



REPUBLIC OF TRINIDAD AND TOBAGO

Debates of the House of Representatives

3rd Session - 11th Parliament (Rep.) - Volume 18 - Number 38

**OFFICIAL REPORT
(HANSARD)**

THE HONOURABLE ANNISLETTE-GEORGE
SPEAKER

THE HONOURABLE ESMOND FORDE
DEPUTY SPEAKER

Wednesday 6th June, 2018

CLERK OF THE HOUSE: JACQUI SAMPSON-MEIGUEL

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*Leave of Absence**Wednesday, June 06, 2018***HOUSE OF REPRESENTATIVES***Wednesday, June 06, 2018*

The House met at 1.30 p.m.

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

Madam Speaker: Hon. Members, the hon. Maxie Cuffie, MP, Member for La Horquetta/Talparo has requested leave of absence from sittings of the House for the month of June 2018; and Mr. Fazal Karim, MP, Member for Chaguanas East has requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**JOINT SELECT COMMITTEE
(APPOINTMENT OF)**

Madam Speaker: Hon. Members, I have received the following correspondence from the President of the Senate.

“June 05, 2018.

Dear Honourable Speaker.

‘Establishment of the Joint Select Committee’.

Your letter dated May 28, 2018 on the subject at caption.

I wish to advise that at a sitting held on Tuesday June 05, 2018, the Senate concurred with the House on the establishment of a Joint Select Committee to consider and Report by July 31, 2018 on the Trinidad and Tobago Revenue Authority Bill, 2018, and the following six Members were appointed to serve on the Committee:

Mr. Franklin Khan

Ms. Allyson West

Mr. Robert Le Hunte

Mr. Wade Mark

Mr. Taurel Shrikissoon

Ms. Jennifer Raffoul

JSC (Appointment of)

Wednesday, June 06, 2018

Additionally, at the said sitting on Tuesday June 05, 2018 the Senate concurred with the House on the establishment of a Joint Select Committee to consider and Report by June 30, 2018 on the Income Tax (Amendment) Bill, 2018, the Mutual Administrative Assistance in Tax Matters Bill, 2018 and the Tax Information Exchange Agreements Bill, 2018, and the following six Members were appointed to serve on the Committee:

Mr. Clarence Rambharat

Mr. Lester Henry

Mr. Daniel Dookie

Mr. Saddam Hosein

Mr. Stephen Creese

Mr. Paul Richards

Accordingly, I respectfully request that the House of Representatives be informed of this decision at the earliest convenience please.

Respectfully.

Senator the Honourable Christine Kangaloo

President of the Senate”

JOINT SELECT COMMITTEE REPORT

Anti-Terrorism (Amdt.) Bill, 2018 (Presentation)

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. I have the distinct honour to present:

Report of the Joint Select Committee appointed to consider and Report on the Anti-Terrorism (Amendment) Bill, 2018.

URGENT QUESTIONS

Residents of Rampanalgas Village (Self-imposed Curfew)

Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West): Thank you, Madam Speaker. To the Minister of National Security: With regard to Reports indicating that the residents of Rampanalgas Village, Toco have administered a self-imposed curfew due to an increase in criminal activity in the area, could the Minister indicate how the Ministry intends to address this situation?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. It has been noted from publication in the media of a self-imposed curfew in that area in the eastern police division of Rampanalgas, following issues of violent incidents in that district. The Trinidad and Tobago Police Service has responded with intensive and extensive policing presence throughout the district on a 24/7 basis. Several suspects have been arrested and interrogated, and one such suspect has been charged for a series of offences including firearm-related offences.

The present feedback from the community is that they are very satisfied with the work of the Trinidad and Tobago Police Service and the Eastern Division officers are in fact committed to the continuation of the improved policing services in that community, Madam Speaker.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, why has this situation been allowed to reach this unmanageable state before something is done?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I am not quite sure what the Member means by unmanageable state. But I can assure you and I can assure the people of Trinidad and Tobago, and in particular, the community of Rampanalgas, that the police in Eastern Division will continue to assure a presence in a timely and able manner to ensure the safety and security of the people, in particular, in the eastern division.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, are the police in the eastern police station, are they properly resourced to deal with situations like these?

Hon. Maj. Gen. E. Dillon: I think you refer to the Eastern Division. In the Eastern Division, yes, the police are, and in fact anywhere and anytime they are short of resources this Government of Trinidad and Tobago will ensure that they have the necessary resources to do their job effectively and efficiently. [*Desk thumping*]

South Trunk Road, La Romaine (Road Traffic Accident)

Mr. David Lee (Pointe-a-Pierre): On behalf of the Member for Fyzabad, who is stuck in traffic outside, to the Minister of Works and Transport: In light of a recent, near fatal accident involving a motorist and an asphalt-spreading machine, could the Minister inform this House of the safety measures currently in place to protect motorists while using the South Trunk Road, La Romaine which is currently under construction to facilitate the Point Fortin Highway?

The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan): Thank you, Madam Speaker. We confirm that there was an incident where a vehicle ran into the back of a spreader. The Ministry is currently awaiting an accident Report with the details of the incident. Generally, when work is being done of this nature, signage is in place and the presence of police officers to ensure road traffic safety. Thank you.

Mr. Lee: Thank you, Madam Speaker. To the hon. Minister, has anyone been identified and being held responsible for this accident? Either the driver or the contractor? Madam Speaker, as I said before, we are awaiting an accident Report. However, because this is a road traffic accident a police Report will determine who was right and who was wrong in this incident.

Madam Speaker: Member for Pointe-a-Pierre, the Member for Fyzabad is here. Member for Fyzabad.

Dr. Bodoë: Thank you, Madam Speaker. Thank you, Minister, for that response. Minister, can you indicate when the highway will be completed so that motorists will not be susceptible to injury from a construction zone? Thank you.

Sen. The Hon. R. Sinanan: Madam Speaker, this highway was supposed to be completed before 2015. However, due to unforeseen circumstances with the contractor, OAS Construction, it was restarted in 2016 and we expect that highway to be completed early 2020. Thank you.

Witness Protection Programme (Status of)

Mrs. Vidia Gayadeen-Gopeesingh (Oropouche West): Thank you. To the Minister of National Security: With regard to the recent murder of a state witness, could the Minister indicate to this House what is the status of the witness protection programme in Trinidad and Tobago?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Madam Speaker, I wonder if the Member may wish to clarify which state witness to which she referred to and I can probably answer the question clearly.

Mrs. Gayadeen-Gopeesingh: I did not hear.

Hon. Maj. Gen. E. Dillon: Which state witness do you refer? So that I can answer your question quite clearly.

Mrs. Gayadeen-Gopeesingh: The watermelon vendor from Gasparillo, Mr. Samaroo.

Hon. Maj. Gen. E. Dillon: Thank you very much, for that clarification. Madam Speaker, I wish to inform the Member that Mr. Samaroo was in fact, as you refer to him, the watermelon person in Gasparillo. He was not in the witness protection programme. He was a witness to an offence, but he was not in the witness protection programme.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, could you indicate to this House how many witnesses, who are state witnesses, have been murdered since 2016 to 2018? [*Crosstalk*]

Madam Speaker: I will not allow that as a supplemental question. I would ask Members to please observe the rules of decorum.

Mr. Charles: Thank you, Madam Speaker. Given that state witnesses are critical to the crime reduction in Trinidad and Tobago, what special measures are in place to protect persons who volunteer to be state witnesses?

Madam Speaker: I am not going to allow that as a supplemental question.

Mr. Padarath: Thank you, Madam Speaker. To the hon. Minister: In light of the answer you provided, could you indicate to this honourable House, seeing that he was a witness to an offence, why he was not incorporated into the state witness programme?

Hon. Maj. Gen. Edmund Dillon: [*Crosstalk*] Madam Speaker, for a witness to be in the witness protection programme, he or she must volunteer to be in that programme, and there are certain protocols that are involved for them to be entered into the witness protection programme.

I have no information that Mr. Samaroo volunteered to be in the witness protection programme.

Anti-Gang Act, 2018 (Providing Relief in Gang War)

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. To the Minister of National Security: Based on a recent Report that the Trinidad and Tobago Police Service is closely monitoring activity at Beetham Gardens and East Port of Spain in anticipation of an all-out gang war between the two communities, could the Minister indicate whether the recent proclamation of the Anti-Gang Act, 2018 would provide some relief in this situation?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Madam Speaker, I am not quite sure where the Member has the evidence that

there is an all-out gang warfare in the Beetham area. But as far as—based on advice and information I have from the Commissioner of Police—while there has been recent homicides in the Beetham and Belmont areas, the Trinidad and Tobago Police Service is not aware of any gang war pending in the Port of Spain division. Nevertheless, the Port of Spain Division has a clear plan of action designed to deal with criminal activity, including those related to gangs. Port of Spain Division is effectively supported by the Inter-Agency Task Force, the Guard and Emergency Branch, the Court and Process Branch, the Organized Crime and Intelligence Unit and the CID.

Madam Speaker, the Trinidad and Tobago Police Service is sufficiently prepared to treat with any issues within the gang violence in Trinidad and Tobago.

Mr. Lee: Thank you, Madam Speaker. To the hon. Minister, since the proclamation of the Anti-Gang Act in 2018, could you state how many arrests have been made?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I cannot say how many arrests have been made. But, I know for sure I can say that the Trinidad and Tobago Police Service has taken pre-active measures, in terms of preparing and training discussions with the DPP in anticipation of the Anti-Gang Act. And as I mentioned before, they are prepared to deal with any eventualities related to gang-related offences in Trinidad and Tobago.

VISITORS

TRANQUILITY GOVERNMENT SECONDARY SCHOOL

Madam Speaker: Just before I call on the Leader of the House, might I just call to the attention of Members of the House, the presence of Form 4 students of the Tranquility Government Secondary School and their teachers. [*Desk thumping*]

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, thank you very much. There are nine oral questions; we will be answering eight. We are asking for a deferral of question No. 241 for two weeks. There are six written questions. We will be answering five and we are asking for a deferral of question 242 for two weeks.

WRITTEN ANSWERS TO QUESTIONS

Dr. Shafeek Sultan Khan
(Petrotrin's Employment of)

- 222. Mr. Rudranath Indarsingh** (*Couva South*) asked the Hon. Minister of Energy and Energy Industries:

Could the Minister inform this House of the terms and conditions of Petrotrin's hiring of Dr. Shafeek Sultan Khan as Human Resources/Industrial Relations Consultant?

Dr. Shafeek Sultan Khan
(Port Authority's Employment of)

- 223. Mr. Rudranath Indarsingh** (*Couva South*) asked the hon. Minister of Works and Transport:

Could the Minister inform this House of the terms and conditions of the Port Authority of Trinidad and Tobago's hiring of Dr. Shafeek Sultan Khan as Human Resources/Industrial Relations Consultant?

Consultants at Petrotrin
(Details of)

- 228. Mr. David Lee** (*Pointe-a-Pierre*) asked the hon. Minister of Energy and Energy Industries:

Could the Minister provide:

- a) the names of all individuals/companies retained as consultants at Petrotrin since July 1, 2017; and
- b) the total amount paid to each consultant listed in part (a)?

Minor House Repairs Grants
(Details of)

- 252. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Social Development and Family Services:

Could the Minister indicate how many Minor House Repairs Grants valued at \$20,000.00 were disbursed from October 2017 to January 2018 and indicate the location in each case?

**General Assistance Grants
(Details of)**

- 253. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Social Development and Family Services: Could the Minister indicate how many Household Items, General Assistance Grants valued at \$10,000.00 were disbursed from October 2017 to 2018 and indicate the location in each case?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper in the name of Mr. Barry Padarath (Princes Town):

**Diego Martin Stadium
(Details of Award of Contract)**

- 241.** Could the hon. Minister of Sport and Youth Affairs state:
- a) the name of contractor who was awarded the contract for the Diego Martin Stadium; and
 - b) the procurement process to award the contract for the Diego Martin Stadium?

Question, by leave, deferred.

**Tourist Arrivals in 2017
(Reasons for Low Numbers)**

- 226. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Tourism:

Given that Trinidad and Tobago had 394,650 tourist arrivals in 2017, the lowest number of tourist arrivals in a decade, could the Minister provide the reasons for the low number of tourist arrivals in 2017?

The Minister of Tourism (Hon. Randall Mitchell): Thank you very much, Madam Speaker. The Government has recognized that tourists' arrivals to Trinidad and Tobago have been on a gradual decline since the high of 514,000 visitors to our islands in 2016. As a consequence of this decline, Government took steps in 2017 to arrest this decline by improving the effectiveness of marketing the destination's tourism offerings. And in so doing, Government seeks to provide a more efficient and coordinated approach to the management in the tourism sector. [*Desk thumping*]

Mr. Charles: Could the Minister advise this honourable House whether negative travel advisories have anything to do with the reduction in arrivals and if so, what strategies are in place to deal with it?

Hon. R. Mitchell: Madam Speaker, negative travel advisories would perhaps have an adverse effect on the tourist arrivals. But, more than that, Madam Speaker, the ineffective destination marketing and branding of the destinations would have had a greater effect. [*Desk thumping*]

Mr. Charles: If the Minister is placing confidence in destination marketing why are we not seeing any ads whatsoever on international TV, marketing Trinidad and Tobago as a destination for tourists?

Hon. R. Mitchell: Thank you very much, Madam Speaker. Perhaps the Member for Naparima is unaware but last year the Government took steps to change the institutional arrangements as it relates to the tourism sector. The TDC was dissolved and in its place two new entities; and right now, we are in a state of transition. And pretty soon the Trinidad tourism entity will be operationalized and you will see all the advertisements to your delight so that we can encourage tourists again to these shores. [*Desk thumping*]

Mr. Charles: The Minister has confidence in his future plans to bring tourists to Trinidad and Tobago—has he set any targets, realistic identifiable targets, so we can have confidence that his strategies will work?

Hon. R. Mitchell: Madam Speaker, I can aptly Report that this Minister has a lot of confidence in the Prime Minister and the Cabinet of Trinidad and Tobago. And I do have confidence—[*Desk thumping*—]in the new institutional arrangements that are now being put in place. The strategic plan will be under way shortly and soon we will set the targets and we can Report to this House what those targets are.

Trinidad and Tobago Citizens Detained in Iraq (Status of)

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

Further to the response to House of Representatives Question No. 56 on January 12, 2018, could the hon. Minister provide an update on the status of Trinidad and Tobago citizens detained in Iraq?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. As submitted in the response to the

House of Representatives question No. 56 on January 12, 2018, matters relating to the detention of nationals abroad are more appropriately directed to the Minister of Foreign and Caricom Affairs, as the Vienna Convention on Consular Relations enshrines the right of consuls to communicate with, assist, and safeguard the rights and interest of detained nationals. The consular division of the Ministry performs these essential functions.

Notwithstanding this, Madam Speaker, it was further submitted that information received by the Ministry of National Security indicated that the Government of Trinidad and Tobago was investigating Reports that citizens of Trinidad and Tobago were being held at an Iraqi detention camp.

At present, intelligence received at the Ministry of National Security indicates that four Trinidad and Tobago nationals are currently detained by Iraqi authorities; three of these are serving 20-year sentences for crimes committed and one individual is awaiting trial. The status of any other national who may or may not be detained in Iraq at this point in time is yet to be confirmed, Madam Speaker.

Mr. Charles: Does the Minister have any information on the charges that were laid against these citizens? And if they were families of those involved in terrorist activity?

Hon. Maj. Gen. E. Dillon: Madam Speaker, that information, I am sure the Member is aware, can be seen on the Internet. I am sure he can do a search and see that was published on the Internet with respect to those who were charged and the situation dealt with and was in fact in our media. I am sure he can get the information.

1.50 p.m.

Mr. Charles: As other Governments did, did we provide minimal legal support to our citizens so detained? [*Crosstalk*] United States, Canada. [*Crosstalk*]

Hon. Maj. Gen. E. Dillon: Madam Speaker, the Trinidad and Tobago Government did not provide any legal assistance to the persons charged, and none was requested. And, therefore, as a matter of fact, Madam Speaker, I think we have answered a question in this House where in terms of diplomatic relations with Iraq, none exist, and we have to actually go out of our way to get information out of Iraq, and we do not know of any other country that has done so.

**Brian Lara Stadium
(Details of ICC Matches)**

239. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister indicate:

- (a) the number of official ICC One-Day International matches played at the Brian Lara stadium from its opening on May 12, 2017 to date; and
- (b) the number of official ICC Test matches played at the Brian Lara stadium from its opening on May 12, 2017 to date?

The Minister of Sport and Youth Affairs (Hon. Shamfa Cudjoe): Madam Speaker, with regard to part (a) of the question, three official ICC one-day matches were played at the Brian Lara Cricket Academy post-May 2017: the 2017 Sri Lanka Women Tournament. Sri Lanka women versus West Indies women was held during the period October 11, 2017 to October 15, 2017.

Madam Speaker, with regard to part (b) of the question, no official Test matches have been played at the Brian Lara Cricket Academy to date. Cricket West Indies and the International Cricket Council are presently taking steps to have the ground certified for Test matches.

Madam Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Madam. Madam, is the hon. Minister confirming that after \$1.2 billion has been spent—and this is a priority project of her administration—that there are no ICC-sanctioned matches with respect to Test matches played at the stadium? [*Crosstalk*]

Madam Speaker: Member. Minister of Sport and Youth Affairs.

Hon. S. Cudjoe: Madam Speaker, I do not know if the Member heard clearly but right now, presently, ICC along with Cricket West Indies are actively working on getting the venue certified.

Mr. Padarath: Madam, I know that the Minister has admitted that she does not know much about sports—

Madam Speaker: Question.

Mr. Padarath: But could the Minister indicate whether or not any official ICC teams have started to make the prerequisite site visits, three site visits, to have the ground accredited? [*Desk thumping*]

Hon. S. Cudjoe: Madam Speaker, ICC has been in consultation with officials of the Government of Trinidad and Tobago, through state enterprises, and arrangements have been made for active visits to take place there for ICC accreditation. I hope the Member reads the news and follows up what is taking place rather than to come here and make silly remarks. [*Desk thumping*]

Mr. Padarath: Madam, to the hon. Minister. “Talk” is one thing, but in order for the ground [*Crosstalk*] to be accredited there requires site visits from ICC. Has ICC—

Madam Speaker: Member for Princes Town. [*Crosstalk*] Members this is a warning to both sides. Okay? There is a certain decorum that is expected here. Tolerance is expected here and as Speaker, I will regulate who speaks when, and uphold the Standing Orders. I am glad for the assistance, but please allow me the latitude to do what I am here to do. Member for Princes Town, question.

Mr. Padarath: Thank you, Madam. Madam the question remains, could the hon. Minister indicate whether any ICC officials have visited the Brian Lara stadium as part of the prerequisite in order for it to be accredited? [*Crosstalk*]

Madam Speaker: You know, very early I would like to caution Members. If they find it difficult to be tolerant then maybe a little exercise outside will assist. Member for Princes Town that question was already asked and answered. If you have another supplemental question, you are entitled to ask it. Member for Princes Town.

Brian Lara Stadium (Maintenance Contract)

240. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Sport and Youth Affairs:

Could the Minister indicate whether there is a maintenance contract for the Brian Lara stadium?

The Minister of Sport and Youth Affairs (Hon. Shamfa Cudjoe): Thank you, Madam Speaker. Madam Speaker, the Brian Lara Cricket Academy and stadium is being maintained by the Urban Development Corporation of Trinidad and Tobago. Thank you.

**Artiste Portfolio Development Programme
(Update on)**

236. Mr. Rodney Charles (*Naparima*) asked the hon. Minister of Trade and Industry:

Could the Minister provide an update on the Artiste Portfolio Development Programme which was announced in the 2018 Budget Presentation?

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you very much, Madam Speaker. The Artiste Portfolio Development Programme was launched by the Trinidad and Tobago Music Company Limited, MusicTT, on December 09, 2017. The programme commenced with a musical showcase consisting of 30 artistes. These artistes were assessed by an independent international panel of music experts and were evaluated based on their performances. Based on the adjudication by the international expert panel, nine solo artistes and two bands were selected.

At the showcase on December 9th, each of the selected artistes was analyzed by the international panel of music experts to determine their individual needs. This analysis is being used to generate a detailed six-month plan which is currently being developed by MusicTT, outlining the necessary steps for these artistes to become export-ready. Based on the information outlined in this plan, MusicTT, with the support of local and international music professionals, will work with these artistes to improve various elements of their value chain, such as marketing, legal, publishing and sales. This developmental work for artistes is expected to commence in the last week of June 2018. Thank you.

Madam Speaker: Supplemental, Member for Pointe-a-Pierre.

Mr. Lee: Thank you, Madam Speaker. To the hon. Minister of Trade and Industry. You mentioned nine soloists and two bands. Are these individuals and bands under contract and what is their compensation?

Sen. The Hon. P. Gopee-Scoon: Thank you. But these individuals and the two bands have not yet been contracted, and they are not yet being paid, but they are also being used under another programme in the meantime.

**Exploitation of Venezuelan Immigrants
(Investigation of)**

246. Mrs. Vidia Gayadeen-Gopeesingh asked the hon. Minister of National Security:

Could the Minister indicate whether the Ministry intends to investigate Reports of ill-treatment and exploitation of Venezuelan immigrants in Trinidad and Tobago?

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. Madam Speaker, the current economic challenges facing Venezuela have naturally contributed to the push and pull factors where Venezuelan nationals migrate to Trinidad and Tobago and other neighbouring countries in the hope of finding economic relief from their situation.

Unfortunately, many of these Venezuelans entering through legal and illegal ports of entry risk being ill-treated and exploited by unscrupulous persons. Claims of ill-treatment and exploitation made by any foreign national are thoroughly investigated by the Enforcement Unit of the Immigration Division or depending on the nature of the Report, the matter may be referred to the relevant unit of the Trinidad and Tobago Police Service for investigation to be conducted.

Additionally, Madam Speaker, the Ministry of National Security, through its Counter-Trafficking Unit, continues to adopt a multi-disciplinary task force and victim-centred approach to treating with all potential victims of exploitation to bring to justice those responsible for such acts.

As it currently stands, various agencies under the Ministry of National Security continue to provide support through the provisions of intelligence, investigations and manpower, to execute operations throughout Trinidad and Tobago. The Government intends to continue to use this approach to investigate all Reports of suspected human trafficking and exploitation of both local and migrants.

Victims of human trafficking continue to receive reasonable protection and, where possible, access to shelters, counselling, regularization of immigration status, repatriation and resettlement, if they so desire, Madam Speaker.

Madam Speaker: Supplemental, Member for Oropouche West.

Mrs. Gayadeen-Gopeesingh: Hon. Minister, have there been any Reports of Venezuelans trading guns for food?

Hon. Maj. Gen. E. Dillon: Madam Speaker, I am not aware, based on my information from the Trinidad and Tobago Police Service, but I know the Trinidad and Tobago police continue to monitor the security environment, and if such things happen they will address it as is deemed necessary, Madam Speaker.

**Installation of Floodlights
(LP No. 3 Bushe Village)**

250. Dr. Lackram Bodoë asked the hon. Minister of Public Utilities:

Could the Minister indicate whether floodlights will be installed in the open space of land located at LP#3 Bushe Village, Fyzabad Guapo Road, Fyzabad?

The Minister of Public Utilities (Sen. The Hon. Robert Le Hunte): Madam Speaker, the illumination of parks and recreational facilities is a component of the National Street Lighting Programme. Approval for the illumination is based on the following conditions: ownership of the grounds, proximity to other illuminated grounds, public access to facilities, presence of infrastructure example: pavilions, walking tracks, exercise tracks et cetera; availability of funding.

An application has been received by the Ministry of Public Utilities for the illumination of the open space of land at LP No. 3 Bushe Village, Guapo Road, Fyzabad. A site visit was conducted by the staff of the Ministry of Public Utilities, and the application is currently being evaluated against the aforementioned criteria. A final decision is expected to be made shortly.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you for that response, Minister. Minister, can you indicate where the process for the application which would have been made for a neighbouring ground which already has infrastructure, namely that of Hickling Village. Can you shed some light on that at all?

Sen. The Hon. R. Le Hunte: Yes, we are in possession. I have noticed that we do have an application for Hickling Village that is also being considered. The process is that we have just recently gotten that application, and an evaluation process with regard to finding out what is the cost of doing that particular, and passing it through the criteria and a cost-benefit analysis is being done.

**Car Park at Delhi Road Junction
(Town and Country Approval)**

251. Dr. Lackram Bodoë asked the hon. Minister of Planning and Development:

Could the Minister provide a timeline for the Town and Country approval process for the building of a car park located opposite the Children's Court, Delhi Road Junction, Fyzabad Road, Fyzabad?

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very much, Madam Speaker. Madam Speaker, searches of the records of the Town and Country Planning Division, Ministry of Planning and Development, have revealed no applications for the building of a car park located opposite the Children's Court, Delhi Road Junction, Fyzabad Road, Fyzabad. A site visit was also conducted by officers of the division which confirmed that there is no actual construction currently being undertaken on the site.

Should an application be made for the building of a car park at this location, the timeline for the Town and Country Planning Division's approval process will be the statutory time allowed under the Town and Country Planning Act, Chap. 35:01 which states, and I quote:

“... two (2) months, or such extended periods as may at any time be agreed upon in writing between the applicant and the Minister”—of Planning and Development.

Thank you very kindly, Madam Speaker.

Madam Speaker: Supplemental, Member for Fyzabad.

Dr. Bodoë: Thank you very much Minister, for that response. Minister, are you aware that there is currently at the site that I identified, a filling in which cars are parking and it can create a dangerous situation with the potential for being washed away? Are you aware of that situation?

Hon. C. Robinson-Regis: I am not so aware.

Madam Speaker: Supplemental?

Dr. Bodoë: Yes.

Madam Speaker: Member for Fyzabad, supplemental.

Dr. Bodoë: Minister, can you then in the interest of public safety, perhaps, have someone look at that spot—look at that site?

Hon. C. Robinson-Regis: Madam Speaker, I indicated in my response that there was a site visit and we have no such information. And if there is such a development, the regional corporation, I am sure, will access the site and make the requisite changes that need to be made. [*Interruption*] Yes, it is a UNC-controlled corporation.

**SPECIAL SELECT COMMITTEE REPORT
SSC Constitution Notifications
(Adoption)**

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you very warmly, Madam Speaker. Madam Speaker, I beg to move the following Motion standing in my name:

Be it resolved that this House take note of the Report of the Special Select Committee established to consider and Report on the process followed in relation to the Notifications pursuant to section 123 of the Constitution.

Madam Speaker, at a sitting of this House on Friday, the 2nd of February, 2018, a special select committee was established by the House of Representatives to consider and Report on the process. As was agreed by this House, this committee had a mandate as follows: to obtain information, documentation and/or evidence relevant to and touching and concerning the method, process, criteria and considerations utilized by the Police Service Commission and/or the firm employed by the Police Service Commission in the selection of candidates for the positions of Commissioner of Police and Deputy Commissioner of Police to enable the House of Representatives to consider the notifications submitted to it by His Excellency the President, pursuant to section 123 of the Constitution, of course, as he then was.

The committee members were appointed. Members of this House were appointed to this Special Select Committee: yours truly, Mr. Randall Mitchell, Madam Nichole Olivierre, Mr. Terrence Deyalsingh, Mr. Ganga Singh and Dr. Roodal Moonilal.

At the first meeting held on February 16, 2018, your committee elected yours truly, the Member for Laventille West, to be its Chairman in accordance with Standing Order 96(4) of the House of Representatives and Standing Order 86(3) of the Senate. Our committee was supported by a strong and able Secretariat led by Mrs. Jacqui Sampson-Meiguel at its head.

Madam Speaker, at the sitting of the House of Representatives held on February 02, 2018, the debate on the Motion to approve the notification of the President of the nomination by the Police Service Commission of Mr. Deodat Dulalchan to the Office of Commissioner of Police was adjourned to a later date to enable this Special Select Committee to obtain further information that may be necessary to assist this House with that debate whenever that arises again.

The responsibility, Madam Speaker, for the recruitment of Commissioner of Police and Deputy Commissioner of Police rests with the Police Service Commission under section 123 of the Constitution. This section provides that the Police Service Commission shall nominate persons for the appointment to the offices specified in accordance with the criteria and procedure prescribed by an Order of the President subject to negative resolution of the Parliament.

The existing and the relevant Orders of which we speak are: the Commissioner of Police and Deputy Commissioner of Police Selection Process Order, 2015, known as Legal Notice No. 218 of 2015 and the appointment of Commissioner of Police and Deputy Commissioner of Police Qualifications and Selection Criteria Order, 2015, reflected in Legal Notice No. 219 of 2015.

The Legal Notice No. 219 of 2015 identifies the minimum qualifications for the office of Commissioner of Police and Deputy Commissioner of Police. That Legal Notice outlines, very carefully, the selection procedure prescribed. Such Order, one would recall, was amended by the court to remove any provision requiring the Police Service Commission to act in accordance with the directions from any other body or person.

The court did that in the matter of *Harridath Maharaj v the Attorney General* and the judge in that matter was, as he then was, Mr. Justice Rajkumar. So, the relevant part of the Order is that which remained after certain provisions of it were exercised by Mr. Justice Rajkumar—

Hon. Member: Excised.

Hon. F. Hinds: Excised, after the exercise of his legal prudence and—
[*Interruption*]—acumen. So that, what we have now is the result of that excision as reflected in that Legal Notice.

2.10 p.m.

In our view, the Order attempts to define the trustworthy process directed by the Police Service Commission only, with the final selections being made by the Police Service Commission only for onward transmission to the House of

Representatives via Her Excellency. Madam Speaker, what then was the process that was followed by the PSC? What we relate to you today, Madam Speaker, is what we as a committee actually found, and we issued a Report, a very voluminous Report, copies of which are available to all Members of this House.

Our assignment was to find the facts and the documents and to present them to you. We looked at the procedure only, not at individuals or personalities, and even in so doing we did not even name names. We used a code in order to achieve that. The Police Service Commission on its own, with no outside interference or coercion, shall commission a firm—so the Order says—to undertake a technical assessment of the applicants for Commissioner and Deputy Commissioner of Police in an assessment centre. At the end of the assessment the firm shall submit to the Police Service Commission the results of its assessment as contracted and mandated, inclusive of its assessors' scores and the best-practice security vetting Reports obtained.

These results and Reports would then be considered by the Police Service Commission. The Police Service Commission would then undertake further evaluations and considerations, as may be agreed by the Police Service Commission, and arrive at selections for the posts of Commissioner and Deputy Commissioner of Police. Instead of that, clearly defined in the Order, the Police Service Commission on its own, with no outside interference or coercion, commissioned KPMG, a firm, to undertake a technical assessment of the applicants for Commissioner and Deputy Commissioner. So the firm KPMG was contracted and mandated to perform an assessment centre role at all times directed by the Police Service Commission. That cost the taxpayers of this country, Madam Speaker, \$3.2 million, or thereabout, slightly less than the last time we undertook this exercise.

The firm, as I said, was contracted and mandated to send to the Police Service Commission the results of its assessment, inclusive of the assessors' scores and vetting Reports. However, the Police Service Commission itself engaged in the assessment as opposed to merely directing it. Therefore, what was sent to the Police Service Commission in the final stage as the Order expected, after all the assessments were concluded, were arguably the assessment results of the Police Service Commission in the form of two lists in an order of ranking, one for COP and the other for DCOP.

While other assessors were engaged along with the Police Service Commission at all times, the Police Service Commission not only directed, Madam Speaker, but participated intimately in the assessment process in a most

overwhelming manner in scoring at crucial stages of the assessment process. The police service claimed that this was necessary and that was its way of “owning” the process. Perusal, Madam Speaker, our committee found, perusal of the Order of the court of the President, as amended by Mr. Justice Rajkumar, perusal of his judgment and perusal of an opinion that was issued to the Police Service Commission by Senior Counsel on that matter, this committee found that nothing in those documents authorized the Police Service Commission to participate as intimately in the process as it did and as it defended by claiming that it did so in order to own the process.

With nothing more, Madam Speaker, no further evaluations or interviews, et cetera, the Police Service Commission then came up at the end of this process, where they were supposed under the Order to have gotten involved on its own, they then came up with two Order of Merit Lists that defy our logic from our reading and understanding of the entire process. These lists differed from the lists, Madam Speaker, arrived at the end of the assessment stages that the firm was supposed to have undertaken, as I indicated as it occurred, with the intimate involvement of the Police Service Commission. The Report before the House, in the fulfilment of its mandate to this House, gives a full description of the process followed by the commission in this procedure.

Fifty-four applications were received by the firm. Applicants were required to utilize the prescribed application form and to indicate clearly on the front of the form whether they were applying for the post of COP, the post of DCOP, or whether they were applying for both. Fifty such applicants were deemed eligible and four were deemed ineligible since they did not satisfy the basic qualification requirements as outlined in Legal Notice No. 219 of 2015 for either posts. Of the 50 eligible applications, 20 candidates applied for both the positions of COP and DCOP; 26 applied for the position of DCOP only, and four candidates applied for the position of Commissioner only.

The process, Madam Speaker, resulted in persons who did not apply for the position of Commissioner of Police at all emerging on the top of the list based on the outcome from the Police Service Commission. The Police Service Commission then selected a shortlist of 20 candidates based on a passing grade of 60 per cent in the preliminary stage screening to undergo assessment for the two positions. The assessment was made up of two stages.

Stage one included a psychometric evaluation that carried 10 per cent; panel interview that carried 50 per cent, written case study, 10 per cent; stakeholder and media role, 15 per cent; role fit for COP, DCOP, 15 per cent. And then stage two,

Madam Speaker, the Police Service Commission panel interview which carried 60 per cent, this was a specially constituted interview panel consisting primarily of members of the Police Service Commission and some KPMG personnel. The panel comprised of Commissioners Gomes, who was then the chairman, Ramkissoon and Commodore Franklin, sitting along with KPMG's assessors.

The interview comprised pre-set questions that were designed to test the candidate's depths of knowledge and recommendation on areas of financial, people, public and process. Candidates were asked a standard list of questions according to the PSC to ensure fairness in the process, as well as complementary questions to allow candidates to expand on answers provided. Part two of that stage two involved the role fit for COP and DCOP; 40 per cent marks that carried.

Candidates were scored from one to 10, graded from one to 10 in the following fit evaluation categories developed based on the following characteristics and traits sought in the position of COP and DCOP. These were leadership traits, values, character traits and culture. At the end of the assessment stages, Madam Speaker, the firm forwarded to the PSC the results of its assessment process and the Report on its assessment of the entire assessment process.

The firm submitted combined assessment centre results which appeared to be the combination of the results of stages one and two as I outlined. And they, the firm Reported, and I quote:

"It is the"—police service's—"intention to utilize these scores, the summary of candidates' performance across all assessment centre activities, and the results of various security and professional vetting checks to determine the Order of Merit List for the positions of Commissioner of Police and Deputy Commissioner of Police."

Madam Speaker, I must say here that in all previous similar processes, polygraphing was conducted on each of the applicants. In this process not a single person chosen and submitted on the Order of Merit List was even polygraphed. And I say "even" because today, in today's world polygraphing is not the best practice. There are other improved techniques that are available for such testing. But that is a separate matter.

Madam Speaker, your committee observed the firm utilized a single leadership competency framework to assess the candidates regardless of the posts they applied for. That is all well and good. A single leadership competency framework could make sense except that it would have been practically

impossible to devise a fair and transparent assessment process for each position without any discernible differentiations and scoring made between the posts. In response to these questions over and over again from your committee, raised by members of the committee, we were told a number of things.

They told us while there are unique sets of behaviors for both posts, the Deputy can act at any point in time for the Commissioner so there was no need to differentiate. That is what we were told. We were also told that the process was not geared towards who applied for what position, that it was a talent pool strategy where they basically got a pool of talent to find the best person for the job. We were also told, Madam Speaker, what would really differentiate the posts would be things like vision, whether you could motivate people, whether you could inspire confidence in the Trinidad and Tobago Police Service. These are the things that will really differentiate now between a Deputy Commissioner and a Commissioner.

However, Madam Speaker, there is no indication of any rating scheme for each post across each of the exercises, none, nothing. So did they guess who to place where? We were never able to understand that cleanly. It confused members of your committee. A rating scheme for each job was critical, especially given that they told us they were funneling down using one competency framework. Such a clearly defined scheme for each post at the start of the process would have mitigated against the risk by using one leadership competency framework for two separate jobs.

It was clear from the oral and written evidence that the Police Service Commission decided that it was proper to participate in the assessment stages based on their interpretation of the judgment of the court in *Harridath Maharaj v The Attorney General*, and on the written and oral advice they received from Senior Counsel. In particular, the Police Service Commission sought to comply with the judge's words that they were to own the process, and they were therefore participated, as I indicated earlier, in the selection process.

The process for the selection of COP and DCOP is guided by the law, Madam Speaker, made in pursuant to our Constitution and reflected in Legal Notice No. 218 of 2015. Additionally, the exercise was one of top level, or for top-level executive recruitment. Therefore the committee found that the decision of the Police Service Commission to actively and intimately participate in the assessment stage, and the role they were to play in the assessment stage should have been stimulated in writing at the very outset of the process for transparency and to notify the applicants; this was not done. This was of vital importance, your

committee found, since the law places a specific duty on the Police Service Commission after—and I emphasize the word “after”—the end of the assessment process, namely to review the results of the assessment, engage in further evaluations and then make final decisions. There was very good reason for this, Madam Speaker, very, very good reason.

The Police Service Commission was to be assisted by the provision of an objective assessment Report on every candidate. This was in an effort to minimize subjectivity and bias, and to ensure that the selections made by the Police Service Commission at the end of the day could stand the test of scrutiny, public and legal. And bearing in mind, Madam Speaker that the role, generally under the Constitution of the Police Service Commission, is to appoint, it is the monitor, it is to discipline the ranks concerned here, DCOP and COP.

So they would have had ongoing contact with the personnel holding those offices, received complaints, had responses from them; they had been assessing them all along on their work ethic and in their general monitoring and their duty as members of the commission. And therefore, this process for selection was supposed to be what it is to avoid, as I said, subjectivity and previous knowledge and contact and decisions made on the basis of other contact outside of this process; very good reason.

Based on HR advice we received, human resources expertise that we had at our disposal, members were of the view that if the Police Service Commission had opted to have its members design and even attempt to observe the assessment processes, as opposed to intimately and directly participating, that would have been more in accord with the dictates of the Order, the law. Also, quite shockingly, not one single person involved in this assessment exercise, including the Police Service Commissioners, can be considered an HR expert in executive recruitment using assessment centre techniques. This, Madam Speaker, came to us on the basis of the evidence of their résumés, and our questions to them; we heard they have experience in recruiting in different organizations, and so on, but none on the business of executive recruitment.

Interestingly, the Police Service Commission as well ejected the Personnel Administration and the Secretariat from its process. The DPA is the Secretariat to the commission. They would have garnered a certain amount of experience. They would have been through this before. But for reasons best known to the commission, they were ejected totally from the process. Even the records were not kept by them, but it was kept by a project manager appointed by the Police Service Commission on short term for that purpose. They told us in their

evidence before us that they did that in order to ensure that they were not dictated to by anyone. Not being dictated to appears to have meant to them being able to do that which they did, their own thing, as it were.

So, Madam Speaker, the prerogatives and choices they exercised, which they claimed were based on interpretations guided by Senior Counsel of what the judge said, were in the view of the committee incautious, and perhaps there is a view that it was even reckless. The committee heard that two members of the Police Service Commission who participated in the assessment stages had prior working relationship with certain candidates.

The committee therefore questioned them and sought to determine how the risk of bias could be dealt with. They admitted to us that, yes, there was a risk of bias on that basis alone, but we learnt from the then chairman that they were trained by KPMG to eliminate such bias, and that they went into the process with no predispositions on account of their usual functioning as members of the Police Service Commission and their contact with these officers in the course of that regular operation.

Additionally, KPMG informed the committee that it utilized the documented policy to address issues of potential bias during the assessment stage. However, when we looked closely at it, the documented policy used to address issues of potential bias during the assessment stage was wholly unsatisfactory for this level of executive recruitment. Critically, no further checks, Madam Speaker, were done when members of the commission declared to it, the commission, that they had prior knowledge of candidates. The committee questioned them to find out whether they made further investigations into those declarations, because they were told that it was from a long time past and it had come to an end.

The committee questioned the Police Service Commission as to whether they further investigated those declarations; they did not. They admitted to us that they did not. No effort was made to mitigate the risk of bias by separating assessors from the candidates, notwithstanding that they indicated that they had knowledge of them. Candidates were not at any point, until very, very late, the last stage, they were not made aware that they were being assessed for both jobs, that in fact they were being funneled down.

This from the expert advice we had is totally unacceptable, and perhaps disadvantageous to some persons. You are in a process and you do not know which of the positions you were being assessed for. You applied for one position, you ended up on a list for another; these are the things that your committee discovered. They had no clue—the candidates had no clue that it mattered not

which position they applied for. They had no clue that only one score was being applied for the two posts. They had no clue that even before they were asked determinations were being made with no discernible assessment guideline as to which job they were best suited to.

Madam Speaker, I must tell you here—and this is for the jobs of Commissioner and Deputy—and I must tell you that the commission told your committee that they put to every candidate at a late stage that—well, they enquired of them whether they were willing to be considered for either position, notwithstanding which one they applied for. We had unsolicited commentary from at least one candidate who told our committee that no such question was put to him.

Mr. Mitchell: Two candidates.

Hon. F. Hinds: Two candidates, I am being reminded. Thank you very much, member Mitchell, who was a part—the Member for San Fernando East—who was a part of your committee, Madam Speaker.

I did comment upon the paucity of the vetting, not even polygraph. In today's world, Madam Speaker, when we are recruiting prison officers at the lowest rank, coast guard officers, soldiers, police officers, their pictures are routinely put in the public domain for public intervention and commentary. A member of the public could easily show up to say, I had an encounter with that man who robbed me and identify him, and that can generate issues for his recruitment.

In this process, in executive recruitment, there were no polygraphing, and the public was not even given an opportunity, as they do with constables. I am submitting, our committee found and this could not—and this was a matter of law. This requirement for best practice security vetting is a legal requirement in the Order, and I am submitting that what was done in terms of security could never meet the test of best practice. In addition to that, the firm KPMG did an aspect of it, and having Reported other questions arose as to the security vetting of certain applicants. And it was then a more full investigation was done which led to a Report from the SSA, and which led to other information coming to hand, which led to the commission now having been split on that point, taking votes. The thing was very, very, very tenuous, Madam Speaker.

Madam Speaker, at the end of all of that the Police Service Commission established two Order of Merit Lists, one for the office of Commissioner and the other for the office of Deputy Commissioner. These lists, Madam Speaker, differed from the lists arrived at the end of their own assessment stage. So here

we are, the firm was supposed to have done it and then Report to the independent PSC; that did not happen. They participated intimately in the assessment, scoring everything, and then the Report of the assessment then went to the Police Service Commission simpliciter, as it was supposed to have done. The list that came from the assessment differs from the list that they eventually threw up to Her Excellency, which will find itself in this House for consideration later. All defying logic.

And when Members of the House read these Reports in great detail and you seeing the scores, you would see situations where persons who scored more than others at the end of the assessment stage ended up being recommended for the position, as opposed to persons who scored less. You would see when you read the details, Members—[*Crosstalk*] Oh, I am sorry. I am terribly sorry, so confusing it was. [*Laughter*] So confusing it was, let me restate that. [*Crosstalk*]

Madam Speaker: Order. Order.

