

HOUSE OF REPRESENTATIVES

Friday, February 02, 2018

The House met at 1.30 p.m.

PRAYERS

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

Madam Speaker: Hon. Members, Mr. Prakash Ramadhar, MP, Member for St. Augustine; Mr. Rodney Charles, MP, Member for Naparima; and Mr. Maxie Cuffie, MP, Member for La Horquetta/Talparo have requested leave of absence from today's sitting of the House. The leave which the Members seek is granted.

**JOINT SELECT COMMITTEE
(APPOINTMENT TO)**

Madam Speaker: Hon. Members, I have received correspondence from the President of the Senate dated January 29, 2018.

“Dear Honourable Speaker,

Establishment of the Joint Select Committee

Your letter dated January 29th 2018 on the subject at caption refers.

I wish to advise that at a sitting held on Tuesday, January 30th, 2018, the Senate concurred with the House in the establishment of a Joint Select Committee to consider and report on the Anti-Terrorism (Amendment) Bill, 2018; and the following six (6) Members were appointed to serve on the Committee:

Mr. Clarence Rambharat;

Mr. Nigel De Freitas;

Mr. Foster Cummings;

Mr. Saddam Hosein;

UNREVISED

Ms. Sophia Chote, SC; and
Mr. Stephen Creese.

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”

PAPERS LAID

1. Audited Financial Statements of the Trinidad and Tobago International Financial Centre Management Company Limited for the year ended September 30, 2017. [*The Minister of Finance (Hon. Colm Imbert)*]
To be referred to the Public Accounts (Enterprises) Committee.
2. Annual Report and Audited Financial Statements of the Trinidad and Tobago Heritage and Stabilisation Fund for the year ended September 30, 2017. [*Hon. C. Imbert*]
To be referred to the Public Accounts Committee.
3. Annual Report of the First Citizens Investment Services Limited and its Subsidiaries for the year 2017. [*Hon. C. Imbert*]
4. Ministerial Response of the Ministry of Finance to the Ninth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Financial Statements of the Telecommunications Services of Trinidad and Tobago Limited for the financial years 2008 to 2016. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]
5. Fortieth Annual Report of the Ombudsman for the period January to December 2017. [*The Deputy Speaker (Mr. Esmond Forde)*]

6. Notification of His Excellency, the President, in respect of the nomination of Mr. Deodat Dulalchan for appointment to the Office of Commissioner of Police. [*Hon. C. Robinson-Regis*]
7. Notification of His Excellency the President, in respect of the nomination of Mr. Deodat Dulalchan for appointment to the Office of Deputy Commissioner of Police. [*Hon. C. Robinson-Regis*]
8. Notification of His Excellency the President, in respect of the nomination of Mr. Harold Phillip for appointment to the Office of Deputy Commissioner of Police. [*Hon. C. Robinson-Regis*]

**JOINT SELECT COMMITTEE REPORT
(Presentation)**

**Local Authorities, Service Commissions and Statutory
Authorities (including the THA)**

Teaching Service Commission

The Minister of Sport and Youth Affairs (Hon. Darryl Smith): Thank you, Madam Speaker. I have the honour to present the following report:

Sixth Report of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the THA) on an Inquiry into the Efficiency and Effectiveness of the Teaching Service Commission.

**PUBLIC ACCOUNTS (ENTERPRISES) COMMITTEE
(Presentation)**

Dr. Tim Gopeesingh (Caroni East): Thank you, Madam Speaker. I have the honour to present the following reports:

National Entrepreneurship Development Company Limited

Tenth Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheets and other Financial

Statements of the National Entrepreneurship Development Company Limited (NEDCO) for the financial years 2008 to 2014.

National Maintenance, Training and Security Company Limited

Eleventh Report of the Public Accounts (Enterprises) Committee on the Examination of the Audited Accounts, Balance Sheets and other Financial Statements of the National Maintenance, Training and Security Company Limited for the financial years 2008 to 2016.

URGENT QUESTIONS

**Mount Pleasant Government Primary School
(Resumption of Classes)**

Mr. David Lee (*Pointe-a-Pierre*): Thank you, Madam Speaker, to the Minister of Education: In light of the faulty sewer which forced the school to be closed since January 15, 2018, could the Minister state how soon classes will resume for the two hundred and twenty one students of the Mount Pleasant Government Primary School, Claxton Bay?

The Minister of Education (Hon. Anthony Garcia): Thank you very much, Madam Speaker. Madam Speaker, the Education Facilities Company Limited has visited the Mount Pleasant Government Primary School in light of the faulty sewer system which forced school to be closed from January 15th. EFCL is currently preparing a scope of works for both a short term and long-term solution to the problem.

The short-term solution involves the use of plastic septic tanks and a filtration system which can be completed in approximately one week and it will be implemented as soon as the Ministry of Education receives the scope of works. At present, Standard 4 and 5 classes have been accommodated at the nearby Presbyterian school. Thank you very much.

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

Mr. Lee: Thank you, to the Minister. Could he give a more specific deadline when the school will resume, please?

Hon. A. Garcia: Madam Speaker, I just indicated that the first plan is to have that done in one week's time. As soon as we receive the scope of works from EFCL we will implement that plan and that should not take more than one week. Thank you very much.

**National Gas Company
(Restoration of Supply of Gas)**

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker, to the Minister of Energy and Energy Affairs. Could the Minister inform this House when the National Gas Company will restore its supply of natural gas to the Caribbean Nitrogen Company Limited?

Madam Speaker: Minister of Energy and Energy Industries.

The Minister of Energy and Energy Industries (Sen. the Hon. Franklin Khan): Thank you very much for the correct expression of my portfolio. [*Desk thumping*] Madam Speaker, as is known, on January 24th because of a breakdown of the negotiations for a gas sales agreement, the CNC Company ceased its operation. Since January 24th, both the NGC and the Government of Trinidad and Tobago through the Ministry of Energy and Energy Industries have indicated to CNC that they should return to the negotiating table.

Despite their various public utterances over the last 10 days, it is only today that the NGC received official correspondence from CNC that they are willing to resume negotiations. In that context, operations of CNC will obviously resume when an amicable settlement to the gas sales agreement is reached. [*Desk thumping*]

Mr. Indarsingh: Thank you, Madam Speaker. Could the Minister indicate to this

House how much revenue has been lost by the National Gas Company as a result of this impasse?

Madam Speaker: Member, I will not allow that question as a supplemental question. Member for Couva South, question three.

**National Earthquake Plan
(Status of)**

Mr. Rudranath Indarsingh (*Couva South*): Thank you, Madam Speaker, to the Minister of National Security. Given that Trinidad and Tobago recorded its sixth earthquake in a week and within recent times even more, could the Minister inform the citizens of the status of a national earthquake plan?

Madam Speaker: Minister of National Security.

The Minister of National Security (Hon. Major General Edmund Dillon): Thank you very much, Madam Speaker. [*Desk thumping*] Madam Speaker, the earthquake plan for Trinidad and Tobago which is a living document, has been developed and exercised by first responder agencies inclusive of the Ministry of Rural Development and Local Government, as well as the Tobago Emergency Management Agency. In keeping with standard operating procedures, the agencies are on constant vigilance and alert based on information received from the Seismic Research Centre of the University of the West Indies.

Madam Speaker, the Ministry of National Security, through the ODPM has been asking agencies to update their emergency plans for such an event. The public education campaigns by both the Seismic Research Centre and the OPDM continue along with the Ministry of Rural Development and Local Government.

The ODPM, which has responsibility to coordinate on all of Government and community national response has been monitoring and preparing for such an event.

In addition, Madam Speaker, the OPDM has a sizeable amount of relief

supplies to mount an immediate response if needed. [*Desk thumping*]

Madam Speaker: Supplemental, Member for Couva South.

Mr. Indarsingh: Madam Speaker, given the ODPM's track record as it relates to dealing with flooding in Trinidad and Tobago, could the Minister advise us of how many vacancies are existing at the Office of Disaster Preparedness and Management agency, and also of the expertise of people within that body as it relates to dealing with disaster from the point of view of earthquake and management?

Madam Speaker: Okay, Member, I think you asked two questions there. In any event, I do not allow either of them as supplemental questions. Member for Princes Town.

**Regional Carnival 2018
(Funding for)**

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker, through you to the hon. Minister of Community Development, Culture and the Arts. Could the Minister indicate whether regional bodies have been provided with funding for regional carnival 2018, and if so could the Minister provide a breakdown per region?

The Minister of Community Development, Culture and the Arts (The Hon. Dr. Nyan Gadsby-Dolly): Thank you very kindly, Madam Speaker. Regional bodies have been provided with funding for Carnival 2018. The information coming from the NCC does not break down per region, it breaks down per committee, and that can be provided if the Member so wishes.

Madam Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Madam Speaker, to the hon. Minister. Minister, could you indicate what process is used to determine the amounts allocated per region to account for any disparity?

Madam Speaker: Okay. So Member, I think you may need to, I will allow you a supplemental question, but you may have to re-phrase your question in light of what was answered by the Minister.

Mr. Padarath: Thank you, Madam. To the hon. Minister, could the Minister indicate what process is used to determine the amounts allocated to each region? [*Crosstalk*] Regional committees, Madam.

Hon. Dr. N. Gadsby-Dolly: Madam Speaker that is a question that deals with the process. I was asked to supply if funding was supplied and I have answered that one. If the Member has more concerns about the process, I feel that will be a different question. [*Desk thumping*]

Madam Speaker: A further supplemental? Number five. Member for Princes Town.

Hosting of Carnival Events (Measures implemented)

Mr. Barry Padarath (*Princes Town*): Thank you, Madam Speaker, to the hon. Minister of National Security: In light of the recent announcement of the establishment of six security zones each to be set up in the nation's capital for Carnival 2018 and managed by an assistant commissioner of police, could the Minister indicate what specific measures will be used in the other areas outside the capital city that will be hosting Carnival events?

The Minister of National Security (Hon. Major Gen. Edmund Dillon): Thank you very much, Madam Speaker. While the announcement referred to the six zones in particular addressing Port of Spain, Carnival throughout Trinidad and Tobago will be addressed with respect to security by the members of the law enforcement community and the defence and security services.

Madam Speaker, Trinidad and Tobago is, in fact, divided up into its nine divisions and is also inclusive of Traffic Branch which is spread across Trinidad

and Tobago. Major Carnival celebrations throughout Trinidad and Tobago include: Port of Spain, southern which refers to San Fernando, Princes Town, Marabella, Gasparillo, Moruga; in central: Chaguanas, Carapichaima and Couva; Tobago: Scarborough, Crown Point and Roxborough; eastern: Sangre Grande, Mayaro, Manzanilla, Toco, Valencia, Matura; in northern: St. Joseph, Tunapuna, Arima, Arouca; south western: Fyzabad, Penal, Siparia, Santa Flora, Cedros; north eastern: San Juan, Santa Cruz and western: Maraval and St. James.

Madam Speaker, wherever there are Carnival celebrations additions to security throughout Trinidad and Tobago will be addressed by members of the law enforcement community and defence and security services.

Madam Speaker: Supplemental, Member for Princes Town.

Mr. Padarath: Thank you, Madam, to the Minister of National Security. With less than two weeks before Carnival 2018, could the Minister indicate whether increased joint army and police patrols will be utilized, and if so, how many army and police officers are expected to be on the streets for the nation's Carnival?

Hon. Maj. Gen. E. Dillon: Madam Speaker, throughout the length and breadth of Trinidad and Tobago wherever there are Carnival activities. And in addition to the security of Trinidad and Tobago as a whole there will be joint exercises and joint presence of members of the law enforcement community through the Trinidad and Tobago Police Service and members of the defence force throughout the length and breadth, both on land and on sea, to ensure that revellers and those visitors who are visiting Trinidad and Tobago enjoy the safety and security of Trinidad and Tobago. [*Desk thumping*]

Mr. Padarath: Thank you, Madam. The hon. Minister did not answer the question. The question is: How many officers do you expect to be deployed [*Desk thumping*] during the nation's Carnival on land.

Hon. Maj. Gen. E. Dillon: Madam Speaker, members of the Trinidad and Tobago Police Service and members of the defence force will be employed throughout the length and breadth of Trinidad and Tobago to ensure the safety and security of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker: Okay. So Members, while I understand that the arena allows for a certain amount of banter, certain comments have reached my ear which I hope would not be repeated.

ANSWERS TO QUESTIONS

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Thank you, Madam Speaker. There are three questions for oral answer, we will be answering all three. There are two questions for written and we will be answering both. The Clerk has the written answers for circulation.

WRITTEN ANSWERS TO QUESTIONS

Omardeen's Auditorium in San Fernando (Details of Successful Applicants)

69. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Housing and Urban Development:

Could the Minister state:

- a) the names of the successful applicants of housing units who received keys on December 09, 2017 at Omardeen's Auditorium in San Fernando;
- b) the application date of each applicant in part (a);
- c) the name of the recommender for each applicant in part (a)?

Housing Units Ceremony in Port of Spain (Details of Successful Applicants)

77. Dr. Roodal Moonilal (*Oropouche East*) asked the hon. Minister of Housing and Urban Development:

Could the Minister state:

- a) the names of the one hundred and forty (140) successful applicants of housing units who received packages on December 16, 2017 at a ceremony in Port of Spain;
- b) when each applicant applied to the HDC;
- c) who recommended each successful applicant; and
- d) the housing estate each successful applicant was allocated?

Vide end of sitting for written answers.

ORAL ANSWERS TO QUESTIONS

National e-Commerce Strategy 2017-2021 (Online Business Transactions)

73. Mr. Fazal Karim (*Chaguana East*) asked the hon. Minister of Trade and Industry:

Could the Minister inform the House of the programmes being implemented to train and equip citizens to transact business online upon the introduction of the National e-Commerce Strategy 2017-2021?

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

Thank you, Madam Speaker. Madam Speaker, I am answering on behalf of the Minister of Trade and Industry. The e-commerce strategy outlines the Government's framework for the development of e-commerce in Trinidad and Tobago over the next three years.

The Government's role under the strategy is to ensure that businesses and consumers have the necessary tools and resources to derive tangible benefits from e-commerce, as well as the legal and regulatory frameworks that foster business and consumer confidence in the establishment of a larger digital economy.

Initiatives aimed at equipping citizens to transact business online, as well as fostering business and consumer confidence in e-commerce are, one, the Ministry

of Trade and Industry will develop and promote private sector participation in e-commerce through its agencies such as exporTT and the Eximbank, and in collaboration with other Ministries. This will seek to increase awareness about e-commerce and encourage domestic firms to actively participate in online by buying and selling goods and services, as well as acquiring market information, developing business networks and goods and services promotion.

The Government will also collaborate with the TTMA, the TTCIC, AMCHAM and the IDB and other similar organizations to encourage firms to have a full online presence on Connect Americas and other similar platforms. This is an ideal way in which local manufacturers and service providers can easily reach markets and entrepreneurs worldwide and from the Government's perspective, an effective means to bring firms online with minimal outlay.

The Consumers Affairs Division under the Ministry of Trade and Industry is currently implementing educational programmes such as public meetings and lectures to consumers and suppliers about unfair trade practices and unfair contract terms and the like.

