

**HOUSE OF REPRESENTATIVES***Friday, April 19, 2024*

The House met at 1.30 p.m.

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

**Madam Speaker:** Hon. Members, I have received communication from Mr. Rushton Paray, MP, Member for Mayaro, who has requested leave of absence from today's Sitting of the House. The leave which the Member seeks is granted.

**CONDOLENCES****(MR. WINSTON NANAN)**

**Madam Speaker:** Hon. Members, Mr. Winston Nanan, a former Member of Parliament, passed away on Thursday, April 11, 2024. Mr. Winston Nanan served as the Member for Parliament for Tabaquite in the First Republican Parliament from 1976 to 1981. I now invite hon. Members to pay their respective tributes to Mr. Nanan. Member for Diego Martin Central.

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

**The Minister in the Office of the Prime Minister – Communications (Hon. Symon de Nobriga):** Thank you, Madam Speaker. Madam Speaker, on behalf of the Government of the Republic of Trinidad and Tobago, I would like to express our sincerest condolences to the Nanan family on the loss of their patriarch, Winston Nanan, a former member of the United Labour Front and Member of Parliament for the Tabaquite constituency during the First Republican Parliament, 1976 to 1981.

MP Nanan, who passed away on April 11<sup>th</sup>, was one of the many southern politicians to emerge from the hallowed halls of Naparima College. And prior to

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his entry into politics, he had also spend some time as a member of the teaching profession, and then also as a drug sales representative. Madam Speaker, MP Nanan's career in this Parliament was relatively brief and he holds the dubious distinction of being one of the very few, if not the only MP who had his seat declared vacant by the then House Speaker, the hon. Arnold Thomasos, with effect from July 25, 1981. This became necessary after his absence from the House, without leave of the Speaker, for seven consecutive sittings. However, the general election was held on November 09, 1981, thus ensuring the people of Tabaquite were not left disenfranchised for too long.

Madam Speaker, on the 28<sup>th</sup> of January, 1978, MP Nanan moved a Motion standing in his name that called upon the Government of the day to make adequate provisions for the thousands of vendors who operate on sidewalks and road-walks of Trinidad and Tobago, thereby ensuring these honest citizens the right to earn a living. Madam Speaker, it was a debate in which his passion for those whom he considered to be living on the margins of society reverberated. This Motion was a perfect example of him living out the reason why he felt called to enter politics, that is, his passion for those at the lower end of the economic spectrum.

As we bid farewell to him today, I am humbled to walk in his footsteps and those of other parliamentarians who have gone before me, their time with us characterized only by a strong desire to serve and an overwhelming determination to put the needs of the country before the parochial needs of the respective parties.

Madam Speaker, on behalf of all of us on this side, I bid him farewell and offer, again, our condolences to his surviving family.

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

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

**Mr. Rudranath Indarsingh** (*Couva South*): Thank you very much, Madam

Speaker. Madam Speaker, I rise to extend our deepest condolences on behalf of the Leader of the Opposition and my colleagues on the passing of Mr. Winston Nanan. Madam Speaker, the space in which I stand today is a sacred one, vested in the idea of democracy, the values of bread, freedom and justice, and the sacrifice of self and struggle. It is a space that many other people occupied before me. Today, as I reflect on these people, many of whom have gone to the great beyond, I am tasked with the humbling privilege of remembering one of those pioneers, in particular in the person of the now late Winston Nanan.

National service has its context. Every era has its challenges and defining characteristics. Those of us who sacrifice ourselves to serve are therefore confronted with circumstances unique to us. Yet it seems that the more things change is more they remain the same. At a time when Winston Nanan entered the Parliament, it was a period in defining our nation's history. While the 1960s was an era full of hope and aspiration and the romance of national identity, the 1970s was characterized by an intense feeling of social injustice, racial inequality and economic disparity. Such was the dissatisfaction of the country when the economic and social condition of the country under the then PNM administration, which had failed to deliver on its promise of a post-independence utopia, and which superimposed an elitist political will on the people of this nation.

The Black Power Movement of the 1970s was the response of the people against the corporate racism, elitist governance and social inequality, which strived under the then PNM administration. The historic bloody Tuesday, March of 1975, was a culminating point in the labour movement, which had united against the then PNM regime to insist on a more labour-focused, socially just economy and a better distribution of wealth. And I as said, Madam Speaker, the more things change is more they remain the same. It was against this backdrop of a broken promise of a

shining independent nation and again, dissatisfaction and social awakening in the 1970s, that Winston Nanan took the hard decision to sacrifice his youth for the interest of the nation.

He offered himself for electoral politics in 1976 at the young age of 29. He sacrificed his career as an educator at the then Ibis High School to enter the Parliament during this era of social outcry. He sacrificed his own privacy and freedom to public scrutiny. And in preparing my tribute to him today, I stopped and thought about my colleagues on the Opposition Bench, all of whom have chosen to give up the comfort of private citizenship for the grind and challenges that come with the political gayelle. While we have all chosen to stand in the trenches with the poor and those oppressed by this PNM Government, I realized that maybe, just maybe, that was why Winston Nanan chose a life of public service.

Perhaps it was his time as a student at Naparima College that inspired a sense of nobility and pursuit of purpose, as other past students of Naparima College and San Fernando had become known for. Perhaps it was the labour movement of the 1970s that caused him to become a member of the United Labour Front, which was a joint venture with the Oilfields Workers' Trade Union, the All Trinidad Sugar Estate and Factory Workers' Trade Union, the Transport and Industrial Workers Trade Union, and the Island Wide Cane Farmers Association. And indeed, the interest of Winston Nanan in the well-being of the working class is now historic and documented in the *Hansard*. Thanks to the staff at the Parliament, I was able to read that during a Sitting held on the 27<sup>th</sup> of January, 1978, Winston Nanan debated a Motion on roadside vending, and went at pains to describe the conditions meted out to vendors, market peddlers and roadside peddlers by the Government at that time.

Even as we pay tribute to Mr. Nanan, those of us in the Opposition draw from his resolve and that of the then United Labour Front to stand in the trenches with the poor against a government who Winston Nanan and others had to fight. We draw on his sense of unity with the labour movement. Our own United Labour Front—our own United Nation Congress is a grandchild of the United Labour Front, and we here on this side of the Bench are the political children and grandchildren of Winston Nanan and others in the United Labour Front who dedicated their years to blood, sweat and tears for bread, freedom and justice.

We thank Winston Nanan for his role in the ULF and in this House, and in the story of Trinidad and Tobago. We extend our deepest condolences to members of his bereaved family, and may Almighty God bless his soul and grant it eternal rest.

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

**Madam Speaker:** Hon. Members, I too would like to pay tribute to Mr. Winston Nanan. Before embarking on a career in politics, Mr. Nanan spent several years undertaking various professional endeavours, with his first experience being as an educator. He joined the ULF at the age of 29, and upon entering the political arena as an Opposition Member, following the 1976 general elections, he consistently advocated for the improvement of economic conditions for the working class citizens of his constituency and of the wider national population.

As a trade unionist, Mr. Nanan understood the plight of vendors, and worked to ensure that their concerns were recorded and represented in this House. Through his Motion on roadside vendors, he advocated for legislation to protect and provide suitable accommodation for person engaged in roadside vending. This is a testament to his desire to give a voice to the voiceless and persons who may not have been actively considered as part of the conventional business structure of

Condolences (Mr. Winston Nanan)  
Madam Speaker (cont'd)

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our nation.

I take this opportunity to express my deepest condolences to the Nanan family during this period of their immeasurable loss. I pray that the Almighty grants them peace during their time of bereavement. May they find strength and solace in the memories they shared together with their loved one.

I now ask that we stand and observe a minute of silence as a mark of respect.

*The House of Representatives stood.*

**Madam Speaker:** May his soul rest in peace. Hon. Members, an appropriate letter will be sent to convey our condolences to the family of the late Mr. Winston Nanan.

**1.45 p.m.**

### **PAPERS LAID**

1. Report of the Eleventh Actuarial Review of the National Insurance System as at June 30, 2020. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Annual Administrative Report of the National Maintenance Training and Security Company Limited (MTS) for the year ended December 31, 2022. [*The Minister of Public Utilities (Hon. Marvin Gonzales)*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Accreditation Council of Trinidad and Tobago for the year ended September 30, 2013. [*Hon. C. Imbert*]

*Paper 3 to be referred to the Public Accounts Committee.*

4. Annual Report of the First Citizens Investment Services Limited and its Subsidiaries for the year 2023. [*Hon. C. Imbert*]

*Paper 4 to be referred to the Public Accounts (Enterprises) Committee.*

5. Administrative Report of the Trinidad and Tobago Tourism Business Development Limited for the year 2019. [*Hon. C. Imbert*]

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6. Annual Report of the Police Complaints Authority for the period October 1, 2022 to September 30, 2023. [*The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC)*]

### PRIME MINISTER'S QUESTIONS

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

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

#### Management and Clean-up of Oil Spill in Tobago (Financial Cost Incurred)

**Mr. Rudranath Indarsingh (Couva South):** Thank you very much, Madam Speaker. Will the Prime Minister inform this House of the financial cost incurred by the Central Government, the Tobago House of Assembly, and state enterprises as it relates to the management and clean-up of the oil spill of February, 2024 in Tobago?

**Madam Speaker:** Prime Minister.

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

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, on the 7<sup>th</sup> of February, 2024, the Ministry of Energy and Energy Industries was advised by the Trinidad and Tobago Coast Guard that a 200-metre vessel that capsized and was beached on the Tobago coast at Cove. And it was observed that a certain amount of, what appeared to be a liquid hydrocarbon-based product, was escaping from the vessel. Since then, Madam Speaker, soon after that notification the Heritage Petroleum Company Limited was tasked with the major responsibility of responding to the spill and it involved obtaining specialized oil spill equipment, machinery and approximately 200 personnel, some from Tobago and many from elsewhere in the nation from Heritage and other entities.

The bottom line, Madam Speaker, is that while the spill is now abated and

apparently ended the operation of clean-up still continues. There is still some cleaning to be done and most importantly the extraction from the vessel of about— it appears as though a few tens of thousands of barrels of dangerous liquid which fortunately so far has remained within the hull of the vessel. In terms of the clean-up approximately \$50,000 barrels of liquid waste have been extracted from the coastline between Scarborough and Cove and the operation continues.

I am not in a position, we are not in a position, Madam Speaker, at this time to indicate what the cost of the whole operation is because the operation is still continuing. The rough seas in recent weeks would have delayed the extraction of the liquid gas within the hull and we still have staff, some local, some foreign, on standby at the first opportunity to begin to do that extraction. So in short, Madam Speaker, the operation is still ongoing and when it is completed and all cost put forward and dealt with and accepted to be paid, we will be in a position to give an accurate answer to this question.

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

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

**Mr. Indarsingh:** Thank you very much. Prime Minister given that two months-plus has elapsed since this oil spill occurred, and given that the Minister of Works and Transport stated in the other place that leads were being followed by the Government as it relates to identifying the owners of the capsized vessel and the tug boat involved in the spill, are you in a position to update this House and country as it relates to locating the said owners?

**Madam Speaker:** Hon. Member having regard to the question originally asked and the response given, this is out of order in accordance with the Standing Orders. Member for Couva South.

**Mr. Indarsingh:** Thank you very much, Madam Speaker. Prime Minister in



keeping with cost and so on, are you in a position to inform this House if the Government has provided financial support to the fisherfolk community of Tobago?

**Madam Speaker:** Hon. Member this is ruled as out of order in accordance with the question originally posed, the answers given and the requirements of the Standing Orders. Member for Pointe-a-Pierre.

**Production of Natural Gas from Dragon Field  
(Infrastructural Development to Date)**

**Mr. David Lee** (*Pointe-a-Pierre*): Thank you, Madam Speaker. Will the Prime Minister specifically state what infrastructural development has been done to date to explore and produce natural gas from the Dragon Field?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, since obtaining the 30-year exploration and production licence for the exploration on production of natural gas from Venezuela to Trinidad and Tobago on the 21st December, 2023, the National Gas Company and Shell have been working on the elements necessary to get the project done. These operations usually have long lead-time and gestation periods. For example, the procurement of survey vessels to survey the field, the planning of well work, engineering designs, costings and other necessary work for the project have been going on and all the necessary activities are underway as precursors to any physical activity which may take place on the field.

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

**Madam Speaker:** Member for Pointe-a-Pierre.

**Mr. Lee:** Thank you, Madam Speaker. As a follow-up question Prime Minister, given that Shell is asking for an extension of the OFAC licence which you had mention before it makes a final decision to begin infrastructural development of

the Dragon Field, could the Prime Minister state if he is confident that the US Government will extend the OFAC licence to allow Shell to invest in this project?

**Madam Speaker:** Hon. Member, having regard to the original question asked, the answer given and the Standing Orders, this question is out of order. Member for Caroni East.

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

**Dr. Seecheran:** Thank you, Madam Speaker. Prime Minister, should the Maduro Government continue to defy the principles agreed to in the Barbados agreement with the Venezuelan Opposition, will this affect the viability of the proposed Dragon Gas field investment by the Government of Trinidad and Tobago?

**Madam Speaker:** Again Member, I rule that out of order.

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

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

**Mr. Young:** Rodney is having another press conference now.

**Mr. Indarsingh:** They could hold 10, 11, any amount.

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

**Madam Speaker:** Is that the question? Can I then therefore move on to another question?

**Mr. Indarsingh:** Madam Speaker—

**Madam Speaker:** Question—I believe question No. 3.

### **SSA Extensive Review and Audit**

#### **(Completion of)**

**Mr. Rudranath Indarsingh** (*Couva South*): Will the Prime Minister inform this House whether the extensive review and audit of all personnel, equipment, and processes within the Strategic Services Agency (SSA) which were being carried out by retired Brigadier General Anthony Phillip Spencer have been completed?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the very detailed work of auditing as described in this question continues unabated and is making good progress.

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

**Mr. Indarsingh:** Prime Minister, given what you have just stated is there a projected time for this particular exercise to be completed?

**Madam Speaker:** Prime Minister.

**Hon. Dr. K. Rowley:** Given the nature of the exercise, Madam Speaker, it will be quite inappropriate to give a deadline. We simply have to follow the evidence and treat with it as it goes, and that is what is happening, Madam Speaker.

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

**Mr. Indarsingh:** Madam Speaker, Prime Minister, as head of the National Security Council, could you advise if Maj. Roger Best is still on administrative leave?

**Madam Speaker:** Hon. Member, I rule that question out of order having regard to the question asked, answers given and the Standing Orders. Member for Couva South.

**Mr. Indarsingh:** Prime Minister could you inform this House whether Brig. General Anthony Phillip Spencer is part of the established organizational structure of the Strategic Services Agency or has he been engaged as a consultant?

**Madam Speaker:** Again Member, I rule that out of order on the same grounds as the other two questions that you had asked. Member for Chaguanas West.

**Mr. Rambally:** Thank you, Madam Speaker—

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

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

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

**Madam Speaker:** May we have some order, please.

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

**Madam Speaker:** May we have some order, please. Member for Chaguanas West.

**Mr. Rambally:** Madam Speaker, I hope that Members on the other side knew that they were thumping on the arrival of Couva North into the Chamber.

