turn. The Member for Naparima made his presentation to be followed regrettably by the Minister of Youth Development and National Service who, I was taking notes, Mr. Deputy Speaker, who spoke on issues of motivation, what motivated the filing of this Motion, who spoke on crime plan of the People's Partnership, who also spoke—I think that was it.

Mr. Deputy Speaker, regrettably no one on the Government's side has yet really responded to the central question that has been raised by two speakers on this side. And to put it simply we are asking the Government, and I am fairly certain the Member for La Horquetta/Talparo was not the framer or drafter of these Orders. We were simply enquiring of the Government, why. Simply, why?

I do not know if the Attorney General or another member of the Legislative team would want to answer in the Parliament simply why. If seniority was removed by legal order, simply why. Now, they may be good reason but we have not heard a good reason. It left those of us in the Opposition to keep on wondering what really would have been the thinking of the draftsman of the framer of these Orders that they would go as the last speaker, the Member for Chaguanas West indicated, with haste to remove that issue of seniority.

Mr. Deputy Speaker, I have had the opportunity in preparing for this debate to reflect on the Public Service Regulations in Jamaica and Police Service Regulations as well in Jamaica which speaks to issues of appointment and acting appointment in a very clear and precise way in that legislation. And it speaks as

well to the issue of seniority. Now, the speaker before me raised an interesting point which I will just explore a bit more since it is a matter of management as well as law. In that in the police service where you have men and women who would have given years and years, decades of service in that particular institution and would have climbed the ranks so to speak, sometimes that took a long time, Mr. Deputy Speaker. You would know that in this jurisdiction there were police officers who were compelled to go to the court and the Supreme Court, promoted them by way of judgments and rulings and so on, and persons actually became appointed by virtue of a judgment not by virtue of fairness. And the police service is so managed that you would work and you would spend your life dedicating to service there with the realistic desire that you would rise in the ranks and from the constable you would come the corporal, the sergeant, et cetera, et cetera.

**Hon. Member:** [*Crosstalk*]

**Dr. R. Moonilal:** And when you reach the point where you reach the highest echelon now you can aspire to be the Commissioner of Police of this country.

**Hon. Members:** [*Crosstalk*]

**Mr. Deputy Speaker:** Silence, please.

**Dr. R. Moonilal:** However—yes, Mr. Deputy Speaker, they are even affecting me in the booth here, the Member for Diego Martin North/East and the Member for Port of Spain North, St. Ann's West.

Mr. Deputy Speaker—and now he is distracting me by waving. Mr. Deputy Speaker, you would—

**Mr. Deputy Speaker:** [*Inaudible*]

**Dr. R. Moonilal:** Yes, yes, I think I should do that.

**Mr. Imbert:** [*Laughter*]

**Dr. R. Moonilal:** Mr. Deputy Speaker, the police office would realistically and

desirably aspire to become a Commission of Police. Since 2007 to now you have had the situation where that appointment process was changed in a fundamental way but not in a radical way, in a fundamental way, in that what was previously, the Prime Minister's pick, you know, the Prime Minister had a role to play in the appointment of the Commissioner of Police and so on, it became the parliamentary role. And the Commissioner is appointed through a process where the Government being the names as we all know and it is not that the first name presented is necessarily the man or woman who is appointed.

On occasion here I believe, 2019, if I can recall, it was around the fourth name, we came every week to reject someone. But the point I am making is that senior police officers may aspire to be the Commissioner. It is a process involving the politicians, to appoint a Commissioner in Trinidad and Tobago politicians do that. That is very clear, politicians do that. So it is a political decision. However, before these Orders if you were the senior police officer, you have come through the ranks, you have spent your decades in service at least you could have aspired to be acting as a Deputy Commissioner of Police or a Commissioner of Police. You could have at least aspired to say one day before retirement I can act as a Deputy Commissioner or I can act as Commissioner of Police. The effect of this now is to demoralize police officers in the service when they come to the realization that even an acting appointment is a full-fledged political decision.

