

**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**

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