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

**Mr. Deyalsingh:** Oh no!

**Mr. Rambally:** So, Madam Speaker—

**Mr. Young:** “Khadijah want to find out where to go” [*Inaudible*]

**Madam Speaker:** Member, Member for Post of Spain North/St. Ann's West, may we proceed. Member for Chaguanas West.

### **Repatriation of Nationals from Overseas**

#### **(Update On)**

**Mr. Dinesh Rambally** (*Chaguanas West*): Thank you, Madam Speaker. Will the hon. Prime Minister update this House on the support being provided to the Committee for the Repatriation of Nationals from overseas?

**Madam Speaker:** Prime Minister.

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, the Government of the Republic of Trinidad and Tobago remains committed to ensuring the return of our nationals from conflict zones. We have often made this policy very clear. In furtherance of this, Madam Speaker, we have engaged our international partners to assist wherever they can. The issue continues to be one that is quite intractable but we have mandated the Attorney General to draft a returnee Bill which is designed to regulate the processes of return. This Bill is in a

very advanced stage of development. We have established a three-man Repatriation Advisory Committee to lend support to the governmental efforts in this regard and the Committee exist and is interacting with some of the families. We have employed two persons as support staff on a short term basis to provide support to the Committee and we have identified a property for the administration on management of the returnees.

The tremendous work, the acquisition of training and learning of the lead agency task force Nightingale, which started in 2018, continues and the task force Nightingale which is working alongside the Repatriation Committee, involves personnel from the Ministry of National Security, the Attorney General and Legal Affairs Office, the Ministry of Social Development and Family Services, and the Ministry of Foreign and CARICOM Affairs. Madam Speaker, we are also being advised by and supported by the SSA, the Trinidad and Tobago the Police Service, the Immigration Authority and the Children Authority.

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

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

**Mr. Rambally:** Prime Minister earlier this week the head of the Repatriation Committee, Mr. Nizam Mohammed is cited as saying that Trinidad and Tobago is nowhere closer to repatriating any of the nationals and one of the factors he alluded to was that there is a lack of cooperation taking place between local authorities and the Repatriation Committee itself. Can the Prime Minister shed some light on this as to moving forward, if you are aware of any steps that will be taken to ensure that the Repatriation Committee will get the assistance that they need in this matter?

**2.00 p.m.**

**Hon. Dr. K. Rowley:** Well, Madam Speaker, I know that there are different points of view on this matter. It is quite a complex matter and some of the things that we

have to deal with generate different points of view. So I am not sure what exactly he is talking about. The committee exists and the committee is part of the overall effort of the Government of Trinidad and Tobago.

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

**Mr. Rambally:** Prime Minister, you mentioned the returnees Bill. This was stated by senior officials of the Ministry of National Security in 2020 as the legislative framework being ready for laying in the Parliament, and today you are telling the House that we on the cusp of having this returnees Bill. How soon can we expect to get this returnees Bill provided to the Parliament for debate?

**Hon. Dr. K. Rowley:** Madam Speaker, I could not tell the Member that today. You will notice we might be in a better position to say how soon, but suffice it to say, Madam Speaker, that the Bill is being prepared and as soon as it is ready for treatment in the parliamentary agenda, it will be.

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

### **Regional Crime Symposium – Hyatt Regency**

#### **(Progress Made)**

**Mr. Dinesh Rambally** (*Chaguanas West*): Thank you, Madam Speaker. Question No. 5: Will the Prime Minister state whether any progress has been made in addressing crime since the Regional Crime Symposium at the Hyatt Regency held in April 2023?

**The Prime Minister (Hon. Dr. Keith Rowley):** Madam Speaker, we have been—as a consequence of the stance taken and the matters ventilated at the symposium, we have been receiving much better cooperation from our international partners which include tracking and preventing the legal importation of firearms, making it more difficult for persons to engage in that activity. We have also been receiving information that has been acted upon to tackle

transnational organized crime in so far as they impact the borders of Trinidad and Tobago and the interest of Trinidad and Tobago. We receive on an ongoing basis, improved intelligence and training for our own law enforcement agencies, and defence force personnel.

We have in fact, Madam Speaker, taken steps to authorize and begin to operationalize better units in the Trinidad and Tobago Police Service to bring about better information sharing with our international partners. All of these activities, Madam Speaker, flow from an understanding that Trinidad and Tobago and our international partners are better off cooperating more closely and having our agencies which are dedicated to our national security working together as one unit in one common purpose.

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

**Mr. Rambally:** Thank you, Madam Speaker. Prime Minister, in light of the various commitments, cooperation with international partners, training, et cetera, can you say how these initiatives have helped with the scourge of home invasions, robberies, and other serious crimes locally?

**Hon. Dr. K. Rowley:** Madam Speaker, if what the Member is asking me to do is to tie what I have just said to any particular incident, or event, or crime, certainly the Member could not be serious. But with respect to our ability to respond to the criminal element, these developments between our Government and Governments that cooperate with us, friendly nations, we are in a much better position than we would have been if we had not done these things. So, Madam Speaker, there is benefit being had and benefit to be had as the result of these developments.

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

**Mr. Rambally:** Thank you, Madam Speaker. Prime Minister, are you satisfied with the present state of crime given all of this cooperation that you just referred

to?

**Hon. Dr. K. Rowley:** Madam Speaker, I do not think anybody in Trinidad and Tobago could say that they are satisfied with our experience with crime and criminal conduct in the country. What I can say is that had these efforts not been put in place, it would have been far worse.

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

**Mr. Rambally:** Prime Minister, will you be removing the Minister of National Security any time soon?

**Hon. Dr. K. Rowley:** I know you want a place to go, but there is no vacancy here.

**Hon. Members:** [*Laughter and desk thumping*]

### ANSWERS TO QUESTIONS

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

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

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very much, Madam Speaker. Madam Speaker, there is one question for oral response and we will be answering that question. There are no questions for written response.

### ORAL ANSWER TO QUESTION

#### Court Ruling on Open Pyre Cremations for COVID-19

#### (Compensation to Families)

**46. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Attorney General and Minister of Legal Affairs:

Given the High Court ruling that the ban on open pyre cremations for COVID-19 deaths was unconstitutional, will the Attorney General indicate whether consideration is being given to compensating the families affected by the ban?



**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you, Madam Speaker, and I apologize for being in a hurry earlier on to answer my learned friend. Madam Speaker, the ruling which the Member for Couva South refers to is the judgment of the hon. Madam Justice Avason Quinlan-Williams in Claim No. CV 2021 - 02431, *Cindy-Ann Ramsaroop-Persad v Minister of Health, et al.* which was rendered in July of 2023. Further, the written decision was handed down on February 27, 2024, bearing date of delivery as July 26, 2023. On the court's records, the claimant filed an appeal against that judgment, Civil Appeal No. 254 - 2023 *Cindy-Ann Ramsaroop-Persad v Minister of Health, et al.* And my office on the 28<sup>th</sup> of August, filed a Counter Notice of Appeal. This substantive matter is ongoing before the Court of Appeal and, therefore, obviously sub judice, and the Member must know that it is a breach of Standing Order 49 to pursue any matter which relates to active proceedings in any court of record until the proceedings are ended by judgment or discontinuance.

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

### CONSTITUTION (AMDT.) BILL, 2024

*Order for second reading read.*

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Madam Speaker, I have the honour today to stand before this House in the current circumstances in which we all as the citizenry—

**Madam Speaker:** Hon. Attorney General, can I refer you to the procedure please?

**Sen. The Hon. R. Armour SC:** Thank you very much, Madam Speaker. Again, I am clearly overtaken by my inclination to get to the business and apologize—

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

**Sen. The Hon. R. Armour SC:**—for missing the procedural rigour of this House. Madam Speaker, I beg to move:

That a Bill to amend the Constitution of the Republic of Trinidad and Tobago, be now read a second time.

And I was saying, Madam Speaker—and again, I apologize to you, in particular, for rushing the process—as citizenry we are all committed to ensuring that we have an effective working police service, and we are equally all committed to ensuring that that police service is not unnecessarily burdened by obfuscatory bureaucratic processes. It is therefore my pleasure to pilot this Bill today which seeks to make amendments to section 123 of the Constitution in order to provide for a more efficient expedited police service to secure the citizenry of this country against the prevalent crime circumstances. And I deliberately open in those terms to impress upon the citizenry that the outcome of today's debate and vote will require the United National Congress, the Opposition, to take the interest of this country as a central focal point and to vote in support of the Government to improve the efficient functioning of our police service.

The Bill, Madam Speaker—before I get there I will just speak briefly to the current process for the selection of appointments in the offices of the Commissioner and Deputy Commissioner of both in acting and substantive positions. Section 123 of Constitution empowers the President by Order to set out the criterion and procedures for the selection of the Commissioner of Police and the Deputy Commissioner of Police respectively. Section 123 also empowers the Police Service Commission to appoint persons to hold or act in the office of Commissioner and Deputy Commissioner of Police in accordance with the criteria and procedure prescribed by the President.

Madam Speaker, we have had Legal Notices, the first most recent published November 25, 2021 as Legal Notice No. 277 of 2021, subsequently amended November 26<sup>th</sup>, Legal Notice No. 278. That 2021 Order as amended sets out the

selection process for appointment to the offices of the Commissioner of Police and the Deputy Commissioner.

Clause 3 of the 2021 Order provides that the process to appoint persons to hold substantive offices of Commissioner and Deputy Commissioner of Police requires the Commissioner to conduct a recruitment process inviting applicants for the positions by advertisement. This is followed by selection of the most suitable candidates having regard to their qualifications and experience, medical fitness, security, and professional vetting. Thereafter, the Commission is required to establish an order of merit list indicating the highest graded candidate followed by other candidates in descending order of merit.

The Commission is required to select the highest graded candidate on the Order of Merit List and submit that name to the President in accordance with section 123 of the Constitution. The highest graded candidate must receive the approval of the House of Representatives, and where there is no such approval the subsequent nominations in order of merit may be submitted further to the House of Representatives from the Order of Merit List only.

Madam Speaker, what I have just described to this honourable House is the selection process for the appointment of substantive offices. That is to say, of the Commissioner and Deputy Commissioner. It must be noted that the proposed amendments before the House today will not affect the selection process for these substantive offices. The process for selection of these substantive positions remains as provided in the 2021 Order. What the Bill before us proposes today, Madam Speaker, is to amend the selection process for acting appointments, acting appointments of Commissioner and Deputy Commissioner of Police.

Section 123 of the Constitution and clauses 4 and 5 of the Order set out the current selection process for such acting appointments to the office of

Commissioner and Deputy Commissioner respectively. Permit me now to explain, Madam Speaker, the current process for the acting positions as a prelude to the Bill before us and our consideration of it.

In relation to the acting appointment of the office of Commissioner of Police, the Commission is required to establish and maintain an order of merit list which must list the officers who are holding or acting in the office of Deputy Commissioner of Police or Assistant Commissioner of Police. I stress that. In the office of Deputy Commissioner of Police or Assistant Commissioner of Police and possess the necessary qualifications and experience required for the appointment.

In relation to the acting appointment to the office of Deputy Commissioner, the Order of Merit List shall list the officers who are holding or acting in the office of Assistant Commissioner of Police, and again possesses the necessary qualifications and experience required for the appointment.

**2.15 p.m.**

Where the Commissioner of Police or Deputy Commissioner of Police is, Madam Speaker, or is likely to be absent from the country, on vacation leave, unable to perform his or her functions due to illness or otherwise, or where the office is or is likely to become vacant, the Commission must select an officer from the Order of Merit List to act in the office of Commissioner or Deputy Commissioner of Police as the case may be, and submit that officer's name to the President in accordance with section 123 of the Constitution.

Where the House of Representatives does not approve that said officer, subsequent nominations in order of merit may then be submitted to the House of Representatives from the Order of Merit List only, in accordance to the procedure set out in the Constitution. Pursuant to the procedure set out in section 123, Madam Speaker, the Commission must submit to the President a list on names of

the persons nominated for appointment to the offices of the Commissioner or Deputy Commissioner of Police. The President must then issue a notification in respect to each person nominated, and the notification must be subject to affirmative resolution of this House. The Commission must then appoint the Commissioner or Deputy Commissioner only after the House of Representatives approves the notification in respect of the relevant office. I have just described, Madam Speaker, the process and the steps involved in the current selection process.

I would mention that Legal Notice No. 277 of 2021 was amended by Legal Notice No. 278 of 2021, by replacing the most senior officer on the Order of Merit List with an officer from the Order of Merit List. The rationale for this amendment was out of an abundance of caution. It was also necessary to remove any risk of challenge to the Order so as to efficiently remove the mandatory requirement and direction of the Commission that acting appointments to the office of Commissioner or Deputy Commissioner should be based on seniority. This amendment, in essence, Madam Speaker, sought to preserve the unfettered independence or autonomy and discretion of the Commission to nominate suitable candidates for such positions in accordance with the Constitution and in line with many judicial pronouncements.

Madam Speaker, the Bill before this House today primarily seeks to amend section 123 of the Constitution, one, by introducing a new section 123(1A), which states that subsections (2), (3), (4) and (5), which are the steps I have before detailed, apply only to the appointment of persons to hold the office of Commissioner or Deputy Commissioner of Police. And secondly, introducing a new section 123(5A), which states that:

“The Police Service Commission...”—must—“...appoint persons to act in

the office of Commissioner or Deputy Commissioner...in accordance with...criteria and procedure prescribed by Order of the President, subject to negative resolution of Parliament.”

Madam Speaker, as a result of the Bill amending section 123, will allow a consequential amendment to the Commissioner of Police and Deputy Commissioner of Police (Selection Process) (No. 2) Order, 2021, Legal Notice No. 277 of 2021 as amended. This proposed amendment to the Order would be in line with the proposals under this Bill, which speak to the selection process for acting appointments as Commissioner and Deputy Commissioner.

The Bill essentially, Madam Speaker, aims to create a new procedure of appointing acting commissioners and deputy commissioners by essentially removing the requirement for acting appointments to be approved by the House of Representatives. It is therefore proposed that acting appointments as commissioner or deputy commissioner would be made by the independent Police Service Commission on the basis of merit and an order of merit list established and maintained by the very Police Service Commission for that purpose.

Permit me, Madam Speaker, to emphasize the point, whether in lengthy and even in very brief instances of the absence of the substantive Commissioner of Police, whether due to vacation leave, mild infirmity, or any other cause, a business trip abroad, the very elaborate process involving eight or so steps, which I have detailed before, must be complied with. The process for submitting names to the President, subject to parliamentary approval for acting appointments, has proved to be administratively burdensome and time-consuming. We may well find ourselves in the situation where the time required for compliance with the constitutional provisions to make acting appointments may far exceed the period of the absence of the substantive office-holder. That serves to demonstrate the reason

why it is only good sense to eliminate the present arrangements and to make for a more expeditious process, which does not remove the oversight of this House—and I will come to that—and does not interfere with the unfettered independent exercise of the Police Service Commission in recommending and approving the acting positions.

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

**Sen. The Hon. R. Armour SC:** And that brings me to a point which I want to emphasize, Madam Speaker, going back to independence. All of us who have had the privilege of doing the profession of law well remember—and most of us were taught by Mr. Endell Thomas who had started as a police officer of independent Trinidad and Tobago and challenged in that position a decision of the Police Service Commission that went to court. After that was over, I may say to my advantage and that of many other Members of the profession, we had the privilege of being taught constitutional law by Mr. Endell Thomas when he retired from the police service.

But the case of *Endell Thomas v Attorney General of Trinidad and Tobago* is very relevant to remind us of the good sense of what we are doing here today. And I speak in that regard, Madam President—Madam Speaker, I beg your pardon, of the hallowed, well-known and acknowledged jurisprudential acceptance of the wisdom of the framers of our Constitution since independence and into republicanism to ensure that we have an independent Police Service Commission. And we have to keep that at the forefront of our discussion today, because it is that which, more than anything else, informs the good sense of what we are asking this House today to endorse and to approve by the Bill that is before this House.

