

*Leave of Absence**Wednesday, June 24, 2009***HOUSE OF REPRESENTATIVES***Wednesday, June 24, 2009*

The House met at 1.30 p.m.

PRAYERS[MR. SPEAKER *in the Chair*]**LEAVE OF ABSENCE**

Mr. Speaker: Hon. Members, I have received communication from the following members requesting leave of absence: The hon. Winston Peters, Member of Parliament for Mayaro, for the period 14—25 June; the hon. Stanford Callender, Member of Parliament for Tobago West, for the period 22—25 June; the hon. Dr. Keith Rowley, Member of Parliament for Diego Martin West, for the period June 24 to July 08; the hon. Donna Cox, Member of Parliament for Laventille East/Morvant, for the period 24—26 June; the hon. Pernelope Beckles, Member of Parliament for Arima, from today's sitting of the House; the hon. Kelvin Ramnath, Member of Parliament for Couva South, from today's sitting of the House; the hon. Mickela Panday, Member of Parliament for Oropouche West, from today's sitting of the House. The leave which all these Members seek is granted.

**EMERGENCY AMBULANCE SERVICES AND EMERGENCY MEDICAL
PERSONNEL BILL**

Bill to regulate emergency ambulance services, to provide for the registration of emergency medical personnel in Trinidad and Tobago, for the establishment of a National Emergency Ambulance Authority and for matters connected therein, brought from the Senate [*The Minister of Health*]; read the first time.

PETITIONS**The Way of Trinidad and Tobago**

The Parliamentary Secretary in the Ministry of Community, Culture and Gender Affairs (Mr. Junia Regrello): Mr. Speaker, I wish to present a petition on behalf of the members of The Way of Trinidad and Tobago of Knolly Street, Princes Town. The petitioners are desirous of incorporating The Way by private bill so that its aims and objectives may be more effectively achieved. I shall now ask that the Clerk be permitted to read the petition.

*Petition read.**Question put and agreed to, That the petition be granted.*

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on an audit of the assets vested in the Telecommunications Authority of Trinidad and Tobago as required by section 20(2) of the Telecommunications Act. [*The Minister of Finance (Hon. Karen Nunez-Tesheira)*]
2. Report of the Task Force on the Trinidad and Tobago-Eastern Caribbean States Integration Initiative (Volumes 1 and 2). [*The Prime Minister (Hon. Patrick Manning)*]
3. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Chaguaramas Development Authority for the year ended September 30, 1999. [*Hon. K. Nunez-Tesheira*]
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Telecommunications Authority of Trinidad and Tobago for the fifteen-month period ended September 30, 2005. [*Hon. K. Nunez-Tesheira*]
5. Annual report 2008 of the Central Bank of Trinidad and Tobago. [*Hon. K. Nunez-Tesheira*]

Papers 1, 3, 4 and 5 to be referred to the Public Accounts Committee.

6. The audited financial statements of Point Lisas Industrial Port Development Corporation Limited for the financial year ended December 31, 2008. [*Hon. K. Nunez-Tesheira*]
7. The audited financial statements of Seafood Industry Development Company Limited for the financial year ended September 30, 2008. [*Hon. K. Nunez-Tesheira*]

Papers 6 and 7 to be referred to the Public Accounts (Enterprises) Committee.

ORAL ANSWERS TO QUESTIONS

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, the Government is in a position to answer questions Nos. 35 and 60 today and I would ask for a deferral of two weeks for the others.

The following questions stood on the Order Paper:

**Brian Lara Sporting Complex
(Tarouba)**

3. With respect to the Brian Lara Sporting Complex in Tarouba, could the hon. Minister of Sport and Youth Affairs state:
 - a) the projected cost of the entire project;

- b) the amount of money that has already been spent on the project;
- c) the expected date of completion of the entire project; and
- d) the projected annual cost of maintenance of the Complex after completion of construction? [*Dr. H. Rafeeq*]

**Johns Hopkins University/Hospital
(Terms and Conditions of Arrangement)**

- 8.** Could the hon. Minister of Health state:
- (a) whether there is any formal arrangement between the Government of Trinidad and Tobago/Ministry of Health and the Johns Hopkins University/Hospital for the provision of services to the people of Trinidad and Tobago; and
 - (b) if the answer to (a) is in the affirmative, could the Minister state the terms and conditions of the arrangement? [*Dr. H. Rafeeq*]

Compensation for Farmers

- 33.** Could the hon. Minister of Agriculture, Land and Marine Resources state:
- a) whether the Ministry revised the schedule of compensation for farmers' crops lost during flooding and other emergencies; and
 - b) if the answer to (a) is in the negative, when will the schedule of payments be revised? [*Mr. H. Partap*]

**Summit of The Americas
(Details of)**

- 58.** Could the hon. Minister of Finance state:
- a) The budgeted cost for the Summit of the Americas?
 - b) Whether there were any cost overruns? and
 - c) if the answer to (b) is in the affirmative, how much did the overruns amount to and the area where they occurred? [*Mr. V. Bharath*]

**Bailey Bridge Commission of Enquiry
(Status of Report)**

- 59.** With respect to the commission of enquiry established to investigate the collapse of the Bailey bridge over the Caroni River, could the hon. Minister of Works and Transport state why the report has not been laid in Parliament? [*Mr. J. Warner*]

**Corinth Hills Housing Development
(Status of)**

- 90.** Could the hon. Minister of Planning, Housing and the Environment state:
- (a) whether persons who were allocated houses by the Housing Development Corporation in the Corinth Hills Housing Development were permitted to occupy them, although there were no toilets and/or sewerage facilities in the said development;
 - (b) If so, is the Minister aware that this action by the Housing Development Corporation could result in a serious health hazard to the residents; and
 - (c) Could the Minister state who made the decision to permit these persons to occupy these houses? [*Mr. S. Panday*]

**Families Safety
(Freedom Street Cocorite)**

- 35. Dr. Hamza Rafeeq** (*Caroni Central*) on behalf of Mr. Harry Partap (*Cumuto/Manzanilla*) asked the hon. Minister of Planning, Housing and the Environment:

Could the Minister state:

- A) Whether four families at Freedom Street, Cocorite, whose homes were badly damaged during the December 2008 flood were forced to return to unsafe buildings, despite assurances from Government that alternative accommodation would be found for them?
- B) What steps are being taken to assist these four families at Freedom Street, Cocorite to make their dwelling safe?

The Minister of Works and Transport (Hon. Colm Imbert): In the absence of the questioner and in the absence of the Minister, I will depute for the Minister and answer the question.

None of the four families from Freedom Street, Cocorite whose homes were damaged by the December 2008 flood were forced to return to unsafe buildings. That is the answer to part A.

The answer to part B: The Minister of Planning, Housing and the Environment has been informed that the Diego Martin Regional Corporation has cleared debris from blocked drains and removed silt from the affected areas. Infrastructure work has also been requested through the National Commission for Self-Help. One family, whose

house had collapsed, took up rental accommodation in Petit Valley, supported by the Ministry of Social Development, until the members of the family were allocated Housing Development Corporation (HDC) accommodation in Port of Spain.

The HDC is in the process of identifying a unit to house the other family whose home was partially damaged. However, the other two families can return to their houses which suffered only minimal damage by the flood.

Mr. Speaker: The hon. Member for Chaguanas is not here. Has anybody been deputed?

Dr. Rafeeq: No.

Hon. C. Imbert: May I ask a procedural question? If the Member is not here and I am ready to answer, what happens? Does it fall off the Order Paper?

The following question stood on the Order Paper:

**Eastbound Bridge at Macoya River
(Details of Collapse)**

- 60.** A. With respect to the eastbound bridge along the Churchill Roosevelt Highway at the Macoya River which collapsed and has been replaced with two Bailey bridges, could the hon. Minister of Works and Transport state:
- (i) Why the bridge collapsed?
 - (ii) Whether any cofferdam or other protective piling had been set to protect the existing foundation?
 - (iii) Why no work has started on the permanent replacement of the temporary Bailey bridges?
- B. Can the Minister assure this House that standard safety practices will be employed to ensure that the works when commenced, will be protected from flash flooding of the river, and that the bridge will not collapse again? [*Mr. J. Warner*]

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Mr. Winston Peters (Mayaro):

**Mayaro Youth Indoor Sport Facility
(Details of Staff)**

- 73.** With respect to the Mayaro Youth Indoor Facility, could the hon. Minister of Sport and Youth Affairs state:
- (a) The names of all staff employed at this facility and their contractual arrangements?

- (b) Whether these positions for staffing were advertised?
- (c) If the answer to (b) is in the affirmative, please state the medium used and the date advertised.

Community Festivals and Tournaments

- 75.** With regard to community festivals and tournaments, could the hon. Minister of Sport and Youth Affairs state:
- (a) all tournaments and sport festivals sponsored from January 2008 to date in the Rio Claro/Mayaro region;
 - (b) the cost of sponsorship for each activity; and
 - (c) the names of all beneficiary community sports organizations?

Lifeguard Facilities—Mayaro/Guayaguayare/Manzanilla (Status of)

- 80.** With regard to the Lifeguard facilities in the Mayaro/Guayaguayare/Manzanilla area, could the hon. Minister of Tourism state:
- (a) Whether there are plans to upgrade and refurbish these facilities in 2009?
 - (b) If in the affirmative please state the scope of works proposed; and
 - (c) the cost of this project and the tentative commencement and completion dates?

Vide end of sitting for written replies.

DEFINITE URGENT MATTER

(LEAVE)

First Caribbean Games

(Failure of Government to Provide Reason for Cancellation)

Dr. Tim Gopeesingh (*Caroni East*): Mr. Speaker, in accordance with Standing Order 12 of the House of Representatives, I hereby seek your leave to move the adjournment of this honourable House for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to provide an acceptable explanation and apology to Caribbean governments, Caribbean National Olympic Committees, Commonwealth Games Associations and nearly 3,000 athletes and officials from over 40 countries from unjustifiable and arbitrary cancellation of the First Caribbean Games scheduled for July 12—19. [*Interruption*]

Mr. Speaker: Order!

Dr. T. Gopeesingh: Listen to the answer. The matter is definite as it pertains to the fact that the cancelled games have resulted in serious disappointments, sadness and financial loss experienced by athletes, officials and governments and inability of athletes to qualify for Commonwealth Games and World Championship games. *[Interruption]* Well, let us have a debate on it.

The matter is urgent because the Government has still to date not given any apology or satisfactory explanation. The matter is of public importance because the cancellation of this world event in Trinidad and Tobago—*[Interruption]* Yes, 40 countries. *[Interruption]*

Mr. Speaker: Order!

Dr. T. Gopeesingh:—despite the recent hosting of the international NCCC athletic events last weekend in the same stadium and the hosting of international sporting events worldwide, for example, Wimbledon in England, Football Confederations Cup, Cricket 20/20 in England and the US Open Tennis, all countries with Swine Flu had not cancelled their sporting events. This cancellation is uncalled for and unjustifiable.

Let us have a debate, Mr. Speaker.

Mr. Speaker: Well, you can have it but not with my permission. Hon. Members, this Motion is denied. It would have been better off under Standing Order 11.

STATEMENT BY MINISTER Economic Crisis in the Caribbean

The Prime Minister (Hon. Patrick Manning): Mr. Speaker, on Sunday last when I addressed the Special Convention of the People's National Movement, I drew attention to the economic situation existing in the Caribbean today. I pointed out that in terms of debt, whereas international agencies put a limit on debt to GDP ratios of 50 per cent and below as acceptable, the minute it crosses 50 per cent, these institutions believe that there is cause for concern.

In the Caribbean today at the end of 2008, the debt to GDP ratio of St. Vincent and the Grenadines was 67 per cent; in St. Lucia it was 71 per cent; in Barbados, 95 per cent; in Dominica, just under 100 per cent; in Grenada, just over 100 per cent. It was about 120 per cent in Antigua and Barbuda and about 180 per cent in St. Kitts and Nevis. In Jamaica it was 113 per cent.

1.45 p.m.

In Trinidad and Tobago it was 27 per cent at the end of last year. At the same time I pointed out that the reserve position of a lot of these countries is something which we

should denote. This is normally measured by the cover for imports in months. The reserves of the Bahamas reflect import cover of two months; Belize of 2.8 months; the Eastern Caribbean Currency Union, the ECS countries and the associated states, 2.5 months; Guyana, 2.5 months; Jamaica, 2.3 months; the Netherlands Antilles, 2.9 months and in the case of Trinidad and Tobago it is 11.3 months import cover. The actual reserves of Trinidad and Tobago stood at US \$9.4 billion at the end of March of this year, whereas the nearest country was Jamaica with \$1.6634 billion, with a population more than twice the size of Trinidad and Tobago.

I further pointed out that the poverty index in the Eastern Caribbean ranges between 20 and 37 per cent; 37 per cent being the position in Grenada, whereas, in Trinidad and Tobago, it has now fallen to about 16 per cent.

Looking at unemployment, in the OECS countries the range is between 15 and 24 to 25 per cent. In St. Vincent and the Grenadines it is 18 per cent, while in Grenada, it stands at 24.5 per cent. These are our two nearest Caricom neighbours. In Trinidad and Tobago, for the first time ever in the history of this country, at the end of the fourth quarter of last year unemployment levels fell to 3.9 per cent. Unprecedented, Mr. Speaker.

Mr. B. Panday: And unproductive.

Hon. P. Manning: This disparity in the economic position between Trinidad and Tobago and the rest of the Caribbean is something that is a source of concern to the Government of Trinidad and Tobago, because we believe that if the economic situation in those countries is unable to guarantee their populations a standard of living to which they aspire, then, that is likely to lead to mass migration into the areas where they feel a better way of life might be available. In those circumstances, the Government of Trinidad and Tobago has had to consider carefully this position in the Eastern Caribbean. More than that, we took note of the fact that when the Eastern Caribbean countries gained independence in the '60s, the economic basis on which that was done does not now seem to exist.

At that time it was preferential access market for bananas and sugar into Europe and non reciprocity in trade. Both of these have now disappeared and in such circumstances, countries normally would look to tourism and the financial services sectors as economic alternatives. The Caribbean is no different.

In the case of tourism, that has been hit adversely at least three times in the last 10 years and right now, not only has it been affected by the economic downturn, but if Cuba comes back into the market some time in the not too distant future, the general feeling in the industry is that the pattern of arrivals in the region is going to shift towards Cuba, adversely affecting all other countries in the region.

At the same time, the financial services sector is the subject of a call worldwide for greater transparency and the G20 countries in June of this year committed themselves to that. In other words, the basis on which some aspects of this industry operated no longer exists. One of the countries heavily affected by this in the region is Antigua and Barbuda. The question that therefore arises is: What can we do? I wish to remind hon. Members that Caricom is our second largest trading partner with about 20 per cent of our exports in the region going to the OECS countries. Trinidad and Tobago has had to take a long and hard look at the economies of some of these countries to see what contribution we can make at this time to their economic well-being.

In the case of Jamaica, we had signed an agreement some time ago to provide Jamaica with a tranche of gas designed to stimulate alumina manufacture in that country and to attract significant investments. At the time that agreement was signed and it was subject to availability of gas, there was on the drawing board, the drilling of a major exploration well which we anticipated could have met that specific requirement. The well was abandoned before it reached its target depth after an expenditure of US \$80 million. Therefore, the Trinidad and Tobago gas situation did not put us in a position then to supply the gas to Jamaica. More than that, the cost of regasification in Jamaica is so high that it would have made aluminium manufacture uneconomical.

There have been two developments recently to change all of this. The first is the economic downturn caused by the financial situation where the world supply and demand situation for gas has changed and a supply of gas might now become available from Trinidad and Tobago.

Secondly, new technological developments in regasification have now allowed us to be able to export gas to countries like Brazil and Chile. Indeed, our first shipment to Chile has now arrived in that country.

In this new environment there is no longer the need to construct regasification terminals but floating terminals can be used on an itinerant basis with the consequence of considerable reduction in regasification costs. In those circumstances, the Government of Trinidad and Tobago now considers that a supply of LNG to Jamaica for the stimulation of investment in the alumina sector to be a matter of national priority. At the same time, we confidently anticipate that as we construct our aluminum smelter here, we can enter into a guaranteed arrangement with Jamaica for the supply of alumina to that smelter ensuring that Jamaica is now able to earn substantial foreign exchange and reduce the imbalance in trade between Jamaica and Trinidad and Tobago. That was the dream of Eric Williams, Michael Manley and others some years ago.

We are taking a careful look at some of our requirements here in Trinidad and Tobago. Caribbean Airlines Limited which followed on from BWIA, has been looking at its economic position and has identified aircraft maintenance as a possible sector for economic activity and revenue earning. You will remember that BWIA had developed a tremendous capability in this regard and had begun to do maintenance here, not just of its aircraft but also of aircraft from other airlines. The time has come we believe to reopen this facility. As we look at our circumstances here and those in the Caribbean, the opportunity that presents itself is to open that facility not here in Trinidad but in Grenada where we have one of the longest runways in the Caribbean which lends itself naturally to an activity of this nature. It is something that we are now examining to determine its feasibility.

We are also buying many naval assets. We have fast ferry boats to Tobago; water taxis; military boats that are being bought and we need access to a ship maintenance facility. There is a very small one in St. Vincent and the Grenadines at this time and the opportunity that presents itself would be to establish those facilities by building on what exists in St. Vincent and the Grenadines, expanding the size considerably and giving St. Vincent and the Grenadines a new area for economic development and therefore, significant revenue earnings.

At the same time, such an initiative has the potential to blossom into a shipyard which, as hon. Members are undoubtedly aware has a great demand for labour and could go a long way in meeting the requirements of St. Vincent and the Grenadines employment requirements. These are initiatives being contemplated by the Government of Trinidad and Tobago.

Dr. Gopeesingh: Taking over Chavez role.

Mr. Speaker: Order!

Hon. P. Manning: We cannot sit idly by and allow what is taking place in the Caribbean to continue unattended. I wish to remind hon. Members that the need for cash could easily force governments in the Caribbean to move in directions which hitherto would have been unprecedented in their case. To avoid the introduction of undesirable activities in the Caribbean, it is clear that the Government of Trinidad and Tobago has to act and act as decisively as we can. It must be pointed out to our citizens that these activities are contemplated not at the expense of the people of Trinidad and Tobago, but activities that would be complementary to our domestic requirements to the extent that we can, not just economic prosperity in one country as is the case in Trinidad and Tobago today, but economic prosperity in the entire Caribbean area.

There are two other initiatives of the Government of Trinidad and Tobago to which I wish to refer. The first is that we have been able to secure the agreement of Caricom countries for Trinidad and Tobago to enter into a partial scope agreement with the United States of America and energy products. The idea behind this is to ensure guaranteed market access for the output of our energy sector including some of the new products that we contemplate from the primary products of aluminium and polypropylene which is the basis for a plastics industry.

What we see is the development in the Eastern Caribbean of labour intensive industries based on the availability in Trinidad and Tobago of these raw materials and which products can find a ready market in the United States. Our intention is to secure for Trinidad and Tobago and especially the Eastern Caribbean, guaranteed market access in the United States. We believe that this is not an unreasonable request in the context of the Caribbean being the United States of America's third border, our small size and inability to disrupt the US market.

The second initiative relates to Trinidad and Tobago's decision to accelerate our infrastructural development and specifically, to embark early next year on the construction of six new highway systems. In this situation the domestic demand for aggregates would outstrip the local supply. One opportunity that therefore presents itself could be in collaboration with an efficient quarry operator; invest in quarrying facilities in Dominica and thereby give that country a new area for economic growth and development and for job creation. In this way we can assist a Caricom country rather than continue to import aggregates as we now do from as far afield as Canada.

These are initiatives being contemplated by the Government of Trinidad and Tobago and we propose to enter into appropriate discussions with the governments concerned to see if these approaches are acceptable to them. The Government of Trinidad and Tobago wishes to reaffirm our commitment to Caricom and the improvement of the lives of the people of the region. We will continue to examine the regional situation to determine areas in which a Trinidad and Tobago intervention could improve the lives of Caribbean people including our citizens here in Trinidad and Tobago.

Thank you very much.

Mr. Speaker: The hon. Member for Princes Town North.

**COMMISSIONER OF POLICE AND DEPUTY COMMISSIONER
OF POLICE (SELECTION PROCESS) ORDER**

Mr. Subhas Panday (*Princes Town North*): Mr. Speaker, I beg to move, the following Motion standing in my name:

Be it resolved that the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009 be negatived.

Mr. Speaker: Proceed. Make your contribution.

Mr. S. Panday: Sorry, Mr. Speaker. This Motion deals with a situation in which we are endeavouring to deal with crime. In those circumstances, I think it is very appropriate before I commence my contribution on the substantive Motion to extend our condolences to the relatives of that 10-year-old child who was brutally murdered on Saturday 13th June, 2009.

2.00 p.m.

Mr. Speaker, we extend our sincerest condolences to the relatives. We may not know the facts of the matter, therefore we have to take it at face value and join the rest of the society in condemning the brutal manner in which the child was killed. Maybe if this Parliament had done its work; maybe if the Government had done its work, we could have had a substantive commissioner of police in place, creating stability, high morale and efficiency in the police service, resulting in that child's life being saved. The Parliament, the Ministry and the Government must take the blame for the death of that unfortunate, innocent child in Laventille.

It appears to me that the PNM Government does not really care about having the police service being endowed with a substantive commissioner of police because it does not care about crime. They have taken cover. Some of us, our children have obtained guns in a day. Others have told their children to stay inside and hide, although they are well protected. That is why the Government does not care about dealing with the police service so that it could deal with crime.

Hear what the chairman of the PNM said some time ago after a PNM General Council meeting. On the *Express* of October 21, 2008, there was a headline, "People are crying; they cannot take it no more". I quote from a letter to the editor from a Kenneth Sylvester when he said that the most burning issue facing the population is crime. He said that the PNM speaks about helping countries, setting up industries in Jamaica, St. Vincent and Dominica, trying to deal with their crime problem while the crime problem in our country does not qualify for mention during a PNM General Council meeting. [*Interruption*]

About eight parents had been murdered over the weekend of October 21, 2008. It was Mr. Enill, the chairman of the PNM, when he emerged from a meeting and was asked for a response on crime, which would have been engaging the attention of the people of Trinidad and Tobago—the Government had failed to put in process the mechanism for the appointment of a commissioner of police.

What was the response of Mr. Enill, chairman of the PNM? He opined that crime had nothing to do with the Government; rather that it was the people out there who were involved in nefarious activities. Mr. Speaker, if that is the attitude—the Prime Minister is getting hot under the collar, but I would like him to read the *Express* of October 21, 2008. Maybe that is the reason that crime is not on the front burner of the PNM's agenda. They do not care how many persons are being killed, children abducted; how many murders, robberies, kidnappings there are. They do not care about that. That is not high on their agenda, so they are not in sync with the people. While the people are crying out for their safety; while they have to live in their homes like they are living in jails, the PNM ignores the issue of crime.

The hon. Prime Minister said: “We shall beat them in the East; we shall beat them in the West; we shall beat them in the North; we shall beat them in the South.” That is why when we told them to sharpen their political cutlasses, the next day we saw, on the front page of the newspapers, children bathed in blood. When the Prime Minister spoke about the white of the eye of the bird, instead of dealing with crime, what is he telescoping to the nation? When you are looking at the eye of the bird, what do you want to do? You want to shoot them.

That is the way they are telescoping to the country that they are really not interested in crime. Maybe the nation should awaken and, when the local government election comes, we should use crime as a referendum and the country should speak out on the performance of the PNM on the issue of crime. The Government should be kicked out of office on the issue of crime. We are asking the people, come local government election, to exercise their franchise for their safety.

Before us today are three orders: one is the Appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2000. Another one is the Commissioner of Police and Deputy Commissioner of Police Acting Appointment (Selection Process) (No. 2) Order, 2009; and the other is the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009. Although there are three orders before the Parliament, I have moved to deal with the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009. Although that is the one I am calling for action on, we shall be discussing the other two orders before the Parliament.

In order really to understand the full purport of this Motion, one has to look at the history of the legislation and the reason why we have reached this position. The moment the PNM came into government, the crime rate began to spiral; the murder rate spiralled and this is manifested in the statistics. Although they were spending huge sums of money dealing with crime, the crime rate continued to rise.

In 2000, there were 120 murders; 2001, 159; 2002, 169; 2003, 229; all at the hands of the PNM. In 2004, it went up again to 260 murders; in 2005, 386 murders. The PNM had thrown up their hands and said that they could not deal with the situation all alone. As a result, they said they wanted assistance in dealing with the crime situation.

I quote from the *Hansard* of Friday, July 04, 2008, when the present Attorney General, in this first incarnation, said that in June 2005, the Attorney General of the day, Mr. John Jeremie, and the Minister of National Security of the day were giving the impression that the efforts that were there to fight crime had failed. They were saying all the money they were spending; all the plans they had, Anaconda, Baghdad and everything, had failed and that the only thing that was needed was the Opposition support for an emergency package of legislation, which included the DNA Act, the Breathalyzer Act, the Compensation for Injuries Act, the Bail (Amdt.) Bill, the Anti-Kidnapping Act, the Police Complaints Authority Bill, et cetera.

Hear what the Government is telling the Parliament—there will be a solution to the crime problem. They asked us to support that legislation saying that would be the solution to the crime problem. What a hoax they pulled on the nation!

The Attorney General on June 07, 2005, reported that the state of affairs had held the country to ransom and had caused the population to be under siege. They were explaining the situation and asking for the support of the Opposition. Hear how he described the situation. He said that the country was at war. Criminals had declared war on the people and there was need for the emergency package of legislation. They went on to say that if we helped them pass the package of legislation, there would be immediate relief. That is what the Attorney General was telling the House. They wanted the legislation forthwith, so that there would be immediate relief; there would be that opportunity to deal with crime.

2.15 p.m.

Hear how this Government was mamaguying the people on crime! He said:

“Mr. Speaker, the Government recognizes that our people have grown tired of plans, talks discussions of the problem. What is needed was action, and Government plan action, and the action was to have this emergency package of legislation passed by this Parliament.”