Hon. F. Hinds: When you peruse the details here you will see that there are cases where persons who scored less emerged higher on the Order of Merit List than those who did otherwise, right?

So, Madam Speaker, we observed from the evidence that came to us that the PSC did no further interviews at the end, at the end stage, as I described, where they were supposed to take all matters into account, yet one commissioner, one member of the Police Service Commission who took absolutely no part in the assessment stage, he came in at that final stage and he contributed to the decision by scoring on the basis of the said assessment. In other words, the committee had to wonder, on what basis would that commissioner who had no dealings with or interfaced with these candidates in this process, on what basis would he have been able to sit in a so-called Borda count test and score persons with no further interviews, with no further interface between the commission and the candidates. It defies logic. There appeared, Madam Speaker, to have been some challenges at this stage for about six weeks.

From the evidence we got, the Police Service Commission was mulling around with the assessment centre Report and told us they did not know how to resolve the thing to end up with the final Order of Merit List, until one commissioner showed up one day and suggested to them that he found out something about a Borda count. They said, “Wow”, that was a miracle. That is on the *Hansard*, miracle—on the *Hansard*. And they then decided after six weeks of pulling their hair—my words—not knowing where to go, not knowing what to do, they then decided that they would use this Borda count formula which they

sought to explain, and, as I indicated, came up with a list that was different from the assessment stage listing.

There were issues regarding security vetting. I think I alluded to this before, but let me for clarity say, one candidate had been under investigation by the Police Complaints Authority who ultimately, and after a protracted investigation, recommended the consideration of disciplinary charges by the Police Service Commission against that particular candidate. Another candidate had an adverse finding or commentary by a judge in the course of a matter that he might have been the complainant in.

Based on legal advice, the Police Service Commission decided not to pursue any disciplinary charges against the candidate in question, and also to disregard the findings of the court in relation to the other. When questioned they told us that part of the reason, if not all of it, why they took the decision not to discipline a particular candidate was that there was some judgment that suggested, after a period of time, they ought not so to do.

We took note of that, and you, Madam Speaker, and this House will take note for what that is worth. Consequently, as I said, the Borda count formula was used. There was no evidence that this formula was discussed in detail and approved in advance of the commencement of this executive recruitment process. Typically, there should be agreement from the outset as to how decisions will be made in the event of unforeseen situations, identical scoring, and other such tricky issues. Madam Speaker, in conclusion, the focus of your committee was not on the candidates, it was on the process. Your Special Select Committee had no agenda other than to discover information and facts on the process and to share it with this House. That we have done. That is what was asked of us, and that we have done.

2.40 p.m.

We have in this Report submitted all documentation and other information received to the House, as requested by this honourable House. A detailed review of the documentation submitted is in my view essential to a thorough understanding of this process. So, persons may comment without having read all of it, or in some cases none of it, but it would be advisable—it is advisable—to study it very carefully in support of the work of your committee.

The Report we have provided to this House presents, in our view, an accurate and truthful account on the process utilized in leading to the Order of Merit List. The committee took a non-partisan approach to its work and where there were

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[HON. F. HINDS]

Wednesday, June 06, 2018

disagreements, as there were, efforts were made in order to reflect all the findings in this Report. All the facts that the committee was able to obtain are contained in the Report.

In our view, Madam Speaker, the process was unsound, unsafe and unsatisfactory. It ought not therefore on that basis to stand. That is the view of your committee. Perhaps because with all of its flaws and imperfections, nothing good could come of it.

Before I take my seat, the Report we laid does not carry in it a minority Report. When we met and we finalized our Report, as Chairman, on at least four occasions, and all the members of that Special Select Committee are now here in this House, I raised on at least four occasions the possibility, and I indicated clearly, if any member of your committee wanted to file a minority Report, he or she was free to do so. At no stage, Madam Speaker, did any member indicate an intention to file a minority Report, and more importantly, no member did in accordance with the Standing Orders.

As you would know, Madam Speaker, Members of this House would know, the Standing Order provides that if a minority Report has to be submitted on any finding of the committee or the committee's work in its entirety, it must be filed during the life of and existence of the committee. That was not done. In fact there were wonderful words of agreement from all. We congratulated ourselves; we congratulated each other at the end of the work. But lo and behold, I would sit in this House the following day and I would hear, and I would read in the media subsequently, that there was something of a minority Report. So I am explaining that you will find none in this Report for the reason I have stated.

Madam Speaker, with those words and with pride and in the spirit of thanks for having chaired your committee, a very important committee, engaged in a very important work, because the business of appointment of a commissioner of police is a critical one, especially the season and the time in which we now find ourselves.

Madam Speaker, with those words I wish to thank you, thank the members of my committee and thank this House for your listening today.

Madam Speaker, in those circumstances, I beg to move.

Question proposed.

Mr. Ganga Singh (*Chaguanas West*): Thank you, Madam Speaker. As I listened to my hon. colleague, the Member for Laventille West, it is clear that his

comments and his editorializing of those comments moved away from the Report which he presented to this House. [*Desk thumping*]

Certainly, nowhere in the Report, in the conclusions of the Report, there is the question of “unsafe, unsound and unsatisfactory”. It is clearly that he is unable to conclude in a matter in which it is clear that the committee did not find anything illegal; did not find any bad faith; did not find any mala fides; did not find any conflict of interest, and did not find any bias. [*Desk thumping*]

You know, Madam Speaker, the hon. Member for Laventille West, anchored himself with this polygraph testing, the security vetting. But you see, if we had the opportunity, Madam Speaker, to look at the final Report and having had regard to the generosity with which we proceeded along, I would have corrected him and pointed to correspondence sent by the Service Commissions Department to the Clerk of the House dated March 26, 2018:

Dear Mrs. Sampson-Meiguel,

Re. Call for papers and records—

And the question was, for purposes of our record, at page 3 of the 4:

Did polygraph testing form part of KPMG assessment centre activities?

And, I read what the DPA had to say:

No polygraph testing formed part of KPMG’s assessment centre activities. Legal advice received from the internal legal staff dated 18 September, 2017 stated, inter alia— and I quote:

The use of polygraph testing should properly have been expressly included in the recruitment and selection guidelines provided to applicants, as those guidelines appear to comprehensively indicate the methods of evaluation to be utilized. Insertion of polygraph testing at this stage, when the recruitment and selection process has begun may give rise to legal action being taken against the Commission. [*Desk thumping*]

I strongly advise that having no specific mention of polygraph testing in the Constitution or the publicized guidelines, that it not be utilized in the current exercise for the recruitment and selection of the Commissioner and Deputy Commissioner of Police. [*Desk thumping*]

But the legal advice goes further:

There should be an amendment to the Constitution to cater for its use in future recruitment and selection processes if the Commission desires these things.

Madam Speaker, so therefore you had to have a constitutional amendment, so how can you now come and give a Report, and you suppress the information—suppress the information which is part of the committee’s records, that it required a constitutional amendment to trigger polygraph testing in this matter. I want to say that, you know, it is clear that in this exercise there are certain important considerations.

The second issue that the hon. Member raised was that there was intimate—and I want to quote him—there was intimate involvement in a most overwhelming manner. Madam Speaker, you know, the hon. Member for Laventille West in dealing with this matter, gave rise to a penchant for exaggeration. I want to indicate the details of the process as to the involvement of members of the Police Service Commission in these assessment centre activities.

Two members participated at different times in the process. I will go through it, Madam Speaker. In the psychometric evaluation, weighting 10 per cent, no member of the Police Service Commission was involved. The effective weighting of the PSC involvement, zero. The panel interview in stage one which is weighted at 50 per cent, one member, Commodore Franklin, participated in that process. The PSC involvement one in five or 20 per cent. The effective weighting of the PSC involvement in that matter through Commodore Franklin was 20 per cent of the 50 per cent, which is effectively 10 per cent. If he was totally biased, it would be 10 per cent. The written case study weighted 10 per cent, PSC involvement, none. Effective weighting of PSC involvement, none. Stakeholder role-play, 15 per cent; PSC involvement, one in seven. That is where Dinanath Ramkissoon PSC, member, participated. So, one in seven or 14 per cent; 14 per cent of 15 per cent is 2 per cent—2 per cent.

So this is what the exaggerator that is here today says “intimately and overwhelming” role fit for the Commissioner of Police and Deputy Commissioner of Police, 15 per cent. PSC involvement, none. Effective weighting of PSC involvement, none. The total—if you give total involvement of the PSC in these assessment centre activities, it is 12 per cent, if they were to be totally biased in that matter—12 per cent.

Madam Speaker, so how are you going to judge that as an overwhelming, intimate involvement in the process? I think that the editorialized comments of the hon. Member for Laventille West really demonstrate, and the facts and the empirical basis demonstrate the level of exaggeration. And he said that he had no agenda. You know, it reminded me of a certain comment that was made, “Don’t loot”, and then the people proceeded to loot. So when you say you have no agenda, I believe you. [*Desk thumping and laughter*]

Hon. Member: Well said; “well putted”.

Mr. G. Singh: Madam Speaker, when this Special Select Committee was formed, I tried to place my mind in a certain frame, because I recognized that the first thing you had to do was to appreciate the historical significance of the independence and autonomy of the Police Service Commission, which is entrenched in our Constitution. So, you have to be sensitive to that reality.

Secondly, the Police Service Commission was established by the people in our Constitution to ensure that every citizen should have a right to equal opportunity of employment and promotion in the police service, and they have the right to be treated with fairness, with reasonableness and with justice.

The third consideration that entered my mind was that we are also very cognizant that this Parliament and parliamentarians and politicians are generally pre-disposed towards the removal of constitutional constraints imposed upon them in the exercise of their power. These are the facts. My experience tells me that. In other words, generally, and that has been my experience, politicians view service commissions as being too independent and not accountable to them, that service commissions are a law unto themselves and answerable to no one.

Of course, Madam Speaker, you would know that this is a fallacious view. They are answerable to the courts of the land, and by extension. So, when the hon. Member reflected upon that it is clear that he indicated that kind of predisposition in his comments, which were not part of the record of the final Report.

I was also very clear that Members of Parliament as politicians are not judges, and therefore have no authority to review the method by which members of the Police Service Commission exercised their discretionary power. [*Desk thumping*] It is only the courts can review. So when the hon. Member pointed out that they were not in accord with the law, and that he gave an interpretation of the law as a politician, I said but he, in my mind, was being judge, jury and executioner. [*Desk thumping*] Because, you see Madam Speaker, it is only the courts that can review a commission’s decision under the separation of powers doctrine. So, when you can come here and say that is not in accordance with the law, where did you arrive at that judicial opinion?

Madam Speaker, another consideration that entered my mind, as I was appointed to this committee by this House, is that I was acutely sensitive of the role and function of the police service in a democracy. The police, in the exercise of their functions of crime detection, law enforcement and keeping the peace, is

independent of the Executive and the servant of no one, but the law. [*Desk thumping*]

Later on, time provided, I will go on to reiterate what Lord Diplock said in the Endell Thomas case, that if the police service is politicized then you have grave consequences for the democracy of the country. [*Desk thumping*]

I was also acutely aware that in a previous incarnation a PNM Government had jettisoned the process for the appointment of a Commissioner of Police—jettisoned. But they had not utilized a special select committee on that occasion. They came and they delivered it raw and direct.

I want to put on record a quotation from the *Newsday* 13th of July, 2008:

“How to reject a Police Commissioner”

Hon. Member: “Look at de PNM”.

Ms. Ramdial: That is part of their manifesto promise.

Mr. G. Singh: Madam Speaker:

“In Parliament on Friday”,—I will read part of the excerpt—“July 11, 2008, Opposition Chief Whip Ramesh Lawrence Maharaj alleged that Manning held a meeting with Williams at White Hall, telling him, ‘Government has a plan that does not include you’. [*Laughter*] ‘Our information is...that the Minister of National Security requested Mr. Stephen Williams, over the last few days, to meet with him. The Minister of National Security then told him the Prime Minister also wanted to meet with him,’ Maharaj said.

The meeting took place at about 3 pm at White Hall. The conversation with Mr. Williams was, ‘Government has a plan that does not include you. You are a young man and Government may have a plan in the future to include you. But we would like you to decline the offer and the decision made by the Police Service Commission’”.

So, that is the DNA of the PNM. [*Desk thumping*]

So when I was appointed to this committee, I was acutely aware of that fact, but being the eternal optimist that I am, and the idealist that I am, patriot that I am, [*Desk thumping*] I recognized that this was the first time in our country that a special select committee was being appointed by our Parliament to look and to provide information in this manner. And my good friend, the Member for Laventille West, read out the mandate of the committee.

So that therefore, it was going to be a historical process. It was a process that if utilized properly would grow the democracy and not diminish it. [*Desk thumping*] It would allow for the evolution of the democracy. It will entrench the institutional importance of the service commissions, in this case the Police Service Commission, and that therefore the society would move beyond the stagnation it is currently in. Madam Speaker, so you can recognize my level of disappointment with the contribution of the Member for Laventille West.

We had, as he indicated, nine meetings, I attended eight. I was not there for the meeting because I was out of the jurisdiction on the Police Complaints Authority, but the verbatim records revealed certain things. If you look and review the verbatim records of all the meetings, there are certain recurring themes. First in the public domain there was the question of the quorum. The legal advice of the parliamentary legal personnel indicated—[*Crosstalk*]
—that on a proper interpretation that the—Madam Speaker?

Madam Speaker: Members, I am being disturbed. There is conversation going on and I am getting some difficulty in hearing. So if we could sort of just control our volumes.

Mr. G. Singh: So the first issue was whether the Police Service Commission was quorate, and this was raised in the public domain and we dispensed with that in quick time as the Member indicated. But it is with respect to the issue as to whether or not—and the hon. Member made a lot of song and dance about it—that whether in the model of the talent pool strategy they could have changed lanes. From the outset, having sought legal advice, the Police Service Commission in collaboration with the firm KPMG decided to use a leadership competence model involving a common talent pool approach for assessing all qualified candidates. That was a considered view agreed to by all four members of the Police Service Commission.

The use of this approach was explained at length, and members grilled before the SSC on this matter. The fact that 20 candidates applied for both the COP and DCOP made this approach attractive, since it made sense to adopt this approach rather than run 20 candidates two sets of tests.

It led to a review of the job descriptions for both COP and the DCOP. The Police Service Commission and the firm believed that core competencies and skill sets required for both positions were almost identical, and they explained this fully. It may well be that this also suggests itself, given the fact that by Legal Notice No. 219—I notice my friend only mentioned 219 once—of 2015, the

qualifications required for the COP and DCOP are identical, save and except for the requirement of years of experience. In the case of the DCOP, 10, and in the case of the COP, 15 years. Madam Speaker, the two jobs as explained to us can and were separated by scores when one applied higher level requirements for vision, strategic leadership, capacity to motivate and inspire, and full clarity of thought on policy-minded thinking.

We thought that this matter was well thought out and very practical to apply. In this matter again the PSC acted within its legal ambit. The PSC indicated that in the final phase of the process all suitable candidates at that time were asked whether or not they would consider another position from what they applied for, and they answered in the affirmative. But this was not—they were very clear, Madam Speaker—meant to be an offer. While two candidates indicated that they did not receive such information, as my friend indicated, the committee had no evidence before it that the candidates were not told.

Two out of 12. So, when they created the talent pool strategy—it is clear that when they created the talent pool strategy, from the verbatim proceedings this is what, and I will be very brief as I quote from the verbatim proceedings of the sixth of the third, 2018, *Hansard*, at page 24. This is the question being asked by a member of the commission:

“Through you, Chair, how do you deal with the notion that there ought to have been separate streams in the context of the leadership competency model for DCOP and the COP?”

This is what the managing partner of KPMG had to say:

“So, if you look at the job descriptions between the DCOP and COP, it is not night and day. It is integral to the support of the leadership of the police service. It is a competency model to test skills that are required to function effectively at that level. One, the DCOP was merely to support the COP, so it was not vastly different, so the competencies required from both positions were equally important”.

Madam Speaker, so it is clear, it is very clear that was the method agreed to by the Police Service Commission in collaboration with the KPMG.

Madam Speaker, as I indicated before, that the hon. Member made a lot of song and dance about the involvement of the PSC in the process. The question was the role and function of the Police Service Commission members in the work of the assessment centre. The question was whether this could have led to bias, discrimination and a lack of independence of the process.

Now, what is interesting is that the PSC sought and obtained legal advice on the interpretation of the redacted Legal Notice 2018 of 2015. They were advised by Senior Counsel that they had to own the process and could not have been dictated by anyone or any entity. All PSC members agreed that this meant partial or direct participation in all stages of the process, and so on. And I indicated to you the weightings and so on at that stage. There was a hybrid approach, and in this hybrid approach the PSC satisfied their legal entitlement to own the process while allowing the firm to be a tool and undertake the professional or leg-work in the matter.

In evidence before us that this was clearly acceptable, in that, the PSC did not violate the law. There was no legal consequence so that the PSC participated in this way or not, they were within the law if they did it this way or chose not to participate.

So that it is clear, it is very clear. When you look at the comments of what Mr. Martin George, member of the committee, had to say in the verbatim notes of twenty-third of the second, 2018:

“That assessment is an assessment that the firm was contracted to carry out by the Commission, but we had a duty to ensure that the tail does not wag the dog. So in other words we, although we have contracted you to do the job we have to ensure some level of participation and oversight so that we can make sure that we are consistent with our constitutional mandate”.

This is a lawyer, Martin George, talking on the matter.

3.10 p.m.

And in response to a comment by Mr. Deyalsingh—a question by Mr. Deyalsingh, Mr. George indicated:

And we carried out both roles.

So in other words, some Members actually sat in and participated, and when those results came back, all of us would sit and carry out the oversight function. So they are consistent with their constitutional mandate as indicated by Justice Rajkumar as he then was. Madam Speaker, it is clear then.

So, then the hon. Member, and it is perhaps a bit of a reference to his colleague, the Member for St. Joseph. The Member for St. Joseph made “a lot ah song and dance” about the fact that the human resource component, that no one of

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the four members of the Police Service Commission had executive recruitment qualifications. He wanted certification, notwithstanding, that Commodore Franklin indicated that throughout his military life he was engaged in executive recruitment, [*Desk thumping*] notwithstanding, that Dinanath Ramkissoon indicated that he too was engaged in executive recruitment. What the hon. Member wanted was that paper, that degree, that diploma. Experience was thrown out the window, and collectively they had about 80-something years of experience. [*Desk thumping*] That is what they told us.

You know, in fact, Madam Speaker, and I have it verbatim in the verbatim record that the head of KPMG indicated that he was impressed with the skill set of the members who participated in the process from the Police Service Commission. [*Desk thumping*]

So, Madam Speaker, you know, and the KPMG was chosen through a competitive process. They have professionals from all over. They had a policeman who was head of the London Metropolitan Police looking after 36,000 officers coming to advise us on the process in Trinidad and you seek to fault KPMG. You see, when you have an agenda, it does not matter; fact “doh” matter. [*Desk thumping*]

Madam Speaker, another point raised was the issue of conflict of interest, and this matter of pseudo-familiarity was dealt with. Members declared their interest up front and a collective decision was taken by the PSC and the KPMG for them to participate because it was indicated in the evidence that no one member could have skewed the result. So where is the bias you talk about?

The hon. Member for Laventille West places a duty on the PSC to subsequently investigate members of the commission, that whether or not they had a continued relationship—But the hon. Member for Laventille West I am told, I am advised, also knew Mr. Deodat Dulalchan. Over 25 years they were in the same batch in the police, but he never declared that interest to us as members of the committee, as Chairman of the committee.

So that therefore, he never told us anything. So that therefore, did he come with some kind of prejudicial approach? Did he come with any kind of—so that therefore, the KPMG, Madam Speaker, was contracted to do eight specific security background checks and they did all eight in accordance with the contract. Eight specific contracts and they did that, they fulfilled the terms of the contract, but the hon. Member for Laventille West wanted them to go and investigate people subsequently. Well I want him to indicate that he may, if he had used that

yardstick for judgment, he ought to have recused himself as Chairman of this Special Select Committee. [*Desk thumping*] So by the same yardstick. But there is one for the PNM and one for other people in the country.

Madam Speaker, you see, our leader is here now, and she had indicated [*Desk thumping*] to this honourable House at the time of the debate on the legal notice—

Madam Speaker: Member for Chaguanas West, your original 30 minutes are now expired, you are entitled to 15 more minutes if you wish to complete your contribution.

Mr. G. Singh: Thank you, Madam Speaker,—had indicated that the various sections of the Legal Notice were ultra vires, and it is because of that pressure put and when the judge acted they put further pressure on the Police Service Commission, because they now had to seek legal advice, Senior Counsel advice, in order to guide them, and which they did throughout the process.

Madam Speaker, so there was no question of a bias in the matter. There was no question, because none of the evidence revealed nothing of bias. Where was the bias in the evidence? Not one iota of bias, but it is conjecture and surmise and agenda; that was what it was. [*Desk thumping*] So you have the evidence before you, not a word of bias. [*Desk thumping*] The whole question of bias went put before KPMG, they dealt with it and we also indicated empirically how the bias could not have skewed the end result.

Madam Speaker, another issue raised was matters for special consideration, and the hon. Member dealt with that. So there were two issues with two members, and it is well within the discretion and power of the Police Service Commission to deal with those matters, and they dealt with those matters. One in the PCA existing since 2011, and all of a sudden resurrected in 2017, you know. It was not even Easter, Madam Speaker. [*Laughter*] Yes. It was not on the eastern, it was on the western, so that therefore it boggles the mind that that, in fact, took place. So the PCA itself has to be subject to some measure of scrutiny, the manner in which they proceeded in this.

And we are of the view that the Police Service Commission and the firm were totally forthcoming. [*Desk thumping*] They provided voluminous detail, answered every question, and they were consistent in their answers with the recurring things. [*Desk thumping*] You had to look at them—and at times I had to warn the Chairman that he was badgering the former Chairman, [*Desk thumping*] badgering in order to—but he was taking an inquisitorial approach.

So, Madam Speaker, so this was a novel framework and the PSC was maneuvering their way in this novel framework, and they were congratulated by the DPA. I saw my friend raised the issue of the DPA. The law does not provide a role for the DPA except to sign the contract. [*Desk thumping*]

So what the Member for Laventille West as Chairman indicated, they were nit-picking. You know when you have a set play in football, 15 yards outside the goal you have your kicker who will go in there. It seemed to me at a time there was a set play, a set play for certain. He would ask, "Is there a unique set of behaviour associated with the COP and DCOP?" I do not want you, "Yes or no, answer yes or no", that was the kind of approach. We were a committee looking to find a way to build on democracy not to diminish it in my view.

Madam Speaker, with respect to the issue of the external support and advise from a HR consultant, they only did a desktop survey and they qualified, but what they said, that everything that they said could be clarified by asking KPMG to clarify. [*Desk thumping*] My colleague will deal with the mathematical formula because, Madam Speaker, who was also a Member of the committee, we have to look at the whole question of what went wrong. The Member rushed his way through.

Madam Speaker, we have a series of issues. If the hon. Member had taken the time, the same way I pointed out the polygraph issue, if the hon. Member had taken the time we would have provided a Report that would have had the veracity to withstand scrutiny rather than this kind of editorializing that took place.

So with respect to point number 14 in the Report, we indicated that there was an answer for that. They had to make a shortlist and they had a 60 per cent threshold. I think the Member indicated that.

Also, involvement of the client in the process is best practice, when the client has the final responsibility, the client can either passively or actively participate, because the client is recruiting. It is a series of actions in this matter.

But, Madam Speaker, it is clear from the comments that nothing precluded the involvement of the members of the service commission. Nothing precluded that, no law. In fact, they took the approach that they should err on the side of caution and that therefore, they over-involved themselves.

Madam Speaker, an issue that was raised which the Member made no reference to, and I understand party politics and the intricacies associated with it, but the hon. Prime Minister in London on Tuesday, 24th April Reported in the *Daily Express* and he goes on to say:

Rowley said...

And I quote from page 8 of the *Express* of the 24th:

Rowley said that the people whose job it was to find a COP are now before a Parliament Special Select Committee which is enquiring what went wrong with the process.

So they are enquiring what went wrong with the process?—that was never our mandate. [*Desk thumping*] We had to make a finding, but before we even Reported, the hon. Prime Minister, he had made a conclusion. What went wrong with process?—that is what he indicated our role was. That was not our role. So the tone at the top set the agenda. That is what it is. [*Desk thumping*] The tone at the top set the agenda, prejudicially, Madam Speaker.

So that therefore, and the hon. Prime Minister has a penchant for embracing foreigners at the expensive of locals, you know. You know you have Incat, he believe in Incat and Austal, but “doh” believe the people in the Port Authority, [*Desk thumping*] believe different things. [*Interruption*] Do not get touchy, hon. Member for Arouca/Maloney. So they embrace, the hon. Prime Minister embracing foreigners for truth whilst diminishing local content for truth. It is clear, and I want to advise and warn the Prime Minister, the last time a Prime Minister sought comfort in the embrace of foreigners was George Chambers in the Tesoro scandal.

Madam Speaker, so the point that we have to make is that we sought not to politicize this matter. We sought not to politicize this matter. We sought to deal with this matter in a way in which it will bring some measure of relief to what is happening here; the rampant crime that is taking place.

But we are also cognizant of the fact that there is a presumption of regularity in the acts of public officials. [*Desk thumping*] So unless you can prove mala fides, bad faith or some kind of interest that is hostile or malicious, then you have to support the decision taken by the Police Service Commission. [*Desk thumping*] Because you see, Madam Speaker, as I indicated previously, they jettisoned Stephen Williams out of that process. Now, they are attempting to use the Special Select Committee to jettison somebody who is not supine, who is not prostrated before them, who is an independent thinker. And that is what is happening here today.

Madam Speaker, and I indicated previously that Lord Diplock had indicated, he said, he mentioned the prospect, albeit remote in Trinidad and Tobago of an armed police force being converted to a private army of the majority party at the

last election. That is what we have to guard against and that is why this exercise is so important.

Madam Speaker, in today's newspaper, "Give me the CoP job", lawyers for Deodat Dulalchan says. *Daily Express* Wednesday 6th June, 2018:

"Lawyer urges PM to pick Dulalchan as CoP"—Commissioner of Police.

Madam Speaker, you know, democracies do not die easily you know. You have a coup and then the next day somebody else in the presidential palace. But when you have elected officials utilizing the system to gradually wither away at the democracy, then we on this side [*Desk thumping*] have to stand firmly.

Madam Speaker, we say to the hon. Members on that side, you cannot use your simple majority to deny the process of the Police Service Commission that they acted within law, they acted reasonably, they did not act irrationally, they did not act capriciously, they acted within the confines, and therefore, when they chose Mr. Dulalchan, this is what, Madam Speaker,—Commodore Franklin had this to say. There was only one that stood out and that is why his name appears on both the COP and DCOP. Only one person that stood out through the whole process and that person is Deodat Dulalchan. Appoint him as Commissioner [*Desk thumping*] or this society will regret the intrusion in the entrenched Constitution which allows the Police Service Commission to do their work. [*Desk thumping*] Let the commission do their work, do not interfere in their work and appoint Deodat Dulalchan as Commissioner of Police. I thank you. [*Desk thumping*]

Madam Speaker: Member, I just wanted to advise you, we are not dealing with the notification, eh. Okay? Member for La Brea.

The Parliamentary Secretary in the Ministry of Energy and Energy Industries (Ms. Nicole Olivierre): [*Desk thumping*] Thank you, Madam Speaker for recognizing me and giving me the opportunity to contribute to this Motion where we are looking at the Report of the Special Select Committee into the Notifications that were delivered by the Police Service Commission, well, through the President.

First, I have to thank the Member for Laventille West for the comprehensive review he gave of the process that we followed. [*Desk thumping*] In my contribution I will attempt to flesh out any details that he would have omitted, but sadly I may not be as eloquent as he had been, but I will try my best.

Now, beginning first I need to correct the opening statements by the Member for Chaguanas West where he spoke about what the intent of the review of the

Report was about. Now, I am going to repeat, I am going to read the conclusions of the Report so that we understand what we are discussing here:

1. “The committee—the Special Select Committee—“believes that the direct involvement of the members of the PSC in the assessment stage of process was not what was contemplated in the Order made pursuant to the Constitution.”

Secondly, “Additionally, having regard to the observations and findings set out above, the Committee considers that in many respects the manner in which the entire process was conducted by the PSC was defective and unreliable and may expose the PSC to allegations of arbitrariness and lack of transparency.”

[*Desk thumping*]

Madam Speaker, the Member for Chaguanas West took pains to point out that this is the first time that we are doing this, a special select committee has been appointed to look into the work of an independently appointed commission. And there is a very good reason why this ground-breaking work has taken place.

You see, Madam Speaker that independently appointed commission submitted, through the President, some notifications to this honourable House, and of the three notifications that were submitted for our deliberation and acceptance, two of them are mutually exclusive. So there is absolutely no way this Parliament could have accepted all of the Notifications, so clearly something went wrong in that process. [*Desk thumping*]

And for that reason the hon. Prime Minister and the hon. Leader of the Opposition agreed that this process, that those Notifications be taken to a special select committee to find out exactly what happened there, because under no circumstance could we just accept what was submitted. [*Desk thumping*] So that is why we are here. So, Member for Chaguanas West, you need to understand that something was wrong and that indication that something was wrong came from the independently appointed committee. So that is what we are doing here.

Now, Madam Speaker, I need to put this entire exercise into some context. What we are doing here is debating the appointment, eventually the appointment of a leader to the Trinidad and Tobago Police Service. Now, the state of the TTPS right now is far from healthy, and this is not my opinion. There is adequate evidence of this.

We recently would have done a Police Manpower Audit Review. That Report was laid in the public which highlighted a host of concerns and problems within the police service, within the TTPS. Public confidence in the TTPS is at an all-time

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low at 30 per cent. Confidence of the police officers in the TTPS is also at a low, but the problems in the TTPS are not of rules and regulations. The problem is about adherence to standards, there is a problem of performance management, and all of these problems point to the problems of leadership, and that is what we are about here. [*Desk thumping*]

The whole purpose of the exercise that was undertaken by the Police Service Commission is to appoint a leader to the TTPS, and the process followed by the TTPS as I have seen, as we have all seen, all the members of the committee who would have looked in detail at the work that they did, all of the members of the public who would have listened to the public hearings, you would have seen that the process followed by the PSC was not in strict adherence with the intent and the letter of the Constitution and the audit.

There are numerous issues that we found throughout that process, some of them are not so severe, some of them you can classify as ill advised, but not fatal. Some of the issues we consider as grave, and some of them we think are in downright variation with the law as would have been indicated by the Member for Laventille West in his opening deliberation. And there are too many areas of ambiguity, and those areas of ambiguity serve to undermine our confidence in the outcome of the process.

Now, confidence in the outcome is critical, because for the Commissioner of Police to be effective in his job he has to have the confidence of the general public. The public has to believe that the right person was chosen through the right process. He also has to enjoy the confidence of the members that serve under him. They have to know that the process would have thrown up the best person among all the applicants.

Hon. Member: He or she.

Ms. N. Olivierre: I used “he” in the generic term. So if the process followed in arriving at that nominee was not rigid and valid, then the confidence in its outcome would be undermined and that individual would not be able to function effectively. So this is what all of this is about, choosing someone to lead the Trinidad and Tobago Police Service.

One of the primary concerns of the committee was the direct involvement of members of the PSC in the assessment phase, and we believe that that was in direct variance to the spirit of the order. The order says at 3A:

“The Commission...contract an appropriate local firm (hereinafter referred to as ‘the Firm’) to conduct a recruitment process including inviting applicants for the positions;”

It says to “conduct a process”, it does not say to assist in conducting a process. So it really does not specify that the members of the commission should participate in that assessment stage. If the Constitution of the Order intended that, it would explicitly say to assist the commission in the recruitment. But it asked that it be done to conduct the recruitment. And this why we went through all that trouble to engage an HR professional firm because they have the expertise in conducting recruitments.

And in conducting recruitments, the firm selected—KPMG in this case—used the assessment centre approach. Now assessment centres are commonly used. They involve a variety of different techniques aimed at determining a candidate’s personality and aptitude to perform a particular job. It is a combination of interviews, group exercise, presentations, examinations, psychometric testing; it is a suite of activities.

Now, the Member for Chaguanas West indicated that we got HR expert advice, and the HR expert advice would have given us some advice around best practice in conducting assessment centre exercises, so the theory behind how you conduct an assessment centre.

One of the key things is testing the validity of the exercises that are used. You have to ensure that the right skills and abilities are being measured. So in order to do that, you would identify clear objectives at the onset, and objectives that should not discriminate amongst different groups of candidates.

Now, from the evidence that was provided to this committee, there was nothing to indicate that KPMG really validated any of the testing that they did. So we have some concerns as to the effectiveness and the efficiency of that assessment centre exercise that was conducted.

Now, in doing assessment centre exercises, best practice dictates that since you have a series of exercises that comprises the suite of activity, best practice in assessment centre activities requires that we do not have one assessor interfacing with the candidates on multiple occasions in different test scenarios, because then you have something called creeping subjectivity, the opinion that they gain from the candidate in one exercise will then be carried forward into another. You see, the assessment centre is designed to test your personality and aptitude under different circumstances.

So if the assessor is bringing information in from a previous exercise, that undermines the validity of the outcome. So best practice says do not have the same assessor interface with the candidate in multiple parts of the process. And the involvement of the PSC members within that assessment centre exercise totally goes against that best practice because we have members in the PSC involved in every single stage.

The PSC has their role at the end of it; you take the objective results from the firm and you do your deliberations and come up with what you think is your Order of Merit List. But when you have them interspersed in the first-stage interview, in the second-stage interview, in various exercises, you have that influence coming through. So whatever opinion they would have formed of the candidate in any one of the exercises, it is carried forward further, so you have a creeping subjectivity built into the process. [*Desk thumping*]

The Member for Chaguanas West spoke at length and said that, okay, on the interview panel there was one member of the commission amongst four other members, so we say one in five. But not in all cases one in five equals 20 per cent. Let me give you an example.

There are 41 Members in this House, each one of us has one vote, but all our votes are not equal. If I would paraphrase George Orwell, [*Crosstalk*] some of us are more equal than others. For example, looking at the Members on the other side, each of you has one vote, but I know that the Member for Siparia, her vote is certainly “more equal” than any of the votes that you have. So when you have one member of the employer—

Mr. Singh: That is reasoning for you.

Ms. N. Olivierre:—when you have one member of the employer sitting on a panel with three or four other members, and the employer’s representative clearly has an opinion and clearly has a favourite, I am certain that his opinion would hold sway over the others. And, of course, by “his”, I mean—[*Desk thumping*]

So to say that the one member of the commission being present on the panel cannot skew and influence the panel, that is being very naive and not in the real world. Okay?

Hon. Member: Yes, very naive.

Ms. N. Olivierre: So he knows that the commission’s opinion would supersede the others and would be paramount.

Hon. Member: Especially the Chairman.

Ms. N. Olivierre: And having a member of the commission from the earliest stages introduces the full suite of bias throughout the entire process. [*Desk thumping*] The commission had their full discretion at the end of the process. There was no need to have them inserting that bias from day one.

Now, the whole question of changing lanes. I mean, this is something that was of great concern to members of the committee, and in all the hearings and the questioning we had with the Police Service Commission, I mean, a lot of questions were repeated because we never got a satisfactory explanation as to how this worked and how it was done.

We used a single competency model, but there are two positions you are interviewing persons for, so there has to be a clear distinction of the requirements; there has to be. It is an absolute necessity, because the requirements for experience is not the same, and there is something that would be gained from that added experience.

3.40 p.m.

So, a clear definition of the distinction should have been established at the outset if they intended to treat persons the same way. When we look at the details of the scoring, there is a score for role fit, it is a numerical score. But, it does not indicate which role they were assessing the candidates against fitting. So, you get 60 per cent in role fit, but is it role fit for COP or role fit for DCOP? But despite the absence of that distinction, at each stage of the process KPMG would have produced two lists. Initially a list with five names and then a list with 17 names, and identify one candidate as being suitable for both roles, and the other candidates were only suitable for one role, as acceptable.

However, at the end of the process, with the Police Service Commissioners having participated on all stages and being aware of that, at the end of the process they produced an Order of Merit List which contained two names common to both lists. All along, they identified only one candidate being suitable for both roles. So, at the end of the day when we come out with an Order of Merit List with two candidates being placed on both lists, it is no wonder that a special select committee had to be formulated to look into what went wrong throughout this process. The issue of following the Order speaks about the second aspect of it, so 3(b):

“The firm shall ensure that the candidates are subject to the best practice security vetting.”

The Member for Laventille West spoke about polygraph testing, the Member for Chaguanas West read a legal opinion that indicated that to introduce

polygraph testing would require changing the terms of the engagement. But, the Order says they have to do best-practice security vetting. What is best-practice security vetting? Certainly, polygraph testing is one of the minimum elements that need to be included in best practice. Since this is a Commissioner of Police that will be interfacing with the public, the highest office in the TTPS, the public needs to have a look at these candidates to know if anybody has any objection to them. If we need to do security vetting we need to get all the information that is available on these candidates to be able to make a good decision. Now, in the Order:

Following receipt of the Report from the firm the Commission is required to take into account all information on the candidates and thereafter establish an Order of Merit List.

Now, we became aware of some information that was presented on two candidates during their security vetting that the commission chose not to take into consideration. Upon writing to the Police Complaints Authority, the commission received Reports, a Report on one of the candidates in particular that indicated that in the opinion of the Police Complaints Authority that candidate should be subjected to disciplinary action. Now, under the Police Complaints Authority Act, I mean, there is no obligation for the PSC to abide by any recommendation made by the PCA.

However, if you are engaging someone in the highest office in the land, and you are required to take all information into consideration on that candidate, then it is expected that the Police Service Commission ought to have taken that information into consideration. It is clear that the Police Service Commission, the commissioners had a difference of opinion, so they sought a legal opinion on it, on whether these candidates on whom they had gotten information from the PCA, whether these candidates should be considered or not, and the legal opinion is quite clear. Now, in the case of one candidate, the legal opinion clearly says to the PSC:

As a responsible body charged with the responsibility of nominating persons for appointment to the highest offices in the police service one would expect the commission to have regard to any credible information coming to its attention which may demonstrate the suitability of a candidate for office.

In reference to the other candidates, the legal advice that the PSC obtained said that:

It is not reasonable to be expected that the commission would nominate a person who in the view of the commission is or is soon to be subject of

disciplinary action by the commission.

Now, the legal advice says that:

Neither of the candidates is debarred from the selection process. However, the information in the possession of the commission like all information on the candidates which the commission is required to take into account.

So the Commissioner or Deputy Commissioner, the Order may if the commission so decides impact on the Order of Merit List. The commission took a decision that they would:

1. not further investigate the information that they got from the PCA; and
2. disregard that inform altogether.

And this I submit is clearly at variance with what is specified in the Order where the commission is required to take all information into account. Because, a recommendation from the PCA is not a simple matter of saying, well, we believe this. Now, the recommendation from the PCA, let me just outline what the PCA said in respect of one candidate:

Based on evidence gathered in our investigation, the Authority—that would be the PCA—has concluded that a case has been made out against you—the candidate—for commission of the disciplinary offences of discreditable conduct, neglect of duty, and disobedience to orders, and as such a recommendation has been made to the Police Service Commission for consideration to be given to invoke disciplinary proceedings against you for said offences.

Now, the commission determined, based on the judgment that because the offence had occurred seven years prior, to take disciplinary action at that point would be an abuse of process. I have no quarrels with that.

But my concern is, the information that was contained in that advice, that recommendation from the PCA is what the commission failed to take into consideration. When the PCA gives a recommendation, they give you a complaint, they give you a full dossier with all the evidence of their investigation which would point exactly to why the PCA came to the recommendation that this particular candidate would have committed an act of serious discreditable conduct, neglect of duty, and disobedience to order.

So, the PSC had in its hands a file containing full evidence of the investigation by the PCA outlining an act of discreditable conduct, neglect of duty, and disobedience to orders against a candidate. And the PSC determined that it would

disregard that bit of information and still proceeded to put that candidate's name on the Order of Merit List. This has me very, very, very concerned; very, very, very concerned, Madam Speaker.

When we look at the Order of Merit List itself that was produced by the PSC, bearing in mind that the Police Service Commission participated in every single step of the assessment, had their people in there working through everything with their own influence on the process. All along there was one candidate that they declared suitable for both positions. From day one they had a pool of candidates suitable for position one, a pool of candidates suitable for the second position, but, yet, when they came to coming up with an Order of Merit List they produced a list that deviated significantly from the list that came out of the assessment centre activities.

If the Police Service Commission had taken no role whatsoever in the assessment centre process it might be easy to understand why their final Order of Merit List would have deviated significantly from the firm's, because they may have just taken into account other information. But, given the fact that the PSC was intimately involved throughout the process, how then could they produce a list that deviated from the list that they would have sent to themselves at an earlier stage?

And then we come to the issue of how they came up with their Order of Merit List. We know from our conversations with them that they struggled for six weeks. After receiving the Report from the firm in which they participated, for six weeks they could not agree on an Order of Merit List. Then one commissioner comes one day and proposes the Borda count method, which they saw as a salvation. And the Borda count method is essentially a vote. Each member of the Commission would look at the list of candidates and rank them in order of preference, and based on the one that gets—so, who you have at number one gets the most marks, and who you have lower down gets the least marks, and you add up the scores, and that is how you get your Order of Merit List.

But there are several issues with how the PSC would have done this. Because to start with, all the commissioners again were not operating on equal footing, because three of the four commissioners would have had previous interaction with the candidates on the list. Some of them having taken part in stage one assessment, and some of them taking part in second stage, but three of them all being involved in the stage two interview. So, some of the commissioners had knowledge of all the candidates. One commissioner did not. So, it begs the question on how was that commissioner able to judge and rank the candidates.

So, there is that lack of unity, lack of conformity in that aspect of it. And then the Borda count method, I mean, by itself, using that as the final deciding factor. It means that clearly, there was a lot of disagreement within the Police Service Commission itself. We know about the voting process they had to go through in determining which candidates to include, which ones to exclude, which led to the opinions having been sought.

And then at the end of all this, at the end of all of this, the result that they would have sent to the Parliament, you see, the icing on this poisoned pudding, was that this process, after going through this entire process, they spewed out to this Parliament three Notifications, two of which are mutually exclusive. And that if nothing else, that was the signal to us. That was the PSC's way of crying for help. They are saying to the Parliament, we cannot resolve this. Help us. This process is not—there is something wrong with this process, give us some guidelines. Because they could not resolve where to put that particular candidate that they offered for both lines.

So, they left it for the Parliament to resolve. So nothing else but that should tell us that there is something wrong within that process. If not wrong with the process, something is wrong with the way they executed the process. But in any event, they left it to us to help them, and this is why we had this committee put together to go through the process to identify all the things that went wrong. And if you look at our recommendations—so, I am very pleased with the work that the committee did, eh, here, and I know the Members opposite as well, they were very pleased, because in our last meeting they were high in praise of the work the committee did.

We did what we were supposed to do. We examined the process, we questioned and we re-questioned, and many of the questions we asked repeatedly, because there were things that we just could not wrap our minds around. And we knew that, and we saw the frustration coming out of the numbers of the Police Service Commission, because they were also frustrated. When the Borda count method was proposed, I mean the Chairman was, she said it was like a blessing. It was like a miracle, they were glad to have something, because something is wrong with this process.