When the Privy Council, that committee of the House of Lords, which is loved by the Opposition—and they will want to keep it into the afterlife. When the

Privy Council had to determine Mr. Endell Thomas' appeal, they had the opportunity to leave with us a permanent statement that remains into eternity in our democratic structure for the ethos and purpose of the Police Service Commission.

**2.25 p.m.**

This is what—I am reading, Madam Speaker, from 1985, 1981, 32 West Indian Reports at pages 380 to 381. This is what the Privy Council said of the 1962 Constitution in relation to the Police Service Commission:

The whole purpose of Chapter VIII of the Constitution...

And they were speaking of the Constitution of Trinidad and Tobago.

...which bears the rubric 'The Public Service' is to insulate members of the...—public—service, the teaching service and the police service in Trinidad and Tobago from political influence exercised directly upon by the government of the day. The means adopted for doing this was to vest in autonomous commissions, to the exclusion of any other person or authority power to make appointments to the relevant service, promotions and transfers within the service and power to remove and exercise disciplinary control over members of the service.

I skip five lines.

In respect of each of these autonomous commissions, the Constitution contains provisions to secure its independence from both the Executive and the Legislature. No member of the Legislature may serve on the Commission. All members must be appointed for a fixed term of years which must not be less than three or more than five, during which a member may only be removed for inability to discharge his function or for misbehaviour. The quarantine period imposed for making it a requirement of eligibility that a member shall not have served in any public office within



the last three years and also making him ineligible for appointment to any public office for three years after ceasing to serve as a member of the commission is clearly intended to avoid any risk of his being influenced in favour of the Executive by considerations of the advancement of his own career.

And they were speaking there, Madam Speaker, to the provisions then of sections 98 and 99 of the Constitution of independent Trinidad and Tobago. Those provisions have been improved and are now to be found in sections 122, 128(a) cross-referenced to sections 66(1)(e) and 66(b) of the Republican Constitution of Trinidad and Tobago. Everything said by the Privy Council in Endell Thomas applies with even greater force to the independence of the Public Service Commission.

I am not going to belabour the point. The point is that there has been in the face of the burdensome, obfuscated procedure for appointing acting commissions—acting appointments, there have been many calls in the public by senior members of the society, from former members of the Police Service Commission and other esteemed members of the society for a change to be made. The processes have been described as unwieldy, costly, complex and convoluted.

Before this Parliament today, Madam Speaker, the proposed draft retains key measures to ensure that transparency is not sacrificed on the altar of expedition. The proposed selection of an acting commissioner or deputy commissioner is a process which remains within the arms of an independent and insulated Police Service Commission subject to other strictures of appointment from a predetermined pool of candidates created by the order of merit list. The use of the Police Service Commission as the vehicle for acting appointments provides a sufficient, reliable and efficient avenue to secure those appointments while

removing what has been publicly referred to as bureaucratic obfuscation in the process which comes before this Parliament.

Madam Speaker, the primary aim therefore is to strike an appropriate balance. We continue to maintain the substantive offices of Commissioner and Deputy Commissioner going through the entire rigour that is prescribed by sections 123 and otherwise of the Constitution for their appointment and affirmation before this House.

But what we say with respect to the amendments that we are seeking to move today is that it is more than ample, it is more than ample that the Commission, the independent Commission be allowed to effect those acting appointments without that process having to come for parliamentary affirmative resolution. And even morphed to the point, in the very order which the Commission will produce under the amendment which is being proposed at section 123(5)(a), Madam Speaker, that order remains subject to negative resolution of the Parliament and we well know that negative resolution of the Parliament allows to every Member of this House on either side of the Bench an opportunity within the 40-day period of the negative resolution being gazetted to move this House to scrutinize that which has to be done. So it cannot be said that the process that we are asking all Members of this House, all responsible Members of this House to adopt is going to remove complete parliamentary oversight of the process.

And that allows me, Madam Speaker, to remind the listening public of the fact that by reason of the fact that what we are seeking to do today is to amend the Constitution, we must be obedient to section 54 of the Constitution and section 54 requires us, in moving this Bill, to ask the Opposition to support the good sense of this move to amend the Constitution to produce greater efficiency by giving support to the level of the two-thirds that is required to pass this Bill before this

House.

Madam Speaker, one cannot ask more, one cannot ask less of a responsible House of Parliament comprised of both the Government and the Opposition, because there is no rational basis on which it can be said other than hyperbole, that what we are seeking to do today threatens the independence of an independent police service or the independence of the Police Service Commission.

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

**Sen. The Hon. R. Armour SC:** In the result, Madam Speaker, and I truncate what was a considerable speaking note that was very helpfully prepared for me by the very hard-working members of the Office of the Attorney General and Legal Affairs and I truncate it because my voice unfortunately will not allow me to speak much beyond the next few minutes.

In the result, Madam Speaker, I ask with reference to the Bill which is before this House, which introduces the amendments that I have spoken to already to section 123, that we pass this Bill today and I beg to move.

Thank you very much.

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

*Question proposed.*

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Madam Speaker. Madam Speaker, I am very grateful for this opportunity to rise in this august Chamber to debate such an important matter and I want to deem that this is actually one of the historic debates in this Twelfth Parliament. It is not every day a Bill like this comes to the Parliament which requires a two-thirds majority because what the Bill attempts to do is amend an entrenched provision of our Trinidad and Tobago 1976 Republican Constitution. So this is a very important debate that we are about to embark on with respect to amending the Constitution in the context of

the provisions for the appointment of acting commissioners of police and acting deputy commissioners of police.

Madam Speaker, in preparation for this particular debate, I had to go back to the report on the Constitution Commission which is known as the Wooding Commission and that particular report, Madam Speaker, at page 186 deals with why certain provisions are entrenched in our Constitution and it acknowledged since then that Trinidad and Tobago is made up of a diverse society and therefore, they must have trust and public confidence in our public institutions.

The report spoke of the measures of anxiety that basically agreed constitutional structures may sometimes be radically changed by a narrow majority, hence the requirement for a two-thirds majority. It requires that care should be taken to require broad consensus before any important alteration can be effected. It may lead to certain rigidity in the constitutional system, but that is by no means an unreasonable price for maintaining public confidence or mutual trust.

So, Madam Speaker, when the Attorney General comes today to tell this Parliament that they require our support for this particular matter, Madam Speaker, it cannot just be speaking for 20 minutes, presenting this Bill to us and expect us to support it.

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

**Mr. S. Hosein:** And I say that because in the context of this particular provision that we are amending, we must look historically at what happened.

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

**Mr. S. Hosein:** We stand today, Madam Speaker, on the shoulders of two giants of this country: Mr. Patrick Manning and Mr. Basdeo Panday.

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

**Mr. S. Hosein:** That is how important this debate is here today, Madam Speaker.

Two Prime Ministers together with teams being led, they had the consensus and bipartisan support for this particular 2006 amendment that caused the passage of Act Number 6 of 2006.

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

**Mr. S. Hosein:** Madam Speaker, when you look at the *Hansard* of Mr. Manning, he started off that debate on that day, on the 15<sup>th</sup> of March 2006, and the first thing that Mr. Manning acknowledged was that they required support from the Opposition and they required consultation, they required deliberation, they required proper debate.

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

**Mr. S. Hosein:** You are amending an entrenched provision of the Constitution and you are presenting us with a two-page Bill, a two-page Bill. Mr. Manning spoke of how long that matter took before it was passed in the Parliament. He spoke about issues that arose in 2001. He spoke of issues that arose subsequent to that. There was a team comprising the former Member for Couva North, the Prime Minister at the time, Mr. Basdeo Panday; it involved Mr. Ramesh Lawrence Maharaj, the Attorney General of the day; the National Security Minister Brigadier Joseph Theodore, a real Minister of National Security—

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

**Mr. S. Hosein:**—together with Mr. Manning, the Member for San Fernando East at the time and the Leader of the Opposition, and the Member for Arouca South, Mrs. Camille Robinson-Regis, who now sits here as the Member for Arouca/Maloney. And Madam Speaker, that particular amendment with respect to the 2006 format or formula for the appointment of a commissioner of police was done through extensive bipartisan consultation and today, we are treated with scant disrespect when this Government comes here today—

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

**Mr. S. Hosein:**—throw this Bill in our face and say “we require you to support this”.

I will get into the context of, Madam Speaker, our reservations and the danger of supporting this particular legislation from this Government because I will take you back into very recent history when there was political interference in the Police Service Commission that caused the entire Police Service Commission to resign, collapse.

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

**Mr. S. Hosein:** Trinidad and Tobago was left without a commissioner of police because of serious political interference with an independent service commission. So when the Attorney General comes today to tell this Parliament that “Listen, we are not fettering with the power of an independent commission, we are respecting the law”. He will quote extensively from Endell Thomas, a Privy Council decision—a court that they want to get rid of—to tell this Parliament, “Listen, trust us you know, we still maintaining the commission”.

Madam Speaker, they caused an entire commission to collapse in this country.

**2.40 p.m.**

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

**Mr. S. Hosein:** And I will get into the details of that particular matter Madam Speaker. And, Madam Speaker, when you go through what we are changing because it is important to understand first, what the system is before we can change it. And before, Madam Speaker, the 2006 amendment that we are trying to amend today, is this, is that there was a particular power that gave the Prime Minister a veto. So, when the Police Service Commission recommends to the Prime Minister,

this is the candidate of choice as Commissioner or Deputy Commissioner of Police, the Prime Minister will say, “Well, I do not agree, bring back a next name for me”. Mr. Panday and Mr. Manning then sat down together—Mrs. Kamla Persad Bissessar, the Member for Siparia was also part of that team, Madam Speaker—and they agreed that the process ought to be more democratic, the process ought to be more transparent, giving regard to the context of our multicultural diverse society of Trinidad and Tobago.

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

**Mr. S. Hosein:** It made the process so transparent that it gave the elected voices of Trinidad and Tobago, the Members of the House of Representatives only, an opportunity to scrutinize the particular candidates to determine their suitability for the position of Commissioner of Police and Deputy Commissioner of Police. So, that is what the system is. The system is that when a name is generated from the Service Commission, the name goes to the Office of the President, a notification comes to this House, that notification is accompanied by a dossier with the resume of the particular candidate, that is open to debate in this House through affirmative resolution. It is only when this House causes that resolution to be passed, thereafter, the Police Service Commission will then formally appoint the person as Deputy Commissioner of Police or Commissioner of Police. And that is the process in a nutshell, Madam Speaker.

And that procedure, where there is open debate, is now going to be removed by this particular Bill. So, how can you ask us to remove that particular policy, that particular law that had bipartisan support in 2006, having regard to our circumstances, you are now telling this Parliament that you do not want parliamentary oversight over the appointment of acting positions?

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

**Mr. S. Hosein:** Madam Speaker, we on this side will encourage debate, we will encourage the facilitation of democracy in our country, Madam Speaker, because I will get to that judgment that deals with that process in terms of how important it is. And I want to just look at some of the words that Mr. Panday would have used in that particular debate, why it is we must have open debate Madam Speaker. And what he said is this, he said:

In the circumstances where the matter is subject to debate in Parliament, the chances of having the wrong person as members of the commission or as Commissioners of Police or Deputy Commissioners of Police surely be minimized.

The both of them thought it wise that those names come here to determine whether or not we have issues with the Commissioner of Police, because we understand that that Office of Commissioner of Police is a very powerful office in Trinidad and Tobago that wields serious power. And, therefore, we must ensure that we have the most appropriate candidate for that particular position. And it is the Government at the end of the day—we understand that even if it comes here for affirmative resolution—the Government has the majority, they will be able to get their candidate of choice, but at the end of the day, Madam Speaker, it augurs well for our democracy that the Opposition gets a voice.

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

**Mr. S. Hosein:** That the Opposition gets a voice. And, Madam Speaker, you would see also that in the cases that the Attorney General raised, he raised them in the context of political insulation from the executive that commissions, independent service commissions, the Police Service Commission being one of them, must be insulated from political influence, or political pressure, or political patronage. And the Attorney General went and he quoted extensively from



Thomas, Madam Speaker. And I want to make this point because the Attorney General started off by saying that, that this entire process is a bureaucratic process that we are engaged in. Madam Speaker, as the framers of our Constitution had said from the past, “No price, we ought not to sacrifice the independence of these commissions for expediency.”

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

**Mr. S. Hosein:** We ought not to do that.

**Hon. Member:** Well said.

**Mr. S. Hosein:** Madam Speaker, what we have to do, is we have to understand the genesis of this Bill. Why is it that this Bill has now come to the Parliament after it was in 2021, the Government got guidance, the law was settled, with respect to the appointment of acting Commissioners of Police? Because prior to 2001—the Kangaroo judgment that I will refer to in a bit—the process was that the acting commissioners were done through the Police Service Commission. It is only when there was a mounted challenge to that particular appointment of Gary Griffith, as the acting Commissioner of Police in or around August 2021, that an interpretation summons was filed in court—that matter is completed so I am not traversing on any rules of sub judice—and it was declared that acting appointments are not distinguished from substantive appointments in terms of the procedure for the appointment of the both positions.

So, Madam Speaker, that here now, the law has now been cleared up with respect to those acting appointments coming to the Parliament for full approval. Madam Speaker, if this Government was really serious about this entire amendment, they would have caused extensive consultations to be done.

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

**Mr. S. Hosein:** And you know, Madam Speaker, I have to make a point here, they

have—a couple weeks ago—set up something called the Constitutional Reform Committee. What we are doing here is part of constitutional reform, why not wait for that committee to report?

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

**Mr. S. Hosein:** And that shows the regard and the disrespect they have for a committee that they themselves appointed.

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

**Mr. S. Hosein:** Wait for your own committee to tell you what procedure you want reformed with respect to the Police Service Commission. “Yuh jumping de gun.” What if the Constitutional Reform Committee has a totally separate policy or idea of reform from what we are doing here today? That committee is now being looked as though it is appointed as a sham committee, Madam Speaker.

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

**Mr. S. Hosein:** Then they told us, Madam Speaker, that the particular positions will have to go only solely to the Police Service Commission. And that particular policy, Madam Speaker, if we agree with this particular Bill that they are proposing, the Government is doing two things in the legislation. Firstly, removing parliamentary oversight, scrutiny and approval for the appointment of a Deputy Commissioner of Police or a Commissioner of Police (Acting). And the second thing that the Bill is attempting to do, is now revoke that particular Legal Notice—that will amend the Legal Notice, really, at clauses 4 and 5, which deals with the criteria for the appointment of an Acting Commissioner of Police, and really, the qualification of who can act as a Commissioner of Police or Deputy Commissioner of Police.

So, when you look at that, Madam Speaker, you look—and I will get to that now, in terms of looking at the legal notice and examining—when you look at

Legal Notice 277 which was subsequently amended by Legal Notice 278 at clause 4, when you look at clause 4(1) it deems this as being the process for the appointment of Acting Commissioners of Police. And then at sub(2), it deals with that Order of Merit List that ought to be established, and that Order of Merit List is persons who are holding or acting in the office of Deputy Commissioner or Assistant Commissioner.