The Consumer Affairs Division is also using media advertising campaigns on e-commerce issues, telemarketing and also consumer risks such as scams and fraud, consumer tips via print, electronic and social media. This is being done at the community and national levels with the assistance of various stakeholders. These programmes will commence in the first quarter of 2018 and will continue for two years. During this time, the programmes will be evaluated to determine whether an impact is being made.

It should be noted that the current national ICT plan Fast forward II, Trinidad and Tobago's national ICT plan 2017—2021 which was recently approved by Cabinet has as one of its main strategic thrust, increasing human

capacity, enhancing digital literacy and developing the skills to enable productivity and innovation. This involves a focus on enhancing digital literacy and developing the skills to enable productivity and innovation with an e-ready society, as well as empowering citizens with ICT skills and competencies and growing awareness of ICT for doing things better, doing things differently and doing new things all with the view of increasing productivity, creating new lifestyles and driving success in all forms of enterprise. Thank you, Madam Speaker.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Will the hon. Minister indicate whether given the multitude of initiatives whether the Ministry is adequately resourced with the human capacity, technical and financial resources?

Hon. C. Robinson-Regis: Thank you very kindly, Madam Speaker. Madam Speaker, as this is one of the areas that the Ministry is very interested in ensuring it is successful, and also because of the fact that this is one of the areas that is one of the pillars of the Vision 2030 for the Government of Trinidad and Tobago and it is part of the policy of the Government, yes, the Ministry is moving to ensure that it is adequately resourced and we are in the position to give the assurance that that is being pursued adequately and relentlessly because this is an area of great importance for the Government of Trinidad and Tobago. Thank you, Madam Speaker.

Madam Speaker: Supplemental question, Member for Barataria/San Juan.

Dr. Khan: Thank you. Member for Arouca/Maloney, could you indicate if at all there will be the development of merchant accounts in Trinidad and Tobago where online payments worldwide could be accepted?

Hon. C. Robinson-Regis: Madam Speaker, once that is part of the development that needs to take place for Trinidad and Tobago to play its role in the developing

economy that will be one of the areas that we will implement.

Madam Speaker: Member for Chaguanas East.

**Digital Alert System
(Traffic Disruptions)**

74. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of National Security:

Could the Minister inform this House whether there is a system in place to digitally alert citizens to disturbances that disrupt the smooth flow of traffic in any part of the country?

The Minister of National Security (Hon. Major Gen. Edmund Dillon): Thank you, Madam Speaker. The responsibility to send out notices to the general public regarding traffic disruptions does not fall under the jurisdiction of the Ministry of National Security, but the Ministry of Works and Transport. In this regard, the Ministry's communications unit is charged with the dissemination of traffic advisories to external stakeholders.

Nevertheless, Madam Speaker, and in keeping with the whole of government approach to governance, the Minister of National Security acknowledges its critical role in coordination of efforts more specifically to its agencies, the Trinidad and Tobago Police Service and the Office of Disaster Preparedness and Management. With respect to planned traffic disruptions, the Trinidad and Tobago Police Service informs the public via its official Facebook page.

Additionally, information received from external agencies inclusive of the Ministry of Works and Transport once verified is usually published in the Trinidad and Tobago Police Service's Facebook and Twitter pages often in the form of a web link which leads users to the source or website of the entity that generated the

information.

Likewise, Madam Speaker, the ODPM as the country's strategic disaster risk-reduction and management agency has a specific responsibility to mobilize and coordinate the country's key agencies in responding to any hazard impact. These agencies include the Trinidad and Tobago Defence Force, the Trinidad and Tobago Police Service, Trinidad and Tobago Fire Service, municipal and regional corporations, government Ministries, the private sector, NGOs and FBOs and other key stakeholders.

However, it should be noted that a disturbance that causes disruption to the smooth flow of traffic in any part of the country may or may not qualify as a hazard. Nonetheless, Madam Speaker, the ODPM utilizes social media to inform citizens of incidents/occurrences, provide safety information and public advisories inclusive of posting of bulletins and notifications for other early warning agencies, share hazard information and general information to the public.

Madam Speaker: Supplemental question, Member for Chaguanas East.

Mr. Karim: Thank you very much, Madam Speaker. Hon. Minister, are you satisfied that given the consequences of the disruption of traffic flows on productivity and on safety and security, are you satisfied of the effectiveness of these mechanisms under your Ministry to deal with these situations?

Hon. Maj. Gen. E. Dillon: Madam Speaker, like all processes there is always room for improvement, and we continue to monitor and improve where necessary.

Madam Speaker: Supplemental, Member for Chaguanas East.

Mr. Karim: Thank you very much. Hon. Minister, can you indicate to this House what are the additional mechanisms you are using to improve the traffic flows in addition to what—

Hon. Maj. Gen. E. Dillon: Madam Speaker, utilizing the interagency approach

with coordination between the Trinidad and Tobago Police Service, Office of Disaster Preparedness and Management, Ministry of Works and Transport and other agencies in the Ministry of National Security to ensure any disruption will be dealt with in a speedy manner.

2.00 p.m.

**Reduction of Vehicle Imports
(Measures Taken)**

75. Mr. Fazal Karim (*Chaguanas East*) asked the hon. Minister of Finance: According to the Budget Statement 2018, 35,000 vehicles costing US \$500 million were imported into Trinidad and Tobago in 2017, could the Minister state the measures being taken to reduce vehicle imports as a means of reducing foreign currency demand and traffic congestion?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. Following the presentation of the 2018 budget, a number of fiscal measures were implemented, aimed at reducing the demand for motor vehicle imports and their associated demand for foreign exchange. These measures included increasing by 25 per cent the motor vehicle tax and customs duty on all private passenger vehicles with engine sizes exceeding 1599 cc but not exceeding 1999 cc. In addition, customs duty, motor vehicle tax and value added tax were re-introduced on hybrid vehicles with engine sizes exceeding 1599 cc. It should be noted that previously, in 2016, this demand reduction strategy was initiated by increasing by 50 per cent, taxes on private passenger vehicles with engine sizes exceeding 1999 cc.

Mr. Karim: Thank you very much, Madam Speaker. Would the hon. Minister indicate that with respect to those measures you have taken, what do you project to be the reduction in terms of the number of vehicles and therefore the outflow

of foreign exchange? If you have?

Hon. C. Imbert: Madam Speaker, it is too early to tell, but based on preliminary reports from the Customs and Excise Division, the imports of motor vehicles are on the way down, but it is too early to give actual figures.

**DEFINITE URGENT MATTERS
(LEAVE)**

**San Juan Boys Government Primary School
(Hardships faced by Students)**

Dr. Fuad Khan (*Barataria/San Juan*): [*Desk thumping*] Thank you, Madam Speaker. I wish to raise a definite matter of urgent public importance concerning the hardships faced by the students of the San Juan Boys Government Primary School who have been placed at a temporary location in Tunapuna. The substantial school construction began in 2013, however, at present it now consists of a dilapidated, unfinished building, leaking roof, termite-infested benches, non-functioning toilets, no water, vagrants, drug addicts and homeless persons occupying both the shed as well as the unfinished school building.

The matter is definite because it speaks to the need of young students experiencing hardships as a result of the Ministry of Education's incompetence in providing a proper school habitat.

The matter is urgent because this problem has been ongoing for approximately four years.

The matter is of public importance because the continued utilization of the temporary surroundings as well as the dilapidated conditions of the present school surroundings can result in severe leptospirosis due to rat infestations and its intended consequences.

Madam Speaker: Hon. Members, I am not satisfied that this matter qualifies

under this Standing Order. I advise that the Member pursue this matter under Standing Order 16.

**Princes Town Presbyterian No. 1 Primary School
(Severe Hardship and Inconvenience)**

Mr. Barry Padarath (*Princes Town*): [*Desk thumping*] Thank you, Madam Speaker, for the opportunity to raise a matter of urgent, definite importance in the constituency of Princes Town.

Madam Speaker, in accordance with Standing Order 17 of the House of Representatives, I hereby seek your leave to move the adjournment of the House at today's sitting of the House for the purpose of discussing a definite matter of urgent public importance, namely the closure and demolition of the Princes Town Presbyterian No. 1 Primary School for the past two years.

The matter is definite because it pertains to the current situation faced by students, parents and staff who are facing severe hardship, inconvenience and health hazards by being on a shift system with the Princes Town Presbyterian No. 2 Primary School since the closure of the No. 1 Primary School over two years ago.

Madam, it is urgent because the risk to the safety and health of the students and staff has been exacerbated over the past two weeks since they are now constrained to sit on the floor and shelter from the elements in the cafeteria area on their arrival, to facilitate the intervals between shifts resulting in several students falling ill; since this recent practice has been adopted due to holding areas now being used as additional teaching facilities; the poor sanitation and exposure to the elements is a direct result of the severe overcrowding and insufficient accommodation for two school populations to be sharing one

facility from 7.00 a.m. to 5.00 p.m.

And it is of public importance because if this situation is allowed to continue, it would lead to the academic performance, health and well-being of the students being further compromised, that can result in increased negative effects on the students, parents and staff of the Princes Town Presbyterian No. 1 Primary School. Thank you, Madam. [*Desk thumping*]

Madam Speaker: Hon. Members, I am not satisfied that this qualifies under this Standing Order. I advise that the Member pursue this matter under Standing Order 16.

Madam Speaker: The Member for Diego Martin North/East. [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I beg to move the following Motion standing in my name:

Be it resolved—

Mrs. Robinson-Regis: No.

Hon. C. Imbert: Oh, that is what I am saying, it cannot be that.

Madam Speaker: The Prime Minister. [*Desk thumping*]

**COMMISSIONER OF POLICE
(NOMINATION OF MR. DEODAT DULALCHAN)**

The Prime Minister (Hon. Dr. Keith Rowley): Madam Speaker, I beg to move the following Motion:

Whereas section 123(3) of the Constitution of the Republic of Trinidad and Tobago, Chap. 1:01 (“the Act”) provides that the Police Service Commission shall submit to the President a list of the names of the persons nominated for appointment to the office of Commissioner or Deputy Commissioner of Police;

And whereas section 123(4) of the Act provides that the President shall issue a Notification in respect of each person nominated under subsection (3) and the Notification shall be subject to affirmative resolution of the House of Representatives;

And whereas the Police Service Commission has submitted to the President the name Mr. Deodat Dulalchan as the person nominated for appointment to the office of Commissioner of Police;

And whereas the President has on the 26th day of January, 2018 issued a Notification in respect of the nomination;

And whereas it is expedient to approve the Notification:

Be it resolved that the Notification of the President of the nomination by the Police Service Commission of Mr. Deodat Dulalchan to the office of Commissioner of Police be approved.

Madam Speaker, it is with a certain amount of anticipation and expectation that the population received this information in recent weeks, or I should say days, because, Madam Speaker, we have been waiting for this opportunity to close this matter for approximately five years. The last time there was a substantive officer in the post of Police Commissioner was at the time when we had the Canadian, Dr. Dwayne Gibbs—

Hon. Member: 2012.

Hon. Dr. K. Rowley: That was 2012, and since then, since the conclusion of those contracts prematurely a vacancy existed for the Commissioner of Police. And, Madam Speaker, if there is any development that indicates the dysfunctionality in certain aspects of the governance of this Republic, this particular matter highlights such dysfunctionality because we have been

captured by a process which required all kinds of interpretations.

From where I came from, Madam Speaker, as Opposition Leader, where I have expressed on many occasions that this process is unacceptable and that it will amount to no good, I recommended then that we do away with it and offered support for a change. On becoming Prime Minister of Trinidad and Tobago, and trying to accelerate the process, the first hurdle I discovered in the process was that there appeared to be nobody really responsible for it, and as you try to push this stone up the hill, monumental excuses appeared. It was not the Prime Minister's Office, it was not the DPA, it was not the Commission, and it was not the Commissioner. The end result is that the process took a very long time to get to where we are today. It has also been a very expensive exercise, but the population expected that having got to where we are with what I just read out, that we would comfortably move into someone occupying the position as the Commissioner and put an end to this situation of us not having in the post an officer so appointed. In the meantime, we have had the situation of acting appointments, and a lot has been said about that. I need not repeat, but it had the effect of contributing to the under-performance of the police service.

Madam Speaker, 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. There is no other agency that is so authorized to carry out law enforcement in Trinidad and Tobago than the police service and, therefore, every citizen has an interest in the effective functioning of the police service. So, when we get to the point of wanting to appoint a Commissioner and Deputy Commissioners of the service, every citizen has an interest, Madam Speaker. Today, it is with great disappointment that I have to ask this House to

acknowledge that we are not in a position to conclude this process to the satisfaction of the wider national community. One of the problems that the current police service faces is a lack of confidence in the service, an absence of trust between the service and the population. And it was our anticipation that with the coming of a Commissioner of Police, that these two impediments would have been addressed in some small measure, to begin to build a new tomorrow in Trinidad and Tobago and to restore into our community, a police service whose leadership is beyond reproach.

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 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 for that trust to be based on a foundation of comfort that all is well in the State of Trinidad and Tobago.

Madam Speaker, I have seen it said that my colleagues on the other side have certain recommendations as to how we should proceed. I have no argument with those recommendations, whichever, but I simply want to say, Madam Speaker, that we are required under law to move forward with this process which has come through a number of hoops, over a number of hills, come to us in this House, to select a Commissioner of Police, in a time where

the streets of Trinidad and Tobago are killing fields and the police service is in dire need of revolutionary leadership. Madam Speaker, in order to allow this House to make that decision in a way that would satisfy the population, it is my view that the House needs assistance; assistance to have questions answered before the House proceeds any further, and it is on that basis, Madam Speaker, that I recommend to my colleagues in this House that we revert to section 50(3) of the Standing Orders so that the House can be assisted. [*Desk thumping*]

Madam Speaker: Leader of the House.

The Minister of Planning and Development (Hon. Camille Robinson Regis): Thank you, Madam Speaker. Madam Speaker, in accordance with Standing Order 50(3), I beg to move that this debate be adjourned to a later date to enable a special select committee to obtain further information that may be necessary in accordance with what was suggested by the Member for Diego Martin West, to obtain further information necessary to assist us in proceeding with this debate. Madam Speaker, I beg to move.

Mr. Lee: Madam Speaker, a point of order.

Madam Speaker: Point of order?

Mr. Lee: Standing Order 39, “Dispensing with Notice”.

Madam Speaker: Hon. Member, in terms of your objection, it is overruled.

Mrs. Persad-Bissessar SC: The question with respect to the vote.

Madam Speaker: I am now going to.

Mrs. Persad-Bissessar SC: Thank you.

Question put and agreed to.

**SPECIAL SELECT COMMITTEE
(ESTABLISHMENT OF)**

The Minister of Planning and Development (Hon. Camille Robinson-Regis): Madam Speaker, in accordance with Standing Order 38(1)(1), I beg to move that a special select committee of the House be established with powers as set out in Standing Order 111, for the purpose of obtaining additional and particular information to enable the House of Representatives to consider the notification submitted to it by His Excellency, The President, pursuant to section 123 of the Constitution, and Madam Speaker, I would like to indicate, in addition to the powers as outlined in Standing Order 111, that it be resolved that this committee be mandated to obtain information, documentation and or evidence relevant to and/or 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 position of Commissioner of Police and Deputy Commissioner of Police to enable the House of Representatives to consider the notification submitted to it by His Excellency the President pursuant to section 123 of the Constitution and that this select committee of the House report by March 31, 2018. Thank you, Madam Speaker.