They were fooling the nation! He said:

“The police service was not up to the task of tackling the criminal elements in the country, the criminal networks and it needed this legislation to cause the police to do this and to do their job.”

What he was really trying to say was that we needed to have an effective police service, and we needed to pass the police legislation to put the police service in order to deal with the issue of crime. Mr. Speaker, that is what the Government said. That is the kind of Commissioner of Police they want—one who will satisfy the criteria to manage the police service.

The Attorney General said:

“This legislation would give the Government the power to make positive change. The legislative package would in the short term lead to positive change.”

Mr. Speaker, also included in that package of legislation was the Police Complaints Authority Bill, the Police Service Bill and the Constitution (Amdt.) Bill. They eventually ended up on our statute books as Act No. 6 of 2006.

Mr. Speaker, they were proffering the argument that they needed to have the Commissioner of Police appointed expeditiously. As I said, the Constitution was amended by Act No. 6 of 2006, and that amendment to the Constitution changed the method, the modus and the criteria for the appointment of the Commissioner of Police. It also changed the process for the appointment of Commissioner of Police and the relationship between the Police Service Commission and the Commissioner of Police. This was to make sure that the police service was put in order so that crime could be dealt with.

Mr. Speaker, the Constitution (Amdt.) Act did not only stop at that point, but it gave you details of the process. I quote now from the Constitution (Amdt.) Act, 2006 at section 6 which amended section 123 of the Constitution, and this is the part which is relevant to this debate, and it says:

“The Police Service Commission shall nominate persons for appointment to the offices specified in subsection (1)(a) and section 22(1) of the Police Service Act, 2006 in accordance with the criteria and procedure prescribed by Order...”

That is important to note. It continues:

“The Police Service Commission shall submit to the President a list of the names of the persons nominated for appointment to the offices of Commissioner or Deputy Commissioner of Police.

The President shall issue a Notification in respect of each person nominated under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives.”

This amendment to the Constitution came to this honourable House and it was debated and passed on March 27, 2006. They were eager and hurry to have this legislation in place in order to have the Commissioner of Police appointed, so that the police service would be in a position to deal with crime.

Further, it was debated in this honourable House on March 27, 2006 and it was in the other place on March 28, 2006. There was such anxiety for this legislation to be passed. Having said that, what did the Constitution say? It says that they needed to have the Order to prescribe the criteria and the procedure. So, the law was passed and the old law says that we must have those Orders in place. After they came and “gambage” in this House, they went to the population and gave them hope that something was coming. Do you know what this Government did? The Government sat on its hands for almost one year and they did not formulate the Order and the regulations. After the law was passed they sat and did nothing. Do you know what happened during the time this Government was sitting on its hands with the issue of crime? The murder rate went up to 383. So, they were fooling the population. It took almost 14 months for this Government to formulate the regulations and to present an audit to the Parliament. I think it was presented to the Parliament in July 2007.

Mr. Speaker, it was not debated and it came on our statute books as Legal Notice No. 165 and Legal Notice No. 166. Mr. Speaker, soon after it was laid, the Police Service Commission started working on the Order. It is necessary to read them into the record of the Parliament. Legal Notice No. 165, which deals with the criteria for selection says a university degree, recognized in law, criminal justice, criminology, police service management and any relevant degree, and not less than 15 years experience in law enforcement.

Legal Notice No. 165 also went on to enumerate the criteria. It says that the person for the job of Commissioner of Police should have leadership skills which would enable him to motivate and inspire—

Mr. Speaker: Hon. Member, I just want to point out to you that the Motion you filed relates only to the (selection process) Order. I think you are speaking on another Order, but the Motion before the House is the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order.

Mr. S. Panday: Indeed, Mr. Speaker, but they are so interwoven and intertwined that it is difficult to discuss one without mentioning the other.

Mr. Speaker: I am bearing that in mind, but I am just guiding you accordingly.

Mr. S. Panday: I want to show you how this Government has no good intention about dealing with crime.

Mr. Dumas: You cannot speak to that.

Mr. S. Panday: I will do it. It says that if you do not have the qualification, what could happen is that you could still get the post of commissioner or deputy commissioner and it says that where the officer does not hold the qualification stipulated under paragraph 2(a), but meets the core criteria listed in paragraph 3, and has 20 years experience he shall nonetheless be considered as a candidate for appointment.

As I said, there is another Order, the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, and that prescribes the manner, but you cannot have a process without having a criteria. That is why I went on to introduce the criteria, and tie it with the process. [*Desk thumping*]

Mr. Speaker, it says in section 3 that there should be advertisements locally and in the foreign press, at least four months before the appointment is made. It went on to say that a firm shall be hired—this is the Order giving effect to the substantive legislation—and how the firm must perform its functions. It also went on to say that after the firm has done its assessment on the candidates that they will create a merit list and the top five persons who have obtained the highest marks will be sent to the Police Service Commission.

There was a screening process by this expert company to do the first assessment. It went on thereafter to say that when those names are submitted to the Police Service Commission, the commission will then have the opportunity to do a further investigation. So, therefore, in this situation, the process required two stages of screening: one by the expert company and another by the Police Service Commission.

It says that the commission may gather other information on each applicant as it considers necessary and appropriate to determine the merits of his application and suitability for the office for which he is being considered. It also says that the commission shall take into account all the information, and after investigation select the top candidate and submit that name to the President in accordance with section 123(3), and the President will then forward that to the Parliament, so that the Parliament will consider it.

Mr. Speaker, a lot of money and a lot of time was spent on this matter; about \$3 million of taxpayers' money was spent. Mr. Speaker, \$3 million was paid to the

firm to go through this exercise. This exercise took about 10 months. There was a thorough investigation and in early June, the Police Service Commission indicated that they had come up with a name. I think the name was Mr. Stephen Williams.

When one looks at the legislation, one sees the new procedure which was employed for the appointment of a Commissioner of Police. They had done away with the veto of the Prime Minister to block the appointment of the commissioner.

2.30 p.m.

Mr. Speaker, so what happened was that the moment the Opposition became aware that the nomination would be coming to the Parliament, we wrote to the President, the hon. Prime Minister, asking to make resources available to the Opposition so that we may be able to do our own investigations and make meaningful contributions to the debate on the appointment of a commissioner of police in the Parliament.

I think it was about the 4th, the rumour or the information came to the public that Stephen Williams' name was the top name. We wrote to the Government and said that there are reports that the new commissioner of police would be appointed soon. The Constitution (Amdt.) Act, No. 6 of 2006, sets out the procedure for the appointment of a commissioner and deputy commissioner. We went on to say how the process should go. We said that section 6(5) states that:

“The police service commission shall appoint the Commissioner of Police and Deputy Commissioner...after the House of Representatives approves the Notification in respect of the relevant office.”

We asked for other resources and facilities to be made available to the Opposition so that it may be able to perform its function adequately. You know what the Government said before that nomination arrived to the House? They said there would be no need for this; there would be no need to give you any resources because we are blocking that nomination, that is going nowhere. So, what they decided, even before the nomination came to the Parliament, was to cut down the recommendation of the Police Service Commission and make sure that Stephen Williams did not get it, and we had not yet arrived at the Parliament.

Imagine this Government. The veto was removed from the Prime Minister, and what they did? They decided among themselves that they have the majority in Parliament, they have the dictatorship of the Cabinet in the Parliament, headed by the Prime Minister, and this Government clandestinely decided, for its own purposes and matters known to itself and nobody else, to block the nomination before it came to the Parliament.

The country must know this. The country must know how this Government undermines this process. [*Desk thumping*] The country must know how they made a fool of the service commission; how they made a fool of the Parliament; how they came and they asked us, they begged us, support the legislation; then they sat on it for 14 months and when the procedure was eventually brought to a conclusion and a nomination made, after extensive research, they decided to block it. That is why the country must know that you all do not care about crime. [*Desk thumping*] You subverted the process. It is the saddest thing I have ever seen. It seems to me that there was a conspiracy to undermine the whole process.

So, eventually this Motion which they had already decided beforehand, to shut out, they brought it on the 4th.

Mr. Imbert: You do not want to give way.

Mr. S. Panday: Not yet. Okay, okay.

Mr. Imbert: Mr. Speaker, I thank the Member for giving way. I realize the Member is in full flight, and is expatiating about all sorts of things, not really relevant to the matter at hand, but at what point in time—this is a Motion to negative the Order—would the Member tell us why you want to negative the Order, please.

Mr. S. Panday: I shall do that immediately after I explain to the nation that the PNM does not care about crime; that the PNM encourages crime; that the PNM sponsors crime and that while all the whole nation is living in a jail, the members of the PNM are enjoying themselves and taking care of themselves. While people on the outside are applying to the Commissioner of Police for guns to protect themselves and they cannot get it, people in the PNM getting theirs in one day's time.

So, the moment I explain to the population your stance on crime and how you have presided over the murders and the deaths of so many young people, I will come to that point. I promise you I will come to it in a minute, to show how deceitful and deceptive this PNM Government is, and to show it appears as though they are part of the problem, and that is why they cannot solve it, and to expose them.

Mr. Speaker, as I said before, the PNM took a position to strike down the recommendation of the service commission before we came to Parliament. So, the Motion came to Parliament on July 04. They come today to bring new regulations before the Parliament, but the regulations which give rise to the Motion, to the resolution on July 04, 2007, were formulated by the PNM.

Commissioner of Police
[MR. S. PANDAY]

Wednesday, June 24, 2009

They took 14 months to formulate the regulations, the criteria and the process for selection which I spoke about. When the process was taking place they never complained about any inadequacy of the regulations. No, no, it was good regulations at that time, but when good work was done by the Police Service Commission, good work was done by the firm, and when they did not get the result they wanted, when they saw they got a man who was independent and a man whom they could not control; a man who would not permit them to undermine the institution of the police service, suddenly the regulations are no good. This is the first Government that brought an affirmative resolution in the Parliament, because this is the most clownish and foolish thing I ever heard. They brought an affirmative resolution in the Parliament on July 04. When one thinks that you would bring an affirmative resolution to the Parliament you would support it.

You know what this Government did? The affirmative resolution was to affirm the appointment of Stephen Williams as the police commissioner. This Government voted against their own resolution; voted against an affirmative resolution, on regulations which they themselves have formulated, but the result they did not like. This is where it is dangerous, because if it had to deal with any other aspect of the society, it was okay, but when you are dealing with the police service, an armed organization, whose function is to protect and serve, in whose hands the security of the nation lies, this is time for worry. This is time for worries; this is the height of dictatorship.

When the resolution came, you know what they said? That Member for Diego Martin North/East boasted about how the criteria in the Notice 165 produced the right man. He said:

"Stephen Williams' CV has had a distinguished record in the police service; he is well qualified."

He went on to enumerate the qualifications of Stephen Williams, could not find a fault with the officer; could not find a fault with the criteria and qualifications which were used. So, you know what they said? You know how to deal with him? How to deal with him is not deal with him personally but to attack the process, to attack the procedure, to attack Legal Notice 166, the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, they went and they destroyed it. What did they say? What kind of spurious arguments they brought to the Parliament?

All the other Members fell for that, when that hon. Member for Diego Martin North East attacked the process, the process which they had brought to the Parliament. You know what he said? He attacks the order by saying, that clause 3:

"The selection process for the appointment...shall be conducted in the following manner:

the Commission shall advertise the vacancy twice...

at least four months before the appointment is made;"

So what they were complaining about, which they are going to deal with in this Order before the Parliament today? They were saying from the time of advertising to the time the appointment is made, would have been four months, is that not the height of shamelessness? Having sat on their hands for 14 months before they produced regulations, having produced regulations now, they say from the time of advertisement to the time of appointment, four months is too long.

Mr. Speaker, any rational person would have said, look the time of four months, let us look at the benefit of having a four-month period, that you would have time for greater scrutiny. Let us see what was the benefit of it. I say the benefit of having four months lapse to the time of the advertisement, to the time of the appointment, is indeed a good thing, in that they give the commission enough time to get more people into the pool. You know what they decided to do now? You think this is joke? They say no, cut down that to seven days. Like what happen, you want to tell your friends that the Order is coming out so only your friends would apply?

Four months would give the opportunity for more people to come into the pool for the selection process. I want to ask them here today, they said another flaw in the Order and the selection process, is that after the firm, which is hired by the Government at a cost of \$3 million, after the firm makes the recommendations to the service commission, then the firm will have discussions with the service commission in respect of the nomination of the recommendation.

2.45 p.m.

When I asked the question, why did you put that there in the first place, it is clear you hired a firm of experts to do their work and you wanted to give them the opportunity to do their work without any let or hindrance. These are experts, these are people you are paying exorbitant sums of money, you let them do their work and when they present their report to the service commission, the service commission could then discuss that matter of the recommendations to them.

Commissioner of Police
[MR. S. PANDAY]

Wednesday, June 24, 2009

So, this Government so shamelessly brought an affirmative resolution and scuttles it, getting rid of the nomination of Stephen Williams by attacking their own regulations. Certainly, if you look at *Hansard* in any part of the Commonwealth, because I looked at the *Hansard* of many commonwealths and I have never seen where a government brought an affirmative resolution and voted against it. This Government did that! This Government did that on an issue as serious as crime.

Dr. Gopeesingh: Because they did not get who they wanted.

Mr. S. Panday: This Government did that! So when you all talk about crime, crime plans and Ross plans, we know you are fooling the people. [*Interruption*]

As I say, they who said—I do not know if they went mad or something went wrong with them. You hired the firm and they said the firm will—take the mass all coming in—filter and send the five top to the commission. They said, "no, no, that was wrong;" the commission should have done the first interview and then send it to the firm. What nonsense! What backwardness! What fallacious argument on your own recommendation!

Dr. Gopeesingh: I like that word.

Mrs. Gopee-Scoon: You like that word? It is the only one he got right so far.

Mr. S. Panday: Based on those three frivolous arguments, you know, all my dear brothers, all my colleagues on the other side voted against that order; voted against the appointment of Stephen Williams on that kind of argument. Do you all really care about crime? Do you all really care about the blood of young people that is flowing on the streets? [*Interruption*] Do you all really care about the number of poor persons who have been working so hard for their money and are being robbed at gunpoint? People are beaten! Do you all really care? You all really could not care about crime if you will undermine the service commission in such a manner.

The service commission is enshrined in the Constitution and this Government on that black day in our history, on July 04—

Mr. Manning: What color day?

Mr. S. Panday: Black day in our history on July 04 undermined and scuttled the recommendation of the service commission. [*Interruption*] If the hon. Member for Diego Martin North/East thinks that there is any racial inclination—that colonial looking day. [*Interruption*]

What we heard and what came out in the debate was that they did not want Stephen Williams.

Mr. Speaker: I think you are debating a Motion that was from the last Motion. Let us get to the order before us!

Mr. S. Panday: You must know from whence it came to know where you are going.

Mr. Speaker: You spent a lot of time on Stephen Williams; I think we have a new order before us.

Mr. S. Panday: What they did then was they knocked out their own regulations. They voted against their own regulations to make sure that the police service is put in place. Then one would have thought—*[Interruption]* “I not like all yuh”, I do not read you know, “I does do a lot of research and the Speaker could jostle meh as he wants, I will jump”. I will understand.

Hon. Member: Clearly you do.

Mr. S. Panday: One would have thought then that if this Government had intended to really deal with crime, when they voted against their own regulations they would have thought that the appointment of a Commissioner was of such vital importance that they would have brought back regulations forthwith. If they really wanted to have a Commissioner of Police be appointed, they could have brought regulations in the following week.

On July 04 you knocked it down, why did you not come the following week and bring fresh regulations? In a week’s time you could have done it! Do you remember with the Central Bank Act how between Friday and Monday you brought amendments to the law? Because you wanted to deal with Clico so you brought those regulations immediately. When it comes to crime you failed to bring the regulations on crime.

Mr. Speaker, you must look at the politics that is taking place. At the same time about July 04, the then Commissioner of Police decided to resign, so you blocked that recommendation and the sitting Commissioner decided that he would resign and you decided not to bring fresh regulations for the appointment of a substantive Commissioner of Police. So what you do? You create a situation to appoint an Acting Commissioner of Police. An Acting Commissioner of Police, who went through the process, failed a lie detector test and did not get the job. You did not want the man who came first so the service commission, taking a cue from the PNM, appointed the person who did not pass the test to become Acting Commissioner. What happened after that? They failed the—

Mr. Imbert: You better.

Mr. S. Panday: The regulations which you are pushing me to address, why did they not bring this legislation a week's time after they had shut down the one on July 04. Why? Would you like to answer it? All the time you want to jump up. You want to answer why you sat on the fresh regulations again? The regulations before the Parliament today, why did you sit on it?

When we saw what they did—and they appointed the man who was not recommended by the service commission for the job of Acting Commissioner of Police, we saw what they were doing. So, between June—July they appointed the Acting Commissioner.

Mr. Imbert: Mr. Speaker, the Member is not dealing with the matter before us, Standing Order 36(1), point of order.

Mr. Speaker: I have tried to guide you and the Member has raised a point of order 36(1), relevance. I am going to give you the benefit of the doubt, but if you continue I will have to draw the attention of the House to the fact that you are being irrelevant. Please continue! Before you go, you do not have too much time left.

Mr. S. Panday: I bow to your ruling but I will bring this to the attention of the nation. [*Interruption*] I am speaking about the regulations, Mr. Speaker. I am asking why they did not bring these regulations before? You appoint an Acting Commissioner and you would not bring the regulations. These regulations that I am speaking about, why did you not bring it? So, I am speaking about these regulations and I am saying the reason why they did not bring it, was because they thought they had the Acting Commissioner and there was no anxiety to bring these regulations before the Parliament. This is the argument, Mr. Speaker. I know that you are a lawyer and you are bright and do not let "no" bush lawyer attempt to mislead you. [*Interruption and laughter*]

Mr. Speaker: No bush lawyer or other lawyer like yourself can mislead me, so continue. [*Desk thumping*]

Mr. S. Panday: Mr. Speaker, I know that your heart is paining the way the PNM is dealing with crime.

So, to beg to have these regulations, we brought a Motion in the Parliament. We brought a Motion in the Parliament begging them to bring these regulations and they would not do it. Why you did not do it? Why you did not bring the regulations? Tell us! Tell the nation! Tell the Parliament why you did not bring the regulations?

After the first six months they came to the Parliament and said, "We do not want to make a mistake this time; we want to get it right; we are discussing it with the stakeholders". I want to ask the hon. Minister of National Security, how long did it take

you to discuss with the stakeholders and who were the stakeholders? I will show him that in fact they were not speaking the truth, because when I compare the regulations for you in a few minutes you will see how they have been trifling with crime.

The regulations are important. The regulations are important for the appointment of a Commissioner of Police to deal with crime. When we asked for these regulations that we are referring to here today, instead do you know what they did? Again, sitting on their hands, did not do it and give an extension to the Acting Commissioner a next six months. Is it so you will deal with regulations? So you will deal with a situation where the country has become the crime capital of the Caribbean? Do you think on the issue of crime you all deserve to be in Government or you should only see the back door? *[Interruption]*

Eventually, they came with these regulations and these regulations are so designed to undermine the legitimate legal institutions, not only the Police Service Commission and the police service. Their intention is to undermine all institutions in this country and these regulations are so designed to give effect to that. Although the law—

[The Speaker motions the Hon. C. Imbert]

Mr. S. Panday: Like the Speaker is calling him for “meh boy”.

Mr. Speaker: Proceed, I am listening!

Mr. S. Panday: Thank you very much, Mr. Speaker. During that time not only did they use these regulations to undermine the police service, but they used other methods to undermine other institutions that deal with crime.

The Director of Public Prosecutions office is one of those that they have undermined. It is the first time in history that a Prime Minister had vetoed an acting appointment of a DPP, undermining the DPP. Why? The answer he gave was, "I do not want the person who is appointed as acting DPP to feel that they get the job." When he was cornered, he said, "It was a mix up." The reason for that is in the CJ case when the Chief Magistrate mixed up himself, he demanded an explanation which he did not get.

3.00 p.m.

Mr. Speaker, I am certain you will permit me at this juncture to compare and contrast the regulations that came as Legal Notices 165 and 166, and these Notices are before the House today. As I said, you will observe there are no fundamental differences in both Notices. Let us take a look at Legal Notice 165. One will see in section 2, the qualification and experience for a person seeking the post of a Commissioner of Police and Deputy Commissioner of Police has not changed. Same

Commissioner of Police
[MR. S. PANDAY]

Wednesday, June 24, 2009

thing! Word for word! Law, criminal justice, criminology, police service management and any other relevant degree, so therefore, why did you take so long? You have dealt with the regulations, the meat of the regulations in any material particular.

Mr. Speaker, in Legal Notice 165 and the Notice before this honourable House today, section 4 “Criteria for appointment”—nothing has changed. Why did you take so long to bring this? Nothing has changed, but they know why. They know why because they do not care about crime in this country.

Mr. Speaker, there are two words in section 4 of the Order which they took a year going into two years to change. In section 4, line 1 "an officer" has been changed to "a candidate", and the words "Police Service", that phrase has been removed. You care about crime? You did not take the time to bring this Order. What was the argument? What was the argument of the PNM, the Government on this matter? The argument is that if you use the words "Police Service", it meant that the candidate could have only come from the Police Service of Trinidad and Tobago. One asks, did they get legal opinion on that or was that just one of the [*Inaudible*] from the floor?

They are saying, "We will take that off because we want other officers from other police organization to be brought in." Had that been the case, why it could not have been amended and merely say, "So-so, years experience in any police service"?

Mr. Imbert: Mr. Speaker, on a point of order, Standing Order 36(1). I believe the Member once again is dealing with the wrong Order. We are dealing with the Selection Process Order, not the criteria. The Member is being totally irrelevant. Mr. Speaker, I am calling on you to look at it as a point of order, please.

Mr. Speaker: If the rules and regulations you talked about refer to a different Order, then you cannot refer to it.

Mr. S. Panday: [*Inaudible*]

Mr. Speaker: I know. Your Motion deals with the Selection Process Order. So I think what the Member is saying is that what you are referring to relates to another Order, which is what I told you before.

Mr. S. Panday: Thank you very much. I am grateful for your guidance, but to say that this will impact—I am discussing it because this will impact upon the Selection Order.

Mr. Abdul-Hamid: [*Inaudible*]

Mr. S. Panday: I will not hide in any drain in Patna. If one looks at the Selection Criteria Order, regardless to how you deal with that Order, the person who comes into

that ambit of the Selection Order, will be dictated by the PNM. Because since you do not have to be a Member of the Police Service but have experience, what happens when the selection process comes—and Mr. Speaker, I am begging you, please, do not allow him to disturb me. I am begging you. I am—

Mr. Speaker: No, no, no. I am convinced that what you are saying relates to the wrong Order. Bear in mind that it is Private Members' Day, I have to certainly obey the rules as in the book, but what you are referring to is the wrong Order.

Mr. S. Panday: Mr. Speaker, all I am saying is, if we go to the Process Order, this criterion for selection, the PNM will determine that and then the Selection Order will be undermined.

Mr. Abdul-Hamid: You put on your best to talk—[*Inaudible*]

Mr. S. Panday: I am talking nonsense? I will not bother with him, he hid in a drain. You hear his language! You hear the obscenities. You hear the obscenities from that Member for Chaguanas East!

Mr. Speaker: Order!

Mr. S. Panday: Mr. Speaker, we on this side have been brutalized for things much less than that.

Mr. Speaker: If you are brutalizing the Member, I will ask you to stop. I assume what he is saying is true. If what he is saying is true, stop it, but you are running out of time.

Mr. S. Panday: I know, Mr. Speaker, but we must not pamper them.

Mr. Speaker: I can assure you that if I hear what the Member is saying and I determine that he is offending you or the Standing Orders, I will call him to order. All I am saying is, having not heard him, if he is brutalizing you or offending the Standing Orders, I am asking him to desist from doing that and just to let you know that you are running close to the time.

Mr. S. Panday: I would like you to give me the opportunity to deal with him. Mr. Speaker, the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order—[*Interruption*]

Hon. Member: [*Inaudible*]

Mr. S. Panday: Because we want to show the hypocrisy of the PNM as it pertains to crime.

When one comes to section 3 of the Commissioner of Police and Deputy Commissioner of Police Order, one will see that they have incorporated into this

Commissioner of Police
[MR. S. PANDAY]

Wednesday, June 24, 2009

Order what had happened in Legal Notice Order 166. So you cannot discuss one without discussing the other. This had been done in the selection of the officer of the Commissioner of Police under that Order. So they really wasted time and merely put this in this Order. It says:

"the Firm shall advertise each vacancy for a period to be determined by the Commission, of not less than seven days;..."

So they are saying on the first occasion that they disagreed with the four-month period, and now they are reducing that four-month period to seven days. We ask them why? Why are you reducing the time from four months to seven days? Why are they doing that? The answer is clear. They want to have such a short Order, so they could advise who they would like to apply for the job and by the time other people come into play, time would have elapsed.

Mr. Speaker, to show you what they are doing, it says:

"3(b) the Firm shall advertise each vacancy... to be determined by the Commission, of not less than seven days..."—using the same methods as they had recommended in Legal Notice 166

So what is the great change? What is the great change in the two Orders that you had to take a whole year to do it? This is what we are asking them.

Mr. Speaker, they went on cosmetic, and merely editorial changes.

"3(c) an applicant shall apply in the form specified by the Firm and shall submit to the Firm his application accompanied by—
...biography"—and what not.

Normal. It went on to say—the same procedure as in the past is now being reenacted.

"the Firm shall select, from the applications received, the most suitable candidates for the assessment process;"

The final point is that the Commission shall submit to the Parliament the list of names:

"4(1) Where, in relation to clause 3(m), the House of Representatives does not approve of the highest graded candidate on the Order of Merit List pursuant to section 123 of the Constitution, subsequent nominations in order of merit may be submitted to the House of Representatives from the Order of Merit List only in accordance with the procedure set out in the Constitution."