So, the first thing it tells us clearly is who can act as the Commissioner of Police and then it tells us that the person who is to act must also have the same qualifications/experience required for the appointment of the office of Commissioner of Police. And then what is important, it then tells us the criteria which must be established or exist in order to have an acting appointment. And the first one is that the person must be absent, the substantive commissioner must be:

- “(i) absent from Trinidad and Tobago;
- (ii) on vacation leave; or
- (iii) unable to by reason of illness or any other reason to perform the functions of the Commissioner of Police; or
- (b) the office of the Commissioner of Police is or is likely to become vacant,”

So, it establishes that. Madam Speaker, when we revoke clause 4 here, what are we replacing it with? Because the Attorney General told us what the procedure is. He told us that if this Bill is passed there will no longer be the need to come to Parliament, but when you revoke this entire qualification, you revoke the circumstances for when someone is to act, what are you replacing it with? Why did you not show this Parliament the respect by at least giving us a draft of what it would look like?

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

**Mr. S. Hosein:** Or in the piloting of the debate tell us, tell us exactly what it would look, whether or not the Commission will have to be bound by an order of merit list, tell us what will be the criteria for determining who fills the merit list, tell us whether or not the acting person must still be qualified as the substantive person, because this is what you are revoking. But what are you replacing it with? That is the question. Is it that you already have a candidate in mind and that the qualifications will be tailored according to that particular individual? And that is a relevant question we have to ask here today because you have not told us what you are replacing this with. You have not told us.

Madam Speaker, when you go on to look at the other issues surrounding this particular Bill, we have to look exactly at why it is dangerous to remove this parliamentary scrutiny. And I want to get to the judgment in the claim No. CV 2021-03106. And this is the matter of *Ravi Balgobin Maharaj v Attorney General of Trinidad and Tobago, the Police Service Commission and Gary Griffith*, dated the 14<sup>th</sup> of October, 2021, before the hon. Madam Justice Nadia Kangaloo. And, Madam Speaker, this judgment is very relevant because this is actually the jurisprudence that settled the law with respect to how acting appointments ought to be made. And this is probably a rare occasion when in this instance the claimant and the defendant, the Attorney General, agreed on a particular position with respect to this claim, Madam Speaker. Because what the claimant has suggested is that the appointment should have come to the Parliament, the Attorney General agreed, however, the Police Service Commission and the interested party disagreed that that was the current position, and that is what the subject of this particular matter was.

And when you look at the judgment, a submission was made in that particular matter, Madam Speaker, and the submission was this. It is that the

claimant had submitted that the issue of democracy in respect to this particular appointment is important, because it is important in order to facilitate and take further our jurisprudence as settled in the Endell Thomas matter. That notwithstanding the Service Commission is not to be interfered with, you give that extra layer of scrutiny and that extra layer of transparency with respect to the appointment. And at paragraph 71 of the judgment, I want to just quote, Madam Speaker:

“Senior Counsel concludes”—and this was a submission being made—“that the 2006 amendment has created the means for parliamentary scrutiny of the”—Police Service Commission’s—“nominations to the office of CoP, so as to safeguard the limits of the”—Police Service Commission’s—“power to appoint and to maintain the doctrine of the separation of powers. Senior Counsel submits that the”—Police Service Commission—“as part of the Executive...”—would have—“...breached...”—that—“...separation of powers by appointing Mr. Griffith...without reference to the Legislature.”

Because that is what was agreed upon.

**2.55 p.m.**

When you look also, with respect to paragraph 98, paragraph 98 dealt with another decision that also informed and cleared up the appointment of a commissioner of police, and that dealt with the matter of Harridath Maharaj against the Attorney General. I want to explain what that means. When this Government took power, they tried to interfere with the process for the appointment of a commissioner of police, where they inserted the Minister in the process. That is the first time, Madam Speaker, they did it. We had to go to court. The Member for Siparia, as Leader of the Opposition, went to court and got parts of that particular Legal Notice struck down because of being unconstitutional—

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

**Mr. S. Hosein:**—because they had a Minister interfering in the procedure. So that is the first step.

Then the second step is that they promulgated the 2021 Order, in order, again, to interfere with the process. So this is number two now. Madam Speaker, today we are on strike three with them interfering with the process of the appointment of a commissioner of police, and we are telling them, after three strikes, you are out.

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

**Mr. S. Hosein:** After three strikes, you are out, Madam Speaker, because this is what it says. That Harridath Maharaj case also spoke of the openness in respect of the entire process to permit the Police Service Commission to confer itself on a power of making act appointments, Madam Speaker, and we are satisfied that the names ought to come to the Parliament. They will come with an argument here, Madam Speaker, and say, “Well, what if a commissioner of police is absent for 24 hours? He has to go to some Caribbean country to attend a conference. Should we summon the entire Parliament to just deal with that particular matter, Madam Speaker?” Madam Speaker, my answer to that is this, and it is very clear, they have not limited the length of time a person has to act.

If I take you back into the history of the lengthy acting appointments, which is featured in this judgment—Madam Speaker, I can go through it, because we looked at all of the Police Service Commission’s annual reports. In the year 2009, there were 16 acting appointments made; 2010, 7; 2011, 4; 2012, 17; 2013, none; 2014, 12; 2015, 15; 2016, 23; 2017, 26; 2018, 37; 2019, 31; 2020, 22; 2021, 15; 2022, 5, a total of 230 acting appointments were made. And then you had Mr. Stephen Williams acting on 13 occasions in the period 01 February, 2015 to 16

August, 2018. Look at the length of time we have acting appointments in this country. You had Mr. Philbert acting between 2008 to 2010. You had Mr. Harold Phillip acting in certain positions between the period 2015 to 2020, Madam Speaker. And that is point we wish to make, that they will have someone there acting for very long periods of time. They will do that.

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

**Mr. S. Hosein:** And what is clear, and it is settled, Madam Speaker, is that the Acting Commissioner of Police will have the exact same power as a substantive Commissioner of Police. Why is it that this Government is so favourable for these particular acting appointments and lengthy acting appointments? Why not tell us if the person is out for five days or seven days, that is the maximum period to act and then you come for parliamentary approval? Propose something else. Do not just give us a blanket restriction and say that you do not have to come to Parliament for the purposes of acting appointment. It will hold the service commission and the police service itself more accountable to the people of Trinidad and Tobago.

I want to give you some examples, Madam Speaker, of some of the powers that the Acting Commissioner of Police and the Acting Deputy Commissioner of Police will have. They will perform crucial and unique function such as:

- the grant of licences, certificates or permits under section 17(1) of the Firearms Act;
- appointment and termination of trainees, sections 12 and 13 of the Police Service Act;
- appointment of an independent management consultant for the Promotion Advisory Board, section 18(1)(e) of the Police Service Act;
- the administration of Award Fund, sections 65 and 69 of the Police

Service Act;

- the issuing of Departmental Orders;

Very important.

- the establishment and administration of operational units of the TTPS;
- the assignment of officers under Regulation 36 of the Police Service Regulations, 2021;

And this is very important:

- the transfer of officers under Regulation 68 of the Police Service Regulations.

Madam Speaker, a candidate who goes there as an acting commissioner of police can transfer any officer from First Division, go down, wherever they so desire, in accordance with the regulations of course, but they do have the power to do so, and that particular position, Madam Speaker, even if it is an acting position, wields great power. And we have seen through the history that there have been lengthy appointments. For years, persons have been acting two to three years in some instances. Also, Madam Speaker, that Commissioner has the power for the issuance of standing orders and service orders. So those are some of the important functions that the acting person will also have, Madam Speaker.

Then you look at the length of the appointments, you look at the powers that they have, Madam Speaker, and you can also look at the qualifications as outlined in previous Legal Notices that were brought before this Parliament, in terms of the qualifications. But now that they are going to revoke clauses 4 and 5 of Legal Notice—with respect to the current Legal Notice, the 2021 Order, Madam Speaker, we do not know exactly what is it going to be replaced with.

**Madam Speaker:** Hon. Member, you have three more minutes of ordinary time



left. You are entitled to 15 more minutes to wind up your contribution, if you wish.

**Mr. S. Hosein:** I will be grateful for the additional time, please, Madam Speaker.

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

**Mr. S. Hosein:** Madam Speaker, let us look at the current situation. We have outlined the procedure. We have outlined our concerns with respect to the proposed Bill, but let us look at what is happening now. Our current Commissioner of Police is Mrs. Erla Harewood-Christopher, and Mrs. Harewood-Christopher's retirement age of 60 was on 15 May, 2023. The Government, acting pursuant to section 75 of the Police Service Act, would have extended her appointment from 15 May, 2023 to 24 May, 2024.

So I saw, Madam Speaker, an ad went out for the position of commissioner of police. I believe the Police Service Commission is engaged in this exercise. I want to ask the Government whether or not the Police Service Commission knew of this Bill or they were consulted on this Bill, Madam Speaker. But the top COP gets one-year extension, in terms of her appointment. So therefore, if the Police Service Commission brings back substantive names now and that substantive person goes, for example, on leave, because they need our support for the passage of this particular legislation, the status quo remains, Madam Speaker. The Police Service Commission has engaged in their work. They have engaged in looking for a new commissioner of police. Maybe they have information that Mrs. Harewood-Christopher's appointment is going to be further extended and it may come to an end on the 24<sup>th</sup> of May, 2024. We do not know. Maybe the Government can tell us whether or not Mrs. Harewood-Christopher is going to get a further extension or not and that is something you should be transparent about. We are dealing with the Police Commissioner of Trinidad and Tobago, not a PNM

commissioner of police.

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

**Mr. S. Hosein:** And all of that, Madam Speaker, when you look at the jurisprudence and you look at the reason why we are here, in terms of the debate, in terms of the scrutiny of the names, open debate, transparency, accountability, it is all to build public trust and confidence in the various institutions.

But, Madam Speaker, I have to look at a particular article which remains a dark day and a blotch in our nation's history and democracy. There is an article, Madam Speaker, from the Trinidad *Express* dated 14 March, 2022:

“PM: IT WAS ME”

PM confirms he was the ‘high-ranking official’ who met the PolSC chairman...”—at President's House.

Madam Speaker, that is a very important matter because it deals with acting appointments. A Chairman of a Police Service Commission went to the President's House on 11 August, 2021, to deliver a list for the appointment of a substantive commissioner of police. Coincidentally, the Prime Minister knew that the Police Service Commission Chairman was going to be at President's House that day and coincidentally had a report with him to coincidentally give to the Chairman of the Police Service Commission, and the President would have been the one at that time, as a bystander, to have that meeting at the President's House.

Immediately, Madam Speaker, that list was withdrawn from the President's House on the exact same day.

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

**Mr. S. Hosein:** And today we have confirmation now that it was the Prime Minister who caused Bliss to run with the list. And then Bliss went back with another list the next day, on the 12<sup>th</sup> August, to appoint Gary Griffith as the Acting

Commissioner of Police, the same fella they did not want to appoint as the substantive Commissioner of Police. Madam Speaker, that entire debacle left such a dark blot on our nation's history. It caused the triggering of impeachment proceedings against a sitting President of Trinidad and Tobago; so important that matter was, Madam Speaker.

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

**Mr. S. Hosein:** And today this Government is coming to tell us we must trust them with the appointment of an acting commissioner of police and deputy acting commissioner of police? We say no to that, Madam Speaker. We cannot trust the Government. We cannot trust the Prime Minister and we cannot trust the Chairman of the National Security Council.

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

**Mr. S. Hosein:** Because we have seen here, Madam Speaker, what they are capable of. They are capable of crashing independent institutions, truncating procedures and removing a sitting commissioner of police, and today you want to tell us, "Listen, all yuh doh need tuh see de name. All yuh doh need to debate de name. Give them the power, let them do it." We say no, Madam Speaker, absolutely not. Absolutely not.

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

**Mr. S. Hosein:** Madam Speaker, I am passionate about this matter because this involves our nation's national security. This involves our democracy. And we have seen, Madam Speaker, when they do things like these, you demotivate the junior officers. When you have the higher executive, Madam Speaker, being appointed through curry favour, friends and family, Madam Speaker, you demotivate the entire service. So that is why we are, on this side, proposing that the procedure not change. Let the names come to the Parliament.

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

**Mr. S. Hosein:** I think, Madam Speaker, this is the first time in our nation's history, maybe in the Commonwealth history, where a Deputy Commissioner of Police is on bail. Madam Speaker, this is probably the first time. That was a name approved by the Government. But at the end of the day, we had the opportunity to have a say in that matter, Madam Speaker, and we are not prepared to lose our voice in this matter. We on this side will continue to stand for transparency. We will stand for our nation's democracy and we will ensure that we hold this Government to account. I thank you very much.

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

**Madam Speaker:** Member for Laventille West.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker, for an opportunity to make a brief contribution in this very important Constitution (Amdt.) Bill, 2024.

Madam Speaker, the effect, as has been made known by the mover of this Motion, is to rearrange the procedure for the appointment of a person to hold the office as an acting appointee to the positions of commissioner or deputy commissioner of police, and this is to be done by removing the requirement of seeking approval from the House of Representatives in respect of on acting appointment, and I understand this to be a reasonable time.

The Member for Baratavia/San Juan would have spoken about Stephen Williams as an Acting Commissioner of Police. The problem with that is that Stephen Williams acted as Commissioner of Police for six years, or thereabouts. That is not what we are speaking about, quite a distinction. Under the UNC, they had, on the voice of their Attorney General saying it is better to have a man acting, you could have him under control in a Zambo lock, you could have him under

control, and they did that for six years. We came to this Parliament when Edmund Dillon, the Member for Point Fortin was a Member of Parliament here and Minister of National Security, and took action to appoint a substantive commissioner of police. They went to court, the court construed the order and the court made small amendments to same.

**3.10 p.m.**

At a later stage, we had a substantive commissioner of police appointed for the service of Trinidad and Tobago. We were always committed to appointing a substantive office holder—

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

**Hon. F. Hinds:** —and deputy commissioners. As soon as the opportunity arose, today we have a substantive Commissioner of Police and three substantive Deputy Commissioners of Police in Trinidad and Tobago. That is our record.

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

**Hon. F. Hinds:** That is our record. Madam Speaker, and as the Attorney General would have alluded to, what we are trying to deal with is the practical operation and functioning of the police service. And the best example is, where the Police Commissioner, as I have had to deal with, Commissioner Earla Christopher wanting to go to an Interpol Police Leaders Conference in the Bahamas or someplace else, for two or three days. Where it is possible, she wanted to attend the Association of Commissioners Conference, which she hosted as Commissioner in Trinidad and Tobago sometime last year. But the process for replacing her with an acting appointee is obviously administratively cumbersome, if one has to go through the procedure of notification by Her Excellency, and it comes to this Parliament, and we debate it and then we appoint someone to act.

When we were conducting the appointment of Deputy Commissioners of

Police, that matter arose in this Parliament. That matter arose. It was the Member for—well, the late Member for Naparima, who raised that matter as a problem and called on the Government to respond to that obvious problem. I now understand why he has problems with the UNC and has no confidence in its leader. The Government took note of it. I remember the Member for Diego Martin West speaking as Prime Minister responding to that and acknowledging, and even did so on a public platform, that that administrative cumbersome arrangement is a matter that we have to address. And no sooner, had he said so, in public, unsurprisingly the UNC and the Opposition jumped to their feet and said, “We will never support that”, but they applauded Rodney Charles when he raised it in the Parliament on that occasion—the Member for Naparima, but that is no surprise to me.