Question put and agreed to.

Mrs. Kamla Persad-Bissessar SC (Siparia): Thank you very much. [*Desk thumping*] Madam Speaker, I am sorry I do not have sight of the Motion, so I will have to rely on what you just read. We were passed a copy of what—

Mrs. Robinson-Regis: Sorry, Madam Speaker. The Motion was passed to the Chief, the Member for Pointe-a-Pierre, and it is exactly the Motion that I have put, so you do have sight of it.

Mrs. K. Persad-Bissessar SC: Madam, what I have sight of is something that

says:

- (a) Obtain information, documentation and/or evidence, et cetera;
- (b) Report by—

Thank you.

Mrs. Robinson-Regis: So, you do not have “Be it resolved”.

Mrs. K. Persad-Bissessar SC: That is right, we do not have the resolution.

[Procedural Clerk passes document to Mr. Lee]

So, what is before the Parliament, as moved by the hon. Member and Leader of the House, Member for Arouca/Maloney, the question that has been put is:

Be it resolved that a Special Select Committee of the House be established for the purpose of obtaining additional and particular information to enable the House of Representatives to consider the Notification submitted to it by His Excellency the President pursuant to section 123 of the Constitution.

Madam Speaker, the hon. Member has given very little reason as to why this is to be done. Indeed, the hon. Prime Minister previously started debate on the Motion to approve the Notification from the President, and spoke of several extraneous matters. Now, this may be a very good strategy to constrain debate on this particular Motion. But, Madam Speaker, we do see merit in having a special select committee set up. And this is because the office of the Commissioner of Police is one of the most important offices in the country when it comes to our democracy and enforcement of law and order.

And this very important office, Madam Speaker, has—*[Interruption]* you know, let the Opposition have its say, the Government will always have its way,

Madam Speaker. This is a very important Motion, and the process that will ensue thereafter is also very important. So that, why is it that you would support having a joint select committee, Madam? Why?

Mrs. Robinson-Regis: A special select.

Mrs. K. Persad-Bissessar SC: A special—my apologies. Why would we go under a Standing Order to have a special select committee established? Now, it is not very often this has happened in this Parliament to the best of my memory. We have had many JSCs, but very few, if any, special select committees.

And it is something that we will support, given that the office is so important; given that this office is really a very integral part of our democracy. And from the time our independent Constitution came into being there was given that special insulation to a particular autonomous independent body to appoint a Commissioner and a Deputy Commissioner. The constitutional provisions are very clear and then those provisions were sort of interpreted and amplified in many decisions coming from on top on the Privy Council level, and through our own courts. Indeed recently, in the case of *Harrydath Maharaj v the Attorney General* where we had cause to take the Legal Notice of 2015, the Order for the selection process, several parts of that Order were struck down as unconstitutional, as being in some ways interfering with the independence of the Police Service Commission.

In 2007, this Parliament—not this particular Parliament, but the Parliament then in 2007—changed the Constitution, and that makes that office even so much important, because previous to 2007, the Police Service Commission had a lot of powers: To appoint, to promote, to transfer, to discipline, and so on. Those powers were taken away and given, to whom? The

Commissioner of Police. And, the Police Service Commission remained only with two offices. The two top offices with respect to appointments, transfers and so on, discipline. And therefore, given the plenitude of powers of a Commissioner of Police, it is imperative that the process that was engaged in to arrive at any nomination coming before us and for us to approve that that process must have been transparent, it must have been fair [*Desk thumping*] and it must be such as to preclude any taint of interference.

That is what the law provides, and that is why this joint select committee now—this select committee under Standing Order 95 is so vital because there have been all kinds of allegations in the public domain. And we know, Madam Speaker, there are allegations about—I would not want to involve the Chair—many of us in this Parliament, which are totally false. There are allegations coming about high offices, small offices that are totally false. I mean, I read last night a headline in the newspaper, it said:

“PSC”—Police Service Commission—“to be interrogated”—today.

Madam, not true, it could not happen, because first you have to establish a committee and so on. So, then everything that is in the public domain is true? But then it is not for us, it is not for us to judge the truth of whatever the allegations are. But what it is for us to do, is to ensure, as I say, there was a transparent process, there was due process and everything else that goes with it to get the best candidate as a Commissioner of Police with the plenitude of powers, and that is so vital, Madam Speaker. Because, again, Privy Council rules have told us, listen, if there is any hint or taint of any kind of interference, political or otherwise, if there is any flaw in the process by which this is done, there would be no trust, and there is no confidence in the top office for

Commissioner of Police.

And so this very important office, Madam Speaker, for us to determine issues of fact and law, this committee will be able to do it. This select committee determines issues of fact. I mean, there are issues relating to a quorum. They are saying that three people are not a quorum, when the Constitution is very clear, our own Constitution, so that is an issue of law that can be determined very easily by the committee, that in any service commission, this is section 129(2) of our Constitution, the supreme law of the land:

“At any meeting of a Service Commission three members shall constitute a quorum.”

So again, I am saying, some issues of law—another lawyer might disagree and interpret this in a different way. I would interpret it and say:

“At any meeting of a Service Commission three members shall constitute a quorum.”

And so all these issues, that is an issue of law. And there are issues of fact. There are issues of fact as to the process that took place, and that is why this select committee is going to be so vital. This select committee can help us to get: information, documentation, evidence touching and concerning method, process, and this is where we are when we go to a select committee, we can get all the information, documentation, anything touching and concerning the method, the criterion that is utilized by the Police Service Commission.

So, whilst we take this, I would say, maybe unique step or unprecedented step, it is because we must ensure that there had been no compromise in the process. So, here we are, persons—a question of fact again, one of law—are raising questions about whether they applied for the post or did not apply for the

post, did that really happen or not happen? And if it did happen, was it lawful? Was it *intra vires* the process that should have been followed?

2.30 p.m.

There are issues touching and concerning the quorum. I mentioned that before. Issues touching on and concerning the Police Complaints Authority sending documentary evidence to the service commission. What was that? Did they send it to the service commission only for this process or did they send documentary things about disciplinary charges being laid? Did they send it in 2011 when those things transpired or in 2012 or '13 or '14 or '15 or '16 or in '17, and was it properly sent? If you sent it for disciplinary should it go to the Police Service Commission? The law is clear. If you are sending for disciplinary—I made the point in 2007, the law changed.

So if you are saying discipline someone, disciplinary charges, what does the law tell us? You send it to who? The Police Commissioner, because discipline of all officers on the rank of Commissioner of Police, again I am saying that is an issue of law, it is a question of law. And then, of course, there are all kinds of stories about one nominee being close to a member of the service commission. That raises a whole issue of bias, apparent bias [*Desk thumping*] which again we have to see, we have to see what really happened. What transpired? Is this true? Is it not true? And if it is true, what steps were taken? And if it is not true, was any other nominee being considered? Was anybody else? Have there been disciplinary charges against anybody else?

We must thank the media for exposing certain allegations. But are there any other nominees who may be similarly circumstanced with respect to reports going for disciplinary action. With reports going about, well I know you, you know. I

am reading that one nominee, for example, has been—and this is where the select committee is going to help us. It is going to help us as to what process, what were the facts, what were the issues also.

So I am reading, for example, that one nominee, as I said, was close to someone else because he worked in the police service with this other nominee who is a policeman. But did he work with any other nominee or any other candidate? Because we have seen an exposé with respect to two of the nominees; two of the nominees, thanks to the media, we have seen all these exposés. As I say, I do not take everything I read or see on the media, whilst grateful for raising the concerns whether they are true or not.

So here we go, a joint select committee—

Mrs. Robinson-Regis: Select committee.

Mrs. K. Persad-Bissessar SC:—select committee, we are so used to joint select, Madam, I do apologize again. The select committee of the Parliament is the place where this Parliament, you know, and I think this is a very positive thing to happen, because we would really be utilizing a very strong and powerful tool in the hands of parliamentarians when we go to the select committee. And this is why I had written to the hon. Prime Minister when he sent me an email requesting a meeting to discuss this matter. I wrote to the hon. Prime Minister and I would like to put parts of this into the record because it justifies my support for having a select committee.

I refer to the matter—this is the request by the hon. Prime Minister for a meeting with the Opposition about the Commissioner of Police. I have taken note of the reports and so on.

The appointment of a Commissioner of Police is a matter of great and general public importance not only to the Opposition but to each and every

citizen of the Republic.

Continuing:

The public of Trinidad and Tobago will only hold trust and confidence in a Commissioner who had been appointed by a process that was fair, transparent, open and subject to the highest degree of scrutiny. If the matters reported in the public domain are credible, I am sure you will agree that the process employed to select the proposed nominees falls short on this standard. 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 we are here in this House and not the Senate—I was part of the discussions when the law was changed in 2007, as I think the Member for Arouca/Maloney was also part of the committee for the Government side at that time, and this was very clear. It was then requested by the hon. Prime Minister and agreed to by the two sides that the hon. Prime Minister, late Prime Minister, may God rest his soul, Prime Minister Manning, that we should put in, this should only be dealt with, approved by or say “yea or nay” in the House, not in the Senate. And again, that issue of the parliamentary representation that the House was given that seniority to deal with this. It will stop here or go further from here.

And so, what is now “awash in the public domain”, the words used by the hon. Prime Minister, raises more questions than answers with respect to the process employed and the proposed nominees. And this is why, Madam Speaker, a select committee is the way to go.

Whilst the Opposition fully respects the independence to the Police Service Commission—

I am continuing, Madam, on the reasoning for this suggestion.

—and the requirement for ensuring that it is insulated from political interference in the performance of its functions, the Opposition is of the view that any meaningful dialogue between Government/Opposition in this matter in present circumstances can only be achieved if there is full disclosure to both Government and Opposition of details of the process that was employed by the Commission in selecting the proposed nominees.

Madam Speaker:

Further, having carefully considered all that has transpired, I respectfully suggest for the public interest requires there be full disclosure by the Police Service Commission in this matter.

And I see in the Motion for the select committee that we will be looking not only at the Police Service Commission but also the firm that was contracted by this Police Service Commission as to their methods, their process and so on. So, I said:

A Special Select Committee of the House should be established to expeditiously enquire into and report to the House on this matter. Such a committee will be empowered under the Standing Orders of the House to summon the Commission before it and seek your disclosure of all relevant material that was considered by the Commission in arriving at this decision.

And so, fixed timeline and so on for reporting.

So, Madam Speaker, we are here today for this select committee to do exactly that. There are other areas and issues that this select committee could help us clarify, whether they be issues of fact or whether they be issues of law. For example, can you apply for one post but, you know, is that lawful? Can you apply for one post but then be offered another one? For example, where you have different qualifications and we have the two Legal Notices from 2015, 218 and

219, one is the Qualification Criteria and the other notice had to do with the Selection Process Criteria.

So where you have qualifications for Commissioner of Police, different for Deputy Commissioner of Police, how come you then pick up, everybody applied or two applied for Commissioner of Police, if that is in fact true, and then say, hey, you know what, I am not trusting the Commissioner of Police. Can you do that? It is an *intra vires*, the remit, the powers, the jurisdiction of the Police Service Commission.

Issues again that the Select Committee can help us to deal with this issue that confronts us for us to be able to vote on it, “yea or nay”, has to do with the role and functions again. Are the functions and the roles of the Commissioner and the Deputy Commissioner the same that you could pick one up and say do this or do that? Again, why was that done, what was the process and what is the law? What were the issues of law when it comes to that?

And then again goalpost being shifted in process. You say, horses in mid-stream being changed and so on. The application form, we have seen them. They specifically asked—there are three positions, COP, Deputy Commissioner or both. Is it that they applied for both? So I am saying in the allegations they did not. They just applied for one side—the whole issue of what they are applied for. Then now, because of the 2015 Order that was made, several things changed. So a lot of things out there in the public domain, in law, are in my respectful view erroneous.

So, for example, they are saying that the firm must give you a shortlist. The firm will give you a shortlist. You know, that part of the 2015 Order was struck down by the courts of this land as being *ultra vires*, and therefore it was removed, the part about the shortlist. So all these people now have to do, as based on the service commission, has to do—so is that true in law that all they have to do and

all the firm has to do—[*Interruption*]

Madam Speaker: Hon. Member—

Mrs. K. Persad-Bissessar SC: Yes, Ma'am.

Madam Speaker: While I understand what you are doing and I am allowing you, I want you be careful that in here we are not doing what we—establishing the committee or even trying to foreshadow to the committee what they should enquire into and what the result should be. Okay. So just be careful.

Mrs. K. Persad-Bissessar SC: I am guided, Madam. I am saying there are questions and there are concerns which this committee could help us with, given the mandate that they would obtain additional information to help us obtain documentation, evidence and so on, to make sure that this process is transparent. And so, Madam, I am saying, the select committee is the only way to go, because that is the only place we can get this type of information. I am just giving examples, examples of information. If the Police Service Commission must do one, two, three, four, five, did the police commission do one, two, three, four, five as contained in the Legal Notice 218, as contained in 219? I believe 219 has to do with the qualifications; Legal Notice 218 has to do with the selection.

Did the service commission comply with the law? Is their decision in keeping with the law *intra vires* the relevant pieces of law? That is how they should have operated. We do not know that given the concerns out there. I am saying, for example, the Legal Notice says, look send me a list and then we see someone saying, you know what, we should take the list sent by the firm and we must keep it in the same rank, but when you read the Legal Notice, again, a question of law. Did that happen? The Legal Notice says they sent you a list. The court struck down shortlist, just send a list of the persons assessed and so on. And then it is the service commission, did they do that according to the law? The

service commission must then set up the order of merit list.

So there is some confusion there which I do believe the select committee and therefore, Madam Speaker, to cut a long story short, [*Laughter*] we support the establishment of the select committee. [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam Speaker. I thought it was necessary to respond to the contribution of the Leader of the Opposition to put this matter into some historical perspective. But first, Madam Speaker, for the benefit of the viewing public may I just explain what Standing Order 50(3) is, because persons may not understand what we have done. And 50(3) deals with the adjournment of the debate in the House, which we have done. And therefore, what we have done is—[*Interruption*]

Madam Speaker: Member, just for some guidance, we are on now to the Motion under Standing Order 38(1) for the appointment of a select committee of the House under Standing Order 95. So we have completed what has happened. Let us, please, be guided by what we are about. Thank you.

Hon. C. Imbert: Most certainly, Madam Speaker, just adding some clarity for the viewing public. Now, with respect to the matter raised by the Member for—sorry the matters raised by the Leader of the Opposition in her contribution. The problem we find ourselves in today, and the reason why the hon. Prime Minister has introduced this Motion that this whole question of the notification be sent to a select committee, then properly put to the House by the Leader of Government Business, is the fact that in 2006 changes were made to the manner in which the Police Service Commissioner is selected and appointed and changes were made with respect to the persons who had the authority to appoint, discipline, promote and attend to matters of a similar nature with respect to the police service, Madam Speaker.