So they said if the first one is not good, give it to the second one. So the Parliament will be able now to knock out the best. When that one is knocked out,

come with the second one. When the second one is knocked out, come with the other one. When the list is exhausted, do you know what they say, Mr. Speaker? Then we shall start the process all over again.

Mr. Imbert: What is wrong with that?

Mr. S. Panday: What is wrong with that? Do you hear what they are saying? That is undermining the Constitution.

Mr. Imbert: [*Inaudible*]

Mr. S. Panday: Pardon? That means the PNM could—we in this Parliament will set up a situation where we could as time goes along, keep on objecting, objecting, objecting; crime is increasing on the outside and we are playing the fool here in the Parliament, never having a Commissioner of Police appointed. So therefore, what have they done? They have undermined the Constitution, undermined the amendment to the Constitution where they are now reintroducing the veto which was removed by Act No. 6 of 2000.

Mr. Speaker, since we had that nomination of the Service Commission, a lot of money had been spent and we had a good process, I humbly submit that we withdraw this. Do not repeal Legal Notice 166. Have the appointment and in the future come back. Because if we continue the way we are doing, we shall undermine the Constitution and we should not do that.

I beg to move, Mr. Speaker. [*Desk thumping*]

Dr. Hamza Rafeeq (*Caroni Central*): Mr. Speaker, I beg to second the Motion as moved by the Member for Princes Town North and reserve my rights to speak at a later stage in the debate.

Question proposed.

The Minister of National Security (Sen. The Hon. Martin Joseph): Thank you very much, Mr. Speaker. The hon. Member for Princes Town North has brought a Motion before this House, seeking to negative the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009, that is to say, make the Order null and void. In doing so, he spent a lot of time talking about PNM does not care about crime, PNM is not dealing with crime; and undermining all sorts of different institutions.

Mr. Speaker, first of all I propose to deal with why I am here, deal with the Order and after that respond to some of the issues he raised with respect to the question about PNM not caring about crime, to refute that in different ways.

Commissioner of Police
[SEN. THE HON. M. JOSEPH]

Wednesday, June 24, 2009

If I may remind this House in 2007, two Orders were made pursuant to section 123 of the Constitution of the Republic of Trinidad and Tobago, namely the appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2007 and the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2007.

As we are all aware, the Trinidad and Tobago Police Service is currently in its fourth year of a major transformation process.

3.15 p.m.

This started with the enactment in 2006 of the recently concluded police legislative package, to which the Member for Princes Town made reference. The reform activities, to date, have underscored the understanding that for a successful transition to an efficient and professional police service to take place, the quality of leadership must undergo a radical change.

This was the goal of the 2007 orders, however, in 2008 Government recognized that the 2007 orders were deficient in some critical areas and that amendments were necessary. It became critical that the orders be amended in such a way that they were able to, firstly, attract the widest pool of highly qualified candidates and, secondly, allow for the selection of the best possible candidates to fill the two highest offices in the Trinidad and Tobago Police Service, Commissioner of Police and Deputy Commissioner of Police.

By virtue of the Constitution, it is the Police Service Commission which is the sole authority to appoint persons to either hold or act in the offices of the Commissioner of Police and Deputy Commissioner of Police and, therefore, has direct responsibility for implementing the 2007 Order.

In that regard, there was extensive collaboration with the Police Service Commission and other stakeholders, all with the view to improving the orders. The Member for Princes Town North asked whether or not consultations took place; consultations did take place. He asked why those consultations took so long; the consultations took that long because of the process that we were engaged in.

I have indicated to this House, on more than one occasion, that we were going to bring these orders as quickly as we could. The Member for Princes Town North gave the impression that all this was some political conspiracy, all designed to undermine, et cetera, the process; nothing could be further from the truth.

Mr. Speaker, the Trinidad and Tobago Police Service is operating in a society that has and continues to undergo significant changes; therefore, the process of

selection for the leadership of the police service must be painstaking and deliberate, with every effort to ensure the best candidates for the positions.

Under the new legislative framework, under which the Trinidad and Tobago Police Service is now to operate, the Commissioner of Police has now been given the complete power and authority to manage the police service. With this new mandate comes increased and heightened responsibility. The process to select a Commissioner of Police competent to carry out this constitutional mandate, must be one that allows for the best candidate being selected.

Initially what was required to cure the deficiencies in the 2007 Order was amendment to the 2007 orders. This resulted in the appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) (Amdt.) Order, 2009, and the Commissioner of Police and Deputy Commissioner of Police (Selection Process) (Amdt.) Order, 2009.

However, what has since been laid before this honourable House are three new orders, namely: the Appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2009; the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009, and the Commissioner of Police and Deputy Commissioner of Police (Acting Appointments) (Selection Process) (No. 2) Order, 2009.

The need to revoke and replace the 2007 orders and the 2009 orders, which sought to amend the 2007 orders, came about after it was discovered that there were legal notices which were textually identical in its contents. In addition, there was a case where the validity of the orders, as amended, was questioned. Having regard to the fact that the orders, as amended, were not laid within the prescribed period, to avoid uncertainty and possible legal challenges to the orders, the hon. Attorney General advised that the 2007 orders and their amendments be revoked and replaced.

Mr. Speaker, in addition to the need to revoke and replace both sets of orders, that is, the 2007 orders and the amendment orders, it was recognized that there was a need to address a number of issues surrounding acting appointments to the post of Commissioner of Police and Deputy Commissioner of Police.

Section 123 of the Constitution gives the Police Service Commission, and I quote:

“Power to appoint persons to hold or act in an office...”

of Commissioner of Police and Deputy Commissioner of Police. There never was any dispute that the process set out in section 123 of the Constitution applied to an appointment to a person to hold, as opposed to act, in the office of Commissioner

Commissioner of Police
[SEN. THE HON. M. JOSEPH]

Wednesday, June 24, 2009

or Deputy Commissioner of Police. The issue was raised as to whether an acting appointment was to follow the process, as set out in section 123 of the Constitution, which includes the President issuing a notification of the person nominated for appointment to the offices of Commissioner of Police or Deputy Commissioner of Police, and this notification being subjected to affirmative resolution of this House.

It was recognized that there would be instances where the incumbent Commissioner of Police or Deputy Commissioner of Police may be unable to perform his or her duty for short periods, in instances such as illness, vacation leave, travel abroad or government business, and someone has to perform the functions of that office. To address this issue, the Commissioner of Police and Deputy Commissioner of Police (Acting Appointments) (Selection Process) Order, 2009, was made.

Let me go into what is before us. I will go through it identifying what obtained in 2007, what is now recommended or what is now before us in 2009, and the reasons why the amendments were made.

The Member for Princes Town North, as I indicated, in every instance, gave the impression that all this was motivated by some sinister motivation on the part of the Government, et cetera, et cetera. Mr. Speaker, clause 3(a) of the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order in 2007 stated:

"the Commission shall advertise each vacancy twice each—

- (i) on the Internet;
- (ii) in at least two daily newspapers in circulation—
 - (a) locally;
 - (b) regionally;
 - (c) and internationally; and
- (iii) in at least two professional journals in circulation—
 - (a) locally;
 - (b) regionally;
 - (c) and internationally, at least four months before the appointment is to be made."

The 2009 Order now states that:

“the Firm”—hired to discharge this responsibility—“shall advertise each vacancy for a period to be determined by the Commission, of not less than seven days, utilizing—

- (i) effective information communication technology; and
- (ii) local, regional and international print media;”

The reasons for the change: It was difficult to comply with the mandatory provisions as there was difficulty in sourcing professional journals within which to advertise. The 2007 Order directed in which media advertisements should be placed; the 2009 Order removed the mandatory requirements. The reason for that was because the mandatory provisions made it difficult sourcing professional journals within which to advertise. Now that you have the Internet and other new ways of making sure that information could reach the relevant persons, it was felt that this was a good change. This was done in consultation with all the stakeholders, including the Police Service Commission.

The 2007 Order stated that advertisements must be placed, at least, four months prior to the appointment being made. The 2009 Order does not stipulate as such. This means that there is no longer a minimum period to advertise; at least four months prior to appointment. The period can now be abridged at the discretion of the Police Service Commission; however, the ad must run for not less than seven days.

Mr. Speaker, four months—resulting in a prolonged process. Many of the stakeholders, other than the members of the Police Service Commission indicated that the process was too long. I mean, in a modern period where recruitment can take place in a much quicker, more efficient and effective manner, this approach was too cumbersome.

The Member for Princes Town North was putting the thing in context. When we did this back then, we were moving into uncharted waters, and the intention was to dot the i’s and cross the t’s, so we ourselves put in place a cumbersome process of recruitment; that is a fact, a cumbersome process. Given the fact that it is regulations, you had to follow every single thing that was said; so the intention now, Mr. Speaker and hon. Members, was to give the firm some flexibility and to give the Police Service Commission some flexibility, as it related to the question of recruitment.

The 2009 Order now states that the firm will advertise the vacancy instead of the Police Service Commission. The order before required the PSC, that does not

Commissioner of Police
[SEN. THE HON. M. JOSEPH]

Wednesday, June 24, 2009

have the competencies, the capabilities to do these things, to advertise the position. We are now requesting that the firm be allowed to do that.

It was recognized that there was a wide gap from the date that the ads were placed until the time that a candidate was contracted by the firm. The intervening lengthy period, which was to facilitate the contracting of the firm, resulted in some applicants losing interest or securing other positions.

The Member for Princes Town said that we should welcome the four months; I could not understand the logic. He said, "The longer it takes, the more candidates." I do not understand that. The longer it takes, the more candidates? The experience was that given the length of time, persons who at first indicated an interest in the position, just left; four months is a long time; that is the thinking. So four months does not give you the opportunity to pool more persons. The experience was, that period of time being so long, persons who were initially interested in the position, either got other jobs or decided to go somewhere else.

Clause 3(b), the 2007 Order stated:

"every applicant shall be required to apply on the designated form and also submit his personal biography, two references with current contact information, and any other relevant information which he considers would advance his candidacy;"

The 2009 Order states as follows:

"an applicant shall apply in the form specified by the Firm and shall submit to the Firm his application accompanied by—

- (i) his biography or his résumé;
- (ii) references in the number to be determined by the firm, with current contact information of each referee; and
- (iii) any other relevant information which the firm thinks appropriate;"

The 2007 Order refers to a designated form; however, no form was ever designated. The 2009 Order now allows for a specified form which does not require designation.

By even putting "designated", it now required that a form be designated, and in the absence of a designated form, you have issues. Again, the 2009 Order now allows for a specified form which does not require designation. As the firm will now administer the process from the beginning, it is best that the firm design its own form.

The 2009 Order now lists the requirements which generally remain the same, except that where before the 2007 Order stated that the applicant could submit any other relevant information which he considered would advance his candidacy, that is now removed and replaced with the provision that the firm could request additional information. The experienced firm, not the applicant, should dictate what documents should comprise the application. That is what the change is designed to do. The experienced firm, not the applicant, would dictate what documents should comprise the application.

3.30 p.m.

Clause 3(c), 2007.

"the services of a firm, experienced in conducting assessments of top police managers, shall be contracted by the Commission to conduct an assessment process;"

What does the 2009 state?

"the Director of Personnel Administration shall, in accordance with section by 20A(1)(c) of the Central Tenders Board Act, contract a firm experienced in conducting assessments of senior police managers to conduct an assessment process and the firm so contracted (hereinafter referred to as 'the Firm') shall consult with the Commission upon the completion of each stage of the process;"

In the 2007 Order, the first step would have been for the Police Service Commission to advertise the vacancy. In the 2009 Order, the first step would be for the Director of Personnel Administration to contract the firm which in turn will advertise the vacancies. This is to abridge the process.

The new Order identifies the Director of Personnel Administration as the entity to initiate arrangements to contract the previous, clause 3(c) reflected that the Police Service Commission was to contract the firm, however, it does not have the power to enter into contracts. This provision is now more appropriate.

So again, Mr. Speaker, and hon. Members, all I am saying is it is quite clear that we ourselves—because we pass these Orders.

Dr. R. Moonilal: Who is "we"?

Sen. The Hon. M. Joseph: Well, the Orders were laid and when it was time for their implementation, it was felt in some instances to be impractical in terms of the implementation. [*Interruption*]

Okay, we apologize for our errors.

Mr. Maharaj SC: Mr. Speaker, I thank the hon. Minister for giving way. Are you saying according to these Regulations, the Government's policy is to take away the previous power which was given to the Commission to contract the firm and give it to the Director of Personnel Administration? And could you, while you are on your legs, and without me having to stand up again, explain to us why it is that under Regulation 3(i) the Commission is limited to assessing not more than five of the highest graded candidates?

Sen. The Hon. M. Joseph: I have not reached there yet. What I am saying, hon. Member for Tabaquite, in terms of the Director of Personnel Administration, again, the Order said the Police Service Commission, but the Police Service Commission does not have the ability to do that, so it is going to be the Director of Personnel Administration who is acting on behalf of the Police Service Commission.

Dr. Gopeesingh: Did the Police Service Commission not do it the last time?

Sen. The Hon. M. Joseph: The Director of Personnel Administration who is acting on behalf of the Police Service Commission. *[Interruption]* The Director of Personnel Administration had to be engaged to do this. So all we are doing now is making sure that—

Dr. Gopeesingh: So you are breaking the law?

Sen. The Hon. M. Joseph: We certainly did not break any law. As I said, Mr. Speaker, the new Order allows for the Director of Personnel Administration to contract the firm through a state-owned company instead of through the Central Tenders Board.

In the 2007 Order:

“3(d) applications shall be made to the Commission and the Commission shall forward them to the firm;”

The 2009 Order says:

“(c) an applicant shall apply in the form specified by the Firm and shall submit to the Firm his application accompanied by—

- (i) his biography or his résumé;
- (ii) references in the number to be determined by the Firm, with current contact information...and
- (iii) any other relevant information which the firm thinks appropriate;”

The 2007 Order stated that application should be made to the Commission and the Commission will in turn forward them to the firm. Again, the whole intention of the change is to streamline the process and reduce some of the unnecessary details.

Again, Mr. Speaker, what I am underscoring even as I go through clause by clause is that the changes that have been made are designed to streamline the process, make it more efficient, and as a result, reduce that length of time it took us the last time.

In the 2007 Order it says—Mr. Speaker, let me just instead of doing the 2007 and 2009, let me just do the 2009. You see the point about it is that the Member for Princes Town North—

Dr. Moonilal: Go ahead the same way.

Sen. The Hon. M. Joseph: I think I should. Let me do that. In 2007 it said:

“(e) the firm shall—

- (i) establish guidelines for the assessment process and such guidelines, in writing;
- (ii) procure a copy of the Appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2007 and the Order; and
- (iii) in co-operation with the Commission, compile a description of the Police Service and such compilation, in writing,

shall be sent to each candidate at least one month before the conduct of the assessment process;”

The 2009 Order states:

“the firm shall indicate in every advertisement where the following may be found:

- (i) written guidelines for the assessment process;
- (ii) a copy of the Appointment of the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009 and the Appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2009; and
- (iii) a written prospectus of the Police Service, compiled by the firm with the assistance of the Commission;”

Commissioner of Police
[SEN. THE HON. M. JOSEPH]

Wednesday, June 24, 2009

So you see the big difference in the Order? The 2007 Order directed that the firm is to provide the applicants with the various documents and the 2009 Order directs that the firm will indicate where the documents can be sourced.

The 2007 Order mandates that all documents must be provided to the applicant at least one month before the conduct of the assessment process, but the 2009 Order removes that time stipulation. This is more practical; it saves time and money and is in keeping with general recruitment practices. This measure will reduce the time between advertising and interviewing also.

“3(f) the firm, taking into account only the applications received, shall determine an appropriate number of suitable candidates for the assessment process;”

The 2009 states:

“(e) the firm shall select, from the applications received, the most suitable candidates for the assessment process;”

The wording has changed slightly, but the intent and meaning remain the same. The language is a little clearer.

Dr. Moonilal: Less words.

Sen. The Hon. M. Joseph: The 2007 Order, 3(g)

“where a candidate is a senior police officer, at least one of the persons serving on the assessment panel shall be of an equivalent or higher rank or position than the rank or position of the candidate;”

The 2009 Order says:

“at least one of the persons serving on the assessment panel shall be of an equivalent or higher rank or in an equivalent or higher office than the candidate;”

Higher rank/office is now applicable to all candidates and not just police officers. The reason for the change of the composition of the panel is now clear and the issue of a panel member being of a higher rank or office is now generalized as opposed to specific police officers.

The 2007 Order:

“3(h) the firm shall submit the results of its assessment process to the Commission in the form of an Order of Merit List and only thereafter the Commission may consult or discuss with the firm those results;”

The 2009 Order states:

“the firm shall submit to the Commission—

- (i) the results of its assessment process in the form of a short list of candidates and the Commission may consult or discuss those results with the Firm;
- (ii) a report on its assessment of the entire selection process which shall include written recommendations for improvements, where necessary; and
- (iii) in respect of the candidates referred to in subparagraph (i), the following documents:
 - (A) application of the candidate;
 - (B) biography or résumé of the candidate;
 - (C) assessors’ score;
 - (D) assessors’ feedback;
 - (E) medical examination report; and
 - (F) security and professional vetting report;”

The 2007 Order only provided for the submission of the results of the assessment in the form of an Order of Merit List. This has been replaced with the list of documents that must be submitted as outlined in the 2009 Order. This new provision is more practical, efficient and professional. It allows the Commission to have a full appreciation for the process.

A reference to the Order of Merit List formulated by the firm in the 2007 Order is now replaced by the title short list in the 2009 Order. The Commission will create its own order of merit list to avoid confusion, the titles of the short list have been changed.

Dr. Gopeesingh: [*Inaudible*]

Sen. The Hon. M. Joseph: No, the firm is just providing to the Commission a short list.

Hon. Member: And on what basis?

Sen. The Hon. M. Joseph: Well, we will get to that. As we go through, we will see now on what basis the Commission will now convert that shortlist into an order of merit.

Mr. Dumas: So they now reading the Order or what? [*Interruption*]

Sen. The Hon. M. Joseph: The 2007 Order states:

“the Commission shall review the assessment of not more than the top five candidates from the Order of Merit List and subsequently conduct its own interviews with those candidates;”

The 2009 is now saying;

“the Commission shall conduct its own assessment of not more than the five highest graded candidates on the short list;”

The wording changed slightly to reflect the name change of list, but the intent and meaning remain.

The 2007 Order:

“3(j) the Commission may gather such other information on each applicant as it considers necessary and appropriate to determine the merits of his application and suitability for the office for which he is being considered;”

The 2009 Order:

“the Commission may gather such other information on each candidate as it considers necessary and appropriate to determine the merits of his application and suitability for the office for which he is being considered;”

No change, except for the change from "applicant" to "candidate".

Hon. Member: And "short list" to "merit"?

Sen. The Hon. M. Joseph: Yes, to keep language consistent. So while it may seem minuscule, but it is to keep it—

Dr. Moonilal: It is identifiable.

Sen. The Hon. M. Joseph: Yes.

The 2007 Order:

“3(k) where enquiries by the Commission result in an adverse report of a criminal, legal or ethical nature, the candidate concerned shall be given an opportunity to be heard, and may be disqualified on the basis of such adverse report;”

Commissioner of Police

Wednesday, June 24, 2009

3.45 p.m.

3(k)—2009:

“where enquiries by the Commission result in an adverse report of a criminal, legal, professional or ethical nature—

- (i) the Commission shall notify the candidate concerned of the report;
- (ii) the candidate may make representation to the Commission within a period not exceeding two weeks from the date on which he is notified of the report; and
- (iii) the Commission may disqualify the candidate on the basis of the adverse report;”

The 2009 Order now extends the list of adverse reports. It seeks to clarify the procedure for challenging; it stipulates the time for making representations and ensures that natural justice principles are observed.

Okay? So that is the reason for the change.

3(l)—2007.

“the Commission shall then take into account all information on the candidates and select the top candidate, and submit that candidate's name to the President in accordance with section 123(3) of the Constitution.”

3(l)—2009:

"the Commission shall then take into account all information on the candidates and thereafter establish an Order of Merit List."

The highest graded candidate.

3(m):

“the Commission shall select the highest graded candidate on the Order of Merit List and submit that candidate's name to the President in accordance with the procedure set out in section 123 of the Constitution.”

The intent remains, in that one name will be submitted to the President. However, the 2009 Order caters for the establishment of an Order of Merit List from which the names may be chosen to submit to the President. The purpose of the Order of Merit List created by the Police Service Commission is to allow the identification of persons in accordance with merit whose names can be submitted to the President in the event that the initial nomination is rejected. That is a big change.

Commissioner of Police
[SEN. THE HON. M. JOSEPH]

Wednesday, June 24, 2009

The Member for Princes Town North again interpreted all kinds of cynicism in that. It does not, you see, because all that it allows to happen is that the commission now has an Order of Merit List in the Order, so Martin Joseph is the first choice.

Dr. Moonilal: That is a bad example.

Sen. The Hon. M. Joseph: John James.

Dr. Moonilal: We happy with that.

Sen. The Hon. M. Joseph: Jack Warner. [*Laughter*] John James is number one on the Order of Merit List. That name is sent to the President and the President sends a name and that comes to the Parliament. Supposing the Parliament at the end of that is not in agreement, all that the Commission does is to then send the next name on the merit list and it has up to five—assuming that they have five. Then at the end of that, if none is selected, then the whole process starts over. The Member for Princes Town North read all kinds of things. If you listen to him you would swear—and he talked about undermining this and undermining that, et cetera. I do not understand what is the undermining. And when he did not get traction on undermining, he started talking about undermining the DPP and stuff. So we dealt with that.

4. This is 2007.

“the Commission has the right to determine the veracity of any statement or adverse report made to the Commission in relation to any candidate for the offices of Commissioner of Police and Deputy Commissioner of Police.”

2009:

“The Commission may gather such other information on each candidate as it considers necessary and appropriate to determine the merits of his application and suitability for the office..”

Dr. Moonilal: What number is that?

Sen. The Hon. M. Joseph: Sorry. 2009; clause 3(j). Let me just repeat again:

“The Commission may gather such other information on each candidate as it considers necessary and appropriate to determine the merits of his application and suitability for the office for which he is being considered;”

The intent remains the same.

"3(f) The Firm shall ensure that the candidates referred to in paragraph (e) are subjected to best practice security vetting and recent professional vetting;"

This is a new clause that stipulates that the firm is to conduct the vetting.

Dr. Moonilal: What number?

Sen. The Hon. M. Joseph: This is 2009, 3(f).

New, 4(1):

“Where, in relation to clause 3(m), the House of Representatives does not approve of the highest graded candidate on the Order of Merit List pursuant to section 123 of the Constitution, subsequent nominations in order of merit may be submitted to the House of Representatives from the Order of Merit List only in accordance with the procedure set out in the Constitution.”

This is a new clause to give effect to the need for the procedure where the name submitted to the Parliament is rejected. Okay?

4(2):

"4(2) Where the Order of Merit List is exhausted, the process set out in this Order shall be recommenced."

Which is a new clause and, of course, that is self-explanatory.

Dr. Moonilal: That is the danger.

Sen. The Hon. M. Joseph: What is the danger?

Mr. S. Panday: You will play until you get your candidate.

Sen. The Hon. M. Joseph: “4 (3) With respect to the nominations submitted in accordance with the procedure set out in section 123 of the Constitution, the Commission shall also submit a dossier in respect of each candidate so nominated.”

This is a new clause to give effect to the Opposition's request for information that will inform the selection. Okay? No cynicism, Member for Princes Town North.

4(4):

“4(4) The dossier referred to in subclause (3) shall contain the following:

- (a) application of the candidate; and.
- (b) the biography or résumé of the candidate.”

And that is self-explanatory.

Dr. Moonilal: What about a lie detector test.

Sen. The Hon. M. Joseph: That is self-explanatory.

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

Which also is a new clause and I guess that is self-explanatory.

“6. Notwithstanding this Order, if, for whatever reason, the office of Commissioner of Police or Deputy Commissioner of Police becomes vacant, the Commission may nominate a candidate who was previously assessed in accordance with clause 3, if the Order of Merit List is still valid.”

And that new clause is also self-explanatory, again, all designed to improve the process. As I said, there were concerns expressed about the length of time it took as it relates to the last process and, again, the changes, the amendments to the order are designed to enhance the process.

I hope that we have justified on this side why the changes have been recommended and it is imperative that we push ahead with the approval of these orders so that the implementation phase can resume as quickly as possible and that the Police Service Commission is given the opportunity to recruit the most suitable person to be the Commissioner of Police.

I am now required to respond to some of the issues raised by the Member for Princes Town North who is saying that the PNM does not care about crime, et cetera. Hon. Members, There is no gainsaying that we have said that crime and violence continue to be the number one challenge facing this country. There is no question about that, and we do not relish the fact that we have not, notwithstanding our best efforts, been able to manage the crime and violence in the manner in which we would like. I know the headlines are going to be tomorrow: “Minister of National Security said the Government thing collapse; things fail”, and all kinds of stuff.

Mr. Speaker, I have said over and over—the Member for Tabaquite tells me he does not like to hear me come and lecture; he does not want to hear any more lecturing, et cetera, just go out there and do things. But, Mr. Speaker, what are the major causes; what are the challenges that the environment is showing that law enforcement must deal with it? There are two strategic issues. The first issue is our location. You know, the State Department just issued some report where they put us on a Tip report, et cetera, and they said a couple of things, one of which was that we need to introduce intercept legislation in short order; that we need to

introduce legislation to incorporate—Mr. AG, what is the correct word with respect to SAUTT? Is it “incorporate”. We need to bring legislation as quickly as possible to enact. But they also said that our strategy as it relates to an understanding of what is propelling the unacceptable levels of crime and violence is understood, and that the Government is taking steps to deal with the first one, the question about reducing the inflow of drugs and guns coming into the country.

