LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Christine Kangaloo is currently out of the country. Hon. Senators, I have granted leave of absence to Sen. The Hon. Franklin Khan and Sen. Saddam Hosein, both of whom are ill. And if you would permit me, I crave your indulgence to return to this item as I am awaiting correspondence from the Office of the President.

JOINT SELECT COMMITTEE

(Appointment of)

Mr. Vice-President: Hon. Senators, I have received the following correspondence from the Speaker of the House of Representatives:

Establishment of Joint Select Committee

At a sitting held on Wednesday December 12, 2019 the House of Representatives agreed to the following resolution:

“Resolved:
That in accordance with the Standing Order 68(1), the Cannabis Control Bill, 2019 be referred to a Joint Select Committee hereby established; and That this Committee be empowered to consider and report on the general merits and principles of the Bill and report by February 29, 2020.”

I request that the Senate be informed of this decision at the earliest convenience please.

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Sincerely,

Hon. Bridgid Mary Annisette-George, MP

Speaker of the House.

DANGEROUS DRUGS (AMDT.) BILL, 2019

Bill to amend the Dangerous Drugs Act, Chap. 11:25 [The Attorney General]; read the first time.

Motion made: That the next stage of the Bill be taken later in the proceedings. [Hon. F. Al-Rawi]

Question put and agreed to.

PAPERS LAID


3. Report of the Central Bank of Trinidad and Tobago with respect to the progress of the proposals to restructure Clico, BATT and CIB for the quarter ended September 30, 2019. [Sen. The Hon. A. West]

Select Committee on Human Rights, Equality and Diversity into the treatment of child offenders.  [The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat)]

JOINT SELECT COMMITTEE REPORTS

(Presentation)

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Mr. Vice-President, I have the honour to present the following reports:

National Statistical Institute of Trinidad and Tobago Bill, 2018

Cybercrime Bill, 2017

URGENT QUESTIONS

New Polymer Notes
(Banks’ fees charged to customers)

Sen. Taharqa Obika: Thank you, Mr. Vice-President. To the Minister of Finance: In light of reports that banks are charging a fee to customers to change their paper-based $100 notes to the new polymer bills, can the Minister advise as to what is being done to address this issue?

The Minister of Finance (Hon. Colm Imbert): Thank you, Mr. Vice-President. Notwithstanding the fact that I received the email with respect to this Urgent Question at 9.54 a.m., I will still try my best to answer it.

Under the Central Bank Act, section 44A:

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“The”—Central—“Bank may fix the maximum and minimum interest rates payable on deposits received and may fix the maximum and minimum interest rates, fees and charges to be charged on loans, advances or other credit facilities…”

So under the current law, the Central Bank is empowered to fix bank charges and fees with respect to loans and credit advances, not other transactions such as over-the-counter services, exchanging of notes, deposits, et cetera. This may require some reflection in the future to see whether we should amend the law to give the Central Bank the power to fix fees for these routine transactions. However, that could be construed as interference in the business of the commercial banking sector.

What I can say is that, as I indicated at the press conference yesterday, I have requested the banks to see whether they could either relax or eliminate the standard fees that they charge for deposits and for changing of notes at this point in time. However, these fees have been in existence for quite a long time and are quite standard. I am told that not all of the banks are charging fees for deposits and exchanging of notes. Some of the banks are not, some of the banks are but that has been their practice for many, many years. So what we are going to use at this point in time is some sort of collaborative effort, some sort of suasion to see, because of the large number of transactions taking place, whether they can relax their fees, but you have to understand that it is also an expense for the banks having to deal with these transactions.

So we are in constant discussions with the banks to try and accommodate people and try and make this process as convenient as possible, so I will keep you updated as we go along.

Mr. Vice-President: Sen. Obika.
Sen. Obika: Thanks, Mr. Vice-President. Thanks to the hon. Minister of Finance for the answer. Given senior citizens who are—many senior citizens came with this issue, what is the possibility of, for example, other offices being available—warden offices for example—for changing of the $100 bills? Can the hon. Minister indicate if that is a possibility?