So we are here today debating a Motion introduced by the Member for Arouca/Maloney after an introduction by the hon. Prime Minister and it is necessary to understand why we have to send this matter to a select committee. In 2006, the—as I said, the procedure for the appointment of the service commission, and the appointment of a Police Commissioner and Deputy Police Commissioners—[*Crosstalk*—Madam Speaker, please?

Madam Speaker: Member, I am sure you are sufficiently senior that you could ignore that, address to me and please proceed. [*Crosstalk*]

Hon. C. Imbert: Madam, I am indeed very experienced, but that drone over there disturbs everyone. [*Crosstalk*]

Madam Speaker: Please, Member. I think we have adopted a particular tone already, and I would ask all Members to let us keep in that tone. Member please, direct your contribution to me. I will conduct the business at the order.

Hon. C. Imbert: Thank you very much, Madam Speaker. So in 2006, the then Prime Minister, because of the situation in the country, in terms of dealing with the efficiency and the effectiveness of the police, and the incidence of crime at the time, there was a culmination of discussions between the Opposition and the Government of the day that led to the Police Service Act of 2006, and amendments to the Constitution, in particular 122A, 123A, 123B and so on. The whole thing arose from a matter raised by the hon. Prime Minister at the time, Mr. Manning in 2004, Madam Speaker. It was a long time in coming. The state, the genesis for the reason why a notification came to the Parliament today and a reason why we are asking for this matter to be considered—[*Interruption*]

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

Madam Speaker: So Member, I am allowing you some leeway to develop what you are going to say. While I am not yet certain that it is relevant, what I want to

caution though is that I am going to strictly enforce the rule against tedious repetition.

Hon. Member: Yeah!

Madam Speaker: So—[*Pause*—in response, I have not heard anything as yet that has added to anything different to what has already been said. So be careful, I am going to strictly enforce the rule against tedious repetition. I say that to all Members. Please continue, Member for Diego Martin North/East.

Hon. C. Imbert: No problem, Madam Speaker. When the then Prime Minister wanted to reform the police service legislation, it required a special majority and I am sure this House has not heard that, that it required a special majority. And it required the support of the then Opposition, Madam Speaker, including the Member for Siparia. And the then Prime Minister, Patrick Manning, deceased, approached the Opposition to get the special majority required to reform the Constitution and to reform the manner in which a Police Commissioner is appointed. Prior to that the Prime Minister had a veto, the Police Service Commission very quietly went about its business determining who in its opinion should be—

Mr. Lee: Madam Speaker, 48(1). [*Crosstalk*]

Madam Speaker: I would really appreciate when a Standing Order—somebody rises on a Standing Order that the Chair be allowed the opportunity to determine that objection. It is the right of any Member to raise an objection. Member for Diego Martin North/East, please proceed.

Hon. C. Imbert: Thank you very much, Madam Speaker—and to arrive at the place we are today where we are asking for this matter to go to a select committee. The Opposition had a certain demand and one of the demands of the Opposition is that the very process that is the subject of this Motion, that is now going to a select

committee with the support of members opposite, was a demand of the then UNC Opposition, that we appoint a Police Commissioner in this way, that the Police Service Commission, the reconstituted Police Service Commission which would be a creature of Parliament, would send a notification to the President, it would come to the House for its approval. That was a demand of the then UNC Opposition.

So we find ourselves in this conundrum where after almost seven years and \$7 million we have reached a point where as the hon. Member for Siparia has pointed out that there are all sorts of issues in the public domain. There are all sorts of questions about the process and we find ourselves in such an unfortunate situation as a Parliament that we have no choice but to request that this matter be fully ventilated in the public as far as the rules of Parliament will permit, that persons be summoned and be asked to come and explain exactly what transpired; that persons involved in the process would explain to the Parliament and to the public—because we expect that this select committee will be televised—explain to everyone who is questioning all that we have read in the newspapers and the media for the past week, we require a select committee to flesh this all out so that we would understand [*Desk thumping*] how we have found ourselves in this situation where after almost seven years and after an expenditure of \$7 million, the procedure that was insisted upon by the UNC Opposition, was forced upon the then PNM Government—[*Interruption*]

Madam Speaker: Member, I am not going to allow you to continue along that course. We are not going back to what has happened in a previous debate. That has passed. Please continue. Move on.

Hon. C. Imbert: Thank you very much, Madam Speaker. It was just necessary to make the point, we are here because of the UNC. But be that as it may, Madam Speaker, the only way, the only way, we would find out what has transpired is

through the process of a select committee. I am told that even though there may be members of the Police Service Commission who may no longer hold office, their term having expired, and because the process for the appointment of members of the Police Service Commission is now a parliamentary process. So in order to reappoint and make the service commission whole, a notification will have to come to this Parliament for Members to debate and approve appointments to the Police Service Commission and therefore there are vacancies and there are persons who were involved in the process who are no longer sitting members of the Police Service Commission.

But I am told and I believe that the Parliament now has the power of subpoena, has always had the power of subpoena, so that even though persons may no longer be members of the commission, the Parliament can summon them to come and give evidence before the select committee and the country will then find out exactly what transpired in this fiasco that we find ourselves in. And therefore, I am heartened that the Leader of the Opposition has given full support, which I interpreted the hon. Members words to mean, the appointment of a select committee and what I would say, Madam Speaker, with that expression of support coming from the hon. Member for Siparia that we can get this show on the road and appoint this committee. I beg to move, Madam Speaker.

Dr. Roodal Moonilal (*Oropouche East*): Thank you very much, Madam Speaker, for the opportunity to join this limited debate. The last presenter, the Member for Diego Martin North/East took us, albeit, briefly but threatened to take us for a longer journey to the deceased Patrick Manning and the Police Act of the early part of the century. And, Madam Speaker, it is not my intention to speak about the history of these matters, only in response to the Member who spoke before me.

Madam Speaker, of course, the Member who spoke before me, the Member

for Diego Martin North/East, bought with him the very familiar mantra of, blame the UNC, blame Siparia and respectfully I say, blame Kamla. That is what he brought. [*Desk thumping*]

Notwithstanding that, Madam Speaker, we expected that—[*Interruption*]

Madam Speaker: Member, one minute. And this is just an observation. I have realized, apparently Members do not realize that when they speak, even if they are quoting something, it is their speech. Okay. And a certain practice is developing and I would want us to refrain from that. If we are speaking about a Member here, the rules tell us how we do it. Okay? So that this sort of practice of adopting somebody else's speech is ours when we say it here. Please.

Dr. R. Moonilal: Madam Speaker, thank you. I dare not repeat your words, but I understand them. Madam Speaker, the matter before us now is a matter for the Motion to appoint a select committee of this House for a specific purpose. I must confess that earlier in the proceedings I myself had a difficulty following the order of the procedure by the Government, in particular, because we did have a situation where the Member for Diego Martin North/East rose and then had to prematurely take his seat to allow the Member for Diego Martin West to speak.

Madam Speaker, as I understand it [*Crosstalk*] and I just want to say for the record what I understand the process to be.

Madam Speaker: Overruled, please continue.

Dr. R. Moonilal: Thank you very much, Madam Speaker. Madam Speaker, I just want to explain what I understand the process to be, so I would be very clear on my own presentation. As I understood it, the Member for Diego Martin West opened the debate on the Motion to affirm the notification from His Excellency the President. The Member for Diego Martin West opened that debate and the Leader of the House adjourned that debate.

Mr. Al-Rawi: Madam Speaker, 48—you have ruled on this similarly for my colleague.

Madam Speaker: Okay, so, Member for Oropouche East, as I indicated earlier, we are not going back to the earlier debate that has been adjourned. We are now with respect to this Motion for the appointment of a select committee. So all who have been confused about the procedure, I think that has been settled and let us deal with what is before us now, please.

Dr. R. Moonilal: Madam Speaker, I will move on to the Motion that is before me which is a specific Motion dealing with an amendment to the substantive Motion.

Be it resolved that this Committee to be appointed—[*Interruption*]

Madam Speaker: Excuse me, there is no amendment to any substantive Motion before us. There is a Motion before us. There is no amendment. And a Motion has already been adjourned, we have gone on to a new Motion. So I am not going to allow you to continue with your misconception. I hope it is now clear. Please continue.

Dr. R. Moonilal: Thank you very much on the clarification. So the second Motion before us deals with the establishment of a select committee mandated to obtain information, documentation and or evidence relevant to and/or 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 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. That is the Motion before us.

Madam Speaker, as the Member for Siparia indicated, those of us in the Opposition certainly did not have the time to read, to study and to internalize and

prepare for the debate the Motion before us, this Motion on the select committee. It came very late obviously and now we have it in our hands to discuss. You see, Madam Speaker, we are debating this Motion, dealing with the establishment of a select committee against a back drop of something else which I will not speak about because that has gone.

Madam Speaker, a select committee of Parliament is indeed a very unique entity established with a very limited set of objectives and, Madam Speaker, it has a particular role that we all agree, is an important role and not wanting to get into history but this actually is a culmination of a greater desire and a greater objective to see greater and greater transparency in the affairs of Government and Parliament, so that the population as a whole can feel that there is no issue of lack of disclosure, no issue of corruption, as the case may be, misconduct, et cetera.

3.00 p.m.

And when this debate was taking place years ago I was also on the compound at that time and there was this zeal to see our Parliament go in the direction, for better or for worse, of the American Congressional system where a subcommittee of the American Congress would meet to discuss appointments and so on—

Mr. Deyalsingh: Madam Speaker, Standing Order 48(1) and 55(1) (b).

Madam Speaker: Please continue. I will give you a little leeway.

Dr. R. Moonilal: Thank you, Madam Speaker. So the intention then was to reach to this stage and I am happy that today the Parliament has, indeed—the Eleventh Parliament—has reached a stage like this. The Leader of the Opposition has made this recommendation to the Prime Minister and the Government has accepted the wisdom of the recommendation from the Member for Siparia, and we are here.

Madam Speaker, regrettably, I understand and appreciate the words of the

Member for Diego Martin North/East who spoke on this matter and the importance of a select committee. A select committee can examine policies, administration, even matters of finance. A select committee could examine that.

Mr. Deyalsingh: Madam Speaker, Standing Order 55(1) (b).

Dr. R. Moonilal: Madam Speaker, a select committee can—

Madam Speaker: Please continue, Member for Oropouche East.

Dr. R. Moonilal: Madam Speaker, it will be a busy afternoon for myself and you. Madam Speaker, these select committees can do something further. They can decide among themselves on a line of enquiry and pursue it, as the Member for Siparia said. But I want to get into one issue because they will jump up at a moment's notice on repetition. Given the goodwill that appears to exist on this matter, the fact that the Government has accepted the advice of the Leader of the Opposition given that the Government has now advanced this Motion and, clearly, those of us on this side, we suspect them, but we will agree that this is the right way to go, I would also ask the Government to consider, given this goodwill, given the fact that there seems to be an agreement over this matter, to when, at a time relevant to this matter, that we consider establishing a select committee with equal numbers from the Government and equal numbers from the Opposition. [*Desk thumping*] That would be the logical—

Madam Speaker: Hon. Member, are you moving a Motion to amend?

Dr. R. Moonilal: 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 [*Desk thumping*] to build consensus on this matter? It is a humble suggestion. They can snigger, they can quarrel, they can groan, that is my humble suggestion.

You see, Madam Speaker, the select committee can act in this case as a

review of what has happened at the Police Service Commission involving a consultant company, and so on. It can act as a review on finance administration policy. But if we carry partisan politics into this committee, I am afraid we will undermine the very objective of the committee. [*Desk thumping*] This matter should not involve politics. It should involve wisdom, and involving wisdom means that you should have some parity between the Government and the Opposition, if only on this matter. Because what is the purpose to put a committee of 10 and say, well, the Opposition will have one and the Government will have nine? What is that? Just to go and talk? Clearly, we need to look at assembling the numbers in parity.

Madam Speaker, while I welcome this initiative of the Government—I welcome it—it is a pity that while there was so much news, information; this country was awash with information—awash with information on other matters in the energy sector—fake oil and so on—they rejected the appointment of a joint select committee to deal with fake oil. [*Interruption*]

Madam Speaker: Member, I am not going to permit you to speak about anything else other than the select committee proposed for this particular purpose. Okay? So that if you can move on to your next point, I will be willing to entertain you.

Dr. R. Moonilal: Madam Speaker, the joint select committee plays a wide-ranging role notwithstanding a limited mandate. And such committees can, and do, provide guidance—[*Interruption*] This man is now counting my words?

Madam Speaker: So Member, we are not on a joint select committee. We are on a select committee. I would ask you to move on to your next point. I think everybody has spoken to the benefits of the select committee. If you move on to your next point I will, again, be willing to hear you.

Dr. R. Moonilal: Madam Speaker, just on a point of clarification. Would I be

permitted a minute or two to respond to the Member for Diego Martin North/East's issues of the Police Act that he raised, the matter of former Prime Minister, Patrick Manning's involvement with the Opposition at that time, with the UNC Opposition—

Madam Speaker: Member, please move on. I circumscribed the Member for Diego Martin North/East with respect to that. Please move on to your other points.

Dr. R. Moonilal: Thank you very much, Madam Speaker. Could I just—in responding only to what is being said in the select committee Motion, the Government indicated through the Prime Minister and through the Member for Diego Martin North/East, that arriving at this Motion to establish a select committee—the specific Motion—they arrived at this Motion because of information in the public domain. It was not a Motion arrived at, at the end of a debate on the matter. Sometimes you have a debate on a matter and it is felt that the matter is so complicated, the matter is so comprehensive, we must make a select committee to further deal with the matter. This is an interesting point. We entered into the formation of a select committee at the beginning—

Madam Speaker: Member, you have already said about how special the process is. I am not going to allow you to go back to the initial debate, and therefore if you could move on to your other points, please.

Dr. R. Moonilal: Madam Speaker, the other point I wish to raise—and this is a specific point on this—is the deadline for this matter. I think I can raise that because that is pertinent. The Government, having made a Manifesto commitment to appoint a Police Commissioner; the Government, having provided this population with a promise that by December last we would have a Commissioner of Police in place, will now go to this select committee, and has indicated that the deadline they are looking at is March 31st. Madam Speaker, we are now on

February 02nd, I believe. We have the Carnival break coming up. One is not sure how that will work with parliamentary meetings and so on, and to ask whether the Government, in any way, would use this process to further delay the appointment of a Commissioner of Police. Because the select committee needs to work quickly to ensure that this matter is dealt with expeditiously [*Desk thumping*] and cannot further create or add to, or even manufacture a crisis on this matter.

Mr. Deyalsingh: Madam Speaker, Standing Order 48(6).

Madam Speaker: Member, please continue.

Dr. R. Moonilal: Madam Speaker, this distraction is causing me—

Madam Speaker: Member, please continue.