So, you will not even act as a Deputy Commissioner of Police or Commissioner of Police unless you have the approval of the politician. And that speaks to undermining the independence of the Trinidad and Tobago Police Service. It speaks to undermining the independence of their work that they believe now that they are at the behest of the politicians. So, if the politicians wish you to do A, you do A, if they wish you to do B, you do B. Because the acting

appointment itself is a political appointment. And so far, regrettably, no one in the Government will condescend to tell us why.

Now, it could well be—now, my job of course is not to speak on behalf anybody except myself really and my colleagues in Opposition, but tell us why because it cannot be that you now take the appointment process and you tie the hands of the Police Service Commission and say, listen seniority is out the window, so do whatever you want. And in that process you undermine the legitimate expectations or hope, aspirations of thousands of persons working in the Trinidad and Tobago Police Service.

And I say this with the knowledge that governments change, parties and governments change and so on, and I ask my friends opposite, you know, would you want another party to be in government and police officers then believe that they are at the behest of another party, another group of politicians. And that is not a good development for this country that even an acting appointment, because in the police service as we know the acting appointment has the substantive power. Remember, you know, and I heard my friend from, the Member for Lopinot/Bon Air, what?—the Member for La Horquetta/Talparo, sorry, I heard my friend from, the Member for La Horquetta/Talparo and I think it was unfair for the Leader of Government Business to have put him in such difficult position to speak on this matter.

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

**Dr. R. Moonilal:** I think it was unfair to him it may be that somebody is trying to undermine his ascendancy, but to sabotage him, again. But, Mr. Deputy Speaker—

**Mr. Indarsingh:** Seniority.

**Dr. R. Moonilal:** But, Mr. Deputy Speaker—

**Mr. Deputy Speaker:** Members, please.

**Dr. R. Moonilal:**—the Member for La Horquetta/Talparo, you know, in making a case which could not stand sought to paint this matter as the Opposition have some intent that was not good. But what is the intent, but the Government will not even tell us what is the intent of what they are doing. You know to this point the Government has not said what is the intent of this, what they intend to do by removing seniority.

And the Member for La Horquetta/Talparo stood in the booth opposite, you know, and he was beating his chest and speaking about acting appointments under the Partnership. But under this administration they did not even have an acting Commissioner. This country for three, four months was without a Commissioner, acting. And the point I make—so I come back to this point now, in the police service when you act as a Commissioner of Police you have the substantive power of the Commissioner of Police. So the incumbent now who is acting he can undertake the myriad of duties of a Commissioner of Police. So the acting appointment undertakes the substantive role and duties, but now you have removed seniorities so it is now, it is no longer necessary to be the most senior person to act as Commissioner or Deputy Commissioner, it is no longer a matter of seniority not even to be Commissioner of Police anymore.

So I am just asking the question, is this really in keeping with good practice, best practice, proper governance? And I do not want to make, you know, Mr. Deputy Speaker, unnecessarily, I do not want to make no scandal or bacchanal here, all I came here and the central point of what I am saying is if any Member of the Government would be kind enough to tell us the reasoning behind the removal of the seniority, we would want to hear that. But apart from that, Mr. Deputy Speaker, we have heard nothing from the Government on this. Thank you.

**Hon. Members:** [*Desk banging*]

**Mr. Deputy Speaker:** Chief Whip, am I to recognize the Member for Naparima?

**Mr. Lee:** Yes, Sir.

**Hon. Members:** [*Desk thumping*]

**Mr. Deputy Speaker:** Okay, I now recognise the Member for Naparima and Member, you have 20 minutes.

**Mr. Rodney Charles** (*Naparima*): Thank you, thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, I listened intently to those on the other side or those, the one, on the other side and have been left with no new insights, no new enlightenment that could advance the cause of democracy, that could advance the process of selecting the most qualified and suitable persons for acting positions in the Trinidad and Tobago Police Service. What I heard from the Member for La Horquetta/Talparo is that they have nothing, they have nothing to say. But it is clear over time much as we try to get to understand the thinking that goes behind the legislation—the laws that come to this Parliament, I think this is typical of what we have heard, we have heard nothing, absolutely nothing.