Our recommendation as a committee recommended that the Order made pursuant to section 123(2) of the Constitution should be subject to urgent review with the view to the establishment of well-defined guidelines for the selection of a COP and DCOP, and this recommendation is valid. The mere fact that the PSC had to seek so many instances of legal advice on various questions that they came

about. All of this tells us that this is a sick process. It is our duty as a Parliament, we made the Order, it is our duty now to see how this thing can be amended, how we can fix this process. [*Desk thumping*] It is our solemn duty.

So, from the information before us—Madam Speaker, you know I am frugal with my words. I do not engage in the song and dance and the theatrics. I like to get straight to the point and not waste the public's time. Okay? [*Desk thumping*] From the information before us, as I have outlined, as the Member for Laventille West has outlined, as the Member for Chaguanas West did admit in between all of his allusions of song and dance, and whatnot, and all the irrelevant material that he brought in, he also admitted—all this information cast serious doubts on rigidity and integrity of the process followed by the PSC. The very fact that we are here doing this means that there was something wrong with the process, and the members of the PSC acknowledged that. That is why they presented their results to us in a form that would cause us to take this kind of action.

So, I and all the Members on this side, not just members of the committee, but all the Members on this side, we stand by the recommendation in this Report. Okay? That the process needs to be subject to urgent, urgent, urgent review, so that we can establish guidelines for the Public Service Commission in engaging this process. For six years we have not been able to engage a Commissioner of Police. What more do we need to tell us that this thing needs to be fixed and it needs to be fixed now?

Once we can review this process we can re-engage it and enable us to finally appoint a leader to our police service. Because our police service is crying out for a leadership. I know that the acting Commissioner of Police, he must be at pains to be acting for so long. Let us work together as true patriots. Let us come together and fix this process. Fix the Order. Get some guidelines going so that we can appoint a Police Commissioner and a Deputy Police Commissioner. Madam Speaker, I can do no more than to beg my colleagues opposite to exercise common sense and good judgment, and patriotism, and let us fix this problem.

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

Mr. Rodney Charles (*Naparima*): Thank you very much, Madam Speaker. Before I begin I must at the very onset congratulate my colleague the Member for Chaguanas West [*Desk thumping*] for his erudite, enlightening and incisive clarification of the distortions that were presented to this honourable House by the Member for Laventille West. [*Desk thumping*] I think history will record this level of clarification that he gave, so that when future generations analysed the discussions in this House, they would see that some distortions were balanced by

a level of erudition and enlightenment. [Laughter] So, Madam Speaker, I listened intently to my colleague, the Member for La Brea. It is painful to see a good person; a young, educated person, seek—

Hon. Member: Bright.

Mr. R. Charles: —bright, seeking to defend the indefensible. [Desk thumping] And surely, surely, she must get kudos for loyalty to the cause as she struggled today to defend what was difficult. I will deal sorry at him, with the comments that she raised. The first point, she talked about in the conclusion—

Madam Speaker: The hon. Member.

Mr. R. Charles: The hon. Member, she spoke about the first conclusion, and she said the committee believes—

Hon. Member: Hon. Member.

Mr. R. Charles: The hon. Member said that the committee believes that the direct involvement of members of the PSC in the assessment stage of the process was not what was contemplated in the Order made pursuant to the Constitution. May I remind the hon. Member for La Brea that there is a High Court judgment that speaks [Desk thumping] to the involvement of the PSC in the process of selecting a COP and a DCOP. That judgment was Claim No. CV2016-01218 between *Harridath Maharaj v Attorney General and the Police Service Commission*, that was done—at the appearances, the team was led by the Leader of the Opposition, Mrs. Kamla Persad-Bissessar, Senior Counsel, [Desk thumping] and in that judgment, before the hon. Justice Peter Jamadar.

Hon. Member: Rajkumar.

Mr. R. Charles: Rajkumar. Sorry, Rajkumar. [Laughter] And in that judgment it was said that the reading of the above words in the provision, and it goes on A, B, C, and C, would recognize—and I want to read this slowly, and I want the Member opposite to listen carefully—that:

“Should the commission contract a firm, as it is free to do, or not to do, as it chooses, it may provide, by its contract with that Firm, the extent of the material it wishes to supply to it by that firm.” And, “any such firm can only be a tool of the Commission, and cannot exercise independent discretion to the exclusion of the Commission except as expressly authorised, mandated, and contracted by the Commission.” [Desk thumping]

It means, Madam Speaker, that the Police Service Commission was free to contract or not contract, to become involved or not become involved, and that is a High Court judgement—

Mrs. Persad-Bissessar SC: Which they never appealed, eh.

Mr. R. Charles: Which was never appealed. So therefore, you see, when we operate or when the Police Service Commission operates, it is operating, as my colleague the Member for Chaguanas West, said, it operated within the law, and the suggestion from the other side is that they operate ultra vires the law.

It was said by the Member for La Brea, that one member—and she was speaking with—the Member was speaking with reference to the assessment, and the scoring, and my colleague raised the point that even if they were totally biased, the two members of the Commission who were involved in the assessment, the extent of the bias could not exceed 10 per cent. And the Member for La Brea sought to say that one person could have more influence, given the dynamics that took place in the—

Mrs. Persad-Bissessar SC: The votes are not equal.

Mr. R. Charles: And the votes are not equal. That is precisely the problem that we have from the other side, a perception that all of us are not equal, even those of us in the Opposition. [*Desk thumping*] I want to state categorically that within our party, and I hope within this House that each of us has one vote, and that the Constitution allows that. [*Desk thumping*] And there is no diminution by anyone who seeks to say that some are more equal than others.

The Member for La Brea further indicated that there were two candidates for which the Police Complaints Authority had concerns. And, the Member for La Brea sought to give the impression that the Police Service Commission was duty-bound and obliged to listen to the concerns, and take on board, and be guided by, and be governed by the input of the Police Complaints Authority. Our understanding of the law is that the Police Service Commission is an independent body that cannot be subject to the [*Desk thumping*] Police Complaints Authority. They did the proper thing when the information was drawn to their attention, they sought legal advice, and upon getting the advice, and consistent with the law, in their own judgment, came to the conclusion that it ought not to be relevant to the decision that they made. [*Desk thumping*]

Mrs. Persad-Bissessar SC: But they also sought legal opinion.

Mr. R. Charles: And the question is, they sought legal advice. They did the proper thing that was required in the circumstances. There was a further question by the Member for La Brea about polygraph testing. I think that was well handled by my colleague, the Member for Chaguanas West. [*Desk thumping*] We cannot about breaking the law even in support of an agenda. The law is the law, and we

have to be guided if we are operating in a democracy consistent with the rule of law. [*Desk thumping*]

And there is a problem in the contribution of my colleague, the Member, when she sought to—when the Member sought to castigate the police—chastise the Police Service Commission for seeking legal advice. The Member indicated that this was a negative. It shows that the Police Service Commission was charting new territory, and they wanted to have best practices, and they wanted more so to operate within the law, and they wanted to operate without an agenda, and they wanted everything to be above board. So at every stage where it was required they sought legal advice. [*Desk thumping*]

So, Madam Speaker, the question is: Why are we here today? And we are here to debate the Report of the Special Select Committee established in accordance, Standing Order 95 and 96. The mandate was expressly read out by the Member for Laventille West, and I will not repeat it, except to say that it spoke about a dispassionate identification, and seeking to clarify the process, to see whether the process was consistent with the law and operated with best practices. The Report that we are here today, Madam Speaker, recommends, and here is where the danger starts. It recommends that the Order made pursuant to section 123, subsection (2) of the Constitution, so it would be subject to urgent review with the view to the establishment of well-defined guidelines for the selection of the COP and the Deputy Commissioner of Police. Why are we, or why is that committee, the Special Select Committee interfering in the autonomy and independence of a constitutionally [*Desk thumping*] autonomous institution? Why do they want to give guidelines? Why do they want to insert themselves into the selection process? But, I will deal with that matter later.

We start, Madam Speaker, for a little background, the question arises, what is the reason for establishing this committee in order to assess, they think we need a little background? Madam Speaker, you would recall that the hon. Prime Minister, Member for Diego Martin West, indicated to this honourable House on the 2nd of February this year, and I quote to give you the context in which this Report is being discussed today. And I quote:

“Madam Speaker, suffice it to say that as Prime Minister, I, like the man in the streets in Couva, Cedros or Scarborough, had to rely on what was published as speculation or inside information in the newspaper or on the television, because the process allows me and my team, the Government, no insight or involvement in this process. So, when the process is closed and it appears for the first time before me today, in this way, as against the background of all that has been said and all the disquiet”—and I want to dwell

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a little bit on that word—“that exists now in the population about the process, for this House to proceed without answers to the questions that have been raised is for the House to proceed without appropriate information that is required for the House to act appropriately”—and so on.

So, the Prime Minister told this honourable House that there was a disquiet in the public domain, and it was important for this House to clarify. Not, Madam Speaker, not to get involved in the process and make judgments about the process, but just to see whether the process was consistent with the law, and follow best practices. That was the job, the sole job of the Special Select Committee, as I understand it. [*Desk thumping*] But, Madam Speaker, the agenda, and some of us have spoken to, there is a disquiet among us in terms of where this thing started, how it proceeded, and how a lot of the disquiet that existed in the public domain found itself into the questioning and the modus operandi of the committee, and into the final Report.

So, there is a clear pathway from—one could almost see an agenda starting from the public disquiet, leading to the committee, leading to a Report, leading to this discussion. Let us look, Madam Speaker, for a while at the disquiet which the Prime Minister, because he spoke about it, being in the media. And I refer to the *Guardian*, February 05, 2018, and it is said, and I quote here, February 05:

Former public service head Reginald Dumas is adding his voice to questioning whether the Police Service Commission was properly constituted in the first place.

So, it was a question of whether it was properly constituted.

Which led to the recommendation of DCP Deodat Dulalchan for the Police Commissioner post.

And then the queries, and this is the disquiet that formulated this committee.

4.10 p.m.

There were:

“...queries over”—whether—“there was in fact a quorum when the decision was taken”—and—“were valid and if indeed the commission was not legally constituted, then the entire process must be quashed.”

And then there is:

“However, if the commission was not properly constituted, then it would appear that the decisions, recommendations made by that improperly

constituted commission, would be null and void, including the recommendations of Dulalchan and Phillip.”

So we see in the public domain, questions being asked about the process.

Madam Speaker, I refer also to the *Express*, dated 27 January, 2018. Sorry, it is *Newsday*, 27 January, 2018. And hear some of the issues that were raised in the public. And I want us to note and I want Trinidad and Tobago to note that a lot of what we heard today started even before the Order was presented to or the notification was presented to this House.

Madam Speaker: Just one moment, Minister. I know it might be hard to separate, but I want us to keep separate the Notification from the actual matter that has been referred to the committee which is the process and what this Report is about. It might be intertwined and therefore we have to walk a very fine rope, okay?

Mr. R. Charles: Yes, Madam Speaker. But the Report which we are discussing today makes reference—points to similar concerns that were raised.

Madam Speaker: Except that the Report that we are discussing today is not dealing with a particular person.

Mr. R. Charles: No.

Madam Speaker: And that is what I am trying to get.

Mr. R. Charles: Okay, I am dealing with the process, right?

“A source close to the nomination exercise yesterday alleged the process was “totally rigged”.”

So I am dealing with the process, and that is the disquiet that informed our discussions here today.

“The source, speaking on the condition of strict anonymity, said although auditing firm KPMG was contracted to do an analysis of the candidates based on a points system, there was alleged interference in the process”—making the point that we see a thread being weaved through the system.

“The law states that a firm is to be selected to do a comprehensive analysis to select persons on points,”—the source said—

“KPMG had listings with merit points for CV, medical, operational Reports and a mock, media conference, a number of different things.

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When those points came, all the PSC was supposed to do was compile the points, set up the merit list and give it to the President.”

It is the same thing we heard from the other side, is the same thing we heard from the Member for La Brea, that the Police Service Commission was not supposed to get involved in the process of assessment. But it follows, the thread is being—the picture is being painted in the public domain.

“The source claimed”—how could this get in the public domain, so almost accurate. Would the Police Service Commission do that? Who—which body stands to gain by this disquiet?

I will read:

“The source claimed, however, members of the PSC usurped their authority, bypassed the laws and ignored KPMG’s point system.

They decided to have their own personal interview to select somebody who was very low on the point system...”

Madam Speaker, I would go no more, except to say, that the disquiet in the public domain which lead to this committee seemed to follow a pattern of consistency of information raised. [*Desk thumping*]

So we have the disquiet in the public domain. What other lurking considerations form the backdrop to the Special Select Committee. And I referred earlier to the judgment which showed a desire and willingness by those on the other side to become involved intimately in the process of selection of the Commissioner of Police and Deputy Commissioner of Police. It cannot—it was only when the court ruled that they had to have an arm’s length relationship that that obtained. [*Desk thumping*]

So we see part of the agenda, part of the thread, information in the public domain that closely resembles the discussions that we have here today. We see a backdrop of the State wanting to become involved in this process. And when we go back, Madam Speaker, to the recommendations, to provide guidelines to a constitutionally independent institution, one gets concerned. I think my colleague raised the point about democracy and this creeping dictatorship and this looking for opportunities, always to usurp themselves in the process. [*Desk thumping*]
That is worrisome.

So what was expected of this committee? It was not constituted, Madam Speaker, to usurp and second-guess decisions made by the Police Service Commission. [*Desk thumping*] It was not set up to do that. It was not constituted

to undertake a forensic human resource management and personnel [*Desk thumping*] management audit of decisions taken by the PSC. There is no competence, management competence, recruitment competence in any member of that committee, such that they could make an informed professional judgment about the modus operandi adopted by the Police Service Commission. And neither are they judges that are not sitting into adjudicate on the process taken. Their only job is to see whether it is consistent with best practices and secondly, whether there were any flaws or whether it was illegal. That is the only job. I indicated there is no one with competence. The service commission contracted a firm—the SSC contracted a sole HR consultant. And we heard a lot about this sole consultant as providing the requisite advice to the committee.

In the minority Report which we submitted—

Madam Speaker: There is no minority Report before me.

Mr. R. Charles: Alternative Report.

Madam Speaker: And I would also say that there is no alternative Report before me. Okay. So do not be misguided.

Mr. R. Charles: Yes. Madam Speaker, we prepared advice that informs my contribution. So that advice, I quote from that advice. It said, in terms of—while the committee sought and did receive external expert advice from a sole expert, this was severely constrained and the expert was at pains to point out that she did the work with limited time and resources. [*Desk thumping*] The expert based on the advice that I got from my colleagues—

Madam Speaker: So this is your contribution?

Mr. R. Charles: Yes, Madam, this is my contribution.

Madam Speaker: This is your contribution. Right, good.

Mr. R. Charles: Based on the advice given by my colleagues—

Madam Speaker: Based on your contribution.

Mr. R. Charles: Yes, who are members of my caucus, right, [*Desk thumping*] and who are erudite and who are informed and who are professional, Madam Speaker. The advice said that the expert contracted by the select committee, who they relied on and said that she, this person, was capable of giving them the kind of support, a professional support that informed their contributions. It said the expert did only desk-top survey of material. That means, they called that primary research. Sit down and you read some books and

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you analyse and you come up with a Report, right, and did not interface with the firms or had access to the totality of evidence adduced over several days of examination. The result was a basic elementary and cold academic appraisal, the void of the legal administrative realities within the PSC and KPMG.

While it was suggested that this was not done deliberately, it meant that the advice was tendered in the context of an ideal and perfect world. So therefore, the advice that they relied, the sole, professional advice, was inadequate in many forms and in many ways. [*Desk thumping*]

Madam Speaker, I have some other concerns. I looked, I read and listened on television and I listened to some of the modus operandi of the Committee. And the modus is the weave and the thread of the agenda manifested itself significantly. And it points to a significant point, that the Committee was not constituted to entrap—

Madam Speaker: I have been listening to you and I think you are bordering on imputing improper motives. And I feel that you can find another way to say what you want to say. Before you go much further I think you could reset.

Mr. R. Charles: Yes, I am reading from verbatim notes and—

Madam Speaker: Just one minute. If you are reading from the verbatim notes, are these verbatim notes that are part of the Report, or are you saying that you made certain observations while you were watching?

Mr. R. Charles: Yes.

Madam Speaker: So, if you were making observations whilst you were watching, it is not verbatim notes, okay?

Mr. R. Charles: Yeah. Okay.

Madam Speaker: Right.

Mr. R. Charles: I was looking at TV and making notes, Madam Speaker, and what I noticed—

Madam Speaker: Your contemporaneous notes.

Mr. R. Charles: And what I noticed was a tone that suggested a preconceived notion and leading questions were asked. And I will give you an example of the leading questions. It was from one member of the committee, Mr. Deyalsingh, and I am reading—a leading question is a question in which the answer is expected, right? And listen carefully, it says:

Madam Chairman, that is the problem, because Chairman, the Borda count approach like many other approaches are prone and capable of manipulation. So he is asking a question of the member of the commission and he is saying it is capable of compromising positions, burying candidates, teaming up and cloning and that is why I have focused on the HR component of this process.

Madam Speaker, that clearly is a leading question put to the members of the commission and it suggests that the process was not one in which all the commissioners clean hands, unbiased—

Madam Speaker: I will not allow that, okay? So, as I say, continue, I am not going to allow that, okay? Withdraw that, find another way to make your point.

Mr. R. Charles: May I say, Madam Speaker, listening to the tone of the conversations and the questions that they were in large part leading questions and ought not to be part of that process.

But, Madam Speaker, in the Report the SSC was established to ensure that the disquiet to which the Prime Minister referred, which allegedly existed in the public domain were not factual statements, but those based on hearsay, inadequate information and outright falsehoods. The allegations were biased, right, the PSC was not properly constituted, that queries about whether or not a quorum existed—we said that before—that the process was rigged, that the PSC had usurped its authority and had bypassed the laws, that it had ignored KPMG's point system.

What we did not expect was that the disquiet in the public domain should colour the modus operandi, dominate the enquiry and find their way into the final Report. It should have come to the table with clean hands, a tabular rasa: look at the evidence, see where the evidence led and then make a judgment. In other words, once there were reasonable objective, professional answers to the areas of disquiet they should have been dispensed with. These areas of disquiet should have been dispensed with and utterly disregarded.

In this, I have serious disquiet when I read in the Report fundamental and repeated lack of definitive statements as if the committee appears to be holding on to the allegations in spite of the evidence. And I will give three examples. I will give three examples, reference. One example. The committee is therefore of the view that best-practice security vetting as required by law may not have been satisfied, may not have been satisfied. It suggests a tentativeness holding on in spite of the evidence. And another example at section 23 of the Report. The committee could conclude as to the legal correctness or incorrectness of the PSC's participation. This is in the process of selection.

So it could not conclude as to the legal correctness. A Report ought to be definitive. You ask the questions, you get the information and it is either factually illegal or unlawful or lawful. Section 46 of the Report, the committee finds that the PSC appeared to have acted arbitrarily as the formula used to arrive at the Order of Merit List leaves the PSC open to the acquisition that objective results from the assessment process were given less weighting than the opinions on preferences of the commission. So there is a plethora of, it could seem inconclusive, inconclusive findings. And the problem, Madam Speaker, are these inconclusive findings lead to the definitive conclusions at the end of the Report which seek to invalidate the Report. [*Desk thumping*]

During oral evidence the committee's clarification on whether there was any concern that the PSC members may have held biases going into the process based on the knowledge of candidates gained through the administration or the PSC's oversight function or in any other way as, and if so, how was it resolved.

So, Madam Speaker, we have examples of inconclusive statements that are spread throughout the Report.

Madam Speaker: Hon. Member for Naparima, your original 30 minutes are now expired. You are entitled 15 more minutes to complete your contribution if you wish to avail yourself of it.

There are two minutes before tea. Is now a convenient time to take the break?

Mr. Lee: Yes, Speaker.

Madam Speaker: Okay. So therefore I will now suspend the House for—we will return at 5.00 p.m. at which time the Member for Naparima will take his extended time. Okay, this House is now suspended, we resume at 5.00 p.m.

4.27 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Madam Speaker: Member for Naparima you have 15 minutes extended time.

Mr. R. Charles: Thank you very much, Madam Speaker. At the end of my contribution before the break, I was making the point that a lot of the findings of the committee were inconclusive and it appears as if, unable to deal with the facts that were presented before them, they resorted to, maybe, what if, one could draw the conclusion that, it could lead a reasonable person to believe, and one would have believed that if you were making a final conclusion, they must be based on conclusive facts and not maybe and what if scenarios. And I drew reference to

some examples and it is important because it is impossible to move from what if scenarios to final definitive conclusions. And there is an example, and I quote:

“The committee could not conclude as to the legal correctness or incorrectness of the PSC’S participation. Could not conclude.”

And here is the danger in the logic:

“However, the Committee observed that there nothing in the judgment of Justice Rajkumar and the Senior Counsel’s written opinion on the judgment that supports the contention that the PSC was required to directly participate in the assessment stages.”

That is incorrect. I read from the judgment which Justice Rajkumar indicated that the Police Service Commission had total freedom in determining whether they should have a firm to help them or the extent of the involvement of the firm or the extent of their involvement in the process. So therefore, the inconclusive statement, buttressed by a false statement, leads to an erroneous Report, a final Report in our view.

Section 46, they say:

“The Committee finds that the PSC appeared to have acted arbitrarily—appeared to have acted arbitrarily—“as the formula used to arrive at the order of merit leaves the PSC open to the accusation.”

Not saying that they were wrong, right and give the reasons. It leaves them open to the accusation—

“That the objective results from the assessment process were given less weighting than the opinions and preferences of the commission.”

And then at paragraph 28, during the oral evidence, the committee sought clarification:

“Whether there was any concern that the PSC members may have held”—may have held—“biases going into the process.”

Madam, there are too many, too many inconclusive statements which would negate the ability to make a conclusive finding. And the last one:

“The Committee”—and this is at section 40 of the Report—“the Committee is therefore of the view that “best practice security vetting”—and here is the wrong statement—“as required by law.”

I think it was my friend from, my colleague the Member for Chaguanas West who said that, in fact it was illegal to have that vetting and there was need for a constitutional amendment in order to make it possible. But this Report

erroneously says that it was required by law that may not have been satisfied. There are too many, too many for a serious Report, that this is a serious investigation, to have so many inconclusive statements.

Madam Speaker, it is—if one looks at the process, one sees instances where, to any reasonable person, the firm and the Police Service Commission clarified the concerns, and yet, after clarifying the concerns, they still creep into the final Report. It leads one to believe that maybe there was some agenda and I do not want to go there, may be not agenda, maybe the committee firmly believed that there was a disquiet and there were factual reasons for disquiet and notwithstanding the comments by the Police Service Commission and the firm, they still held on to their prejudices in my view.

At the meeting which I saw on television, there is a section in which my colleague the Member for St. Joseph sought to question the chairman of the PSC, Dr. Therese-Gomes and she said, and his question was and I may quote parts of it:

“So you are saying, just for clarity, it was a joint decision between the firm KPMG and a unanimous decision with all four members of the Police Service Commission to commingle the applicants for Commissioner of Police and Deputy Commissioner of Police to throw up a Commission...”

There are two problems here, the question of a leading question and the second point, the use of the word “commingle” suggests a colouring of the process that was done by the Police Service Commission.

And Dr. Therese Gomes said:

“I am not sure I am comfortable with the word ‘commingle’.”

So there seems to be that that tension based on emotions and based on non-factual consideration and the coloured the findings of the Report.

Madam Speaker, there was a situation with respect to a general discussion on the uncertainty with respect to the roles and functions of the PSC in the recruitment process, et cetera. And when one looks at this Report and one looks at the line of questioning, when one looks objectively at the tone of the questioning, when one looks at the fact that even if answers were given, reasonable answers were given, that the Report overlooked the responses, then it leads one to query the findings of the Report. And if one looks—in fact there are a series of, what they call logical fallacies in the findings in relation to what took place in the process of the deliberations.

And some of the logical gaps and we know, straw-man fallacy, bandwagon fallacy, the false dilemma, ad hominem; and this one is interesting. It was

developed by Carla Cook and she is a well-known person who deals with logic and philosophy. And she talks about the Texas Sharpshooter Fallacy. And I want to dwell on it for a minute because it seems to be part of the findings of this Report in terms of the logic and the flow of information. That says a Texan who fires his gun at a wall, a barn wall, and then proceeds to paint a target around the closet cluster of bullet. So you have a position, you do something, you shoot and in order to show that the final results make sense you paint a target around the cluster of bullet holes. It speaks to cherry-picking of data based on a predetermined view. Instead of letting a full—

Madam Speaker: So Member I will ask you to go on. I think that point has been made by you for your first 30 minutes. Everything you said has supported that point. So I would ask you to go on to your other points please.

Mr. R. Charles: Right. So that in conclusion what are we left with if we accept this Report and if we accept the findings of the Report that guidelines should be given to the Police Service Commission? I think it would be part of the process of destroying all our independent institutions. The Police Service Commission is the latest in a series of institutions that in my view are being overwhelmingly influenced by the Executive. I could speak, Madam Speaker, to the Trinidad and Tobago Defence Force but I would not go in that direction. I would not go in that direction.

Madam Speaker: I would not allow you to go in that direction. We are only dealing with the Report.

Mr. R. Charles: I could speak, but I am speaking to the point of destroying institutions, Madam Speaker.

Madam Speaker: And I am not going let you develop that, please.

Mr. R. Charles: The second point, Executive overreach where this is but one more example of the Executive becoming involved in areas where the Constitution provides protection for the citizens of Trinidad and Tobago. And you would not want me to go there but I could talk about Parliamentary Oversight Committee and the SSC.

5.10 p.m.

Madam Speaker: If you have already anticipated that I am not going to allow it, it means you understand the rules, and therefore I should not be standing. Okay? I am sure you would agree that you can police yourself.

Mr. Deyalsingh: It is called “trying ah ting”.

Mr. R. Charles: Thank you very much, Madam Speaker. I move on. The third lesson we could learn from all that has taken place today is the fact that, Madam Speaker, we are destroying the willingness of professionals to be part of our democracy. In my constituency there are a number of, what I call, children of the base. Their parents used to cut cane but they went to primary, secondary school. They passed in the first hundred in SEA. They are island scholarship winners. They come back. They do not want to be involved in politics because they say, “When we become involved, our work is not appreciated, one. Secondly, we are humiliated. We are destroyed and our work, our output, is not honoured and respected.”

So that when we do things, people—for example, the members of the Police Service Commission. I get the sense from listening to the deliberations that they were of the view that they did not sign up for this, the level of questioning and antagonism that existed. We are lacking the maturity to understand the separation of powers concept and to respect it and to honour it and to cherish it in a way that—because we are building conventions here. If the convention is to increasingly creep into an independent institution, ultimately, at the end of the day, we will leave a legacy. All of us will leave a legacy that there will be no bulwarks to protect us in case someone comes with dictatorial tendencies. All of us have a responsibility to protect it. Because, in future, we could be in Government and they could be in Opposition, and if we try to be dictatorial, they will have bulwarks and institutions to protect them. So this is bigger than all of us.

Madam Speaker, it is frustrating, because we know they have the majority. We know what will happen. We know where this process will end. It is part of—but democracy talks for an exchange of views. The founding father on independence night said in a speech addressed to the nation that the Government must respect the Opposition. For democracy to grow there must be a free exchange. There must be an understanding, a willingness to compromise in the interest of the greater good of Trinidad and Tobago. You do not see that. I get the sense, and the problem I have—

Madam Speaker: Yes, but remember we are talking about the Report.

Mr. R. Charles: Yes, we are talking about the Report—

Madam Speaker: So tie it back to the Report.

Mr. R. Charles: And, Madam Speaker, the end product of this Report, if our concerns are not taken on board, will ultimately lead to a diminution of our democracy.

The main point is the interplay between disquiet in the public domain, the requirement of all of us to correct that disquiet and to show the population that we will take action on facts and information that is corrected. If the disquiet that exists, that attempts were made to clarify in the process, and if we ignore that totally because we have the power and the majority and what not, it will suggest to others that—what the phenomenon that is taking place in the United States where fake news enter into the discourse and ultimately becomes a fact to the disadvantage of the society.

So, Madam Speaker, as I close, I think we are calling on the Government to listen, to understand that there are valid points made on this side, that there are flaws in that Report, that the Constitution guarantees the independence and autonomy of the Police Service Commission and all of us are duty bound to respect it, notwithstanding our desire for power or our concern to carry out wishes of the Executive.

I thank you very much. [*Desk thumping*]

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

The Minister of Housing and Urban Development (Hon. Randall Mitchell): Thank you very much for recognizing me, Madam Speaker, as I contribute to the debate on this Motion. Madam Speaker, let me at the outset, if it was not done before, congratulate and thank hon. Members who were a part of this Special Select Committee, for all their hard work and deliberation in coming to this Report so that it can now be Reported to this House. I want to put that on the record, Madam Speaker, my sincere congratulations, commendations and thanks.

Madam Speaker, allow me also to congratulate the Member for Laventille West, as well as the Member for La Brea for their description of the Report as they went through in demonstrating how unreliable this process has been. It is very difficult to come after the Member for Naparima who went off on a frolic of his own. May I remind the Member, this is not overreach by the Executive. This is the Legislature enquiring into a process, members of the Legislature enquiring into a process of the recruitment of the Commissioner of Police and the Deputy Commissioner of Police and to Report to this honourable House the results of that enquiry process.

Madam Speaker, let me just put on the record, as well, that in any enquiry process, you have all types of questions. You have leading questions; you have open questions and you have closed questions. There were no predispositions on

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the part of any Member. There was no acrimony or aggression, just a genuine quest to get to the truth, and that was all the Special Select Committee was after, the truth in an enquiry of the process to appoint the Commissioner of Police and a Deputy Commissioner of Police.

And, Madam Speaker, let me just touch—because the Member for Naparima also raised it with respect to security vetting. I refuse to accept that where it is stated in the Legal Notice 218, of a requirement for best practice security vetting—I refuse to accept that polygraph testing, or any other testing with a view towards getting to the truth, is not allowed, or unconstitutional, or unlawful. I refuse to accept that. [*Desk thumping*] In fact, if you were to take the Member for Naparima and the Member for Chaguanas West at their argument that the Rajkumar judgment allowed the Police Service Commission to be unfettered and to do what it could to get to the best possible recruitment exercise that it could have, then it stands to reason that the Police Service Commission is unfettered by any law and there is nothing in the Constitution that would give it a fetter.

So, Madam Speaker, let me express my gratitude to hon. Members of this House for allowing me to become a Member of this Special Select Committee to consider the process of the selection and recruitment process for the Commissioner of Police and Deputy Commissioner of Police. My membership on the committee gave me the opportunity to take a closer look at the way the Police Service Commission and, perhaps, other service commissions go about their business. The Police Service Commission is well entrenched in the Constitution. It is insulated from political control or interference. It is independent and it is autonomous. The Police Service Commission is responsible for that other very important independent body called the police service. And the police service is the organization that is charged with the prevention and detection of crime and the maintenance of law and order.

The Police Service Commission has the responsibility for the appointment of the post of Commissioner of Police and the Deputy Commissioner of Police, as well as to exercise disciplinary control and performance management over the Commissioner of Police and the Deputy Commissioner of Police. Following the 2006 amendment, the function of the recruitment and the performance management of the post of the Commissioner of Police and the Deputy Commissioner of Police became even more significant and more crucial for the security and safety of Trinidad and Tobago.

And, Madam Speaker, I wonder how many of our citizens know that it is the Police Service Commission, that body that little is known about—I am talking

about the man in the street. How many persons know that it is the Police Service Commission that insulated and protected body is actually charged with holding the police to account for its performance? Because this is something that we have to continue to educate the citizenry about, because if you ask the man in the street about the crime and the police service, more often than not, the man in the street will tell us that it is the Minister of National Security, the Prime Minister, or some other member of the Executive that is responsible for the crime and for the police service in this country.

Madam Speaker, I know this because when I walk the streets, constituents from time to time will confront me about matters involving crime plaguing the nation, and I often wonder whether citizens also approach members of the Police Service Commission, or whether they even know who the members of the Police Service Commission are. So this was a very important exercise for me, to get a look into how the Police Service Commission went about its business in the recruitment and selection of the post of Commissioner of Police and the Deputy Commissioner of Police.

Sometime in 2017, the Police Service Commission embarked upon its recruitment and selection exercise to recruit to the offices of Commissioner of Police and Deputy Commissioner of Police, successful candidates. And this came many years later since the last substantive holder of the office held office and thousands of murders later. And I would not be long, because I just have two issues. My first issue with this process is the failure to advise all the candidates that would have applied, the failure to advise them that they were being assessed using a talent pool strategy and one leadership competency model. And the failure to advise them meant that the procedure itself became unfair. And the second issue is the failure by the commission to devise at the start of the process, a procedure to be followed upon the receipt of the assessment Report and other particulars. This is at the point of producing the Order of Merit List. And what we saw happen was arbitrariness and bias taking over.

So, Madam Speaker, let me just deal with the first one. This is the unfairness arising out of the leadership competency framework that was used for the entire recruitment and selection process by the firm, as contracted and mandated by the commission. What this really means is, they used one job competency model, applying that job competency model to both posts, Commissioner of Police and Deputy Commissioner of Police.

When we took evidence from both members of the firm and the Police Service Commission, they both stated that they agreed at the onset about the talent pool

strategy and the one leadership competency model, and they agreed upon it to increase the efficiency in the process because, according to them, the job descriptions on paper were quite similar. They were not night and day. The only difference is that they were separated by experience in terms of 10 years versus 15 years.

And it is not something that I was initially prepared to accept, because in the real world, when considering the role of the Police Commissioner and the Deputy Commissioner, they are night and day. The Police Commissioner, he bears all the burden. Everybody knows the Police Commissioner's name. He is the one charged with charting the strategic plan. He is the one charged with the performance management of the entire police services. He is the one charged with the recruitment. He is the leader in the process. To be a Police Commissioner in this country, Madam Speaker, you have to have a strong back.

On the other hand, the Deputy Commissioner assists the Police Commissioner. He provides support to the Commissioner. He assists in the leadership of the Commissioner of Police. And, therefore, having regard to these distinct differences in the real world, it is reasonable to expect that an applicant considering the both roles, considering the amount of stresses that the Commissioner of Police would have, or the other hand, the power that the Commissioner of Police would have, may have intended at the outset to apply and prefer the supporting role of the Deputy Commissioner of Police, or preferred the leading role of the Commissioner of Police.

However, if only in the name of efficiency in an effort to save time and money in the recruitment process I determined that it was not unreasonable, in my view, for one job competency model to be used, called the Leadership Competency Framework which utilized the talent pool recruitment strategy. And this is not where the mischief lay for me.

So, Madam Speaker, just going into the process and just repeating the process again, we would have had 50 applications that were received, that complied with Legal Notice 219, following advertisements for the post. All applicants were screened using the Leadership Competency Framework. And after that screening, 20 of those applicants were deemed to have been acceptable to the Commission and the firm to move on to the assessment centre, and the assessment centre consisted of two stages: Stage one and Stage two.

Madam Speaker, these 20 candidates were subject to a number of activities at the assessment centre, as the Member Laventille West would have gone through them: psychometric evaluations; management skills and styles; work integrity,

panel interview, written case study, stakeholder and media role play, role fit. At the beginning of stage one of the assessment centre no candidates were told that they were being assessed in accordance with a talent pool strategy according to one set of criteria for both posts. In my mind, what that really means is that everybody was being assessed for the Commissioner of Police.

At the end of stage one, eight candidates were eliminated, having scored below the threshold set by the firm. At the assessment centre, stage two, 12 candidates were moved on to stage two, and they were interviewed at that stage by a panel that consisted of members of the Police Service Commission using prepared questions in accordance with the Leadership Competency Framework, and scored. And it was only after the end of stage two, those 12 candidates were allegedly—and I say allegedly, because we have received some unsolicited letters saying that they were not. But they were allegedly asked whether or not they would accept another role if offered.

So, Madam Speaker, this is where the issue, for me, arises. Of the 20 candidates, some persons would have applied for the Commissioner of Police and some persons would have applied for the Deputy Commissioner of Police, some for both, for reasons determined and best known to them. The 20 candidates who were subjected to assessment centre stage one did not know that they were being graded and scored by the same measurement. And further, the 12 who were assessed at stage two, did not know until the end of the stage that they were assessed on the same criteria. And this creates a mischief.

This creates confusion, in my mind, as to the fairness of the process. Putting myself in the mind of the candidate, having applied for one position, let us say for the Deputy Commission post, I would expect that candidate to focus his preparation on the role, the function and the task expected for that post. And in doing a psychometric test, the answers given at that psychometric test may very well indicate someone who is supportive of a leadership role, rather than a leader in their own right.

Madam Speaker, the other point is, the eight candidates who were eliminated after stage one of the assessment centre, the question arises therefore—because they did not know that they were being assessed according to a talent pool strategy—one leadership model, one competency framework. The question therefore is: Were those eight members disadvantaged in any way?

Mr. Al-Rawi: That is right.

Mr. Hinds: That is the point.

Hon. R. Mitchell: So, Madam Speaker, my submission is, on this point, that the failure to inform all the candidates of this so-called talent pool strategy, the funnelling down strategy, at the beginning of the process that they are assessed against one standard, puts some candidates at a severe disadvantage, [*Desk thumping*] in particular, the eight candidates who were eliminated after the first stage, and the candidates after the second stage who would have indicated when asked whether they would prefer another position, they indicated, no. And they indicated, no, because in their minds, they applied for one position [*Desk thumping*] and you have no right, as a commission to offer me another position.

Mr. Al-Rawi: That is right.

Hon. R. Mitchell: That is in their mind, because they did not know of this talent pool strategy of this funnelling down. So, Madam Speaker, my position is that this created procedural unfairness and on that basis, I submit that this recruitment process at the stage of the assessment, was unreliable.

Mr. Al-Rawi: Well said. [*Desk thumping*]

Mr. Hinds: Well said. “Well putted”. Wonderful.

Hon. R. Mitchell: Madam Speaker, the second point, the other matter I wish to raise is the matter of what occurred after the receipt of the assessment Report by the Police Service Commission. At this stage we are only talking about the Police Service Commission. And when we went about our enquiry what came out of the commission was a commission glaringly unprepared with no preset plan, no preset procedure on what to do, or what their role was at the stage of the preparation of the Order of Merit List.

So let us examine what the Order actually says—Order 218, at 3(e). At 3(e), Madam Speaker:

“The selection process for appointment to the offices of the Commissioner of Police and Deputy Commissioner of Police shall be conducted in the following manner.”

(e) The Commission shall then take into account all information on the candidates and thereafter establish an Order of Merit List;”.

That is what the Order says.

Mr. Hinds: The law.

Hon. R. Mitchell: So, Madam Speaker, at this stage KPMG is out of the picture. It is only the Commissioner at this stage, and all they were required to do

is to develop the Order of Merit List. So what does all information on the candidates mean? Because this appears to be unclear. To the committee, or to some members of the committee, all the information meant all the information listed at section 3(d) of Legal Notice 218, which is:

“The firm shall submit to the Commission—

- (i) “the results of its assessment process”— as mandated and contracted by the Commission
- (ii) “a Report on its assessment of the entire assessment process; and
- (iii) in respect of the candidates referred to in subparagraph (i), the following documents:
 - (a) application of the candidate;
 - (b) biography and resume of the candidate;
 - (c) assessor’s scores;
 - (d) assessor’s feedback;
 - (e) medical examination Report; and.
 - (f) security and professional vetting Report.

So do the words “all information on the candidates” mean all the information of 3(e)? Or does it mean that the commission ought to, or can, or has the discretion to embark on a further enquiry or on a further mini-recruitment exercise as they did?

What we know happened, Madam Speaker, is following the receipt of the assessment Report and all the matters prescribed in section 3(d) of Legal Notice 218, an assessment that members of the commission participated in, helped design, approve an assessment that was described as rigorous and objective, when this Report was sent to them, what we know is that they did nothing for a period of six weeks, indicating that they had no plan and there was no set procedure. [*Desk thumping*] None.

And what they then did after six weeks of indecision, of not knowing what to do, they then decided to embark on an independent scoring and ranking on their own, using their own criteria in a very subjective way. This is where, then, you hear about the mathematical formula call the Borda count method. As I said, I think it is Commissioner George who came up with this criterion and mathematical formula. And what was clear was that this was not planned at the out-set, prior to the recruitment and selection exercise.

Now, let us go on to the mini-recruitment exercise that they designed. So what we were told is that they sought to assess the 12 candidates submitted to them by the firm in its assessment Report on the following criteria.

5.40 p.m.

Madam Speaker, the criteria are command ability, police service experience—*[Interruption]* Thank you very much, that sounds good. Madam Speaker, that sounds good. *[Desk thumping]* So, Madam Speaker, let me start over. *[Laughter and desk thumping]*

[Crosstalk] Madam Speaker, I thank you. Madam Speaker, they sought to assess the 12 candidates on the following criteria that they came up with: command ability, police service experience, security vetting, further security vetting—I do not think that was unlawful or that was deemed unlawful.

Mr. Al-Rawi: Does not need to be prescribed in the Constitution.

Hon. R. Mitchell: Does not need to be prescribed in the Constitution—risk—that is whether the individual or selecting an individual in a particular position had posed a risk to the management of the police services—integrity, vision, future strategic planning. And the following suitability criteria: skills and ability, qualifications, training and competence, work performance, personal qualities, potential for future development, contributing to team performance and background.

But, Madam Speaker, let me just pause here for one minute. I just read for you that the Police Service Commission sought to assess candidates on the criterion of police service experience. At least one of the candidates at this stage did not have police service experience because he was never a police officer. So where did that come from? Is it arbitrary?

Madam Speaker, let us go into Legal Notice 219 to understand what are the qualifications required for the Commissioner or Deputy Commissioner of Police. At section 2(1):

“A candidate for the office of Commissioner of Police shall be a national of Trinidad and Tobago and shall have—

- (a) a degree from a University recognized by the Ministry responsible for higher education in any of the following:
 - (i) law;
 - (ii) criminal justice;

- (iii) criminology;
 - (iv) police service management; or
 - (v) any other relevant degree; and
- (b) no less than fifteen years' experience of increasing responsibility in law enforcement".

Madam Speaker, let me just read 2(1)(b) for you:

"A candidate for the office of Commissioner of Police shall be a national of Trinidad and Tobago and shall have"—among other things—"no less than fifteen years' experience of increasing responsibility in law enforcement".

It speaks nothing of police service experience. So on that criterion alone, that member was put at a disadvantage unfairly. [*Desk thumping*]

The criteria itself were subjective and were biased against one candidate. But let me just go back, Madam Speaker, if you would permit me to the assessment—Madam Speaker, just one second. I will not go off the top of my head.

Madam Speaker: Hon. Member for San Fernando East, your original 30 minutes are now spent. You are entitled to 15 more minutes to complete your contribution if you so wish.

Hon. R. Mitchell: Yes, Madam Speaker.

Madam Speaker: Please continue.

Hon. R. Mitchell: Thank you, Madam Speaker. Without having the benefit of the document in front of me, Madam Speaker, if you go back to the assessment centre, if you consider the components of the leadership competency framework, that leadership competency framework contemplated persons being assessed in the area of executive policing skills. I believe business policing skills and another matter as it relates to policing skills, and as I just indicated in Legal Notice 219, there was no indication with respect to the qualification of policing skills. So, the leadership competency framework may very well be biased against some, in fact, may be biased of the entire 50 candidates. Well not the entire 50 candidates, at least 38 of them, Madam Speaker.