I was in this Parliament when I witnessed from the Opposition Bench between '95 and 2001, when the UNC negotiated and fought hard among CARICOM leaders, to have the Caribbean Court of Justice situated in Port of Spain, Trinidad. I was here, and they were very gung ho and loud in their support for the Caribbean Court of Justice. But at last, there was an election, and in 2001, in a lock situation where they agreed, in what came to be known as the Crowne Plaza arrangement, both parties, both leaders allowed the then President, Arthur Napoleon Robinson, may his soul rest in comfortable and perfect peace, allowed him to take the decision as to who will lead this country and get us out of the gridlock that we found ourselves in, the quagmire, the constitutional quagmire, we found ourselves in. And President Robinson, who was a Member of Parliament for Tobago East, was on the Government's side. They supported his ascendancy to the Office of President. And when, as President, this matter comes before him, he looked at it, he looked at us, he looked at our condition. He looked at their behaviour in government for six years and found that there was an absence of

moral and spiritual values and banished them away from the Government and allowed Mr. Manning and the PNM, who by implication, were possessed of high moral and spiritual values, and went into Government.

But, as soon as we went into Government and raised the question of Constitutional Reform for the advancement and the development of Trinidad and Tobago, United National Congress, nyet, nada, no. And I remember, I remember, the then leader, Mr. Basdeo Panday, may his soul rest in perfect peace, as well. At least he was a very witty and intelligent man. If nothing, he was. And he said, to justify the UNC's unprincipled position, wanting today, fighting because they wanted the court to be in another jurisdiction. Fought for it in Trinidad and Tobago, and Madam Speaker, he said no, no piecemeal thing will work here with the Caribbean Court of Justice. We want whole-scale constitutional reform and that was the basis on which they took objection to various attempts to modify, to improve, and to grow our Constitution to meet international expectations and needs. So, I am not surprised at the UNC's position. The Member for Naparima speaking for them in a debate on the appointment of deputy commissioners, wants tremendous applause from them when he raised the point of the cumbersome nature of these arrangements.

Madam Speaker, the Member for Barataria/San Juan spoke about the 2006 Manning and Panday collaboration and consensus when we were reviewing the position or the process for appointing a commissioner of police, and as he correctly pointed out there was a veto power. Whatever happened when the Service Commission, the Police Service Commission would have assessed and recommended someone for the position of Commissioner of Police, the Prime Minister under the Constitution at that time had a veto power. He would have had information that might have led him to say no, because sometimes unfortunately

proper record-keeping is not observed. Sometimes in our way, truthful things are not recorded. So, if you take a strict legal approach sometimes, it does not always give you the right answer.

So, the Prime Minister may have had information that the rest of the Parliament and the Government may not have had, and he had a veto power, which worked for many decades in this country. It was not a peaceful consensus. I was present, and he was forced to give up that veto power. It was the UNC in Opposition at the time who demanded in this consensus arrangement according to the Member for Barataria/San Juan, who demanded that that veto power be removed and that we put in place the new process which we are dealing with here today, which has manifest an administrative quagmire where you have the Commissioner of Police wanting to leave the jurisdiction or a deputy, and there ought to be someone to fill the gap. But the UNC is as unprincipled as that, and therefore we have that issue. But yet the UNC spent five years and three months in government between 2010 and 2015, with 26 seats and all they did was to corrupt themselves out of office for the second time. “Eh do nothing” to amend the Constitution as we have said. And the records would show, I rehearsed it in this Parliament before, while they were in government, on 17 occasions, when they came to this Parliament for amendments to the Constitution, they got the support of the PNM in Opposition in this House.

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

**Hon. F. Hinds:** That is our record because we are the gatekeepers for the State. We are the ones who uphold the integrity of the State. We are the protectors of the State, that is the PNM’s record in this country. We are not unprincipled like the UNC.

Madam Speaker, the Commissioner of Police has some functions which



members of the public may tend to overlook. She plays a very important role and there are certain statutory powers and functions that are exclusively exercisable by the Commissioner of Police.

**3.20 p.m.**

These powers and duties must be carried out on a continuous basis where the substantive office holder is absent, so as to ensure that the Trinidad and Tobago Police Service and by extension, the service and the protection of the nation must continue and cannot be interrupted because the substantive office holder is unable to function, out of the country, or absent from duty for some good reason. A family member can fall ill, need an emergency operation, a family member can die. These very human things affect all of us.

Some of the duties solely exercisable by the Commissioner, involve matters of promotion and retirement of police officers of the First Division. Only the Commissioner could treat with that. The signing off on classifications for sick leave, granting approval, renewals and revocation of Firearm User's Licences and FUECs, Firearm User's (Employee's) Certificates, only the Commissioner could do that. And as I said, on an ongoing basis. The Commissioner, as accounting officer, under the finance regulations of the Trinidad and Tobago Police Service is responsible for the financial resources allocated to the police service with respect to procurement of goods and services. The power to hire police and non-police officers on contract under section 22 of the Police Service Act, Chap. 15:01, exercisable only by the Commissioner of Police.

The Commissioner of Police is the only one of three officers lawfully authorized to intercept communications in the interest of national security. She holds that authority along with the Chief of Defence Staff and the Director of the SSA. And the Commissioner of Police is responsible for authorizing public

marches under the Summary Offences Act, Chap. 11 and so on. These are some of the functions that are exercisable exclusively by the Commissioner. And therefore, you must have someone in that office at all times and on a continuing basis.

And the Government is here today not wanting to interfere with any Constitutional rights and interfere with any independent organization. The Government here today is simply saying, when you have a circumstance that requires the absence of the substantive office holder, be it Commissioner or Deputy Commissioner, and he or she—

**Mr. Young:** For a short period.

**Hon. F. Hinds:**—for a short period, he or she has to leave the desk, leave the function for a very short and reasonable time, rather than have to come here, I agree with Naparima, and go through the long process.

And Madam Speaker, I must at this point remind us, it was the Member for Oropouche East speaking in the last discussion or the debate we had on the appointment of Deputy Commissioners pointed out really speaking, and remember, in 2006—

**Dr. Moonilal:** Quote.

**Hon. F. Hinds:** Quote what? Sorry. In 2006, Madam Speaker, the Prime Minister had a veto and that was forcibly removed. It was a condition to get the support of the then Opposition.

The Member for Oropouche East speaking here very recently said, Madam Speaker, when we came here to debate the nomination of Her Excellency, “all we really have is the résumé”. “We don’t know the process and the result of the vetting, the background checks. All we have here is the résumé.” The Member for Oropouche East dealt with this issue showing how limited we are in what we do. On a few occasions, we may know the office holders or the prospective office

holders personally and have come to some judgment, maybe on the basis of some bias, or what you heard, or whether he or she smiled with you, or they appeared hoggish, something like that. But he alluded to the fact that even the Parliament which the UNC insisted on as part of the process—

**Dr. Moonilal:** Quote my words.

**Hon. F. Hinds:**—was limited in its effect. It was largely a risk and a guessing game because all of the assessment would have been done inside of and by the Police Service Commission.

And as we propose to deal with this administratively cumbersome quagmire, we say it is the Police Service Commission that determines who would have been a Deputy Commissioner, to act as Commissioner for three days in the first place. It is the Police Service Commission that would have gone through the entire process. It is not that some stranger from outside of that arrangement appears in here to act—or appears at the desk of the Police Commissioner's desk to act. It is someone who would have already been screened, and vetted, and assessed, and found to be qualified in accordance with the Constitution and the law, who would be a Deputy Commissioner. And it is the Police Service Commission, and I can bear testimony to that, that determines a merit list even for acting positions. There is a merit list developed by the Police Service Commission for acting as Commissioner. And a merit list designed by the Police Service Commission for acting as Deputy Commissioner. It is the Police Service Commission that decides that.

So the process will then be, if we go along with this simple amendment, the process would be when the Commissioner is ready to leave the country to go to St. Vincent or Grenada for two days to a commissioner's conference, she notifies the Police Service Commission to whom she is also accountable, and she notifies the

Minister of National Security, and having notified the Police Service Commission, it is the Police Service Commission on the basis of the merit list that it would have developed, that offers someone to sit in that office until the next two days when the Commissioner appears.

What is so troubling about that? But we have to hear all about interference with the Police Service Commission, and the best example Barataria/San Juan and the UNC could offer, is the Prime Minister saying it was me. And the Prime Minister of this Government saying that he was the one who went with information, so valuable the information was, that the Police Service Commission took notice of it and acted apparently on it. And let me say this, Madam Speaker, based on the constitutional arrangements and this business of independence, independence does not mean “yuh doh talk to nobody or yuh locked in”, you are part of the democratic process, and the Police Service Commission is not insulated from the principles of democracy.

And the Police Service Commission acting on behalf of all of us, needs information in order to arrive at the best decisions in the wider and deeper public interest. And therefore, the Police Service Commission takes submissions from Tom, Dick, Harry, Jean, and Jenny. People write to the service commission and they are entitled to receive that, contemplate it, respond to the citizens, organizations write.

The Prime Minister is a citizen of Trinidad and Tobago. He happens to be Prime Minister, and fortuitously as Prime Minister, he got information about the goings on with the Firearm User's Licence regime in the police service after the Police Service Commission initiated an investigation through retired Justice of Appeal, Mr. Stanley John, and the information that was in the possession of the Prime Minister, felt or motivated him sufficiently to go to the Police Service

Commission and to share that information with it, and it having received that information, found that it was sufficiently useful to act upon it in the way it did. And I think the Prime Minister deserves a national award for that.

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

**Dr. Moonilal:** Honorary Doctorate.

**Hon. F. Hinds:** I think so. He “doh” need no honorary doctorate; he earned one with a first-class undergraduate degree, first-class master’s degree, and top-of-the-line Ph.D—

**Mr. Young:** “And he eh begging for no school to be named after him.”

**Hon. F. Hinds:**—and with that, he did not have to get his name on no Ramai SDMS School.

**Dr. Moonilal:** Spell that. Spell that.

**Hon. F. Hinds:** “We doh do dat.” Class is class. Crass is crass.

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

**Hon. F. Hinds:** But class is class.

**Dr. Moonilal:** And you have crass.

**Hon. F. Hinds:** Understand. It was no interference; it was providing vital information, and thank God they did because it was Mr. Stanley John who described the same information as a well-oiled, criminal, white-collar enterprise that transpired under the nose of Gary Griffith, the then Commissioner. For the UNC they will overlook that. I have never heard one of them comment on that matter in public because they could absorb that. Light attracts light, and darkness attracts darkness.

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

**Hon. F. Hinds:** And as Mansoor Ibrahim said in this Chamber at the opening of the parliamentary term many years ago, Dr. Mansoor Ibrahim: even if you smear a

dead pig with honey, that will not make it sweet.

So Madam Speaker, I have outlined to you the role of the Commissioner of Police and why you must have one at the desk, and why it is quite reasonable to have someone sitting in that continuing important office but for three days, a reasonable time. And by the way, I want the Member for Barataria/San Juan to know, this question of reasonable time was always in the contemplation of this Government because we saw Stephen Williams act for six years, and we had no business liking that. So we knew coming to this House for this debate, we will propose reasonableness.

As for the Deputy Commissioners, there are three posts of Deputy Commissioners in the police service: Deputy Commissioner Administration and Support, Deputy Commissioner Intelligence and Investigations, and Deputy Commissioner Operations. Madam Speaker, you would have heard the Member for Barataria/San Juan—“Me eh drinking no bush tea for nobody medicine”. I will tell you one thing: I had to deal, when we were discussing those deputies, with certain allegations made; I heard him stand up today to talk about who is on bail. I mean, they are just shameless, you know. All he has to do is look around himself and he will see who is on bail and for what.

**Mr. Young:** Million-dollar bail.

**Hon. F. Hinds:** But he is looking in the police service. “Dey doh like police, you know, they fraid police, yuh know.” Their problem is police, and law, and order, you know.

**Mr. Gonzales:** Double Palm. They like Double Palm.

**Hon. F. Hinds:** Did you say palm oil? Madam Speaker, I just want to say, I said in this Parliament in that debate, that the Deputy Commissioner of Police in charge of intelligence and investigations is alleged to have driven her car accidentally over

a child's foot.

**Dr. Moonilal:** “You are witness?”

**Hon. F. Hinds:** As read in the newspaper, and that is the allegation. They reported that she came out of the car, assisted the youngster, dealt with all of this. But eventually, somebody on the last day that that offence for the traffic matter would have become statute- barred caused her to be charged for the offence, and the Member for Barataria/San Juan stood up here today, “she on bail”.

They are just so crass and want to destroy every institution and every individual that stands for good, and law, and order. But the one institution they have never been able to conquer is the great and the mighty People's National Movement.

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

**3:35 p.m.**

**Hon. F. Hinds:** And we stand tall on our records in this country. They had two chances at government. They corrupted themselves out of office on one—

**Dr. Moonilal:** Madam Speaker, Standing Order 48(1), please

**Hon. F. Hinds:** Madam, I am going. Madam, let me continue

**Dr. Moonilal:** “You ruling”? “You ruling”?

**Madam Speaker:** Okay. So, Member for Laventille West, you have a few minutes left—three minutes—and I would guide you with respect to relevance. Okay? Please. So while I am on my legs, you have three more minutes left of ordinary time. You are entitled to an additional 15 minutes, if you wish to complete your contribution, so that—would you be exercising that?

**Hon. F. Hinds:** Most certainly, Madam Speaker.

**Madam Speaker:** So you may proceed.

**Hon. F. Hinds:** And I thank you for your guidance. The UNC is very irritating, but I do understand. Madam Speaker, the primary function of the Police Service Commission is to ensure that there are suitably qualified and experienced persons from within the police service to substantively hold these high offices. Where for a multitude of reasons there may be no available substantive officer, it is still the responsibility of the service commission to find a person to fill the office.

And I just want to say in passing, the question of debating the acting appointee is a relatively new issue in Trinidad and Tobago; relatively new. And it arose in the judgement that the Attorney General made reference to, a matter out of 2021. Prior to that judgement by Madam Justice Nadia Kangaloo, where there was an examination of the legal order that gave rise to all of the discussions you are hearing now, many, many, many persons have acted in this country over decades as deputy commissioner, as commissioner of police, without any debate in this House. That is not new to Trinidad and Tobago—

**Hon. Member:** Under the 2009 Order.

**Hon. F. Hinds:**—under the 2009 Order, more specifically. We never had to come here when the UNC was in office, repeating on a six-month rotation for six years, the appointment of Stephen Williams. We did not have to come here once.

**Hon. Member:** Accepted and relied upon.

**Hon. F. Hinds:** We trusted the service commission. We accepted their deliberations. We relied upon them. That is respect for the independence of the Service Commission; that. This thing about interference.

So, Madam Speaker, it was in that matter where a UNC activist—whose name is used in many matters against the Attorney General, the Public Service Commission, and interestingly enough the then Commissioner, whose name I do not want to call either, it is nauseating. It is in that matter that this issue of



debating an appointment for a deputy commissioner came alive. And here we are today, and we are simply saying, let the Police Service Commission do the business. This is a very short state of affairs and we can proceed accordingly.

Madam Speaker, I have had, as Minister of National Security, to grapple with this issue, and I might share with this national community, that on two occasions, because of the cumbersome nature of the process, and because of the time frame that the travel of the Commissioner was to have ensued, we lost a couple opportunities for her to benefit from international best practice exposure. So when the Attorney General prepared this Bill to amend the Constitution and brought it to the Cabinet, we all saw it as a very good thing. But we knew coming into this that the UNC's obstructionist, obscurantist, and given to pestilent behaviour, if I may say so in a very non-pejorative manner—

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

**Madam Speaker:** *[Inaudible]*—okay? It is an admission of that you are really skirting the Standing Orders. So I would ask you to watch your language.