Mr. Vice-President: I will not allow that question. Next question, Sen. Obika. You have a second supplemental.

Sen. Obika: Then can the hon. Minister at least plead with the banks in the case of senior citizens regarding the changing of notes? Can I ask the hon. Minister if in light of banks having their cost of operations, can there be a specific plea regarding senior citizens changing their pension that they have already cashed at the beginning of the month or their savings?

Hon. C. Imbert: Certainly. I will certainly do that. [Desk thumping]

Widespread flooding in South and Central Trinidad

(Details of Urgent Relief)

Sen. Wade Mark: Thank you. To the Minister of Rural Development and Local Government: In light of widespread flooding in the south and central Trinidad, can the Minister indicate what urgent relief is being provided to the people of these areas?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Mr. Vice-President. I thank Sen. Mark for the question. The Ministry of Rural Development and Local Government, through the municipal corporations, the 14, mobilized its first responder protocols at the earliest reports of flooding on Wednesday this week. Disaster management unit officials are presently on the ground in the various communities and addressing reports of flooding, landslips, fallen walls, fallen trees and damaged roof. Among the regions
most affected are the Penal/Debe region, Mayaro, Rio Claro, Siparia, Princes Town and Point Fortin. You would know that Penal/Debe, Mayaro, Rio Claro and to a lesser extent, Princes Town, particularly Moruga, are some of the traditional areas affected in this way when we have persistent rainfall as we have been having since Wednesday.

Accordingly, the shelter managers and community emergency response teams, those teams are volunteers who have been trained by the Ministry of Rural Development and Local Government across the country over the last few years, are out in field. Officials continue to conduct assessment to areas where the waters have subsided and relief operations are underway, and Mr. Vice-President, the Minister of Works and Transport and the Minister of Rural Development and Local Government have been out since early this morning as they have been since Wednesday and they are providing support to all these teams that are out there.

Fallen trees and walls have been cleared and this is with the support of the Trinidad and Tobago Fire Service, the Trinidad and Tobago Police Service, Forestry Division, Ministry of Rural Development and Local Government, Ministry of Works and Transport and of course, the corporations. Relief items such sand bags, taps and mattresses have been distributed and this is through ODPM and the disaster management units in the various corporations. Corporations have utilized trucks to transport residents in affected areas as some roads remain impassable to low vehicles. For example, Mr. Vice-President, the road that connects Rio Claro to Mayaro, the Mafeking area, as the rain subsides and in fact as the rest of the country is bathed in sun, that area is sometimes flooded. Thank you very much, Mr. Vice-President.

Sen. Mark: Yes. Can I ask the hon. Minister whether the army and the fire services have been deployed in the affected areas to assist residents in seeking to
bring about restoration to their homes having had the rains being subsided somewhat? Will the army and the fire service be deployed among other agencies to assist residents to restore their residences?

**Mr. Vice-President:** Acting Leader of Government Business.

**Sen. The Hon. C. Rambharat:** Thank you, Mr. Vice-President. I thank my colleague for an excellent supplemental question and I was about to say that. In the Penal/Debe Regional Corporation, for example, 15 families have been evacuated and these families have been evacuated with the support of the defence force. And while as, Sen. Mark correctly said, the rain has stopped in most parts of the country, I was making the point in the Mafeking area, the water will get to Mafeking out of Princes Town and out of Ortoire and the lagoons in that area, the water will now accumulate in Mafeking and that is an area in which the defence force historically has provided relief because they have the trucks that would get in through the main road and in through those areas which are very difficult to pass. The water on the road is at sometimes the depth of eight feet. So that is where the defence force and all other state agencies are mobilized in response, in providing support, in the distribution of supplies and all the corporations in the country led by the Minister of Rural Development and Local Government engaged out on the field. Thank you.