I have said over and over, when we deal with the police, the police have said to us in no uncertain terms, find ways of reducing the inflow of drugs and guns coming into the country—critical. Now what are we doing as far as that is concerned? We are investing huge sums of taxpayers' money in making sure that the coast guard which is the agency responsible for protecting our shores and helping ensure that we control the inflow of drugs and guns—when we came into office in 2001, the coast guard had 14 vessels in the water and operational; one 60-metre vessel, which was the *TTS Nelson*; two launches of 45 metres; five patrol boats of 27 metres; one auxiliary vessel of 27 metres and five small boats approximately 13 metres. That was 14 vessels in the water. Over the years, to date, there was an increase of 17 small vessels, two interceptor vessels at 40-feet in service in April 2005; three interceptor vessels, 40-feet, in service in May 2006; two coastal patrol vessels—interim vessels, 46 metres, in service in 2008; 10 interceptor vessels, 34 feet.

The Member for Oropouche East is asking what the murder rate was then. What was the environment then? What was the inflow of drugs and guns coming from South America influxing into the country? The environment is different and as a result—[*Desk thumping*] he needs to understand the responses have increased—

Mr. Speaker: Hon. Members, the speaking time of the hon. Minister has expired.

Motion made, That the hon. Minister's speaking time be extended by 30 minutes. [*Hon. C. Imbert*]

Question put and agreed to.

4.00 p.m.

Sen. The Hon. M. Joseph: Mr. Speaker, thank you very much. My strategy was the appropriate one to deal with the Orders first. [*Crosstalk*] The number of boats that we have put in the water since we have come into office is 17. Three offshore patrol vessels (OPVs) are due for delivery in February, May and November 2010. When these OPVs are delivered we would have a better handle

Commissioner of Police
[SEN. THE HON. M. JOSEPH]

Wednesday, June 24, 2009

and ability to manage that inflow that I spoke about of drugs and guns. We are also getting six fast patrol vessels which will be delivered in 2009; six fast interceptor craft by the middle of 2010 and four medium-sized helicopters. We have been saying that our 360 degrees radar system allows us to see the pattern of movements around Trinidad and Tobago.

We were able to see but could not act in the way we needed to act. It is one thing to see and the other thing is to intercept. We would be in a position when we assemble these naval assets to reduce the inflow of drugs and guns coming into the country. To say that the—[*Interruption*] Of course things will get better! There is no question about that. To say that the Government is not interested and does not care, that is not so. The first major concern is to deal with the reduction in the inflow. The second is to build the capacity of law enforcement.

We are now asking the police service, law enforcement to operate in a changed and changing environment. I think that every Member of this House knows because they interface not just with police, but also all kinds of institutions and they realize that our institutions need to be modernized. The PNM is going about modernizing. Do you not think that we would have liked to modernize a little faster? I for one—and again you will hear that I should be fired. I remember saying one time before that the extent to which the change was supposed to have taken place was taking a little longer. He should be fired because he did not know the extent of the challenge. I make the analogy when you go to repair a house. You get in there and you do not expect to see—as you start doing things you start seeing other things.

They make an issue about Mastrofski and this plan and this other plan. TT \$80 million over four years. When you look at the expenditure associated with running a police organization, in 2008, it was \$1.3 billion. When you look at overtime, it was \$176 million. The investment in bringing someone to help identify what is necessary to transform the police service is an investment well spent.

Mr. Speaker, "let meh tell yuh" something. I know that I have answered this in Parliament over and over. We are now starting to modernize. We have CAPA and the Homicide Bureau. We have put mechanisms in place in the police service so that the police service can start making its move. It is taking a little longer but we are convinced that what we are doing in terms of building the capacity for law enforcement—and not just for now, you have to build law enforcement capacity to deal with the future. You are talking about cyber crimes and all kinds of challenges that law enforcement will be exposed to. We are investing in ensuring that we build the capacity of law enforcement.

One of the initiatives in law enforcement is the question about the model station. When we introduced model stations people were saying, what model station? You are basically trying to change the way in which the police are doing business. We are coming out of an environment where it was "we against dem". We are talking about modern policing. We indicated that the initiative was taking place in five model stations. Only this month the ministry was provided with the community survey result. I had something on the methodology used for 3,000 citizens in the model stations and in what is referred to as the comparison stations were interviewed.

The model police stations survey is one element of the evaluation for Trinidad and Tobago Police Services Transformation Initiative. It provides a set of community-based indicators for model and comparison station districts at baseline in 2007 and again in 2008 and 2009, to assess changes as the model stations' implementation is rolled out. This Year 2 progress report presents indicators of model station accomplishments in the first two years of the implementation and indicators of challenges that remain to be addressed in the subsequent years.

Just a reminder, the five model stations are West End, Morvant, Arouca, Chaguanas and San Fernando. The comparison stations are St. James, Belmont, Arima, Couva and Princes Town. The survey was conducted during the period January 03, 2009 to March 16, 2009. The sample size is 3,000 citizens. Police presence and public safety, increased public visibility, police better known and residents feel safer. This is not the Ministry of National Security saying this. This is the result of 3,000. Crime thought to be less likely; one year gains slipped a bit in year two. I will make the results of this community survey available to all Members. The survey was conducted by Roger D. Parks, a consultant whose responsibility was to conduct the survey.

With each one, police visibility in all the model stations and comparison stations, the persons who participated in the survey said that as it relates to visibility we are seeing an increase in police visibility; increase in the number of police who work in the community and safety at home alone and after dark. In the model stations it is safe walking alone in communities. I saw that there was an initial increase in 2006; a kind of stalling in 2007 and in 2008 a picking back up. The model station initiative requires an adequate number of police officers, vehicles and patrols seeing police officers not staying in the police stations, but going out and patrolling. These patrols are based on information that comes from CAPA as it relates to where crimes are likely to take place. You are seeing a change albeit not as rapid as we would have liked to see it, but the seeds are being planted and we would see an improvement in some of the areas.

Commissioner of Police
[SEN. THE HON. M. JOSEPH]

Wednesday, June 24, 2009

The Member for Princes Town North talked about the question of murders. We have not shunned from recognizing the situation. The fact is that the murder rate in 2008 was significantly higher than 2007. To date, it is higher than 2008 and also 2007. The police is working with the mechanisms available to them so that there can be some increase. In the response we are seeing a slight improvement in detection of murders. In 2007 we had a detection rate of 27.3 per cent. In 2008, there was a detection rate of 18.8 per cent. All this is same time comparisons. In 2007, January 01 to 23 June 2007, we had a detection rate of 27.3 per cent. January 01 to June 23, 2008, a detection rate of 18.8 per cent and January 01 to June 23, 2009, we see a slight up tick, a detection rate of 21.7 per cent. We are seeing a slight movement in that direction. We will continue to provide the resources to ensure that all law enforcement agencies are provided with the resources necessary so that this war against crime can be won.

Thank you very much.

Mr. Jack Warner (*Chaguanas West*): Mr. Speaker, I had not planned to attack the Minister of National Security because I know that he has been attacked left, right and centre and quite justifiably and I did not want to add to that. I could not sit here and hear him make some points and his concluding remarks in his contribution without saying something about them. I did not want to come here to do that.

In fact, I was reading a newspaper sometime last week or week before and in the editorial page a letter was written. Two lines! "Why are you attacking the Minister of National Security? The man has done nothing." Two lines. I felt that those two lines were the best I have ever read for a long time. I planned not to say anything. Then, I have come here today and I heard the Minister of National Security in his concluding remarks try to convince us that crime is being taken seriously by his Government.

He said that there are two issues which of course affect crime. One is location he says, with the inflow of drugs and guns into the country and his Government has to find ways to stem this inflow of drugs. He gave us some figures of vessels that were here in 2001 and how many vessels they have now. Of course, he said that with these new vessels they would now have a better ability to manage the inflow of drugs. I was sitting here and I said to myself empty vessels really make the most noise.

The fact is not so much how many vessels you have or bring into the country. You brought in blimp, not one but two. Nothing was done. You have 360-degree radar screen. Nothing happened. It is not how many vessels you have brought in the country. It is not what you have, but it is what you did with what you have. As a consequence, what is the result? If the Minister came here this afternoon to

regale us with his figures and tell us those facts and figures and give us some hope that crime is under control, I tell the Minister that he has not impressed the country nor us.

The Minister said that the second thing was to build the capacity of law enforcement and that the law enforcement officers now have to operate in a new area. He said that they have to accommodate change and the PNM, his words were "will modernize the institutions of the country". The PNM will modernize the institutions of the country to fight crime. The PNM "cyah even geh ah" wheelchair in Parliament.

4.15 p.m.

You cannot modernize Parliament; you want to modernize the country, institutions and the police stations. The Minister had the gall to talk about Chaguanas. I was there yesterday. I do not care what name they call me—PNM agent, dissident—they can call me what they want. What I will tell you is that I service my constituency well, better than many. I will tell you about Chaguanas Police Station in a few minutes.

Mr. Minister, I do not want to be offensive; you are a very nice guy. I have not met a nicer person, but not for Minister of National Security. You say that you have this model police station. All I ask is that you do not give us model police stations, but model policemen and women. You tell us that the only year the statistics went down was in 2007. I sit here and hear you say that 2006 was not too bad; 2007, it went down; 2008, it was not so bad and 2009—how could you go down in an election year? If I were in government, that is the year I would go up.

I know this is my maiden speech on the Back Bench. I know that the last time my colleague made his maiden speech on the Back Bench, there was a mass exodus. If it happens, I apologize. I tell you, that kind of disrespect I do not entertain, so I thank you very much.

Mr. Speaker, I do not like the comments the Minister made to fool us. Let him tell us that he has tried and failed; that he is incompetence personified; that he cannot do any more, and let him go to Mr. Manning and say that he wants to be relieved. The country will breathe a sigh of relief.

Let me come to the Motion. This Motion provides an opportunity for Members of Parliament to exercise their constitutional responsibility towards the population in ensuring that the police service of Trinidad and Tobago is outfitted with the best leadership, guidance and management. Therefore, based on that, I feel I have an obligation to the people of Trinidad and Tobago, especially to the

Commissioner of Police
[MR. WARNER]

Wednesday, June 24, 2009

people of Chaguanas West—Felicity, Charlieville, Marching, La Paille Village—to join in this debate and, therefore, I am proud to do so. I thank you for the intervention.

In the last eight years, over 2,000 persons have been murdered in this country. Last year, the Minister admitted that there were 550 murders.

Mr. Imbert: Mr. Speaker, Standing Order 36(1), the matter before the House is the Selection Process Order—relevance.

Mr. Speaker: The Member has just started his contribution; let us give him a little time. I am sure he will get to the Order.

Mr. J. Warner: I was merely responding to the Minister's comments at the end of his statement.

These are serious issues. The Minister himself told us about gangs. We know this, but in this type of hostile environment our people live in fear and the appointment of a commissioner of police and a deputy commissioner of police and the process of that appointment is very serious indeed.

This Motion is relevant and important because over the years the Government has demonstrated its inability to fight crime. We know about all the plans, Mastrofski and so on. The fact that we have to come here and debate the process of selecting a commissioner of police and a deputy commissioner of police is because crime is high on the agenda.

For years, we have been calling, not only for reform in the police service; not only for reform in the selection process of the commissioner and deputy commissioner of police; for years, we have been calling also for the entire review of the arrangement by which the top-level policemen are selected. We are calling for a review of the recruitment and training and are asking for constitutional reform. If we do that, then we are talking also about the selection process of the commissioner and deputy commissioner of police. It would not be a piecemeal attack, but a holistic one.

In 2008, the choice of the Police Service Commission for the position of Commissioner of Police was rejected by the Prime Minister and his Government. As far as I am concerned, that was the most obscene political interference I have seen in the independent workings of any institution in this country. I am talking about the Police Service Commission. Up to today, because of that, we do not have a commissioner of police; we have an acting commissioner of police. Therefore, the manner in which we appoint a commissioner of police is a serious cause for concern.

I refer to an article by one Naline Seelal in the *Newsday* dated Monday, June 08, 2008. The headline is: “Govt’s choice for CoP turns down job”. The article talks about a foreigner who said he came for the job; he was qualified, Louis Vega, and he turned it down. He said:

““On Friday I decided to decline the position and remove myself from any further contention. I did this based on the fact that I did not want to be the cause of additional controversy for the country because I am aware of all the controversy going on’—He “ain’t” see “nutten” yet—“and I did not feel it was fair for the country and the current administration to have to go through another controversy,’ said Vega.”

He said he was the man for the job. He was selected. Vega went on in the same article and said:

““I was the selected person for the Commissioner of Police and when the job was offered to me one month ago, initially I accepted it’... ‘I applied for the job because I have the knowledge base to deal with the spiralling crime which seems to be a disease in this country.’”

Vega continues:

““I also felt that I could help the police to stop the killings, because I felt that based on my experience that I would be able to help and maybe give different directions to the police service and other elements of the community, to directly combat the ills that affect the country.”

How is the Commissioner of Police selected presently under the law? Section 6 of the Constitution (Amdt.) Act, No. 6 of 2006, which confers power on the Commissioner of Police to control and manage the police service and for other related matters, says:

- “(3) The Police Service Commission shall submit to the President a list of the names of the persons nominated for appointment to the offices of Commissioner or Deputy Commissioner of Police.
- (4) The President shall issue a Notification in respect of each person nominated under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives.”

We, of course, come today to the Act 2009 where the process is now to be changed. I want to say that there are five arguments I shall outline this afternoon against the process of selection as set out in this Order.

Commissioner of Police
[MR. WARNER]

Wednesday, June 24, 2009

Argument one, Mr. Speaker, because the Act gives unfettered power to the Director of Personnel Administration, who seems to have this power to appoint a firm of his choice, local or foreign. I ask the question: Whom does the Director of Personnel Administration consult in determining the firm? The Act does not say whom.

I go further and ask the question: Could, in this instance, the Director of Personnel Administration be acting under the instruction of the Minister of National Security? We already know—I see the Attorney General has left—I am advised that the Director of Personnel Administration, in protecting the firm, would take advice from the Prime Minister.

Mr. Imbert: Bad advice. Would not be the first time.

Mr. J. Warner: I say that I am advised. Bush lawyer. Okay.

I said already that we have read that the Attorney General and, of course, the Director of Public Prosecutions have all kinds of “khoochoor”. People who do not know “khoochoor”, come to Chaguanas West. It is confusion. We know therefore that this is possible. I ask the question: If not the Prime Minister, can somebody tell me whom? If it is the Attorney General, will the Attorney General instruct the Director of Personnel Administration?

The service commission is an amorphous body. I say, therefore, there is no safeguard that the Director of Personnel Administration would be independent and immune from political interference. Furthermore, there is a strong possibility that the Director of Personnel Administration can be interfered with politically in choosing the firm.

We, of course, can never forget the chronology of events which led to the appointment of Stephen Williams and then, of course, the non-appointment of Stephen Williams. We are aware of the chronology of events. Therefore, I say that if this can happen—you know what is great, when Mr. Williams was recommended by the Police Service Commission, Trevor Paul resigned. The Public Service Commission then named an acting commissioner of police and pulled the name of James Philbert out of a bag.

4.30 p.m.

Let me say here that Mr. James Philbert is a top class police officer and it had nothing do with his ability and so forth. I am saying that the Police Service Commission recommended Stephen Williams, and there was a vacancy to act in the post. The fact is that Stephen Williams was good enough to be recommended for the post, but he was not good enough to act in a temporary capacity.

Mr. Speaker: Hon. Members, at this point, the sitting of the House is suspended for tea and we will resume at 5.00 p.m.

4.31 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Mr. J. Warner: Mr. Speaker, when we took the tea break, I was saying that Stephen Williams was good enough for the post of Commissioner of Police, but not good enough to act in the post, and I found that to be irrational, illogical and intellectually unsound. Again, I ask the question: How can one be good enough to fill a position permanently and not be qualified to act temporarily. That beats me. As such, it gives the impression that there was some interference with the job of the Police Service Commission and that its independence was compromised.

My second argument against the process is—

Hon. Member: Where are your Members?

Mr. J. Warner: My Member is here. [*Laughter*] Leave me alone. I apologize to the Speaker for the mass exodus when my Member made his maiden speech. I told him in advance that if it happens to me, I want to apologize in advance. So, I apologize.

Mr. Manning: On whose behalf?

Mr. J. Warner: The UNC Alliance of which I am the chairman. “You eh see nothing yet.” Mr. Speaker, I am sorry.

Mr. Speaker: I am enjoying it.

Mr. J. Warner: If the Prime Minister knows what is good for him, he should call it now. Minister, you may have felt that I was hard on you just now, but is West End Police Station a model station?

Hon. Joseph: Yes.

Mr. J. Warner: Mr. Minister, do you know that a woman was shot and killed by carjackers in the West End Police Station about an hour ago while we were here? Minister, do you know that her car was carjacked and she drove off the road to the West End Police Station where the bandits/kidnappers shot her dead in the police station yard? Mr. Minister, I am saying that it is not a personal attack, but it is because crime is serious. If you cannot do it, then you cannot do it.

The second argument I have against the process is that the process disempowered the Police Service Commission by putting a firm to be chosen by the DPP to begin the selection process. What has been done is that the Police

Commissioner of Police
[MR. WARNER]

Wednesday, June 24, 2009

Service Commission has been emasculated. You have removed some of the powers from the Police Service Commission, and since you cannot control them, you put another body in place which you want to control. What you have done is eroded the independent thinking of a body that was established under our Constitution.

I refer now to an editorial dated May 25, 2009 in the *Trinidad Guardian* and it says:

“Pastor Clive Dottin has threatened repeatedly to resign as a member of the commission, if their nominee for the post is rejected again.

Dottin's annoyance is further prickled by the lazy pace for the reactivation of the process for the selection of a Commissioner and Deputy Commissioner of the Police Service.”

Mr. Speaker, the editorial further states:

“The new Order of Merit List speaks to a serious failure in the succession planning in the Police Service, and a troubling lack of confidence in the capacity of the Police Service Commission to select appropriate replacements for Philbert and Reyes.

Crime, meanwhile, is not waiting on the Government to sort out these matters, and will only thrive in the chaos that reigns in this selection process.”

Mr. Speaker, my third argument about the process is about the appeal. Mr. Speaker, is the decision of the DPP and its choice of a qualified firm subject to review? The firm that is chosen, is it subject to appeal? Does the Parliament have a say in the process? I read a book called *The Firm* written by John Grisham, and if that is the kind of firm that we are talking about, we are in serious trouble.

Mr. Speaker, my fourth argument concerns transparency and accountability. Section 3 of the Order states:

“The Director of Personnel Administration...shall contract a firm experienced in conducting assessments of senior police managers to conduct an assessment process...”

Mr. Speaker, what for me is frightening, is that the Order is definitely silent on the qualification on which the firm must be vested. What must be the firm's qualifications? It is not there.

Hon. Members: It is there.

Mr. J. Warner: Find it. More important also is that the Order does not say what kind of special skills or expertise the firm must possess. Therefore, if what I am saying is correct, until my friend checks it, it is very easy, Mr. Prime Minister, to appoint some party hacks in a firm. It is possible. I have to guard the public and the constituents of Chaguanas West.

Mr. Speaker, the Prime Minister, on Friday, November 18, 2005, said:

“The method and criteria for the appointment and removal of members of the Police Service Commission, Commissioner of Police and the Deputy Commissioner of Police would be changed and a new system legislated.

In this regard, while the further discussions will take place between both sides, it was agreed that the method and criteria for the appointment and removal of the Commissioner of Police and the Deputy Commissioner of Police are of paramount importance.

I continue with the Prime Minister’s quote and he said:

“The processes must also ensure transparency as the systems of appointment and removal must result in the best persons being appointed, while providing a mechanism to allow for a non-performing Police Commissioner or Deputy Commissioner or even a Police Service Commissioner to be removed without detriment to the service.”

5.10 p.m.

Mr. Speaker, I say today that these words of the Prime Minister, as far as I am concerned, tell me that the Prime Minister is talking the talk, but he is yet to walk the walk. There is no transparency. In fact, this selection process is shrouded, for me, in more mystery and I ask: Oh, transparency, where art thou?

My fifth argument and one raised by the hon. Minister of National Security—I want to commiserate with him with what happened this afternoon at West End Police Station. It was said here by the hon. Minister that the process that they had in the old Act in 2006, was too long. I want to suggest to the Minister that this process is even much longer.

This process begins with the Director of Personnel Administration having to find a firm, the firm then begins the assessment process; then the firm does a short list and sends the list to the Police Service Commission, that conducts another round of enquiries, having to go back and consult with the firm if possible and then create an order of merit list, which then comes to the House; that process I humbly put to you, is too long and time consuming. While we fiddle with appointments, murder, rape and gang warfare run supreme.

Commissioner of Police
[MR. WARNER]

Wednesday, June 24, 2009

I have a serious problem also, in the fact that if even in this House by some means we were to get the selection process right, that would not help to solve the crime situation that has gone mad. Crime has gone mad. The selection of a commissioner of police is a mere grain of salt in an ocean of mismanagement. Issues of national security continue to pervade this land and in any event, there are many other areas—which I would not, of course, force you to have to correct me—where we have crime that is worrisome.

In my own Chaguanas West constituency, I tell you, Felicity, Charlieville, La Paille—yesterday, my colleague and I toured Chaguanas and what we saw for a court was a crime and you have a courthouse for which rent has been paid for four years—is crime. We walked through the marketplace, a crime; Chaguanas Health Centre, a crime; the police post in Chaguanas churchyard, guarding Chaguanas police station, a crime. So, a selection process will not solve that. When we left there we went to a place called Ashraff Road in Chaguanas West. This is a crime and I ask myself: How could the selection process affect this? This is Ashraff Road. I am saying that there are some serious problems.

I want to end by saying that we need to go beyond the selection process so as to have the police service right. I say it again. We need to go beyond the selection process to have the police service right. The selection process, if even it is transparent, will come to naught because we do not have a large cadre of police officers from whom to choose.

In United Kingdom, police officers—and the Minister is not here, I am sorry—of all rank are made to attend courses that equip them for the office. Officers are exposed to various international law training courses. Interpol in Geneva, Scotland Yard in England and these courses help them. So, when you have a selection process you have a large cadre of persons from whom to choose. In Trinidad and Tobago, that is not the case. Therefore, I am saying we have to correct that.

In Connecticut, in the United States, there is a police officer training college where they train their police officers and they provide them with high quality basic training so as to make them better police officers. Therefore, when they are selecting their officers they do not have a problem, because they have a large cadre of officers from whom to choose.

Mr. Speaker, the police academy in Tasmania does the same. They are trained in internal police policies, procedures and so on, and they do some serious training. Also, in Tasmania, the police officers there, large cadre, so you could select from them quite easily. In Ontario, Canada, the chief of police to be selected must be a sworn police officer who also is trained.

Therefore, we must ask ourselves, before I conclude, how are police in other jurisdictions trained. If we do that, it would help us and we must go back to the United Kingdom. I am sure the Attorney General, who just came back, would have it quite easy to tuck and tag the United Kingdom to see how they do it, but in case the Attorney General does not have the time, I will tell the Attorney General. In the United Kingdom before giving the Queen a recommendation to appoint a commissioner, the Home Secretary in the United Kingdom shall have regard to any recommendations made by the Metropolitan Police Authority.

The process in the United Kingdom to select an officer, a commissioner of police is as follows: a Joint Home Office and the Metropolitan Police Authority advertise in the *Police Review* and in the *Times*; applications come to them, which they vet; a selection panel chaired by a chairman selected by the Metropolitan Police Authority (MPA), that panel is comprised of members of the MPA, the Home Office Permanent Secretary and one of the officers of Her Majesty's constabulary. They sit, have interviews with candidates, and they put forward recommendations to the Home Secretary. These recommendations reflect the representation of the commissioner of the MPA.

Mr. Manning: Mr. Speaker, I thank the hon. Member for Chaguanas West for giving way. He did say a few minutes ago that in the United Kingdom a recommendation to the Home Secretary. What then is the Home Secretary's responsibility in this matter?

Mr. J. Warner: The Home Secretary in the United Kingdom is similar to our Minister of National Security. It is a fact and the Minister in turn then sends it across to her majesty. *[Interruption]* Okay, then tell me what is correct.

Mr. Manning: Let me put it in a different way. Does the Home Secretary have a veto or not?

Mr. J. Warner: I am not aware of what he has. You could tell me.

Mr. Manning: Let me advise you, the Home Secretary does have a veto.

Mr. J. Warner: Does that make the system flawed?

Mr. Manning: But that is precisely the system you condemned here and caused us to change. The Prime Minister had a veto, and you all said you do not want that, but now you are extolling the virtues of the British system.

Mr. J. Warner: Then I was not here. *[Laughter]* In the Cayman Islands it is different. If we do not get this right it will affect our children, our children's children and even some Summit babies that have yet to be born.

Mr. Maharaj: Summit babies?

Mr. J. Warner: Summit babies. I know what I am talking about, you know. All I ask the Prime Minister and his Government is to get the selection process right.

I thank you.

The Minister of Public Administration (Hon. Kennedy Swaratsingh): Mr. Speaker, I thank you for allowing me to join this debate. I must confess on the outset I have gotten no clear reason as to why we are actually having this debate this evening. [*Desk thumping*] Because the argument that we are holding back the process means that we should not be having this debate and we should let the Order stand and go through as it is currently written. [*Desk thumping*]

I must respond to the five reasons as put forward by the hon. Member for Chaguanas West. Let me also from the outset respond to a couple of things that he remarked. One of the projects that the Ministry of National Security has in its purview, is a communications amalgam of the current existing platforms that they have under its guise, so that the radar system would be integrated as the Member for Chaguanas West raised, with the land communication network allowing for a more effective tasking. In fact, it would be linked to all the existing systems, customs and excise, radio communication, radar and so on, and an integrative approach to the communications platforms that exist within the purview of national security. I just want to allay that fear.

I am trying to understand when the Member for Chaguanas West spoke about the DPA on one hand and the emasculating of the police service commission on the other hand, that I do not know if he had listened to the advice of the hon. Member next to him. The DPA reports to the Police Service Commission; the DPA does not report to any Minister. The DPA is appointed by the commission and therefore, the DPA provides the secretarial support for the Police Service Commission places.