We got a diatribe of how on our side our crime plan did not work, unmindful of the fact that crime, the murder rate during the period 2010 to 2015 was the lowest in the recent history in Trinidad and Tobago. Unmindful of the fact that we have escalating crime out of control and yet the Member for La Horquetta/Talparo has the effrontery and the “brass facedness” to talk about what they have done, Mr. Deputy Speaker.

It is clear that there is no talent on that side because we hear talk about aspirations for leadership on that side and if what we heard today is indicative of what we will have as leadership material in the other party the country is in grave danger. We heard how great the PNM is, unmindful of the fact that their record includes challenges with Legal Notice 183. It is a fact, a situation in which we have



for the first time no sitting Commissioner of Police, never in the history of Trinidad and Tobago and I am 73 years old and never, I cannot recall a situation where we never had a sitting Commissioner of Police, and we have a situation of out-of-control crime. But what we have from that side is arrogance, arrogance, we have nothing to explain, we are monarchs of all we survey, we give you a law, we do a Legal Notice, we do not have to explain, we do not have to defend because we govern from a position of divine authority, divine rule. Arrogance and we know that there is a way of dealing with that, the people of Tobago have shown us that they will not put up with that arrogance.

We have heard no clear answer as to why Legal Notice 277 was amended within 24 hours by Legal Notice 278. No reason, they do not have to give any reason. "They are monarchs of all the survey, they are right, there is none to dispute", so they do not see the need to answer. We have had no answers as to why the removal of the seniority criterion is justified in Legal Notice 278. I think this Government has underestimated the level of distrust arising from all that has occurred in the past with everything involving the selection of the Commissioner of Police, a point which was raised by my colleague from Chaguanas West. They are underestimating the level of distrust and concern by the population that something is amiss and we are not getting clear answers.

So the distrust remains and I reiterate the call, we need, we insist that we get it right. The Member for Chaguanas West said we need to get it right and we need to get it right the first time and we do not have to get in a situation where we have to change a legislation in the darkness of the night. Clearly they do not care. We have learnt that it is our courts, our courts, not our Parliament that speaks stridently to the kinds of legislation we bring forth, including the unconstitutionality of Legal Notice 183. And it is left to the courts, we reiterate, it is the courts, if they do not

want to answer here in Parliament they will answer in the courts of Trinidad and Tobago. And I am sure in future the courts will unearth the mischief in Legal Notices 277 and 278.

The hon. Attorney General has said in the other place—this is where he said in the other place, quote:

“...seniority would constitute an unfair...or undue fetter”—on—the discretion of the Police Service Commission”—and making it unconstitutional.

And yet it has been proven, it has been the practice under the Police Service Regulations outlined in the Constitution for years that seniority—when all things are equal considering the cost of transportation, et cetera, that seniority will be taken as a general rule it will take precedence. But suddenly it is unconstitutional and it is unfair.

There is a suspicion. There is a suspicion, Mr. Deputy Speaker, that the seniority criterion has been removed for some reason, we do not know, they do not wish to say it, but the mischief will be revealed in the fullness of time when someone, some aggrieved officer decides to challenge it in court. So, we are talking about the police service. Mr. Deputy Speaker, in the police service rank means everything. Mr. Deputy Speaker, when you go in the police service and you hear regimental number because they keep publicizing, there is a Facebook page in which the police service speaks of all the deaths that have happened with COVID and they would say regimental X died, retired sergeant X died from COVID, regimental number 4486. And that means something to members of the police service.

[MADAM SPEAKER *in the Chair*]

I have seen the concept of batch, what batch means, the loyalty of the culture. When someone says in the police service that is my batch he means a comradery,

he means a brotherhood, he means almost a cult in which only members of the batch could understand. So when you interfere with these important things it could be minor because we have a textbook thing, let us change it. And when you change it you realise there are unintended consequences.

Madam Speaker, I was in Mausica Teachers College and the system of education and appointed head teachers and inspectors prior to 1970 was based on—and it was inherited by the British. It was based on a culture of seniority/performance. You could not be a school supervisor if your school did not succeed in the Mado Shield for agriculture. If you did not have boy scouts and a club, a cub—if you did not have a school garden you could not. You know what happened, unintended consequence just like what we are doing here by interfering with seniority they removed those characteristics of the teaching service and I benefited from it. Suddenly academic qualifications became important and Mausica was the forerunner to that. And many will tell you that the days of the old time teachers, head teachers like my father, like Harold Telemaque, like Mr. Clem Singh, like Joseph Toney's father, Mr. Springer, Mr. Romily, all those—that has collapsed because there was a tinkering with something which they did not understand.