**Mr. Vice-President:** Next question, Sen Mark.

**Security of Citizens re Demonetization**

(***Measures being implemented***)

**Sen. Wade Mark:** To the Minister of National Security: Given reports of citizens being robbed at gunpoint as they seek to exchange their paper-based $100 notes, what measures are being implemented by law enforcement to ensure the security of citizens seeking to conduct demonetization transactions?
The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Good morning, Mr. Vice-President. Thank you very much. The first thing I would like to start off by saying is continuing from the conversation I started yesterday at post-Cabinet which is to thank all of our security forces. In fact, on my way to work this morning, I stopped and thanked some of them personally. They were carrying out their job and their duty.

The second point I would like to make is to all of our citizens and all of the persons who are going through the demonetization exercise and exchanging their $100 notes, they need to be very careful and they need to be cautious. The banks are working with us. The banks have increased their private security. The police and the defence force are also assisting with a security blanket. Unfortunately, there will be some instances when people can be vulnerable and we are just asking them to be cautious with it. Do you really need to leave with big amounts of money and tens of thousands of dollars in notes? In any event, the security services, our state security apparatus is out there working. They have doubled up their efforts and they are working along with the private security supplied to the various banks.

Mr. Vice-President: Hon. Senators, the time for Urgent Questions has ended.

ORAL ANSWERS TO QUESTIONS

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Mr. Vice-President, the Government will respond to the three Questions on notice posed to the Minister of National Security and the Minister of Finance. Thank you.

Heritage Petroleum Company Limited
(Payment of Supplemental Petroleum Tax)

19. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:
In accordance with section 7A of the Petroleum Taxes Act, Chap. 75:04, can the Minister inform the Senate whether Heritage Petroleum Company Limited has paid or is expected to pay Supplemental Petroleum Tax for the period January 2019 to March 2019?

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Mr. Vice-President. On behalf of the Minister of Energy and Energy Industries, the answer to Question 19 is as follows:

Heritage Petroleum Company Limited has paid its supplemental income tax related to the period January 2019 to March 2019. The amount paid was $2,871,309.24, I am advised.

Venezuelan Gangs
(Details of)

20. Sen. Wade Mark asked the hon. Minister of National Security:

In light of reports that Venezuelan gangs have been partnering with local gangs to jointly perpetrate crimes, can the Minister advise as to the following:

(i) whether said reports have been confirmed; and
(ii) if the answer to (i) is in the affirmative, what is being done to curb said gang operations?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Mr. Vice-President. The Commissioner of Police has advised as follows:

There have been instances of Venezuelan nationals involved in violent crimes in Trinidad and Tobago. While there has not been substantial evidence to support the existence of Venezuelan gangs, their association with local criminals is possible.
The Trinidad and Tobago Police Service will continue its intelligence efforts along with the assistance of the other arms of intelligence that exist in national security to identify any organized crime groups that can be classified as gangs of any nationality operating within our jurisdiction and this effort, which is an ongoing effort, is not limited to nationality whatsoever.

**Sen. Mark:** Mr. Vice-President, can the Minister indicate whether he can identify how many Venezuelan gangs may be in operation or in existence in this country at this material point in time? Are you in a position to share with this honourable Senate?

**Mr. Vice-President:** Minister of National Security.

**Hon. S. Young:** Thank you very much, Mr. Vice-President. Sen. Mark, as I had stated a short while ago, according to the Commissioner of Police, there is no substantial evidence to support the existence of Venezuelan gangs operating in Trinidad and Tobago. There may be Venezuelan nationals who are now associating themselves with the criminal elements in Trinidad and Tobago but not any formal gangs from Venezuela operating within our borders.

**Sen. Mark:** Can I ask the hon. Minister what steps are being taken to monitor the presence of these criminal elements from neighbouring Venezuela who are located in Trinidad and Tobago at this time by the Ministry of National Security?

**Mr. Vice-President:** Minister of National Security.

**Hon. S. Young:** Thank you very much, Mr. Vice-President. As to the specifics of the operations and how intelligence is gathered and how people are monitored, obviously I would not be able to say that, but what I can say is exactly what I said a short while ago. All of our agencies have their intelligence tentacles out there and they are monitoring criminal activity, not only criminal activity associated with foreign nationals.
Sen. Mark: Can the Minister indicate whether there is a correlation between the presence of these Venezuelan criminal elements and the spike in violent crimes in our country, particularly murders?