Mr. Warner: I want to get it right. You are saying that the DPA reports to the Police Service Commission?

Hon. K. Swaratsingh: You are very right. The DPA is a creature of the commissions. The DPA serves the Public Service Commission, the Police Service Commission. The DPA is a creature of the Commission.

Mr. Maharaj: Under what ministry?

Hon. K. Swaratsingh: Under no Ministry. [*Interruption*] No, that is not true.

Mr. Manning: Mr. Speaker, I thank the very distinguished Member for St. Joseph for giving way. The DPA and the Prime Minister have no nexus. In fact, I have met the DPA within recent times at a public function, but I had not had any contact with the DPA outside of that. It is the reality. The DPA reports to the Service Commissions.

Hon. K. Swaratsingh: I am really confused as to how we could speak about emasculating the Police Service Commission on one hand and talk about the DPA in such disparaging tone in the other, because by doing that you are emasculating the work of the commission.

In fact, I would suggest that the work of the DPA on behalf of the commission is at the purview of the commission and therefore, once a firm is selected as this process indicates— In fact, what the process seeks to do is to minimize the amount of time the DPA would spend trying to move the transactions forward and to contract the firm, and that is one of the reasons why in the selection process it spoke about also allowing part of the selection process to be done via a special purpose company, not only through Central Tenders Board, so that there is greater room for the DPA to have a wider avenue of getting the job of the commission completed within a requisite period of time.

5.25 p.m.

I would humbly suggest that the work of the DPA in that regard is strengthened by this Order, not diminished by it. I would also further suggest that in doing this new Order we are also looking at a mixture of qualification and experience or experience alone to widen the pool of candidates available, as was suggested by the Member for Chaguanas West. What we are trying to do is to find the best person and that is one of the reasons why there is a merit list. In case you do not find the best person—I take real deference to the view that whoever the commission sends we must accept.

That is one of the reasons why in the process Parliament has the final say, so that Parliament could determine whether the person sent by the commission—we cannot interfere with the work of the commission—is, in fact, the best person for the job. That is one of the reasons that merit list in the process is so determined and detailed, so if the first person on the list is not given the nod by Parliament, rather than redo the process it goes to the next person until the list is exhausted and the list has a lifespan—as I vaguely remember—of one year. That is one of the reasons why, if during the course of the year a commissioner is to be relieved of his responsibility for one reason or another, once the life of the list is still valid the commission can send for the next person.

Commissioner of Police
[HON. K. SWARATSINGH]

Wednesday, June 24, 2009

So, the whole process, this time around is meant to create greater flexibility and not have to redo the process every time there is an issue, but in doing so we are trying to give the DPA and the commission greater flexibility in what they have to do, but also the Parliament, in selecting the person will have choices at their disposal.

I want to reject this Motion outright; in my own view, I feel that we need to just dispense with this Motion and let the commission get on with its work. [*Desk thumping*]

Why are we saying that we are holding back the process when we are having this debate? The process is quite clear and therefore all should reject this Motion and let us get on with selecting a Commissioner and Deputy Commissioner of Police.

When I listened to the Member for Chaguanas West talk about the situation in Chaguanas, I want to tell him that we would gladly entertain a motion of no confidence in the Mayor of Chaguanas if he were to bring one. [*Desk thumping and laughter*]

Mr. Warner: I will tell him at the end.

Hon. K. Swaratsingh: But I am only being facetious.

Mr. Speaker, really and truly crime is everybody's business. We on this side— as the Minister of National Security rightly said on several occasions—are not happy with the pace at which things are going. We would very much like to see a reduction in all crimes. We believe therefore, and I really want to take issue with the statement that the Member for Chaguanas West made—even if we get the process right it will not solve crime—"crime gone mad".

I think it is quite important for us to one, not only get the process right but also ensure that there are the right people at the helm of managing the police service. The police service over the last four years or so had been involved in a transformation exercise. It will take time to build the kind of force we need for the future, but we have invested, we are working very assiduously to ensure that not only the management of the service is right, but that the attitudes of those within the service also fit what we want for the future.

We are also ensuring that no effort is spared in giving them the resources required to ensure that they have all the tools to do their job. We have done over the Training Academy, we have increased the use of technology and we have over 500 cameras across the country.

Dr. Moonilal: And they are not working.

Hon. K. Swaratsingh: For those who say they are not working I invite them to commit a crime in front of one.

Dr. Moonilal: But people did, it was reported in the newspapers.

Mr. Dumas: You believe everything you read in the newspapers?

Hon. K. Swaratsingh: We are also bringing in the automated fingerprint identification system where we are using biometrics as well and getting rid of the existing system that we are currently using.

Mr. Speaker, we are doing a number of things to ensure that we modernize the service and that is why I would like to make sure that as a country, we understand that crime is everybody's business. They tend to think that we on this side are happy with the level—we are not. We are not happy with the levels of crime. We have a plan, and we believe that this plan will succeed. It is taking longer than we would have anticipated, but we are doing all that we can to ensure that we are bringing the right kinds of resources to minimize the areas where we are most vulnerable, to modernize the service, to modernize the systems within the service, to link it to other systems that exist, using the best technology that is available to us.

So, Mr. Speaker, when they say that given these efforts crime will not improve, that is a view that we do not share. We believe that as we continue to make sure that we make available to all the institutions that are coming, to ensuring that the police service is where it should be, that all the pieces of legislation that we have passed—in fact, the Police Service Commission and the police service as a body is the only service where they have complete control over its human resources. The Permanent Secretaries do not have the powers of a Commissioner of Police, because the Permanent Secretaries are still subjected to the Public Service Commission in ways that the Commissioner of Police is not subjected to the Police Service Commission. So, it is quite important given these expanded powers, that the selection process throws up the best candidate for the job of Commissioner of Police. That is the reason why the Minister of National Security took the pains he took in ensuring that this process is viable, it is flexible and can work, given the circumstances that we face today. [*Desk thumping*]

I was asked not to be too long this afternoon because there is no point to this Motion, and even the mover of the Motion is not in Parliament now. In fact, he himself realized that there is no point to the Motion [*Interruption*] and he spoke everything else but this Motion. [*Interruption*] So, thank God for the Member for Chaguanas West, at least he came and spoke about the Motion. Thank you for that, Sir.

There are those who would want us to believe that this Government has done nothing towards solving crime in our country; that every time we speak, if we do not mention crime that we are not committed to crime, not committed to making

Commissioner of Police
[HON. K. SWARATSINGH]

Wednesday, June 24, 2009

sure that we look after and alleviate the crime situation. All the institutions of our country and all the efforts of this Government, whether it be in the social sector, in education, in national security, in every area of Government's activity, it is to ensure that this country moves forward to the place where we are able, not just to combat crime but to alleviate poverty, to increase educational opportunities, to shift the mindset of our population to where we can all now become productive and contributing citizens to the development of our country. That is why all of these collective efforts will impact on crime.

Crime did not suddenly dawn on us! It was not as if it suddenly arrived, so as a consequence we need to ensure that collectively, as a Government and as a people we continue to put the systems in place to give the young people coming up increased opportunities of employment, of education, of discovering themselves and discovering their fullest potential. All of these things will redound to the benefit of our country and a reduced crime situation down the road. These are efforts that will not bear fruit today or tomorrow, but we have to believe that as we continue to do what is humanly possible in transforming the police service, building up institutions, creating new systems, creating increased opportunities and employment, that collectively all of these will lead to a better citizen at the end of the day.

When we think in terms of this selection process therefore, the selection process is meant to create a wider pool of candidates, a shortened process and in fact, from a human resource perspective, one of the reasons why the four months was too long—because sometimes when persons apply for a job, if they do not move very quickly to have the interviewing process the person may not be available when interviews come around. So, you need to have the flexibility—it was not that it was seven days; it was no less than seven days. So, the process is meant to give the greatest flexibility so that those who are managing the process can manage it in such a way where they have available to them the best pool of candidates.

So, I humbly suggest, Mr. Speaker, that we reject this Motion and that we allow the service commission to do their job and have in its place a Commissioner and a Deputy Commissioner of Police.

I thank you, Mr. Speaker.

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Mr. Speaker. I want to begin by congratulating the Member for Princes Town North [*Interruption*] to whom we owe a debt of gratitude, who has brought this Motion before us today.

The Member for Princes Town North should be congratulated in identifying this issue and bringing to the attention of the population some of the issues

relevant to the selection process for the appointment of a Commissioner of Police and for putting on record our concerns and the nation's concerns as they relate to the appointment of a Commissioner of Police. So I wanted to begin on that note.

Generally, when we participate in debates, it is really our obligation to respond to contributions on the other side and with your leave I would seek to do this, but after I heard my friend from St. Joseph, I thought I was listening to a Government Information System Programme, because the—what is it?—GIS, gives this generally rhetorical—

Mrs. Gopee-Scoon: High standard.

Dr. R. Moonilal: You are right, high sounding—

Mrs. Gopee-Scoon: High standard.

Dr. R. Moonilal: High sounding commentary on Government matters. Although I noticed a recent Government Information System Programme that highlighted as Government information the lime at the waterfront. I thought that was instructive that the Cabinet went to lime on the waterfront and that was Government information. [*Interruption*]

That is a loafer! That is a group of loafers looking for a loaf. [*Interruption*] It was all of you sitting like loafers at the waterfront looking as if you are looking for a loaf, listening to a jaiho Shiv Shakti, that is Government information and that is a shame. It is a waste of money, but I will come back to that later because I think there is another matter relating to the Minister of Works that I would like to come to.

Mr. Speaker, we have heard a great deal from the other side on this matter of the selection process and on the state of crime in the country and so on. In fact, I want to say in all honesty and sincerity, the Minister of National Security is aware of what the population thinks about him and I want to say to his credit he humbly suggests that he is aware of the criticism that exists out there on his performance and on the state of crime in the country. In that regard he is not as arrogant as others. He understands clearly the criticism, the condemnation, and in fact in some cases, the ridicule, certainly not from our side.

Mr. Manning: From whose side?

Mr. Imbert: Hear this man "nah". Why you so boy?

Dr. R. Moonilal: Certainly not from this Bench, but he understands the depth of concern of the national population.

Commissioner of Police
[DR. MOONILAL]

Wednesday, June 24, 2009

The Minister of National Security will not do what is the obvious next step, which is to tender his resignation and demit office since the crime has spiralled dramatically under his watch. He will not do that, so that the Prime Minister can look in a corner somewhere and see if there is someone else to begin, almost, in a symbolic way of bringing some fresh policy measures and a new approach to dealing with crime.

5.40 p.m.

Mr. Speaker, the Minister of National Security—like you, I was listening to him very attentively and I heard his discourse on the measures that the Government has been implementing to deal with crime. You will recall, as I do, when he began that part of his contribution by indicating that because of our locality, as one factor, that is responsible for the high crime. But we did not discover where Trinidad and Tobago is located last year. This, Christopher Columbus did some time ago, so we knew where we were located. So in planning and discussing policy, whether it is drug trade, health, climate change or whatever, you know where you are. So to tell the population that our locality is the problem, that is almost a joke because we know this, but you need to plan.

I just want to briefly take us back to a couple years ago. In an editorial in the *Trinidad Guardian* titled, "Gun talk on crime likely to backfire"—[*Interruption*]

Mr. Imbert: Mr. Speaker, Standing Order 36(1), point of order. We are dealing with the Selection Process Order.

Mr. Speaker: Yes. That may be so, but I think it is fair to say that he is in fact responding to a contribution.

Mr. Imbert: [*Inaudible*]

Mr. Speaker: No, I will guide him accordingly.

Dr. R. Moonilal: Thank you, thank you, thank you. There is no need to be imbecilic. So, as I respond to the Minister of National Security, who quite rightly had a duty to come to this House and put on record the initiatives of his Government, he had a duty to do this and he did it, which I now have a duty to respond to.

Mr. Speaker, the editorial of the *Trinidad Guardian*, "Gun talk on crime likely to backfire", this is what the Prime Minister had to say:

"Mr. Manning urges citizens to rest assured that his Government was at last, finally, this time for sure, getting tough with crime and criminals."

Commissioner of Police

Wednesday, June 24, 2009

He urged citizens to rest assured. Let me continue, this is quite instructive. The Prime Minister—this is the *Guardian* editorial—is saying that:

“Those who are bent on a life of crime should know that whilst we explore alternative ways, the full force of the law shall be applied to protect the citizenry and permit them to enjoy peace that they deserve.”

You said that or you did not say that? Oh, I did not say when he said that, did I? I did not say the date. Let me remind you, it is the *Trinidad Guardian* editorial, December 26, 2002.

Mr. Manning: Oh!

Dr. R. Moonilal: I forgot to mention it; 2002.

Mr. Manning: Who are you quoting? Are you quoting me or the editorial?

Dr. R. Moonilal: So this is what the editorial is saying:

“Those who are bent on a life of crime should know that...the full force of the law shall be applied...”

Mr. Speaker, in 2002 the Prime Minister was saying this. The *Guardian* editorial goes on:

“The Prime Minister is being persuaded not to oversell the aims and hopes of crime fighting.”

This is a quotation from the Prime Minister in the *Guardian* editorial:

"Stand by in the new year"—I assume that is 2003—"we shall not let a few criminals in our midst terrify and terrorize the rest of the peaceful population." 2002. Let us fast-forward because I do not want to spend too much time on these matters. Let us fast forward to a convenient date. What is the date today?

Dr. Gopeesingh: June 24.

Dr. R. Moonilal: Let us say June 24, I have a next clipping in my hand. June 24, 2009 in the *Trinidad Guardian*:

“PM: More youths turning to violent crimes.”

Hon. Member: Today?

Dr. R. Moonilal: Yes, it is today. Let us get relevant now.

Dr. Gopeesingh: He suddenly remembers that.

Dr. R. Moonilal: This is between 2002 and 2009, and they are wondering why nobody has confidence. The Minister of National Security has a problem on his hands. The Minister of Health also has a problem. He has a pandemic. The Minister of National Security has a "plandemic". He just does not have a plan. They are going along on remote control, talking about—I just want to put on record without getting into any detail here, the *Trinidad Guardian*, April 25, 2009, "Plan after plan after plan". I think a soca artiste did a calypso with that, plan after plan after plan. Projects and initiatives, Anaconda, Baghdad, weed and seed, policing for people, strategic crime control seminar, community policing, legislation, gadget, equipment.

Mr. Speaker, they have tried every single thing. They do not have the results. I want to tell my friend from St. Joseph, that while the rhetoric is good and you sound honest and genuine—there is no problem with how you sound—what matters to the population is not how you sound, what matters are the results. The PNM as an issue of governance placed a high emphasis on process, but a low emphasis on delivery and results, and that is a concern. Because when you look at the crime statistics for Trinidad and Tobago—I do not want to get into all. This is a long thing here—and in 2008, we had a total of serious crimes, 5,344, and that is for half of the year, incidentally.

When you look at the data for the year 2002 it was 15,000 and it has increased to 19,112 in 2007. The murder rate we all know today is 267, but as someone said it might be 270 by now, I do not know. But when you look at the rate of murder, shootings, woundings and rapes, it goes on and on and, again, there is absolutely no need to continue talking about that. The average man, woman and child out there is aware of that.

Today, regrettably in this society, you cannot go to one home that was not touched by serious crime; where you do not have relatives of a victim, where you do not know someone who has been robbed. In fact, some supermarkets now have a sign outside saying, "We have been robbed recently", in case anybody wants to rob them again.

Dr. Rafeeq: No cash.

Dr. R. Moonilal: No cash. In fact, companies in this country do ads on the radio indicating, "We do not use cash anymore."

Hon. Member: No cash on board.

Dr. R. Moonilal: No cash on board. In Debe there is a 24-hour Quik Shoppe which closes by 8 o'clock in the night because they have been robbed and

burglarized repeatedly. So we do not have to go on and on about that. We do not have to. The Minister of National Security understands that.

You cannot come now and tell us that you buy two, three boats in 2009—I have in my hand here, Ministry of National Security, Power on the Seas, and the Minister is here in a red coat travelling in a boat. This is fine. No problem with that. We know the importance of this, but the country is concerned with deliverables, with what you have achieved and by now surely you must show achievement. You did not enter office six months ago. The Minister of National Security in the *Trinidad Guardian*—[*Interruption*]

Mr. Imbert: Mr. Speaker, Standing Order 36(1). He has not spoken about the Order yet.

Dr. R. Moonilal: You and this “dotishness”, again.

Mr. Speaker: No! You cannot sit there and tell the Member who is raising a point of order that he is “dotishness”. You cannot do that. I do have to accede to his request. You are straying a bit from the Order, so please come back to the Order.

Dr. R. Moonilal: Mr. Speaker, I will be guided, but I will just say that it is a pity that I could not respond in greater detail to what the Minister had to say. Maybe, I will have another occasion outside the Parliament to respond to the Minister. But if it is that I cannot respond adequately to the Minister in the Parliament, then I will move on to the—

Mr. Speaker: You can always respond, but you cannot take your full time doing it. You cannot belabour a response to him. So you respond, but in a timely manner.

Dr. R. Moonilal: Mr. Speaker, I was not clear on the template of how to structure my debates, so let me move. We are looking at the Selection Process Order. Mr. Speaker, you must forgive me, but nobody told me how much percentage of my speaking time should be for rebutting and so on. Let me proceed with the Selection Process.

It was our deliberate intention to ask the Minister in his contribution to look at both Orders together, to read 2007 and then read 2009. We did that deliberately. He asked whether he should do it and we said yes, because we wanted the Minister to read the exact paragraphs and provisions in 2007 as against 2009. The Order we have before us—Let me put on the record that we are dealing with the Selection Process Order, and at No. 7 the Commissioner of Police and the Deputy Commissioner of Police (Selection Process) Orders, 2007 and 2009 are hereby revoked. For the record, Legal Notices No. 140 of 2007, No. 166 of 2007 and No. 55

Commissioner of Police
[DR. MOONILAL]

Wednesday, June 24, 2009

of 2009 are revoked. I just want to put that on record because I may have to look at the Notice that is being revoked, so I need to understand that.

Mr. Speaker, what is clear, is that the Government is undoing a process here. We ask ourselves, what brought us here in the first place? Why did we amend the Constitution to provide an alternative method of selecting a police officer? You see there was a time when the Prime Minister—I think around Christmas time—called a former Commissioner of Police to his office. I think he presented his appointment letter like he would present a Christmas hamper. He presented his letter like a hamper for Christmas, and we felt that the Prime Minister's intervention in the appointment of a Commissioner was inappropriate—[*Interruption*]

Dr. Gopeesingh: It was Commissioner Snaggs.

Dr. R. Moonilal: It was Commissioner Snaggs—and under the Independent Constitution and the Republican Constitution, borrowing from some of the institutional heritages of our Crown Colony system of Government, the Prime Minister had this power of veto over the appointments of certain public officers above a certain rank, including the Commissioner of Police. It was felt that this was not proper, given the evolution for our modern liberal democracy and the increasing role of Parliament to participate in the selection of persons, but also the increasing role of meritocracy by itself that persons must be appointed on merit and not just because the Governor General or the Prime Minister believes this is the right person. That is why we arrived here. But today, this Order before us goes back to that colonial heritage where instead of the Prime Minister having a veto, the Prime Minister exercises his veto via the Parliament.

When we arrived at this new formula, there is a reason why we believe that the House should debate the recommendation and so on. The person should come to the House and we should see the Curriculum Vitae and so on. But if it is that the Government does not get the officer that they would like, they will just use the Prime Minister's veto the Parliament. So we are back to square one and when you look at the two Orders before us—because we are dealing with the one to be revoked as well—there is very, very little in terms of differences and I will go through and demonstrate, and where they did make changes, as someone said before, it makes the system more complicated, and in some cases they are removing certain protections.

I would like to ask the Minister of National Security at this juncture, if we take his speech, read it and we understand and interpret it, is that the reason why Superintendent Stephen Williams was rejected? Is your speech the reason? Did

your speech explain that he was rejected? When there was a rejection, it was said that the system was flawed. What was flawed, the difference between short list and order of merit? What was flawed? There was nothing flawed. We looked on today and heard the Minister of National Security with both in his hands, and at several junctures he kept saying the same thing, the intent is the same, the recommendation is the same. It is the same, we changed the words. Where they did make changes, it will not redound to the benefit of fairness and transparency.

5.55 p.m.

I will just deal with a few of these issues, others will deal with some more issues afterwards.

The notion of removing professional journals and advertising in information, communication technology, local, regional, the international print media and so on, that is fine, but really is that a big issue? The Minister may be aware that there are local journals; I do not know if they may have the same prestige as police administration journals in the United States or law and policing journals, but there are journals in Trinidad and Tobago, in the Caribbean. You have at the University of the West Indies regular journals, professional journals that deal with the issue of crime, criminology and policing. So you cannot tell the population, "We brought this change because we could not find professional journals." You can find professional journals that address issues related to security.

They have removed the four months for advertising purposes and have come down to seven days; this we believe is also wrong. Seven days is much too short a time to permit such a process. There may be people abroad who are interested in applying, and in seven days they will not have the opportunity. Yes it could be more, but I think we believe, in terms of putting it in the Order, seven days is much too short a period of time for persons who are abroad or elsewhere. We suggest that this should be a minimum of one month, if not more, as opposed to seven days. In seven days somebody in Canada or the United Kingdom (UK) will not even find the relevant information. We would like to put on record that issue.

There is another issue here that is not relegated to one provision, but it comes as a thread that goes through: the role of the firm. There is now a new role of the firm, as opposed to the role of the Commission in the previous order; in that, the firm takes a job by itself. It is no longer confined as it was before.

There may be precious few firms in the world that handle this type of matter. I do not think this is any fly-by-night firm elsewhere that does not have executive recruitment and particular expertise in security management. Security management is

Commissioner of Police
[DR. MOONILAL]

Wednesday, June 24, 2009

not policing. There is a huge difference between policing and security management; a huge difference in the type of capabilities you want to attract, whether it is from civilian management or military management. It is a very complicated area and there may be few firms. That by itself may take some time to attract these firms and to find them, but they are playing an increasing role, the question is why.

The Minister began by saying that the commissioners appointed did not have the expertise, but when we were dealing with that matter in law, we ensured that the commissioners would have some expertise, that they were appointed pursuant to certain professional training; an experienced lawyer, industrial relations, accountant, management, whatever. So to say that they do not have expertise, you cannot. They have expertise, because later in the Order you depend on their expertise. They still have to go and refine and assess in the Order.

We need to look again at the role of this firm:

“(b) the Firm shall advertise each vacancy for a period...

(c) an applicant shall apply in the form specified by the Firm...”

What form? The Minister made a cry; he said that there was a designated form before and that designation created a problem, so the firm now would specify and not designate. That might be an interesting issue to talk further about. But the firm still has to come up to craft a form. What did we do before? What was the nature of the form before?

You are giving the firm this responsibility, and the changes are so miniscule. The Minister said that himself; they are so small you wonder why it would take two or three years to come with this measure.

It states:

"An applicant shall apply in the form specified...

(i) his biography or his résumé;

(ii) references in the number to be determined by the Firm..."

Whereas before the applicant was required to apply on the form and submit his biography, "same ting":

"(ii) references...with current contact information..."

Exactly the same. Mr. Speaker, hear the difference that took three years to fashion: On the one hand, in the 2007 Order, the applicant would provide any other relevant information which he considers would advance his candidacy. Let

Commissioner of Police

Wednesday, June 24, 2009

me repeat: In the 2007 Order the applicant would provide any other information that he believes would further advance his candidacy.

So let us assume the applicant is from North America or so, may have had some special training in something or some exposure to a particular type of criminality, he would want to put that information as well, because he believes it would further his candidacy. Today, in 2009, it says:

"...any other relevant information which the Firm thinks appropriate."

So the firm would have to think, "What other relevant information we may need?" Whereas before it was more progressive, in that the applicant himself or herself could indicate what training or expertise or special qualification he or she has. Today you have left it to the firm, in 2009, to design a form and to indicate what other information they think relevant. This is a backward step, because they cannot think of every piece of information that is relevant. The clause in Legal Notice Order 166 is more progressive than what they are coming with in 2009.

They continue:

"the Firm shall indicate in every advertisement where the following may be found:..."

It is exactly the same thing here. In the past, the firm would provide some information; today, the firm will tell you where it could be found. So maybe instead of sending a hard copy of the police prospectus, the police would say, "Go on the Internet and look at the National Security Ministry," which they could have said in the first place, if you provide information and you provide a source of the information. So there is no fundamental change.

"the Firm shall select, from the applications received, the most suitable candidates for the assessment process;..."

Now the firm is assessing; the firm with expertise in this business is assessing. They have best practice security vetting and recent professional vetting; so the firm is assessing. It is the same thing as the earlier order of having an officer of higher rank or equivalent rank and so on.

“(h) the Firm shall submit to the Commission—

(i) the results of its assessment process in the form of a short list of candidates...”

But we were having a little debate when the Minister was speaking. We were sort of jumping around it, but let us deal with it now. Short list and order of merit; the

Commissioner of Police
[DR. MOONILAL]

Wednesday, June 24, 2009

Minister is bringing this argument that there is a difference and, possibly a fundamental difference, between short list and order of merit. That is what justified three years of waiting, because we had the short list, now we want an order of merit.

Mr. Speaker, the short list is based on the assessment process, so implicit in a short list that tells you assessment, will be an order of merit. If the short list has five persons and they tell you that this is the assessment and this is their grade, score or whatever they call it, the short list will have an order, and that is an effective order of merit.

When the police are doing promotions today and the Police Service Commission, in collaboration with the Commissioner of Police, write a police officer to indicate whether that police officer has received a promotion or has not received a promotion, they give the numbers, the grade, how much you scored for qualification, how much you scored for commendation, how much you scored for fitness. They do that, and they actually put it in a number. So the short list will already tell you where we are in terms of assessment. The short list would not say, "These five persons were selected and all of them have the same score, we did not bother." Now, the commission must take the short list and then assess it again.