I am putting forward that when you tinker with seniority in a paramilitary organisation that has a history of difference to seniority you may be creating problems with a service that is critical. Trinidad and Tobago is at the juncture of what Lloyd Best will called pre-collapse. We—every institution is collapsing. The one that has a modicum of structure and organization is the Trinidad and Tobago Police—

**Madam Speaker:** Okay.

**Mr. R. Charles:** Madam Speaker, with those words, with those words, I beg to

move.

**Hon. Members:** [*Desk banging*]

*Question put.*

**Mr. Lee:** Division.

**Mrs. Persad-Bissessar SC:** Division.

**Hon. Members:** [*Crosstalk*]

**Madam Speaker:** A division has been called. Hon. Members—

**Hon. Members:** [*Crosstalk*]

**Madam Speaker:** Hon. Members, a division has been called.

**Hon. Members:** [*Crosstalk*]

**Madam Speaker:** As you know, we wait three minutes for Members who are in the precincts to make their way to the Chamber. As you also know, if a Member's turn has been passed while the count is being taken but the Member reaches here before the vote is announced, that Member will be allowed to vote. So the three minutes begin now.

[*Pause*]

**3.30 p.m.**

**Madam Speaker:** Hon. Members, the three minutes have now expired, the count shall begin.

*The House divided:* Ayes 16 Noes 20

AYES

Lee, Mr. D.

**Mrs. Persad-Bissessar SC:** Yes. Yes. Yes.

**Hon. Members:** [*Crosstalk*]

**Mrs. Persad-Bissessar SC:** Three votes.

**Madam Speaker:** That will be counted as one yes. One Yes.

**Hon. Members:** [*Laughter*]

*Division continued.*

Charles, R.

Moonilal, Dr. R.

Paray, R.

Indarsingh, R.

Bodoe, Dr. L.

Hosein, S.

Padarath, B.

Mohit, Ms. V.

Tancoo, D.

Benjamin, Ms. M.

Rambally, D.

Ragbir, Dr. R.

Seecheran, Dr. R.

Ratiram, R.

NOES

Robinson-Regis, Hon. C.

Al-Rawi, Hon. F.

Imbert, Hon. C.

Young, Hon. S.

Beckles, Hon. P.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Webster-Roy, Hon. A.

Cudjoe, Hon. S.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

Forde, E.

Richards, K.

Manning, Hon. B.

Leonce, Hon. A.

Morris-Julian, Hon. L.

de Nobriga, Hon. S.

Cummings, Hon. F.

Monroe, R.

Gadsby-Dolly, Hon Dr. N.

**Clerk:** Madam Speaker, the results of the division are: 20 Members for, 19 against, there was zero abstention. Sorry, 16 against. My apologies.

**Hon. Members:** Oooh!

**Mrs. Robinson-Regis:** That record is incorrect.

**Madam Speaker:** Could we have—

**Hon. Members:** [*Crosstalk*]

**Madam Speaker:** Could we have some order please? The Clerk will re-announce the results so that the record will be properly correct.

**Clerk:** Madam Speaker, the results of the division are: 16 Members voted for, 20 against, there was zero abstention.

*Motion negatived.*

**Hon. Members:** [*Desk thumping*]

**Madam Speaker:** So can I ask the Members who have come in to vote to kindly retire from the Chamber? Leader of the House.

**ADJOURNMENT**

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

Thank you very kindly. Madam Speaker. Madam Speaker, I beg to move that the House do now adjourn to Friday, the 4<sup>th</sup> day of February at 10.00 a.m. At that time, Madam Speaker, we will do a Bill entitled an Act to combat corruption and other wrongdoings by encouraging and facilitating disclosures of improper conduct—I will not read the entire. Thank you, Ma'am.

**Madam Speaker:** Hon. Members, there is one matter that qualifies to be raised on the Motion for the adjournment of this House. I now call upon the Member for Oropouche West. You have 10 minutes.