So, the commissioners were asked to rank the candidates and according to the criteria set by them they compared rankings subject to a mathematical formula called the Borda count, and this took members of the committee, including

myself, by surprise as it was completely arbitrary and reactive to a situation where the commission being totally responsible for this part of the process simply did not know what to do in order to come up with the Order of Merit List.

And, Madam Speaker, we can give them the benefit of the doubt, but if we were not to give them the benefit of the doubt it might very well appear that some of the commissioners were unhappy with the scores coming out of the objective assessment done by the firm, an assessment they directly and significantly participated in, and it is because of that unhappiness with those scores did they now try to include another mini recruitment exercise.

Because, Madam Speaker, in arriving at the Order of Merit List, when compared to the scores received in the assessment Report, one would notice that there were candidates who jumped lanes as well as leap-frogged others in scoring according to this very objective criteria. So this process or lack of a process by the PSC, subsequent to the receipt of the assessment Report, was arbitrary at best. It was unplanned, it was biased and unreliable, and that cannot be countenanced on the basis of constitutional protection, independence or autonomy of a service commission. Yes, we accept that the service commissions, they have a discretion, but that does not mean that they are allowed to exercise that discretion in an unreasonable, unfair, arbitrary way against the principles of natural justice. [*Desk thumping*]

So, Madam Speaker, in conclusion, I would concur with my honourable colleague the Member for Laventille West, as well as my colleague the Member for La Brea, that this process was wholly unreliable. And, Madam Speaker just to move away from the process a little, in this House we all have constituents, we all know police officers, and now having the benefit of having some insight into the way that the Police Service Commission conducts its affairs and conducts its recruitment, I am very fearful of what occurs at the lower levels of the public service where the recruitment of citizens is concerned. Because if at this very, very high level of executive recruitment bias is allowed to creep in, arbitrariness is allowed to creep in, unfairness is allowed to creep in, what really happens at the level of a clerk? What happens at that level?

Madam Speaker, now having sight of the inner workings I would say that as a legislature we have a lot to do to restore the confidence in [*Desk thumping*] our higher institutions, and again I would say this process, in my respectful submission, is unreliable and it ought not be allowed to stand. And I say to members of the police service who may be looking on, who may have some insight into this process as well, do not be motivated because we as a legislature, certainly us on this side, will do what we can, will do our best to get it right.

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

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker. It is with great pleasure I join this debate this afternoon. It is great pleasure because you see what you all are trying to do to someone. Let me just read the—

Madam Speaker: Hon. Member, I will just ask you to retract “what you all are trying to do to someone”. I do not know what you all are trying to do. Please retract that. Find another way to express yourself. Okay?—please.

Mr. D. Lee: I retract, Madam Speaker. Madam Speaker, let me just read the Motion.

Be it resolved that this House take note of the Report of the Special Select Committee established to consider and Report on the process followed in relation to the Notifications pursuant to section 123 of the Constitution.

(By the Member for Laventille West)

Madam Speaker, let me start with my end, and the reason I want to start there, because after listening for the entire afternoon, starting with the Member for Laventille West as he chaired the Special Select Committee and he presented his Report this afternoon, it gave me great concern because after listening to the Member for La Brea and the Member just now, from San Fernando East, I have come to the conclusion that we are here this afternoon as a farce because after listening to the Report and after—

I mean, we were given a set of bundles of documentation to go through over the weekend. You had the Special Select Report, you had a Report from the KPMG, who is called “the firm,” we had verbatim notes, we had appendices from the Director of Public Administration, the Service Commissions and so on, and there was a host and a lot of documentation to go through, and it is with great concern for me, as a Member for Pointe-a-Pierre, that I am trying to understand what the Members of the Government are trying to do to a process.

I want to compliment my Members on this side, the Member for Chaguanas West and the Member for Naparima. [*Desk thumping*] They gave a very comprehensive—they dissected the SSC Report presented by the Chairman, the Member for Laventille West and, Madam Speaker, how did we arrive here? What is the purpose of this SSC? I just want to refer to the mandate that was given to the SSC by this House:

To obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, process, criteria and considerations

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utilized by the Police Service Commission, and/or the firm employed by the Police Service Commission in the selection of candidates for the position of Commissioner of Police and Deputy Commissioner of Police; to enable the House of Representatives to consider the notifications submitted to it by His Excellency The President, pursuant to Section 123 of the Constitution.

And on the first time they gave a—to Report back to the House on March 31st. That was extended to, I think April 27th or 26th.

Madam Speaker, I listened to the Member for San Fernando East and his entire contribution was literally around the Borda count formula, the competency of the model used, and he was talking about—

Hon. Member: Unfairness.

Mr. D. Lee: And I heard my colleague on the other side, about the unfairness and the biasness of it. Now, the Police Service Commission is an independent institution, and listening on the other side I get the impression that they have a problem with the independence of the Police Service Commission. [*Desk thumping*] Because we were brought into this House, sometime in 2015, where the Government of the day, the present Government, wanted to change the entire process of how a Commissioner of Police and a Deputy Commissioner of Police should be hired. They wanted to control that process. That process was taken to court and there was a judgment passed.

Madam Speaker, it is great concern for me, as the Member for Pointe-a-Pierre, that the Report and the time that was spent and the individuals that played a part in the process of the recruitment of the Commissioner of Police and the Deputy Commissioner of Police are being literally scuttled and the nit-picking by the Members on that side to really say that the process was unfair and biased.

Madam Speaker, I have a document that was presented to us. It is the Selection Process Assessment Report by the firm that was hired through a proper procurement process, KPMG, and KPMG is a reputable organization worldwide. Worldwide. KPMG, even locally within Trinidad and Tobago, was hired by this present Government to do work for them. Now, KPMG has a history worldwide of being part of the process within the police service in England and other jurisdictions. So I was a bit really taken aback that they are now trying to make heavy weather over an international firm of standing, of KPMG.

Madam Speaker, when you look at the table of contents that the KPMG firm went through in the recruitment process, I will read a few on the table of contents because it was part of the bundle of documents that made up the SSC Report. It

went through the description of the selection process Report, the purpose of it, the uses of it, the leadership competency framework, the rating scale. They went through stage one, week one. They went through a psychometric evaluation. Stage two in week two, they went through panel interviews. Stage one, week three, scenario testing. Stage two, week four, PSC panel interview. They went through even training members of the Police Service Commission to be part of the process.

Now, I understand they are trying to say that the process was tainted because of the involvement by two members of the Police Service Commission. So it is really a red herring that they are trying to use to scuttle the process. [*Desk thumping*] Now, KPMG was hired by this Government on behalf of the Police Service Commission because the Police Service Commission does not have the funding to pay KPMG. Over \$3.3 million was the contract for KPMG.

Madam Speaker, I want to turn to a point in my contribution. When I looked through the Report of the Chairman of the SSC it had 48 observations, one recommendation and five conclusions. And when I looked at the timeline on the night before the Report was laid in Parliament here, on the Friday I think, the Friday, April 26th or 27th, the night before the committee was still meeting and I think they went late into the night, the Parliament staff was assisting them, and out of due, sheer—

Mr. Hinds: Care.

Mr. D. Lee:—care and concern for after the weeks of service done by all members of the committee, you would have thought that the Chairman of the committee would have come back to Parliament on the next day and asked for maybe an extension of a week so that the members of the committee, especially on our side, could have made proper sight and have a proper sight of the final version of that select committee Report [*Desk thumping*] and that would not have hurt.

It would have added substance. It would have added importance to the work done by the Special Select Committee because the Members on our side, I think it was up to 10 or 11 o'clock in the night they were now finalizing and giving their contributions in a Report, and it would have been in the best interest of the country, given the process that they went through and the police service process of hiring and recruiting two individuals, that the committee would have gotten an extra week to look at that final version.

You know, what is critical in the contribution by the Member for San Fernando West, he talked about the job competency model and that is when I

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reviewed the SSC Report. I want to refer that as observation No. 9, Madam Speaker, in the Report. Observation No. 9 states in the Report, the SSC Report, that:

“The Committee holds the view that it is inconceivable that the role of the COP and the DCOP require identical behaviours. Consequently, members believe that it is the combination of behavioural indicators that should have formed the foundation for a robust assessment process which was essential for this particular recruitment exercise.”

This observation was made in response to the firm, which is KPMG, using a job competency model to assess both positions of Commissioner and Deputy Commissioner, because it was the view of the PSC that both job descriptions are not night and day, because a Deputy can act as a Commissioner at any point and the only difference between the two is their length of service.

Madam Speaker, I want to bring reality in. We have a case where the present acting Commissioner, one, Mr. Stephen Williams, who is a Deputy Police Commissioner, has been acting as Police Commissioner since 2012. [*Desk thumping*] Therefore, it shows that a Deputy Police Commissioner must always be ready to act and, therefore, it is wise to assess both individuals on the same model of competency. So this individual who is the present acting Police Commissioner, Deputy Police Commissioner in his substantive role, has been acting as Police Commissioner since 2012. [*Crosstalk*] So, I am at pains to understand the Members on that side talking about leadership competency model and not trying to understand what the KPMG—the firm—and the police service commissioners were trying to assess the both positions at one time.

So, Madam Speaker, I want to turn to another observation that the San Fernando West Member talked about—

Madam Speaker: Member for San Fernando East.

Mr. D. Lee: Sorry, San Fernando East. Sorry, Attorney General—and it is the Borda count. That Borda count formula, the Member for San Fernando West, East sorry, and the Member for La Brea talked about it, and even the Member for Laventille West in his presentation, and that Borda count if you were to look at the select Report it is between observation 46 and 48. So, throughout observation 46 to 48 the committee expressed a concern for the Borda count formula used.

But do you know, Madam Speaker, in my little research, that this formula is rather effective, that it is even used in national elections where there is a plural

voting. It is used to elect Members of the Parliament in Slovenia and the Icelandic elections. Therefore, it is no fly-by-night model. It is a true-and-true, tested formula.

According to the University of Notre Dame, who did a mathematical study of Borda count, one of the advantages that they allow persons to show support for other candidates other than their first choice which helps when an election decision has a large number of candidates. So, Madam Speaker, there is a true—and the Borda count is not a fly-by-night formula made up by, I think the Member for San Fernando East mentioned Commissioner George. I think Commissioner George when I reviewed the verbatim, I think he was one of the individuals that was able to explain it better to the committee of the select committee.

I think even when I was reading the verbatim and discussing with my other colleagues here, I think they even mentioned that the Member for La Brea was very versed in the Borda count formula. So it is a little bit confusing when the Member for La Brea now comes and talks about the Borda count formula and say if it was a fly-by-night sort of situation.

So, Madam Speaker, what is the purpose that we are here today? Is it to just scuttle the Report or just scuttle the notifications that are on the Motions that might be coming up soon? And what is also interesting, when I looked at the Report, and the Reports from KPMG, the individual who was ranked number one in both positions, he was so way ahead of the rest of the candidates. I was trying to understand that the rankings were not even close. So that when the KPMG, the firm and the commissioners assessed this individual, he ran away, way ahead from the other candidates.

So in my view he is a superior candidate for the choice of Commissioner of Police or Deputy Commissioner of Police. [*Desk thumping*] It was not close. So it is alarming to me that they would want to come and say that the process is unfair and it is biased and so on. Now, if they do not like the candidate let them say so. [*Desk thumping and crosstalk*]

What also concerns me, Madam Speaker, is the police service commissioners who are doing a fantastic job. [*Desk thumping*] They had a previous chairman, she is no longer there, Dr. Gomes. I must compliment her of being the lead in this whole recruitment process.

Also reviewing—now going back to the Report, it is interesting to note that in the media, one of the media Reports, they talked about the chairman casting her vote to break a deadlock, and discussing with my colleagues I think her casting

vote was in respect to the choice or merging the two together, the two job descriptions. But you know what is interesting, Madam Speaker? That we have a new Chairman of the Police Service Commission, and the Police Service Commission is supposed to be an independent institution, free from politics.

6.10 p.m.

We have a new chairman or chairperson of the Police Service Commission, and I saw that in the Report in the select committee because she came in front of them, one Ms. Bliss Seepersad. I want to ask a question: Is Ms. Bliss Seepersad, who is the Chairman of the Police Service Commission, still sitting on the Board of the Chaguaramas Development Authority? [*Desk thumping*]

Madam Speaker: We are dealing—let us deal with the Report, okay? Please.

Mr. D. Lee: Ann-Marie Bissessar is not here.

Madam Speaker: And the other thing is, while I understand banter, crosstalk, please contain it. And Member for Pointe-a-Pierre, please, when you are on your legs, you are addressing the Chair. So I give you liberty to ignore the crosstalk, please.

Mr. D. Lee: Thank you, Madam Speaker. I am having a discussion with you again. Madam Speaker, so there is a history of the Chair of the Police Service Commission being able to use her casting vote as Chair to break a deadlock. So, we have a new Chair of the Police Service Commission. Now, I would have thought for good governance, that this Government would have ensured that the Police Service Commission is duly constituted and the quorum, the number of members that are supposed to sit on the Police Service Commission would have been appointed, Madam Speaker. We have only appointed—

Madam Speaker: Member, I am not allowing that, please.

Mr. D. Lee: All right, no problem.

Madam Speaker: All right, we are talking about the Report. So if you are talking about the quorum and that sort of thing, I am not allowing about what the present commission is about. Okay? And that is what I am understanding you to be saying.

Mr. D. Lee: Okay, Madam Speaker, let me try it this way. Madam Speaker, the last Chairman of the Police Service Commission, in a situation for the recruitment process, used a casting vote. I have a concern that this present Chairman of the Police Service Commission would do the same thing.

Madam Speaker: I am not allowing that, okay? I am not allowing that

because that is not a matter of concern before us. All right? So, Member for Pointe-a-Pierre, I am addressing you. Okay? So, I understood you to say let us try it this way. It is not working that way either. So, maybe you might give up trying it. Please proceed, but do not go that way again.

Mr. D. Lee: Thank you Madam Speaker. I think I made my point. I think I made my point. Madam Speaker, let me go on to another observation coming out of the Report, so I would not run afoul of my Members.

Just give me a second, Madam Speaker. Madam Speaker, let me go to observation No. 15, Madam Speaker. Observation No. 15 in the Report states that although assessment guidelines, consistent in one leadership competency model, were submitted, at the end of the deliberation some committee members were unable to determine whether there are well-defined guidelines on the methodology process.

Madam Speaker, and also observation 27; observation 27 states that additionally, the committee considered the role fit component, which formed 40 per cent of the assessment stage of stage 2 of the process, appeared subjective in nature. This is a rather unfair statement, because if one turns to page 22 of the selection process Report of KPMG, one would see that the method used, as it states, all candidates were offered three scenarios.

Observation 23 was about, in the recruitment process, where the candidates who were selected were given three scenarios, and they had a choice to choose one of the three scenarios to present an essay. One was combating growing violence in Port of Spain. Another one was preventing safety and security at a Caricom meeting. And the third one was preserving safety and security at the Eighth Summit of the Americas.

So these three topics for the candidates to present themselves were not subjective in nature. The candidates had a freedom to choose which out of the three they wanted. The candidates had the same amount of time to prepare and respond to it, Madam Speaker, and the evaluation criteria, which are on page 23, remained the same for all scenarios, despite which scenario the candidate picked. So it is clear, it is unbiased, “unsubjective” and very objective in nature; the whole recruitment process. So again, I am at pains to understand what the Member for Laventille West and his other Members are trying to do with this whole recruitment process, Madam Speaker.

So, Madam Speaker, they talked about polygraph testing. I would not repeat that because a lot of my Members and other Members on this side talked about

polygraph testing. Again, we always say it is something in the Constitution—it is not there in the Constitution. We understand that basic police officers, when they apply for a job, they do the polygraph testing. But the No. 1 candidate, Madam Speaker, as far as I understand, is part of the police service and he would have done that polygraph testing at some point in time. And maybe given the ranks that he would have attained, he would have gone through a series of that.

So, Madam Speaker, I would not be long again, because I think I covered the points that I wanted to cover. And really and truly when I evaluate what the Member for Laventille West, the Member for La Brea and the Member for San Fernando East were really trying to do and what they were really trying to do is really set this country backwards. [*Desk thumping*] Set this country backwards. The country has spent over 3.3 in a fair, unbiased process, Madam Speaker.

The firm KPMG is a reputable international firm. You have four commissioners who are well experienced in their right. You have two lawyers, very independent individuals, Madam Speaker. If you go through the Report, the Report is fair, unbiased and I really want to say to you, Madam Speaker, that this Report should not be accepted as what the Member for Laventille West has presented here this afternoon. And we stand on this side that the Report is fair, unbiased and we are ready to appoint the nominee for Commissioner of Police, Madam Speaker. I thank you. [*Desk thumping*]

The Minister of Health (Hon. Terrence Deyalsingh): Many thanks, many thanks, many thanks, Madam Speaker, for the opportunity at 6.18 to join the debate on this Motion.

Madam Speaker, it is no secret that Trinidad and Tobago has a bad historic past when it comes to appointing a Commissioner of Police. I think the last substantive Commissioner and Deputy Commissioner we had might have been Mr. Gibbs, who was here on contract, did not go through a process.

Mr. Al-Rawi: He did.

Hon. T. Deyalsingh: Well, he was on contract. But from that time, years have been spent, millions of dollars have been spent and the public consternation about the lack of a substantive Police Commissioner in this country is something to be deplored.

Madam Speaker, the Police Service Commission, as we know, is an independent body established under section 122(1) of the Constitution. It is a constitutionally-appointed body. And because of that mere fact, the duty of care

those Commissioners have, because their powers derive from the Constitution, the duty of care they have, to make sure that whatever process they put in place can stand scrutiny, can be free of bias, can be seen to be reasonable, can be seen to be rational, is indeed a very high bar to cross, a very, very high bar because their powers are derived from the Constitution. Let me say from the onset, to rebut my friend from Pointe-a-Pierre, the Government did not hire KPMG. And that is the tone of misleading statements you get from my friends opposite. It is the Police Service Commission that hired KPMG, not the Government. Let me make that point abundantly clear. And since KPMG is this wonderful firm, can we find out why did one candidate lose 23 points in the blink of an eye? *[Interruption]* Exactly. The point is why did the Police Service Commission not accept the KPMG Report on that?

Madam Speaker, we are here today to debate a process, not a person. And I want to congratulate, first of all, the Member for Laventille West, who chaired this committee. *[Desk thumping]* I want to congratulate the Member for La Brea who, in her quiet self, made an excellent contribution, and the Member for San Fernando East who gave a dissertation on the legal niceties. He was brilliant.

Madam Speaker, we are here to debate a process. But I want to put it to this country that my friends opposite have no interest in a process, and I will tell you why. On the 2nd of February, 2018, when we were debating setting up the select committee, and I go to the *Hansard* of that day, it was the Member for Oropouche East who suggested, against all the Standing Orders, that this Special Select Committee violate the House's Standing Orders and appoint a committee, and I quote now:

“Madam Speaker, I am merely making a suggestion for those on the other side with wisdom and given the gravity of the matter as both sides agree now why not appoint a committee with equal membership?”

To desk thumping. Why would you want to suggest that; to violate the Special Select Committee?

But it gets worse than that. I saw a threat today. Building on this suggestion that we have equal Members of Government and Opposition in violation of the process set out in our Standing Orders, the Member for Chaguanas West came here and at the end he was imploring with loud voice to appoint Dulalchan now. We are not here today about a person to appoint. We are here today about a process. So it is clear to the impartial observer that my friends opposite have a particular track to run on that they want. *[Desk thumping]*

It is clear who or what they are supporting. They are here not to discuss the process because the fruit of the poison tree is poisoned. *[Desk thumping]* The

fruit of the poison tree is poisoned. And we have been showing all afternoon that this process was poisoned. So any fruit that comes out of it is going to be poisoned.

Ms. Ramdial: That is the truth.

Hon. T. Deyalsingh: Madam Speaker, I sat in total silence while all my friends opposite were speaking. Madam Speaker, what is happening here is that every Member who has spoken so far—the Member for Chaguanas West, spoke about how fair this process was, how the process was full of integrity, it was reasonable. My friend from Naparima used the word “reasonable” numerous times in his contribution; similarly my friend from Pointe-a-Pierre. They all found that this process was reasonable and could stand public scrutiny.

Madam Speaker, the issue of the involvement of the PSC to be intimately involved in the process, they are quoting from the case of Harridath Maharaj and the AG and the Police Service Commission before Justice Peter Rajkumar. A reading of that judgment to the reasonable person could not lead to the conclusion that the Police Service Commission, in taking ownership of the process, had to get intimately involved. Taking ownership of a process, Madam Speaker, is being in control of the process and having responsibility for it.

I would give you two analogies, if you would allow me. A judge sitting in chambers must own the process, must be responsible for the fruit of the process before him or her sitting as a judge. But in owning the process, Madam Speaker, does she get down to cross-examine witnesses and then cross-examine the defendant? Is this what ownership of the process is? Does the judge get down there and do the work of the lawyers on both sides? The answer is no. You cannot do that.

The other analogy, if a referee in a football match is to own the process and manage a football game, does he go and kick the ball? The answer is no. Owning the process means taking responsibility for it. But it does not mean to do it yourself, because that is where you introduce bias. [*Desk thumping*] And I will show where the bias is going to come from very shortly.

Madam Speaker, Legal Notice 218, the Commissioner of Police and Deputy Commissioner of Police Selection Order Part 3. Part 3 (a), (b) and (c) speaks to the firm, that the firm does everything in 3(a), 3(b) and 3(c). And then the firm shall submit to the commission the results of its, that is, the firm’s assessment process. But happened in this case, in a possible misinterpretation of the judge’s judgment in that case, the PSC inserted themselves into this order and comingled,

whatever word you want to use, directed, was a part of, the entire process from start to finish. So objectivity was lost, bias entered the equation. And I will tell you where the bias comes in.

Madam Speaker, for the population to have faith in a process, it must not only be free from bias but be seen to be free from bias. And, Madam Speaker, there is ample case law, and I want to use the case law because every Member opposite spoke about this process being fair and free from bias. If KPMG had all this, as the Member for Chaguanas West was saying and the Member for Pointe-a-Pierre, international experience and legal expertise, they could have referred to case law talking about bias, going back to *R v Sussex ex parte McCarthy*, which is the leading case then, a 1924 case on impartiality, where you got the dictum mere appearance of bias is sufficient to overturn a judicial decision; mere appearance of bias. Mere appearance. And that is where you get the saying, not only must justice be done, it must also be seen to be done.

So for us to have faith in this process, the process must be fair and transparent. And I will show why this is far from it. Because when you have two members of the Police Service Commission, one, Mr. Ramkissoon who worked with Mr. Dulalchan for many years in the fingerprint section of the police service, he should have exonerated himself from day one from this process. [*Crosstalk*] Excused himself, sorry, recused. He should have recused himself from day one.

Because when you look at impartiality, Madam Speaker, *Meerabux (2003) v the AG* in Belize, talks about unconscious bias or implicit bias, where you could have biases from associations learnt through past experiences. Was Mr. Ramkissoon, who was a commissioner, did he work with Mr. Dulalchan for many years in the fingerprint section? Did he live in the same area? Did they have a friendly relationship? Good? So if anybody is like that, you should recuse yourself.

Madam Speaker, it gets worse than this, because this issue of contamination of the process, because of bias, the case law has evolved from 1924 to even now. And I want to quote this, Madam Speaker, in *R v Gough (1993)*, the simple fact that bias is such an insidious thing, that even though a person may, in good faith, like Mr. Ramkissoon, believes that he was acting impartially, his mind may unconsciously be affected by bias. And that is where the process got contaminated from day one. And therefore, the fruit of the poison tree is poisoned. This is not about the personality in Mr. Dulalchan. This is about a process that became contaminated from day one. One, by a possible misreading of the judgment in *Harridath Maharaj*. Two, the fact that Mr. Ramkissoon worked alongside.

So I move on, Madam Speaker. The learnings tell you that if you are in a position for unconscious bias you should recuse yourself immediately. And that is a dangerous, dangerous thing, Madam Speaker, a dangerous thing.

Madam Speaker, my friend from Chaguanas West spoke about amending the Constitution to include polygraph testing. That has to be possibly the most absurd utterance to hit this Parliament since independence [*Desk thumping*] or before independence. He quoted. You take ownership of what you quote in this House.

The Member for Chaguanas West said: “If you want to include polygraph testing, you have to amend the Constitution of Trinidad and Tobago.” And my friends opposite engaged in desk thumping, led by the Member for Naparima. Because the Member for Naparima always thumps his desk for whatever comes across on that side, whether it is right or wrong.

Madam Speaker, there is a case called Cooper, case law, *Cooper v Balbosa*, which says the service commissions in Trinidad and Tobago have the full autonomy to do what they want, to examine who they want and employ whatever methods they want. So *Cooper v Balbosa*—

And you know it is a shame. The Member of Parliament for Siparia is silk, a Senior Counsel. The Member for Chaguanas West is a lawyer, and he ought to know, or should have been known that *Cooper v Balbosa* says these commissions have the autonomy and authority to do what they want in pursuance of their goals and objectives. So if the Police Service Commission wishes to use polygraph testing, they can do so. We do not have to amend the Constitution. Where do you all get these ideas from? Who vets your contributions? Who? Why are you all constantly being led down the wrong path? It is absolutely amazing.

Madam Speaker, and do you know who was involved in that case, in *Cooper v Balbosa*? One Anand Ramlogan. Anand Ramlogan, who I am sure advises my friends opposite, was in *Cooper v Balbosa*. The point about polygraph testing in this particular instance, in this particular process, the point is you could not have introduced it during the process. That is the point that came out in the Special Select Committee. If you want to polygraph testing, it should be made known from the beginning ab initio. So that all the people who applied for jobs would have known they were going to be subject to polygraph testing. And that was the issue about polygraph testing.

You do not need to amend the Constitution, because *Cooper v Balbosa*, where Anand Ramlogan appeared, made it pellucidly clear that you do not need to do that. That had to do with, I think, the Fire Service Commission and some exam

board. They can do what they want. Right? They have the latitude to conduct their own affairs. So that puts that ridiculous argument put forward by the lawyer from Chaguanas West to rest. Let that be done and dusted.

But what is more crucial about this process, Madam Speaker, and to show you how this tree was poisoned from the start, was the changing of the applications from Deputy Commissioner of Police to Commissioner of Police and when we change law enforcement to police experience. Now, to the uninitiated, changing the requirements from law enforcement to police experience automatically made some people ineligible for this position. The question is: Why? As my friend from San Fernando East said: Was this done deliberately to exclude one or more persons? Because some persons will have law enforcement experience. Some persons will have police experience. But was there anyone who applied for the position of Commissioner of Police, who had law enforcement experience, but when you change it to police experience he is eliminated?

Madam Speaker, today I am speaking to you. Notwithstanding the rebuttals will come from the other side, I am sure and I am clear in my mind that what we say here today will form the basis for examinations in another forum, with another set of people. So what we are saying here today may not get traction with the population today. It may not get traction with the Opposition. But, it will get traction in another forum at another time, not too far from now.

And that is where the arbitrariness comes in and the unfairness comes in that offends the Wednesbury Principle on reasonableness, when you change it from law enforcement to police experience to deliberately exclude a person.

Hon. Member: They did that?

Hon. T. Deyalsingh: Yes, they did that. Not me. I did not change it. I did not change it. I did not change it. [*Crosstalk*] Madam Speaker—

Dr. Rambachan: “Yuh doh want ah Indian as Police Commissioner.”

Hon. Member: Say it loud.

Hon. T. Deyalsingh: Madam, the Member for Tabaquite is just saying sotto voce “we doh want ah Indian for Police Commissioner”. [*Crosstalk*]

Madam Speaker: Well, I think everybody is now disrespecting the House because I am on my legs. Not everything that is said must be repeated. And there are certain things that are said, and particularly if they are sotto voce, they are not heard. Member for St. Joseph, I would ask you to retract that. I am not allowing

that kind of discussion on any *Hansard*. And that goes for both sides. Okay? I am not allowing it. Please retract it and continue.

6.40 p.m.

Hon. T. Deyalsingh: Madam Speaker, I retract it, I retract it.

Madam Speaker: Member, this way please.

Hon. T. Deyalsingh: Madam Speaker, the other part of this whole process that is flawed. When we asked KPMG as part of their security vetting, whether they wrote to the Police Complaints Authority, as part of their security vetting arrangements, the answer was no. And the rationale given by KPMG for not writing—now imagine, you are examining the records of people applying for the post of Commissioner of Police and Deputy Commissioner of Police. You would think that the first agency you want to contact is the Police Complaints Authority. You would think so. [*Crosstalk*]

So, when I particularly asked KPMG, “did you write to the Police Complaints Authority, as part of your security vetting, not the professional vetting”? The answer was no. When I asked, “why”?—he said they were afraid of being turned down because they thought they did not have a mandate to go to the Police Complaints Authority.

Even if that contemplation was in the minds of KPMG it would have been better for thoroughness to have written to the Police Complaints Authority, been turned down, so they could not say they did not contact the Police Complaints Authority. Instead of having the weak argument, “we were afraid of being turned down”. However, Madam Speaker—

Madam Speaker: Member for Caroni East, I really missed you the last couple of sessions, and I am certain as soon as you catch my eye, I will give you an opportunity to contribute to the debate; in the meantime I would hear the Member for St. Joseph.

Hon. T. Deyalsingh: Thank you Madam Speaker. You see, the truth offends, the truth offends. So, KPMG in our view made a cardinal error, thinking that they would have been turned down. But if this process is to stand scrutiny they should have been written and been turned down. But when we asked the Police Complaints Authority when they appeared before us, if they would have entertained the request, they said, “why not?” It could have come directly or it could have come via the Police Service Commission.

And that, to my mind, is a major omission in the security vetting of anybody. And that is why I said, the fruit of the poisoned tree is poisoned. That was a major, major, omission. How could you, how could you, in all fairness, in all reasonableness, not contact the Police Complaints Authority? But that is done and dusted, that would be heard in another venue.

Madam Speaker, the issue of crossing of lanes, and who knew what and when about—were they being interviewed for Commissioner of Police, Deputy Commissioner of Police—the single competency model. Madam Speaker, when you read the literature presented to us, the literature is littered with references to the hiring of two persons: a Commissioner of Police, and a Deputy Commissioner of Police.

How, on God's green earth, could someone who applied for the post of Deputy Commissioner of Police, find themselves at the top of the list for Commissioner of Police. How? By what magic formula? By what Borda count method? By what method does somebody, who did not apply for a position, the most senior position of law enforcement in this country—did not apply for it, but got it?

And then you have the Member for Chaguanas West today, advocating loudly for that person. The question is: Why? Everywhere you read the literature, it is two persons.

Madam Speaker, just to illustrate, in the request for proposals—and I want to read this part into the *Hansard* with your permission:

“...the Chairman of the Police Service Commission”—that is—“(the Commission) is inviting local firms to submit proposals for the provision of services for the recruitment process for the offices”—not office, offices—“of Commissioner of Police and Deputy Commissioner of Police for the Trinidad and Tobago Police Service...”

But, as the Member for San Fernando East brilliantly put it, you use one competency model for Commissioner of Police and the same competency model for Deputy Commissioner of Police. And we are hearing from our friends opposite, that is the way to go. That is way to go. [*Crosstalk*] That is the way to go.

Madam Speaker, when you look at the job summaries of Commissioner of Police and Deputy Commissioner of Police it is night and day. But, I would not go over ground already covered by my friend there. I would not.

So Madam Speaker, because of the involvement of the Police Service Commission, and I have already put on the record, that one member of the Commission has a close working relationship with one of the applicants, that Commissioner was involved in the interview process, was involved in the vetting process, that should have been done exclusively by the firm in sections 3(a), (b) and (c) something was amiss from the very start. Something was amiss.

Because you see the firm was supposed to submit to the commission the results of the assessment process. But that assessment process became tainted from day one. So the process cannot stand scrutiny, it was not fair, it was biased.

Madam Speaker, I now go on to the issue of voting. What came out in that Special Select Committee was a total disconnect between the Chairman and Mr. Martin George. That came out clearly, because when the issue of the so called 2-2 vote came up, and Mr. Gorge was present that day. The Chairman had one position but Mr. George had to clarify and defend himself.

Madam Speaker, there was discord, with your permission, I want to quote from an interview given by Martin Daly which speaks to the issue of the casting vote. [*Interruption*] Your friends quoted newspapers, you know.

Madam Speaker: Member for St. Joseph, your original 30 minutes are now spent, you are entitled to 15 more minutes.

Hon. T. Deyalsingh: Please, Madam Speaker:

“Well-placed sources told the *T&T Guardian* that Gomes and another Commissioner Dinanath Ramkissoon voted in favour of Dulalchan for the job of top cop, two other Commissioners, attorney Martin George and retired Commodore Anthony Franklin did not support the recommendation and voted against...Gomes then used her casting vote...to break the deadlock”.

And the question that Mr. Daly is asking here, given what I said earlier that we have a badly storied past in trying to appoint a Commissioner of Police this should have been a consensual approach—

Madam Speaker: I just want to ask something. You quoted from the newspaper? We are really debating the Report—

Hon. T. Deyalsingh: Sure, no problem—

Madam Speaker:—is that in the Report or the *Hansard*?—and so on.

Hon. T. Deyalsingh: Yes, Ma'am.

Madam Speaker: So, if you can reference it to that. Because this is what we are talking about.

Hon. T. Deyalsingh: Yes Ma'am. It is in the Report, because I personally asked this, it is in the *Hansard*. I will have to get it, I do not have the exact page. So, in the Special Select Committee this issue of the casting vote came up. But what we saw in that Special Select Committee and what Mr. Daly is saying otherwise, is that because we have failed to appoint a Commissioner of Police, this should have been a consensual approach, not based on a casting vote. That is all I am saying there.

Madam Speaker, I want to go to the Borda count method to talk about a point that was not addressed by my colleague from San Fernando East. In the Report—and I have it on page 25 of the Report so I can refer to it. This is the verbatim notes of the Fifth Meeting, when you go to page 25 of this Report of the *Hansard*, the issue of the Borda count method came up. What it showed was that the Police Service Commission did not lay a proper trap for this process from beginning to end. They found themselves, after six to eight weeks of wrangling and not being able to come up with an Order of Merit List, to accept a recommendation from Mr. Martin George for a Borda count method.

The point is not the validity of the Borda count method, you know. The point I want to make which has not been made is that if the Police Service Commission aided by KPMG did not have a clear line of sight from beginning to end and you just accept a Borda count method because a deadline is staring you in your face, then that tells me that there was a level of incompetence in management of this process. [*Desk thumping*] That is the point I want to make about the Borda count method.

It is not whether the method is good or bad. It is the fact that, the Chairman said after six to eight weeks of agonizing, they did not have a clear line of sight to come up with the Order of Merit List. Mr. George then brings in Borda count and they accept it blindly. That is the problem; that is the issue. They were not clear in their minds as to how they were going to construct this Order of Merit List. They were not clear in their minds about the importance of the Order of Merit List. They were not clear in their minds what they were going to recommend to Her Excellency the President.

They did know where they were going. They did not know how they were getting there. [*Desk thumping*] That is the problem. The problem is not the method, the problem is the lack of a clear path.

Madam Speaker, [*Crosstalk*] evidence put before the committee, because the issue of a conspiracy at the Police Complaints Authority, was made during our sittings. Imagine that, the issue of a conspiracy within the Police Complaints Authority is on the record, and it prompted the Police Complaints Authority to submit to the committee a letter dated 19 April, 2018, addressed to Mrs. Sampson-Meiguel. And this is to tell you that something was afoot. Everything was being done to discredit the Police Complaints Authority, everything was being done to support a particular outcome. And I want to quote from the—because this is in the record, this is in the Report:

The question posed by one of the hon. Members, suggesting that the authority, that is, the Police Complaints Authority was a participant in some conspiracy creates considerable concern that this may be interpreted by members of the public that there is a conspiracy to do something improper.

2. The authority and an unnamed person or persons acting in accordance with a conspiratorial agreement. We take objection and strongly refute any such allegation whether specifically stated or implied.

Madam Speaker that is the length to which a particular member of this Special Select Committee went to, to get a particular outcome.

Madam Speaker, when the Police Complaints Authority had to write a rebuttal that there was no conspiracy, the public of Trinidad and Tobago, the right-thinking citizens, the patriotic citizens, the reasonable citizens, the logical citizens have to question the process and that is what we are doing here today. Questioning a process that was patently flawed from day one. [*Desk thumping*]

Madam Speaker, you would have heard Members opposite refer to the Report by a human resource consultant that the committee engaged with. And the Member for Naparima said that this person engaged in desktop or primary research. Desktop research is not primary research. Desktop research is secondary research. So let me just correct the Member for Naparima, desktop research is secondary research. Primary research is when you go out into the field and conduct research for the first time.

Madam Speaker—and this is before us, this is in the Report. And this has to do with role clarity, panel interview and role fit. And I quote from section 8 of that Report:

There still appears to be no distinction between the two roles at this stage, that is, panel interview and role fit, nor is it clear what evidence the role fit panel relied on to determine their assessment in this area.

So the whole assessment process is being called into question.

On crossing the applicant lanes, that is, Commissioner of Police and Deputy Commissioner. Throughout the selection process there does not seem to be a clear line drawn of the level of competence required for Commissioner versus Deputy Commissioner. It goes on to say:

This would present a risk to the integrity of the process and subsequent suitability of candidates selected for each position.

That is not the PNM side, this is an independent HR professional. It would present a risk to the integrity of the process and that is the crux of the debate here today: the integrity of the process, the reasonability of the process, the biasness of the process—[Desk thumping] and subsequent, because the tree is poisoned and the subsequent suitability of the candidates. The tree is poison, therefore the fruit is poisoned.

Madam Speaker, in my conclusion, I also use the conclusion of this HR person that the committee employed. And with your permission:

From the analysis conducted on the information provided thus far to the author of this Report. It would suggest that there are a number of shortcomings in the assessment and selection process, a number. These concerns would present a risk to the perceived fairness and objectivity of parts of the assessment and selection process.

And that is the argument. This process was not fair, it was not reasonable, it was not objective, it was contaminated by a misreading of Mr. Rajkumar's judgment. It was contaminated by the fact Mr. Ramkissoon, a commissioner, and Mr. Dulalchan, worked together. And it goes on to say these concerns would present a risk to the perceived fairness and objectivity of parts of the assessment and selection process used, and if it—and the way it was conducted and hence the appointments made.

Madam Speaker, once more this country has failed miserably in a simple—what should be a simple task of appointing a Commissioner of Police. We have failed. And I want to put it squarely to the population, because I read a Letter to the Editor that somebody wrote to one of the newspapers, "Why doesn't the Prime Minister appoint a Commissioner of Police". The Prime Minister does not appoint a Commissioner of Police. It is the Police Service Commission, let us put the responsibility at the feet of the correct people. The responsibility for this fiasco does not lie on the feet of the Executive. It lies at the feet of the Police Service Commission. This process was tainted, this process cannot stand the test

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of objectivity, it cannot stand the test of reasonableness and should be squashed. Madam Speaker, I thank you very much. [*Desk thumping*]

Dr. Bhoendradatt Tewarie (*Caroni Central*): Thank you very much, Madam Speaker. Before I say anything more, I hope you will allow me to thank you and congratulate you, Madam Speaker on asking for the withdrawal of the statement which you did. [*Desk thumping*]

I do not intend to get into any quarrel today, Madam Speaker, this is a contentious matter, it was contentious long before it got into this honourable House. And it seems to me that this country has a real problem with doing things in good order. [*Desk thumping*]

[MR. DEPUTY SPEAKER *in the Chair*]

You see, I have the Report before me, the Report of the Special Select Committee, established to consider and Report on the process followed in relation to Notifications pursuant of section 123 of the Constitution. And, I read this entire document and I did read it when I read it this time, slowly. And I was struck by the measured tones of the document that was produced by the committee. And when I came to this House, today, I walked in a little late, the Member for Laventille West was already on his feet, and he may have done a couple of minutes of his presentation.

But when I walked in I was struck by the fact that the presentation of the Chair of the select committee, the Member for Laventille West, was at odds with the tone of the Report. Because here you had a Report that, it seemed to me was striving for some measure of balance and objectivity and then when we came to this House, led by the Member for Laventille West who introduced the committee's Report, every other Member on the other side so far, and all of them sat on the committee, every other Member on the other side so far, have made, all of them have made a contribution in tones that are far removed from the Report and the tone of it. [*Desk thumping*]

And it really prompts me to ask the question: What is really at work here? What is going on? The Member for Laventille West started by talking about the big problem with the PSC, and the manner in which they conducted their business is the active participation by the PSC in the—what can I say, the determination of the selection process. And what we have heard today in the contributions that have followed ending up with the contribution so far of the Member for St. Joseph, is an argument which basically says that the process, because of this

active participation and other things that emanate from that, caused what is essentially a pollution of the process.

So, let us therefore go to the conclusions of the Report, because what we are debating is the Report. And when you read the conclusions which are on page 41 of this Report, the first conclusion is that:

“The Committee believes that the direct involvement of members of the PSC in the assessment stage of the process, was not what was contemplated in the Order made pursuant to the Constitution.”

And yet, I just heard the Member for St. Joseph say, quoting a precedent in law, that it had been determined that the PSC could manage its business, however, it wishes to manage it business. [*Desk thumping*]

The second conclusion here is additionally—this is the second conclusion:

“Additionally, having regard to the observations and findings set out above, the Committee considers that in many respects, the manner in which the entire process was conducted by the PSC was defective and unreliable and may expose the PSC to allegations of arbitrariness and lack of transparency.”

Now, it does suggest here that the process was flawed, which was an argument made on the last occasion that the Members on the other side were in government and came here to address the issue of the appointment of a Commissioner of Police. That was their main argument, that the process was flawed.

The only person who used the word “flawed” this time was the Member for St. Joseph and I notice that all other Members studiously avoided the word “flawed” in talking about the process this time. And, there may be a reason for that.

But in this second one, they talk about the defective and unreliable and may expose the PSC to allegations of arbitrariness and lack of transparency, and when Members on this side spoke, beginning with the Member for Chaguanas West, most of those arguments were refuted. In fact he refuted a number of arguments here, and it is important to identify some of the issues that he said. He said that nothing about the process was unsound, unsafe or unsatisfactory, as the Member for Laventille West argued.

The issue of the polygraph testing, although a big to-do was made about the fact of constitutionality, the main argument introduced by the Member for

Chaguanas West was in fact the argument that the Member for St. Joseph made, which is in fact that this polygraph testing should have been at the beginning of the process rather than introduced at a later date.

The Member for Chaguanas West also talked—he shot down the argument of active participation by the PSC by showing that cumulatively there was a 12 per cent participation in the process and many of the stages involved no participation whatsoever and that only two members were involved. He raised a number of issues here; I will not go into all of them. The main point I am trying to make here is that the second conclusion:

“Having regard to the observation and findings set out above, the Committee considers that in many respects the manner in which the entire process was conducted by the PSC was defective and unreliable may expose the PSC to allegations of arbitrariness and lack of transparency.”

7.10 p.m.

What I am saying is that the Members on our side, the Member for Chaguanas West and the Member for Naparima, in fact, shot down this argument by making their own arguments to the contrary.