Hon. S. Young: The answer is no.

Attack by Venezuelan Assailants
(Protection of Territorial Waters)

21. Sen. Wade Mark asked the hon. Minister of National Security:

Given the April 2019 reports of an armed attack by Venezuelan assailants against the owners of a yacht sailing in Trinidad and Tobago waters, can the Minister indicate what measures are being implemented to ensure the safety and security of local yacht owners whilst in territorial waters?

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Mr. Vice-President. The Chief of Defence Staff of the Trinidad and Tobago Defence Force has indicated that as mandated under the Defence Act, Chap. 14:01 of the Laws of the Republic of Trinidad and Tobago, the Trinidad and Tobago Coast Guard continues to provide:

(a) Safety and security for all mariners transiting within our maritime zones once they are legal, legitimate and provided their paths that they intend to take;

(b) Border security in order to detect illicit and illegal activities within our maritime boundaries; and

(c) A safe environment for all mariners inclusive of local yacht owners.

After the unfortunate attacks by armed Spanish-speaking assailants on the 14th of April, 2019, the Trinidad and Tobago Coast Guard met with representatives from the Yacht Services Association of Trinidad and Tobago on April 15th, the
next day. Safety measures were discussed and contingency plans were implemented. The Trinidad and Tobago Coast Guard also reminded the Yacht Services Association and its membership of its responsibility as mariners to ensure all that safety requirements are implemented and communication is maintained with the coast guard on north coast radio in the event of any emergency.

Additionally, the Yacht Services Association of Trinidad and Tobago is also advised that yacht owners be reminded of their responsibility to file float plans. These plans include details of the yacht’s planned trip, expected ports, arrival dates and times and important information relating to the vessel should search and rescue activities become necessary. This will assist the Trinidad and Tobago Coast Guard in tracking the vessels as they transit through our territorial waters. Daily patrols have been conducted within areas which are heavily populated by yachts such as Crews Inn, San Fernando Yacht Club, Store Bay, Charlottesville Bay, Coral Cove, Power Boats, Peake’s, Scotland Bay and Chacachacare.

Subsequent to the unfortunate incident at sea, four convoys consisting of 28 yachts were monitored and escorted into territorial waters to ensure that their transit was incident free. This mission was easily facilitated as the Trinidad and Tobago Coast Guard was able to access the filed float plans for the above mentioned vessels. Of course, Sen. Mark, when they file their float plans with us in advance, we are then able to use the coastal tracking system, a coastal radar system to track them and see if any other vessels are coming to intercept.

**Sen. Mark:** Mr. Vice-President, may I ask the hon. Minister, is there any plan to have a closer working relationship between our coast guard and the Venezuelan coast guard in order to prevent these pirates or assailants from almost invading our waters at will and bringing about distress to our citizens?

**Hon. S. Young:** The answer is yes. In fact, on one of my recent visits to
Venezuela, I did meet with all of the arms of their national security apparatus, including those charged, both their navy and their coast guard, charged with the responsibility and we are working, our coast guard is working in tandem with their operations and their assets.

Sen. Mark: Mr. Vice-President, since his meeting with his counterparts in Venezuela and this incident in April of 2019, can the Minister indicate whether there has been a reduction in attacks by these Venezuelan pirates, assailants against our citizens who are carrying out their legitimate business, yachting that is, within our territorial waters?

Mr. Vice-President: Minister of National Security.

Hon. S. Young: Thank you very much, Mr. Vice-President. The answer is yes. But even before then because, of course, this incident that you would have referred to, Sen. Mark, was on April 14th of this year. Knock on wood, so far, there have been no further incidents with our members of our yachting fraternity going out there and that is as a result of the work that we are doing and the joint efforts and let us hope that it stays that way. Thank you.

Mr. Vice-President: Hon. Members, at this time, permit me to return to Item Number 3 on the Order Paper.

SENATORS’ APPOINTMENT

Mr. Vice-President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Paula-Mae Weekes
Senators’ Appointment (cont’d)  2019.12.13

President.