**Hon. Members:** [*Desk thumping*]

**Deployment of Tear Gas  
(Trinidad and Tobago Police Service)**

**Mr. Davendranath Tancoo (Oropouche West):** Thank you, Madam Speaker. Madam Speaker, it is with great concern and disappointment that I bring this Motion, this matter, to this honourable House. The deployment of the chemical weapon commonly known as tear gas by members of the Trinidad and Tobago Police Service against unarm civilian citizens including children and the elderly in a public space. Madam Speaker, on Sunday 16<sup>th</sup> of January, 2022, at the Queen's Park Savannah, a group of citizens held a peaceful prayer march aimed at highlighting their concerns over the Government's vaccination policy for public servants and its mishandling of the COVID-19 pandemic. Senior citizens, women, children and other interested citizens participated, Madam Speaker, in this peaceful march around the savannah.

They walked with their placards bearing their views on the vaccination issue. They acknowledged the encouragements of passing motorists and pedestrians, but at no time, Madam Speaker, did they cause any disruption to the

free thoroughfare of either traffic or pedestrians. Yet these peaceful citizens, who were unarmed, were seen as a threat to the State and to the heavily armoured and armed police officers present. What ensued could only be described as disappointing as police officers were ordered to release tear gas canisters to disperse this group of less than 300 persons. Remember, Madam Speaker, remember that not one person in this march was armed with anything more than prayer, their personal views, and their constitutional rights. The release of the tear gas affected not only the participants of the peaceful gathering, including young children who were traumatized by the incident, but motorists and pedestrians passing in the vicinity who were not even involved in the march to start with.

Tear gas, Madam Speaker, has immediate effects as it causes skin, respiratory and eye irritation, while some people who have preexisting medical conditions may develop severe symptoms such as respiratory failure, blindness, and even death. Yet, the acting Police Commissioner justified the actions of these officers claiming that they had exhausted all measures before the use of tear gas as reported in the newspaper, and I quote, Madam Speaker:

“The police followed our use of force policy as required, they use all the expression, they made all the efforts to disperse the crowds and even though the crowds had dispersed at some point, a core group of person insisted that they were not moving and the officers did what was required according to our standard operating procedures...”—and—“...they are properly trained and they followed all the training and methods that they have learned in order to deal with the crowd control and in those particular circumstances...”

So, Madam Speaker, the Acting Commissioner of Police confirmed that the crowd had dispersed at the point of time at which the tear gas was issued. So one



wonders, Madam Speaker, how large a group were these core group of persons to warrant the use of said tear gas?

It should be noted that a total of 12 persons were detained during the protest, but only one of them has been charged. Ironically, the media reports were that the one person charged was charged with the offence of leading the march without police permission, nothing relating to violence, the threat of violence, or anything suggesting that the police or members of the public were placed at risk of harm by the marchers. Indeed, the only incidence of violence on the day was the action initiated by the security services.

Madam Speaker, the problematic legality of tear gas under International Human Rights law, a paper written by the University of Toronto's International Human Rights Programme states and I quote:

“Used as an area weapon, tear gas is inherently indiscriminate and is frequently abused when deployed against peaceful assemblies, in enclosed spaces, in excessive quantities and...”—amongst—“...vulnerable populations. It cannot distinguish between the young and the elderly, the healthy and the sick, the peaceful and the violent. Its deployment can...cause myriad health harms, including severe injuries and...”—even—“...death.

‘Tear gas is not a relatively benign method of crowd control. Its deployment effectively crushes the right to freedom of protest and assembly,’ said Vincent Wong...”

—who is a Research Associate and co-author of the very same report I cited earlier.

He continued:

“Studies are showing that long-term exposure in the form that we are seeing with protest policing leave those affected at higher risk for a host of

illnesses, including contracting respiratory illnesses such as COVID-19.”

It is a fact that the 1925 Geneva Protocol prohibits the use of chemical and biological weapons in war and that includes tear gas, Madam Speaker. According to Amnesty International:

“Different police forces adopt different rules of engagement, many falling well short of...”—the United Nations—“...standards and guidance.”