The firm, incidentally, provides:

"...to the Commission a report on its assessment of the entire selection process..."

So the Commission is in a position to see in black and white what process they used, what grade they came to and how they arrived at something.

Mr. Speaker, I am looking at (iii):

"in respect of the candidates referred to in subparagraph (i), the following documents:

- (A) application of the candidate;
- (B) biography...
- (C) assessors' scores..."

That is the point I was making earlier; it is a score; an assessment score is provided in the short list. So what are you telling me about an order of merit? You already have that, and the Police Service Commission cannot change that, unless they themselves undertake some process. It is the same thing: assessor's feedback, medical examination report, security and professional vetting report.

It continues:

"(i) the Commission shall conduct its own assessment of not more than the five highest graded candidates on the short list;..."

How is the commission going to conduct its own assessment? Why could they not have done that in the first place, without the firm?

"(j) the Commission may gather such other information...it considers necessary and appropriate to determine the merits of his application..."

"(k) where enquiries by the Commission result in an adverse report of a criminal, legal, professional or ethical nature—

(i) the Commission shall notify..."

This is a direct copying of the provision in the 2007 Order.

It says in the 2007 Order at (k):

"where enquiries by the Commission result in an adverse report of a criminal, legal or ethical nature, the candidate concerned shall be given an opportunity to be heard,..."

How can he be given an opportunity to be heard, if you did not write him and tell him? So now you have changed it to say, "We will notify him." But how was he going to be heard in the first place, by dreaming that there was an adverse report? It is exactly the same provision.

The Minister also spoke about this:

"within a period not exceeding two weeks from the date on which he is notified of the report..."

By letter, pursuant to (k) of the 2007 Order, the Police Service Commission could have done that, indicate to them, "Look we have an adverse report on you and we will like you to respond in two weeks, please." You did not have to redraft the Order for that, and take three years to do it.

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

If this continues and is in effect, do you know how many court cases you would have on this, where the Police Service Commission could be accused of changing the order of the firm, and that the firm gave one set of names and the Police Commission gave another and they considered extraneous matters or they failed to consider some matters? This could be a nightmare. *[Interruption]*

Commissioner of Police
[DR. MOONILAL]

Wednesday, June 24, 2009

You heard nightmare and we thought of the Minister of Works and Transport.
[*Laughter*]

Mr. Speaker, the Order continues:

"the Commission shall select the highest graded candidate on the Order of Merit List and submit that...to the President in accordance with the procedure set out in 123..."

We are aware of that procedure. Where there is a new provision which would have taken about one hour to draft, there is a new provision here.

It would take one hour to draft and do a spell check; it really is the provision at 4 which is the use of an order of merit list in certain circumstances, and it provides that where the first candidate is not accepted by the House of Representatives, the second candidate in order of merit, shall be sent to the House. And the House of Representatives means government and Cabinet.

6.10 p.m.

As we saw earlier, a year or two ago, when the name came well qualified by the Police Service Commission and recommended, the Government said this is a good man but he is too young, the process is flawed, and what was the flawed process? Rewriting the Order, that was the flawed process.

I will never forget that day in my life when the Member for Diego Martin North/East stood in defense of the indefensible when he sought to argue that the gentleman in question was not suitably qualified and the process was wrong. All the time it was his Government engineering that process but they did not get the name they wanted and that was the crux of the problem.

So the new provision at 4 seeks to provide for the situation that arose before where the Government—in fact, it should be read like this—where in relation to paragraph 3(m) the Prime Minister does not approve of the highest graded candidate on the order of merit list, subsequent nominations in order of merit may be submitted to the Prime Minister from the order of merit list. But this is the same thing that operated under our Crown Colony institution where the Prime Minister had the veto. Exactly. And where the order of merit list is exhausted the process starts over.

So what they have done is made a mockery out of this process. To the extent that the Government is now in a position to intimidate the Police Service Commission into getting their candidate and when the Minister said that this was

the objective of this Order, to widen the pool of qualified candidates, to ensure the best candidates are recruited and so forth, it flies in the face of what we have before us.

Why would you reduce the time to seven days? It took three years to write this, but seven days to find a Commissioner of Police and this is a matter where applicants abroad could be interested and would apply. In seven days they should get this notice.

Mr. Speaker, the Member for St. Joseph also raised the issue of Parliament deciding and Parliament will not decide, it is the Prime Minister who will decide, not Parliament. When this comes to Parliament, it is what the Prime Minister wants not what Parliament wants.

So to say it is Parliament to decide is really to misunderstand what is happening. If you want Parliament to participate in crime fighting, the Government should take the initiative to establish a Committee of Parliament to oversee national security, that mobilizes the representatives of the people. It should be that body that oversees national security and takes that approach, but they will not take that approach because they understand then that the Opposition and the Government will have to work together to deal with these matters.

So Mr. Speaker, and much of what the Minister had to say coming to the end can be dismissed and the Minister raised a matter on which I really wanted to touch where the name of the person is Roger D. Packs. Park or Packs?

Sen. The Hon. Joseph: Park.

Dr. R. Moonilal: Like car park? Okay. Roger D. Parks did a survey and said 3,000 citizens were surveyed to give some responses to policing but I would advise the Minister while he reads Roger D. Parks survey to read as well the report of the Police Complaints Authority and the sort of complaints they receive.

Mr. Speaker, in 2004—2005 there were 1,800 complaints against the police service and the biggest one, 606—I always wanted to tell you what that was, about 35 per cent of all complaints against police officers was impolite behaviour. That means you just cannot talk and communicate to human beings; "yuh arrogant, hoggish—to use a local term, impolite. And the Minister should seek to have some extensive training programmes for police officers at all levels so they have some type of customer care approach, have strong communication skills because 35 per cent of all complaints are impolite behaviour.

Mr. Speaker, the second highest is harassment, 300; failure to perform duty, 328; failure to investigate, 115; malicious prosecution, 132 and it goes up in

Commissioner of Police
[DR. MOONILAL]

Wednesday, June 24, 2009

2005—2006. So begin with the basics, Mr. Minister. You should conduct a seminar in your office and teach police how to talk. You speak very well, you are very polite. So it is not a matter of dealing with the Selection Process Order, it is a matter of dealing with the basics, that is what the Police Complaints Authority is saying, but we do not have the basics correct and while that is happening, we come with the Order which is only going to give the Prime Minister the power which he enjoyed before. The Prime Minister has invented this method of doing the same thing in a different way—of having his veto over the selection of a Commissioner of Police particularly in the context where he is not satisfied with the name, the person who emerges.

Mr. Speaker, if this Government is not serious about dealing with crime, strengthening the police service, providing quality leadership and management and using resources wisely, we would get nowhere. We were told before that while this debate was going on, a woman was shot to death on the compound of the West End Police Station this afternoon while we were debating the appointment of a Police Commissioner. They also held up the licensing authority and it is not far-fetched that they may hold up the Parliament one day again. This is where we are now; people are holding up government offices, they are not scared of a government office. In a police station a woman is shot to death and you come to tell us to buy more boats. You must say not only that you have purchased five boats, but as a result of that have seized "x" amount of guns, "x" amount of drugs, we have captured "x" number of people. How many drug barons have you caught, prosecuted and convicted since you have been Minister of National Security?

Mr. Speaker, I have an article in front of me, I do not want to read at length where the police station in Penal is complaining that they do not have vehicle and resources, while that is happening, the Prime Minister is giving us a thesis and supporting the smaller OECS regions because he has his own politics with Mr. Chavez and increasingly, the Prime Minister of Jamaica.

Mr. Speaker, this is where the resources must go, to the police, the station, the officers themselves. In anticipation of this debate on the selection process, I have received notices, notes and communications from police officers—I cannot read all into the House—crying out that the police station does not have water, mention that we do not get their overtime payment on time, mention how they operate in San Fernando. The police sit next to the fumes in the car park, the complaints are so much and while that is happening, three years have gone by and we are with a selection process which is more or less the same with one minor change which you could have done in one hour, which is really to provide a second candidate to the Parliament.

So Mr. Speaker, I am afraid to say that we have heard nothing from the Government that would dissuade us from not supporting the Member for Princes Town North. We have heard nothing from the Government. In fact, there is absolutely nothing that will tell us that the Member for Princes Town North is not on good grounds by his Motion, the Selection Process Order.

Mr. Speaker, I am in support of the Motion and I congratulate the Member for Princes Town North on this initiative.

Thank you.

The Minister of Legal Affairs (Hon. Peter Taylor): Mr. Speaker, I thank you for giving me the opportunity to join this debate. Looking at the Member for Princes Town North who remains now blissfully unaware of the proceedings in the House, it reinforces our initial conviction that this Motion has no place in this House. [*Desk thumping*]

Mr. Speaker, a lot has been said on the other side but I am not sure whether Members on the other side understand the rationale for the 2009 Orders because speaker after speaker perhaps with only the exception of the Member for Chaguanas West sought to address the issues as they should have been addressed from the outset by the mover of the Motion.

Mr. Speaker, the Motion before the House is one that seeks to negative the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2009. In other words, to make it null and void, but the Member for Oropouche East sought to question the validity of revoking or amending the 2007 Orders.

Mr. Speaker, let me attempt to put some structure to this debate and to say that the 2007 Orders were made pursuant to section 123 of the Constitution and they were as follows:

- (1) the appointment of the Commissioner of Police and Deputy Commissioner of Police (Qualification and Selection Criteria) Order, 2007; and
- (2) the Commissioner of Police and Deputy Commissioner of Police (Selection Process) Order, 2007.

Mr. Speaker, the Government recognized last year that the Orders were deficient in some way and that amendment was necessary. It became critical in our view, for the Orders to be amended, firstly to allow the widest pool from which we can choose the highest qualified candidates, and secondly, to allow such a process to properly fill two very important offices in Trinidad and Tobago; namely a Commissioner of Police and a Deputy Commissioner of Police.

Commissioner of Police
[HON. P. TAYLOR]

Wednesday, June 24, 2009

Mr. Speaker, just to remind the Member again that under the Constitution of Trinidad and Tobago, it is the Police Service Commission that has the sole authority to appoint persons to the office of Commissioner of Police and Deputy Commissioner of Police and, therefore, it was important for the Government to bring Orders that are sound, that fulfil the requirement for such a significant office.

So Mr. Speaker, what were the initial inefficiencies in the 2007 Order? It was felt, for example that there were some textual similarity in the Orders and, therefore, it was felt that it was necessary to make an amendment. There is nothing difficult in that.

6.25 p.m.

Allow me to turn to the particular point in question so that my friends on the other side would understand that of which I speak. I do not seem able to find the relevant note, but there was a case where the validity of the Orders, as amended, was questioned, so much so, that some claimed that the Orders were not laid within the prescribed period—I am sure Members remember that—and, therefore, to avoid any challenge to the Orders it was recommended that the amendments be revoked and properly replaced, and this is what we have done. Hence we have the 2009 Orders that are before the House.

The issues facing Trinidad and Tobago insofar as crime is concerned are very well known and it is not unique to Trinidad and Tobago. The issues of crime in the 21st Century in 2009 are far different from what they were 20 or 30 years ago. I wonder whether Members on the other side are saying that they are happy with the system of appointment of a commissioner which is now largely done through a meritocracy—not even meritocracy—by a process of access through the ranks. So you would have had an officer entering the service, perhaps as a constable and working his way through to the point where he becomes commissioner/deputy commissioner.

But the society in which we live has changed so dramatically that we can no longer rely on persons who simply go through the ranks to become commissioners of police. And when we look at an organizational structure of the police service today; when we look at the challenges within the service, it tells you that you need someone at the helm who understands much more than just gathering appearance from being a police officer on the beat for 15 or 20 years.

The hon. Minister of National Security was very cognizant of these issues. In fact, he alluded to them; the nature of transnational crime, cross border crime; the issues of cyber crime; the issues of identity theft; credit card theft; issues which are new to the average police officer; issues that would require a certain type of leadership.

Dr. Moonilal: Mr. Speaker, Standing Order 36(1).

Mr. Speaker: The hon. Member for Oropouche East has raised a Standing Order, 36(1) and there is some merit in it. So I think you need to get back to the Order.

Hon. P. Taylor: Mr. Speaker, I was simply taking a cue from the Member; I was responding to him. I will, no doubt—

Dr. Moonilal: I do not even own a credit card.

Hon. P. Taylor: The issue is before me. The Member sought to question, as it were, the process by which a firm would be appointed. The Member sought to question whether there are, in fact, enough firms around to properly select a commissioner of police. But the very reason for having a firm undertake this task was that it was felt that this is a professional body that has the experience; that has the international scope to choose the best person for the job. And if you contrast that with the Police Service Commission, the Police Service Commission under the Constitution, of course, is entrusted with choosing a commissioner but for the very same reasons I have mentioned, they need to select an officer with the highest integrity—in fact, let me itemize. Let me identify the criteria.

You need someone with a degree in law, Criminal Justice, Criminology, Police Service Management or any other relevant degree, in addition to not less than 15 years experience. In addition, section 3 says that the candidate must have the following skills:

“Leadership skills which would enable him or her to motivate, inspire, engender trust and confidence in members of the police service.

Dr. Gopeesingh: They removed that part, so you are offside. Peter, they removed that part.

Hon. P. Taylor: You require communication skills, management skills to hold the post. When you examine the culture of corruption that exists within the service, it tells you that you need a commissioner with a great breadth of skills. Just to cross-reference for example, let us examine the skills possessed by the New York police chief as an example of what we would be looking for.

Mr. Speaker, by way of example—I am sure the Member for Oropouche East would want to hear this. This is the biography of Mr. Raymond Kelly. He was the first person appointed police commissioner of the city of New York. Listen to his qualifications. He graduated from Archbishop Molly High School in 1959; he graduated with a BBA from Manhattan College in 1961; he holds a Juris Doctor

Commissioner of Police
[HON. P. TAYLOR]

Wednesday, June 24, 2009

from St. John's University School of Law; an LLM—Member for Oropouche East—from New York University School of Law; an MPA from the Kennedy School of Government at Harvard University.

This is the calibre of officer which the people of Trinidad and Tobago need in 2009. It is precisely for this reason that the selection process was revised; it is precisely for this reason that the 2009 Orders were revised as they were, to give the people of Trinidad and Tobago the widest pool from which to choose, because this is what we are dealing with. When the Minister of National Security mentioned the number of OPVs, the number of interceptor patrol craft that we are acquiring, who are we going to entrust the supervision and the management of these expensive pieces of equipment to? It speaks not only of the commissioner but it tells you the direction in which the Government is heading.

The process, therefore, of having a firm undertake a short listing of candidates; the case has been made out. Gone are the days, therefore, when any country can simply rely on its own citizens, good as they may be, to fulfil the requirements of such a challenging job. The selection process has a back-up mechanism, as it were. Once the five persons have been shortlisted, the Police Service Commission now goes through that list and makes a recommendation; the House of Representatives, the representatives of the people, the Parliament, can now deliberate on that choice and as was intended under the Constitution, the people, through its elected representatives, now have an opportunity to deliberate on the merits of that choice. You do not want a better system than that. I am not sure the reason Members opposite would want to challenge that, because that is transparency at its best.

Insofar as the selection process is concerned as it relates to the firm, I do not think more needs to be said with respect to that. The Member went on to question why, for example, did we have to change the Order that provides for the commission to conduct its own assessment of not more than five of the highest graded candidates. Well, you must have a cut-off point. What is he suggesting, 15, 20? I mean, you choose the five best.

“the Commission may gather such other information on each candidate as it considers necessary and appropriate to determine the merits of his application and suitability for the office for which he is being considered;”

That was a simple change. But we understand the importance of giving the commission the right to explore in much greater detail, the background of the candidate, from whence he came, his qualifications. It gives you a very wide latitude.

The Member had a problem with, as well, the fact that the commission should take into account all information on the Order of Merit List and that the highest graded candidate should be selected. The old Order was somewhat similar, but it gives the change, as is said, the intent remains in that one name would be submitted to the President. However, the 2009 Order caters for the establishment of an Order of Merit List from which names would be chosen; purely symbolic. There is no real contradiction.

6.40 p.m.

The fact remains that the Orders as they are presently constituted are well laid. I am sure that the Member for Oropouche East has not convinced this honourable House or me of any need to negative the Bills as were proffered in the Motion by the Member for Princes Town North.

With those words, I thank you. [*Desk thumping*]

Mr. Ramesh Lawrence Maharaj SC (*Tabaquite*): Mr. Speaker, as I understand it, the issue in this Motion is whether the Commissioner of Police and the Deputy Commissioner of Police (Selection Process) Order should be negated. In considering that question we do not only have to consider the contents of the Order, but we have to consider the measures which this subsidiary legislation is intended to implement. Hon. Members will recall and as some have stated that this primary legislation which was the Constitution was amended in order to give the Commissioner of Police complete power to manage the police service and to ensure that the human financial and material resources were available to the service, so that it could have operated in an efficient and effective manner.

Additional powers were given to the Commissioner of Police including powers to appoint, promote and remove certain officers. This was found necessary because the Government and subsequently, Parliament believed that the Commissioner of Police needed these powers in order to deal with the crime situation in Trinidad and Tobago. As a matter of fact, the Government stated that this was an important tool and weapon in the fight against crime. The Government held out to the national community that if this measure was passed, a serious dent was going to be made on the crime situation. When I look at the contents of this Order, I do not see that what is reflected here is considering what is happening on the ground, in so far as the police fighting crime.

The Commissioner of Police performs an important function. As a matter of fact, the Government depends upon the Commissioner of Police because he is the chief crime fighter. The deputy commissioner is the deputy. The selection process

Commissioner of Police
[MR. MAHARAJ SC]

Wednesday, June 24, 2009

must take into consideration what is happening on ground. What is happening on the ground in Trinidad and Tobago is that notwithstanding whatever things the Government has done, crime is on the increase. The fact is the Minister said the reason for some of these crimes, drugs and guns. We also know that criminal gangs are responsible.

We are saying in this Order that under 3(h), in respect of the candidate to be considered by the firm, and I will come to that shortly, you need to have the application, a résumé, a biography of the candidate. It comes like if you are applying for a personal assistant job or a teaching job. The Government should consider this. We should put on this the person must be able to manage fighting crime against criminal gangs, money launderers, drug traffickers and murderers because that is what we are having on the ground. As we sat here this evening, we had a situation as the hon. Member for Chaguanas West mentioned, that on a police compound a lady was shot and killed. We have a situation in this country where every day mothers, fathers, brothers, sisters, daughters and children are weeping and we are coming with an order containing measures as if somebody is a candidate for an appointment in the public service.

This is a war outside there. The criminal gangs and the criminals are killing law abiding citizens and committing serious crimes. This is what we are coming with. I would have thought that this will reflect what the Commissioner of Police should be experienced to do; what you are looking for in a Commissioner of Police. You are not looking for a Commissioner of Police who is a nice person. Yes, you are looking for integrity. I agree with that. You are looking for a Commissioner of Police whom you would see has the experience to fight crime, the drug traffickers and prosecute money launderers.

The reality of the situation is, and I have taken time to compute this, since 2002 to 2008, we have had 2,402 murders and out of that only 20 per cent of those murders have been detected. You are talking in terms of almost 2,000 persons are there outside. You had 127,138 other serious crimes in Trinidad and Tobago and out of that another 20 per cent detected. For this year, you have had 8,474 serious offences to the end of May apart from murder. For murder to May 31, you have 227. I understand that up to today, you probably have 267. We are not dealing with a civil situation outside there. We are dealing with an extraordinary situation. We need extraordinary measures.

We are not only looking for a person with degrees in LLB, LLM, PhD. The people outside there are facing people with guns, machine guns too. There are people in this country who are allowing little children to peddle cocaine. Children are being murdered

and we are talking about this kind of situation. I think that the Government should look at this again. The other situation which arises is that the Government in its policy in this measure is going to give to a private firm a lot of the job for which the Government would have to accept the responsibility if a Commissioner of Police is not properly chosen. The question also arises if under the Constitution, it gives the Police Service Commission the power to appoint the Commissioner of Police.

Can we in this Parliament by subsidiary legislation take away or interfere with the management powers of the commission to appoint. In these measures we have given the firm to advertise the vacancy and to select from the applicants the most suitable candidates. We have given to the firm the power to ensure that the candidate is vetted for security and professional reasons. Then, they submit the names to the commission. The contents of the Order do not say whether the firm will have the power to interview these persons or if they are only looking at the paper. Whatever it is the firm decides and submits to the commission. The commission will then conduct its assessment obviously, but it cannot conduct its assessment of not more than five of the highest graded candidates.

You limit the power of the commission which has the constitutional authority to appoint. Then it goes on. Assuming but not admitting if I say that, that we can do that. Are we going to put in the hand of a private sector firm whether in Trinidad or abroad, the sole power to basically vet, select and the commission merely chooses by some means of investigation? In an important area in which we are going to depend upon that person and that deputy to be the person on the ground fighting the criminals and the gang leaders, are we doing this right?

In the contents of the Order we do not give the members of the public the right to participate in the five persons that you may want to choose. We have just seen in an environmental matter that the environmental Act gives the public the right to make a contribution. You do not have to accept their view but at least you have to consider what they say. You will get a person to fight crime in Trinidad and Tobago to protect the lives and security of individuals. You are giving this to a firm, then the commission, but the members of the public who are the victims of the crime, you are not giving them a say to express their view on what is happening.

In environmental matters you have the right to consultation. You have a public hearing. It seems to me that something is wrong with this. It may be that the Government, in its anxiety to get this going may want to do it as it is. It seems to me that it has a disconnect to what is happening on the ground with respect to the suffering, torture, killing and mayhem on the ground. Therefore, in my view, the selection process, the contents of which are here will not end up effecting or fulfilling the

Commissioner of Police
[MR. MAHARAJ SC]

Wednesday, June 24, 2009

objectives of the section which was to be an important tool for the Commissioner of Police and the Deputy Commissioner with the new powers in the fight against crime.

I do not want to spend any length of time in this matter. I merely want to say a few words in respect of what the hon. Minister of National Security said about the Government's initiative in the fight against crime. It is related to what I have just said. I think it is an outrage and with the greatest respect to the Minister, for the Government to try to convince the population that the initiatives of the Government in the fight against crime are working. They are not working.

6.55 p.m.

As a matter of fact, not only the statistics, but there has been recently an International Narcotics Control Strategy Report, which has been quoted by the United States State Department. In that report, some of which has been quoted in the daily newspapers, mention was made about the important emphasis that the Government places on the Special Anti-Crime Unit of Trinidad and Tobago (SAUTT) to fight crime. It quotes the view that the Government is saying that SAUTT is a legal entity, but it quotes other views. It went on to state that—and I am reading from the *Express* Editorial of June 16, 2009:

“Now the State Department, in the report highlighted in yesterday's *Express*, has called attention to the absence of enabling legislation for the unit.

The State Department report said this and the fact that SAUTT involves joint operations between police officers and members of the Defense Force constitute significant barriers to the effectiveness of the unit.

What the State Department assessment identified as ‘operational difficulties’ because of SAUTT's makeup has had a negative effect on its effectiveness.”

So you have now the Commissioner of Police with the amended Constitution as an important weapon by the Government in the fight against crime. The Government has announced SAUTT as an important weapon in its fight against crime, but because of it not being legally constituted—I do not know if the Government has a different view—it means that it is producing operational difficulties in the fight against crime.

Mr. Speaker, in this same 2009 International Narcotic Control Strategy Report, it noted that, as a result of joint operations with foreign enforcement counterparts, there were 51 drug-trafficking cases from January to September, a decrease of 34 compared to the same period last year. I say that because the Government's efforts in its fight against drugs and drug trafficking are not producing any more results than it produced last year.

Mr. Speaker, I close my contribution by asking the Government to consider whether these are the kinds of measures it wants to use to choose a commissioner of police and a deputy commissioner of police who would be the people to defend the citizens against criminals. From a meagre 100 murders in 2002, we have seen how that has increased drastically. Gangs have grown; they are fighting for drugs, for control and the statistics show that in June 2005, the Minister of National Security said in the Parliament that there were 66 gangs with 500 members. In January 2008, in the Minister's report to the Parliament, he stated that there were now 86 gangs comprising up to 720 members across the country, with each having an average of 15 to 20 members. These new figures represent an overall 340 per cent increase in the membership of gangs and a 30 per cent increase in the numbers of gangs.

The Minister of National Security had promised that the situation with gangs would be cleaned up in three years. More than three years have gone and the most intense activity we have seen in this regard with gangs is the shooting and killing of young people.

Mr. Speaker, I do not think we can underestimate the difficult task the Government has in its fight against crime. We are living in very different times, but that is no excuse for the Government to continue to come to the Parliament, make statements, give hope to the population and instead of the crime situation getting better, it is getting worse. I appeal to the Government to take this seriously. Whatever overhauling is to be done has to be done because, unless that is done, the whole of question of the rule of law will be in jeopardy in Trinidad and Tobago.

I thank you.

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I will be extremely brief because there is not very much to respond to, but it is necessary to deal with some misconstructions, some misinterpretations and misunderstandings. Those are the kindest words I can use to describe what has been said by Members opposite. It is late and I want to go home so I shall be kind.

The Member for Oropouche does not understand the effect of clause 3(a) of the existing Commissioner of Police (Selection Process) Order, 2007. If he did, he would not have presented his views about the change from four months to seven days. If one reads the existing Selection Process Order, 2007, it reads as follows:

“the Commission shall advertise each vacancy twice each—

- (i) on the Internet; and

Commissioner of Police
[HON. C. IMBERT]

Wednesday, June 24, 2009

- (ii) in at least two daily newspapers...
 - (A) locally;
 - (B) regionally; and
 - (C) internationally; and
- (iii) in at least two professional journals in circulation—”

This is written in the English language. All this means is that it is necessary to have two advertisements. That is it. You can have one today and one tomorrow.