The third conclusion is that:

“The Committee recognises that there was not full consensus in relation to the conclusions set out above insofar as a minority of members believe that there was no fundamental breach of the law beginning with an open tender and ending with a strategy that allowed for a unanimous method of selection, and that the flaws in the process were not fundamental so as to render it unfair and arbitrary.”

This is one of the three conclusions, Mr. Deputy Speaker. This is one of the conclusions which basically says that the members of the committee agreed to disagree, and that there was two members of the committee which took a different view, which basically said:

“... there was no fundamental breach of the law beginning with an open tender and ending with a strategy that allowed for a unanimous method of selection, and that the flaws in the process were not fundamental so as to render it unfair and arbitrary.”

You see, because if you are looking for trouble, you could find it. Because if we take, for instance, this JSC, the point has been made by the Member for Chaguanas West.

Dr. Gopeesingh: SSC.

Dr. B. Tewarie: Sorry. Special Select Committee. Sorry, Mr. Deputy Speaker. If we take the Special Select Committee we can say, for instance, the Member for Chaguanas West indicated that the Member for Laventille West had a long association and had an initial association in his engagement of the police service with one of the applicants for the post of Deputy Commissioner of Police that was in fact being addressed by the Police Service Commission. So if you are looking for trouble, you could cite that as an issue that would make the JSC a problem—sorry, the SSC, a problem. [*Crosstalk*]

If you look at the Special Select Committee's processes, and the positions that have been articulated by some Members on our side, you can say that there were certain things that were problematic. If you have a situation—if the Report ends up as it is, as I said, with a tone that seems to be striving for some kind of balance and objectivity, and you have the presentations as you have here quite animated, and basically taking a side, so to speak, you might ask yourself the question: Well, why is it that we could not get a consensus position on this particular matter? Because you had a process being examined and the Members were examining this process—it was in the public domain—and how come at the end of the day, in a Report that reflects that there was some consensus reached on some of the matters in the Report that was laid here, you had a situation in which some members would not sign and were willing to do a minority Report, which I admit is not part of this process, but takes a different view from the Report and the conclusions of this Report?

Mrs. Robinson-Regis: There is no minority Report, Mr. Deputy Speaker.

Mr. Deyalsingh: Mr. Deputy Speaker, there is no minority Report, please.

Mr. Deputy Speaker: And again, Member, as stated earlier, there is no minority Report, so let us make sure how we are identifying it please.

Dr. B. Tewarie: Mr. Deputy Speaker, the only reason I used that word is because that very word was used by the Member for Laventille West. [*Desk thumping and crosstalk*] That very word, Mr. Deputy Speaker.

Mr. Deputy Speaker: Member, one second. Member for Naparima that statement that you made, it is sort of affecting the Chair. So please desist. Right? So again, Member, in terms of no minority Report—yes, you can make reference based on whatever point you want to make—but there is no minority Report.

Dr. B. Tewarie: I understand that very well. There was a minority position clearly as articulated here now. [*Desk thumping and crosstalk*]

Mr. Deyalsingh: Mr. Deputy Speaker, could you refer to the source of that minority position?

Dr. B. Tewarie: This Parliament. The members of the committee expressed a different view very contradictory from all the other Members that stood up on the other side. [*Desk thumping*]

Mr. Deputy Speaker: Member, one sec. Member, for the record, I think only one Member of the Opposition has spoken with regard to who was on that committee. Right? So in terms of your statement, please be careful on how you are bringing it across.

Dr. B. Tewarie: Thank you very much.

Mr. Deputy Speaker: So, let us move on.

Dr. B. Tewarie: I will take your good advice. Okay. So we went to the conclusions and when the Member for Laventille West was speaking, he said that many of things that happened during the committee—they defied logic, they were defective and they were flawed. So what are we to make—

Mr. Hinds: I used the word “flawed”?

Dr. B. Tewarie: No you did not actually. That is my interpretation. [*Crosstalk*] The only Member who used the word “flawed” was the Member for St. Joseph. So, the recommendation, what are we to make of the recommendation, Mr. Deputy Speaker? We talked about the three conclusions. The recommendation is that:

“The Committee recommends that the Order made pursuant to Section 123(2) of Constitution should be subject to urgent review with the view to the establishment of well-defined guidelines for the selection of a COP and a DCOP.”

Now, what does this mean, Mr. Deputy Speaker, because it is not very clear? It looks to me like it means to say—

Mr. Deputy Speaker: Member, one second. Both Members, Member for Laventille West and also Member for Couva South—Couva South, you will have the opportunity to join the debate once you want to and also Member for Laventille West as the mover of the Motion you will also have the opportunity to join the debate again also. So, please, I would like to hear the Member for Caroni Central—so, silence.

Dr. B. Tewarie: Okay. So the recommendation—Mr. Deputy Speaker, thank you very much—does this mean that we are going to have to start this process all over again? And I ask that question without giving any answer. I want to know if the meaning of the recommendation is that this process is to start all over again. So I hope a Member on the other side will answer.

Because, you know, the Member for Laventille West spoke and he says—he was not a candidate, he was on the process—that there was no agenda. He said that the Report was accurate and truthful in its approach. He said it was a nonpartisan approach. He said that the process was unsound, unsafe and unsatisfactory, and he then said that the decision of PSC should not stand. Now, the decision of the PSC should not stand is a very different—it seems to me—conclusion than the one that is in this recommendation. So I want clarity and precision on what is the Government’s position on this.

Now, all we have been asked to do with this Report is to “take note” of the Report, so let us take note. I want to go to page 3 and item “1.3 a.” which is the mandate of the committee, that is to say, the select committee. It was to:

“obtain information, documentation and/or evidence relevant to and/or touching and concerning the method, process, criterion and considerations utilized by the Police Service Commission and/or the Firm employed by the Police Service Commission in the selection of candidates for the position of Commissioner of Police and Deputy Commissioner of Police to enable the House of Representatives to consider the Notifications submitted to it by His Excellency, the President pursuant to Section 123 of the Constitution;”

And to “Report by” so and so and so.

Now, the reason we appointed a committee anyway is because the issue became a public issue before the matter ever came to debate in Parliament, and this is to me, Mr. Deputy Speaker, a very problematic issue about the way you conduct public business in Trinidad and Tobago. Because this had to go to a committee, because what was happening in the Police Service Commission was all over the place in the newspapers. And we talk about whistle-blowing, but there is also something called “leaks”, and planted leaks, and things done in such a manner as to prejudice the process and the outcome of other things. [*Desk thumping*]

So, when we look at that, I also want to look at two speeches in *Hansard*, the first one by the hon. Prime Minister and it is, in fact, included in this particular document. No, it is the other one, sorry. This is the hon. Prime Minister

presenting the Motion, the nomination of the candidate that the President has sent to Parliament, and during that presentation, he highlights such dysfunctionality because we have been captured by a process which required—

Mr. Deputy Speaker: Member, just quote the source please. I know you said you were quoting *Hansard*. Just quote the date and so on for the records.

Dr. B. Tewarie: This is the speech of Prime Minister Keith Rowley, the Member for Diego Martin West, 2018.02.02, and he is speaking here—and when he speaks he highlights the dysfunctionality, because we have been captured by a process which required all kinds of interpretations. And then he says that:

“this process is unacceptable and that it will amount to no good. I recommended then that we do away with it and offer support for change.”

So, as he is speaking here, he is already speaking, Mr. Deputy Speaker, about the Police Service Commission has a problem. He says that:

“I simply want to repeat that it is not in dispute that the agency of the State that is responsible for policing the State under law is the police service.”

And he does not dispute the role of the Police Service Commission, but he says that because of what has transpired outside, he wants to refer this matter, and then the Leader of the House got up and moved the Motion, which was accepted, of course. And he himself said, the hon. Prime Minister, he wanted this House to proceed—he did not want to have a situation for:

“...this House to proceed without answers to the questions that have been raised, is for the House to proceed without appropriate information that is required for the House to act appropriately, and for that trust to be based on a foundation of comfort that all is well in the State of Trinidad and Tobago.”

I want to say that, given the work of the committee, and what is contained in the Report, and the various allegations made here—that is all I can call them—about their interpretations of what happened—because it does not appear in the Report—about all manner of things with the Police Service Commission, including allegations of their incompetence, I think that what we have in this situation, Mr. Deputy Speaker, is a situation—

Mr. Hinds: Will you give way?

Dr. B. Tewarie: No, I do not think I want to give way. What we have in this situation is really a view in which it is clear from the very beginning, even when this matter was referred, that the Police Service Commission and the work that it did was in question.

And I want to say that the Leader of the Opposition also spoke on that day and she mentioned the fact that:

“This has resulted in the trial of the proposed nominees”

It is her contribution on the same date, Mr. Deputy Speaker.

“This has resulted in the trial of the proposed nominees in the court of public opinion even before they are subjected to the process that the law provides for their consideration by the Parliament that is the ultimate decision maker.”

So the hon. Leader of the Opposition was already pointing to the fact that, you know, something was amiss in this whole process, and that we needed to clarify it, and that is why the hon. Leader of the Opposition supported the select committee, so that we could have this clarification when we come here.

When we come here now to the House, and the Report is laid—I already mentioned the difference in tone between the Report that was laid and the tone of the contributions here today by Members on the other side—we begin to see that anyone sitting and listening and watching what is happening, has to be uneasy about the manner in which the Special Select Committee did its work on the one hand, and the positions of the Members of the opposite side on the other. So let us follow some of the issues in the Report.

When you look at the Report you have the mention of a number of things that were mentioned here. On page 8 you have the making of the recommendations to the background:

“The responsibility and appointment of a Commissioner of Police lies exclusively with the Police Service Commission.”

And it goes on where it outlines the entire process here according to the Constitution including the point of parliamentary oversight when we come here to appoint or not to appoint a Commissioner of Police, because at the end of the day, the Parliament is the one that does that. And the question one has to ask is: Why would a committee that is addressing the issue of fact-finding and trying to get to the truth and trying to understand what went on, why would you come here to assassinate the members of the commission [*Desk thumping*] to basically say that it is incompetent?

Mr. Hinds: Mr. Deputy Speaker—

Dr. Moonilal: What Standing Order?

Mr. Hinds: I rise on Standing Order No. 48(6), imputing illegal, criminal and improper motives. I heard the Member accusing us of assassination.

Mr. Deputy Speaker: Member, I think you could use a different word.

Dr. B. Tewarie: Yes, of course.

Mr. Deputy Speaker: So retract that word and rephrase.

Dr. B. Tewarie: Mr. Deputy Speaker, the Member is just being mischievous. [Crosstalk]

Mr. Deputy Speaker: Member, no. Assassination?

Dr. B. Tewarie: Why would the Chairman and others—

Mr. Deputy Speaker: Member, I am making the ruling. I would just like you to use a different word. I am sure you can find a different word.

Dr. B. Tewarie: I am going to use a different word. Why would they take this opportunity—[Interruption]

Mr. Charles: Wait, let him finish.

Mr. Hinds: Mr. Deputy Speaker—

Dr. Moonilal: What Standing Order?

Dr. Gopeesingh: What Standing Order is that?

Mr. Deputy Speaker: Both of you all cannot be on your legs.

Dr. B. Tewarie: I am not giving way, Mr. Deputy Speaker.

Mr. Hinds: You do not have to give way. You will sit down and address the Chair.

Mr. Deputy Speaker: Both of you all have a seat. Both have a seat. Member, I have ruled. Please retract, use a different word.

Dr. B. Tewarie: I said I would, Mr. Deputy Speaker. I retract the word “execute”.

Mr. Deyalsingh: No, “assassinate”. [Laughter]

Dr. B. Tewarie: Is that what I said? [Laughter] I retract the word “assassinate”. Why would they seek to vociferously attack the individual commissioners? [Desk thumping]

Mr. Hinds: Mr. Deputy Speaker, I am on standing Order 48(6). [Crosstalk] In the course of your addressing—[Crosstalk]

Mr. Deputy Speaker: Members. Members. 48(6)?

Mr. Hinds: Yes, Mr. Deputy Speaker. In the course of you addressing—
[*Crosstalk*]

Dr. Moonilal: No, you cannot make a submission.

Mr. Hinds: The Member accused—[*Crosstalk*]

Dr. Moonilal: You cannot make a submission.

Mr. Deputy Speaker: Member, listen! I will rule. Member, again, your tone of words. Assassination, one, yes you retracted it—attack. Again, I am sure you can rephrase. You can rephrase.

Dr. B. Tewarie: Mr. Deputy Speaker, the members of the Police Service Commission were described as incompetent. [*Crosstalk*]

Mr. Deputy Speaker: Members, the word “attack”. I am on the word “attack”, hon. Member and, again.

Dr. B. Tewarie: Why would they attack members for doing their work, Mr. Deputy Speaker?

Mr. Deputy Speaker: Listen, Member? Member? [*Crosstalk*] Okay, I could have my turn now? Again, the ruling is “attack”, find a different word and let us proceed. Retract it and proceed. And as I am on my legs, your initial 30 minutes has expired, you have an additional 15. You care to avail yourself?

Dr. B. Tewarie: Can I have injury time as well?

Mr. Deputy Speaker: Member, I will determine. You have your additional 15. You accept?

Dr. B. Tewarie: Yes. Mr. Deputy Speaker, thank you very much. The Members on the other side always have a problem when I speak. [*Desk thumping*] They have a problem when I speak, because I speak straight to the point. [*Desk thumping*] I do not come here to waffle. I do not come here to mauvais langue. I do not come here to attack nobody. I attack what you say and what you mean [*Desk thumping*] and I attack, Mr. Deputy Speaker, the issues that the country is paying careful attention to in this debate, and in other debates [*Desk thumping*] and I am not making joke with that [*Desk thumping*] because this is not the first time that Members engaged in public service and engaged in professional service have been attacked in this Parliament, Mr. Deputy Speaker [*Desk thumping*] and this has become a pattern of behaviour. [*Desk thumping*]

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 48(6), the Member continues to use the word. It is not. [*Crosstalk*]

Mr. Deputy Speaker: Overruled. Proceed. And Members, also additionally, the additional comments, I am recognizing only the Member for Caroni Central. So the added comments at the end of the statements I am not going to tolerate them. [*Interruption*] Member hold on, hold on. You could have your seat. You really meant that, Member?

Hon. Member: I apologize.

Mr. Deputy Speaker: Thank you. Proceed, Member for Caroni Central.

Dr. B. Tewarie: Yes. So the point I am making, Mr. Deputy Speaker, is a simple point. The job of the committee was to determine the facts and to get the information and to bring clarity to the House. It was not to put the PSC on trial. I do not think that was the intention of the terms of reference for the committee, and that is the main point that I am making. Because at the end of the day when you look at all the statements that have been made, both from the Government side and on our side, did the PSC breach the Legal Notice, Mr. Deputy Speaker? No, they did not. Did they violate their constitutional mandate? No, they did not. Did the PSC act contrary to the contents of the judgment of the High Court? No, they did not.

And, Mr. Deputy Speaker, all the allegations and accusations and the insinuations are only a set of old talk here [*Desk thumping*] because if they really wanted to say what they said here today, why did they not put it in the Report? [*Desk thumping*] What is the point of the Report? [*Crosstalk*] Why did you not put it in the Report? All the things you want to say, why did you not put it in the Report? [*Interruption*] I cannot use that word, they say. [*Laughter and crosstalk*]

So, Mr. Deputy Speaker, I think we have come to a problematic place on this issue, and the issue of bias which was raised here today—bias in an allegation about the Police Service Commission—I want to say is a really problematic issue. You know, when I was at the University of the West Indies [*Crosstalk*], the Prime Minister of this country at the time made an allegation about me that had to do with bias, and he asked that a committee investigate the matters that he was alleging, and he asked that the Vice-Chancellor of the University then, the venerable Rex Nettleford, chair the committee.

7.40 p.m.

Professor Nettleford put together a committee made up of a professor from Stanford, a professor from the University of Guyana, and a professor of law from the Law School in Jamaica, and the four members were members of the

committee, and they interviewed—God knows, I do not know—50-something people at the University of the West Indies. And at the end of the day not only did they throw out all the issue of bias, they said things that were so positive about my tenure at the university at the time that the Prime Minister at the time was a little upset at the Report.

Mrs. Robinson-Regis: Mr. Deputy Speaker, Standing Order 48(1), please. [*Crosstalk*]

Mr. Deputy Speaker: Overruled. Proceed.

Dr. B. Tewarie: I was just explaining how bias sometimes can itself be biased. [*Desk thumping*] Allegations of bias can itself be biased. So when you get up here and you talk about bias in the Public Service Commission, when you talk about university lecturers who are aligned—

Mr. Deputy Speaker: Member, it is not the Public Service Commission. It is not the Public Service Commission, so be careful, please.

Dr. B. Tewarie: Police, sorry.

Mr. Imbert: Bias could be bias.

Dr. B. Tewarie: Allegations of bias. That is what I meant.

Mr. Imbert: That is not what you said. [*Crosstalk*]

Dr. B. Tewarie: So when you make allegations on people in the society of being biased or being aligned, and so on, there is a whole strategy at work by this Government in order to secure their constituency.

Mr. Hinds: Mr. Deputy Speaker, I rise on Standing Order 55(1)(b). The Member is persisting in irrelevant and tedious repetition. [*Crosstalk*]

Mr. Deputy Speaker: Members, I need to hear what the Member is saying, please, so silence. Silence.

Mr. Hinds: Thank you very warmly, Mr. Deputy Speaker. I rise on Standing Orders 55(1)(b), which speaks to persisting—[*Crosstalk*]

Mr. Deputy Speaker: Members, Members, Members, let us maintain the decorum of this House. Let us maintain the decorum of this House. The Member is on his legs, he is raising a Standing Order, I will so rule. Member, fine, I got the Order.

Mr. Hinds: Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: Again, Member, tie it in quickly and move on.

Dr. B. Tewarie: Yeah, I am finished with that, you know. [*Laughter*]

Mr. Deputy Speaker: Okay. Well, you can proceed.

Dr. B. Tewarie: I am finished with that. You know, I never get up to object to anybody speaking on the other side. They have to be really out of line to do that. I find that, you know, Members on the other side, they would not even give me the freedom to say what I have to say. All I am saying about this Report is that I think that at the end of the day we are asked to note this Report. We will note the Report, and we have noted the inconsistency between—

Mr. Deputy Speaker: Leader of the Government, I will take it when he is finished, he has two more minutes—the Procedural Motion, I will take it when he is through. Proceed.

Dr. B. Tewarie: You see, all of these things is just to interrupt.

Mr. Deputy Speaker: No, Member, no. The Procedural Motion has to be taken once we are going beyond eight o'clock, so I told her you have a couple more minutes, I will do it when you are completed.

Dr. B. Tewarie: How many minutes do I have?

Hon. Member: Two.

Mr. Deputy Speaker: Just about two minutes. Proceed.

Dr. B. Tewarie: I will close, Mr. Deputy Speaker. I believe that the fact that the Members on our side took a different view on many issues in relation to this Report tells a story about the contributions of the Members on the other side, which is a dramatization of things not contained in this particular Report which border on—what can I say—allegations of incompetence and of bias, et cetera, of the Public Service Commission, which in my view—

Hon. Member: Police.

Dr. B. Tewarie:—Police Service Commission—which I feel are uncalled for by Members of this Parliament. Insofar as the facts were supposed to be brought to the Parliament, I do not know that we are better off after the contributions of the Members on the other side about facts.

Mr. Deputy Speaker: You have one more minute, Member, one more minute.

Dr. B. Tewarie: I do not know that we are better off about facts, and all we can do, Mr. Deputy Speaker, is to take note of the Report and take note of the fact that the Members on the other side seem to be pursuing, unlike what the Member for Laventille West said that they had no agenda, pursuing an agenda that perhaps some of us on this side can discern, and I am sure that the population will understand and discern what that agenda is. Thank you very much. [*Desk thumping*]

PROCEDURAL MOTION

Mr. Deputy Speaker: Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, in accordance with Standing Order 15(5), I beg to move that this House do sit until the conclusion of the business before it.

Question put and agreed to.

SPECIAL SELECT COMMITTEE REPORT

SSC Constitution Notifications (Adoption)

Mr. Deputy Speaker: I recognize the Member for—

Dr. Gopeesingh: I see the Member wants to speak so I will give way to him, Mr. Deputy Speaker, to the Minister of National Security.

Mr. Deputy Speaker: Hon. Member for Point Fortin. [*Desk thumping*]

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Mr. Deputy Speaker. Mr. Deputy Speaker, thank you very much for giving me the opportunity to contribute to this debate which deals with a Report of the Special Select Committee established to consider and Report on the process followed in relation to the notifications pursuant to section 123 of the Constitution, and the process. Mr. Deputy Speaker.

This debate is very important with respect to national security in Trinidad and Tobago, but I heard the Member for Caroni Central speak to the issue of bias and the issue of telling stories, and stories can be told from either side of the House, Mr. Deputy Speaker. A question of bias can come from either side of the House depending on how one looks at the issues that confront us. [*Desk thumping*] We are here to discuss the process, to look at the process by which the selection of the Commissioner of Police and the Deputy Commissioner of

Police was carried out by the body charged to do so, the Police Service Commission.

So, Mr. Deputy Speaker, I want to put from the out front that if you are engaged in any kind of activities in terms of a system-process approach, if the process is flawed then the outcome will definitely be flawed. [*Desk thumping*] And so the careful examination by the Special Select Committee has highlighted a number of issues pertinent to the manner in which the procedure took place to select very important positions, very important appointments with respect to what I call the lead agency to deal with crime, criminality and violence in Trinidad and Tobago.

Mr. Deputy Speaker, we have to understand that the Ministry, the Trinidad and Tobago Police Service, have been waiting for quite some time to have a substantive Commissioner of Police and substantive Deputy Commissioner of Police. In fact, we have been waiting since 2012 with the departure of the last appointed Commissioner of Police, Mr. Gibbs, and Mr. Ewatski, Deputy Commissioner of Police. We have been waiting for quite some time to ensure that the agency that has the lead role in law has that substantive head, because like anything we are dealing with the issue of the governance, we are dealing with the issue of leadership at the end of the day. But at the same time, Mr. Deputy Speaker, we cannot and we ought not to sacrifice quality for expediency.

We cannot afford to sacrifice quality for expediency. If it means undergoing and scrutinizing the process to ensure that at end of the day, notwithstanding the long wait that we have had, we ensure that at the end of the day we get the process that is right to deliver the individual that is right, then we have to do so. And this is why this Government is going through this process to understand that we get what is deserved to treat with the issue of the Commissioner of Police and Deputy Commissioner of Police in Trinidad and Tobago. [*Desk thumping*]

Mr. Deputy Speaker, what are the issues pertinent to the process that has been highlighted, and I know that I am going to repeat some of the issues, but it is important to do so because the listening public of Trinidad and Tobago must understand the reason why we are at this stage of development. And based again on the banter and the talk you can see, from the remarks that passed through this House that were led by the Member for Laventille West and the other speakers before me, that there are issues that must be brought to the fore. [*Desk thumping*] We cannot hide them under the carpet. We cannot not understand and take note of them if we want to ensure that we have the type of individual to lead the star agency, the lead agency for crime and criminality in Trinidad and Tobago.

Mr. Deputy Speaker, you know, just recently we had the—in fact, last year we had the selection of the chief constable in the Met Police in London in 2017, and when one follows the procedure that was there, there was a smooth and transparent procedure that brought, in fact, the first woman, Cressida Dick, as the chief head of Metropolitan Police in London. And when you look at that procedure and the process you can see that it was transparent, it was open, and there were no issues compared to what we are dealing with in Trinidad and Tobago. So if we take pattern from that we must understand that the process is so important that it cannot and it will not go and escape.

Mr. Deputy Speaker, let us look at the process that is outlined. We have to understand that it has to do with really two separate entities, the Police Service Commission and the firm that the Police Service Commission appointed to treat with the issues of the recruitment process, and so on; two separate entities. There are also two separate types of applications from applicants, applicants for the Deputy Commissioner of Police, applicants for the Commissioner of Police. While in the advertisement and the procedure you can apply for either/or, or for both, there are different criteria and different qualifications that were there to suit the different type of applications.

It is not like, for instance, one can apply for the head of the army and then they make you the Chief of the Defence Staff; it does not work that way. You apply for the position based on the qualifications that were advertised to suit that particular position, and therefore that is where your criteria goes. But even when you look at the procedure, when you look at it in terms of the statements that were made, one can see there are differences between the Commissioner of Police and the Deputy Commissioner of Police. It is mentioned here in part of the Report that speaks specifically to the question of the Commissioner in terms vision, strategy.

While the Deputy Commissioner of Police may have the potential to be the Commissioner there is a difference between potential and the time you are recruiting a Commissioner of Police. What the exercise is all about is about recruiting a Commissioner of Police and a Deputy Commissioner of Police, and therefore there is a clear difference in terms of the criteria for the job and the application for the job.

Mr. Deputy Speaker, when we look at the question of the selection process itself and the methodology you look at role clarity. You look at role clarity, Mr. Deputy Speaker, and it was clear that the Police Service Commission decided it was proper to directly participate in the assessment process based on their

interpretation of the judgment by the court in the case of *Harridath Maharaj v The Attorney General* on the writ. Mr. Deputy Speaker, when you look at the process, and again it was articulated a while ago by one of the speakers on this side, that you cannot participate in one aspect of the selection process because you had been exposed to the individual participants in those processes and then return at a subsequent stage and then participate in that process, and this is what transpired to a large extent.

So therefore, there was not a question of role clarity with respect to what the firm was supposed to do and what the Police Service Commission was supposed to do. And hence, when you look at that, what transpired, you will see that at various stages you had representation from Commodore Franklin in stage one, and then you had Mr. Ramkissoon in stage two, and the Chairman of the Police Service Commission.

Now, Mr. Deputy Speaker, it meant that they would have been exposed to, to a large extent, the qualities, the behaviours of the applicant, and, therefore, the subjectivity would be taken even to the next stage where the Police Service Commission then had to determine the same applicants coming before them for an assessment. Mr. Deputy Speaker, there are so many best practices outside there that tells us that there must be a differentiation insofar as the recruitment and selection process is concerned. So that when one looks at the oral evidence itself—again this was exposed through the Committee in its deliberation from written and oral evidence it received—it appears that some assessors, inclusive of the Commissioners, who were involved in the role play exercise were also involved in other aspects of the assessment.

Dr. Moonilal: They are not the same.

Maj Gen. E. Dillon: They were involved in the role play exercises and also in other aspects of the assessment. In executive recruitment it is highly recommended that all aspects of the assessment stage of top-level recruitment be devoid of subjectivity, and one way of minimizing this is by limiting the degree to which such subjectivity is allowed to creep along with the process. It is clear, Mr. Deputy Speaker, that this was not the case in this instance, and therefore the process is flawed by the very action taken by the Police Service Commission in getting involved in the different scenarios in the process. And this is what this debate is all about, you know. It is not about any individual; it is not about the applicants. We will treat with that at another stage. This debate is about the process, and we must show the community at large that the process was flawed, and this is the reason why we are highlighting the process in different deficiencies in the process.

Mr. Deputy Speaker, when you look again at an explanation that was given by Mr. Sookram who explained, and it was quoted here, if I can quote the relationship:

I can answer that because he identified that there was a relationship some years 20 ago having worked with that particular individual.

And we know for a fact that Mr. Sookram worked with one of the applicants before him in the Fingerprint Department for some years.

Hon. Member: Dulalchan, not Sookram.

Hon. Member: Who is Sookram?

Hon. Maj Gen. E. Dillon: Sorry. Mr. Dulalchan worked with—

Dr. Moonilal: Sookram, Dulalchan, same thing.

Hon. Maj Gen. E. Dillon:—for quite some years, and therefore you would develop a certain kind of relation. You would develop a certain kind of relationship which to itself suggests that—it must be noted, but also one should recuse themselves from the deliberations, because at that level of recruitment, that level of high-level recruitment that we are talking about must be free from any kind of bias whatsoever; it must be free. And one would expect at that level one would have taken the necessary steps to ensure that apparent bias is not sort of projected.

Mr. Deputy Speaker, I look again at the issue of the question of the requirement that was done by KPMG in the sense in terms of—and it was highlighted by the Member for Laventille West, and I think it is a very important point. It is a very important point what the Member for Laventille West mentioned with respect to the question of vetting at that very important level. If one understands that the role that we are looking at in terms of the Commissioner of Police, Deputy Commissioner of Police, these are individuals who are going to be taking a position at the highest rank in the Trinidad and Tobago Police Service.

Again, I emphasize that it is an agency that is charged with dealing with the law enforcement of Trinidad and Tobago, an agency at the tip of the sphere dealing with crime, criminality and violence, in this area. But, more importantly, with respect to leadership and governance, these are the individuals who must demand the kind of respect, must demand the kind of discipline and professionalism that is required, and, therefore, in terms of reference checks and background checks, and so on, the whole question of vetting must be based on

best practices. It must be based on best practices.

Now, when you look again, I looked at the whole process—again, I go back to the recruitment and selection of the chief constable in the Met in London, and there was in fact background checks, notwithstanding that the individual had served in the Met for a number of years, but because you applied for that particular position you still have to undergo a series of checks. You go through checks in terms of your background, in terms of your finances, in terms of your assets, and that is done because you are now applying for a job that takes you a little higher than where you are presently.

And this is the same case in Trinidad and Tobago. The persons who are applying for the jobs are moving up in rank and appointment, and therefore, notwithstanding their length of service, you still have to do that particular vetting because you are now applying at a different time for a different position, Mr. Deputy Speaker. So the point that the Member for Laventille West raised with respect to the vetting must not be taken lightly, but it is one that is very important based on the position for which the applicants have applied.

So we continue to look, Mr. Deputy Speaker, at the whole question of the role of the firm, KPMG, in terms of supplying and providing based on their assessment that list to the Police Service Commission, and what is the state, what should be done with that. Based on their assessment that merit list was then sent to the Police Service Commission who then—and again it is based on a sequence of action, the firm was charged to do its check, to do its process, come up with a merit list based on their assessment, and then it is based on the Police Service Commission to then, out of the assessment of KPMG, to develop their merit list based on a set of criteria. That was not the case, Mr. Deputy Speaker.

It is as though, and it was clearly articulated by a number of different speakers here before, that the Police Service Commission then took it on to develop a different kind of process, almost to the extent where the initial work done by the firm was, more or less not even considered to a quite extent, and then came up with their list of criteria, and then they made their selection. Mr. Deputy Speaker, that process to my mind, and to a number of speakers before me, that process must be looked at as being flawed. It must be looked at as being flawed to the extent where it did not follow the criteria as set out.

So I believe, Mr. Deputy Speaker, that the process as identified by the Report of the Special Select Committee has clearly articulated, and has clearly shown that the process that was done, in this instance the case with respect to the selection of the Commissioner of Police, Deputy Commissioner of Police, was in

fact very much flawed, and therefore I would submit and agree with the Special Select Committee that we need a review of the process. [*Desk thumping*] We need a review of those processes that took place, because at the end of the day we are dealing with the agency that we have charged to deal with crime, criminality and violence in Trinidad and Tobago.

If we want to ensure that the organization, that by the Constitution is the one that has the remit to treat with one of the biggest issue, and as Minister of National Security I want to see a Commissioner of Police and Deputy Commissioner of Police fully recruited and selected. It is in my interest and our interest to see the Commissioner of Police and Deputy Commissioner of Police selected and appointed. I could not wait for this to happen, but I am not prepared, Mr. Deputy Speaker, nor are we prepared on this side of the House, again, to sacrifice the quality out of that process and what it produced in the degree of expediency.

Mr. Deputy Speaker, it is important for us, therefore, to consider the Report of the Special Select Committee to look at the process, to treat with it in a manner that we ensure it redounds to the benefit of the people of Trinidad and Tobago—it redounds to the benefit of those who we are here to serve, because I can tell you, Mr. Deputy Speaker, they are looking on, they are hearing, they are seeing; and if you heard the contributions from both sides you can see that there is controversy on both sides of the House, and therefore it is clear, it is very clear, very clear for me, as the Minister of National Security, that we need to review that process to get the kind of individual that we require.

Mr. Deputy Speaker, having said that, I wish to say quite categorically—I wish to say, Mr. Deputy Speaker, that I agree, and I want to give support—
[*Crosstalk*]

Mr. Deputy Speaker: Silence, Members.

Hon. Maj Gen. E. Dillon: Mr. Deputy Speaker, I wish to give support and lend my support to the committee's findings that there is a requirement for us to look at the troubling issues as articulated and found by the committee that we must treat with in order to ensure that the process is in such a way that it is delivered to us, delivered to the people of Trinidad and Tobago the kind of individuals, the kind of applications to find the applicants as required to treat with the issues of crime, criminality and violence in Trinidad and Tobago. I thank you, Mr. Deputy Speaker. [*Desk thumping*]

Mr. Deputy Speaker: I recognize the Member for Siparia. [*Desk thumping*]
[*Crosstalk*]

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much, Mr. Deputy Speaker.

Mr. Deputy Speaker: Member, hold on. Retract that statement, please, Member for Oropouche East.

Hon. Member: Retract quickly.

Mr. Deputy Speaker: Stand and do it, please.

Dr. Moonilal: Retract. Retract. Retract. [*Crosstalk*]

Mr. Deputy Speaker: Proceed.

Mrs. K. Persad-Bissessar SC: Thank you, Mr. Deputy Speaker, it is 8.07 on the 6th, today is Wednesday, Wednesday 06, June, 2018. I am sure that many would agree that we are here for an extraordinary sitting in the sense that we usually meet on a Friday but we have been summoned on Wednesday, and what have we been summoned to deal with, Motion No. 1, Committee Business on the Order Paper:

“Be it resolved that this House take note of the Report of the Special Select Committee established to consider and Report on the process followed in relation to the Notifications pursuant to section 123 of the Constitution.”

So here we are, extraordinary on a Wednesday evening into night, all day long, and, you know, listening to Members—and I want to congratulate the Member for Chaguanas West on his sterling contribution, [*Desk thumping*] the Member for Naparima, [*Desk thumping*] the Member for Pointe-a-Pierre. [*Desk thumping*] I am really happy to hear clarifications from the other side—and the MP for Caroni Central [*Desk thumping*] who spoke on our side to clarify some of the issues raised from the other side. And I listened in consternation when I heard a Member from the other side saying that because of the case of Cooper that a service commission could do anything.

Hon. Member: He did not say that.

Mrs. K. Persad-Bissessar SC: Yes, they can do anything, and the *Hansard* will bear it out—the Member for St. Joseph.

Mr. Hinds: In accordance with the law.

Mrs. K. Persad-Bissessar SC: No. No. No. No. The Member said they can do anything in relation to whether to insert polygraphing or do not have polygraphing. I will not be distracted, Members, you could try all night long. You will not succeed. [*Desk thumping*]

8.10 p.m.

I listened all day long to everything that was said, and this is what the Member said, the *Hansard* will bear it out. That in a sense shows a very fundamental misunderstanding of institutions in our country, and the constitutional institutions such as the Police Service Commission or even the Public Service Commission, all Commissions. Because it cannot ever be that any service commission could just do anything. Can the service commission fire any one of us? Can the service commission fire the Member for St. Joseph? No. The service commission will act. It is handcuffed. It is a creature of what we saw of the law, the statute, it must act within the four corners of the statute which created it. [*Desk thumping*] So it is totally erroneous, but that shows me a mindset.

Then the Member spoke about the poison tree and the fruit from the poison tree. I think that he is going in the right direction, and I will come back to that. I will come back to show that this really and the attitude being taken in the contributions on the other side, clearly are fruits from a poisoned tree that began long before—long before this Report was tabled.

Then I heard the extraordinary statement from the very bright, beautiful Member for La Brea, about votes being unequal. Now, I did not know that the vote of any one of us could outweigh the votes of the majority of us.

Mr. Hinds: Sat Maharaj said so.

Mrs. K. Persad-Bissessar SC: Yes, well ask Mariano Browne. Why do you not ask Mariano Browne about the polls?

Hon. Member: “It good fuh yuh. Yuh walk into dat.”

[MADAM SPEAKER *in the Chair*]

Mrs. K. Persad-Bissessar SC: So these are some of the statements. So here we are on this special sitting, and I listened as I said, all day long and I was reminded of a statement that lawyers sometimes say to each other quite jokingly, but a very real statement: When you come to present a case, as the Government Members have come to present, or as we will be presenting, you say, when the facts are on your side, you argue facts. When the facts are not on your side and the law may be on your side, you argue law. When you have neither facts nor law, you talk, you argue—

Mr. Al-Rawi: You throw in the Member for Naparima. [*Laughter and desk thumping*]

Madam Speaker: Members I will just remind you all of the provisions of Standing Order 53. Member for San Fernando West, please—

Mr. Al-Rawi: I apologize, Ma'am.

Madam Speaker: Member for Siparia.

Mrs. K. Persad-Bissessar SC: Thank you very much. When you have no facts, you have no law, then you go to the Constitution. And when you have no facts and no law and no Constitution, then you go for the Member for San Fernando West to argue something. [*Desk thumping*]

Madam Speaker: Members! Members! I just want to say that while we are entitled to thump desks and so on, no shouting, no applauding and keep the volumes down. Member for Siparia, please continue.

Mrs. K. Persad-Bissessar SC: Thank you very much. I will endeavour to keep my volume down. And so when I listened today all day long, what happened, no facts, no law, no Constitution and no Member for San Fernando West, then what we heard instead it was strange. It will be a historical day. Today is the first day they did not blame Kamla and the Partnership. Instead blame was being cast on the Police Service Commission, blame was being cast on the firm that was hired, KPMG, all that blame going. But you know, we still have the rest of the night, and I remembered the famous Lionel Ritchie song, "All Night Long". So as we go all night long, I am sure we will end up blaming the Partnership and blaming the Member for Siparia.

When I look at this, Madam Speaker, take note of this Report. I would really want to deal with just one major aspect of it, because that is the most important point. What is the recommendation in this Report? At the end of all of this when we blame these, blame those, bias, unfair, what is the recommendation? What is it that this Report after all this time, what does it ask us to do? The resolution is to "take note of the Report", but what is his recommendation? In this Report the recommendation of the committee reads as follows. It is on page 41 of the Report:

"The Committee recommends that the Order made pursuant to section 123(2) of the Constitution should be subject to urgent review, with the view to the establishment of well-defined guidelines for the selection of a Commissioner and Deputy Commissioner."

The committee is recommending that:

The Order made pursuant to the Constitution be subject to urgent review with a view to putting in well-defined guidelines to select the Commissioner and Deputy Commissioner.

What does that mean? A review by whom? By the Parliament? By the Office of the Attorney General? By whom? And this to me, with respect Madam, is an indictment on that Government, the present Government, and it is testimony to the incompetence of the Government. [*Desk thumping*]

Because you see in the 2015 manifesto of the Government, that was a priority item for the Government.

Madam Speaker: You will have your opportunity to speak, please.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam. On their manifesto in 2015, pages 23, 24 dealing with the police service, I quote:

“One of the first priorities for the PNM Government will be to go immediately to Parliament to amend the present cumbersome procedures for the appointment of a Police Commissioner and his Deputies, so that permanent appointments to these critical offices can be made by the Police Service Commission in the shortest possible time.”

So this was a priority, a promise made to the people of Trinidad and Tobago. And why? In their manifesto they explained why:

“It is generally accepted that our police service suffers from a lack of secure leadership. There has been an acting Commissioner since 2012 and the use of foreign leadership prior to this was a failed experiment. As a result, the leadership of the Police Service has been in a state of instability for the last 5 years and despite having a special majority in Parliament, the UNC-led regime made no effort to improve the system.”

So as a matter of priority we promise you, our manifesto is our promise, our contract or compact with the electorate that we will do this as a matter of priority.

Yes, the Member for San Fernando West is correct. They came to this Parliament with an order, the 2015 Order. So yes, they came with that Order. Now, that promise made in the manifesto was repeated in this Parliament on many occasions, one being the budget speech of 2016 which at page 20.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1) please. Is this in the Report?

Madam Speaker: I will give you some latitude.

Mrs. K. Persad-Bissessar SC: Thank you very much, Madam. And so again in the budget speeches and during Parliament, they promised to do this very thing,

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to set up a less cumbersome procedure for the selection of the COP. Fast-forward, we have the Police Commissioner Order selection process was done. So that is your first try. What happened to that? Parts of it were struck down in the court as unconstitutional. We argued that here, they did not take us on, usual bombastic—excuse me, usual way they disregard it. I pull that word back. They disregarded what we said, we had to take it to court, struck down.

So your first try failed. And you know what that was to do? To insert the Minister in the process. [*Desk thumping*] It was that political interference in the process. It was not only to insert the Minister, but also to mandate which firm should be hired, because it said you have to go according to CTB, but CTB can only hire wholly owned state enterprises and/or NIPDEC, all of whose boards would be from the political appointees of the Government. So that was struck down, and then what happened now? So we go through the process.

Madam Speaker, \$3.3 million about, later, and then here we are, we received the Notifications. Those Notifications have been the subject now, or those caused the Special Select Committee and that is where we are today. But what is the Special Select Committee telling us? You have to go now and review the same Order.

Mr. Lee: Madam Speaker, Standing Order 53.

Madam Speaker: Yes, Member for Pointe-a-Pierre?

Mr. Lee: I am being disturbed.

Madam Speaker: So Members please, keep your voices low. Remember that, according to Standing Order 53, we cannot have continuous conversation.

Mrs. K. Persad-Bissessar SC: In the Report it is recommended that we review this 2015 Order, noting that part of it was already defective and unconstitutional, ultra vires Constitution, so struck out. The rest of it now goes through the process of select, the selection process, and then a special select committee now tells us, “You know what, you have to review that Order.” What does that mean? That to me is a second indictment and points to, is testimony of the incompetence of the Government. [*Desk thumping*] Almost three years later, the promises that we will do this right away, we still do not have a Commissioner of Police, and in spite of the promises so to do, and the importance of it—

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1), that is not in the Report.

Madam Speaker: Please continue.

Mrs. K. Persad-Bissessar SC: Thank you very much. In the Report it is recommended that we review the Order. I asked again, what does that mean? Who is to do that review? Does it mean we will come back to Parliament? You know what will happen, Madam?—by the time we review again, because it was reviewed once and twice, first reviewed by the Parliament because it was the first PNM Government brought in this 2009 Order. That was reviewed by the 2015, which led to the process that we are now examining. That now, we are saying something is wrong with the Order and we should review the Order. When will that be done? Three years have gone. Are we going to get this done anytime soon? You would have to come back to Parliament, and once again because of the incompetence you may also have ultra vires things inside there. When will we get a Commissioner of Police? When? That was your priority.

You know, I see the hon. Prime Minister throwing up his hands in a way and being frustrated, excuse me, but telling his spouse, “It is a hell of a thing, I have a job where I am responsible for things I have no involvement in.” He admitted a sense of frustration over the process of a selection of a Police Commissioner.

There is an acting—several Members have said how long we have an acting Commissioner? Several Members on the other side. But I think we should be reminded that under this same acting Police Commissioner, together with the same police service, we were able to bring serious crimes down, the lowest in 31 years. [*Desk thumping*]

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1), that is not in the Report.

Mr. Hinds: And irrelevant.

Madam Speaker: So I will uphold the Standing Order objection. We are not talking about crime and so on, we are really talking about the Report. So please continue, not along that trend. Please move on.

Mrs. K. Persad-Bissessar SC: Thank you so much, Madam. So what is the role and function of a Commissioner of Police and a Deputy Commissioner of Police? Why is it important that we get the right candidates to fill these positions? What is important about that? It is really to deal with crime, for the head to be the leadership of the crime-fighting force in the country. That is why everyone is so concerned. That position is of critical importance. But that position must be filled in a manner which the Members have been saying there must not be bias, but there was bias and whatever bias, it must be done without political interference.