**Hon. F. Hinds:** I thank you very kindly, Madam Speaker.

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

**Hon. F. Hinds:** Madam Speaker, I am not a man given too many words, as you might know.

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

**Hon. F. Hinds:** But, Madam Speaker, I have particular difficulty whilst speaking with the UNC in front of me. All things are possible and all of the descriptions I can contemplate, Madam Speaker, are apt, you know.

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

**Hon. F. Hinds:** Yeah, yeah, yeah, yeah, but this is the Parliament.

So, Madam Speaker, I simply want to say on behalf of the people of Laventille West, and I want to say on behalf of the Government of Trinidad and Tobago that our efforts here today are in the best interest of the Trinidad and Tobago Police Service, it is in the best interest of the nation's state, that is, Trinidad and Tobago. There is no question of wanting to interfere with the deliberations of the Police Service Commission. That has to be cast aside because as I demonstrated, it is the Police Service Commission who would have appointed the deputies, one of whom might act. It is the Police Service Commission who would have developed the merit list for those who should act as commissioner. And it is the Police Service Commission who will develop the list of the acting persons, even for the rank of deputy commissioner, out of the ranks of the assistant commissioners and other seniors upon their application and its consideration. So this is what we offer to this House. We do not anticipate the support of the United National Congress. It would be a mad man.

**Dr. Moonilal:** “So why you bring it?”

**Hon. F. Hinds:** Right?

**Mr. Hosein:** “So why you bring it?”

**Hon. F. Hinds:** We do not anticipate it. We have a duty to the people of Trinidad and Tobago—

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

**Hon. F. Hinds:**—to make available to them the best solutions, the best ideas, the best thoughts and the best legislation. That is why I have said before, as I close, Madam Speaker, when we draft legislation, when we contemplate legislation inside the PNM, we know we have to cater for the criminals out there who are terrorizing the country, but we also have in the back of our minds, in addition to

the criminals, we have to cater for the UNC. When we are planning law to fight crime and criminals in this country—

**Mr. Young:** What is the distinction?

**Hon. F. Hinds:**—when we are doing that, not only do we take into account on your behalf, people of Trinidad and Tobago, your protection, your safety, your sanity, the enjoyment of your property, we also have—from the criminals—to bear in mind the Member for Siparia and the Member for Oropouche East. They stand in the way of good governance and good—and the protection of the people of Trinidad and Tobago.

**Mr. Charles:** Madam Speaker, I rise to Standing Order 48(6)—[*Inaudible*—implying that the political leader of the United National Congress stands in the way of progress.

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

**Hon. F. Hinds:** Thank you very much. Their record speaks for itself, you know. I stood up in this Parliament already, and when I looked down the Bench—when I was a policeman, Madam Speaker, before I close, there was a document with mugshots called the rogues' gallery and album—

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

**Madam Speaker:** So before you go any further, I will—

**Mr. Young:** You recognized some faces?

**Madam Speaker:** I will remind you of Standing Order 48(1) before you go any further. Okay? So, Member for Laventille West, let us get back to the debate.

**Hon. F. Hinds:** I thank you.

**Mr. Young:** Whose face you saw?

**Hon. F. Hinds:** I thank you, Madam Speaker.

**Mr. Young:** Tell us whose face you saw.

**Hon. F. Hinds:** Madam Speaker, my colleagues want to know whose faces I saw, but I—

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

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

**Madam Speaker:** Let us—the historical lesson, I think you will give another place.

**Hon. F. Hinds:** I thank you very much, Madam Speaker. As I close, suffice it to say, quite apart from the harassment and the bombardment of colleagues on the other side, I stand here today proudly in support of the measures in front of the House, since I am aware, in my own intellectual assessment, that they offer a very great solution to an obvious problem, which can quite easily be resolved in the way in which this Bill suggested. Madam Speaker, with those few words, I thank you.

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

**3.45 p.m.**

**Madam Speaker:** Member for Oropouche.

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

**Dr. Roodal Moonilal** (*Oropouche East*): Thank you very much, Madam Speaker, for the opportunity to make an intervention on this very important matter. Madam Speaker, I begin with a quotation from an *Express* editorial of April 03, 2024, quite recently, and in reference to the Member for San Fernando West, the title of the editorial—Laventille West, Minister of National Security—the title of the editorial is, “New heights of emptiness”.

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

**Dr. R. Moonilal:** Madam Speaker, I imagine the *Express* can now serialize this initiative. After today’s contribution, there will be new heights of emptiness, part two. It says:

“As National Security Minister...”

—and I mean great respect. I do not but—well, I mean great respect to the Member:

“...Fitzgerald Hinds has come to be defined by his wordy and meandering expositions on crime-related issues.”

Madam Speaker, I could not have—

**Mr. Hinds:** [*Inaudible*]

**Dr. R. Moonilal:**—put it better myself.

**Mr. Hinds:** You taking notes from [*Inaudible*]

**Dr. R. Moonilal:** Madam Speaker, he is now provoking me, having spoken for 45 minutes, about—what he talked about, pepper who?

**Mr. Hosein:** Pepper. [*Laughter*]

**Dr. R. Moonilal:** Madam Speaker, please. So, I begin by placing in context, the Member’s contribution as the *Express* has editorialized. Madam Speaker, this is not the first time. In fact, the Member has the unfortunate experience of having about five editorials of equal—

**Dr. Seecheran:** Merit.

**Dr. R. Moonilal:**—merit. Thank you very much, attorney from Caroni East. But he has distinguished himself among the editorial writers as someone who is vacuous, empty, lacking logic.

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

**Dr. R. Moonilal:** Today, in a few—

**Mr. Padarath:** Bizarre.

**Dr. R. Moonilal:**—bizarre. Madam Speaker, in the few waking moments that he shared with us today, it demonstrates this capacity, this ongoing capacity to be out of sync with the reality in Trinidad and Tobago.

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

**Dr. R. Moonilal:** You see, Madam Speaker, the Minister of National Security, as I said, who has been editorialized about five times in that vein, regrettably so, came today and he was bloviating, and that is not an obscene word. He has been bloviating in the Parliament and trying to convince us that there is some merit in the matter that is before us.

Madam Speaker, I begin by asking the question, what is the relevance of this Bill—of what relevance? I remember a friend in UWI, he used to always begin an argument, “Of what relevance is this Bill?” Why are we here? We could be dealing with other matters involving the terrible and tragic situation at the Port of Spain General Hospital. We could have been dealing with matters dealing with the murder rate. We could have been dealing with matters—detection. The intelligence community has collapsed under the watch of the Members for Diego Martin West and Laventille West—

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

**Dr. R. Moonilal:**—but we are here with an amendment which the Member admits that he will not get the support of the loyal Opposition, but he brought it anyway.

**Mr. Hosein:** Correct.

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

**Dr. R. Moonilal:** They brought it anyway.

What are they doing? What would cause this amendment to rear its head? What? Are you playing some game with the population, maybe with the Opposition? Are you, in some misdirected way, misinterpreting political reality? But you are doomed to fail, why do you do this? Could we not have gone on to some other Bill? But, Madam Speaker, the Member made reference to a few matters which I am committed to respond to, because, Madam Speaker, I have also

been part of history, and being part of history, I cannot allow the Member for Laventille West to give his interpretation that may be misleading, misguided, misconceived and missing the mark, without adding, of course, my own recollection of that period.

Madam Speaker, there was a time in this country when a Police Commissioner, Deputy Commissioner, and so on, would be appointed and no one would know. Two, three weeks after—months after, maybe, you would wake up one day and hear Commissioner X, Y, or acting Commissioner A, B made a statement, and you say, “But where he came from?—generally “he”—“Where he came from? When was he appointed?”, and you do not know. Madam Speaker, that was how it was with many service commissions, and so on, but the Commissioner of Police as well.

When in that historic pact of the 2006 period, or thereabout, the former Prime Minister, Patrick Manning, who himself had some modicum of decency, unlike others who may be incumbent. Madam Speaker, when Mr. Manning and Mr. Panday, then Leader of the Opposition, met, along with the Member—I think Barataria/San Juan told us the Member for then Arouca South, the Member for Siparia, and others, met, they fashioned a new framework for the appointment that would bring some measure of confidence and trust in the police service. Nothing was forced down the throat of anyone. Mr. Manning spoke to that and Mr. Manning had the distinction of firing the Member for Laventille West, I believe, removing him from Ministry and the House.

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

**Dr. R. Moonilal:** He has a—

**Mr. Hosein:** Charlatan.

**Dr. R. Moonilal:** Yeah. He has a checkered career as a sitting Member, meaning,

he came, he left, he returned and he will leave again. So, Madam Speaker, the former Member for San Fernando East understood his capacity, understood his competence and removed him.

So, Madam Speaker, the Constitution (Amdt.) Bill was to bring transparency, openness in a system that is not the best. And I go to this issue now, the system we operate with today is not the best. The Member for Laventille West accidentally fell into the truth by quoting something I said.

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

**Dr. R. Moonilal:** He tripped and fell into the truth by quoting a matter I raised.

**Mr. Charles:** Accidentally.

**Dr. R. Moonilal:** He did it quite by accident. It could not have been his intention. So, Madam Speaker, this is not the best system. When I have spoken on several occasions on acting appointments, and so on, I have made the point, it is not the best system, but it is a system that has benefit, that brings merit.

Had it not been for this system, we would not have stood in this House and raised certain concerns about, one, Wendell Lucas. We have no—I have not personal issue with him.

We raised that issue, and then in a shocking revelation, the Government, with one Member not knowing what the next Member doing, they voted against him. It happened here. Am I correct?

**Mr. Hosein:** Correct.

**Dr. R. Moonilal:** It happened here recently—

**Mr. Hosein:** This year.

**Dr. R. Moonilal:**—but it allowed the Parliament, and meaning “the people”, to have an assessment of a candidate in a situation that is not the best. This is not the best, and we will come to that. It is not the best but something works. So, Mr.



Attorney General, why are you shaking the building, to find out why it is standing? Were you shaking the building, to find out why it is standing? This works but it is not the best, but we get an opportunity to interrogate a curriculum vitae, a résumé, to raise issues.

This is a small society, Madam Speaker, the Commissioner of Police, Deputy Commissioner of Police, they do not come from another state, 8,000 kilometres from Port of Spain. They do not take a flight to come here. They do not travel by aeroplane to come to Port of Spain from Point Fortin. This is a small country, you know, village country, so you will discover things. You will learn things. You will get an assessment of people. In our community, we know each other in terms of persons who are in the public service, and so on. We know the strengths—well, we do not know the strengths, we know the weaknesses of the Minister of Finance.

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

**Dr. R. Moonilal:** We know what he is about. It is a small society, and therefore, Madam Speaker, in small societies people are not alien; that is the point I am making.

So in a system where you reflect on an acting commissioner, an acting deputy commissioner, we do our investigations on the Government. It was the Opposition that raised issues of Wendell Lucas. It was the Opposition. It was the Opposition that put on record that an appointee for the position of acting Deputy Commissioner of Police had a challenge. I was shocked, as all of us were, when the Member for Laventille West went on record, a few moments ago, to say, “What happen is this person accidentally hit someone on the bus route.” How you know it was an accident, you were in the car?

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

**Dr. R. Moonilal:** You were in the car? How you know it “is accident”? How can you assess that? How can you come to that conclusion, unless you were a witness or you were in the car?

**Mr. Ram:** “He bounce ah dog”.

**Dr. R. Moonilal:** I pray to God—oh, yes, I am coming to that now. What is the name of that dog, there was a name?

**Mr. Ram:** Muttley.

**Dr. R. Moonilal:** Muttley?

**Hon. Member:** Yeah.

**Dr. R. Moonilal:** Oh, no.

**Hon. Members:** Nah is Marley.

**Dr. R. Moonilal:** Madam Speaker, the Minister of National Security ought not to be making a conclusion on a matter that is properly before the court—

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

**Dr. R. Moonilal:**—involving a senior police officer who allegedly hit someone on the bus route. We do not know if it is accident or not. The court will determine that, but the Minister of National Security ought not to be going on record in the public in Parliament to indicate that that event was an accident. That is wrong.

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

**Dr. R. Moonilal:** He ought to apologize elsewhere and everywhere for that.

What is it when you accidentally—well, I do not know, I was not there—when you bounced down Marley, that was an accident? I do not know. Marley was the name of the dog?

**Mr. Hosein:** Yeah. Yeah.

**Dr. R. Moonilal:** I mean, it was such a cruel irony, that someone clad in that hairstyle will bounce down a dog named Marley.

**Mr. Hinds:** Madam Speaker [*Inaudible*]

**Mr. Hosein:** Sit down. Sit down. He did not raise a Standing Order.

**Dr. R. Moonilal:** There is no Standing Order, Madam Speaker.

**Mr. Hinds:** Madam Speaker—

**Dr. R. Moonilal:** I will not give way. But I cannot give way, I am on the Floor.

**Hon. Member:** Sit down.

**Dr. R. Moonilal:** What Standing Order?

**Mr. Charles:** He is vacuous.

**Mr. Hosein:** He is empty.

**Mr. Hinds:** I rise on Standing Orders 46, 48(4) and 48(6). I am being told—we are being told by the Member for Oropouche East that I bounced some dog.

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

**Mr. Hinds:** If it was a big truck and it was the UNC, it would have been a different thing, Madam Speaker.

**Madam Speaker:** All right. Okay. So, I overrule. I take it that a certain amount of banter is allowed, but, Member Oropouche East, let us get on with your contribution.

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

**Dr. R. Moonilal:** Madam Speaker, let me move on because that matter seems to irritate the Member, so I leave that. Madam Speaker, I am a great friend and a pet owner and these things affect me as well.

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

**Dr. R. Moonilal:** So I just think of my poodle, Louis, and it affects me. Madam Speaker, let me—

**Mr. Padarath:** Louis.

**Dr. R. Moonilal:** Yeah, Louis.

**Mr. Padarath:** Louis is now in the *Hansard* in Parliament.

**Dr. R. Moonilal:** I pray to God you do not go driving anywhere I living, you know.

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

**Dr. R. Moonilal:** Madam Speaker, so we have this issue now, the Member raised the issue of accident, and I put that to rest already. I want to move on from that.

So, Madam Speaker, why do you come to the Parliament?—and I made the point on my legs here several times. I was in the famous cage during the COVID business, and so on, making the point that there are weaknesses that we face, that a Commissioner of Police—

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

**Dr. R. Moonilal:** Right. A Commissioner of Police is going to attend a conference in Grenada, a two-day conference, the Parliament has to put an acting Commissioner in place and we have to meet, but you know in practice what has happened? Has that really been a big thing? Has that really taken all day and all night? Generally, the Government will come with the Motion at the end of some important business. They will say, “We will deal with this Motion now.” In fact, to my knowledge, they have never opened a sitting of Parliament dealing with that Motion.

It comes as a Motion and, generally, there is one speaker. Generally, it is the Member for Diego Martin West; generally, it is myself, and on an occasion, another Member on both sides, but really that has not taken all of our time. That has not wasted 24 hours and 36 hours of Parliament’s time because the Parliament meets generally every week, and you bring the Motion and we discuss the Motion, but there is a certain transparency. Now you could have saved this if you were advancing another position to say, “Listen, we can make some change or

contemplate a change where if an acting position is for seven days or less”—

**Mr. Hosein:** Correct.

**Dr. R. Moonilal:**—“there is a particular route, but once you are contemplating over seven days, well, there is another route.”

