PARLIAMENT OF
THE REPUBLIC OF TRINIDAD AND TOBAGO

POST-LEGISLATIVE SCRUTINY

WITH SPECIFIC FOCUS ON THE SCRUTINY OF

THE ADMINISTRATION OF JUSTICE (DEOXYRIBONUCLEIC ACID) ACT,
CHAP. 5:34
MANDATE

• Constitutional duty to bring the Executive to account for the status of laws.
• Empowered under the Standing Orders to review all legislation.
• Does not bind itself to any single trigger or PLS mechanism
SCOPE

• No dedicated committee for PLS
• PLS is now a standing objective of most inquiries undertaken by standing Committees
• based on the nature of an inquiry, a Committee will decide whether to scrutinize implementation of an entire Act or selected provisions of the Act
PARTICIPANTS

• Nine (9) Departmental JSCs
• Parliamentary Staff
• Implementing Agencies
• Other Stakeholders
• Public
PROCESS

INQUIRY PROPOSAL

✓ Identify legislation
✓ Define scrutiny objectives
✓ Identify implementing agencies
✓ Research and Data Collection
✓ List of questions for written submissions
PROCESS

• Issues Paper
• Inquiry – *in camera* or in public
• Evidence analysis
• Report with recommendations
• Ministerial Responses
• Follow up
TIMING

- Review commences 3 to 5 years after enactment
- Timing for review process depends on complexity
- Review process – 3 months to 1 year
CASE STUDY

The Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34
Identifies the TTFSC as the official forensic laboratory in Trinidad and Tobago

Provides for the establishment of a National Forensic DNA Databank

Empowers the Minister to make Regulations to give effect to the Act
MANDATE

• Act assented to in May 2012
• Serious crimes were on the rise
• DNA legislation provides mechanisms to improve detection and conviction rates
• 2015 – many aspects of the legislation were unimplemented
• JSC on National Security commenced PLS
SCOPE

• Part of a wider inquiry

• Objectives in relation to the Act:
  – identify challenges faced by the TTFSC
  - determine the effectiveness of forensic sampling and the process of DNA collection

• Scope – examine all provisions in the Act
PARTICIPANTS

• Implementing Agency – Ministry of National Security
• Officials of the TTFSC
• Officials from the Police Service
PROCESS

• Inquiry Proposal
• Request for written submissions
• Issues Paper
• Two Public Inquiries
• Evidence analysis
• Report with recommendations
• Ministerial Responses
• Follow up
CHALLENGES

• External Level – human, financial and bureaucratic constraints

• Parliamentary Level:
  - limited Backbenchers
  - lack of political will
LESSONS LEARNED

• Bureaucracies in public agencies do impede implementation
• PLS is a driver of efficient implementation
• PLS should be given more priority in the oversight process
• PLS should be managed as projects with the aid of appropriate ICTs
THANK YOU