Now, listening to the debate, reading the Report, I really cannot find any fatal flaw in terms of the process that was employed. Read the Report, read the verbatim, piles of paper, Madam, and we must thank all those who served on the committee and all those who appeared before the committee. But what is the flaw?

My colleagues have already spoken on issues raised that were seen as flaws, but is it fatally flawed? I want to use an analogy, Madam. I heard the Members speaking about if it is a referee, something about a referee and a judge. Look, that is like apples and grapes you are comparing, apples and oranges you are comparing when you are looking at a Police Service Commission and say it is like a referee to blow the whistle according to what happens on the field. Or it is like a magistrate or a master in a court. Yes, you are comparing two totally different things, and therefore you must end up on a wrong conclusion. So then, where is the flaw?

Those have been answered, the allegations on the other side. My colleagues have gone through the Report, and gone through those and answered those. But when we look at what the Member talked about, the poisoned tree and the poisoned fruit. The fruit of the poisoned tree. I want to ask a question today. When it is that you have a Member of the Government who goes before the public, before this Report was completed, and gave his own opinion as to the candidates who were before the Committee. Yes, you have a Member of the Government going to London—to London—and here it is commenting on the candidates, long before it was done. I am asking, when I read this quotation from the *Trinidad Express*, Tuesday, 24 April, 2018:

I must tell you I was very disappointed that nobody from outside or in this area who would have distinguished himself or herself in this way would have wanted to come back home and bring what you have experienced, what you have learned and what you would give to us in our period of great difficulty. So we were left with the same basket, and of course there were even more holes in the basket because the systems, if I use that phrase, did not work.

This is the statement from the hon. Prime Minister in London when he had a meeting in the diaspora, Reported in the *Express* of Tuesday, 24 April, 2018. Was then the tree poisoned?

Madam Speaker: If you could put that back into what we are debating? If you could relate it to the Report, please. Relate what you read to the Report.

Mrs. K. Persad-Bissessar SC: So, the question then, was the tree already poisoned from even before? Even before this process? Even before this process was completed?

And how did that Member know that nobody from outside had applied, because this Report was not completed, and such matters are kept within the bosom of the committee. So then we ask further. The *Trinidad Guardian*, January 25, 2018, and I quote from the *Trinidad Guardian*:

Asked whether he knew who was on the short-list for Commissioner of Police he responded, and I quote:

I as Prime Minister of Trinidad and Tobago I am the person who knows the least about that and that is part of the stupidity going on in the country.

He said the Parliament had changed the process for the veto of the Prime Minister, but the change is a rigmarole that ends up in a more political situation than that.

Later on in the same article, Rowley said—meaning the Prime Minister, said:

And after millions of dollars spent on the process, the joke about that is at that stage the Parliament says yes or no. So what is the point? All the cost of millions of dollars and it is now five years we have a vacancy. This is the height of a failed process.

So here we have these comments coming forward. I am asking, was the tree poisoned from the very start? I am thinking on that when I am listening to the Member for St. Joseph earlier. I remembered the Member for La Brea making the comments that some votes are more equal than others. I think Madam you were in the Chamber at the time. Some votes are more equal than others. And then referenced me, Member for Siparia, as saying well my vote counts for more.

Then I saw a pattern emerging where it is that if, from the head of the tree, indications are already given that this process is a waste and a failed time, [*Desk thumping*] if that was what was happening, if that is the issue of some votes being more equal than others, votes being more equal than others.

So we look at the Member for St. Joseph again. I do listen to him sometimes, and when he spoke earlier I did listen.

Mr. Hinds: He never listens to you.

Mrs. K. Persad-Bissessar SC: Some really startling statements were made today. I heard at the end of his contribution, I heard the Member saying, “The country failed miserably. The country failed miserably.” Madam, it is not the

country failed miserably, it is that Government. The country had no part of this. They voted and elected you, and therefore again you blame the country now. The country failed miserably.

Hon. Member: Blame the Member for Naparima.

Mrs. K. Persad-Bissessar SC: I am not going there, Madam; I am not going there at all. And do not forget that the Member for Naparima is in the loop as well.

So the Member for Laventille West, who spoke as eloquently as usual—although today I did believe he seemed a little more constrained than normal. He was not as spontaneous.

Hon. Member: He was reading somebody else's Report.

Mrs. K. Persad-Bissessar SC: So I get the impression that someone had written something and given it to him. [*Desk thumping*] That is the impression, but I am sure when he responds he would say that is not the case. And that ties in with the point that was being made by the Member for Caroni Central as to what is contained in the Report, but then what is now coming forward in the contributions today, in the rhetoric from the Members on the other side. So whilst it is in the Report there appears to be a balance, and the Member for Naparima pointed out, listen, there is no definitive find. The find appears to be "maybe".

Mr. Hinds: Definitive.

Mrs. K. Persad-Bissessar SC: Definitive, thank you eloquent Member for Laventille West. Thank you so very much.

Mr. Hinds: Put your thanks in writing.

Mrs. K. Persad-Bissessar SC: So we get the impression then, going back again from the poisoned tree and the fruit, and tying in with the debates that are to be the thread, there is a red thread running throughout this entire scenario. There is a red thread. In the law we say there is a golden thread running, but in this case it is a red thread that started from the very top, compromising in a sense of prejudging what was going to happen before the Report even came into place.

Then we see what is happening in the country. I ask, what is the role of the Commissioner of Police and Deputy and so on? What is the role? It is to protect and serve. That is clearly not happening. I wonder if we have any idea how many murders up to today?

Madam Speaker: Member, I am not going to allow this to turn into a crime debate.

Mr. Hinds: Correct.

Madam Speaker: Member for Laventille West, thanks for your concurrence, but please. Member for Siparia, I am not allowing this to go into a crime debate. We are talking about the Report, so please.

Mrs. K. Persad-Bissessar SC: Thank you, Madam. I am sure we will have another opportunity. I am guided by your ruling. So, the Member for Laventille West, in his argument against the Police Service Commission and the failings therefore that the Member is pontificating with respect to the process by this PSC, the Member talked about the Police Service Commission “coulda” do this, could do this, could have done that, would have done that, should have done that. It is a whole “coulda, woulda, shoulda”, and really just speculating from his own thinking, which the Member is entitled to do, but he failed to show any “def-in-itive”—

Mr. Hinds: De-fi-ni-tive.

Mrs. K. Persad-Bissessar SC: Definitive—any very clear infringement—

[*Madam Speaker rises*]

Mrs. K. Persad-Bissessar SC: —that would affect the material result of what it is the PSC came up with. [*Desk thumping*] And I am reminded of a case law where Members brought action against Members on the other side, the famous or infamous election petitions, where the court found that the EBC had acted illegally—illegally, but said that did not fatally flaw the results that we operated with. [*Desk thumping*] Therefore, Madam, in the same way, it is our view, respectfully, that some of the points raised by Members on the other side, they do not fatally flaw the notification of the decision that the PSC took. In the same way there is no fatal flaw in the decisions that were taken by the Police Service Commission.

So where do we go from here? We note the Report today. I guess we will deal with the Notifications today, tonight or another day, and I would really ask that someone could kindly answer, what would happen to the recommendation to review—to review the Order that is presently the existing law of Trinidad and Tobago.

So, Madam, I just want to close by saying I am not convinced by the argument put forward by my colleagues on the other side that the decision made by the Police Service Commission, together in tandem with the KPMG, the firm that was

hired—it is not our respectful view that whatever may have transpired is so detrimental to the findings and the decision, the final decision of the Police Service Commission, with respect to the names that they have recommended to us.

With those words, Madam, I thank you very much.

Dr. Roodal Moonilal: (*Oropouche East*): Thank you very much, Madam Speaker. I rise to make a contribution on this very critical matter before us, and my contribution was made much simpler because of the comprehensive analysis of the Member for Siparia, [*Desk thumping*] in really raising the central issue as to where we go from here. So we will not engage persons in that now but, Madam Speaker, there are several members of our select committee who spoke earlier, and I think it is really my duty to reflect on some of the issues raised by those who were in the select committee.

I am 50 per cent of a team of two persons, myself and the Member for Chaguanas West, and we did, myself and the Member for Chaguanas West, write a Report and circulated that Report to our colleagues and the media. That Report gave our advice and our understanding of what happened and what did not happen. In that sense, myself and the Member for Chaguanas West, are the only two people on this side who know who did it, who understand who did it. So we have an understanding of the workings of the committee and some of issues that the committee faced.

Madam Speaker, the Member for Laventille West, Chairman of the committee, made several remarks earlier which I just want to reflect on briefly, because it is not my intention to really repeat a lot of what was said before. The Member for Laventille West alluded to an SSA Report. I am hoping that the Member understood that and would correct himself, because there was no SSA Report before the committee or before any member of the committee, or in our packages. So where the Member for Laventille West got SSA Report from, quite frankly I do not know.

I have also conferred with my colleague, the Member for Chaguanas West, and there was never any Report from the SSA. So the Member for Laventille West, unless he has seen some Report and a Report exists in his possession that no such Report was before the committee. I am hoping that the Member would clarify and will indicate to the House that he made a mistake, and there was no such Report, because that is a very critical matter because the SSA deals with intelligence, and the SSA had never been involved or contacted or provided any Report that I am aware of. So the Member in stating that would correct himself I

am very sure. [*Interruption*] What he meant? Well he will tell us what he meant, but he could not have meant the SSA, so he will correct himself.

The Member spoke of the overwhelming involvement in that and so on, and we have dealt with that. Madam Speaker, I just wanted to put on record that this country has spent since 2008, more or less, we have now spent \$10 million plus on trying to appoint a Commissioner of Police and a Deputy Commissioner of Police. We have spent \$10 million plus. Given what we believe is the tenor of today, we are going to spend more millions of dollars on this process now.

Madam Speaker, \$10 million have gone. The first to try with Penn State University, two point something million. The second with NIPDEC, four point something million, and with this exercise another \$3.5 million more or less. So we have spent the money. The Member for Siparia, of course, spoke of the genesis of their eager and their eagerness and their zeal to have a Commissioner of Police. It was a manifesto commitment and they proceeded with that.

I was also taken aback because the tenor of the Report which we have read and studied, and so on, did not in any way reflect the intensity of the contributions made today by Members opposite. [*Desk thumping*] Because when we read the Report we felt that there were points in the Report, which we have stated as well, there were observations with which we agreed. We agree on some of the observations; we agree on that. In fact, when we were at several meetings and we looked at the screen with the Report, there were points in times in which myself or the Member for Chaguanas West made editorial corrections and made some suggestions and so on. So that the Report reflected, we believed, some type of balance in its language at least.

But today the intensity of the Members speaking suggests that there is a lack of alignment between what they are saying today on the floor, and what they have committed to in writing in the Report. [*Desk thumping*] And that is a question that we can pose as to why.

8.40 p.m.

The other major issue, of course, is that at no time in meetings did we discuss or reach the issue of having made all these observations and these findings, “what is to be done?”—that famous question of Lenin. “What is to be done?” So that the Report left it with, these are our views, the people did A and B and C and, forget that, the House can decide what is to be done, and we were taken aback with that.

Madam Speaker, for the record I just want to state something here very relevant to this process. Today, I had cause to call the Attorney General and

indicate to him that a Report was circulated today, it came to me at 1.21 p.m., nine minutes before the Parliament started. It was a Report we had met before and we had agreed on several issues and ironed out, so to speak, but I still had nine minutes before the sitting to look through it to see if any of the contentious matters—

Madam Speaker: Are you talking about the Report that is before the House?

Dr. R. Moonilal: Yes, Ma'am.

Madam Speaker: Are you talking about this Report?

Dr. R. Moonilal: No. I am not talking about—

Madam Speaker: No. I am not going to allow you to do that.

Dr. R. Moonilal: Sure.

Madam Speaker: If you are talking about this Report, fine.

Dr. R. Moonilal: Sure. Thank you. Madam Speaker, on the day this Report was presented, this one, the one we are dealing with now, the one we are talking to now, the one we are reading now, when this Report was presented, Madam Speaker, as a member of this committee I did not see the final version of this Report before it was presented [*Desk thumping*] as I did today with another Report which I will not discuss.

So, when persons are saying that there can be no minority Report and they have no minority Report—and that is fine, I have no problem with that. There is a Report in the public domain, everybody will see it and read it, [*Desk thumping*] it would be on the Internet and so on, I have no problem, I am not quarrelling over that. But in principle, you cannot table a Report, lay a Report in the House when Members have not had sight of the final Report [*Desk thumping*] because you cannot decide to do a minority Report based on a draft. You have to do a minority Report based on what is the final product, so I leave that there and move on quickly. So there is a Report of the minority of Members, let us leave it there, not a minority Report.

And, Madam Speaker, the Member for La Brea, of course, spoke and it was fascinating the Member for La Brea in our committee deliberations and so on, was actually the member who best explained the Borda count approach, when we were going through this and asking about this approach and so on, the Member for La Brea was the one who best explained it and, in fact, many of us understood it better when the Member for La Brea explained the process used.

And today, the goalpost changed somewhat, because in the verbatim notes which I have all here, the Member for St. Joseph's concern, this is in the verbatim notes that I have here, his concern in the notes was that that methodology was flawed, he said that could lead to manipulation and cloning and all types of things, that is in the verbatim.

Today, the Member for St. Joseph said, "No, no, no, we are not concerned with that method, you know, we are concerned with how it arrived", it dropped from the sky, but in the verbatim Report it was concerned with the method, it was flawed according to colleagues opposite. Today, we did not hear of that.

A lot of things mentioned in the verbatim Report, we have not heard of today, eh, because the goalpost has changed somewhat, they moved it, so the Borda count matter came up there, which we discussed. And I do not want to add, I think the Member for Pointe-a-Pierre was dealing with that in some detail. I mean, something must be right about a method that was invented in 1435 and people are still using it today. [*Desk thumping*] You are still using a method invented in 1435, something cannot be wrong that that survived so long to be used by universities, international organizations, countries in elections and so on, Madam Speaker.

The Member for La Brea, of course, some votes more than other, we dealt with that, I think the Member for Siparia addressed that as well, in that.

Madam Speaker, from the tenor and from what we are hearing today by colleagues opposite, and it was mentioned earlier, I think it was the Member for Chaguanas West who touched it. You know, when I reflect on this, the former Prime Minister and former Member for San Fernando East, may his soul rest in peace, Mr. Patrick Manning, you know, at least, he had the courage to do what is indecent. He called Mr. Williams and said, "look, you are not in our plan, get out".

Madam Speaker: You see that word?

Dr. R. Moonilal: I will withdraw.

Madam Speaker: Please, withdraw that word. You are very skilled that you can find a better word.

Dr. R. Moonilal: Yes. Thank you very much for the compliment, Ma'am, and I will withdraw the word "indecent". He had the courage to do what he—

Mr. Deyalsingh: Madam Speaker, 48(1). That is not in the Report.

Madam Speaker: I will give you some leeway, please,

Dr. R. Moonilal: Thank you. Madam Speaker, quickly let me say that the former Prime Minister had the courage to do what he believed to be right, because we heard the story today where he invited Mr. Williams and said, “we have a plan, you are not in our plan”.

Today, we have a situation where this committee and “all ah dis rigmarole” is to lead to the same issue. [*Desk thumping*] You are not in our plan, it is the same story today. So, Madam Speaker, we could have had the dignity, we could have had the courage to do it.

Madam Speaker, the Member for San Fernando East, I think it was probably his maiden contribution today, but, the Member for San Fernando East raised an important issue which I thought I would reflect on, using the two Legal Notices 219 and 218—

Madam Speaker: Members, Members, again, I remind you all of Standing Order 53 in terms of running commentaries and volumes. I want to hear the Member for Oropouche East, please.

Dr. R. Moonilal: Thank you very much, Ma’am. So, the Member for San Fernando East raised the issue and was focusing on Legal Notice 219 in which the Legal Notice deals, Madam Speaker, with the qualification and selection criteria. And I want to state, unless persons who do not know—you know what is the fundamental and only difference between the qualification for Commissioner of Police and Deputy Commissioner of Police?—1,825 days, they must have five years’ experience in law enforcement as a differential. So, to be Commissioner of Police or Deputy Commissioner of Police it is 1,825 days of distinction.

They all must have degrees and they spell out degrees here, law, criminal justice, criminology, et cetera. For Commissioner, you must have no less than 15 years, but for Deputy Commissioner of Police you must have:

“...no less than ten years...”

And, Madam Speaker, let us for the record, you:

“...shall not be a bankrupt and shall not have a conviction for a criminal offence”.

So, you are dealing with two positions in which the only fundamental differentiation—this was a matter raised by the Minister of National Security today, who spoke about the differences in qualifications and criteria for the Commissioner of Police and the Deputy Commissioner of Police and—

Madam Speaker: In fact, what I want to say is—and this is the difficulty about speaking late in the day, it is not only, as you pointed out, that the Minister of National Security spoke, while they may not have said the 1,800 whatever days, I think, quite a number of speakers spoke about the five-year difference being the only difference. So that, at this time we are sort of bordering on tedious repetition. So, unless you are coming with a different slant, I would ask you to go on. Okay?—because that point has been flogged even in terms of the Report about day and night, et cetera, that has been said several times.

Dr. R. Moonilal: Madam Speaker, let me go to the “unflogged” point raised by the Member for San Fernando East. The Member for San Fernando East was reflecting that in the qualifications they have no less than 10 years or 15 as the case may be, “...of increasing responsibility in law enforcement”.

Dr. Gopeesingh: Correct.

Dr. R. Moonilal: Correct. And suggested, and I think with the agreement of his colleagues opposite, suggested that a major problem with the Report was that, coming down to the end to what was the final stage, more or less, that the Police Service Commission, and this is in the Report before us, Madam Speaker, and I just quote very briefly:

“The Report of The Firm containing a list of persons deemed suitable for selection as COP or DCOP based on the assessment.

Additional information in relation to each candidate including...

Now, additional information, that term “additional information” is also routed in the Legal Notices, in that when the firm is completing its work and it goes to the Police Service Commission, the Police Service Commission has a right in law under the Order that they can apply additional information to make their decision. So that the term “additional information” is in the Legal Notice.

And in “additional information” the PSC, Police Service Commission, used seven-plus areas of additional information, and hear them:

- i. Command Ability
- ii. Police Service Experience
- iii. Security Vetting
- iv. Risk—And They Explain What Risk Is
- v. Integrity
- vi. Vision
 - 1) Skills And Abilities;

- 2) Qualifications;
- 3) Training And Competence;
- 4) Work Performance;
- 5) Personal Qualities;
- 6) Potential For Future Development;
- 7) Contributing To Team Performance And
- 8) Background.

Hon. Member: Would the Member give way?

Dr. R. Moonilal: No. Please.

Hon. Member: But there are some corrections.

Dr. R. Moonilal: The speaker after will correct. Madam Speaker, the police service experience as I am reading from page 38 of the Report, is that you can bring additional information and use it to help with your decision. It does not mean that anyone who does not have police service experience suffers, again, a fatal blow, but you are applying, you are seeking leadership of a police service organization, so if you have experience in a police service organization, it helps you. [*Desk thumping*]

If you are going to become the editor of a newspaper and you worked in a newspaper before, it may help you, but if you never edited anything in your life or never worked with a newspaper, you are a mason or a carpenter and you are trying to become the editor, clearly that will not help you as much as if you have experience there.

But the image and the portrayal today is that when the Police Service Commission said police service experience, it was against the law, in that the law said experience in law enforcement, and now you are asking for police service experience. But clearly, police service experience will useful, but that is not the definitive issue, you are not being marked on that or on that alone, it is a combination of what appears to be 14 different areas.

So, Madam Speaker, it is a combination and yes, there may be a candidate who is not a policeman or was never a policeman, but that candidate has about 14 other areas to be considered in [*Desk thumping*] apart from police experience, but there is another implication here.

So, what about the man or woman, as the case may be, who has 29 years' experience in the police service? Are we saying that that person should not be enjoying a couple of percentage points or an advantage of some kind? They have

spent 29 years in the police service, seeking to leave the police service today, and someone with not an hour's experience in the police service would be on par with them when you look at 14 different criteria in the final selection process; something is wrong with that. There must be something about someone who spent 29 years in the police service as opposed to someone who has experience as a tutor in Greek dialect or something like that, there must be a consideration.

So that is all that happened here, it is not a breach of the law, it is not a fatal violation of the legal order, and, Madam Speaker, I thought I would raise that because it was raised here.

Now, there was another matter that we had snippets of today and I thought I would just deal with it. Snippets came out today, it began with the Member for Chaguanas West, the Member for St. Joseph and so on, and it revolved around the role of the Police Complaints Authority which is cited in the Report as well, and in which it played a significant role, I believe, in all the deliberations of this committee.

You see, Madam Speaker, let me begin by saying that, many organizations came to our meetings and were forthright, none came arrogant, none came, you know, with any other motivation; they gave their evidence. When we asked for additional information, they gave it as well, so that there was never at any point a thought that any group or any entity was not forthright or so on, some would have been more helpful than others.

But, a troubling matter arose. You see, Madam Speaker, it arose and it is in the verbatim Report extensively that sometime in the year 2011 there was a complaint made against one of the candidates, a complaint was made. And in 2011, the complaint was made, but in 2012, an investigation began.

The matter appeared to be dormant for six years and sprung to life when the candidate was identified as a person being considered for the appointment for either the COP or the DCOP as the case may be. But several discrepancies arose during the testimony, and they are all captured in the verbatim Report. We had a contradiction between evidence given by the Police Complaints Authority and evidence given by the Police Service Commission.

Firstly, the Police Complaints Authority claimed that the matter was not dealt with after many years due to a backlog and internal challenges, whatever "internal challenges" may be. They said that the organization had started around that time, they did not have staff, they did not have institutions in place and so on. They also told us that the Report on the candidate went to the Police Service

Commission as a matter of course, as part of their normal dealings with matters and making relevant recommendations to the authority.

In fact, it is stated in the verbatim Report that according to the PCA it was coincidental that the matter of a Report of that particular candidate appeared at the same time when the person was being considered for appointment; they said that it was coincidental. But the Police Service Commission submitted that the PCA sent that Report pursuant to a request made a few days ago in November, 12 or 13, 2017, a request was made, and then the Police Complaints Authority sent its Report to the police pursuant to that.

I asked, “was there any Report of any other policeman since it is the normal course of activity”? The Police Service Commission said, “no, we only received this one Report because we asked for that Report, we asked because we are considering these people”, so there was a discrepancy one time there.

The other matter is that we learnt from the Police Service Commission, not the Police Complaints Authority that they had an internal memo which they copied and gave to the Police Service Commission, it was part of a package that moved from the Police Complaints Authority to the Police Service Commission. And that was a letter written by an attorney-at-law they later described as “junior”, whatever that means, that stated that the matter involving one candidate be discontinued for want of evidence.

Now, we did not learn that from the Police Complaints Authority, we learned it from the Police Service Commission. So, the matter, it was recommended internally by what later we were told by the PCA to be a junior lawyer that the matter be discontinued.

So, Madam Speaker, the information came from the Police Service Commission, they have the letter it is on the file and so on. The PCA then wrote a letter to us trying to explain, I think, some Member earlier made a thing on that.

When we asked and I asked, it is in the verbatim Report, I asked: “Could you tell us the rank of the candidate in 2011 when the complaint was made”? I was told that the matter—they cannot tell me that, because the rank was the source of some controversy as well; I left it there.

Now, the rank of a police officer is a matter of public record, you can investigate, you can just do something under the Freedom of Information or something and you will know the rank of a police officer at any time in his or her professional life.

There was another matter raised, Madam Speaker, and I was not allowed to pursue that matter, but I just put it for the public record here in the Parliament, I was not allowed to pursue the matter.

I put to the Director of the PCA whether or not he had knowledge of one of the candidates, and whether or not that knowledge of one of the candidates would have in any way posed an issue of apparent bias one way or another. I did not accuse the gentleman of being biased, I never accused him of anything. I said you had a knowledge of someone who was a candidate, and clearly, if you were involved in that way and had a knowledge of someone who was a candidate, it may have posed a problem. I posed the question to—*[Interruption]* Sookram, no, I “doh know” about that, I will come to that. He did not mean Sookram, he meant somebody else—but, the Director of the PCA was not allowed to answer that question.

So, Madam Speaker, we found it, myself and my colleague, the Member for Chaguanas West, as passing strange that a matter that was dormant for six years—where an attorney inside the organization recommended, discontinue for want of evidence, reared its head six years later when a candidate was announced as someone who may be appointed; it came up.

When the matter went, and I want for the record to state this, because there is misinformation—today, came out. When the matter went to the Police Service Commission involving a candidate, and a recommendation of disciplinary action, the Police Service Commission called on the candidate for an explanation as they are duty-bound to do. They are duty-bound to call for an explanation pursuant to some principle of natural justice and so on, and the candidate gave an explanation.

The service commission was then divided, it is at that point there was a casting vote. Two members of the commission wanted further investigations into this disciplinary charge, and two members said, “no, we have received this late”, six years later, there are court judgments which speak to the issue of taking action against public officers after four years, far less six years and so on, abuse of process, and in any event, the candidate had replied in writing on the matter.

There was a division there, two/two, and the chairman put a casting vote and made it three/two. There was never any casting vote on the matter of the choice of Commissioner of Police or Deputy Commissioner of Police. *[Desk thumping]* There was never—that matter to my understanding, it is in the record, it was three/one, four persons. *[Desk thumping]* A casting vote came as to whether the commission should have a further disciplinary investigation, two/two and the chairman put in a vote, made it three/two; so we deal with that one time.

Madam Speaker, I also want to state for record that as the Member for Siparia said, the Police Service Commission now faced a situation by January 2017 or thereabout where a court had struck out elements of an order, and they had to work if you understand what happened, it is a fascinating experience for a commission. They began with an order from the Parliament and said, “yes, let us now implement our order from the Parliament, the Minister will trigger this and the Minister will get the firm and so on, that is what the Parliament approved, so we working with that”.

Half-way through the operation it goes to the court, as you were warned and advised in this House by the Member for Siparia, you were warned. The judge went and struck out elements of the order and told the Police Service Commission, “go and implement this now”, and the commission had to work with that. What did they do, Madam Speaker? They quickly consulted Senior Counsel, attorneys, to interpret what they had to do because they could not go on the order from Parliament; they had the judge, the decision of the court.

Now, I had to also clarify something. I am not sure in the real world, when a judge issues an order or changes an order and makes a judgment, you cannot call him and say, “Mister Justice, we want to see you for a few minutes, what ‘yuh’ mean by this and that”? It does not “work so”. You ask for legal advice, and the lawyers interpret the judgment and say, the judgment means this or it could mean that, and this is what happened.

So, the Police Service Commission had to change track and, you know, do some gymnastics there to understand the new scenario and they needed help. They went to Senior Counsel—the records are there, they went to Senior Counsel four times. In fact, they kept informed by Senior Counsel they told us, orally, in writing and so on.

But, Madam Speaker, you know what is instructive here is that the only legal advice that this Special Select Committee got and, again, correct me if I am wrong, the only legal advice we got or which we asked for was on the issue of quorum. At no time did we get or did we seek any further legal advice.

Now, people are making a lot of statements today on law and this committee never asked for legal advice to clarify those statements of law, because we were not there as a judicial committee. We were not a judicial committee, so to make findings that deal with law when we ourselves did not seek to clarify or seek legal advice from Senior Counsel or other sources, it is a bit disturbing that you can make findings of law, that “they broke the law”, that “they violated the law”,

because you “doh” have the facts, you “doh” have the law, you “doh” have the Constitution, and what do you have? Right?

Madam Speaker: Member for Oropouche East, your original 30 minutes are now spent, you are entitled to 15 more minutes if you wish to avail yourself of it. Yes?

Dr. R. Moonilal: Yes. Thank you. Madam Speaker, so, we had no advice like that. There was another point and I will just go quickly into it because I want to look at something much more important for me. We sought, the committee did seek external HRM advice. Now, our committee is a committee of Members of Parliament, it is not HRM experts although some persons may have some training there.

HRM and human resource management organizational theory and behaviour and so on, they are subjective areas. If you go to two academics at the university and you say we want to recruit a CEO, they will have two different approaches. In the media if you have to recruit an editor in the *Guardian* and one in the *Newsday* or *Express*, they may use two different approaches, it is not that one is right and one is wrong, it is that they are different approaches.

I am not sure that a committee of the Parliament could reflect on these human resource management techniques [*Desk thumping*] and decide what is wrong and what is right, what is best practice and what is not best practice, I am not sure you can do that. The Constitution and the law gives the Police Service Commission the right in law to appoint, to select pursuant to Parliament, to select and submit to the President to go to the Parliament, a Commissioner and Deputy Commissioner of Police.

Madam Speaker, there is a very uncanny almost cruel resemblance today to a date in July, July 04, 2008 when this matter arose, and a star speaker on that day was the Member for Diego Martin North/East and it is related to this. You see, it is the same exercise that took place when there was a rejection of someone, but on different grounds, not today. The grounds then were that the person was too young, the person did not have operational experience and the process was long and delayed. Today, I do not think that they are looking at experience and that process, but in that there was an important debate that I looked at.

You see, Madam Speaker, when you go to analyse and to look at the work of a police service commission or a service commission that operates independently, there is a presumption of regularity in law that they have acted properly unless

you can prove mala fides, you can prove that they act in bad faith, that what they did was fraudulent, that what they did was corrupt, what they did was dishonest. If you can prove that or you have, you know, adduce evidence to suggest that, you can challenge.

But I am of the firm opinion, Madam Speaker, that you cannot challenge an independent service commission on the basis that if we were doing it, we would do it differently, on that basis [*Desk thumping*] where you cannot find a fatal flaw in law—not in human resource management, in law that they have—no one in the Government’s side today has said categorically that the Police Service Commission broke the law. [*Desk thumping*] They argued the issue of law enforcement experience and police service experience, I think that is the closest we got to the legal issue.

Dr. Gopeesingh: They are biased.

Dr. R. Moonilal: So, Madam Speaker, they argue bias, and I want to touch on that, thank you so much for reminding me. Now, the person who they are accusing, and they called his name, I think it was Ramkissoon, of having bias. That person came out, up front at the beginning, from the time “de thing start” and the names became—

Madam Speaker: Member for Oropouche East. Member for Pointe-a-Pierre, I think you might be disturbing your Member. Member for Oropouche East. [*Crosstalk*] He has not asked for protection. Member for Oropouche East, continue.

Dr. R. Moonilal: Madam Speaker, the gentleman in question that they are calling the name here declared up front, declared up front for the world to know that he had a knowledge of a candidate 20 years ago.

What the committee went on to state, it is remarkable, they said that the Police Service Commission should have investigated that, probably hire private detectives to follow them and look in their neighbourhood and go by “de neighbour house and see if they does talk” or if, you know, if “dey does meet by the beverage place” or if they have—that is ridiculous. When the President appoints [*Desk thumping*] members of a police service commission, it is on the basis of specific skills according to the law and there is a presumption of regularity unless that you can prove otherwise. [*Desk thumping*] So, no one today has argued categorically that the Police Service Commission broke the law.

9.10 p.m.

The other point is, no one has argued that the decision is perverse, is obscene, because if you have a case where nominees are brought and so on, and that decision is so obscene, it is so perverse, you cannot be serious. Then you may have some argument. But that is not the argument today. The argument today is on process and generally meant to be organizational theory, management, human resource management and so on—which is subjective. In the Report from Catherine Hughes, I think is the external person, in that Report the person is saying, there are three ways I have to do this. I have to do three things, but I cannot do the three, I could only do one, because I am not there. I can only do a desk-top survey. I am not there to interview the firm, I am not there to interview the stakeholders.

Then the person ends the Report by saying all the questions I have raised, if you would consult with the firm they may answer all of that. That is in the Report here. [*Desk thumping*] That is here. If you would ask the firm if they would clarify that. Correct. You know, in the committee meetings when we raised the issue, could we call back the firms and put to the firm that we have had this Report from an external expert, could the firm respond to this? We were told, “no, no, no, we hear from them enough; they cyar help we no more; we cyar hear from them no more.” No, no, no, no, we heard enough from them. They would not be able to explain.

Madam Speaker, when the matter arose with this Borda count matter, and persons said they cannot understand that, we ask, could we call back these people and ask them to explain it again, because clearly some people said they are confused. We were not confused, myself and the Member for Chaguanas West. [*Interruption*] Madam Speaker, the Member for San Fernando East is “bumping his gums” with some inanities; you must help me.

Madam Speaker: You need my assistance?

Dr. R. Moonilal: Sure.

Madam Speaker: That you yourself, from what you just said, apparently joining in that same company. So, just withdraw that and continue. Member for—I just want to advise all Members, particularly the bottom part of the Chamber, sometimes you do not realize that the sound filters up, and therefore, please?

Dr. R. Moonilal: Madam Speaker—

Madam Speaker: Right, so you withdraw that nice, lovely statement and continue.

Dr. R. Moonilal: Madam President, I want to withdraw that statement, and I hope the bottom part learns the lesson that you gave them. [*Laughter*]

Madam Speaker, the problem of bias, the Member for Chaguanas West, I think he explained that perfectly with bias and so on. They can say it whole night they want, but it will make no fundamental difference. What are the issues today before us? The issue, Madam Speaker, is, did the Police Service Commission act in all times legally? Did they act in a fair manner? And did they act in a reasonable manner? That is the issue. The issue is not whether if we were there, and I made the point in the very first meeting, the Chairman would remember. I said we are not here to second-mark. We are not an external examiner in a UWI system, where you read over a paper to change the mark. We could not do that. We were not qualified. We ourselves are not qualified to do that. We are here just to check if these people acted legally, fairly, and reasonably. [*Desk thumping*]

And once they did that there is a limit as to your challenge, and in the circumstances if you cannot prove that the Police Service Commission breached the law, were unfair, because that is what somebody said earlier today about this fairness issue, that if you cannot prove that you really have no argument. Because the external expert told you the issues. You failed to contact the firm. And I want to say, Madam Speaker, what was amazing during this cross-examination and so on, is that the firm that was hired stood strong and articulated well. Every single issue raised, they articulated, they explained all the way. [*Desk thumping*] All the way.

And the Member for St. Joseph raised another matter. Because, you see, Madam Speaker, when you come out to nit-pick, you nit-pick. When you come out for that, you come out for that. The Member for St. Joseph, a dispute among the Members before us and so on, Madam Speaker, I am sure there would be a dispute in Cabinet. There are disputes anytime you have committees like this; somebody will not agree with somebody. That does not make a process flawed because two people do not agree.

Another major issue that arose in this matter, in the meetings but did not arise today, interestingly, one member kept asking, what is your qualification? What is your qualification? You have no formal training. You have no formal training, to the Police Service Commission members, only to discover that they had about 85 years' experience in management. They were involved in executive recruitment

and what have you. And, Madam Speaker, in any event, the court said that the Police Service Commission—do you know they did not even need to hire a firm? They could have just done everything themselves.

Mr. Hinds: They must not hire a firm, no, that is not true, man.

Dr. R. Moonilal: But, in the judgment, the judgment said, if they chose to hire a firm or if they did not.

So, Madam Speaker, [*Interruption*] I want to lay that to rest for now, but to put it on the record—[*Continuous crosstalk*]

Mr. Lee: Madam Speaker, my colleague needs protection.

Madam Speaker: Please continue.

Dr. R. Moonilal: Yeah. So, Madam Speaker, the Police Service Commission decided, with legal advice, that they would take ownership of this matter. Ownership for them but not for my colleagues opposite, meant they will participate. My colleagues opposite wish that they were observers, and my colleagues opposite may have a point, I am not saying no.

The Chairman put a question to the attorney Martin George. He said if you chose not to participate in that way would you have been breaking the law? Mr. George said no, we would not have been breaking the law. Correct? I put the other question to him after. I said, by participating that way did you break the law? Mr. Martin George said no, they did not break the law. Well, both was his opinion. So you have to listen to both sides. So, they followed their legal advice as they went through their business, ending with an approach that my colleagues opposite do not like, for one reason or another, and that is fine.

But, I put it to you, Madam Speaker, I suspect that the Government will not support anything here. This process may or may not have to continue sometime again. We will spend some more millions of dollars doing this. There would be no approach used by any company, any firm, that everybody would be in agreement with. There would be no approach. Another approach would be used and someone would stand and say “no, no, no, how could you do that?” But that is a human resource management. Those are management issues. Those are management issues, and they are not issues of law, that you broke the law.

In all these processes there will be different approaches. For example, some members felt that there should be a job analysis. I think they are waiting for a job analysis in the public service now for 18 years. And a job evaluation. And, Madam Speaker, you could have had a job enrichment, a job enlargement, a job

description, a job specification, you could have a job, job, job, everything. You will always have those types of arguments. *[Interruption]* That is it. And when the firm got involved, they said since in the law there was only a difference in years between the thing, they had what is called a single competency framework. Now, my colleagues opposite made an interesting point. They say when you interview a person, man or woman, they apply for one position, they do not know they are being tested or they are being interviewed for another position.

Now, the person who is the nominee for Commissioner did not apply for that. He applied for Deputy Commissioner. So, we wondered what would have happened if he knew he was being assessed for Commissioner. Instead of 82 points he “mighta geh” 99 *[Laughter]* because he did not know it was that. So, it cuts both ways. When people go for an interview, you give the best that you can. You give to the best you can. There is a story in the newspaper. I think, just today I read, someone went for an interview for one position, IT expert, and they were interviewed and the person said you are better at another position, would that be okay? They said fine, they are better at that. So, those things by itself, you may disagree with the approach, but that does not mean the approach is illegal. It is unreasonable, it is unfair. *[Desk thumping]*

Two persons unsolicited sent in letters and said that they cannot remember, or categorically they were not offered or asked if they would. Two persons. The other 10 did not write, did not communicate, did not say anything, because this was live on television. So, if one is too much, fine. But ending today, Madam Speaker, and I would end now, because I must end now. *[Interruption]* Well, the Member for Diego Martin North/East, Madam Speaker, yes. Madam Speaker, ending now, nothing is wrong if we take the recommendations from Members opposite. One, in the next procedure—sorry.

Madam Speaker: Your time is up. *[Desk thumping]* Member for Diego Martin North/East.

The Prime Minister (Hon. Dr. Keith Rowley): *[Desk thumping]* Madam Speaker, it has been a long day. It has been a not-small Motion, it is a very far-reaching Motion with serious consequences.

But I join this debate, Madam Speaker, to respond to a number of positions taken with great emotion, and my colleagues on the other side. And let me begin, one time, by saying that I have heard what was said from the *Hansard* and what was said on the other side. One Member of the House was sleeping whole night, soon as “he wake up”, had one point to make, “that the Government not agreeing

with this because we doh want an Indian.” I want to tell the Members on the other side.

Dr. Moonilal: That was not on the record.

Hon. Dr. K. Rowley: I want to tell the Members on the other side—
[*Crosstalk*]

Madam Speaker: Prime Minister, I had that struck—I had that withdrawn and I had that struck. I really do not want the debate to go that way. Please!

Hon. Dr. K. Rowley: Madam Speaker, I am not questioning your ruling, and I am not here speaking to my colleagues on the other side alone. As Member for Diego Martin West and Prime Minister of Trinidad and Tobago, I am speaking to the people of Trinidad and Tobago. [*Desk thumping*] And I trust that you would give me the latitude to express what I think I need to say, which is not word for word, and I know is not unparliamentary.

Madam Speaker, the point I am making is this, I was part of a government when a commissioner called Kenny Mohammed was the Commissioner of Police in Trinidad and Tobago, and I was not in the Parliament, but a government which I was a part of, turned down the appointment that was recommended here for Stephen Williams, and I therefore think that none of my colleagues on the other side could or should be making a case that this matter has anything to do with the racial complexion of the individual. [*Desk thumping*] And I need to say that to the people of Trinidad and Tobago. Because, unlike in America, where the issue of race is always out front, in Trinidad and Tobago, we bury under the carpet and raise it conveniently, political.

Mr. Lee: Madam Speaker, 55(1)(b), please.

Hon. Dr. K. Rowley: What is your point?

Mr. Lee: 55(1)(b). That has nothing to do with the Report. [*Continuous crosstalk*]

Madam Speaker: Continue. [*Desk thumping*]

Hon. Dr. Keith Rowley: Madam Speaker, I prefaced my comments by saying, I join this debate—it is a debate, I am responding to positions taken.

Madam Speaker, why are we here? And what are we doing? We are here because, not for the first time, we have been asked to carry out an assignment with respect to the appointment of a Commissioner of Police, by way of accepting a recommendation from a Police Service Commission. If my memory serves me

right, this is the only time that, when a recommendation came to the House, from the Commission, by way of the President's Office, there was an outcry and uproar in the country. It was the subject of public discourse across the country, about whether in fact the process had been properly done. By the time the matter came to the Parliament, it had already caused a number of persons in the public domain to be questioning the process. And that is why when it came to the House, given the volume of concern among the population, we in this House, the Government leading the charge, asked that the House be assisted, by the matter being taken for a Joint Select Committee—

Hon. Member: Special Select Committee.

Hon. Dr. K. Rowley: Special Select Committee of the Parliament to examine it, to see what was the basis for the public disquiet that was populating the public discourse during that time. So let us not tonight pretend that it is something that the Government came here with today against an individual. There was a basis for this matter being sent to a Joint Select Committee.

Mrs. Robinson-Regis: Special.

Hon. Dr. K. Rowley: A Special Select Committee, excuse me, Madam Speaker. And, Madam Speaker, today, the first speaker on the other side, my colleague the Member for Chaguanas West, who has been wrongly congratulated by his colleagues, he led the tone, and the gist of what he said, and the specifics of what he said in ending his contribution was that the commission made this recommendation, has recommended Mr. X, so, appoint the man. In other words—and his colleagues followed it right up to the very end here that this Parliament is a rubber stamp, and that we are not entitled to examine the offerings of the commission, even when there is public disquiet about how the commission arrived at its position.

Madam Speaker, go back to the media coverage of this matter and you will find that even members of the said commission were having commentary in the newspapers about their own concerns, about their own work, so by the time it came to the Parliament there was a problem. The first time we dealt with this matter with a commission's recommendation it was never sent to a commission, and the behaviour of the commission, or the work of the commission was never an issue. In the case of Stephen Williams, I was not here, I have read the discussion, and I discovered it was about his fitness and suitability and readiness. In the case when Gibbs/Ewatski group came in, it was whether in fact it should be a foreigner as against a local.

On this occasion, the public concern was whether the commission had been manipulated, whether the commission had acted in keeping with the Order. So today, to tell us on this side that we are to just accept it and move on, when there are questions that the whole operation might have been manipulated. And, Madam Speaker, if there is any chance of that being so, then we would be the laughing stock to ourselves, because the whole reason why this matter is before the Parliament is because we changed the previous arrangement under the Manning Government to put in place this arrangement, and if this arrangement allowed a manipulation so that unknown hands appointing the Commissioner of Police for unknown reasons, then that would be a joke that they could not even laugh at. Because the very thing that we try to prevent is what would have happened.