That is all this means. Then it says that this must be done at least four months before the appointment is to be made. It does not make sense. You make a provision that you have to advertise it twice; you can do local, regional, international and professional journals on the same day and do it in another professional journal. You can even do that on the same day. The only issue that would cause you to do it on two days is the fact that you have to do it twice in two daily newspapers.

If you read this, you can finish the advertising process in two days and then you have to sit and wait for four months before you appoint a commissioner of police. The point is that, in the way this is written, it gives a minimum period before the commencement of the advertisement process and the actual appointment of four months, but the process of advertisement itself could only take a few days and then you sit and wait.

What happened on the last occasion was that the advertisement process commenced and because of this advertisement period applicants who had applied for other positions around the world—there is not a huge pool of suitable people to be commissioner of police in the world; it is a skill that is in short supply.

If someone is qualified to be a commissioner of police, he would apply to the Trinidad and Tobago Service Commission and also to the Metropolitan Police Commission and the commissions in Canada and Hong Kong, because no person who is on the market to be a commissioner of police will put all his eggs in one basket. They may have several applications out and that person will take the best opportunity for terms and conditions of service and the efficiency of the process.

However, this process makes the person wait four months after the advertisement. It is regrettable that persons have such short memories in this Parliament. We went through all of this. What actually happens is that, because of the four-month delay between advertisement and appointment, people got other jobs. Many of the applicants dropped out along the way because during the four

months they had applied to other jurisdictions and had been appointed. That is one of the fundamental reasons why we said on the last occasion that because of the long, drawn-out, convoluted process, it did not throw up the best pool of candidates because many meritorious candidates could not wait four months to establish whether or not they were successful.

Dr. Gopeesingh: Would you say that the minimum period of seven days could be the period for the advertisement? Do you believe that an advertisement of just seven days will bring the calibre of candidate as compared to four months?

Hon. C. Imbert: That is what I mean. The kindest interpretation I can put on what the hon. Members opposite are saying is that they do not understand. I have just explained that the existing order requires a process of advertisements that could take two days because the actual advertisement itself is only required to be done twice. It can be done on two consecutive days. In this one, they now have to do it for seven days. It is not that you advertise now and wait for seven days. You have to advertise over a continuous period of seven days. It has to appear seven times. Previously it was twice.

What is bothering hon. Members opposite, Mr. Speaker, but they cannot articulate it properly, is that they are of the view that it must be advertised for more than seven days. That is what they are trying to say. In the previous incarnation, it was only advertised for two days.

Dr. Gopeesingh: Two occasions you mean.

Hon. C. Imbert: Two occasions mean two days—today and tomorrow. There is no requirement that they have to advertise on day one and on day 121, four months later, you advertise for the second time. They just do not understand. We are correcting a problem that existed. This is subject to interpretation and anybody can interpret this to mean that you can advertise on two consecutive days and then sit and wait for four months.

The new order says that the firm shall advertise for a period of not less than seven days, so we have lengthened the process, not shortened it. If hon. Members opposite feel that seven days is too short as opposed to two, no problem.

There is something you need to understand as well. One of the things with negative resolutions is that you cannot amend an order by way of negative resolution. That is one of the weaknesses of the process—you accept or reject. You cannot change the order. You can only reject it or accept the motion to declare it null and void or reject the motion, but you cannot make amendments to

Commissioner of Police
[HON. C. IMBERT]

Wednesday, June 24, 2009

the order. Once it is laid, that is it. That does not mean we are not listening to hon. Members opposite and taking into account some of the points you have made. That is not for today; that is for the future.

The point made by the Member for Princes Town South and the Member for St. Joseph is entirely relevant. If we were to listen to what the Members opposite are saying and vote with them to reject this order, we have to start all over, so that this period of delay that has already occurred will be exacerbated.

7.10 p.m.

You would have a further period of delay, and then what is going to happen? We will have to go and make the changes to the Order and then bring it back, and then the Member for Princes Town North will find another Motion to negative the new one, because he does not like it or there is some word in it that he does not like or there is some phrase in it that he does not understand. We are not going to do that. It does not make any sense. This matter has gone on long enough.

If there are improvements that can be made to this Order, then certainly the Government will consider them for the future, and at some point in time in the future, if it is appropriate, we can always bring a new Order to rescind this Order to take us forward to a new and improved selection process, but this is what we intend to do for now. If we do not do this, it is back to square one. The Order will become null and void, and the commission will not be able to initiate the process of selecting a Commissioner of Police, and the whole thing will be just a total waste of time. That is one of the issues with negative resolution. This is perhaps something that the Parliament needs to look at in another forum, but not today. I needed to deal with this issue of the fact that the seven days is, in fact, an improvement on what is there now.

The other point I wish to make is that in the 2007 Order, clause 3(b) the candidates are asked to submit information which they feel will advance their candidacy. So, it introduced an extreme level of subjectivity into the process. It told the candidate to submit a résumé; submit a personal biography, two references and then if you feel that there is something that you need to tell the commission that will give you a better chance, you can tell them that. So, actually what you end up with is a series of diverse and different applications. They are all different, because each candidate will have a different perspective on what he thinks he should submit to advance his candidacy. It does not make any sense.

When one looks at what we are doing now, the firm will decide what is the additional information. It could be very well—Member for Tabaquite, it is not to

say that we are not listening—that the firm could ask the candidates to submit evidence of their ability to fight crime; their ability to deal with gangs; their ability to deal with the proliferation of guns; and the drug trade and so on. It is the first time that we will be doing this, so there will be consistency, and there will not be diversity of applications, but it will be something that removes subjectivity. It must be an improvement.

If you have a barrage of applications with all sorts of different things in them and you put so much subjectivity into the selection process, how is the valuation committee going to determine when each candidate has a different application with different information in it? How are you going to access them? What points are you going to put on the different bits of information when the firm will not even know at the outset what is coming in, because you have given the candidate the opportunity to tell you whatever they want and to submit whatever they want? That is in the 2007 Order, and we are fixing that. We are taking out the subjectivity with respect to the additional information.

With respect to clause 3(c), the kindest construction I could put on what Members said is that they just do not understand. In clause 3(c), the commission was subject to the Central Tenders Board, so they had to go through the convoluted procedures of the Central Tenders Board, in terms of contracting of the firm, and that took months. We went through all of this before.

We have now put in a provision with the Director of Personnel Administration, because only a head of a department can act on behalf of a department. So, the DPA, being a head of a department, can use this clause in the Central Tenders Board Act, 20(a)(i)(c), which allows the Government to contract on its own behalf. You do not have to go through the CTB procedures. They would just use their own tender procedures, and that will cut months out of the process. So, that is why we have changed this. I wish hon. Members opposite will take a look at what we are doing, because everything that is in here has had the benefit of a lot of thought, a lot of introspection and a lot of examination. This is not a *vaille que vaille* Order that has come before this House.

Mr. Speaker, the other point that the Member for Tabaquite made is that we should involve the public in the recruitment process. Now, Member for Tabaquite, you could not be serious. That is taking democracy too far. How will the public get involved in the selection process of a Commissioner of Police? Are you going to parade all of them around the country, village by village and say: “Here are our candidates, tell me what you think about them and ask them questions”? That is taking democracy too far.

Commissioner of Police
[HON. C. IMBERT]

Wednesday, June 24, 2009

The analogy that the Member used about the environmental matter is a misplaced analogy. It is a requirement of that law that there is consultation. The court interpreted the law in a particular way and came up with a particular result. It does not mean that it is correct, but that is what happened. How could you extrapolate that which is a requirement of a law and bring it into this and say that the public should be involved in the selection process of the Commissioner of Police? Then we should not have a government. I am not aware of any country in the world that has asked the public to choose a police commissioner. I am not aware of it. How are you going to consult the population? How are you going to do it? Are you going to have a referendum? It is not a practical suggestion. It is one of those suggestions that are meant to attract attention, but they do not really mean anything. Member for Tabaquite, I do not mean any disrespect, but you were just “gallerying” when you came with this matter, about bringing the public into this thing. It does not make any sense. And then there was the question of constitutionality.

Hon. Jeremie SC: Thank you, Member for Diego Martin North/East. Member for Tabaquite, you raised one legal point to which I feel I should respond. You made the point that—[*Interruption*]

Mr. Speaker: I am not sure you can do this. [*Interruption*] If you wanted to intervene, you should have intervened when the Member was on his legs. It cannot be an intervention on his intervention.

Hon. C. Imbert: I gave way. [*Interruption*] Mr. Speaker, I will develop the point, and then I shall give way. The other point that needs to be made is with respect to this hue and cry about this merit list with the top five. The 2007 Order already has the word “five” in it. Five did not drop from the sky. Mr. Speaker, if it is unconstitutional now, it was unconstitutional in 2007. Why did the hon. Member not raise that matter in the House when we debated the appointment?

Mr. Speaker, let me read clause 3(i) of the Selection Process Order 2007. It says:

“the Commission shall review the assessment of not more than the top five candidates from the Order of Merit List and subsequently conduct its own interviews with those candidates;”

The clause before that in the 2007 Order reads as follows:

“the firm shall submit the results of its assessment process to the Commission in the form of an Order of Merit List...”

So, in the last Order, the firm was evaluating. It came up with a merit list and then it gave it to the commission, and only the commission had the power on the last occasion to pick five. So, we have done nothing different to what is there now.

Mr. Speaker, the other matter that bothers me with the statements made by the hon. Member for Tabaquite is that when one looks at these Orders, it is the commission that is doing the appointment. I wrote it down—the Order limiting the power of the commission and the Constitution to the point. That is not so. When you read the Order, there is nothing in here. It says:

“the Commission shall then take into account all information on the candidates...”
and thereafter establish an order of merit list.

It is the commission that is establishing the Order of Merit List, not the firm. All the firm does is pick the top five candidates in its opinion and then send that to the commission. The commission then ranks the five of them in an order of merit list, and then proposes the top ranked candidate which it has ranked. It is not the firm that is doing it, it is the commission. So, hon. Member, you did not read the Order.

Mr. Speaker, it is standard practice for institutions, organizations and even entities like a judge to delegate their functions to individuals and bodies. That does not take away their powers. The Member knows that. The Member for Tabaquite has a lot of knowledge of constitutional law, and he knows that the courts on diverse occasions delegate their functions, in terms of getting expert reports and expert information, and then the courts will draw their own conclusions based on the information presented to them. He knows that!

Mr. Speaker, I do not think I need to deal any further with the points made by Members opposite. The fact is that they have misunderstood what is in here; they have misconstrued what is in this Order; they have raised points which are not relevant; and they have misunderstood the purpose of this debate. We cannot change anything in this. It is either we say yes or no. As I said, this is one of the unfortunate things with respect to a Motion to negative an Order that is subject to a negative resolution. You cannot change it. It is either you throw it out or you accept it.

This new 2009 Order has made significant improvements on the previous Order. It will reduce the time, and one of the provisions that will certainly enhance the process is what is contained in section 3(a) and it says:

“the Director of Personnel Administration shall, in accordance with section 20A(1)(c) of the Central Tenders Board Act, contract a firm experienced in conducting assessments of senior police managers to conduct an assessment

Commissioner of Police
[HON. C. IMBERT]

Wednesday, June 24, 2009

process and the firm so contracted...shall consult with the Commission upon the completion of each stage of the process;"

That did not happen before. What happened on the last occasion; they finished the whole process, and then they presented the list to the commission, and because previously there was no requirement for security vetting—that was the problem with Vega.

7.25 p.m.

We all know what happened, there was a security report on Mr. Vega, which caused him to withdraw from the process. The reason why that happened at the end was that there was no requirement for security vetting during the process.

Now, it is going to be part of law, so that although a candidate may look good on paper, although he may have wonderful character references, the firm has to go behind that and do a security check on the candidate to see whether the person is suitable for the post. Again, they should have done it as a matter of course but they did not do it, hon. Member. They waited until the end of process and then did the security check which catspradle everything.

Mr. Sharma: It seems to me what you are saying is different from what Minister Peter Taylor said. Why is there a difference now?

Hon. C. Imbert: Mr. Speaker, on the face of it and based on the previous behaviour of the Member for Fyzabad, that is impossible to believe. The Member had not indicated any facts, he is simply saying that what I am saying is different, [*Desk thumping*] but because of the known behaviour of the Member, what you have just said is impossible to believe, and I will dismiss it out of hand.

The point is that the Government regrettably has no intention of acceding to this negative Motion; we shall not; too much time has elapsed; we need to get this show on the road; we are certain that this is going to be a better process; we are not saying it is perfect; sure, there are things that can be done. Maybe the seven days should be 14 days, maybe it should be 28 days, sure. In hindsight, you could always see these things, but this is a much better process and we need to go through the process as a country, come up with a merit list of five suitable candidates, if five can be found, to be commissioner of police; present them to this Parliament and let the Parliament make a decision. There is no more freedom to waste any more time on this matter.

Thank you.

Mr. Subhas Panday (*Princes Town North*): Thank you very much, Mr. Speaker. I really want to congratulate the Members on this side of the House, who have really spotted the problems on this Motion. The last Member who spoke, the hon. Member for Diego Martin North/East, he has accepted that the Order is not perfect and that there are deficiencies in the Order, which needs to be corrected.

The question is, they have taken almost 10 months, saying that they would bring an order, which is perfect, and after 10 months, they have come here and admitted that there are deficiencies in the Order. He admits that there should be changes in the Order, but then he says, in the case of a negative resolution either you accept or reject.

What we are saying is that since the other side had seen serious effects in this Order, they have waited 10 months, I do not see any harm would be done if we wait for one additional month and have it done properly. You see what happened is, they decide, typical PNM, to railroad their will on the Parliament. I will show you how I foresee this in the future.

As to the Member of Princes Town South, I will be unkind to him, except to say, he is the best example of somebody who should not speak when you are not prepared; save and except that you are a good person. You must be prepared when you come to a debate. From what you had said, and from what that hon. Member from Diego Martin North/East said, when you compare, it seems to me that you did a bit of research and you came out with only these academic characteristics, when that other Member spoke, he said no, no, that is not it.

In those circumstances, it seems to me that you all are confusing yourself. The cat was let out of the bag by that Member for St. Joseph, when he said the service commission could recommend. Why should we accept the service commission recommendation? We are the Parliament. That is the point you were making. That is the frightening thing about this argument, in that, the service commission is provided by the law, and when the Police Service Commission makes a recommendation—Is the Service Commission appointed by the Constitution? The firm appointed by the DPA? When they come up with a recommendation you must have a good, compelling and cogent reasons to reject it, but you are saying, "We do not have accept it, you have the power to do it", and that is what is frightening.

It is wrong for the Parliament to merely throw out a recommendation of the Police Service Commission without proper reason. The only reason you probably could use is either there were mala fides; you cannot speak about incompetence, because in case of incompetence, the firm and the Police Service Commission

Commissioner of Police
[MR. S. PANDAY]

Wednesday, June 24, 2009

have more competence than the Parliament. Therefore, what is the basis you can use to strike out a recommendation from the Police Service Commission? I humbly submit that it must not be reversed willy-nilly. The Parliament has a duty to accept it, unless there were mala fides, there was corruption and things like that in the decision making process to choose that candidate to send to the Parliament.

What they are saying, Mr. Speaker, is we have power and we will do what we want. You never said the terms and conditions in applying that power. There is a principle in law which when you have a public body performing a function, there is a Latin maxim, *omnia praesumuntur rite et solemniter esse acta*. What that means is that if you have this body performing an act, it is presumed that that act was properly done and when a public body like that performs an act which is deemed to have been properly done, how is it the Parliament could come willy-nilly and just strike it out?

It is said that the decision of public officials is something like the Police Service Commission, is lawful until the contrary is established, but in that regulation we have before the Parliament today, although there might be that presumption of irregularity, the Parliament on its own—We speak of the Parliament, we do not speak of the Parliament as a whole like this, the Parliament may discuss it but it is really the Cabinet, headed by the Prime Minister, which would take the decision. When you talk about Parliament you merely trying to hoodwink the population.

When we go back to this order, 4, it is frightening. It says:

"Where, in relation to clause 3(m), the House of Representatives does not approve the highest rated candidate on the Order of Merit List pursuant to 123 of the Constitution..."

It does not say that you have to give reasons. Just like you came on the last occasion and you did not give any cogent and compelling reasons to strike down the appointment of Stephen Williams, you could come and do the same thing in the future. So, when you read the law, you have to read the law against the backdrop of the history of the PNM. That is why you have to be careful when you are interpreting the law, and that is why we are asking to deal with this issue to negativize this issue. *[Interruption]* Do not provoke me.

The first nomination, they do not like it, just as the manner in which they did not like Stephen Williams, because they feel that officer would not serve—

Mr. Dumas: Nonsense.

Mr. S. Panday: Of course that is it, that is what you all did.

Mr. Dumas: Fed up of the nonsense.

Mr. S. Panday: Fed up? PNM should be ashamed of themselves for the way they have been practicing. So, the PNM did not get the first one they wanted, they go for the second. They would keep on going until they get a commissioner of police that suits them, who they want, and that is where we are going against the spirit of the legislation, and this law here can be abused. The PNM has a history of abusing the law.

So, they would keep on going down. They, like on the last occasion, could send their friends to put in their nominations and they will object and object until theirs come up; and when theirs come up they would accept it.

Suppose, in that five, the PNM does not get the Commissioner of Police they want? You know what it says? It goes back and says in where (2):

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

So that there would not be wasting time? You are talking about, let this go through, vote against this, because you want to save time; hit the road running, we want to put the band to play. You would come here, you, that hon. Member for Diego Martin North/East, and say we are interpreting the law. Like you said hon. Member, you were there last time, why you did not say it; why you did not bring it to the notice of the Parliament?

Mr. Imbert: What is the point?

Mr. S. Panday: The point I am making is that once the arguments that you put forward there, although it might appear to have some good motive and some bona fides, we know you. When the time comes for the interpretation of the law, you will say—and you know he likes to play lawyer—we are giving the literal interpretation and we are going to interpret the law as we see it on paper. That is what we are saying, we do not trust the PNM. The PNM we are saying by this order here, has weakened the position of service commission to the extent that they will reintroduce the veto and the PNM will abuse the process until they get a commissioner they want, not necessarily a commissioner who would carry his functions in the interest of the people of Trinidad and Tobago.

Mr. Speaker, in those circumstances, I want to congratulate all the Members on this side of the House who have contributed.

Hon. Member: On this side.

Mr. S. Panday: On that side? It seems to me you did not understand what you were doing. You went to the Internet and you just pull out something, totally irrelevant and you did not understand what you were doing.

Mr. Speaker, I humbly ask, that having regard to what has been said in this House today, there is need to support this Motion.

Thank you, Mr. Speaker.

Question put.

Mr. Speaker: I think the Member for Siparia has voted with the Government. [Laughter] [Desk thumping]

The noes have it. The Motion is defeated.

Motion negatived.

ADJOURNMENT

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, I was just so caught up with the resounding no that came from the Member for Siparia against her own Members. [Laughter]

Mrs. Persad-Bissessar: For the record, my response is yes, so you could have your fun for the rest of the evening. For the record, definitely yes.

Hon. C. Imbert: The video tape would determine that. Mr. Speaker, I beg to move that this House do now adjourn to Friday, July 03, 2009, on which day we will be doing Bill No. 4 under Government Business; the Land Acquisition Motion in Appendix II, and if we have time we would do Bill No. 5 on Order the Paper under Government Business.

Mrs. Persad-Bissessar: We staying the whole night?

Hon. C. Imbert: Yes, we are going to be staying the whole night, bring your pajamas. [Interruption] Mr. Speaker, I mean, it is written here, Bill No. 4 on the Order Paper, the Land Acquisition Motion in Appendix II and Bill No. 5 on the Order Paper. It is in front of you.

Mr. Speaker: The Member did not hear you, that is all. The Member did not hear you. Would you want to move the Procedural Motion? I think there are two matters on the adjournment, which we are doing.

7.40 p.m.

PROCEDURAL MOTION

The Minister of Works and Transport (Hon. Colm Imbert): Mr. Speaker, in accordance with Standing Order 10(6), I beg to move that this House continue to sit until the conclusion of the two matters on the Motion for the Adjournment that we have discussed with the other side.

Question put and agreed to.

**Water and Sewerage Authority (WASA)
(Wrongful Dismissal of Workers)**

Dr. Tim Gopeesingh (Caroni East): Mr. Speaker, the Motion on the Adjournment on which I stand to speak about which is what we consider an arbitrary, captious and wrongful dismissal of 30 workers employed by the Water and Sewerage Authority (WASA) recently. It has been brought to our attention that these workers, included some managers and a number of different level workers within WASA employed within the last four years. We understand that the Public Services Association had given up the representation of a number of these workers because a lot of them went into management level and therefore they were left on their own without any bargaining trade union on their behalf.

When the issue of the separation of the waste water area of WASA came up, these workers realized that there would be some degree of voluntary separation because they were made to understand that there was going to be separation of the waste water system, probably which might have been privatized and therefore they would have been offered some degree of voluntary separation. The number of these workers approximated over 1,000, and therefore they began to discuss amongst themselves if they are separated, what type of formula would be used for the payment of their separation. There have been different formulae used by the Government in terms of separation, one of which was, they felt that the one that was used in the employees of BWIA was not going to be in their best interest, but the one that was going to be used at TSTT voluntary separation was a better one for them and this is what they sought to have discussions about with respect to the management.

So, amongst these 1,000 workers or more, about 150 decided one day to go and produce a petition to management and to the board. It has come to our attention that it was during a lunchtime that approximately 150 of these workers sought entry into the building of WASA compound and they were easily escorted by the security to the fourth floor of the building where Dr. Henry, a member of

WASA (*Wrongful Dismissal of Workers*)
[DR. GOPEESINGH]

Wednesday, June 24, 2009

the board, was there and they presented their petition on behalf of the 1,000 workers. We understand that there were cameras there and the cameras would have filmed these 150 workers who were providing the petition on behalf of the 1,000 employees and it seems as though management or the board of management of WASA, we are made to believe, selected those 30 employees and decided to suspend them.

They were suspended for seven months on grounds which we consider to be fallacious and my distinguished colleague, Dr. Moonilal, Member for Oropouche East who is an expert in labour law will obviously support this statement that these Members who were suspended for gross misconduct did not in fact misconduct themselves. What has come to us is four grounds for suspension, one of which was, illegal entry into the building, illegal entry to the fourth floor, protesting during working hours, amongst others. Following the suspension these workers were then dismissed.

Hon. Member: Are you a trade union man?

Dr. T. Gopeesingh: No, I am presenting the facts on behalf of these employees who were terminated by WASA.

Most of these employees have over 30 years service. We believe that they went on their lunchtime to present the petition to a board member and we believe that they went to provide this petition because they were not happy with the proposed voluntary separation plan which they were probably going to be given because they were not happy with it.

It has come to our attention that this has been against all internationally recognized sound industrial employment relations practices and therefore on behalf of these 30 workers, it is our submission that we seek a redress from the WASA board for these employees because they are without a bargaining body at the moment and that they feel they have been given a raw deal. It has been wrongful dismissal and we seek some degree of answers from the hon. Minister who WASA reports to, and therefore it is our duty on behalf of these workers to present this motion here this evening seeking answers from the hon. Minister.

Thank you.

The Minister of Public Utilities (Hon. Mustapha Abdul-Hamid): Thank you very much, Mr. Speaker. I am tempted to feel pity for the Member for Caroni East because he has been asked to do a duty here this evening and I suspect that he has been set up because it is obvious that he does not know anything about that which he speaks.

The clear evidence is if you take a look at the motion, in this motion he speaks about 20 workers and today, somehow, we are speaking about 30 workers. He does not even know what number of workers we are talking about and it is obvious from the way he dragged slowly through his presentation, what he had in his mind and what came out of his mouth was nothing but speculative dribble. [*Desk thumping and Interruption*]

This Member is absolutely incorrigible and his contributions—I have shared because he has been my parliamentary colleague—

Mr. Speaker: If I read you right you are saying the Member is incorrigible? If you said that I do not think you should say that.

Hon. M. Abdul-Hamid: Incorrigible means that he cannot be corrected. [*Laughter*] No matter what effort we have made in this Parliament over several years the quality of his contributions... [*Crosstalk*]

Mr. Dumas: It is a good word, go in the dictionary.

Hon. M. Abdul-Hamid: No matter how much effort on how many occasions we have made to correct this Member to improve the quality of his contributions they remain consistently insufferable.

I would like to find out from the Member, perhaps at some point in the future, since when you and your party care about workers? It came as a great surprise to me that they came today and made a presentation that purports to care about people. Since when do you care about workers? They forgot that they were in Government once and that we have good memories and the population has good memory and we are very clear about what their record has been. So when they present themselves as caring about workers today, we are quite comfortable in our minds and quite sure that that is a display of hypocrisy in the highest order. [*Desk thumping*]

I remember in spite of the fact that today they claimed they care about workers, because they were the ones who referred to workers, teachers as criminals; they were the ones who had the most harsh terms to describe citizens of Trinidad and Tobago working as part of CEPEP. I remember when they described CEPEP workers as animals and I remember when they defined CEPEP as creating employment, painting every pebble. That was what they used to describe citizens of this country who are workers, so my question remains, since when do you care about workers? Since when?

Dr. Gopeesingh: Answer the motion.

Hon. M. Abdul-Hamid: I also remember a worker in this country who was a journalist doing her duty, asking a question and was told, “Ask your mother.”

Hon. Member: “Oh God!”

Hon. M. Abdul-Hamid: “Ask your mother!” That is on record when they were in Government. That is on record! So, my question is, since when you care about workers?

7.55 p.m.

I also say, Mr. Speaker, that their behaviour demonstrates hypocrisy of the highest order. Whenever they come here to talk about WASA, I have to remind them that a lot of the difficulties we face in WASA today are as a consequence of intervention that they made between 1995 and 2001. [*Desk thumping*] Because I recall very clearly in 1995, on the eve of the election, our government at the time engaged in an arrangement for the management of WASA, and part of the arrangement was that the debt of WASA would be eliminated. So, towards the end of 1995 and the beginning of 1996, the debt of WASA stood at zero, because as part of the arrangement with the incoming management system, that had to be done. Do you know what has happened between 1995 and 2001? A loan was taken. The first loan, \$300 million, South West, RBTT 1996; the South Water Project, \$343 million; Fincor, Citi Bank, \$457 million; North Water Project, \$330 million; VSEP, \$100 million.