Dr. R. Moonilal: This can impair my health the way they are jumping up there. So, Madam Speaker, my point, really, is that we need to watch the timeline, whether it is realistic or not, and if March 31st is realistic, given the bulky nature of this—I do not want to repeat it; it is already in the record three times. Given what they are asking this committee to do, whether March 31st is realistic or not, or that is just a guise to come March 30th and extend for six months, and three months, then the parliamentary year comes to an end, then you go into the next parliamentary year, the next fiscal year, the budget comes and this matter remains on the drawing board, on the table, for two/three years. [*Desk thumping*] Is that their objective? Madam Speaker, thank you. [*Desk thumping*]

Madam Speaker: Member for Point Fortin.

The Minister of National Security (Hon. Maj. Gen. Edmund Dillon): Thank you very much, Madam Speaker. Madam Speaker, thank you for allowing me the pleasure to join in this Motion to appoint a Special Select Committee. As Minister of National Security, I wish to let the public know that I have waited very long for the day when the nominee for the Commissioner of Police would be selected and

debated in this House, and to a large extent, that date is up to this House and, in particular, the Members on the other side.

Madam Speaker, the Ministry of National Security has been in a period of waiting for this process to come to a stage of appointment for quite some time. We have waited almost seven years with respect to the appointment of a Commissioner of Police to an institution which I can say, with the greatest degree of honesty, is the agency responsible for law enforcement in Trinidad and Tobago. We are in an area where crime is foremost in our minds, where we are dealing with situations where the safety and security of Trinidad and Tobago is very important to each and every citizen of this country. And therefore, the institution that is there to safeguard that, the institution at the point of despair, the institution with the responsibility for law and order and for security in Trinidad and Tobago, must be an institution that is governed and led in the proper way. And so the appointment of a Commissioner of Police, a substantive Commissioner of Police, is very important for this organization. It is so important that even in the process one must be very careful. And even in the selection process, one must be very—

Madam Speaker: Member for Point Fortin, remember we are just talking now about the select committee. So please, once again, I advise Members about the rule against tedious repetition, and this is not about crime or anything else. It is about the appointment of a select committee.

Hon. Maj. Gen. E. Dillon: Thank you very much, Madam Speaker. Madam Speaker, it is therefore important that in terms of the Motion to appoint this Special Select Committee that we adhere to certain timelines in the processes, but more importantly, that we treat with the issues particular within that Motion, because the issues have to do, and must concentrate on the whole process that took place that is before us. It is important that we, as a House, understand, but even more so as a

people understand, what are the implication, what are the ramifications of the processes. And so the timeline is very important. Because, Madam Speaker, we have to understand that we are here to a large extent where the Minister of National Security was removed from the entire process and that, again, was an area to stymie the whole process based on the Opposition's intervention.

Mr. Lee: Madam Speaker, 48(1). That is not the Motion.

Madam Speaker: Member for Point Fortin, please continue on your other point.

Hon. Maj. Gen. E. Dillon: Madam Speaker, one can only look at what has happened in other jurisdictions with respect to the selection process of a Commissioner of Police to get an understanding that we are not unique in looking at certain kinds of attributes—ensuring there are certain kinds of attributes—that have been part and parcel of the selection process. I can look for example—

Madam Speaker: Member, please, I am not going to let us talk about the selection process in this debate. Please move on to your other point.

Hon. Maj. Gen. E. Dillon: Sure, Madam Speaker. Therefore, let me concentrate then on the Special Select Committee. I believe that it is very important for us to move with that Special Select Committee because, again, as I said, it is so important for this House to participate in that process, for this House to have an understanding, for Members of this House on both sides to have an understanding as to what has transpired, to the extent where we have before us, nominees for a Commissioner of Police and two Deputy Commissioners of Police. It is important for us to understand that process for us to be able to vote—

Dr. Gopeesingh: Madam Speaker, 55(1) (b), please.

Madam Speaker: Member for Point Fortin, please move on to your next point.

Hon. Maj. Gen. E. Dillon: Thank you, Madam Speaker. Madam Speaker, I want to emphasize in terms of the deadline for this process, and the deadline is, and has

been stated as the 31st of March. It is the deadline that is required to complete this process. [*Interruption*]

Madam Speaker: Please continue.

Hon. Maj. Gen. E. Dillon: Madam Speaker, this timeline is very important, and when one considers that it took us seven years, we are looking at, roughly, two months. It took seven years, so long under the Opposition, where they never even made attempts to appoint a substantive Commissioner of Police. We have seen that, in fact, the Acting Commissioner of Police has, in fact, been given until March 2018. So we are asking around the same timeline. We are asking for the same timeline—

Mr. Lee: Madam Speaker, 48(1), the relevance of the Acting Commissioner.

Madam Speaker: Please continue, Member for Point Fortin.

Hon. Maj. Gen. E. Dillon: Madam Speaker, the timeline that we are asking for is no different from the time that has been given to the Acting Commissioner of Police who holds the office at this point in time, the 31st of March. So therefore, I see no contention whatsoever—no contention from the other side—with respect to our demand, our request for the 31st of March deadline. It will give us sufficient time in the Special Select Committee to really and truly satisfy ourselves without any doubt and become comfortable in the selection of that very important position, the Commissioner of Police and Deputy Commissioner of Police.

In addition to that, we have to also understand that we are treating with governance and leadership of the Trinidad and Tobago Police Service. At the end of the day what we do in this House, what we do at the Special Select Committee, will have implications to the governance and leadership of the Trinidad and Tobago Police Service. So we must, with due diligence, carry out our jobs as parliamentarians, efficiently and effectively. If it is one area that we must share

commonality, if it is one area that this House should come together with Madam Speaker, it is this important Motion before us to go before that Special Select Committee with a singleness of purpose to ensure the security of the people of Trinidad and Tobago. [*Desk thumping*] Madam Speaker, I therefore say, let us remember the importance of this Motion. Let us stick by our deadline. We are saying that the 31st of March, 2018, is the time by which we can deal with this. Let us do so for the benefit of the people of Trinidad and Tobago.

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

Madam Speaker: Member for Arouca/Maloney.

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

Thank you very kindly, Madam Speaker. The Motion that is before us is very clear. It is for the establishment of a select committee of the House of Representatives. I have heard the Member for Oropouche East and other Members on the side opposite to this, saying, sotto voce, that we must have equal Members in terms of the composition of the select committee. Madam Speaker, one thing I would like to just say is, when we have equal numbers on both sides, we will have equal numbers in the select committee. Until then, and until we change the Standing Orders, the Standing Orders will prevail. [*Desk thumping*] We do not have equal numbers. We are in the majority. You are in the minority. And let me just refer you to Standing Order 96:

“Composition and Chairmen of Select Committees”

Standing Order 96:

- “(1) Every Select Committee shall be so constituted as to ensure, as far as is possible, that the balance of parties in the House is reflected in the Committee.
- (2) In computing the balance of the parties—

(a) Parties which are in a coalition will be treated as one group...”

So that would mean the UNC and the one Member of the one COP, who is the COP, you are that coalition.

“Parties which are in a coalition will be treated as one group; and

(b) Opposition parties with fewer than three (3) Members and Independent Members will altogether be treated as one group.

(3) Where a Member of a Select Committee dies or for any other reason his seat becomes vacant, then, subject to the preceding paragraph, the Speaker shall appoint another Member in his place.

(4) Except as otherwise provided by these Standing Orders or by special direction of the House, a Select Committee may elect a Chairman from among its Members.

(5) Before participating in the consideration of any item of business before a Committee in which he has a financial interest, a Member should disclose the extent of that interest.”

That is the end of Standing Order 96, so that puts to rest equal numbers.

Standing Order 95:

“(1) The House may, from time to time, appoint Special Select Committees.

(2) A Special Select Committee shall be appointed by Order of the House which shall specify the terms of reference of the Committee and shall consist of such Members as may be directed by Order of the House and, in the absence of such direction shall consist of such Members as may be chosen by the Speaker.”

Madam Speaker, that issue of us having equal numbers is not on. The Standing Orders do not allow for it and at this time, we have 23; you have 18. And

let me just make the additional point that these Standing Orders, the committee was chaired by then Speaker, Wade Mark, who is now a Member of the Senate, who continues to be a Member of the UNC. You agreed to this. Thank you very much. [*Desk thumping*]

Madam Speaker, may I just make one other point. The Member for Oropouche East again made the point that it is very important for us to have a Police Commissioner and we are in full agreement. But I just want to remind those on the opposite side that they are on record as saying that it is better to have an Acting Commissioner because he would work more effectively.

Hon. Member: Who “say” that?

Hon. Member: Anand Ramlogan.

Hon. C. Robinson-Regis: The Attorney General under the Member for Siparia. [*Crosstalk*] Yes, but you have never refuted that point. [*Crosstalk*]

Madam Speaker: Order! Order!

Mrs. Persad-Bissessar SC: Rear-view mirror. [*Crosstalk*]

Madam Speaker: Member for Arouca/Maloney.

Hon. C. Robinson-Regis: Thank you very kindly, Madam Speaker. So, Madam Speaker, whereas at the conclusion of the tenure of Commissioner Gibbs, there did not seem to be any haste in appointing a Commissioner—

Dr. Gopeesingh: 48(1), Madam Speaker, irrelevance.

Madam Speaker: Continue.

Hon. C. Robinson-Regis: Thank you very much, Madam Speaker. Yes, there did not seem to be any haste at that time. Now, whereas the Member for Diego Martin West has said very clearly that the information in the public domain suggests that there are some concerns with regard to what has taken place and there is a clear need for the House to have a committee to examine exactly what took place, the

date of March 31st is a date that we are certain the Members of the committee can meet and, of course, given the Standing Orders, if there is a need to extend, which we anticipate there would not be, that they can come to the House and ask for an extension.

Madam Speaker, we were very clear in moving this Motion. We said that the committee would be mandated to obtain information, documentation, evidence, touching and concerning the method, process, criterion, considerations used not only by the Police Service Commission, but also by the firm employed. And just on that issue, I would like to make the clear point that the Order that went out with regard to the President under 123(2), the Order was quite clear, and it said:

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

- (a) the Commission on request of the Minister of National Security shall, in accordance with section 20A (1) (c) of the Central Tenders Board Act, contract an appropriate local firm (hereinafter referred to as ‘the Firm’) to conduct a recruitment process including inviting applications for the positions;
- (b) the Firm shall select, from the applications received, the most suitable candidates for the assessment process;” [*Interruption*]

Madam Speaker: Member, I would ask, therefore, you leave all of that work for the work of the Committee, please.

Hon. C. Robinson-Regis: Madam Speaker, I would like to indicate the concern that the commission work diligently to adhere to what was requested of it, and that is in the letter that we all received with the documents that we got with the notification. But one point that was of particular interest to those on this side, and

to the Members of this side, was what was said at the last page of the letter of the Chairman of the Commission which was:

All applicants at this stage were interviewed for the position—

Mr. Lee: Madam Speaker, 48(1), please.

Madam Speaker: Member, again, I ask that the work that we are setting out for the committee be left out of the debate, please.

Hon. C. Robinson-Regis: Madam Speaker, if you so desire, but I am just trying to place on—

Hon. Member: You are challenging the Speaker?

Hon. C. Robinson-Regis: I am not challenging the Speaker. I have never done that, as matter of fact. As Leader of the House, I would never do that. [*Desk thumping*]

Madam Speaker: Member, please continue on your other point and—[*Crosstalk*] while I understand that everybody is very eager and excited, I will ask people to please comply with the Standing Orders. Member for Arouca/Maloney, you have a few minutes left to wind up, if you could continue on your other point please.

Hon. C. Robinson-Regis: Thank you. Madam Speaker, one of the issues that was of concern and that was within the public domain was the issue that there may have been the possibility that the assessment centre was only geared for assessing the Commissioner of Police and that is why the position of Commissioner—and that is why in the request for the select—

Hon. Member: The committee will deal with that.

Hon. C. Robinson-Regis:—the request for the select committee, we have included as part of the mandate, issues touching and concerning, and the considerations utilized by the Police Service Commission and the firm employed by the Police Service Commission in the selection of the candidates. And that is of particular

importance in terms of the mandate of this select committee.

3.30 p.m.

And, Madam Speaker, I again commend this Motion to the House. I am very pleased to see that the Member for Siparia is in agreement with a select committee being appointed, and based on what has been said by those of us on this side and by the Member for Siparia, I beg to move. [*Desk thumping*]

Question put and agreed to.

Madam Speaker: Leader of Government Business.

Hon. C. Robinson-Regis: Thank you very kindly, Madam Speaker. I now beg to move that the following Members be appointed to serve on the Special Select Committee of the House that has been established for the purpose of obtaining additional and particular information to enable the House of Representatives to consider the notification submitted to it by His Excellency the President pursuant to section 123 of the Constitution.

Mr. Fitzgerald Hinds

Mr. Randall Mitchell

Miss Nicole Olivierre

Mr. Terrence Deyalsingh

Mr. Ganga Singh

Dr. Roodal Moonilal

Question put and agreed to.

JOINT SELECT COMMITTEE REPORT

Insurance Bill, 2016

(Adoption)

Madam Speaker: The Member for Diego Martin North/East.

The Minister of Finance (Hon. Colm Imbert): Madam Speaker, I beg to move

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the following Motion standing in my name:

Be it resolved that this House adopt the Report of the Joint Select Committee appointed to consider and report on the Insurance Bill, 2016.

Madam Speaker, we are here today, finally, to enact new insurance legislation. I am certain we will all agree that this legislation to regulate and supervise the insurance industry is very much overdue. The Bill before you today represents many years of analysis, research and consultations with various stakeholders, supplemented by many long hours of deliberation by the Joint Select Committee of Parliament which was appointed to consider and report on the Insurance Bill, 2016, and I will give further details of this later on.

I think it is disappointing to all, that even with the CL Financial/Clico crisis of 2009, our insurance sector is still being governed by woefully deficient legislation which dates back to the 1980s, and which cannot adequately address current risks in today's insurance sector. By contrast, banking and securities sectors are governed by more modern legislation, such as the Financial Institutions Act and the Securities Act, which were enacted in 2008 and 2012, and compare this to the Insurance Act which is from 1980.

Madam Speaker, the insurance sector is a very important component of the financial system, but the system is only as strong as its weakest link. We in Trinidad and Tobago believe, and it is widely regarded, that we are the financial centre of the Caribbean, yet our insurance legislation is outdated and lags way behind our Caribbean counterparts. Jamaica, for example, underwent major institutional and legislative reform following its 1990 financial crisis. It is therefore instructive that Trinidad and Tobago learns from its own costly crisis and enacts appropriate legislation to govern the insurance industry.

In 2009, the Central Bank was successful in fast-tracking specific

amendments to the Insurance Act of 1980. The major issues were:

- Enhancement of the provisions governing assets to be placed in a Statutory Fund by requiring insurance companies carrying on long-term insurance business or motor vehicle insurance business to have sufficient assets in their Statutory Fund to meet the policyholder liabilities as established in their quarterly returns.
- Strengthening of the provisions to afford the Central Bank access to the premises of an insurance company if the bank was physically prevented from physically entering the premises.
- Replacement of the intervention process which was time consuming and hindered the effectiveness of the Regulator. The process was replaced then in 2009 with a more flexible regime which allows the Central Bank to issue compliance directions.
- Replacement of the costly and time consuming process of judicial management and permitting the Central Bank to share information with other regulators, both in Trinidad and Tobago as well as other jurisdictions where insurance companies registered in Trinidad and Tobago conduct business.