Moreover, it was found that:

“If they actually followed best practice, they would rarely use tear gas.”

Tear gas, Madam Speaker, should only be used to disperse a crowd in situations of more generalized violence or threat thereof, and only when all other means have failed. It is trite law, Madam Speaker, that punishment for an offence must be guided by the severity of the offence. The punishment must match the crime. In that vein, was the use, Madam Speaker, of tear gas on a relatively small group of citizens engaged in a peaceful march around the Queen’s Park Savannah, was that use was proportional to the offence?

Madam Speaker, I ask today: What was the offence? Was it holding a placard? Was it walking around the savannah? Was it saying, “Rowley must go”? Because if the offence was only the failure to get permission from the Acting Commissioner, then clearly tear gas was not warranted. Speaking on the *CNC3 Morning Brew* a former Commissioner of Police had this to say and I quote:

How it is when you had a situation just a week ago with the Beetham residents when they were actually doing something that—they would have inconvenienced over 100,000 people there was no need for tear gas? You have to be very careful. It is not a straight case of saying you broke the law.

These persons and others, Madam Speaker, were allowed to protest and just as tear gas was not deployed in a situation with the burning of debris on the highway, it is

my view that tear gas used against citizens engage in peaceful protest around the savannah is inappropriate and excessive.

Madam Speaker, the use of discretion has been touted before as an explanation for why no action was taken against individuals engaged in protest action as well as others who were found in breach of the COVID-19 regulations. Indeed, Madam Speaker, even the hon. Prime Minister who confessed on national television of having breached those very regulations seems to have been given a “bligh” in the exact circumstances when ordinary citizens have been charged. Yet, it was this very same Prime Minister, in this very same House, the head of the National Security Council, who resorted to blaming the victims and parents of the children affected in this tear gas incident. The Prime Minister chose to ignore the media reports of drivers and passengers, including children, who had no part in this protest, had no part and no engagement in the protest, who were simply using the public roadway to do their usual chores but who was subjected to the temporary blindness, breathlessness, and other ill-effects of the tear gas used.

Madam Speaker, as this Government continues to fail in its responsibilities and to ignore the pleas of citizens, we can expect to see more protests. It is ironic that the very same individual led another march around the very savannah for the very same purpose. While this march was smaller than the last ones, the issues and concerns were exactly the same. The irony is compounded by the fact that the Acting Commissioner while admitting that the correspondence provided to him was inappropriate—

**Madam Speaker:** Hon. Member, your 10 minutes are now spent. The Minister of National Security.

**Hon. Members:** [*Desk thumping*]

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very

much, Madam Speaker. Madam Speaker, the Government of Trinidad and Tobago understands full well the distress that scores of protesters at an unauthorized public protest staged on Sunday the 16<sup>th</sup> of January, 2022, which resulted in the police use of tear gas. The response of some sections of the society in the aftermath of this incident was not entirely surprising, neither was the call by some to ban the use of tear gas by members of the Trinidad and Tobago Police Service as a means of crowd control. Madam Speaker, it is part of the duty of police officers to ensure that law and order is preserved. It is my understanding that the Trinidad and Tobago Police Services Guard and Emergency Branch enforced the law during this illegal public protest where over 300 men, women, and children gathered at the Queen's Park Savannah. It should be noted that this public protest was led and staged without the permission of the Commissioner of police.

This is a clear contravention of the Summary Offences Act, Chap. 11:02, section 113 states:

“(1) A person who desires to organise any public march shall at least forty-eight hours before, but no more than fourteen days, before the day on which such public march is to take place, apply to the Commissioner of Police for a permit.”

Subsection (2) says:

“(2) Every application under subsection (1) shall be in writing signed by the person or persons desiring to organise the public march to which the application relates and shall state—

- (a) the...”—name—“...address...”—and telephone contact—“...of each of the persons desiring to organise such...”—a—“...march;
- (b) the purpose or purposes of the march;
- (c) the point of departure, route and point of termination of the

march;

(d) the hours between which the march is expected to take place.”

It be noted, Madam Speaker, that the route must also be conformed to the flow of traffic and be stated in cardinal directions.