Mr. Speaker, do you know what we inherited in 2001 when we came into office? [*Interruption*]

Dr. Gopeesingh: Mr. Speaker, Standing Order 36(1).

Dr. Moonilal: Thank God!

Mr. Speaker: I think what the Member is asking you to do is to come to the Motion he has presented, rather quickly. And before you go on, let me just indicate that when you use the word “incorrigible” in the context in which you used it, it is not out of order. Had you gone on to perhaps add an unworthy adjective next to the word, then perhaps you would have been out of order. Continue!

Dr. Moonilal: That is right.

Hon. M. Abdul-Hamid: Are you saying that had I said incorrigible incubus, I would have been out of order? Go and look up incubus.

Mr. Speaker, we left WASA with no debt on its book and when we came into office—I am coming to the point. I am giving an understanding of the condition in which we found WASA—in 2001, the beginning of 2002, we found WASA indebted to the tune of \$4.2 billion.

Hon. Members: Oooh!

Mr. Dumas: Had to fire everybody.

Dr. Gopeesingh: You had to fire people.

Mr. Dumas: And you all had fired everybody. You all brought on a management team in which you all wanted nobody.

Hon. M. Abdul-Hamid: Mr. Speaker, I would like to give the hon. Member some enlightenment. He has described the termination as being arbitrary, capricious and wrongful. Let me provide some—[*Interruption*]

Hon. Member: Mission impossible.

Hon. M. Abdul-Hamid: Incurrible! I try once more. Mr. Speaker, on March 11, 2009, approximately 100 workers were reported to have breached security on the fourth floor of the administrative building at WASA. The breach was said to have occurred at approximately 1.20 p.m., after lunch, during working hours. Instructions were given by a security guard—the hon. Member indicated that they were escorted by the security guard—who was posted on the floor, and those instructions were disregarded and disobeyed. The records of the close circuit television on the fourth floor were examined and 28 workers were positively identified.

The 28 workers who were identified were suspended with full pay for the following alleged offences:

- They accessed and entered without authorization the inner fourth floor lobby area;
- They participated in unauthorized meeting during working hours on the authority's compound;
- They willfully disobeyed the lawful instructions given by a security officer, charged with the security of the fourth floor; and
- They participated in an unauthorized gathering on the fourth floor during working hours.

Mr. Speaker, in accordance with Article 25 of the Collective labour agreement, an investigator in the person of Mr. Anand Ramsundhar was appointed. The employees were advised that they had the right to representation during the investigations and had an opportunity to defend themselves in accordance with the rules of natural law and in keeping with the provisions of Article 25 of collective labour agreement, each employee was written individually and advised

of these matters. An investigation was undertaken. On the conclusion of the investigation, it was determined that acts of conduct were indeed verified.

At all times, the duly recognized, elected and responsible union, the PSA, was kept informed and there was constant communication with the duly elected union, and all correspondence between management and workers were copied to the union. One person was found to have been derelict in his duty. All the workers would have had recourse to the representation by the recognized majority union and if dissatisfied, have recourse to private counsel.

The hon. Member would have spoken about 1,000 employees being involved in the waste water. Mr. Speaker, that is not so. Out of the 4,000 or so employees within WASA, only about 200 or so are directly employed in waste water. The point that the hon. Member made about being escorted by security is ridiculous. The security gave instructions not to enter and those instructions were not obeyed. The hon. Member had said that they are without a bargaining body. The point that I want to make is that due process has in fact been followed. The unions have been kept abreast and involved in the entire exercise as we have gone along. They have been kept informed and the workers were terminated consistent with investigations as it is related to best industrial relations practices, I think the correct term is.

Mr. Speaker, even now the union, the PSA which represents the majority of workers who have been affected, is in discussions with the management with a view to representing the workers' interest. That process is ongoing as we speak and if there are any workers who may be affected and may not wish to have the union representative, there is a provision for that as well.

The management of WASA has been faced with a situation that they considered to be a gross act of indiscipline on the part of some of its workers and it has taken steps to ensure that the highest standards of discipline are maintained in the organization. As we all know, water companies throughout the world are unique and very difficult to manage and in this set of circumstances, given the condition in which they left the organization, we have given the board of WASA and the management of WASA a job to do and we must ensure that we do not interfere with the company's fulfilling of its responsibility to ensure that this population, that the citizens of Trinidad and Tobago get the best possible water supply.

The Government is committed to ensuring that we provide the necessary resources for the infrastructural development and at the same time, we must ensure that the organization that is responsible for managing this infrastructure is an efficient, effective and responsible organization. The management has demonstrated

its own responsibility and its own commitment to the international standards of best practice, as it relates to industrial relation's practices in this matter. As I have said, the matter is still ongoing because as we speak, the union and the management are in discussions with a view to resolving this issue, and making a determination on the future of these workers.

Mr. Speaker, I thank you. [*Desk thumping*]

**CL Financial Policyholders
(Failure of Government to Honour)**

Mr. Ramesh Lawrence Maharaj SC (*Tabaquite*): Mr. Speaker, I beg to move the Motion on the Adjournment which is, the claim that the Government is not honouring the public guarantee it gave to policyholders, security holders and other investors with Clico, and that it will ensure that the moneys due to them under the said securities, and/or investment are paid to them.

Mr. Speaker, since the Government intervened in the financial difficulties of the CL Financial Group, there have been many persons who have been speaking to me, I have been seeing them and they include people from Trinidad and Tobago and abroad. I have seen them in my capacity as a Member of Parliament, in my capacity as involved in the civil rights and they have also asked me for legal advice. I have not been retained by anyone. I have given all advice pro bono, so I wish to declare that in this day and age of the conflict of interest.

On January 30, 2009, the Government announced that it was moving to protect the interest of depositors and policyholders. The Government announced certain initiatives and action that it was going to take to provide funding support to fully back Clico and Bico, to meet any statutory fund deficit that might emerge after the company has made all possible arrangements, to place satisfactory levels of cash and other assets into the statutory fund, in order to ensure the short as well as medium and long-term liquidity and stability of Clico.

In this statement, the Government continued in the final paragraph:

The Government has taken these steps to assure the investing public in Trinidad and Tobago, including depositors and policyholders of the affected companies of the safety of their investments and the requirements for stability, an order in the marketplace.

So the perception had been created in members of the public, both in Trinidad and Tobago and abroad, that the Government was giving a commitment to both the investing public in Trinidad and Tobago including depositors and policyholders of

CL Financial Policyholders
[MR. MAHARAJ SC]

Wednesday, June 24, 2009

the affected companies, of the safety of their investments and requirement for stability and order in the marketplace.

So it is in that context, I saw Clico—and this statement has been drawn to my attention—on February 16, 2009, a statement by the Managing Director of Clico (Trinidad):

Clico (Trinidad) wishes to assure all its policyholders and clients that our normal business operations continue. All terms and conditions of existing policy contracts will be honoured. All policy funds are guaranteed by the Government of Trinidad and Tobago and the Central Bank. We assure you of our continued commitment and to service excellence and confidentiality.

Sgd. Claude Muspha-Ali

Managing Director.

Mr. Speaker, as I said, groups and individuals and in particular some of the groups—I would not call their names, but I have in my possession a meeting that I had with a particular group which showed me documents in which the investment is about \$40 million. They have indicated to me that they have been trying to get their moneys, but they are not getting their moneys. I cannot say how true this is, but that is the claim. Then I have been contacted too, by not only individuals in Trinidad and groups, but some of the foreign banks and financial institutions in the Bahamas, Belize, Cayman Islands and the Eastern Caribbean.

I am told that they have an investment with Clico in the sum of approximately US \$1 million. They have their Certificates of Investment, but they are not getting their funds although the funds have matured. I asked to see some of that information. I would not call the name of this particular foreign bank.

8.10 p.m.

I have been told that over the past five years this bank has made several investments with Clico, utilizing an investment policy for a one-year renewal term. At present, the bank has US \$4.5 million in Clico, as security, with maturities through 2010. On April 18, five of the investments, totalling \$1.2 million, matured. It requested the termination of these instruments, but, to date, have not received the funds.

The interest payment for April 2009 has been deficient, and they have given me the particulars. They said on July 15, 2008, it invested 500,000 euros for one year. Based on the terms of its investments, interest payments should be remitted

monthly. Payment on this investment has always been late, at least two months, and there has been no payment received for 2009. The investment would mature on July 15, 2009.

The third investment was made on October 15, 2008, for the sum of US \$1.5 million. So far it has been receiving interest payments, with the exception of the June payment which is still outstanding.

The fourth and final investment was made on January 23, 2009, of US \$1 million. It says that it had been advised by the Central Bank that it is not going to recognize that investment. I have been told that in most of these countries the banks and the financial institutions have used these deposits as evidence of security for their statutory fund. Serious situations are now arising, whereby action may be taken against them if certain commitments are not given.

I have in my possession several other claims. The whole purpose of this Motion is really to get some answers from the Government.

From my discussion with persons, they do not mind allowing some time to pass, even though these deposits have matured, but they are not getting the guarantees or answers that within a certain time frame this thing would be sorted out.

As a matter of fact, in my discussions with both the local and foreign persons, they seem to understand the situation; they seem to believe that the Government is trying its best, but they believe that something should be done for them to be attended to, so they could get some answers as to if it cannot be done now, at least, within the next year or two, and, at least, some evidence could be provided so they could even use it as some collateral document in order to get some loan somewhere. But the point is that people are very unhappy; they feel very insecure. I think it is an opportunity for the Government to give some information.

In fairness to the Central Bank, after a statement was made about this matter, it did a release, but that release has caused some uncertainty with respect to persons who are living abroad. Although the Government is committed to meeting its obligations, in practice the obligations are not being met. Even with respect to interest and moneys which have matured, the claim is that the Government is not keeping its commitment.

In the advertisement of June 21, 2009, the Central Bank said:

“As regulator of the financial sector we wish to assure the public that the Government of Trinidad and Tobago is committed to meet obligations of Trinidad and Tobago third party policy holders of Colonial Life Insurance

CL Financial Policyholders
[MR. MAHARAJ SC]

Wednesday, June 24, 2009

Company Limited consistent with the Memorandum of Understanding between the Government of Trinidad and Tobago and CL Financial. Having assumed control of Clico under the provisions of the Act...”—and he quoted—“It is providing support to restore the stability and sound and efficient management of Clico. To this end Clico’s operations are being restructured in line with proper business and risk management practices. In summary we are committed to a transformed and vibrant Clico in which existing and future policy funds are safe.”

In respect of the first paragraph, “The Government of Trinidad and Tobago has committed to meet obligations of Trinidad and Tobago third party policyholders”, that has caused some confusion because it is felt by some of the foreign investors who have money in Clico, that the Government is now saying that it is only Trinidad and Tobago policyholders.

I do not see “nationals only” of Trinidad and Tobago, but I do not know what the position is. I hope we can get some explanation from the Government.

The Minister of Finance (Hon. Karen Nunez-Tesheira): Mr. Speaker, I just want to address the premise of the Motion which, with all the greatest respect, is in my respectful view, fatally and factually flawed, because it proceeds on a false premise. The premise is that the Government gave a public guarantee to a whole group of persons, not only the policyholders, security holders and other investors—I want to put on the record that is not correct—did not extend its guarantee as to the breadth to which the Member spoke to, to include persons that he called “security holders and other investors”.

The Government was clear that its remit was to policyholders. Within the context of the policy holders, that guarantee must be consistent with the defined parameters as set out in the legislation.

When the hon. Member for Tabaquite began his contribution, I noted that he read, in support of his statement, that was what the Government had done. He did not quote from the Memorandum of Understanding or the agreement that was entered into subsequent thereto with CL Financial, but he read from a media report. I think with all respect to the Member, who is known for his prowess in his understanding and expertise in constitutional law, that might be stretching the concept of legitimate expectation a tad.

However, coming to the question on the premise of the Motion, that the Government had given a guarantee to those categories of persons, the categories are limited to policyholders resident in Trinidad and Tobago. It is important to understand that.

The basis of that, of course, and we know the beginning of this whole saga, which began in January 2009 when the Central Bank was approached by CL Financial, initially CL Financial indicated that they were having what they called “severe liquidity problems”—that was how they classified it—in relation to Clico, British American and CMMB. However, when the Central Bank had further investigations, it was discovered that liquidity needs were far greater than was suggested, that many of the assets shown on the books of the institution were intergroup assets, and the liquidity of those assets were seriously in question. For example, for CIB no more than a third of the balance sheet assets were third party assets.

More to the point of this Motion, the statutory funds of the insurance companies were in substantial deficit, which meant that they were technically insolvent. As we are speaking really on the insurance companies, I will refer to the Insurance Act. The Insurance Act at section 37 speaks to the issue of statutory funds. It really brings home the reason why one would want to treat a policyholder in a special circumstance, taking into account, of course, that what was really at the heart of all of this, and the Government’s intervention, was the systemic risk that the failure and collapse of Clico would mean to Trinidad and Tobago. But the nature of the business must be taken into account.

The Member for Tabaquite is an attorney, so he knows full well that the nature of insurance business creates a fiduciary relationship, a relation of trust between the client and the insurance company. In fact, it is because of the nature of the liability and because of the nature of the trust relationship and the nature of investment, which is essentially persons’ pensions, you are investing life insurance policies; that is what you are investing in. That is, by and large, the nature of the investment.

Because of that, the law requires that you have a statutory fund. It is established under section 37(4), which I believe would answer, to some extent—and I believe the Member would be familiar with this. It says, very clearly, that every company that is in the insurance business must keep a statutory fund where the assets and liabilities are matched. It must be equal. The liabilities must be matched by assets. That is to ensure that in any circumstance where the insurance company is called upon to satisfy any life insurance policies—remember it is pensions you are dealing with—they are in a position to so do. But it says clearly at section 37(4) that is with respect to its Trinidad and Tobago policyholders, as established by the balance sheet of the company.

In fact, when we had our discussions with the British American and the OECS countries, one of the things that was really encouraging one to have a more regulatory environment where you have a harmonious, common regulatory

CL Financial Policyholders
[HON. K. NUNEZ-TESEIRA]

Wednesday, June 24, 2009

structure, was that in Trinidad and Tobago our Insurance Act is such that the statutory liability in relation to the statutory fund is with respect to persons who are policyholders resident in Trinidad and Tobago. That is something that is peculiar to Trinidad and Tobago. It certainly is not the case with some other jurisdictions, but it is the case for Trinidad and Tobago.

The statutory fund effect, essentially, really speaks to the investment of policy holders to which I alluded. It was that statutory fund which was found to be in tremendous deficit; we would want to say up to the tune of \$10 billion. I want to make the point that under the legislation, the insurance company has a month after the financial year is over to ensure that the liabilities are matched by the assets. They have six months thereafter to give their financial statement to the Central Bank as the regulator.

It was clear to Clico that they realized that they would not have been able to meet that responsibility, since they had some time before they had to match their assets and liabilities, and certainly to submit that financial statement to the Central Bank. It was because moneys that should have been put into the statutory fund clearly were not deposited there. If they had followed the law, that would not have been the case.

It was not only that, but as the Central Bank in its release—and I will quote from that—of January 30, identified some of the reasons Clico had found itself in that difficulty:

“excessive related-party transactions...
an aggressive high interest rate...”

We can only think of the Stanford case, and immediately one looks at that, it was an interest rate which was not sustainable.

“equally high risk investments...; and
very high leveraging of the assets of the company.”

Why did the Government seek to intervene?

The Government sought to intervene, and it was very clear in all its statements. It was reflected in the Memorandum of Understanding signed on January 30, and the subsequent agreement signed with CL Financial. It is very clear.

I am actually reading from the Central Bank statement:

“The Central Bank is very conscious of the contagion risks that financial difficulties in an institution as vast as the CL Financial Group could have on

the entire financial system of Trinidad and Tobago and indeed the entire Caribbean region.”

That was not hyperbole.

8.25 p.m.

For the record ladies and gentlemen, and I am quoting:

"CL Financial Group has an imposing presence with potentially systemic consequences for the financial sector and the economy of Trinidad and Tobago and the entire region."

It went on to give examples why that is so; they control over \$100 billion in assets and have a very broad investment; banking, financial, energy, real estate, manufacturing and distribution.

So the fact of the matter is that Trinidad and Tobago is not peculiar in this regard. I know for the last year the world has been going through a global financial crisis and there had been huge entities that one thought could have never failed, that were on the verge of collapse, and some collapsed, Lehman Brothers did, Bear Stearns did. We in Trinidad and Tobago have AIG multiplied four times and even more when you look at the impact that the failure of Clico and the CL Financial Group could have for Trinidad and Tobago, because in many instances there was a correlation between Clico and CL Financial. Clico was the cash cow for CL Financial's investments. That is the fact and Clico also provided the guarantee for CL Financial investments, so you could not separate the two.

And, therefore, the cause of the systemic risk that Clico presented to Trinidad and Tobago, the financial sector and the economy, the Government did what it had to do and it has been praised and, I am sure that the Member for Tabaquite would say that the Government did the right thing. We intervened, we did so in a decisive way, we did so quickly because we understood that if we did not act quickly and decisively, we would be facing a Bear Stearns in Trinidad and Tobago. There is no question about that.

I am sure you are all familiar with Bear Stearns. In one weekend, a company that had billions of dollars in assets—over 100 years old—and because of the crisis of confidence and the run on Bear Stearns, it collapsed within a weekend.

Bearing that in mind, we knew that we could not allow that to happen to Trinidad and Tobago. [*Desk thumping*] We entered into, as we all know, a Memorandum of Understanding and if the Member for Tabaquite had read from

CL Financial Policyholders
[HON. K. NUNEZ-TESTEIRA]

Wednesday, June 24, 2009

that, it spoke about the disruption or damage to the financial system of Trinidad and Tobago as a reason for entering into this arrangement and in so doing we ensured—and I heard the Member speak of conflict of interest—that CL Financial took steps to correct the financial condition of CIB/Clico by selling all its shareholdings in Republic Bank, Methanol Holdings, CMMB and selling any of their assets as may be required to achieve the said correction in the statutory fund, the deficit in the statutory fund and that is what CL Financial, as agent for Clico and in its own right, entered into that Memorandum of Understanding.

Mr. Speaker, and to the extent to which the shortfall was still not realized, CL Financial at clause 2 warranted and undertook to provide collateral to ensure that any financial assistance that was needed for Clico and British American would be provided by that company.

Mr. Speaker, in particular, clause 11 spoke to what is required in the discharge of its responsibility. CL Financial undertook at clause 11, in particular, to satisfy the statutory fund that they would sell their shareholdings in RBL owned by CLF, their shareholdings in Methanol Holdings owned by CLF and other assets of the CLF Group of companies of such quality and value as agreed to by the Government of the Republic of Trinidad and Tobago as may be required. That is what was entered into. So all those who speculate that the Minister of Finance entering into this arrangement could have benefited, the effect of this decision would be that the assets of CL Financial—you mentioned conflict of interest en passant, so I am just addressing it en passant, that it would have the opposite effect.

Mr. Speaker, so who was protected? Certainly it was the third parties and those third parties are not the persons who are current directors or officers of that group of Clico. They are not the spouses of directors, they are not former directors who have served within the last year, and the spouses of those directors. Because of the legislation it does not include those persons.

However, the Government, and you read the agreement—there is a restructuring agreement and that is carried out in the Memorandum of Understanding signed with CL Financial—is committed to restructuring CL Financial as a going concern to ensure that if investments are realized and all those persons including the creditors, shareholders and all those other persons are not left wanting, they, at the end of the day will get back and recoup all of their losses or potential losses, but to guarantee is not a guarantee to them. We guarantee the policyholders and residents of this country, that is our guarantee, but we are committed to seeing that Clico becomes a going concern because we want to ensure that the moneys that the taxpayers have invested are recouped, and

in so doing the persons to whom you spoke will therefore benefit because that will be part of the whole exercise of creating solvency for Clico and CL Financial.

Mr. Speaker, I know I have run out of time, I just want to say that I think if we are really fair and honest, the Government has done the right thing, and is doing the right thing for the people of Trinidad and Tobago.

I thank you, Mr. Speaker.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 8.32 p.m.

WRITTEN ANSWERS TO QUESTIONS

The following questions were asked by Mr. Winston Peters (Mayaro):

Mayaro Youth Indoor Sport Facility (Details of Staff)

- 73.** With respect to the Mayaro Youth Indoor Facility, could the hon. Minister of Sport and Youth Affairs state:
- (a) the names of all staff employed at this facility and their contractual arrangements?
 - (b) whether these positions for staffing were advertised?
 - (c) if the answer to (b) is in the affirmative, please state the medium used and the date advertised.

The following reply was circulated to Members of the House:

The Minister of Sport and Youth Affairs (Hon. Gary Hunt): Mr. Speaker, with regard to Part A of the question, in 2008, the following persons were contracted to work at the facility for a period of three (3) years with effect from their date of assumption:

- Mr. Hayden Williams, Manager (June 2008)
- Ms. Rhonda Williams, Operations Assistant (August 2008)
- Ms. Aloma Williams, Clerical Assistant (April 2008)

However Mr. Speaker, the position of Manager became vacant in March 2009 when Mr. Williams resigned. The Ministry is in the process of filling this vacancy.

Mr. Speaker, for Part B of the question, the above-mentioned three (3) positions were advertised.

Mr. Speaker, with regard to Part C of the question, these positions were advertised in the Guardian and Express newspapers on March 8th, 9th and 10th, 2008.

Mr. Speaker, I thank you.

Community Festivals and Tournaments

75. With regards to community festivals and tournaments, could the Minister of Sport and Youth Affairs state:

- (a) all tournaments and sport festivals sponsored from January 2008 to date in the Rio Claro/Mayaro region?
- (b) the cost of sponsorship for each activity; and
- (c) the names of all beneficiary community sports organizations?

The following reply was circulated to Members of the House:

The Minister of Sport and Youth Affairs (Hon. Gary Hunt): Mr. Speaker, with regard to Parts A, B and C of the question, the Tournaments and Sport Festivals held in the Rio Claro/Mayaro area from January 2008 to date and sponsored by the Ministry of Sport and Youth Affairs (MSYA) and the Sports Company of Trinidad and Tobago Limited (SPORTT) are:

i) Tournaments and Sport Festivals sponsored by the MSYA:

Tournaments and Sport Festivals	Cost of Sponsorship (TT\$)	Beneficiary Community Sports Organizations
Retro Fest	30,000	Brother's Road Empowerment Group
Camp VYBE	24,199	Brickfield Sport Club
Guayaguayare Road Youth Health Caravan	20,075	Guaya United Sport and Cultural Club and the Shell Girls United
Total	74,274	

ii) Tournaments and Sport Festivals sponsored by SPORTT:

Tournaments and Sport Festivals	Cost of Sponsorship (TT\$)	Beneficiary Community Sports Organizations / Residents
Football Competition	13,680	Biche Sports Foundation
Cricket Competition	7,800	Biche Sports Foundation
Annual Windball Cricket	20,350	Biche Sports Foundation
Hard Ball Cricket	14,360	Biche Sports Foundation
Football	4,000	Community Promotion
Football	25,370	Community Promotion
Annual Windball Cricket	20,200	Biche Young Developers
Annual Sports Day	7,300	Biche Young Developers
Sports Day	4,100	Biche Primary School
Athletics	32,775	Residents of Mayaro and its Environs
Swimming	67,810	Residents of Mayaro and its Environs
Football	73,840	Residents of Mayaro and its Environs
Volleyball	32,425	Residents of Mayaro and its Environs
Basketball	15,205	Residents of Mayaro and its Environs
Netball	32,250	Residents of Mayaro and its Environs
Total	357,785	

**Lifeguard Facilities—Mayaro/Guayaguayare/Manzanilla
(Status of)**

- 80.** With regard to the Lifeguard facilities in the Mayaro/Guayaguayare/Manzanilla area, could the hon. Minister of Tourism state:
- (a) whether there are plans to upgrade and refurbish these facilities in 2009?
 - (b) if in the affirmative please state the scope of works proposed; and
 - (c) the cost of this project and the tentative commencement and completion dates?

The following reply was circulated to Members of the House:

The Minister of Sport and Youth Affairs (Hon. Gary Hunt): Mr. Speaker, the answer to question No. 80 is as follows:

- a) Lifeguard facilities are comprised of lifeguard quarters and the lifeguard towers. There is one lifeguard quarters in Mayaro at Church Road and one at the Manzanilla Beach Facility. At present, no lifeguard quarters exist at Guayaguayare. With respect to lifeguard towers, there are eight patrol towers at Mayaro and two at Manzanilla. The towers at Mayaro are located at Rabita, De Roze, Plaisance, Beaumont, St. Ann's, Church Road, Radix and Indian Bay; those at Manzanilla are located in the vicinity of the Manzanilla Beach Facility. The lifeguard quarters at both Mayaro and Manzanilla were recently refurbished. There are plans to upgrade and refurbish the towers in 2009.
- b) The proposed scope of works is as follows:

Mayaro

- i. Refurbishment of six (6) towers

Refurbishment works will be conducted on towers located at De Roze, Plaisance, Beaumont, Church Road, Radix and Indian Bay. Works include, replacement of braces at tower bases, replacement of tower flooring, repainting of ramps, applying fiberglass to the sides of ramps, burglar proofing of the lower floor of the towers, installation of security systems and repairs to plumbing.

- ii. Rebuilding of two (2) towers

Towers located at Rabita and St. Ann's will be demolished and rebuilt.

Manzanilla

Repairs to the roof, ramp and handrails; repainting and other minor repairs for two (2) towers.

- c) The cost of the projects will be determined upon award of the respective contracts. All works are expected to be completed by the end of fiscal 2009.