**Mr. Hosein:** I agree.

**Dr. R. Moonilal:** The other issue—

**Mr. Imbert:** [*Inaudible*]

**Dr. R. Moonilal:** Please, the Minister of Finance is disturbing me with irrelevant matters. We will come to this property tax order, and so on, at another time.

**Hon. Member:** True.

**Dr. R. Moonilal:** Madam Speaker, then you could have had another thought; you could have said, “Where in the event that someone who is new, a new name arise who has not acted before in a position is coming before the Parliament, we will now have a—that must be referred to Parliament”, as opposed to someone like the Member for Diego Martin North/East, who has acted, I believe—how much it is?—74 times as Prime Minister.

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

**Mr. Imbert:** [*Inaudible*]

**Dr. R. Moonilal:** Yeah, 73.

**Mr. Hosein:** And we never come to Parliament.

**Dr. R. Moonilal:** I got it wrong, I was thinking of Ghana and India coming up.

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

**Dr. R. Moonilal:** So, 74 with Ghana and India, but we will come to that. In fact, we should have a Bill where we debate the travel of the Prime Minister. Every time he wants to travel, we debate that Bill.

**Madam Speaker:** All right. So—

**Dr. R. Moonilal:** That is not a matter for today.

**Madam Speaker:** Yes, please.

**Dr. R. Moonilal:** No. No.

**Madam Speaker:** Let us get on with the Bill.

**Dr. R. Moonilal:** Yes. Yes. Madam Speaker, that is not a matter for now, but the point I am making is that, you could have had a different way to deal with this where if a commissioner is going for two days, or less than three, four days, you have a framework to allow that. If it is someone now, or someone who has never acted before, they must be subjected to the Parliament. They do not contemplate this. They come with this blanket amendment to the Constitution as a free-for-all.

So what prevents—I am just thinking of a name hypothetically—Brent Clement? I do not know if that is a real person, but what prevents somebody named Brent Clement from becoming acting Deputy Commissioner of Police in the heat of the night, at the midnight hour? Nobody knows because it is not subject to parliamentary scrutiny.

**4.00 p.m.**

And then Mr. Clement goes on to act for two years as a deputy commissioner of police, what prevents that with this amendment? So you cannot come with an amendment like this which is reckless, which undermines our democratic fabric.

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

**Dr. R. Moonilal:** Which undermines principles, of the Constitution that allows for transparency, openness and accountability. No one could stand after and say we had a debate on an Acting Deputy Commissioner and it took eight hours and we had to call the Parliament on Saturday and Sunday to do that? No, we did that as a little debate coming to the end and so on, one speaker, one speaker because how

much could you talk on a CV? How much?

**Mr. Indarsingh:** Half an hour's time with this.

**Dr. R. Moonilal:** And, Madam Speaker, I have made the point repeatedly, the issue is not the process as it is now, it is to deepen the process so that when we debate an acting deputy commissioner for example, we get not only their CV, but we get the list, the assessment, some type of summary from the Police Service Commission as to the assessment. How did you arrive at this person as opposed to the other person? There are persons who have applied for positions in the hierarchy of the police service, names come to mind, Mr. Ramesar, and Mr. Ramkhelawan I believe, and they do not know why they were not selected. They have—

**Mr. Charles:** Andre Norton.

**Dr. R. Moonilal:**—Andre Norton. They do not know why they were rejected, they have no clue as to why they were not selected, their names did not come before the Parliament and the Members of the Parliament do not either. We depend on the Police Service Commission without coming to the Parliament and telling us, this is the assessment, this is the list that we came up with based on this assessment. And now we cannot micromanage, it is not that we will see the name John Smith and say “No, when it came to public speaking, when it came to communications and public relations interface, he should have gotten more points,” we cannot do that, that is not our job. But we must see what were the criteria, what is the assessment, and who were those persons assessed. So we know that when the name is before us, the Police Service Commission believes that this was the best person in the circumstances. You can deepen the process to allow the Parliament more scrutiny, not to remove scrutiny from the Parliament.

And I come to the judgment. Madam Speaker, I come to the judgment of

Madam Justice Nadia Kangeloo in this matter of *Ravi Balgobin Maharaj v the Attorney General of Trinidad and Tobago, Police Service Commission, Gary Griffith* and you know, I have read this, Madam Speaker, and what stood out to me was at page 60 of 60, 234 and I quote from the judgment which is critical, which the Member for Laventille West cited, but did not read. He did not read it, but he cited it, it happens with him.

**Mr. Indarsingh:** [*Inaudible*]

**Dr. R. Moonilal:** [*Laughter*] 234:

“This court concludes...”—and I quote—

“234. This Court concludes with the answer to its initial question posed through the lyrical genius that was Lord Austin. Who will guard the guards? We the People, through our elected representatives.”

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

**Dr. R. Moonilal:** So when you ask, as I think the Prime Minister asked recently, who will guard the guards? We must guard the guards.

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

**Dr. R. Moonilal:** The parliamentary representatives, on both sides of the aisle, that is our sacred duty and when you remove jurisdiction, you remove this right to guard the guards, you undermine democracy, you undermine the Constitution, you undermine the law. No one, including the Attorney General, I listened to him, Madam Speaker, I was not in the House, but I listened attentively to him and I was waiting for the compelling argument, his argument was “this thing too bureaucratic”, maybe too bureaucratic for him, because I think he could not submit some documents in a Miami court. But it is not too bureaucratic for us, not too bureaucratic, we have no problem coming here, receiving the names, and having a short, very short debate on the names so we can bring information to you.



Members of the Government themselves are not aware sometimes of what is happening in the Parliament of names, of proposals. I am wondering whether the Police Service Commission knew of this amendment.

**Mr. Hosein:** No.

**Dr. R. Moonilal:** And we are reliably informed that the Police Service Commission are in the dark on this amendment and I will ask the Government to clarify whether it was made known to them, whether they made comments privately or otherwise on this. We are told that someone went for an interview for a position in the hierarchy of the police service and told the police service commission, “allyuh doh know it have a Bill coming to take away all ah dat”?

What manner of madness is this? And the Government is on their way out, they ought not to be tampering and interfering with the Constitution as they are on the way out.

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

**Dr. R. Moonilal:** Allow a new incoming UNC administration to address these matters.

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

**Dr. R. Moonilal:** Allow that. The Minister of Finance himself has signalled to the national community through his actions that they are tired, they are tired, they suffer from fatigue and they are just waiting to demit office. So, do not tamper with monotonous frequency, with critical issues, entrenched provisions in the Constitution. Now is not the time for that. Now is the time for little amendments and whatever and so on, but not critical amendments like this. You ought not to be doing this in your last days in the government.

Madam Speaker, so I made the point, a critical point from the judgment and the Minister of National Security describing the current situation as an

administrative quagmire and so on, but it is so because the population does not trust you.

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

**Dr. R. Moonilal:** They do not trust you. They prefer it comes to Parliament, and we have a debate. And the Member—Madam Speaker, I was not going down the line, but I must, the Member for Laventille West spoke about the years 2010/2015 and so on, what happened there, and we had an Acting Commissioner of Police at the time and so on, he made reference to that. I wish he did not, but he did. Madam Speaker, there was a time quite recently under this administration, when there was no commissioner of police, not even acting. And the Minister of Finance had to do some type of gymnastic type of work, given his able frame, had to do some gymnastic work to ensure that there was in law, an accounting officer to disburse money to the TTPS. Who did you appoint, the PS, I think, and the Minister of Finance—yes, Madam Speaker, I will not allow him to distract me today.

Madam Speaker, the Minister of Finance, had to put things in place to get an accounting officer for the TTPS because there was no commissioner of police. So you look at 2010/2015 and say we had an acting commissioner, you had none. None, none, none. And today they stand today and tell us the importance of this role, FUL, and the importance of interception. You know the last person to talk about interception of communication and surveillance is Member Laventille West? The entire intelligence community has collapsed.

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

**Dr. R. Moonilal:** Collapsed. Today you do not know what is happening.

**Hon. Member:** Compromised.

**Dr. R. Moonilal:** It is compromised. It is compromised, Madam Speaker. And the Member spoke again about the FUL and so on, that the police commissioner is critical to that, when they had none in place. The Member made reference, I believe, to the Stanley John Report, and he mentioned in summary form what he believed the summary to be of that report but where is that report? Where is this Stanley John report? Is it in the hands of the police for investigation? It is certainly not before the Parliament. Is it prevented from coming here? Did a court injunct somebody from bringing it here? Where is the report? If it is a report that speaks to wrongdoing, particularly criminal wrongdoing, one assumes it is in the hands of the police to meet and treat with it and take whatever action deemed necessary. But the Member stood today and talked about the Stanley John Report and what the report said, knowing that none of us read it.

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

**Dr. R. Moonilal:** The Member for Laventille West has a habit of telling us, a talent of telling us what are in reports that nobody reads.

**Mr. Hosein:** Not even him.

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

**Dr. R. Moonilal:** One assumes that he would have read it. But it is a big jump, I think it is a tenuous assumption, it is a tenuous assumption to believe that the Member read it himself.

Madam Speaker, the Member for Laventille West as well premised his contribution on this issue that today was this great day that we are coming to an end of bureaucratic and administrative, you know, blockage and so on. I just want to ask the Member and the Government, to name one person who has been recommended to act in the position of deputy commissioner or commissioner, one person that by administrative and bureaucratic obstacles could not come before the

parliament. When? One instance when one person could not come before the Parliament, is there one? And if there is one, raise it today, tell us that on this weekend last year at this time, somebody was supposed to act and the Parliament did not meet so they could not act and so on. That is not so. The Opposition would meet and treat with any acting appointment at any time, at any day, at any place, we would meet and treat with it.

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

**Dr. R. Moonilal:** So, this Constitution (Amdt.) Bill is the Government trying to do something which befuddles us. They may be up to some—I am choosing the word, Madam Speaker, very carefully, they may be up to something that we do not know about, I think that is best. They may be up to something that we do not know about. Why are they doing this? Why did they choose now, of all the time in the world, you choose now? What are you coming to test here? Are you coming to test the resolve of the Member for Oropouche East? Are you coming to test the resolve of the Member for Siparia? What are you coming here to test? What is this, a litmus test of something? You must tell the population why you came today to waste Parliament's time with an amendment that you know cannot—when I first heard of this Bill without reading it in depth as I did, I asked my colleagues, I said, “what majority that requires”? They said two-thirds, I said but why would they do something like this?

**Mr. Indarsingh:** They did the maths.

**Dr. R. Moonilal:** You all have some maths problems? SEA just finished, you need some lessons in maths? What is 41, and two-thirds of 41, and how much do you have on that side? Awake. How much on that side, awake. And what you have on this side, “kuchur,” mischief. Madam Speaker, they are here to play games with an important issue of the Constitution.

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

**Dr. R. Moonilal:** And I would advise them that this is not a time and this is certainly not the place to play games.

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

**Dr. R. Moonilal:** When you have had the murder rate so far of 172, 172 and counting for the year, when everything in the national security framework appears to have collapsed, that you are coming here to tinker, to play games with the Constitution when as the Member of Barataria/San Juan pointed out rightly, there is a freshly minted constitutional committee led by a former Speaker, Senior Counsel Barendra Judistra Sinanan. Meeting up and down the place with 10 people, but they will eventually meet with 11.

**Madam Speaker:** Member for Oropouche East, you have two more minutes of original speaking time left. You are entitled to 15 more.

**Dr. R. Moonilal:** I appreciate it.

**Madam Speaker:** Please proceed.

**Dr. R. Moonilal:** Thank you very much, Madam Speaker. Why does the Government not go to the Constitution Reform Committee and their meetings and so on—

**Hon. Member:** With the Bill?

**Dr. R. Moonilal:** And go with the Bill—[*Laughter*] indicate that this a good Bill, this is a good idea.

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

**Dr. R. Moonilal:** We will like you to adopt it, we will like to hear a public discussion on this.

**Mr. Hosein:** Port of Spain South, he is the PNM committee on that.

**Dr. R. Moonilal:** And I think that the party—the Member for Port of Spain South

is in the driver's seat of legislative innovation and they will not take it in their party. There was a time in this country. I mean, I am so horrified always to be going back but when Mr Manning led that party, Mr. Manning would come to the population and indicate that these critical matters of national concern would first go to the General Counsel of the PNM and they will debate on a Saturday all day. Today they have no party, they have no leader, they have no Chairman.

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

**Dr. R. Moonilal:** Go to Balisier House and get a consensus from your party on matters like this and then come to the Parliament.

**Mr. Hosein:** Yes.

**Dr. R. Moonilal:** Come with the weight of the party and you have a brand-new I think, how much, \$45 million?

**Hon. Members:** 100 million.

**Dr. R. Moonilal:** 100 million, what? Madam Speaker, we will leave that right there.

**Hon. Members:** Air condition.

**Dr. R. Moonilal:** Air condition. Madam Speaker, let us move on.

**Madam Speaker:** So I have allowed you some leeway, eh.

**Dr. R. Moonilal:** Yes, yes, yes.

**Madam Speaker:** Let us get on with the—

**Dr. R. Moonilal:** Yes, Madam Speaker. So, we are here today to indicate to the Government that they must have respect for the Constitution, they must have respect for these sacred principles and values. They must do nothing to undermine that by creating a new framework, which is the objective here, of bringing into play a system when no one knows of an acting appointment, and there is a related issue.

**4.15 p.m.**

Now, the Government has in this Bill, of course, indicated—the Bill here—that they are—I just want to read it to properly quote:

“The Commissioner of Police...”

Clause 4, Madam Speaker—and the Bill:

“An Act to amend the Constitution of the Republic of Trinidad and Tobago”—No. 1 of 2024.

Clause 4:

“The Commissioner of Police and Deputy Commissioner of Police (Selection Process) (No. 2) Order, 2021 is amended by revoking clauses 4 and 5....”—of an order.

What order is it now? Order 277. So I have this in my hand as well. Clause 4 and clause 5, they will now, of course—process is amended by revoking. So they are revoking two clauses from the Order. The Order is Legal Notice No. 277, but what is 4 and 5? Clauses 4 and 5 deals:

“With...nominations submitted in accordance with the procedure...of the Constitution...in respect...”—to candidates.

Where the process allows for a dossier to be referred to the Parliament:

- “(a) the application of the candidate; and
- (b) the biography...the résumé...”—and so on.

But importantly, at clause 4(2), where they deal:

“For the purposes of acting appointments to the office of Commissioner of Police, the Commission shall establish and maintain an Order of Merit List which shall list, in descending order of seniority, the officers who—

- (a) are holding or acting in the office of...Commissioner of Police or Assistant Commissioner of Police; and

- (b) process the qualifications and experience required for appointment to the office of Commissioner of Police.”

The long and short of this—I just read from the Order—but we have had the situation where there is an order of merit based on seniority in descending order, meaning the most senior and the less senior and so on. Right? We have operated with that for some time. They have taken steps to remove, in the first instance, descending order of seniority, and now the entire 4 and 5.

**Mr. Hosein:** Gone.

**Dr. R. Moonilal:** Gone. “Gone down de drain”. So there is no need now for seniority. There is no need for a merit list—an order of merit list. Why? Why do you undermine what would be 16 years of progress? Sixteen years of progress in building this type of framework for transparency, in one fell swoop, you just throw it away, “4 and 5 gone”. “Seniority gone”. “Merit list gone”. “Everything gone”.