After 2009, efforts continued in the formulation of a completely new Bill. However, all of these efforts, for one reason or another, Madam Speaker, were unsuccessful. For example, the Insurance Bill, 2011, was laid in Parliament on the 25th of November, 2011, and lapsed on the 26th of June, 2012; the Insurance Bill, 2013, was laid in Parliament on the 28th of May, 2013, and lapsed on the 10th of July, 2013; the Insurance (No. 2) Bill, 2013, was laid in Parliament on the 19th of November, 2013, and lapsed on the 30th of July, 2014; the Insurance Bill, 2015, was laid in Parliament on the 21st of April, 2015, and lapsed on the 17th of June,

2015. So, Madam Speaker, there were four attempts between 2011 and 2015 to get to the place where we are today, unfortunately none of those attempts succeeded in bringing the report of a joint select committee—and I might say this report is consensual.

We had very good sessions. Everybody contributed, everybody collaborated, Government and Opposition and Independent, and we were able to arrive at consensus and bring the report on the consideration and examination of the Insurance Bill, 2016, to the Parliament with unanimous agreement. So finally, the Insurance Bill, 2016, was introduced in the House of Representatives in July 2016. It represents the product of the previous Parliament's work including the work of previous joint select committees, and it is now before the House, as I indicated, following examination by the Joint Select Committee.

Madam Speaker, the existence of a sound insurance market will facilitate the financial goals of individuals as well as the business community by protecting the society's assets. Insurance and pension industries are long-term investors in projects and businesses, and in the country's infrastructure, and thereby facilitates sustainable growth and economic development. I am told that the assets of the insurance industry total approximately 50 billion Trinidad and Tobago dollars as at September 2017, and account for approximately 33 per cent of the GDP of Trinidad and Tobago. Assets under management for the pension sector total 51 billion Trinidad and Tobago dollars, and account for 34 per cent of our GDP. The combined assets of the insurance and pension sector, therefore, are in excess of 100 billion Trinidad and Tobago dollars.

Hon. Member: Million.

Hon. C. Imbert: Billion, billion. It is okay, let me repeat. The combined assets of the insurance and pension sectors are of the order of in excess of 100 billion

Trinidad and Tobago dollars, of which more than one-third is invested in securities of the Government of Trinidad and Tobago. So that should give some idea of how important the insurance and pension sectors are.

The importance is not only related to its size, but also its interconnectivity with other financial institutions and sectors of the economy. However, there are many gaps in the almost 40-year-old Insurance Act of 1980, and this is why new legislation is urgently needed. The current insurance legislation does not require insurance companies to maintain adequate capital buffers for the risks on their balance sheets. In fact, believe it or not, insurance companies carrying on long-term insurance business are required to have share capital of a mere \$3 million. Consider \$3 million in share capital to the Clico fiasco. Just consider that, the fiasco with Colonial Life where you are talking about billions of dollars, but insurance companies are only required to have, long-term insurance companies, to have share capital of a mere \$3 million. General insurance companies are only required to have share capital of \$1 million dollars. This has not changed since 1980 and I think we will all agree this is totally unacceptable when insurance companies are holding millions and sometimes billions of policyholders' funds.

The existing insurance legislation lacks adequate provisions to ensure effective governance and risk management of insurance companies. There may be significant deficiencies in insurance companies in their practices, and we may not know. It is important that directors and management are now to be required by law to fulfil their fiduciary obligations to protect policyholders' funds. The proposed legislation, that is the subject of the report, codifies a number of the new responsibilities of the board which represent minimum standards consistent with a higher duty of care expected of a financial institution.

In 1980, the adherence to a duty of care for some reason, was not as obvious

and important as it is today. There are inadequate provisions in the law for the supervision of financial groups. Consolidated supervision of conglomerates is commonplace in most developed jurisdictions and facilitates the sharing of information among supervisors of financial entities in the group to ensure effective oversight of the group as a whole. Consolidated supervision can be found in the legislation of many jurisdictions including the USA, Canada, Australia, UK and Jamaica, and even in the local Financial Institutions Act of 2008 which governs the local banking sector. So if you have a conglomerate, it has both insurance and insurance company and a bank within its portfolio, up to now, and until this law is passed, the Regulator cannot have consolidated examination of the group. So they have to look at the insurance company separately under the Insurance Act, and look at the bank separately under the relevant legislation. So again arising from the CL Financial/Clico Investment Bank/Clico fiasco you can see the urgent need to upgrade our legislation.

Now, well before the 2008 global financial crisis, IMF and World Bank missions in 2005 forewarned about the risks posed by the rapid structural changes in Trinidad and Tobago's financial system and the shortcomings in our legislative and regulatory framework. If we quote from the 2005 IMF Financial Sector Assessment Programme Report, it tells us that:

“...the contractual savings sector has replaced banking as the single largest segment and a few regionally active, mixed activities conglomerates have become dominant.

Sharp reversals in equity prices may adversely affect the insurance and pensions sectors. Rising levels of connected exposures in some conglomerates have increased the risk of contagion.

Given a regionally active, complex financial system, the segmentation of

core legislative, regulatory, and supervisory framework suggests the urgency of reform in these areas. Changes are required to...facilitate consolidated supervision and regulation of financial institutions, including the cross-border activities; and...to transform the supervisory structure, including financial reporting, into a more integrated and risk-based framework.

Critical gaps remain in the overall legal, regulatory and supervisory structure.”

There have been 13 years since that IMF FSAP report and one financial crisis later these legislative gaps identified in 2005 still remain, and when you again use the example of the Clico/CL Financial/Clico Investment Bank situation, these were all companies owned by one holding company. They were all interconnected, they were all trading with each other, but they were all regulated by different entities under different laws and this is what allowed various elements within the group to do things that were not picked up by the regulatory agencies, and we are reaping the outcome of that at this time. This Insurance Bill of 2016 would provide the regulator with the authority required to properly supervise the sector and protect the interest of policyholders.

There are seven critical aspects of this Bill that I would like to share with you, Madam Speaker, and Members opposite, and Members on my side, as follows:

The first critical component of the Bill is intended to stem excessive risk taking and promote good governance and sound risk and capital management practices by management and boards of directors of regulated entities. By way of example:

- The Chief Executive Officer and the Chief Financial Officer must now sign a statement acknowledging the board of directors’ and

management's responsibility for preparing financial statements, maintaining adequate internal control, establishing and maintaining adequate procedures for the settlement of claims, and complying with the credential criteria regulations and guidelines issued by the Central Bank.

- The Bill will also make it mandatory to have an Audit Committee. The Audit Committee will comprise at least three directors, a majority of who must be independent, and must include one financial expert.
- The Bill also imposes restrictions on an insurer in respect of the credit exposures that it can, directly or indirectly, incur to any person, including a borrower group, related group, connected party or any connected group. It also requires that the board of directors of an insurer must ensure there are policies and procedures established for transactions with connected parties and employees.

The second critical element of the Bill seeks to ensure robust balance sheets and adequate capital buffers are held to cater for unanticipated losses. Owners or stakeholders must have a stake in the outcome and have “skin in the game”, as they say. Currently, there are companies doing billions of dollars in business and as I said before, insurance companies are only required to have \$3 million in paid-up capital and general insurance companies \$1 million in paid-up capital.

Now with this Bill, which I would expect would get the support of the House, insurance companies and financial holding companies will be required to hold adequate capital and adequate and appropriate forms of liquidity; and insurance companies who carry on business overseas will be required to maintain and hold adequate assets to support their liabilities to foreign policyholders.

Again, a very contentious matter that has arisen from the Clico fiasco where policyholders in foreign countries are looking to the Government of Trinidad and Tobago to make good their losses, and to use Trinidad and Tobago taxpayers' money to make good losses of foreign citizens who had deposits or policies with the insurance company. So now insurance companies will be required to maintain and hold adequate assets to support their liabilities to foreign policyholders. That is not the current situation.

The third critical aspect of the Bill will impose standards of market conduct on insurers and their sales people in dealing with the public and give the regulator the power to revoke an insurer's registration where practices are found to be unfair to the general public or there are unreasonable delays in settlement.

The fourth critical element of the Bill is the objective to expand the range of tools for preventative and prompt corrective action and intervention by the Central Bank,

- The Regulator must now take action when an insurer's capital ratio falls to a certain critical level. That critical level is set at 70 per cent. The mandatory intervention gives the insurer 60 days to remedy the situation, failing which the Board of the Central Bank can suspend the company or direct the bank to apply to the court for a judicial manager or wind up the company.

And by the capital ratio, Madam Speaker, it is meant current assets versus current liabilities. So these are assets that are easily and readily available to meet current liabilities. So once the capital ratio falls below 70 per cent the Central Bank can intervene, apply to the court for a judicial manager and so on.

Fifthly, the Bill provides an effective deterrent for breaches of the legislation

via a regime of increased fines and penalties.

Sixthly, the Bill has critical provisions for the restructuring of business groups that engage in financial and non-financial activities and would require the formation of a holding company to hold exclusively the regulated financial entities in the group.

In other words, no longer can you have a conglomerate that would have a trading company, a distribution company, a retail company, an insurance company and a bank, all under one holding company. Now, such a conglomerate will have to create or form a financial holding company to hold exclusively the regulated financial entities in the group. So you would no longer have any co-mingling of the assets of financial entities in the group with the assets of nonfinancial entities in the group.

The seventh critical aspect of the Bill seeks to allow the Regulator to deal with the re-emergence of systemically important conglomerates in the region by providing:

- power to approve and deal more clearly with the fitness and propriety of ultimate controllers.
- power to require the establishment of financial holding companies to avoid the group risk;
- limits unrelated-party transactions;
- a requirement that mergers and acquisitions be first approved by the Central Bank;
- oversees subsidiaries; and
- providing for minimum capital at the level of the holding company in addition to minimum capital at the level of the insurance subsidiary.

Let me just touch briefly now, Madam Speaker, on the Regulations that

accompany the Bill. The Regulations to the Insurance Bill, 2016, will strengthen our ability to ensure the safety and resilience of the insurance sector. They introduce significant improvements to ensure that companies maintain adequate levels of assets, capital and buffers to withstand any risk that may befall them. The Regulations include a regulation on risk-based capital, and this is by far, Madam Speaker, the single most important regulatory change in the Bill. It will require insurers, in addition to the new minimum stated capital of \$15 million—so we are going up from three to 15—additional capital commensurate with their risk profile, and depending on the risk that the company is exposed to, it will result in hundreds of millions of dollars in additional regulatory capital.

Every insurer will be required to maintain a regulatory capital ratio up to at least 150 per cent—assets versus liabilities. So now no longer would you have this small, almost insignificant capital standard of \$3 million. You may now go to a situation where, depending on the risk exposure of an insurance company, they will be required to hold hundreds of millions of dollars in regulatory capital. Additionally, the regulations will change the evaluation methodology. The current legislation does not define a common approach or methodology for valuing a company's obligations to its policyholders. To address this, the new legislation introduces the Caribbean Policy Premium Methodology to harmonize the valuation of liabilities for long-term insurers. What this means, Madam Speaker, is no longer can insurance companies use whatever methodologies they choose to value their liabilities, their obligations, and so on. They must now subject themselves to a common standard which is the Caribbean Policy Premium Methodology to determine what their obligations are to their policyholders. So no longer will it be arbitrary. Now, it would be regulated.

Financial condition reports. An important aspect of the new governance and

risk management process is the ability to stress-test the operations of an insurer using extreme but plausible scenarios. The process would highlight a company's vulnerabilities and the potential impact on its capital, allowing appropriate action to be taken to limit undue risk. The financial crisis has shown us that non-traditional business activities can have a detrimental impact on insurance companies. [*Interruption*] Sorry. The new legislation requires companies to perform a number of tests that would stress their balance sheets to determine their resilience. [*Laughter*]

Madam Speaker, through you, I am so sorry that I am talking about a very technical piece of legislation that has over 200 clauses and I am afraid in order to explain it I must use the market jargon, and if this is causing my honourable friend opposite to fall asleep, I apologize. Armed with the information gleaned from the Financial Condition Reports—[*Interruption*]

Mrs. Persad-Bissessar SC: Because you are reading the entire thing.

Hon. C. Imbert: No probes—the Central Bank will have—it is technical—the power to direct an insurer to increase its capital in line with its risk profile.

Let me go now to the work of the Joint Select Committee. In February 2017, the House of Representatives and the Senate passed resolutions establishing a joint select committee to consider and report on a Bill entitled the Insurance Bill, 2016. The committee comprised members of the Government and Opposition from both Houses of Parliament. The committee cognizant of the need for transparency and consultation decided that stakeholders, including members of the public, should be invited to comment on the Bill. It also decided that key stakeholders such as the Insurance Brokers Association of Trinidad and Tobago, the Association of Trinidad and Tobago Insurance Companies and the Central Bank would be engaged directly by the committee. The committee caused notices

to be published in the daily newspapers, on the Parliament website and in social media in 2017, calling on the public to submit comments on the Bill.

4.00 p.m.

We received written responses from members of the public and also received written submissions from Lloyd's of London, from the association of insurance companies, from the association of insurance brokers and the Central Bank. Based on the volume of comments, it was necessary to examine the submissions on a clause by clause basis. And I must, at this time, thank the staff from the Chief Parliamentary Counsel's Department [*Desk thumping*] and from the Ministry of Finance in their very comprehensive examination of submissions from everyone—from the insurance companies, from the brokers, from the public—and the application of these comments to each of the 200-odd clauses in the Bill. And they explained it very well for us and as a result, we were able to move swiftly and all members of the Committee were able to understand and make decisions as to how we would treat with proposed amendments.

At meetings of the Committee, the insurance companies and insurance brokers made presentations outlining their concerns and comments and recommendations with respect to amendments to the Bill. We also met with representatives of the Central Bank who commented on the submissions made by ATTIC, IBATT and Lloyd's of London. We also decided in the pursuit of full transparency to share the Central Bank's comments with ATTIC and IBATT to allow everyone an opportunity to comment on everyone's submissions. I want, again, to thank all stakeholders and members of the public for their submissions and their invaluable engagements on the issues surrounding the Bill.

We went through the Bill clause by clause and we looked at stakeholder submissions. Following a comprehensive review of the submissions, as well as

discussions with our supporting technical team, we identified several aspects of the Bill that required deeper consideration and possible adjustment. These included whether amendments to provisions concerning fines and penalties ought to be classified as summary, hybrid or indictable; whether there should be consequential amendments to the Bill arising out of the FATCA Act. We looked at the ability of brokers to negotiate and procure insurance directly from foreign companies. We looked at the ratio of local and foreign assets in which insurance companies should be allowed to invest. We also looked at the procedure for allowing foreign insurance adjusters to do business in Trinidad and Tobago and whether there should be any strict liability offences. These are just some of the areas that we looked at.