Furthermore, in keeping with section 116 of the said law which gives police officers the right to call on a march to be dispersed, I am reliably informed by the Guard and Emergency Branch that there was continuous communication over a period of approximately two hours, Madam Speaker, with protesters, urging and imploring them to discontinue that illegal process. Not only did the protesters not comply with the instructions so issued by the senior police officers on the scene, but several persons became violent, throwing water containers, bottles, at members of the Guard and Emergency Branch. This is tantamount to an assault, and as detailed by section 59 of the Police Service Act, 2006 and I quote:

“A person who assaults, obstructs, or resists a police officer in the execution of his duty, or aids or incites another person...”—to so—“...assault, obstruct, or resist a police officer or a person assisting...”—a—“...police officer in the execution of his duty, is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.”

Yet the Member for Oropouche West described those persons involved in that activity as peaceful, but I am not surprised, Madam Speaker, since the UNC’s strategy has now been reduced to scandal, bacchanal and mayhem wherever they could find it.

**Mr. Lee:** Madam Speaker, 48(6) please. 48(6) please. The Member was going good until—

**Madam Speaker:** Please continue.

**Hon. F. Hinds:** Thank you very much, Madam Speaker. Our law enforcement

officers should not be restricted in the performance of their lawful duty. Throwing objects or other missiles in public, and in this case at law enforcement officers, is not only a contravention of section 65 of the Act, but it also speaks to a lack of civility, civic-mindedness on the part of those who would do so, even encouraged by others in this country.

The Member also spoke about one person charged and said that that person was charged for an offence of leading an illegal march and it had nothing to do with violence. That matter is still, from my advice, under investigations. The police are looking for justiciable evidence, and if they find it, we do not know, other charges can flow. Hours after this group of protesters refused to accept the orders to disperse with some of them becoming violent, the law enforcement officers at the scene considered that they were left with no choice but to use alternative means to ensure compliance. Further, the law enforcement is able to distinguish between the trees from the forest.

Among that crowd I am advised by the police, there are elements with agendas which go well and far beyond COVID-19 Regulations and any objection to them, and these matters would have been gaining the attention of law enforcement long, long time before the advent of COVID-19 in this country and in this world, both at home and abroad. While the use of tear gas is in keeping with the TTPS Departmental Order, 2019—take note 2019—and its use of force policy, it should be noted that the decision of the Guard and Emergency Branch to use tear gas did not come easily but only after other persuasive techniques were exhausted, Madam Speaker. There are, of course, other non-lethal alternatives used by law enforcement officers at home and abroad, these include baton charges and the use of what is called oleoresin capsicum or OC powder. And I assure you, Madam Speaker, I am told from the experts that tear gas is the least painful option in the

non-lethal crowd control techniques.

Some law enforcement agencies use water cannons. We do not have that in Trinidad. The TTPS gives the assurance that the Guard and Emergency Branch is a properly and professionally trained and well equipped and well-oiled—familiar words now—well-oiled unit and it exercise critical thinking during the incident under discussion and made the decision on the basis of a well-entrenched and established use of force policy which includes the deployment of tear gas. The TTPS wishes to remind citizens and all participants involved in any form or protest, that they must comply as well with Public Health Regulations which indicates that a protest march should be no more 250 people and that which individuals must practice social distancing and utilize frequent sanitization method.

As of September 2017, the Police Complaints Authority approved the decision of the TTPS on the implementation of non-lethal weapons. Law enforcement officials, in carrying out their duty, should always apply non-lethal means before resorting to the use of firearms. In conclusion, I am reiterating the Government's position to observe all public health protocols, and I am pleading with citizens and in particular families with children and elderly persons to avoid such public gatherings, large crowds and protests in an effort to limit the spread of COVID-19 virus and to prevent the challenges that they can face in the volatility of that kind of event.

Madam Speaker, with those words I hope my friends on the other side will spend their time as sworn parliamentarians encouraging people to observe and uphold the law rather than participate in the mayhem, and confusion, and bacchanal that they seem set on putting upon this country within recent times. I thank you.

**Hon. Members:** [*Desk thumping*]

Adjournment

2022.01.28

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 3.56 p.m.*