**Mr. Hosein:** “Bliss gone”. “Bliss gone”.

**Dr. R. Moonilal:** “Bliss come, Bliss gone”. “List come, list gone”. That is what they are doing today. Why? Why are you doing this? Is there somebody with less seniority—less—a constable that you want to marshal into the office? Is there a constable you wish to marshal into a particular office? Is there one that you wish to appoint, who may not be senior, but you want to appoint that person to a particular office and therefore, you have to come to the Parliament—

**Mr. Indarsingh:** To remove.

**Dr. R. Moonilal:**—to remove Legal Notice No. 277, clauses 4 and 5, because you have in your intent to take persons who do not have seniority, and who are not qualified, and who are not on an order of merit list. Because it may well be that members of the Police Service Commission are telling you that, “No, they are not prepared to break the law and the Constitution like this.” So you come to the



Parliament and say, “Let us break the law here.” Well, remake the law because the Parliament cannot do it with the requisite majority. You want to change the law to accommodate persons who are not qualified, who are not senior to act in positions of deputy commissioner of police and commissioner of police, and that is the risk we face with this.

So the Attorney General, I am sure in his winding up, he will be a bit more intelligible. I am sure. I think his strategy, which I picked up early, is that his first speech is normally unintelligible and later, he tries to make amends. I think it is a useful strategy.

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

**Dr. R. Moonilal:** I think in his winding up, he will really tell us something more but he may not want us to debate that, so he will use that for the winding up, which really, I think, is not in conformity the Standing Orders, but he can do it, he will do it because there must be something else you are concerned with here. It is not time. I mean, I keep on saying, it cannot be time. The Minister of National Security has now taken it upon himself to speak on Motions filed in the name of the Prime Minister on acting appointments. That is not a problem.

So if the Prime Minister, Madam Speaker, is not available for this debate— as he travelled 19 times in three years, he was not available. But if for any reason he is not available, the Minister of National Security can pilot the Motion for an acting appointment and we can debate. Madam Speaker, you meticulously manage these debates so we can speak on nothing more but the CV and the résumé—

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

**Dr. R. Moonilal:**—with meticulous care so we are ensured that these debates are constrained, you know, within a frame—

**Mr. Hosein:** Within the Standing Orders.

**Dr. R. Moonilal:**—and within the Standing Orders. They do not lead forever all night and generally, one speaker each. So that the Attorney General must tell us, beyond what he is concocting as administrative and bureaucratic obstacles, what else—

**Madam Speaker:** I think “concocting”—I think—you see that word? If you could withdraw that word and find another word, please.

**Dr. R. Moonilal:** Okay. I withdraw the word.

**Madam Speaker:** Yes.

**Dr. R. Moonilal:** I leave that blank and wordless. I will not find another word, but I withdraw the offending word.

Madam Speaker, so again, I am just reflecting on the notes I took from both the Attorney General and the Minister of National Security. The Minister of National Security, of course, spoke—oh, he made an interesting point, which I will just reply to in closing. He said, during the time of 2010 to 2015, the then PNM Opposition—he was not in Opposition. Mr. Manning had fired him by then—but they supported many constitutional Bills and so on. I want to remind him that the People’s Partnership had 29 seats. We did not necessarily need the support, but we accepted the support. We did not need it, but we accepted it, and on many occasions did receive support from the then Opposition, of most of the Members that Mr. Manning had selected, not himself, so it was not any magic that we were able to get—the other point is that when we came with law, we came with intelligible, progressive law. You were almost compelled to support us.

**Mr. Hosein:** Well drafted.

**Dr. R. Moonilal:** Well drafted.

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

**Dr. R. Moonilal:** So there was a compulsion that you must support. Today, what

do we have? This. And we cannot go further with this, Madam Speaker. We cannot go further with this.

So, Madam Speaker, in closing, I just want to tell the Government that, look, you know—Madam Speaker, I want to tell the Members of the Government, the Attorney General piloted this matter. You know what I know and I know what you know. You know you are getting no support. Do not spend too much time—have a heart. “Doh” waste time.

**Mr. Hosein:** Not Calder Hart.

**Dr. R. Moonilal:** Not Calder Hart, but have a heart. “Doh” waste time. You know that this argument is weak. Now, if there may be other compelling arguments, let us have it, we can engage for sure, but this one argument of administrative bureaucratic is weak, it is useless, it is frivolous, vexatious and it ought to be debunked. Therefore, without any further argument from two leading Ministers of the Government, Madam Speaker, I want to assure them that you do not have our assurance of support.

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

[*Members Scotland and Armour SC stand*]

**Madam Speaker:** What is going on?

**Dr. Moonilal:** Scotland, sit down.

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

**Dr. Moonilal:** Scotland, sit down.

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Thank you very much, Madam Speaker. Madam Speaker, I regret to say that the appeal, which I made when I piloted this Bill, seems to have fallen on deaf ears because the one thing and the only thing that I have heard in the remarks that have come from the other side is captured in one word, hyperbole;

vacuous hyperbole. They have had nothing useful to say. So my remarks will be limited.

I remind the citizens who are following this debate that the purpose of this amendment is to amend section 123 of the Constitution to remove a cumbersome procedure relating to the appointment, the acting appointment of commissioners of police and deputy commissioners of police. That is simply what this amendment is about, to remove a cumbersome procedure and to promote the efficiency of the management and the administration of the police service so that they can get about the business of managing crime and capturing the criminals who are in our streets. The short point, Madam Speaker, is that we have to move on with the business of the State and not waste the citizens' time with a lot vacuous irrelevance.

A couple of things that were said by the other side allows me to make some very brief remarks. The Member for Barataria/San Juan made a lot about the fact that this Government did not use the opportunity to consult with the Opposition on this Bill. But I remind the Member, Madam Speaker, that by letter of the 12<sup>th</sup> of October, 2023, the hon. Prime Minister wrote to the Leader of the Opposition, announcing the appointment of a committee of parliamentarians, which was to be chaired by myself as Attorney General, and invited the Opposition to meet with the Government to discuss, among other things, legislation that we would want to consult with the Opposition on. That invitation or consultation that was provided by the hon. Prime Minister by his letter of the 12<sup>th</sup> of October, 2023, was never taken up. It was made a parody of by the Leader of the Opposition.

So that it is quite disingenuous for the Member for Barataria/San Juan to be telling the public today that in bringing this Bill to the Parliament, the Government made no attempt to consult with the Opposition. There were many things that we wanted to sit—and let me say it, and I am saying it for the first time because I do

not want to stand up and make empty speeches for the sake of making speeches that appear in the media.

**Mr. Young:** That is why you are on this side.

**Sen. The Hon. R. Armour SC:** The opportunity was offered by this Government, outside of this Parliament, where there is an easy temptation on the part of the other side to gallery to the camera. We offered an opportunity to the other side to appoint a committee of parliamentarians, to meet with the parliamentarians, named by the hon. Prime Minister, to consult on progressive steps to be taken in the interest of the public of this country.

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

**Sen. The Hon. R. Armour SC:** Among the things that we would have consulted on, would have included legislation such as this. We gave them an entire list. They never took it seriously. So it falls from—well, let me restrain my language. It is disingenuous of the Member for Barataria/San Juan—

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

**Sen. The Hon. R. Armour SC:**—to say that the Government has made no attempt to consult with the Opposition.

The other point I want to make, Madam Speaker, is with respect to the much cited Kangaloo decision, the Justice Kangaloo's decision in the Ravi "Val"—Balgobin. I almost said "Valgobin"—the *Ravi Balgobin Maharaj v The Attorney General* decision was a point that has produced an opportunity for us to be here today to bring the Bill that we are putting before the House in order to move forward—

**Mr. Hinds:** That is right. That is right.

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

**Sen. The Hon. R. Armour SC:**—in accordance with the law. The Member for

Barataria/San Juan quoted from paragraph 71 of the judgment. I have read paragraph 71, I went back—I have the judgment here. I went back and I read it over time—over the last couple of minutes while we have been here, trying to understand the relevance of paragraph 71 to this debate. I cannot understand the relevance of the reference that he made. What does paragraph 71 tell us? Paragraph 71 tells us in the judgment of Madam Justice Kungaloo:

SC—“...concludes...”

—and that was senior counsel representing the applicant, Maharaj:

“...concludes that the 2006 amendment has created the means for parliamentary scrutiny of the...”—Police Service Commission’s—  
 “...nominations to the office of...”—Commissioner of Police—“...so as to safeguard the limits of the...”— Police Service Commission’s—“...power to appoint and to maintain the doctrine of the separation of powers. Senior Counsel submits that the...”—Police Service Commission’s—“...as part of the Executive, has breached the separation of powers by appointing Mr. Griffith to act without reference to the Legislature.”

What is the relevance of that to what we are here about today?—with the greatest of respect. The point is that, following on this decision, we have taken the decision to make for a workable environment and we have asked the Opposition to agree with us, and we sat here for the last couple of hours and listened to vacuous nonsense.

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

**4.30 p.m.**

**Sen. The Hon. R. Armour SC:** And the last thing that I will say, Madam Speaker, before I take my seat, I caused an amendment to be circulated, which I hope is with all Members. And the amendment which I have circulated, because much has been

said about the fact that we are seeking to amend without reference to any time limits, when we are going to ask the House, when we go into committee stage to further amend section 123 (1A) to read:

“subsection (2), (3), (4) and (5), apply only to the appointment of persons to hold or to act for a period exceeding 21 days in the Office of Commissioner of Police.”

**Dr. Rowley:** If it not exceeding—if it is not exceeding.

**Sen. The Hon. R. Amour SC:** Yes, later on it comes on not exceeding. And if it exceeds that period then it will go for an affirmative resolution so we are not bypassing the oversight of this House.

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

**Sen. The Hon. R. Amour SC:** We are saying let us put things in place briskly and if when the nomination comes forward there is some credible basis, and one would strain to find that on which the Opposition will wish to object to the nominee who has come forward, then they can come and they can go by way of affirmative resolution. And we say in the further amendment to the order which is going to be subject to negative resolution:

“The Police Service Commission should appoint persons act for a period not exceeding 21 days in the Office of Commissioner or Deputy Commissioner of Police in accordance with the criteria and procedure prescribed by Order of the President subject to negative resolution of Parliament.” So, we say fine, let us put a limit on the time period that the acting can take place for, and beyond that it is either going to be subject to affirmative resolution or on the negative resolution side which still allows for the scrutiny of Parliament we will come here and debate it. Let us here what the Opposition has to say to that in committee stage, and with that, I beg to move. Thank you very much.

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

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Madam Speaker:** Attorney General.

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

**Sen. The Hon. R. Amour SC:** Madam Speaker, in accordance with Standing Order 68 (1), I beg to move:

That the Constitution Amendment Bill, 2024, be committed to the committee of the whole to consider the Bill, clause by clause.

*Question put and agreed to.*

*Bill committed to a committee of the whole House.*

*House in committee*

**Madam Chairman:** Attorney General, are you ready?

**Sen. The Hon. Amour SC:** I am.

**Madam Chairman:** Yes? Can we do one and two together?

**Sen. The Hon. Amour SC:** Yes, please.

*Question put and agreed to.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3*

*Question proposed:* That clause 3 stand part of the Bill.

**Sen. The Hon. Amour SC:** Thank you, Madam Chairman. I have circulated an amendment which I expect that all Members will have and I propose an amendment, to the amendments already before the House, and that is that:

Clause 3 (a) in prior (a) to insert after the word “whole” the words “or to act for a period exceeding 21 days in” and then to continue “the office of Commission of Police.”



So that section subsection would read if amended:

“Subsections (2) (3) (4) and (5) apply only to the appoint of persons to hold or to act for a period exceeding in 21 days in the Office of Commissioner or Deputy Commissioner of Police.”

**Madam Chairman:** Whip?

**Sen. The Hon. Amour SC:** Do you wish me to proceed to the second amendment Madam Speaker?

**Madam Chairman:** Please.

**Sen. The Hon. Amour SC:** Yes, and I also proposed in—

**Mrs. Persad-Bissessar:** [*Inaudible*]—amendment?

**Madam Chairman:** There are both in clause 3.

**Mrs. Persad-Bissessar:** Okay, so we will take the vote after?

**Madam Chairman:** Yes, yes.

**Mrs. Persad-Bissessar:** Okay fine. Thank you.

**Sen. The Hon. Amour SC:** Thank you, and I also circulated the amendment to clause 3 (b) that is to say section 123 of the Constitution if amended would read, that is to say that the words after the word “act”, the words:

“for a period not exceeding 21 days be inserted”.

In which case, if the amendment will consider in the whole it would read:

“(5A) the Police Service Commission shall appoint persons to act for a period not exceeding 21 days in the Office of Commissioner or Deputy Commissioner of Police in accordance with the criteria and procedure prescribe by Order of the President subject to negative resolution of Parliament”.

Those amendments I propose respectively.

**Madam Chairman:** Member for Siparia?

**Mrs. Persad-Bissessar:** No.

**Madam Chairman:** No? Okay.

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

*Clause 4 ordered to stand part of the Bill.*

*Preamble approved.*

*Question put and agreed to:* That the Bill, as amended, be reported to the House.

*House resumed.*

**4.40 p.m.**

**Madam Speaker:** The Attorney General.

**Sen. The Hon. R. Armour SC:** Madam Speaker, I wish to report the Constitution (Amdt.) Bill, 2024, was considered in the committee of the whole and approved without amendments—

**Mr. Young:** There are amendments.

**Sen. The Hon. R. Armour SC:** With amendments, I beg your pardon, with amendments. I now beg to move that the House agree with the committee's report.

*Bill reported, with amendments.*

*Question put:* That the Bill be now read a third time.

**Madam Speaker:** This Bill requires a two-thirds majority, we will have a Division.

*The House divided:*      Ayes    21      Noes    18

AYES

Robinson-Regis, Hon. C.

Rowley, Hon. Dr. K.

Imbert, Hon. C.

Young, Hon. S.

Hinds, Hon. F.

Deyalsingh, Hon. T.

Al-Rawi, Hon. F.

Beckles, Hon. P.

Webster-Roy, Hon. A.

Cudjoe-Lewis, Hon. S.

Gadsby-Dolly, Hon. Dr. N.

Gonzales, Hon. M.

Mc Clashie, Hon. S.

Forde, E.

de Nobriga, Hon. S.

Leonce, Hon. A.

Manning, Hon. B.

Morris-Julian, Hon. L.

Scotland, K.

Richards, K.

Monroe, R.

NOES

Lee, D.

Persad-Bissessar SC, Mrs. K.

Charles, R.

Ameen, Ms. K.

Indarsingh, R.

Padarath, B.

Moonilal, Dr. R.

Hosein, S.

Ratiram, R.

Bodoe, Dr. L.

Rambally, D.

Ram, A.

Ragbir, Dr. R.

Tancoo, D.

Benjamin, Ms. M.

Mohit, Ms. V.

Haynes-Alleyne, Mrs. A.

Seecheran, Dr. R.

**Madam Speaker:** Hon. Members, with a division of 21 Members voting for, 18 Members voting against and no abstentions, the Bill is not approved.

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

### ADJOURNMENT

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

**The Minister of Housing and Urban Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. Madam Speaker, I beg to move that this House do now adjourn to Friday the 26<sup>th</sup> day of April, at 1:30 p.m. That day is Private Members' Day, and we would be grateful to hear from the Member for Pointe-a-Pierre what we will be doing on that day. Thank you.

**Mr. Lee:** Thank you, Madam Speaker, I did not realize next week would have been Private Members' Day, but I will communicate in due course to the Leader of Government Business what we will be doing.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 4.45 p.m.*