The significant amendments arising from this very comprehensive examination of the Bill are as follows:

- We have amended the definition of an annuity contract.
- We have amended the Bill to make it consistent with the requirements of the Financial Institutions Act.
- We have dealt with offences and classified them as either indictable, summary or hybrid. Hybrid offences are those that can be tried either way.
- We have looked at offences that run across the spectrum of severity and complexity, and we have a tiered approach in terms of fines and custodial sentences that are linked to the gravity of the offence.
- We also corrected some lacunae where there were no penalties or no methodology for dealing with offences.

With respect to FATCA, we have amended the Bill to allow the Central

Bank to share information with the Board of Inland Revenue for the inspector to issue compliance directions for a breach of the guidelines to give effect to the inter-governmental agreement between Trinidad and Tobago and the United States, and for the Central Bank to issue guidelines to give effect to the Tax Information Exchange Agreement, better known as FACTA. We also looked at the appropriate ratio of local and foreign assets in which insurance companies are allowed to invest.

The requirement, Madam Speaker, for insurance to match liabilities with a specific percentage of local assets is a historical position to encourage local investment. The maximum permissible share of foreign assets permitted by the current Act of 20 per cent has been the status quo for many, many years. We looked at it in the case of the evolution of the industry, the global context, and we are recommending that the percentage of foreign assets in which an insurer can invest be increased from 20 per cent to 30 per cent, and that where liabilities for a policy are payable in a foreign currency, the insurer shall invest in foreign assets in that currency in an amount not less than 70 per cent of the liability. We also sought to avoid strict liability offences, Madam Speaker. That was a representation from the industry. They found some of the fines and penalties were excessive and we did agree to avoid strict liability so that persons would have a right to put their position before the Regulator and before the court.

Madam Speaker, I think I have covered most of the salient points that are contained in our voluminous report. I could not possibly go through everything in this report in 45 minutes; it is 489 pages long, the report. It would have been impossible in 45 minutes to do that. I simply want to say that I am extremely grateful to all members of the Committee who served with me on the Joint Select Committee. Their active interest, interrogation, analysis and contributions have

resulted in what we believe to be a refined and highly improved piece of legislation.

In conclusion, I wish to emphasize that this Bill has been driven by international best practice. It has been driven by lessons learned in the wake of our own financial crisis in the insurance sector. It is the product of a robust and extremely comprehensive and exhaustive consultative process with all stakeholders. I sincerely hope that the recent financial crises, as well as our own stresses in the local insurance industry have convinced everyone, not just in this Parliament but outside, of the need for modern legislation to cope with a modern insurance sector.

We can no longer afford, Madam Speaker, to work with outdated, archaic, 38-year-old insurance legislation. We have been left behind by the rest of the world. It is time for us to step up and we must correct the lacunae and deficiencies in the current insurance legislation, and I therefore invite parliamentarians to support this Bill and provide the required protection for citizens of Trinidad and Tobago.

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

Question proposed.

Dr. Surujrattan Rambachan (*Tabaquite*): Thank you very much, Madam Speaker. Madam Speaker, I, too, would like to begin by putting on the record my appreciation and that of my colleagues who sat on the Joint Select Committee, as well as the Leader of the Opposition and the entire Opposition Bench, our gratitude to the technical staff who contributed to the realization [*Desk thumping*] of what we consider to be a very important piece of legislation in the governance structure of the country, and particularly related to financial institutions because insurance companies have evolved from mere selling a policy into really what might be

regarded as investment organizations which can make or break the fortunes of people as well as organizations.

I also want to state, with all due respect, that I hope that this example of what occurred in the deliberations at the Joint Select Committee on this particular Insurance Bill would signal to the Government that when the Opposition, in its wisdom, puts forward the idea for certain legislation to go to the JSC so that there can be consensus that works at improvements [*Desk thumping*] of the lives of all our citizens, and also provide a new image of what this Parliament is about and what can be achieved when you have a consensual approach to legislation. I hope that the Government will take note of that and in the future, will cooperate more with the Opposition in getting good legislation on the books of Trinidad and Tobago. [*Desk thumping*]

Madam Speaker, the Parliament is here to serve the people and the interest of the people, and while my honourable friend from Diego Martin North East spoke very well about the different technical aspects of the Bill, I think that one aspect of what we have to consider is where are the consumers in all of this: the ones who consume insurance.

I also want to place on record, our appreciation, for the work that Mr. Larry Howai [*Desk thumping*] and before him, Mr. Winston Dookeran had also done, in contributing to this Bill and to bringing it to the Parliament. Because there was an *Express* article in the time when Governor Ewart Williams was the Central Bank Governor and even then, Mr. Dookeran was talking about 32 insurance companies holding assets amounting to 26 per cent of the GDP. And even then we recognized, while we were in Government, the important role that regulation should play in the insurance industry because we saw what had happened in the Clico matter. And to quote Finance Minister Mr. Dookeran then, he said:

“...26 per cent of the GDP...”—being held in assets by 32 insurance companies—“...is an enormous stranglehold for a financial sub sector, that...”—in his words—“...have no prescribed actuarial standards.”

And that is why it is so important in this Bill that the role of the actuaries have been defined and insurance companies will have, in fact, to rely on actuaries in order to do some of the work that will protect the interests of the people who consume insurance.

But you know what is telling is a final paragraph in an *Express* editorial that said:

“We take some issue with Mr. Harris...”

And that is Willard Harris who was then President of ATTIC who was quoted as saying:

“...that some measures in the...Bill are ‘...punitive...’—and they—“took issue with them...”

But the *Express* said:

“We take some issue with Mr. Harris’s stand and...support Mr. Williams. If insurers play by the rules, given we are talking about billions of dollars...”

And the Minister did indicate almost \$100 billion.

“...in premium payments a year, they have nothing to fear, punitive or otherwise. One million or so policy holders and the State coffers must be protected from elements that thrive on premium incomes but callously...”—

I repeat—“dismiss legitimate claims. Bring on the new Insurance Act.”

And that was the view of the public. The public wants a new Insurance Act and they are about to get a new Insurance Act.

And, Madam Speaker, it will be a red-letter day and a day of significant social advancement in this country if our country, as a society, would be able to

regulate business behaviour in particular on the basis of the practice of personal ethics and the best human values. There is law which is enforceable and there is ethics which is unenforceable, and sometimes in societies where you cannot enforce ethics on people, you have to rely on law, but it will be a red-letter day if, really, people can practise the highest level of business ethics. Unfortunately, we still live in a world, and particularly in Trinidad, I dare say, where human beings are generally greedy and consideration for the rights of others are often trumped by that personal greed, and as such, we need laws like what we have here in this Insurance Act. And I make no apologies for supporting what others might describe as draconian legislation in terms of the fines and so on that are imposed for breaches of this Act. I make no apologies for that because consumers have suffered tremendously at the hands of insurers in this country. [*Desk thumping*]

Madam Speaker, between 2008 and 2011, I am trying to get the statistics out of the Office of the Ombudsman after that, but there were 2,000 reported cases against insurance companies between those three years, 2008 to 2011. So I am extremely pleased that this Insurance Bill is before the Parliament and having gone through what my friend described as a rigorous examination and one in which, you know, the interest of the stakeholders, the industry and practitioners, was, in fact, listened to and given due consideration and they came before the Committee and they were able to present their case.

Madam Speaker, for far too long, I want to repeat, consumers have suffered at the hands of insurance companies. Sometimes I wonder whether the premiums that are charged to consumers really relate to the risks that the insurance companies face with those particular consumers. How are these rates established? How are they calculated? It is something that bothers me. Very recently, I had to renew a policy and I found that the rate that they charged me was extremely high and I

decided to tell the company I am going to move my business and suddenly, they brought down the rate from \$12,000 to \$7,300. How did they bring down a rate from \$12,000 to \$7,300 because I simply said I am going to move my business? Yesterday, my daughter had to renew her insurance premium on her car and they quoted her \$9,300 and she said, again, “I am not going to pay that. Justify to me how you are arriving at this and the value.” And when she went to another insurance company, the insurance company gave her, on the same amount of value, a rate that was \$2,000 less than what the other company was asking. How are these rates established?

And I say this to alert consumers in the country that despite having all of this legislation that you have to educate yourself and you have to exercise your consumer right: the right to say no and the right to ask how are you developing this premium. Madam Speaker, the problem is in the fine print in the policies [*Desk thumping*] which most consumers do not read and that is where they face the greatest discrimination and the greatest level of problems. Because you see it is in the fine print that you find the exceptions to the rule and that is when consumers face the greater pains.

Let me add though in all that I say that we have very good companies in the insurance industry. People who live up to their claim. I am very happy to see in this legislation that in the Schedule, there are provisions there for advertising standards and that now, in the Schedule, you will find that companies cannot just make promises, that there are certain standards of market conduct that the legislation now provides for and I refer in particular to Schedule 11 “Standards of Market Conduct” and I just want to refer to the “General Principles” that states:

“Insurers should ensure their sales and marketing materials and procedures do not mislead consumers. Insurers should be legally responsible for all

statements made in marketing and sales materials they produce related to their products. All marketing and sales materials should be easily readable and understandable by the general public.”

I urge consumers of insurance to read the “Standards of Market Conduct” that are here. I cannot go through the entire thing but I am very impressed with the “General Principles” here with respect to marketing material and it does not stop there. Because what happens here also is that the insurance companies now also have to continue to inform their customers about what happens after they have bought the policy and whether the policy is performing or not performing. So this is a very strong piece of legislation and I am particularly impressed by the “Standards of Market Conduct” that have been placed here in section 11 of the report.

Madam Speaker, many companies are getting away in the insurance business because people just cannot afford litigation, and they choose to settle, oftentimes, to their disadvantage. That is very, very true, Madam Speaker, very true so they just go away. There are situations in this country where your car gets hit, new brand car, and you go to the insurance company and what the insurance company then tells you, “Go by the guy who sells the second-hand parts” and you, therefore, have to accept second-hand parts rather than replace it with new parts from the company. That is the kind of unethical conduct that exists in the insurance industry. And because you want to get your car back on the road, because you do not have the ability to hire a lawyer and so on, you go and you buy, you take the second-hand parts and you go your way. That is wrong in this society and that is why I support this legislation and support the strong measures also in this legislation.

The consumer, in this country, must not be put to a disadvantage.

[Interruption] Yes, that is what I talked about in the fine print, the huge excess you have to pay. How do they decide on the depreciation? How do they decide? You have bought a new car, the generally accepted principle is 25 per cent depreciation but they depreciate it when something happens by a further 25 per cent and you are losing. These rogue elements in the insurance company, these are the ones who should pay the \$500,000 fines and what have you, we should not spare them. We should not spare. Somebody has to be the voice of protection for the consumers and this Parliament is doing the right thing by this particular piece of legislation.

[Desk thumping]

Madam Speaker, you see, one of the tragedies of this society is customers do not have their rights and one of the things—excuse me, Madam Speaker, one of the things that is really offensive to me in this country is the quality of customer service in this country. Customer service is what is killing this country, poor customer service. Whether it is in the hotels, whether it is in the quik shops, wherever, it is killing this country. Countries can change if people want to change and if people have the right leadership, and I have seen, in one particular country I visited recently which was once called a Third World country, India, where in a hotel in New Delhi now, you get Ritz-Carlton-type of service. I am telling you that not from just the experience I have, for 37 years of my life, I taught customer service and leadership development and when I feel it, when I see it and I know it is good, I sense it.

So, Madam Speaker, one of the tragedies is that customers do not know their rights. They do not understand the contracts, the contracts into which they enter—and a policy with an insurance company is a contract—and they end up paying a high price for lack of knowledge, how this contract will be administered, and hopefully this legislation—which is good legislation and that is why we support it,

[*Desk thumping*] good legislation—will strengthen the position of the consumers as much as it establishes the conditions under which the industry will operate.

In this regard, one hopes that the relevant Government agencies charged with public education as well as the industry stakeholders will begin to educate customers about this new law. That is something that is missing when we pass legislation: educating the public about their entitlements under the new legislation. The extent to which industry practices affect the population is best understood perhaps by recognizing, and it was said in this Parliament, that there are 1,037,000 vehicles in the country now, so that there are about 1,037,000 motor car policies in the country. [*Crosstalk*] Well, I know there are a lot of them who do not even have insurance but what I am saying to you, if the law is being followed, it just tells you, Member for Diego Martin West, how much income you are losing as a Government by not having the people out there really collect and bring in those people who are not paying and driving their cars without insurance and what have you.

And let me tell you, I say that not to make a point towards you but to say that people without insurance, when they hit somebody on the road and they take “ah life”, then everybody gets up and say, “Boy, you see, we should do something about people driving without insurance and so on”. This is a lawless country and not only in terms of the crime that is occurring, is it a lawless country in several other aspects. Institutions that are supposed to govern in the interest of citizens are not doing their work and they are failing. [*Desk thumping*] And not only must the leadership come from the top, the leadership must come also from the people who are placed in those institutions to lead, [*Desk thumping*] fire them if they are not doing their jobs.

We are not adopting performance management appraisals in this country as

it should. In the whole public service, it takes you a year before an appraisal is done. We should be appraising people on a quarterly basis in this country. We should be giving them targets to meet and they do not meet it, do what is right: be a good governor and govern in the interest of the taxpayers of this country. And therefore, the point that I am making here is that insurance touches everybody. Three hundred thousand plus houses in this country, not all are insured but at the same time, that is a big market for insurance and they ought to be protected. Construction sites where workers are working. Look at Port of Spain, people are up on buildings and they do not even have a hard hat, they do not even have harnesses and you have OSH people. “Yuh paying them thousands of dollars in an offices and they not even walking the streets to see what happening” and insurance companies, you are supposed to have workmen’s compensation there. Where are our people doing their jobs in the public service in this country? We have to ask it and this Opposition is not afraid to ask those hard questions and to ask the Government to apply the law as it should be applied in the interest of the country.

[*Crosstalk*]

Madam Speaker, the need therefore for regulations in this country cannot be overstated. Madam Speaker, the point is that many people are going to argue that some of the provisions in the law are draconian, okay, so be it. But you would agree that this is a country, unless there are consequences for deviancy, nothing will happen. Nothing will happen. Madam Speaker, there have to be consequences for deviancy, you know. Madam Speaker, with your permission, I came to this Parliament and I argued a private Motion for ADHD on children. Madam Speaker, I want to tell you, today, up to recently, there was a meeting of doctors in this country in the public health system and not one thing has been done to affect the position of ADHD children, and then there is not even the medication

available, which costs about \$600 a month for a child.

Madam Speaker: Member, I know how passionate you are with respect to that particular topic, but please, could we come back to the matter at hand. Thank you.

Dr. S. Rambachan: Thank you, Madam Speaker. But it is something that is really close to me and I really—[*Crosstalk*] But that is what I was going to talk about, ADHD are not covered by medical insurance. They are not covered and they depend on the public health system.