Madam Speaker, if I go to the *Hansard* of a presentation made by my colleague the Member for Siparia on the 26th of June 2010—2010.06.25—25th of June, 2010. This is one month after the Member for Siparia became Prime Minister. And let me quote for you, Madam Speaker, just to—I am quoting so that the point could be made. And I am quoting here from the Member for Siparia, when the House had before it a recommendation in a similar vein, through a similar process, albeit twice as expensive, it was done by Penn State. It was Penn Justice Department, where that cost \$7 million, and the recommendation came in a similar way. Commission to President House to House. When it came to the House, the number one candidate then—and forget his or her race—was a fella called Neil Parker. Neil Parker was the outcome of that process. I want to ask you, Madam Speaker, and the rest of the country, have we ever had a commissioner, a Neil Parker?

But if I listen to my friend the Member for Chaguanas today, who ended on his high emotional note, the commission recommend the man, appoint Dulalchan! Well, the commission had recommended Neil Parker after a process which was not questioned in the way this one was, which did not create public outcry. [*Desk thumping*] As a matter of fact, I was over there when my colleagues were over here, and we came here to appoint Neil Parker. It was my colleague from Siparia, the hon. Member for Siparia who spoke, again, very eloquently, and we did not have Neil Parker. You know why? Because the very thing that they are denying us today, and saying that we should not participate, by saying we do not agree, they said we will have no Neil Parker, commission or no commission. [*Desk thumping*]

So, when it suits them, appoint the man because the commission say so, and when it does not suit them, and the commission say Neil Parker, we never had

SSC Constitution Notifications
[HON. DR. K. ROWLEY]

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Neil Parker. Listen to what she had to say, Madam Speaker, my colleague the Member for Siparia. She said:

“What had happened”—talking about the change from the veto to this new arrangement—“was that the Parliament replaced the veto power of the Prime Minister”.

—that was a negotiated position between the UNC and PNM then, to get the laws the PNM wanted passed. To get the laws the PNM wanted passed to fight crime the UNC laid down that as a condition. Because, in those days all that used to happen is the commission that they lauded today again, the independent commission, used to recommend a Commissioner of Police, and all that used to happen was that the Prime Minister could have examined it, and if he, most likely, mostly likely, if he, as head of the National Security Council, among other information that he may have, if he is not happy with the recommendation of the Police Service Commission, he had a veto. He could say, no, and ask the commission to look at the next person. And this country was in order, in peace, and in quiet. It was the Opposition who felt that that was political interference, and it was political outcome.

Madam Speaker, I ask you today, if the Prime Minister's quiet veto to a commission's appointment, a recommendation I should say, was so bad, is anything more political than what is happening here now? So, in other words, the second state turned out to be far worse than the first. [*Desk thumping*] The cure by itself is worse than the ailment. That is what we are experiencing now. But let me get back to what she said:

“In effect, you may say then that the Parliament now has the veto power to approve or disapprove nomination coming from the Police Service Commission.”

Let me repeat that. These are the words of my colleague.

Mrs. Persad-Bissessar SC: But, it is true.

Hon. Dr. K. Rowley: Well, at least the Member for Siparia knows that, but the rest of her colleagues do not seem to know that.

“In effect you may say then that the Parliament now has the veto power to approve or disapprove nomination coming from the Police Service Commission.”

So, for all those who would have heard today's debate, and this pretence that the Government's apparent indication that we disapprove of what is before us, the Government is doing nothing wrong, because, as my colleague the Member for

Siparia says, the new arrangement is so that the Parliament's majority could approve or disapprove. As simple as that. And then, and she went further and said—

Madam Speaker: Hon. Member.

Hon. Dr. K. Rowley: The hon. Member went on to say:

It would be necessary—“we felt that it would be necessary that the representatives are the people be given the say in the selection of the important position of Commissioner and Deputy Commissioner.”

Madam Speaker, my friend the Member for Siparia went on to say:

“One of the intents of the changes”—which is what you changed to—“was to ensure that we should get the most skilled and the most competent candidates to be identified and appointed in a manner that was fair and transparent”.

Madam Speaker, it is because this current arrangement was not seen to be fair and transparent that there was an outcry in and around the country which caused the Parliament to have set up this Special Select Committee. Because we had issues of fairness being raised, and we had issues of transparency being raised. And if I tell you, this was the number one reason which was supposed to have been delivered by this new process.

Secondly, my colleague the Member for Siparia went on to give another reason:

“to ensure that the selection and the appointment process was an independent process, free from the political influence save from the very last stage.”

Madam Speaker, I have heard my colleagues on the other side. I have heard their arguments. I have heard their support for a particular candidate, a particular process, and their defence of a commission who could not defend itself when it was asked to explain some of what it had done. And my colleague the Member for Siparia, in winding up those reasons for the new arrangement, said:

“So transparency is now brought to the appointment process by virtue of this parliamentary oversight”.

Madam Speaker, nothing is further from the truth on this occasion. Because, Madam Speaker, because of what has happened and how we are ending up, I had reason to go to the source documents of the committee, and anybody who looks at the source documents will have difficulty not coming to the conclusion that the final outcome of the process was capricious action.

Madam Speaker, I just heard the last speaker speak in great defence of the weight and the importance of the external involvement in the process. The inviolable input of the external. Well, Madam Speaker, in this source document which was not available in the public domain, when the externals had their they say in the process, with a significant input from the commission in assessing these candidates, candidate number one, Mr. D was—there, number one, with a mark of 82 per cent; candidate number two, was there, coming second with less than one per cent lower; candidate number five was there with 74 per cent. Okay? And I assume that when you are putting marks on things is because you are using a mathematical input so as to be able to compare apple with apple and orange with orange.

The next session, the next step in the process showed the marking of the assessment centre, which is now an interview by the Police Service Commission. Remember the commission was involved in the process with the externals knowing the externals are not involved, candidate number two disappeared completely down to number six. So, the candidate that was number two with 81 per cent by the team of the externals, plus the commission's input—when the commission met by itself, that candidate dropped down to number six, but candidate number one stand predominant. Candidate number five, as established by the external input of the experts and the commission together, that candidate dropped to number nine when the commission alone meets by itself.

So, in other words, Madam Speaker, the very thing that we thought we had put an end to, which is the appointment of a Commissioner of Police by the Police Service Commission, in its own volition, is what is happening here. Because it is the commission acting alone, as is established in this merit list. [*Desk thumping*] Because, the input of the externals—let me take you, Madam Speaker, to the back of this or the end of the process. At the end of the process we have four candidates for commissioner; candidate D, H, S, and G. It is difficult to get it without calling people's names. But the bottom line is, by the time you get to the order of merit that comes to us in the House, the work of the externals which would virtually had disappeared, except for one candidate, candidate number one, and if there is suspicion of manipulation, Madam Speaker, that points to it. [*Desk thumping*]

Because, the involvement of the experts that we paid the millions to, candidates one, two, three, four, five, six, seven, eight, nine, 10 and 11, as established by that process, when we turn to the work of the commission, acting on its own, and with the full defence of the Opposition, candidate two disappeared, candidate three disappeared, candidate four disappeared, candidate

six disappeared, candidate seven disappeared, candidate nine disappeared, candidate 10 disappeared, and candidate 11 of that process jumps up now to candidate three for Deputy Commissioner.

Madam Speaker, I have no horse in this race. But if I had put a bet in this race, I was going to call in the police. [*Desk thumping*]

9.40 p.m.

So candidate 11, candidate 11 of the exercise of the external input of the experts and the commission's involvement, each candidate—he is the 11th there, but by the time the process is ended, where the Member for Chaguanas East tells us appoint the man and appoint the other men and appoint the women, he reach number three.

Madam Speaker, I am in this place, having been sent here by the people of Diego Martin West, I happen to lead this team of the Government and as my colleague the Member for Siparia says, the process has now given a role to the people's representatives. There is no way I could stand here, representing the people of Diego Martin West from Covigne to Carenage, from Bagatelle to La Puerta and accept what the commission has done here. No way. [*Desk thumping*]

Madam Speaker, I heard my colleague accuse the Government of incompetence because we have not fixed this process in three years. Madam Speaker, we have not been in Government for three years. My colleague, the Member for Siparia should be the last person to raise that point, because in October of 2010 when we had difficulty in accepting this convoluted and expensive process, my colleague, the Member for Siparia was Prime Minister, she spent five years in the Government and left us with this process. [*Crosstalk*]

She quoted the PNM manifesto and all I could say to her, all I could say to her, Madam Speaker, is that her reading has improved in recent times, her source material. [*Desk thumping*] But in talking about the PNM's manifesto, my colleague, the Member for Siparia had to admit that we did keep faith in our manifesto promise. We said very early in our term we will attempt to fix this matter. And we attempted to fix it with the parliamentary strength that we had by dealing with the Order. The Order was the subject of a court challenge and it went to the court and the High Court made some adjustments as to what could have been taken out, but the end result is, Madam Speaker, contrary to what my friend, the Member for Siparia said, we have not been delinquent, we have not been incompetent, our work is now the subject of review and passage by the High Court.

So we have an Order which is now acceptable to the court and should be to the Parliament and to the country. This is the Order that we passed here and the problem that we have today why we went to a select committee, why this matter is taking up our time now, why we cannot have a Commissioner of Police, is because the Police Service Commission did not follow the Order. [*Desk thumping*] Had the service commission followed the Order, and what they did we would not be doing this. So, it is quite wrong for the Member for Siparia to get up say that the reason why we do not have a Commissioner of Police and we will not be having one tomorrow, is because the Government is incompetent, and the Government did not keep its manifesto, the opposite is the truth. [*Desk thumping*]

We came here and amended the Order. The court gives us now a clean Order for any and all commissions to be guided by. The problem is, the way the commission conducted its business, the commission stands accused of not being fair, not being competent, and in fact, the commission ended up, people who applied for the job of Deputy Commissioner end up as Commissioner. Persons have been saying publicly that they were not asked whether they were interested in the Commissioner position when they were assessed. Somebody who applied and, in fact—Madam Speaker, listen to this. On page 37 of the source document, Table 7, deemed suitable for Commissioner of Police: Candidate DD, suitable, Commissioner of Police; Candidate GG, suitable, Commissioner of Police; SW, Commissioner of Police; WH, Commissioner of Police; GFH, Commissioner of Police. Those five people by the process used by the Commission, were deemed suitable for the Commissioner of Police. You know when we got to the final position, the same people who were deemed suitable for Commissioner of Police were not suitable for Deputy Commissioner of Police.

Mr. Al-Rawi: Oh Lord, just so.

Hon. Dr. K. Rowley: Just so is a good phrase, just so. And what we have to ask, what is the process by which candidates who on page 37, shortlisted there and deemed suitable for Commissioner of Police, what is the process by which they were disqualified as Deputy Commissioner? But on the other hand, candidates who were suitable for DCP, candidate one, two, three, four and five, one maintained—I mean one thing with candidate one—he used to have a horse called Mentone [*Laughter*] in the Savannah. You remember Mentone? Once Mentone take off in front, bye bye. Right?

Now candidate two, candidate rank number two for Deputy Commissioner of Police, by the time they gave us the back page, he disappeared completely. Candidate four and five disappeared completely and candidate six who applied for Deputy Commissioner of Police, he is now recommended as the number two for

Commissioner of Police. What a convoluted, capricious way. How could we accept this, Madam Speaker, as the outcome of a serious process? Madam Speaker, in some instances, there were persons who applied for both and were ranked high and dismissed by the end. I mean, by the time—if you read page two of Appendix J, and page 37 of this document, you can come to no other conclusion that the Commission did a job which cannot be explained. [*Desk thumping*]

And I want to go back, Madam Speaker, to the original point that even before this matter came to this House for us to adjudicate upon it, the matter has been the subject of serious public discourse and serious public discontent. So it is wrong for any Member of this House, particularly our friends on the other side to give the impression that it is something that we are doing on this side, to this beautiful process which was supposed to have just been swallowed and accepted, Madam Speaker, nothing is further from the truth, nothing. [*Desk thumping*]

Bias? Madam Speaker, I do not know. Lack of transparency? Before the select committee we had that, but by having the select committee to go into it, we are now seeing and we are now able to say that there is transparency. And I heard it said today that we are questioning the independent commission. Madam Speaker, I was on the other side of this House when they were on this side with Ramesh Lawrence Maharaj as the Attorney General, and I was in many debates with respect to service commissions where Ramesh Lawrence Maharaj, MP for Couva South and Attorney General, was making the point all along, that nobody in this country should be holding position and not be accountable. And today I heard arguments being put forward in this House saying that we should not question the commission. A commission whose work is as I have just described, inexplicable rankings and order of merit to appoint a Commissioner of Police and you are asking me—

Madam Speaker: Member for Diego Martin West, your original 30 minutes are now spent. You are entitled to 15 more minutes to complete your contribution.

Hon. Dr. K. Rowley: [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, had the commission's work not caused public disquiet and demand further investigation, this honourable House would not have been engaged in a committee of this House to look into it. The record will show that. And having looked into it, Madam Speaker, let those on the other side not begrudge us our right to not accept the findings of this Commission. [*Desk thumping*]

Madam Speaker, the response from the other side today started out with great sound and fury about a passing comment made by my colleague, the Member for Laventille West, when he made mention of the polygraph. He did not say, Madam Speaker, my colleague, the Member for Laventille West, did not say that there had to be a polygraph test otherwise the issue is flawed. That comment about the polygraph was in the context of the law, section 3 of the Order, section 3(b) where it says:

“The Firm shall ensure that the candidates...are subjected to the best practice security.”

Madam Speaker, if the law calls for best practice security vetting, how could one talk about best practice in selecting a security officer and not consider even mentioning that he should be polygraphed.

Madam Speaker, there is a view that every member of the security service in Trinidad and Tobago should be polygraphed on a Sunday morning. In fact there are those who are subject to polygraph because that is the best practice. And if the law says best practice, it did not say how the best practice should be done, but we know that if we are conducting best practice in the security services you need to polygraph to find out if the people are hiding anything and if they are lying to you about their integrity and their suitability. That is what the polygraph is about. And as the MP for Laventille West said, there are even newer and more searching ways of getting best practice if you are vetting people, especially security personnel.

And it is because they felt that they had something to hold on to and 15 minutes of debate opened up by the Opposition today had to try to debunk the fact that somebody say that if you had polygraphed them they would have gone to the court or you need to amend the Constitution. [*Crosstalk*] You need to amend the Constitution if you are going to use polygraph in best practice. I am not a lawyer, Madam Speaker, but that has to be nonsense. [*Crosstalk and desk thumping*] The law, the law says you use best practice and if today best practice is polygraphing you could tell me that will I have to amend the Constitution to do that.

But it sounds good if you do not know what you are talking about, trying to fool people to give the impression that we are somehow doing something that is not acceptable. Madam Speaker, what is not acceptable, especially now in Trinidad and Tobago, especially now in Trinidad and Tobago, what is not acceptable is to have the appointment of Commissioner of Police manipulated by unseen hands. [*Desk thumping*]

So, Madam Speaker, those of us on this side, who have a responsibility to ensure that we are not pariahs and that we do our job without fear or favour,

malice or ill will, when we are presented with an outcome of a process that is flawed, we will not be convinced by our friends on the other side saying, it is only partially flawed and therefore it is only half pregnant. Madam Speaker, it is either flawed or is it not flawed. And this is flawed. [*Desk thumping*]

And it has nothing to do with the individual. Today's assignment is about the process. [*Desk thumping*] Today's assignment, today's debate is about the process. And if the process is flawed, how can you ask us to accept the outcome when it is so patently capricious. Number 11 is in line as number three. What process did the commission use to lift number 11 from number 11 to number three? I do not know. So therefore, the transparency to convince me, and if you are convinced maybe you could tell the country why you are convinced and how you are convinced? I mean number four, suitable for Commissioner of Police. And I heard my colleague, the Member for Oropouche say, if you are hiring police then police experience must be an advantage. Why we are concerned? Well okay, how come a policeman who was number four for Commissioner of Police, by their own assessment, one of the five that was suitable for Commissioner of Police, how come he disappeared and was not even considered for Deputy Commissioner. How come?

So they are making arguments, Madam Speaker, in defense of a position that is clearly indefensible. [*Desk thumping*] Because if those arguments were made to hold along the way then the outcome of this process cannot stand. Madam Speaker, you go to page 37, Table 7, candidate four, overall candidate assessment centre performance. This is where the commission itself did that, for Table 7, on its own with the input from the outsiders. And this candidate number four is suitable for Commissioner of Police appointment, but you go to the next page, at the end of the process and this candidate disappears completely.

Candidate number two with the second highest mark, disappears completely and falls way down the bottom. And candidate number six for DCOP climbs up to COP, number two and, of course, candidate number three who is Commissioner quality, disappears completely from the appointment. Candidate number three, again, my colleague spoke about experience as policing. Candidate number three is the long serving Police Commissioner in recent times, gone clean. So being a Police Commissioner did not help to save him. Gone, gone, gone.

Madam Speaker, there is no rationale for the final output of this. None. And since today's assignment, since today's assignment is to deal with the process and since those of us on this side whose record could stand scrutiny regardless of where you come from or who you are, when the process is so flawed, so

capricious, so inexplicable, we have no choice but to reject the process. [*Desk thumping*] The biggest point made by my colleague, the Member for Siparia is that the Government is incompetent, because the Report says that we must review and we did not say who was going to review, whether it is taxi driver, bus driver or screwdriver.

Madam Speaker, let me explain to those on the other side. Well we have had the work of the external, it is there. We are saying that the way the commission behaved is unacceptable. And if we ask for a review, it cannot be done by the Parliament. The only authority which could review the commission's work in dealing with the commission material is the commission. So what we are doing here is sending it straight back to the commission and tell them what you have put before in the House cannot stand scrutiny because you have not in fact followed the Order. [*Desk thumping*]

And the Order that this Government put in place that was cleared by the court, all we are doing is sending it back to the Police Service Commission and saying to them, follow the Order, be fair, be transparent and not have this disquiet in the country that you are manipulated by unseen hands. [*Desk thumping*] And if my colleague, the Member for Siparia, who carries the title of Senior Counsel does not understand that, I am explaining it now. [*Crosstalk*] I am explaining it now. We are sending it back to the Police Service Commission to follow the law, follow the Order and not follow unseen hands in trying to give us a Commissioner. [*Desk thumping*]

And, Madam Speaker, this Government will come back to this House in some time in the future and this entire process, in its totality, will have to be reviewed. But in the meantime, we are constrained and circumscribed by this Order and we need to have the Order followed, we need to have common sense prevail and we need to have the best person for the job, put in the job and begin to restore confidence in the police service. Because, Madam Speaker, this process did not start with this Government and I heard my colleague, the Member for Siparia, today talking about this Government and this Government and this Government. Madam Speaker, my colleague, the Member for Siparia led an Attorney General who told the country on this issue that we did not need a Commissioner of Police. In fact an acting one is a better one because he would work hard to get the job. That was their policy for five years. [*Crosstalk*] For five years they sat in office and then in their self-praise talking about when they were in office they used the same acting Commissioner to bring down crime. Bring down?—they use it to commit crime. Madam Speaker, let me tell you something, Madam Speaker— [*Crosstalk*]

Mr. Lee: Madam Speaker, 4 and 6—

Dr. Gopeesingh: Madam Speaker, 48(6). Apologize—you cannot say we use the Commissioner to bring down crime and to commit crime. That is in the *Hansard*, Madam Speaker. He has to withdraw that. [*Crosstalk*]

Mr. Imbert: What is the Standing Order?

Dr. Gopeesingh: 48(6).

Hon. Dr. K. Rowley: What is the story?

Madam Speaker: Prime Minister, in terms of the, I uphold the objections in terms of 48(6), if you could just withdraw it and say that in a more acceptable way.

Hon. Dr. K. Rowley: It is in the context of—[*Crosstalk*]—I do not know what I am saying? Let me fix it. Madam Speaker, they are probably using the Acting Commissioner of Police position and the situation—[*Crosstalk*] Madam Speaker, I withdraw what I have said. I am rephrasing. They used it to facilitate crime, probably.

Hon. Members: What?! [*Crosstalk*]

Hon. Member: That is the truth. You want to hear untruth. We will give you the examples. [*Crosstalk*]

Mr. Al-Rawi: Well, we could list out the examples for you.

Madam Speaker: Prime Minister, I do not think that works either. I uphold the objection.

Hon. Dr. K. Rowley: Madam Speaker, if that is not satisfactory I withdraw and I ameliorate. They used it, probably, Madam Speaker, to help fight crime. But it does not change the fact that the Attorney General in the last Government is on record as saying that an acting commissioner is a better situation than a commissioner in a substantive appointment. [*Desk thumping*]

Madam Speaker, this debate is simply about who agrees and who does not agree. It is clear that my colleagues on the other side have seen nothing wrong with what is done here. It is clear that those on this side see a lot wrong with it. At the end of the day the vote will decide. Madam Speaker, I thank you. [*Desk thumping*]

[*Mr. Hinds and Dr. Gopeesingh stand*]

Madam Speaker: Member for Laventille West. [*Desk thumping*]

The Minister in the Ministry of the Attorney General and Legal Affairs (Hon. Fitzgerald Hinds): Thank you, Madam Speaker. I would like to— [*Continuous crosstalk*—to thank all of the contributors—[*Excessive crosstalk*—I would like, Madam Speaker—

[*Opposition Members rise to depart Chamber*]

Mrs. Persad-Bissessar SC: They do not want anyone to speak on this side.

[*Madam Speaker stands*]

Mrs. Robinson-Regis: The Speaker is on her legs.

Mrs. Persad-Bissessar SC: Sorry, Madam, I am leaving.

Madam Speaker: You are free to leave, but when I sit.

Mrs. Persad-Bissessar SC: Sure.

Madam Speaker: I recognize the Member for Laventille West. [*Desk thumping and excessive crosstalk*]

Hon. F. Hinds: Madam Speaker, I would like to thank—[*Crosstalk*]

Madam Speaker: Member for Caroni East, [*Crosstalk*] Member for Caroni East.

Dr. Gopeesingh: Yes, Madam Speaker.

Madam Speaker: Everybody is free to leave whenever they wish, but they will leave quietly and not disturb the proceedings. [*Crosstalk*] Member for Caroni East, [*Crosstalk*] Member for Caroni—

Dr. Gopeesingh: You have failed to recognize me, Madam Speaker, and that is wrong. I have an opportunity to speak.

Madam Speaker: Member for Caroni East, [*Crosstalk*] Member for Caroni East, Member for Caroni East, I am addressing you. I am sure that display has to do with the time of day. I would just ask you to apologize and you are free to leave.

Dr. Tim Gopeesingh: Madam Speaker, if you want me to apologize I apologize.

Madam Speaker: Thank you very much. Member for Laventille West.

[*Continuous crosstalk as Opposition Members depart Chamber*]

Hon. F. Hinds: Thank you very, very, warmly, Madam Speaker. Madam Speaker, I would like to thank, and very sincerely, all of the contributors in this House to this very important debate. I would specially like, unusually perhaps, to congratulate the Members of the Opposition who contributed to this debate and there is a reason for that, Madam Speaker, their contributions would have revealed to the people of Trinidad and Tobago—

Dr. Gopeesingh: That you are a hoax.

Hon. F. Hinds: —who we represent, who all 41 of us represent, and the citizens generally, exactly what this country faces at this time in our history and especially what this Government faces as we try to bring order and good governance to Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, today, the people of Trinidad and Tobago would witness yet again for the umpteenth time, my colleagues on the other side of the House, once they cannot get their way they abandon the process and they have all demitted this House, but we are here to do the people's work [*Desk thumping*] and that we will. We are here, the PNM, for the long haul. We were here in the '60s, in the '70s, in the '80s, in the '90s, 2000 and we are here today, [*Desk thumping*] and we will here for the people of Trinidad and Tobago every time.

Madam Speaker, I heard my colleagues on the other side before they ran away sheepishly and disloyally, to the people they supposed to represent and the people of this country, trying their best to cause us as the last speaker, the Member for Diego Martin West, so poignantly and powerfully put it in his usual way, trying to convince us that what is wrong we should set right, we should accept as right.

Madam Speaker, our committee worked long and we worked hard on the mandate of this House. We approached our task in a non-partisan manner and we did that in order to maintain the integrity of the committee and the integrity of this honourable House. I would like specially to congratulate the Member for La Brea. [*Desk thumping*] I would like specially to congratulate my friend who sits on my right here, the Member for San Fernando East. [*Desk thumping*] I would like specially to congratulate the Member for St. Joseph. In my humble view they all excelled themselves today. [*Desk thumping*] But I would like to thank for many reasons, most especially the Member for Diego Martin West, [*Desk thumping*] our leader, our Prime Minister who set the tone for the work that we have in front of us and who has set the tone for the growth, the development and the stability of Trinidad and Tobago.

Hon. Member: The Minister of National Security.

Hon. F. Hinds: And of course, while I am a vegetarian and practise the thing you leave—I still practice the old adage that you leave the meat for last, I would like to congratulate the Minister who has the responsibility for the Trinidad and Tobago Police Service, my friend, the Member for Point Fortin, the Minister of National Security. [*Desk thumping*]

Our work was done in a truly honest, analytical and integrity-guarded way. The constituents who listened to our contributions on this side of the House, I urge them, they having taken note, they can feel safe and they can feel proud of the work that their representatives have done. [*Crosstalk*] The Member for Siparia, notwithstanding her ungainly absence—

Madam Speaker: Member for Laventille West. While it is true that there is only one side here, I would like to hear Member for Laventille West and I am sure his colleagues would also like to hear his contribution. Member for Laventille West.

Hon. F. Hinds: I thank you, again, warmly, Madam Speaker. The Member for Siparia misquoted, twisted, misrepresented my colleague, the Member for St. Joseph saying that on the basis of a case, what is the name of the case?

Mr. Deyalsingh: Cooper.

Hon. F. Hinds: Cooper and Anderson? That a case, some Cooper and some other person, which the Member for St. Joseph quoted, the Member for Siparia is saying that he used that case as an authority to suggest that the service commission could do anything. Again, my colleague, the Member for St. Joseph was speaking specifically on the polygraph issue.

Mr. Deyalsingh: That is right.

10.10 p.m.

And the fact that he stood here and spent 45 minutes or thereabout, criticizing, as others have done, the work of the very Police Service Commission, is proof of the fact that the suggestion by the Member for Siparia cannot be right, because it means that the Member for Siparia is not supporting the view that they could have done what they want. That, too, has to be rejected.

When you take a look at paragraph number 41 which the Member—and before I say that, several references from the other side were made to suggest that the things that we on this side were speaking about did not appear in the Report. It is as if they fail to recognize that this Report—and I want the citizens to understand—this Report has been set with a number of appendices. This is the

totality of the Report, a rather voluminous document. What was submitted to Members is just the actual Report about nine pages deep—not nine.

I will tell you, specifically, Madam Speaker, just so that the public will understand. Yes, it would have been just about 41 pages deep, and all the appendices, with the verbatim Reports from *Hansard*, with the documents, some of which were referred to by the Member for Diego Martin West. They are all included in here, and every Member of Parliament had access to it, proof that they have not read them. But I assure you, Madam Speaker, every single assertion, every single submission that we made from this side of the House in relation to this matter is supported by the text, by the verbatim Reports of *Hansard*, because we interviewed stakeholders, including the PCA. So it is amazing to hear them say that.

Madam Speaker, a small historiography—and the Prime Minister alluded to it, the Member for Diego Martin West. The Constitution was amended in 2006. We lost the Prime Minister's veto, and you heard the history of that a while ago. We then established a new procedure in Legal Notices Nos. 218 and 219. I just want to say, for the benefit of the public, in 2013 this PNM, in Opposition, approached the then Government led by the Member for Siparia and put a 10-point plan on crime. The first item on that was a promise, an assurance, that we will give support to any measure they brought to this House to improve the appointment of the Police Commissioner. We told them that. The UNC did nothing about that.

As soon as we came to Government, we put together a special committee led by Prof. Ramesh Deosaran, and we asked them to study the manpower circumstances of the police services and to issue a Report. They did that. The Report came to the Prime Minister's hand. And what did he do? In an attempt to democratize the process and make it a national process, he put it before this House and it found itself before a joint select committee of National Security as well, all done promptly.

And it was the PNM in 2009 that developed the Order that was supposed to have been used for the appointment of a Commissioner. The UNC spent five years in Government, as you heard a while ago, and they did nothing about triggering the process. I have the terms of that Order here, where it involved the Central Tenders Board; it involved the DPA. Now we could look back and we understand some elements of it would have been found to be unconstitutional, but the fact is they did nothing about it.

When we came to office in 2015, immediately on coming to office, by the month of December in 2015, we brought a new Order to this House, which is the

subject of discussion today, and I am saying all of this just for you to understand, Madam Speaker, that at all times we acted properly and with efficiency and swiftly, trying to deal with this crime and the police circumstances.

So as soon as we came to office in 2015, we put the new Order in place, Legal Notices Nos. 218 and 219. And when we did that, it was with a view of getting on with the position of appointing a Commissioner, because we had told them so since we were in Opposition. But what happened, in 2016, they took the Order before the court and Mr. Justice Rajkumar pronounced upon it. He took out certain elements, as I said earlier, and made it constitutionally suitable, or pristine, if you like. So we acted promptly. So to hear the Member for Siparia telling us that we are incompetent and it is our fault, that is a figment of her imagination to be rejected as swiftly as she said it.

Madam Speaker, it is, as has been demonstrated rather lucidly and palpably, it is the botching of the process, not the Order. The Order is not a problem. It was made good by Mr. Justice Rajkumar and constitutionally sound. It was the Police Services Commission. So today, we deal with the process and we criticize the work of the Police Service Commission and we have all concluded it cannot stand scrutiny, and it cannot stand as a consequence of that.

The Member for Siparia told us how critical the position of Commissioner of Police is, and you were reminded what her Attorney General said, and she did not bear to publicly criticize him. She said nothing about it. But you know, why did the Member for Siparia and her government not improve it, do something about the appointment of a Commissioner for the five years they spent in office? But most of all, they come here today pretending to have sympathies for the acting Commissioner of Police, Mr. Stephen Williams. When they came to office he was acting as Commissioner. When they left office he continued to act as Commissioner. And the question I must ask the Member for Siparia is, what did Mr. Williams do to them so that they did not take action to regularize his position and cause him to become Commissioner? [*Desk thumping*]

So to come here in their hypocrisy today is rather painful, indeed. They could have triggered the process, but they did not, and then out of the lips of her Attorney General we were told that the philosophy of the UNC was to keep him acting. That way he may work harder in his bid to become—but I will tell you what. In my view, Madam Speaker, representing the people of Laventille West, and I am sure in the view of many others, Mr. Stephen Williams has served this country diligently and well. [*Desk thumping*] He has served this country. He has acted for all these years, and I think this country should do justice and recognize

that.

As for me, I did not venture my own views. Everything we said was on the basis of what we found in the committee. So, Madam Speaker, I would like to, again, congratulate all of my colleagues. The points have been very well and thoroughly articulated. [*Interruption*] So, Madam Speaker, as I was saying, I did not give my own views from any whimsical or fanciful position. Every single submission I made came from details of this very thorough and voluminous Report. All is rooted in the *Hansard* and members of the public can go there and find every line of it.

The Member for Oropouche East, when he was present, got up and spoke glibly on this matter. He, for the first time since I have ever sat opposite to him in this Parliament, spoke a line of truth. Even for that I must—I was shocked. I heard the Member for Oropouche East today say that they agreed with the Report. That is on *Hansard*. They agreed with the Report. I could not believe he would speak the truth.

Madam Speaker: Member, while the Member is not here, I am not going to allow that. All right? So that if you could withdraw that, and maybe say whatever want to say in another way, or press on.

Hon. F. Hinds: I withdraw that, Madam Speaker. I was surprised at his utterance in that regard. But, Madam Speaker, in an attempt to explain to his listeners and his colleagues why there was no minority Report—I had dealt with that in my opening presentation—he told this House today—

Madam Speaker: Hon. Member.

Hon. F. Hinds: The Member for Oropouche East told this House today that they were asked to sign a final Report that they did not see. Let me explain to the viewers and the citizens of this country. We sat until that night, quite late, and we made all the corrections together, and the Member for Oropouche East was right. We all, the Member for Chaguanas West, the Member for Oropouche East and my colleagues on this side who form the Committee, we all agreed with the terms. But we also agreed that it will be left to our Secretariat to put all that we had agreed—because we had a draft working, and we put insertions and we made corrections, and we agreed that the Secretariat will finalize the document in writing. But the terms of the documents were all agreed by every one of us. And the only complaint the Member for Oropouche East could have is if he did not trust the integrity of the Secretariat, which he did not say.

So in that sense, Madam Speaker, we all had access to the final positions of

this Committee—

Mr. Mitchell: That is true.

Hon. F. Hinds: All of us. And therefore, when that written version of what we agreed came to this House, we were shocked at the response of the other side when, on that occasion, they refused to sign it, purported to put in a minority Report, which did not go in for the reasons I have previously stated, and so it went.

So the Member for Oropouche East was quite disingenuous to have said what he did. And he, too, told us that Williams, meaning the acting Commissioner, is not part of our plan. I have dealt with that and I would like to ask again, why did not the Member for Siparia cause the process to be undergone to regularize the position they are pretending to be against today.

The Member for Oropouche East, Madam Speaker, told us as well, that all the work the committee did, we only got one piece of legal advice, and that had to do with the quorum of the Police Service Commission, because that had arisen as a public concern from a major opinion shaper in this country, whether the Police Service Commission was quorate when they sat to deal with this matter. We got a legal opinion on that and we dealt with that matter. But we told them—and the committee agreed, every one of us, that if we needed any further legal advice on any other matter, it would have been available to us. We sought advice through the United Nations from an expert in HR management, and executive recruitment, and we used that as a committee without that expertise residing in us, to assist in guiding us.

And, Madam Speaker, we did not request any additional legal advice. It was open to the Member for Oropouche East and open to the Member for Chaguanas West to have sought legal advice if we wanted to. They asked for none. No Member on this side asked for any, and as a result we did not request it. So, for him to suggest that we did not have any, does not tell the whole story.

The Member for St. Joseph was very thorough in his analysis of this concept of bias, well known to the courts, and he quoted a Privy Council judgment, and he quoted a House of Lords judgment on the question of bias. Two Members, the Member for Caroni Central and the Member for Chaguanas West made reference to the fact that I, the Member for Laventille West, as a member of your Special Select Committee, had a working relationship with one of the candidates in that process. I have told this country many times before I was a police officer. I was a police instructor and, as far back as 1981, one of my recruits was one of the

candidates. But I was not a member of the Police Service Commission. I had no responsibility to assess that individual for any position. So that has to be rejected as well. That is ridiculous.

But meanwhile, the Member for Chaguanas West and the Member for Oropouche East were both in the Cabinet of Trinidad and Tobago when one of the candidates, who was not a police officer, was working with them as a Cabinet member. And they too sat on this same committee with me. They could have been biased against him too.

10.25 p.m.

So, Madam Speaker, with that out of the way, I would like to say that we attempted to uphold the dignity of this House and we did that. We did our job as a committee without favour or affection, malice, or ill will, and we did that. The facts we were asked to uncover are laid bare before this House for all to see, and as with the Member for Diego Martin West told as I close, had we not established this special select committee and done that, this country and this House would never have known of some of the innards and some of the strange happenings that led to the very perverted findings of the final merit list. So we are happy to have done it.

We Reported on the process, not on persons, and those facts that we are unearthed, Madam Speaker, as I close, led us inexorably to the reality that the process was severely flawed, unsafe, unsatisfactory, unsound and unreliable.

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

Question put and agreed to.

Resolved:

That this House take note of the Report of the Special Select Committee established to consider and Report on the process followed in relation to the Notifications pursuant to section 123 of the Constitution.

**CRIMINAL DIVISION AND DISTRICT CRIMINAL AND
TRAFFIC COURTS BILL, 2018**

[Third Day]

Order read for resuming adjourned debate on question [May 04, 2018]:

That the Bill be now read a second time.

Question again proposed.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam Speaker. Madam Speaker, it gives me great pleasure to bring to conclusion the Criminal Division Bill.

Madam Speaker, as you recall we have before the House of Representatives and we now bring to its final point of debate, the Criminal Division and District Criminal and Traffic Courts Bill, 2018. Indeed, there have been significant contribution to this Bill. This Bill, Madam Speaker, as you are aware, forms a part of the Government's very clear architecture in bringing a solution to the criminal justice environment.

As you know, crime is a number one issue and has been a number one issue for a significant number of years in our country. For far too long there has been analysis paralysis in how one prescribes the solution to this. Obviously, the deterrent to crime is to be found in the swift and quick passage of cases. [*Desk thumping*] If it is that there is no consequence to criminality through due process and through the court environment, one can hardly expect the scourge of crime to end.

Madam Speaker, this Criminal Division Bill, its several parts comprising only 25 short clauses, five Parts itself, provides for the hiving-off of a jurisdiction in very similar fashion to that which we did for the Family and Children Division Bill. It also is ready to receive quick passage for the creation of specialist courts because, Madam Speaker, it is well known that it is with particular criminal division structure that we will see the ability of the hon. Chief Justice to assign specialist courts for the passage of matters in an environment where we need money laundering treated with, where we need a gun court, where we need narcotics treated with. This Bill can come at no simpler and better a venture. [*Desk thumping*]

In all of those circumstances, Madam Speaker, I have great pleasure in begging to move this Bill. Thank you, Madam Speaker. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

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

Clauses 4 to 11 ordered to stand part of the Bill.

Clauses 12 to 17 ordered to stand part of the Bill.

Clauses 18 to 22 ordered to stand part of the Bill.

Clauses 23 to 25 ordered to stand part of the Bill.

Question put and agreed to:

That the Bill be Reported to the House.

House resumed.

Bill Reported, without amendment, read the third time and passed.

Madam Speaker: This Bill requires a three-fifths special majority. [*Madam Speaker confers with the Clerk*] I am sorry. Clerk.

**MS. SUSAN ELIZABETH CRAIG-JAMES
(Nomination of)**

The Prime Minister (Hon. Dr. Keith Rowley): [*Desk thumping*] Thank you very much, Madam Speaker. Madam Speaker, I beg to move the following Motion, Motion No. 4 on the Order Paper:

Whereas section 122(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 (“the Act”) provides that the President shall, after consultation with the Prime Minister and Leader of the Opposition nominate persons, who are qualified and experienced in the disciplines of law, finance, sociology or management, be appointed as members of the Police Service Commission;

And whereas section 122(4) of the Act provides that the President shall issue a Notification in respect of each person nominated for appointment under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives;

And whereas the President has nominated Ms. Susan Elizabeth Craig-James to be appointed as a member of the Police Service Commission;

And whereas the President has on the 27th day of April, 2018 made a Notification in respect of the nomination;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the nomination of Ms. Susan Elizabeth Craig-James as a member of the Police Service Commission be approved.

10.40 p.m.

Madam Speaker, we have received the notification of a very distinguished citizen. Her Excellency, the President, searching far and wide in the national

community, could hardly have done better. Madam Speaker, Susan Elizabeth Craig-James is a scholar, an author and a person who has provided public service on very many fronts. And I am particularly pleased that she has agreed to the invitation of Her Excellency, the President, to once again come to the service of the people of Trinidad and Tobago.

Madam Speaker, in the field of education, Mrs. Susan Elizabeth Craig-James is very well-known. She studied at University of Edinburgh, Scotland and has a Master of Arts with First Class Honours in Sociology and Politics. She also has been exposed to the Doctor of Philosophy Thesis which she did on the evolution of society of Tobago 1830 to 1900; the London School of Economics and Political Sciences, 1986 to 1995; and subsequently, Madam Speaker, she has worked at a number of educational institutions.

She, Madam Speaker, has been awarded a number of fellowships, too numerous to list; fellowships with respect to working in the international community and on local subjects. She has been a visiting fellow of the Institute of Development Studies at the University of Sussex. She won the Simon Gray Prize for Politics at the University of Edinburgh. And, Madam Speaker, she has worked on a number of subjects, which eminently qualify her to bring a breath and a breath of fresh air to the Police Service Commission to assist at this particular juncture.

Madam Speaker, Mrs. Susan Craig-James is an author who has written widely on the subjects of history and sociology and has published a number of texts. Again, tonight I would not detain you with the long list of her publications, but simply to indicate that if you go to the library at any time, or if you would like to be properly educated in the history of the people of Trinidad and Tobago, the authorship of Susan Craig-James would contribute considerably to any space in your well-being and possibly your vocabulary on these subjects.

Madam Speaker, at this time it is very difficult to attract quality personnel to serve on these commissions and on boards in Trinidad and Tobago, for one reason or the other. As head of the Cabinet, I know how difficult it is to persuade people to come out of the safety and the comfort and the privacy of their private sector existence to serve on commissions and on boards. Invariably, you are told that much as they would like to help there are certain constraints which would prevent them from offering themselves. So when someone like Susan Craig-James is available and is approached and she agrees, Madam Speaker, and it has reached this House by way of the request of Her Excellency the President, I need not detain us any further. So, Madam Speaker, I beg to move.

Ms. Craig James (Nomination of)

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Question proposed.

The Prime Minister (Hon. Keith Rowley): Madam Speaker, at this late hour of the night, I am sorry to detain the House in this way, but I am open to a very long closure. I beg to move. [*Desk thumping*]

Question put and agreed to.

PAYMENTS INTO COURT BILL, 2018

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move:

That a Bill to make provision for payments into and out of Court to be made electronically and into and out of a Custodial Bank Account in the name of the Judiciary of Trinidad and Tobago and for related matters be now read a second time.

Madam Speaker, electronic transfer and payment of moneys is something which has seemed to escape Trinidad and Tobago for a very long time. Indeed, the Electronic Transactions Act was passed in 2011. Notwithstanding the passage of that Act, the procurement exercise for transferring Trinidad and Tobago onto an electronic payment system, from a government perspective, has not materialized.

This is indeed a great tragedy, particularly insofar as the private sector has seen exponential growth. One can, after all, now buy things online with the use of credit or debit cards, PayPal systems. One can even use cryptocurrency in some specific arenas. Why then, must our citizens of Trinidad and Tobago be subjected to the abuse, insofar as inconvenience is properly an abuse of not being able to access moneys?

This is exacerbated, Madam Speaker, by the fact that persons who use court facilities in Trinidad and Tobago, comprising some of the most vulnerable people, such as the recipients of maintenance money, such as the recipient of the basic means of survival for children. In that family law arena, as it stands most in mind, those persons must find themselves at the courts, waiting in line, checking with clerks, unable to receive moneys unless a counter clerk is available.

This Government has prioritized the need and urgency to bring the systems of Trinidad and Tobago into the First World, into the 22nd Century, as we get there, the 21st Century, as we pass there. But Madam Speaker, we are talking about making a leap into the future.

Payments Into Court Bill, 2018
[HON. F. AL-RAWI]

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Madam Speaker, the policy which dictates this is borne on the back that the present legislative framework, indeed facilitates, in a number of pieces of law, the payment of moneys. These are grounded in the Exchequer and Audit Act, Chap. 69:01; the Family and Children Division Act, No. 6 of 2016; the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08; the Age of Majority Act, Chap. 46:06; the Children's Act, Chap. 46:01; the Attachment of Earnings (Maintenance) Act, Chap. 45:52; the Supreme Court of Judicature Act, Chap.4:01; and the Petty Civil Court Act, Chap. 4:21.

The World Trade Organization has defined electronic transactions and payments and commerce as most critical to all sophisticated jurisdictions. Types of payments include: funds which are not deemed to be government revenue, funds which are classified as Government revenue. And in that disaggregation, this Bill comes now to treat with the various categorizations, using a square philosophy of coming into the modern age. The purpose of payments policy is to ensure that payments are made into and out of court utilizing the online or electronic system and that it is initiated, disbursed and reviewed in a secured manner. This policy outlines and this Government's action outlines the requirements with respect to and expectations of a Judiciary and its clientele once a Bill becomes law.