But, Madam Speaker, the need for this legislation also comes against the background of what I consider have been poor and negligent management by the Central Bank, and particularly those at the Central Bank entrusted with supervising financial institutions, including the insurance companies. I believe that this country has had its fair share of compromised supervision by the Central Bank and particularly by the Inspector in the Central Bank. Madam Speaker, and I am not going to call names but supervisor of insurance, the inspector of banks and what have you and financial institutions. And it will be worthwhile to go back to the Colman report. The Colman report and this is an extract from the *Trinidad Guardian* in which the *Guardian* reported here in its headline:

“Colman report knocks Central Bank in Clico, HCU fiasco: Regulatory control seriously lacking

...the powers of regulatory control of the insurance industry...”—says Mr. Colman—“by the Central Bank are found to be fundamentally deficient.”

And it says here:

“That deficiency was starkly shown up by the autocratic style of management of Clico and the CLF Group, generally by its business model, which was found to be seriously flawed and by the cavalier manner in which it treated attempts by the Inspector of financial institutions to deploy such

limited regulatory control tools as were then available and ignored to a large extent the recommendations as to management of PricewaterhouseCoopers...”—and so on.

But, Madam Speaker, what Mr. Colman said is very telling and the Central Bank must not be absolved and people who work in the Central Bank must take note that such a thing must not happen again in this country. Because in this Bill before the House, the duties and powers—*[Interruption]*

Madam Speaker: Hon. Members, I think this might be just a convenient time. It is now 4.30 and we will take the suspension now. This House now stands suspended. We shall resume at 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

[MR. DEPUTY SPEAKER *in the Chair*]

Mr. Deputy Speaker: Member for Tabaquite, proceed.

Dr. S. Rambachan: Thank you, Mr. Deputy Speaker. Just before the break I made reference to the Colman Report and Mr. Colman's reference to the inadequacy of the regulations as well as what he considered, whether veiled or otherwise, to be the negligence on the part of the Central Bank, in terms of how well they supervise the companies that caused this financial debacle in the country.

But what I am very pleased about is a provision in Schedule 11 of this Bill, which refers to post-sale communication. In other words, you can no longer sell somebody a policy and not communicate to them what is happening to their policy. And I want to just put on the record here and for the benefit of our very attentive viewing audience when it says here:

Post-sale Communication:

Insurers should ensure that their post-sale documents and communications

are clear, fair, complete and do not mislead policyholders. Insurers shall ensure that information contained in post-sale documents and other forms of communication is accurate and up-to-date and clearly written. All appropriate and relevant information must be included in the communication.

And this is what is particularly important, Mr. Deputy Speaker:

The method of presentation of the information shall not disguise, diminish, or obscure important information. An insurer must make adequate disclosure to the policyholders of all relevant information on the performance of the insurance policies. Any and all options presented post-sale to policyholders must include information that is adequate enough to enable policyholders to make informed decisions.

And the reason I am pleased with the inclusion of this particular section in the Schedule has to do with what happened to Caroni workers. When they got their money and the UTC announced a plan that suggested to them that they will get 12 per cent compounded annually for a number of years and the ADB acted as a sort of agent and lent them money and of course what happened was that the fund never grew by 12 per cent per year, which was promised, and the guys did not get what they deserved and what they were promised. And all that end up, they were the losers. And you know, that was, for a while. It was called the sweetener loan to ex-Caroni workers by the UTC.

It says in the newspaper article:

The money was placed in the UTC under the individual retirement unit account. It was expected to yield an interest of 12 per cent compounded over a six-year period. Interest generated was expected to repay the loan and to provide a lump sum payment to ex-workers at the end of the period.

So they promised them that, right, but they did not live up to their promise. If you promise people that you are going to pay them 12 per cent then that is the contract. Right? But then the fund did not perform in achieving the annual 12 per cent. So they misled. The UTC misled them by making a promise that was false; that they would get this 12 per cent annually. And, therefore, the UTC got away with it.

But thankfully now, we are at a stage where you have post-sale communication and you have standards, market standards, standards of market conduct that are in Schedule 11 of this particular Bill. And I think that it is important to remind people. Because when we talk about rogue elements, it is not just the private sector. Sometimes the state sector is also involved in these rogue behaviours, Mr. Deputy Speaker.

Mr. Deputy Speaker, in the Bill before us, the powers and duties of the inspector are clearly laid out between clauses 10 to 18, and I want to highlight the role of the inspector. You know why? Because the failure of the inspector to carry out his functions without fear or favour is crucial to the proper administration of this Act, since the Act will allow insurers to carry out their businesses if the inspector fails to act with precision and on a timely basis, and we know in this country how we define a timely basis. We know how we define a timely basis. We really know how we define a timely basis. It begs the question as to who will guard the guard [*Desk thumping*] and in this case the guard being the inspector at the Central Bank. Who will do it?

Mr. Deputy Speaker, this is a country in which people are not known to have to pay for their lack of attention to their responsibilities. People are just getting away, getting away. So, someone is involved in some scam, he continues to work, maybe five, six months after and then he gets fired, not even put on suspension.

Mr. Deputy Speaker, if we are doing the right things, justice will be swifter

in this country, but it has not been our tradition, unfortunately. For example, I ask: What action has been taken by the office of the DPP with respect to the Colman Report? [*Desk thumping*] What action has been taken? How can the public have confidence in laws like that which we are passing today, if the perception of its administration and application is that nothing will happen? Where is the public in all of this? Where is the consumer in all of this? You can have the best law, but if the people who are placed to administer the law are not doing their work then the public is not protected.

Mr. Deputy Speaker, I have a fervent plea. My fervent plea is that, within the hallowed halls of the Central Bank, that there be no compromises when it comes to measuring the performance of the insurance companies. The Member for Diego Martin North/East pointed out what is now expected of the insurance companies if they are to operate within the law, and I am happy he did that because the public ought to know that we are not joking inside this Parliament when it comes to protecting their interests.

Mr. Deputy Speaker, another matter that this law seeks to address is to deal with the regulation of privately administered pension fund plans. Now, it will be amazing for you to know how many active pension plans there are in the country. The Minister of Finance indicated that \$51 billion is involved. But it is not just about active pension plans. There are two kinds of plans, active pension plans and pension plans in the process of being wound out.

And I have here from the Central Bank documents one, two, three, four, maybe five pages of names of companies, pension plans that are in the process of being wound up. I want to know, do people understand when a pension plan is being wound up?—if it is wound up voluntarily is a different thing to if it is being wound up involuntarily or if they have problems. How many persons involved with these

pension plans actually know what is happening to these plans? Where can we get information on the state of these pension plans? Because, in addition to the ones being wound up, I have another eight pages, each page about 30 or more.

Mr. Deputy Speaker: Member, at this time your initial 30 minutes have elapsed. You care to avail yourself of your additional 15?

Dr. S. Rambachan: Yes, thank you very much.

Mr. Deputy Speaker: Kindly proceed. [*Desk thumping*]

Dr. S. Rambachan: We need to ask questions. Who is really monitoring, and to what extent is this monitoring taking place by the Central Bank, with respect to these pension plans?

Because you see, I have a document with me which says “instructions: semi-annual reporting for privately administered pension fund plans.” And these semi-annual returns are to be completed by all pension plans for the periods January to June and July to December of each calendar year and submitted within 45 calendar days of the end of the period to which the returns relate. And the returns should be forwarded to the Manager, Regulations Unit, Attention Pension Plans Returns, Financial Institution Supervision Division, Central Bank of Trinidad and Tobago.

Mr. Deputy Speaker, I want to know, of all these active pension plans that I have in my hand here, how many of these have submitted the requirements as are due under the Central Bank of Trinidad and Tobago? How many of them are within the law and have fulfilled their obligations? Because if they have not fulfilled their obligations, then the Central Bank must come out and publish that these have not fulfilled their obligations because billions of dollars of people’s livelihood are invested in these plans. [*Desk thumping*]

The Central Bank and the personnel who work at the Central Bank, they

must be called to account to the public. This is not a matter of saying we cannot give information. Because sometimes the people who are involved in these pension plans cannot get the information, and therefore I think that there is a duty for the Central Bank to tell the public how many of these active pension plans have submitted the required reports on a semi-annual basis, or how many are in deficit at this point in time? You see, Mr. Deputy Speaker, securing one's twilight years through savings is a necessary aspect of personal financial planning and it is therefore imperative that plans into which people have invested their hard-earned moneys are properly managed so that beneficial interest of the investor will be fulfilled at the time of retirement.

Who are the ones managing these plans, and what penalties will be incurred if they mismanage these funds? Because let me tell you something, this is big business, you know. This is not hundreds of dollars business. This is billion-dollar business. And if you take people money, and you say you are going to invest it, “doh be a Harry Harrinarine, doh be a Duprey. Do not play around with the people money.” [*Desk thumping*] Do not play around with it. And that is why I asked: what has the DPP done with Colman Report and the recommendations of the Colman Report? That is why people laugh at justice in this country. They laugh. But when you have a judicial system that is in disarray, as it is, then people lose confidence there and that is a dangerous thing when you lose confidence in the judicial system in a country.

Mr. Deputy Speaker, we have seen a mushrooming of investment options in the insurance industry and as well as banks encouraging people to save for their retirements, and so on. And all these are privately-administered pension plans and that is why I ask: Have they met their obligations to the Central Bank?

But there is a bigger question I want to ask, Mr. Deputy Speaker, passing

laws is one thing, but to what extent is the Central Bank and the inspector department adequately staffed to carry out the functions that now are endowed upon it as a result of this new Insurance Act? To what extent are they adequately staffed or equipped? For example, in his winding-up, would the Minister of Finance apprise this Parliament as to whether he perceives that the Central Bank is adequately staffed?

You know, I feel that part of our process when laws like these are debated, should be to bring before the appropriate parliamentary committee involved, those who have to administer the law and to exam the level of preparedness or how soon they would prepare and to set out a timetable for preparedness; otherwise these laws will remain on the books and nothing will happen.

Mr. Deputy Speaker, you know, permit me, so many of our institutions appear to be unprepared to ensure adequate compliance with law. Mr. Deputy Speaker, just look, as I mentioned earlier, the occupational safety and health situation and the application of the law. Look at the EMA. Look at the standards bureau. Look at Town and Country Planning. So many people are doing so many wrong things. The Town and Country laws are there to apply but they are not being applied. Look at the Institute of Marine Affairs. All of these institutions have to supervise and apply the tenets of the law. Is the Central Bank adequately prepared, adequately staffed to make this law effective?

Other than this, you know what would happen, Mr. Deputy Speaker? We will end up in something that this country is now famous for, excuse management, management by excuses. The perennial excuse for non-management, for non-performance, we do not have people. We do not have supervisors, and so on and so forth.

Because you see, there is a very serious situation with pension plans and

their administration. I was going through a number of articles in the newspaper over time. I would give you some of the headlines:

CWU, Communication Workers Union, they talk about their pension plan at TSTT and \$36 million owed to retirees;

T&TEC workers protest over stalled pension plans, 2011;

You have ex-workers storm ArcelorMittal Plant over pension plan woes;

Vincent Cabrera accusing Mr. Duke of taking some \$2 million. It is in the *Trinidad Guardian*. The union accused PSA President, Watson Duke of engaging in regulatory impropriety for failing to officially register the employees' pension plan for which more than \$2 million has been reported being deducted from workers over time, says Cabrera.

Well, these things are happening in the country and when people's money is being treated with such callousness and when their futures are being imperilled, where are the regulatory authorities and how are they staffed and prepared in order to deal with this, Mr. Deputy Speaker?

Mr. Deputy Speaker, I am very, very happy about the matters of governance, improved governance that is enshrined in this particular law and in particular we talk about the responsibilities of the directors. And I do know that the Member for Diego Martin North/East made reference to it, the audit committees that have to be set up and the work of the audit committees and how they are supposed to operate in all of this.

Mr. Deputy Speaker, as I conclude my short contribution on this Bill, which again I say is a good Bill and we support good legislation, let me just also say that consumers have a right to know and the State has a responsibility to educate consumers about their rights. We must not just pass this legislation. We must take this legislation and dissect it, in a form that people can understand it, so that they

can have a better understanding of the contracts into which they are entering.

You know, while we took the break, a 29-year-old sent me a little message and said his car got hit and when he went to claim on his comprehensive insurance, the first thing they began to tell him about was excesses. And he said when he calculated the excess that they were going to take out, it was better for him to go and fix his car himself. Rogues in the insurance industry, rogues.

Mr. Deputy Speaker: Member, I am sure you can use a better word.

Dr. S. Rambachan: Yes. Persons who are ripping off the pockets and cutting the pockets of people and all the money is falling out on the ground. But, you see, I feel deeply about this, you know. Because as a Member of Parliament I am sure all my colleagues know this, you get people coming in your office on a weekly basis telling you about their woes with insurance companies, telling you they cannot get their insurance.

And this brings me to another point. Look at what has happened to the NIB and the future of the NIB. Right? I mean, that comes under its own legislation and what have you, and so on. But you know that is in peril and the actuaries are actually saying that. What has happened? Is it that they have not invested properly? Now you talk about raising the fees and so on to accommodate being able to pay people in the future. But has that been—have the funds that have been collected, have they been invested properly? Are they bringing the returns that they should bring?

If the Heritage and Stabilisation Fund could be bringing you returns as the Heritage and Stabilisation Fund is bringing you, why it is we could not invest the funds in the NIB in a way that also brought you a stream of income? It might be a foolish question. People say I do not know what I am talking about. But I know that if you have money and you invest it well, you should get a return. Where has

the money, all that money from the NIB gone? Where has it gone? Into what has it gone? I think it is important, Mr. Deputy Speaker, that we raise here in this House again, as we speak about this, the future of the persons who will have to benefit from the NIB.

So, Mr. Deputy Speaker, these matters are of great concern. You cannot have laws and not have proper administrators. You cannot do that. And I am saying that I am not sure that the Central Bank is as equipped as we need them to be in order to do this, and I made reference also to other institutions like the EMA.

Look how people complain about the EMA. The EMA is supposed to look at exhaust, and so on, do testing of smoke emissions. They are not doing that. They are supposed to go and measure emissions in factories. They are not doing that. “So who we paying dem for? What you paying these high-price people for?” Everything in this country is an experiment, an experiment. When are we going to make an instantaneous leap and say: “I am, we are and let us do it”? Everything, experimenting. We cannot grow corn and soya to feed fowls; we have to import all that and spend foreign exchange, seriously.

So, Mr. Deputy Speaker, I support this Bill. The Opposition supports this Bill and we are very happy that we are here today. Thank you very much. [*Desk thumping*]

ARRANGEMENT OF BUSINESS

Mr. Deputy Speaker: Based on the agreement of the Leaders on both sides of the House we are reverting to Introduction of Bills.

VALUATION OF LAND (AMDT.) BILL, 2018

Bill to amend the Valuation of Land Act, Chap. 58:03 [*The Minister of Finance*]; read the first time.

PROPERTY TAX (AMDT.) BILL, 2018

UNREVISED

Bill to amend the Property Tax Act, Chap. 76:04 [*The Minister of Finance*];
read the first time.

ADJOURNMENT

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

Thank you very kindly, Mr. Deputy Speaker. Mr. Deputy Speaker, I beg to move that this House do now adjourn to Friday, the 16th day of February, 2018. At that time we will continue the debate that we have started today and we will also like to begin the debate on the Valuation of Land (Amdt.) Bill and the Property Tax (Amdt.) Bill as a package. I beg to move.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 5.23 p.m.