Madam Speaker, the Bill is actually quite simple in its form. It comprises a few short clauses; in fact, 15 in all. It is divided into three parts. The definition section is intended to capture all of the usual players: accounts and investment officers, the Auditor General, Central Bank. It defines the collector of revenue, who the court is, including importantly a Magistrates' Court. It involves the Court Administrator, which is effectively the heart of administration of the Judiciary, and so too the Court Executive Administrator being that functionality most closely resembling a Permanent Secretary. Madam Speaker, this Act binds the State. And that is a very important feature of this law, which we now promote.

Part II of the legislation speaks to how we make courts into and out of the court. In clauses 5, 6, 7, 8, and 9, straight through to 10 and 11 and 12, we are treating with the specific mechanisms. Firstly, we deal with the establishment of custodial bank accounts, and we say that a custodial bank account may be held in the name of the Judiciary of Trinidad and Tobago, at a commercial bank or other bank in Trinidad and Tobago, to facilitate the receipt and payment of maintenance payments, fees payable into the court, fines payable by law and any other payments which are payable into court by an order of court, law or rules of court.

We provide for a safeguard, that there shall be two or more signatories to each custodial bank account. One of those persons must be the Court Executive Administrator or the Deputy Court Administrator. One of the other persons must be one or more of the following persons listed in clause 6 of the Bill, the Deputy Court Executive Administrator, the Registrar of the Court, the Court Administrator of a Court or a division, a Magistracy Registrar or Clerk of the Court, which will come in when our criminal division sees the light of day, a collecting officer, a collector of revenue; and the Accounts and Investment Officer of the Judiciary. That provides safeguard to ensure that no one can go off as a single signatory.

Each custodial account shall bear the words “Judiciary” so that there is clear definition. The Judiciary, in this law, as it is proposed, may receive payments into a custodial account electronically. A payment may be made out of a custodial bank account electronically. Firstly, in the case of payments to the Treasury or Central Bank, by transferring payments, which the Treasury or Central Bank has registered with the Court Executive Administrator for that purpose; or by directing by electronic communication the custodial bank to prepare a cheque made payable to the Treasury or Central Bank, in the case of payments to a person or an entity not being the Treasury or the Central Bank; by transferring the payments into a bank account or account of a financial institution not being a bank or, and this is very important, to a prepaid debit card, which the person or entity has registered with the court. So that we are now allowing for the prepayment onto cards registered with the court to work. We can also have the direction to the custodial bank to pay moneys to the person or entity on the production of identification, making it an easy facility.

Madam Speaker, financial records are treated with in this Bill. All records of maintenance, orders, deposits, et cetera, into and out of custodial bank accounts may be created and maintained electronically. And that, of course, fits in with the law of evidence, where documents may be electronic as well. Electronic records required for auditing purposes are to be made available to the Auditor General, allowing for section 66 of the Constitution, et cetera, to operate. Electronic records of payments into and out of accounts shall be proof of payment. And where we treat with the receipting in clause 12, where we have receipts electronically generated upon payment, Judiciary shall notify the recipients of sums, et cetera.

Madam Speaker, Part III of the Bill in the miscellaneous treats with electronic filings, filing fees, which may be paid electronically, and very importantly for the promulgation of rules, Madam Speaker.

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The Rules Committee, established under section 77 of the Supreme Court of Judicature Act, they make rules. Madam Speaker, this is necessary law. This brings us into the modern era. It facilitates ease of doing business. It is associated with all of the extreme reforms that we have done. I am very proud to present this Bill, and I beg to move.

Question proposed.

10.55 p.m.

The Attorney General (Hon. Faris Al-Rawi): The benefits to the simple and most vulnerable citizens of our country are the key features which drive the policy behind this Bill. In dealing with the Family and Children Division as we have set it up, being a Government for the first time capable of not only creating an entire division of court, but also of opening two brand new courts, promulgating all the rules, amending 19 associated pieces of law, treating with the modernization of the Judiciary, merging into creation of a Criminal Division. What we have seen in presenting the data to the people of Trinidad and Tobago is that our systems have been in a state of rot for far too long.

Madam Speaker, it was specifically in the Family and Children Division and in treating with the payments and domestic payments as they come to be paid here, maintenance payments for women that have to line up at the courts to collect \$1,500 at most, or \$700, that the indignity of that experience was exposed.

I wish to commend the members of the Judiciary that have pioneered this, in particular the Executive Court Administrator and the hon. Chief Justice Archie, who was a backbone support behind this particular piece of legislation, for really bringing to the fore the ability to allow people to finally access payments; not only out of the inherent jurisdiction of the court, where a court can make an order that bank accounts actually be the recipient of moneys so that people do not have to be exposed to interaction where they may be in confrontation, but for finally treating with this philosophy and bringing it to life in a situation where, the Comptroller of Accounts, the Ministry of Public Administration and Communication, the executive management and consultation which prevails, in terms of the specialist consultants are in a whole-of-government process to try and better the system.

We elected, Madam Speaker, to carve out this particular electronic payment process at the Judiciary because we just could not wait on the entire process.

This Bill brings relief to the most vulnerable, it provides for proper accountability, it provides for the inspection of the Auditor General, it is backed

by prudent measures, it is associated with the Central Bank's supervision, with the financial institution supervision. It is in fact anchored in block-chain type technology, where transactions become immutable because they are properly recorded and, Madam Speaker, it gives me great pleasure to take one step closer to bringing this into reality. And therefore, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Madam Chairman: Attorney General, do we adopt the same procedure as we had done previously? Parts, yes?

Mr. Al-Rawi: Should it please you. Yes, Madam Speaker.

Clauses 1 to 4 ordered to stand part of the Bill.

Clauses 5 to 12 ordered to stand part of the Bill.

Clauses 13 to 15 ordered to stand part of the Bill.

Question put and agreed to:

That the Bill be Reported to the House.

House resumed.

Bill Reported, without amendments, read a third time and passed.

**CHILDREN'S COMMUNITY RESIDENCES
(CHILDREN'S HOMES) REGULATIONS, 2018**

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Madam Speaker:

Whereas it is provided by section 53(1)(a),(d),(e),(f) and (g) of the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04 (hereinafter referred to as "the Act") that the Authority may, with the approval of the Minister, make Regulations for, inter alia, –

- (a) the management of any community residence...;
- (d) the imposition of requirements as to the accommodation and equipment to be provided in residences, foster homes and nurseries;
- (e) the medical arrangements to be made for protecting the health of the children in Community Residences and foster homes;

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- (f) the provision of information to the Authority by the Managers as to the facilities provided for the parents or guardians of children in Community Residences and foster homes, to visit and communicate with the children and where not provided to authorize the Authority to give directions as to the provision of such facilities; and
- (g) all such matters and things for effectively carrying into operation the provisions of the Act:

And whereas it is provided by section 53(2) of the Act that Regulations made under this section shall be subject to affirmative resolution of Parliament:

And whereas the Children's Community Residences (Children's Homes) Regulations, 2018 were made by the Authority under section 53(1) of the Act on the 20th day of February, 2018 and approved by the Minister on the 5th day of March, 2018:

And whereas it is expedient to approve the said Regulations:

Be it resolved that the Children's Community Residences (Children's Homes) Regulations, 2018 be approved.

Madam Speaker, I am really pleased to be able to present this Motion before this honourable House. This Government has consistently demonstrated a commitment to ensuring the care of all children in Trinidad and Tobago including those children who are not able to live in loving homes with their biological parents.

Madam Speaker, through this particular Regulation, what we are seeking to do is to ensure that there are standards across all Homes, all Community Residences. Ensuring that children have access to right care facilities. Ensuring that the right security measures are in place. Ensuring that all community residences are designed and operating in such a way that the care and protection of children is always given paramount priority.

Madam Speaker, one of the things that we attempted to do was to ensure that we separate children who are in need of care and protection from children who are in conflict with the law. And that is one of the things we are able to achieve through the suite of legislation we are able to pass and also through the establishment of the regulations to govern the way the community residences would now operate. Ensuring that children will have access to extracurricular activities, training, ensuring that individual care plans are prepared and put in place for our children in community residences.

Madam Speaker, the following Motion would refer to children who will be placed our rehabilitation centres. The same thing will be in place, the only difference is that now the rehabilitation centres are under the Ministry of National Security. But that does not mean that there is no role for the Children's Authority.

The Children's Authority as the governing body for children in Trinidad and Tobago, has a duty to ensure that all community residences or rehabilitation centres are assessed, licensed, and ensure that all measures are in place to ensure the children who are in those facilities receive the best care and attention necessary.

Madam Speaker, through the regulations we are ensuring standards across the board. We are ensuring that all children have the necessary care plans required to ensure that while they transition out later life that they leave better than they went in. We are ensuring that they are safe and they are protected, we are ensuring that we ensure the right management, the right quality staff are in place for them Madam Speaker.

With those few words, Madam Speaker, I beg to move. [*Desk thumping*]

Question proposed.

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Madam Speaker, I beg to move.

Question put and agreed to.

Resolved:

That the Children's Community Residences (Children's Homes) Regulations, 2018 be approved.

11.10 p.m.

**CHILDREN'S COMMUNITY RESIDENCES
(REHABILITATION CENTRES) REGULATIONS, 2018**

The Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Madam Speaker:

Whereas it is provided by section 53(1)(a),(d),(e),(f) and (g) of the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04 (hereinafter referred to as "the Act") that the Authority may, with the approval of the Minister, make Regulations for, *inter alia*,—

- (a) the management of any Community Residence...;
- (d) the imposition of requirements as to the accommodation and equipment to be provided in residences, foster homes and nurseries;
- (e) the medical arrangements to be made for protecting the health of the children in Community Residences and foster homes;
- (f) the provision of information to the Authority by the Managers as to the facilities provided for the parents or guardians of children in Community Residences and foster homes, to visit and communicate with the children and where not provided to authorize the Authority to give directions as to the provision of such facilities; and
- (g) all such matters and things...for effectively carrying into operation the provisions of the Act:

And whereas it is provided by section 53(2) of the Act that Regulations made under this section shall be subject to affirmative resolution of Parliament:

And whereas the Children's Community Residences (Rehabilitation Centres) Regulations, 2018 were made by the Authority under section 53 of the Act on the 20th day of February, 2018 and approved by the Minister on the 5th day of March, 2018:

And whereas it is expedient to approve the said Regulations:

Be it resolved that the Children's Community Residences (Rehabilitation Centres) Regulations, 2018 be approved.

Madam Speaker, I am particularly interested in this Motion. I remember a few months ago, I would have paid a visit to a particular rehabilitation centre and when I got there, Madam Speaker, I was really appalled, and I felt that it was important that even though children may be in conflict with the law and require rehabilitation, they must still have the opportunity to be in an environment that is loving, an environment that is safe and an environment that allows for family and friends to visit them.

Madam Speaker, when I entered into that facility, I saw young boys running around, crying out for love and attention, and I remember one young man said to me: "I am longing to get a visit from my mummy." Madam Speaker, what this Regulation does, it put systems in place to ensure that even though children are in rehabilitation facilities, they still have the opportunity for their families, their loved ones, to visit them to ensure that there is that bonding taking place, so when

they move on they could still go back into their communities and into their families.

Madam Speaker, in terms of the physical infrastructure, the Regulations are in place to ensure that all facilities are safe. We do not want children to be in buildings where, maybe the ceiling fans are too low so they could have access to it to harm themselves or others. We do not want facilities in place where, you know, there is not enough security in place to protect the plant and the children. But, Madam Speaker, most importantly, we want to ensure that when children enter into these facilities, that they have the right treatment plan, the right care plan—care plan to ensure that their psychosocial development takes place, and this regulation speaks to that, particularly for those children who are in conflict with the law.

Madam Speaker, with these few words, I beg to move. [*Desk thumping*]

Question proposed.

Minister of State in the Office of the Prime Minister (Hon. Ayanna Webster-Roy): Madam Speaker, I beg to move.

Question put and agreed to.

Resolved:

That the Children's Community Residences (Rehabilitation Centres) Regulations, 2018 be approved.

MISCELLANEOUS PROVISIONS (SUPREME COURT OF JUDICATURE AND CHILDREN) BILL, 2018

Order for seconding reading read.

The Attorney General (Hon. Faris Al-Rawi): Madam Speaker, I beg to move that:

A Bill to amend the Interpretation Act, Chap. 3:01, the Supreme Court of Judicature Act, Chap. 4:01, the Summary Courts Act, Chap. 4:20, the Bail Act, Chap. 4:60, the Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34, the Legal Aid and Advice Act, Chap. 7:07, the Child Rehabilitation Centre Act, Chap. 13:05, the Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Children Act, Chap. 46:01, the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04, the Children's Authority Act, Chap. 46:10, and the Family and Children Division Act, 2016, be now read a second time.

Madam Speaker, I am particularly thrilled to be able to pilot this most important instalment into the amendments of the laws associated with the management, treatment and dignity of our children, their families and the articulating systems in the justice system that work along them.

Madam Speaker, I have just recited that this Bill is intended to amend 13 pieces of law, and I might add that this second instalment of the laws in relation to this package and articulating system, comes about following upon the back of the introduction of the Family and Children Division Bill which was, in fact, proclaimed as the Family and Children Division Act, 2016 which, in fact, in the Fifth Schedule to that Act, saw the amendment of 19 pieces of law.

We come to do these 13 pieces of law because, Madam Speaker, we recognize and we stated on the *Hansard* record then, that we knew we could not get all of it right in the first round, but that justice should not be delayed. Instead, we said to the people of Trinidad and Tobago, we should find the strength to just start, and so we started, Madam Speaker.

We started with the amendment to Children and Family Division. We amended the 19 pieces of law in the Fifth Schedule to that Act and, Madam Speaker, we saw about the opening of two courts, we saw the promulgation of all of the rules. We saw the interview of some 13,000 people into the population of the two courts built. We did the United Nations Rules. The hon. Minister of National Security saw the birthing of the Child Protection Unit at the TTPS to work alongside with this, and today we come now to backfill into 13 laws standing on the books of Trinidad and Tobago, which articulate with this particular arena, the areas which we found in need of improvement.

Madam Speaker, this Bill is, in fact, a mere 14 clauses long, but that may, in fact, give some deceit into the extent of amendments that are really going on here. As I have said, the Bill is to amend 13 pieces of law. If we jump straight into it, clause 1 sets out the short title which is, perhaps, the easiest part of the Bill.

Clause 2 amends the Interpretation Act, very importantly, to insert a definition of the word “child” because the Interpretation Act, being as old as it is, still did not have the child defined as a person under 18 years of age, and so we are finally harmonizing this approach. The only point left to be dealt with would be the definition of “minor”.

Madam Speaker, clause 3 treats with an amendment to the Supreme Court of Judicature Act. Very importantly, we are increasing the number of puisne judges—that is High Court Judges—from 49 to 64, and that is specifically to

facilitate the implementation of the laws that we are doing. After all, people complain about the Judiciary, but judicial capacity is a critical one.

Madam Speaker, we are doing a very interesting thing in clause 3 as well. We are adding for members of the Bar of a Commonwealth country to be allowed to be appointed as a judge for the first time. And why is that? There are specialist judges in the Commonwealth jurisdictions who are debarred currently under the Supreme Court of Judicature Act from practising in our courts. This allows us to shop outside of our jurisdiction and, therefore, bring best practices to our own Judiciary [*Desk thumping*] strengthening the brandy, as my learned Prime Minister says, Madam Speaker.

Clause 4 of the Bill amends the Summary Courts Act, Chap 4:20. In this we are deleting the definition of “child” and “young person” and we are substituting them with a new definition of child. Very importantly, we disaggregate the two between an older child and a younger child, and that is because we are treating with the manner in which the court manages the under 18 category. We managed older children and younger children in separate categorization, largely because we treat with them in child rehabilitation centres and children’s homes in different manners, and have the ability to put both children in both homes, depending upon certain circumstances.

Madam Speaker, clause 5 of the Bill amends the Bail Act, Chap 4:60. We insert a definition of “child offender” in accordance with section 1(a) of the Child Rehabilitation Act. We also amend section 12(5)(a) by deleting the words “sixteen” and substituting the word “eighteen” therefore, again, bringing harmony to the concept of a child.

Madam Speaker, we also seek to have effect that no condition will be imposed on a parent or guardian of a young person where it appears that the young person will attain the age of 18 years before the time appointed for him to surrender to custody, and that was to take care of the anomalous situation where Orders were perfected where a child could have been 18 years minus one day.

Madam Speaker, clause 6 amends the Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34, which, as you know, we have had the pleasure—the Minister of National Security, the Cabinet of Trinidad and Tobago, the Office of the Attorney General—of seeing brought to life nearly, by after 18 years of analysis paralysis, bringing the DNA laws to life by the promulgation of regulations which we have just done, Madam Speaker, lastly in the Senate of this honourable House.

Madam Speaker, in treating in clause 6, we replaced the reference of “juvenile residential facilities” to “rehabilitation centre” and we insert a definition of the term “rehabilitation centre” to be consistent with the definitions in the Children’s Community Residences Foster Care and Nurseries Act, Chap. 46:04.

Madam President, clause 7, seeks to amend the Legal Aid and Advice Act, and we take care of an interesting anomaly where we allow children to be represented under the Legal Aid Advice Act for all offences, because there was an exclusion for motor vehicle offences, and that was anomalous because it is reasonable to believe that children ought to be provided in the full gamut.

Madam Speaker, clause 8 amends the Child Rehabilitation Centre Act. We insert a definition of the term advisory board, prohibited article, resident, responsibility, superintendent and we delete the term “prison officer” in section 1(a) of the Act. This will allow us to provide for administrative changes in the organization and management of rehabilitation centres and, Madam Speaker, we have now the purview of the Commissioner of Prisons to be factored.

Because, Madam Speaker, insofar as the State is self-licensed, the structure of the rehabilitation centres is really meant to allow for an advisory board to operate in conjunction with the Children’s Authority. The Commissioner of Prisons still functions as the de facto licensee, the jury licensee, but we needed a manager, and each child rehabilitation centre is, in fact, managed by a superintendent and, therefore, we have harmonized the concept of licensee and also the concept of the manager so that we can have obligations vested in harmony with the private sector institutions that are licensed.

Madam Speaker, we also very importantly allow for judicial oversight in the concept of allowing a child the ability—and that is part of in the effort to control recidivism, in the effort to control the healing of families, we are promoting that there may be grant of leave from the rehabilitation centres and that that grant of leave, provided that there is no intrusion to it, should actually count as part of the placement term and, therefore, we encourage a modernization of the treatment of offender management for children in this particular clause 8.

11.25 p.m.

Madam Speaker, clause 9 of the Bill treats with where there is any reference in any written law to the Child Rehabilitation “Centre” Act, we are saying that that should be construed as the Child Rehabilitation “Centres” Act to make the law congruous.

Madam Speaker, clause 10 we amend the Children Act, and in the Children Act we are including definitions of the terms, “appropriate adult”,

“Commissioner”, “resident”. We are also providing for the management of corporal punishment not to be used in relation to children in a nursery or a resident in a rehabilitation centre, or a child in the custody, care and control of a fit person.

This amendment will further provide for a person employed by the Authority to investigate the abuse of a child, or any offence against a child to be exempt from committing offences in relation to child pornography, et cetera. And what we mean by that is, there was an anomalous situation where, if the Children’s Authority was treating with an investigation into a child pornography matter, the mere possession of child pornography by anybody constitutes an offence, and therefore it was an absurdity to have the investigator liable to an offence, and therefore we had to amend that as we proposed in this clause 10, Madam Speaker.

We further provide for the officer in charge of a police station to inform the parent, guardian, or person with the responsibility for the child, or an appropriate adult, and the Legal Aid and Advisory Authority where a child is apprehended, because there was no positive obligation to treat with that circumstance. We now provide for, in the case of a child that is charged with an offence being remanded to a children’s home, or where a child is under the age of 10, because there are in fact what we call “under-10ers” in the criminal justice system, to a rehabilitation centre that where the child is over 10 years, that we should have the disaggregation of treatment factored against age so that we can give the most appropriate remedy as opposed to being slaved by just the mere age recognition.

Madam Speaker, we are allowing for the court to be empowered to make certain placement arrangements where a child is charged with an offence but not convicted, because, Madam Speaker, is it really best to just lock up a child and forget the child? Giving the court the flexibility of custodial sentencing allows the child the chance of recovery in society, because who best needs a second chance, if not a third chance, or a fourth chance than the most vulnerable, standing as our children?

Madam Speaker, in this clause we propose an enhancement of procedures to be adopted by the Children’s Authority, by the Commissioner, by the children probation officers and the courts with respect to applications made for temporary placement of a child in a children’s home, or with a person outside a children’s home, or with respect to application for the grant of permission for leave for a stated purpose, for example, education, vocational training, CXC passes, general integration into society.

Madam Speaker, we are allowing for the court to sentence a child convicted of murder to be placed at a community residence for a specified period, the sanction for a breach of rules of children's home and for the assignment, because there was an anomalous treatment of how we dealt with children charged for murder. Madam Speaker, I recall vividly on the day of my installation—thanks to the hon. Prime Minister—as Attorney General of Trinidad and Tobago on the 9th of September, whilst I was in the middle of the swearing-in ceremony, being called to treat with the placement of a child at a child rehabilitation centre, and that child had been charged for murder.

And therefore, this is something that captures my heart, not only because of the passion for the area which I have, and which I am so pleased to share with my learned, beautiful colleague from Tobago East [*Desk thumping*] in her passion and her dedication as she is the Minister in the Office of the Prime Minister championing these causes, but together as a team we allow for a better promotion of our laws.

Madam Speaker, clause 11 seeks to amend the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04. We remove the requirement for the manager of a rehabilitation centre to apply for a residence licence, to provide for the Authority to investigate the suitability of an applicant to be granted a residence licence, and we provide for residence licence to be valid for two years. Why?—because the state and condition of these premises are such that we cannot have perfection in licensing and therefore we must give them room to develop.

And I want to say again, in complement to my learned colleague for Tobago East, that it is with that support coming from that Ministry, the Office of the Prime Minister that we are inching forward into making it better, [*Desk thumping*] and I cite St. Michael's as only one of those, Madam Speaker. Madam Speaker, we also provide for a Notice of Revocation to state grounds on which the Authority intends to revoke a licence so that there is reciprocity in information sharing. So that there is an attempt to actually bring it up to muster, pull up the socks, hold the boots by the boot straps.

Madam Speaker, we also prescribe the forms for punishment that are not used. We also provide how discipline is to be done at children's homes. We streamline the provisions that relate only to children's home. We provide for a manager of a children's home to keep records of a child charged, or a child offender who is received into the home, and we prescribed for the procedure for the reception into a children's home of a child in respect of whom no care order has been made, or in the case where there is a temporary placement order.

We also streamline in this clause the provisions for leave for children placed at homes, children's homes, and the procedure under the Children Act. We provide for an officer of a Children's Authority to enter a community residence with a warrant, and would empower the Authority to make regulations with the approval, because, Madam Speaker, is it not true that the greatest examples of abuse find themselves in our newspapers before the regulatory authorities know? That must be a thing of the past, Madam Speaker.

Madam Speaker, Clause 12 amends the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08. We insert a definition of a court's custodial bank account, bringing to life the very Bill for electronic payments which we have just done, and the alternate remedies. We align it with the meaning and term of "Registrar" with that already signed under section 2 of the Supreme Court of Judicature Act. We also insert, section 26, a new subsection (8A) to provide for the compulsory deposit of payments to the custodial bank account held in the name of the Registrar. That allows, Madam Speaker, for the indignity of people who are the recipients of orders of the court for maintenance or payment. It allows for the removal of the indignity of having to relate to a hostile person who is ordered to pay, and therefore we invoked the intermediary of the Registrar or the custodial bank account to ease the facilitation and healing of the families.

Madam Speaker, this amendment also clarifies the text of subsection 10 concerning the payment of amounts by the collecting officer and inserts a new subsection (11A) and (11B) to provide for electronic receipt of deposits and payments by the collecting officer, and to provide for the use of electronic records by the Registrar as evidence of proof of payment. It also allows for the vesting by the Rules Committee instead of a Minister, because it was anomalous for the Minister to make rules when in fact the Rules Committee should be the one doing that.

Clause 13 amends the Children's Authority Act. We insert a new definition of the terms "child offender", "residence license". We amend the definition of "fit person." We clarify the configuration of the Board of the Children's Authority and the qualifications of its members. And I want to thank again the Ministry of the Office of the Prime Minister, Gender Affairs, because we had agreement on how to fix the problem with the Children's Authority appointments where they did not have enough capacity, where we were constrained by an artificial application of conditionality for qualifications, et cetera, and the board was stymied, and the subcommittees of the board were stymied.

We fix that in clause 13, Madam Speaker. Madam Speaker, we also treat with Fit Person's Order in clause 13, and Care Orders. We also reduce the penalty for the offence of assisting a child who has run away, because that was something which was too draconian, and after all we want to encourage the child offenders into peer resolution, into managing the concept of recidivism again.

The last clause, Madam Speaker, is clause 14 where we amend the Family and Children Division Act, No. 6 of 2016. We clarified the definition of the term, "children matter", with respect to paragraph (f) of the definition. We provide for the category of persons eligible to be Deputy Court Executive Administrator and to provide for magistrates to receive complaints. It provides for proceedings to be held in-camera and out of the public glare, again bettering and facilitating the purpose of justice.

We provide for the redacting of judgments and rulings by the court Records Management subunit. We provide for the sealing of transcripts of proceedings and other relevant documents. We provide for the imposition of complete prohibition against publication, the mandating, where permitted publication to be done in a manner which preserves the identity of the children involved.

Madam Speaker, this was, imagine on a day like today in these circumstances, it took me this long to say what we have just done. I want to say, I wish to thank profusely the team of hardworking technocrats that sat together with the Office of the Attorney General for months, up to eight hours a day at times, nine hours a day, draft after draft, this included the prisons authority, the Children's Authority, the Office of the Prime Minister; Master Christie-Ann Morris-Alleyne who spearheaded these reforms, Madam Speaker. I want to thank the hon. Chief Justice. I wish to thank all of the judges and Masters of the court, the Registrars, all of the technocrats, in particular, Gayatri Paragras, and also Carla Ali, and Angela Moore, and Solange De Souza-Ransome who gave their blood, sweat and tears on this particular Bill. It gives me great pleasure to beg to move. [*Desk thumping*]

Question proposed.

Hon. F. Al-Rawi: Oh, I forgot. Madam Speaker, forgive me, my exuberance took the better of me. Madam Speaker, it gives me very great pleasure to beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Titles to Land (Amdt.) Bill, 2017

Wednesday, June 06, 2018

Bill committed to a committee of the whole House.

House in committee.

11.40 p.m.

Clauses 1 to 14 ordered to stand part of the Bill.

Question put and agreed to: That the Bill be Reported to the House.

House resumed.

Bill Reported, without amendment, read the third time and passed.

**REGISTRATION OF TITLES TO LAND (AMDT.)
(NO. 2) BILL, 2017.**

Senate Amendments

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi): Madam Speaker, I beg to move:

That the Senate Amendments to the Registration of Titles to Land (Amdt). No. 2, Bill, 2017, be now considered.

Question proposed.

Question put and agreed to.

Clause 14.

Senate amendments read as follows:

“In paragraph (a), delete proposed subparagraph (b) and insert the following:

‘(b)in any case at any time with the consent in writing of all persons interested;’

Clause 16.

“A. By inserting after paragraph (a), the following new paragraph (b):

(b) in subsection (3), by inserting after the word “minor” where it occurs last, the words “and provide a certified copy of the Birth Certificate of the minor”; and

(B).Renumber the paragraph (b) to paragraph (c).”

Titles to Land (Amdt.) Bill, 2017
[HON. F. AL-RAWI]

Wednesday, June 06, 2018

Mr. Al-Rawi: Madam Speaker, I beg to move that this House agree with the Senate in the amendments to clauses 14 and 16 of the Registration of Titles to Land (Amdt.) (No. 2) Bill, 2017.

Madam Speaker, permit me very quickly just to address these amendments. Clause 14 proposes an amendment in terms read, which affects in essence section 30 of the parent Act. Section 30 of the parent Act is where we actually put inside the rectification by a registrar. It was felt by Members of the honourable Senate that where we were allowing the Registrar the privilege of rectification in better circumstances than that which were permitted before, where we allowed for minor amendments, et cetera, but very importantly where we allowed for consensual adjustment to boundaries, that where the Bill simply stopped at saying in any case at the time where consent of all persons as interested should have been had, there was no confirmation that it should be evidenced in writing. Therefore this was a move for a degree of certainty as to the indication of consent, which would therefore avoid having to seek redress in the courts where people had arguments as to whether they consented in fact or not. So it is a rather straightforward, simple but important amendment.

In relation to clause 16 of the Bill, clause 16 seeks to amend section 44 of the Act. Section 44 of the Act treats with the concept of minors. And this is where we managed how a caveat should be introduced where minors were dealt with land. In Section 44 of the Act of course we all know that minors are prohibited from transacting with land, other than by way of a court order. However, they may be vested with land.

It was felt that when we were treating with subclause (3) of section 44, that we should in fact have the evidence of the minor's position produced in those circumstances. And therefore we sought in subsection (3) that:

The minor or any person representing a minor who applies to register any disposition of land or any interest in land made by the minor, shall state in such application particulars of age and date of birth of the minor—

But that they should go one step further and provide the certified copy of the birth certificate. Again, this facilitates certainty in the process. It allow for the avoidance of litigation. It allows for better purpose in the management, and it is certainly something which is entirely cost effective.

In those circumstances, I beg to move.

Question proposed.

Mr. Al-Rawi: Madam Speaker, I am compelled, in light of the simplicity of these amendments, the certainty which they cause, to simply beg to move. [*Desk thumping*]

Question put and agreed to.

**COMMISSIONER OF POLICE
(NOMINATION OF MR. DEODAT DULALCHAN)**

The Prime Minister (Dr. Keith Rowley): Thank you very much, Madam Speaker. A few weeks ago I had the responsibility of receiving, along with other Members of this House, the request from the Service Commission, which came to us by way of notification through the office of Her Excellency the President, asking us, by way of our procedures, to accept the recommendations of the Service Commission, who asked us to accept a person for the Commissioner of Police who will be appointed substantively to this post.

Madam Speaker: Are we doing Motion No. 1?

Dr. K. Rowley: Yes, Madam Speaker.

Madam Speaker: Okay, so if you will just permit me.

**COMMISSIONER OF POLICE
(NOMINATION OF MR. DEODAT DULALCHAN)**

[Second Day]

Order read for resuming adjourned debate on question [June 06, 2018]:

That the Bill be now read a second time.

Question again proposed.

The Prime Minister (Hon. Dr. Keith Rowley): My apologies, Madam Speaker, for not giving you the opportunity for properly introducing it. It must be the earliness of the morning or lateness of the night.

However, I would continue by saying, ordinarily upon receipt of this notification we would have simply followed a process of accepting the work done, and having this person cleared to be appointed to this position. But these are not ordinary times and this is no ordinary recommendation, as today's activity in this House would have shown.

It was when this notification came to us, which I need not spell out in detail, that we had to refer the assignment to a committee of the House to assist the House in making a determination on whether the House should proceed as requested or not.

Nomination of Mr. Dulalchan
[HON. DR. K. ROWLEY]

Wednesday, June 06, 2018

Madam Speaker, the Motion asked us to approve the recommendation. So upon receipt it would have been the expectation of those who sent it here that it would be treated, but it is subject to the negative resolution of this House. And, Madam Speaker, because we have been required to enquire into the workings of the commission and the implications of all that was put before us, we take note tonight of the work of the Special Select Committee of this House which has been subjected to an extensive debate.

Madam Speaker, some Members of the House were of the view that we should accept the recommendation and proceed to approve. Other Members of the House had concerns about the procedure, about the outcome of the process, and our committee in Reporting back to this House by majority said to this House that we should return and have the process reviewed and redone so as to ensure that certain attributes attend the business of these works, and therefore have a better chance of finding favour with the majority in this House.

Simply I am saying that today we discussed in detail, with or without the support of either side, with positions varying on either side, but it is the House that is being asked to do this. And what we have found is that we cannot go forward with the outcome of the process.

11.55 p.m.

And if that is the conclusion as has been voted upon earlier in the day that the process has not lived up to expectation, I simply want to draw your attention, Madam Speaker, to the route of the process. I take you to section 123(2) of the Constitution, and the Constitution says here that:

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

It is that Order arising and originating out of that section of our Constitution which we debated today, and by majority vote concluded that this Order was not properly executed and followed by the relevant authority, the Police Service Commission.

Madam Speaker, it is not my duty nor my intention to enter into or revisit the debate earlier, except to mention for your clarity, that the vote on this Order today, or the work written in this Order—was that it not be accepted, and since that is so it follows that we cannot then accept the product of that, the vote having been carried in the way it is has been carried today.

Unfortunately, Madam Speaker, our colleagues chose to abandon their duty of recording their position, but we record ours, the majority votes in this House today did not accept that the Order was observed in this letter and spirit, and that we are to proceed by way of anything other than the negative resolution.

And that being so, Madam Speaker, it will serve no useful purpose for us to go into any further detail as to who, but I simply want to draw and put on the record, the convenience of persons who seek to advance positions in the House politically or otherwise, but defies reason, because we heard a lot of emotive argument on the other side about doing this and doing that for the sake of completeness, and saying that it was only partially flawed. Madam Speaker, we took note of all of that, and at the end of it, we have come to the conclusion that it would be not reasonable and responsible to go forward as requested by our colleagues on the other side.

And that being so, Madam Speaker, the Motion before us requires that we approve the recommendations of the notification of Her Excellency the President coming from the Police Service Commission given our examination and given our findings of our own committee that is not doable. And therefore, we cannot support the request and we cannot approve this notification. Madam Speaker, I beg to move. [*Desk thumping*]

Question put.

Motion negatived.

Madam Speaker: Motion No. 2. Are we doing Motion No. 2, Leader of the House?

Dr. Rowley: No, Madam Speaker.

Madam Speaker: No further Motions. Okay. So, Leader of the House.

ADJOURNMENT

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, before I put the Motion, I would like to invite the Attorney General to bring Eid greetings.

Madam Speaker: Attorney General.

EID-UL-FITR (GREETINGS)

The Attorney General (Hon. Faris Al-Rawi): [*Desk thumping*] Thank you, Madam Speaker, as I tried to make sure that my colleagues were awake a short

Eid-ul-Fitr Greetings
[HON. F. AL-RAWI]

Wednesday, June 06, 2018

while ago, as I tried to usher them into the new day that is dawning tomorrow, and I am grateful that the Prime Minister is ever vigilant on his toes.

Madam Speaker, it gives me great pleasure on behalf of the Government to bring greetings to the Islamic community on the celebration of Eid-ul-Fitr. Eid-ul-Fitr literally means the celebration of the breaking of the fast, “Eid” in reference to celebration and “ul-Fitr” to the breaking of the fast.

The Islamic community comprises several branches. We, of course, have the Shia community, we have the Ahmadiyya community and we have the Sunni community, but they, all three, join together in the celebration and practice in this holy month of Ramadan, of the particular tenets as laid out really in the five pillars of Islam, referred to as the “arkan”—in Islam, “arkan” meaning pillar.

The five pillars are not pillars which are unknown to members of other religions. The first one is the pillar of faith, in Arabic referred to as shahadah. The second is, of course, the pillar of prayer referred to as salat. The third pillar is, of course, the pillar of charity which is known as zakat. The fourth pillar is the pillar of fasting, referred to as sawm. And the last pillar is, of course, making the holy pilgrimage of hajj. There are two types of hajj, but both are equally important.

Madam Speaker, these five pillars of Islam find reverberation, they find synonymity, they find measure with Christianity, with Judaism. In the Qur’an, as it is written, it is said—

Do not destroy a synagogue or church, for there good worship is done.

—Again, recognizing the brotherhood and religious tolerance of our Islamic community.

Madam Speaker, the Eid-ul-Fitr is, in fact, the lesser of the two Eids, there are two Eids in Islam. The more celebrated version is, of course, Eid-ul-Adha which is in reference to the celebration of the sacrifice, and finds, again, similarity in the Christian religion, where we saw Abraham being willing to sacrifice his son to God, the Almighty Allah. “Allah” in Arabic means “the God” or “the epitome of a God”.

Madam Speaker, the People’s National Movement has very strong ties with the Muslim community. The People’s National Movement in its origin walked hand in hand with our Muslim brothers. We still continue to do so as we do equally with our Hindu brothers and sisters, with our Christian brothers and sisters, with our Orisha brothers and sisters. We are a party of equality, we celebrate all our people of Trinidad and Tobago.

Adjournment (Eid Greetings)
[HON. F. AL-RAWI]

Wednesday, June 06, 2018

Madam Speaker, it is an honour and a privilege to recognize and celebrate the contribution and worth of our Islamic community, of their dedication in particular to zakat or charity.

Madam Speaker, it gives me great pleasure on behalf of the Government of the Republic of Trinidad and Tobago and on behalf of the hon. Prime Minister, Dr. Keith Rowley, the Member for Diego Martin West, to say, “Eid-ul-Fitr” and for the rest of Ramadan, I say, “Ramadan Kareem”, may it be a kind Ramadan, may it see celebrations and the breaking of fast at “Iftar”, that it is enjoyable to all communities. I thank you, Madam Speaker.

Madam Speaker: Well, I too would like to join with the hon. Member who made the contribution, in bringing Eid greetings to the Muslim community of Trinidad and Tobago and, in fact, to the wider community of Trinidad and Tobago, and exalt us to not just be fooled by the superficial glow of light, but to allow the deep penetration of darkness which light brings, to be incorporated in every facet of our lives. And, that light would also assist us in bringing into fruition the reality of our watchwords of “discipline, production and tolerance”.

So that, I wish the Muslim community and the wider Trinidad and Tobago, a happy, holy Eid and for the incorporation of true light into our lives. Leader of the House. [*Desk thumping*]

Hon. C. Robinson-Regis: Thank you very much, Madam Speaker. Madam Speaker, I would like to take this opportunity to thank the staff of the Parliament, and also to indicate [*Desk thumping*] that in light of the fact that they have really been working very hard and there is Senate tomorrow, I beg to move that this House do now adjourn to a date to be fixed.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 12.05 a.m.

WRITTEN ANSWERS TO QUESTIONS

The following question was asked Mr. Rudranath Indarsingh (Couva South) earlier in the proceedings:

**Dr. Shafeek Sultan Khan
(Petrotrin's Employment of)**

222. Mr. Rudranath Indarsingh (Couva South) asked the Hon. Minister of Energy and Energy Industries:

Could the Minister inform this House of the terms and conditions of Petrotrin's hiring of Dr. Shafeek Sultan Khan as Human Resources/Industrial Relations Consultant?

The following reply was circulated to Members of the House:

There is no direct contract between Petrotrin and Dr. Shafeek Sultan Khan. Petrotrin has engaged Caribbean Corporate Clinic Limited to which Dr. Khan is affiliated, to provide legal/management consulting services to the Board of Directors with respect to the reorganization of the Company.

The agreement is effective from 2nd January, 2018 and terminable by either party on the giving of thirty (30) days' notice. The compensation comprises an initial retainer fee of US \$15,000 and monthly fees of US \$15,000 both payable in Trinidad and Tobago dollars. The individuals providing services under the contract include Dr. Shafeek Sultan-Khan, a Legal Consultant and a HR Management Consultant.

The following question was asked Mr. Rudranath Indarsingh (Couva South) earlier in the proceedings:

**Dr. Shafeek Sultan Khan
(Port Authority's Employment of)**

223. Mr. Rudranath Indarsingh (Couva South) asked the hon. Minister of Works and Transport:

Could the Minister inform this House of the terms and conditions of the Port Authority of Trinidad and Tobago's hiring of Dr. Shafeek Sultan Khan as Human Resources/Industrial Relations Consultant?

The following reply was circulated to Members of the House:

Dr. Shafeek Sultan-Khan was engaged to provide services to the Port Authority (PATT) to treat with two employment/industrial relations matters, one of which is now the subject of a court action.

The PATT required Dr. Sultan Khan to provide the following in each matter:

1. Advice on the best course of action to be adopted; and
2. Guidance through to a final resolution.

The PATT also requested that the cost proposal outline the various options available to resolve each matter.

The total cost for Dr. Sultan-Khan's professional services was TT\$421,875.

Dr. Sultan-Khan has completed his job and is no longer engaged at the PATT

The following question was asked Mr. David Lee (Pointe-a-Pierre) earlier in the proceedings:

**Consultants at Petrotrin
(Details of)**

228. Mr. David Lee (Pointe-a-Pierre) asked the hon. Minister of Energy and Energy Industries:

Could the Minister provide:

- a) the names of all individuals/companies retained as consultants at Petrotrin since July 1, 2017; and
- b) the total amount paid to each consultant listed in part (a)?

The following reply was circulated to Members of the House:

The cost of consultancy services incurred by Petrotrin form July 1, 2017 to date is \$63,610,158.23.

The names of the consultants and their individual costs are as follows:

Names of Consultant	Date of Engagement	Purpose of Consultancy	Amount \$
W. Paul Charles	December 01, 2017	Communications	120,600.00

Written Answers to Questions

Wednesday, June 06, 2018

Caribbean Corporate Clinic Limited	January 02, 2018	Legal & Management Consultant	573,750.00
Kroll Consulting	September 29, 2017	Consultancy Services	1,376,069.53
Egonzehnder	April 16, 2018	Executive Recruitment	3,788,204.00
Gaffney, Cline & Associates	October 02, 2017	Consultancy – Oil Production	1,407,108.23
HRC Associates Limited	September 19, 2017	Executive Recruitment	100,000.00

The following question was asked Mr. Barry Padarath (Princes Town) earlier in the proceedings:

**Minor House Repairs Grants
(Details of)**

252. Mr. Barry Padarath (*Princes Town*) asked the hon. Minister of Social Development and Family Services:

Could the Minister indicate how many Minor House Repairs Grants valued at \$20,000.00 were disbursed from October 2017 to January 2018 and indicate the location in each case?

The following reply was circulated to Members of the House:

The Minor House Repairs Grant assists applicants with minor structural repairs to their homes with a total material cost to a limit of fifteen thousand dollars (\$15,000.00) under normal circumstances and twenty thousand dollars (\$20,000.00) in the event of a natural or man-made disaster. During the period October 2017 to January 2018, no Minor House Repair Grants valued at \$20,000.00 were disbursed by the Ministry.

The following question was asked Mr. Barry Padarath (Princes Town) earlier in the proceedings:

**General Assistance Grants
(Details of)**

- 253. Mr. Barry Padarath** (*Princes Town*) asked the hon. Minister of Social Development and Family Services: Could the Minister indicate how many Household Items, General Assistance Grants valued at \$10,000.00 were disbursed from October 2017 to 2018 and indicate the location in each case?

The following reply was circulated to Members of the House:

The Ministry of Social Development and Family Services disbursed four hundred and twenty-six (426) General Assistance Grants valued at \$10,000. for the purchase of Household Items during the period October 2017 to January 2018. A breakdown of the number of recipients by location is as follows: Locations

	Number of Recipients
Tunapuna	69
Siparia	56
Sangre Grande	1
San Juan	28
San Fernando	1
Rio Claro	46
Princes Town	65
Penal	26
Couva Tabaquite	116
Chaguanas	18