TO: MR. NDALE YOUNG

WHEREAS Senator the Honourable Christine Kangaloo is incapable of performing her duties as the President of the Senate by reason of her absence from Trinidad and Tobago and the Vice-President of the Senate is required to perform the duties of the President of the Senate. As a result, a vacancy has arisen in the Senate:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, NDALE YOUNG, to be a member of the Senate temporarily, with effect from 13th December, 2019 and continuing during the absence from Trinidad and Tobago of Senator the Honourable Christine Kangaloo.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 12th day of December, 2019."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. AUGUSTUS THOMAS

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WHEREAS Senator the Honourable Franklin Khan is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKE, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, AUGUSTUS THOMAS, to be a member of the Senate temporarily, with effect from 13th December, 2019 and continuing during the absence of Senator The Hon. Franklin Khan by reason of illness.

Given under my Hand and the Seal of the Acting President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 12th day of December, 2019.”

AFFIRMATION OF ALLEGIANCE

Senator Ndale Young took and subscribed the Affirmation of Allegiance as required by law.

OATH OF ALLEGIANCE

Senator Augustus Thomas took and subscribed the Oath of Allegiance as required by law.

10.30 a.m.

DEFINITE URGENT MATTERS

(LEAVE)

Flood Victims

(Government's Inadequate Aid)

Sen. Wade Mark: Thank you, Mr. Vice-President. Mr. Vice-President, in accordance with Standing Order 16(2), I hereby seek your leave to move the
adjournment of the Senate for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to render advocate aid to citizens affected by severe flooding which occurred from December 11 to December 12, 2019.

The matter is definite as it pertains specifically to severe and widespread flooding that impacted parts of central and south Trinidad from December 11 to 12, 2019, and the Government's complete disregard of the plight of our fellow citizens.

The matter is urgent because affected citizens are in desperate need of assistance and the current administration has not taken the necessary steps to assist citizens whose homes have been desolated by the severe flooding.

The matter is of public importance since it is the Government’s duty to protect the lives and properties of citizens, and this administration has once again demonstrated to the population that they are not concerned with their well-being. At least 15 families had to abandon their homes and many other citizens are in dire need of Government assistance, which thus far has been grossly inadequate. Thank you for your consideration on this critically important matter, Mr. Vice-President.

Mr. Vice-President: Hon. Senators, I have considered the Motion of the Senator and I am not satisfied that this matter as presented qualifies under the Standing Order.

Demonetization $100 Currency Note
(Inconvenience Caused)

Sen. Wade Mark: Mr. Vice-President, in accordance with Standing Order 16(2), I hereby seek your leave to move the adjournment of the Senate for the purpose of discussing a definite matter of urgent public importance, namely the extreme
inconvenience currently being endured by the national community as a result of the
demonetization of the $100 currency note and replacement with other tender.

The matter is definite because it relates to the deadline given by the Government of 14 working days for all current paper-based $100 bills to be replaced by polymer $100 note through the nation’s banking system, resulting in the confusion being experienced by the country as a result of the poor planning and execution in what could have and should have been a routine process.

The matter is urgent because the chaos that has overtaken the nation’s banking system results from the announcement that after 14 working days the old $100 bill will no long be legal tender, causing panic over the sudden arbitrary and absolute threat to citizens’ monetary savings.

The matter is of public importance because of the resultant havoc this development is creating; long lines of citizens with substantial cash deposits providing easy targets for criminal elements; hampering seasonal Christmas commerce; disrupting work routines; and, placing the commercial banking system under unprecedented pressure.

I thank you, Mr. Vice-President, for your consideration of this critically important matter.

Mr. Vice-President: Hon. Senators, I have considered the Motion of the Senator and I am not satisfied that this matter as presented qualifies under the Standing Order.

JOINT SELECT COMMITTEE
( Establishment of)

Cannabis Control Bill, 2019

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam Vice-President, having regard to the correspondence from

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the Speaker of the House in relation to the establishment of the Joint Select Committee to consider and report by February 29, 2020, on the Cannabis Control Bill, 2019, I beg to move that the Senate concur with the House of Representatives in the establishment of the Committee and that the following six Senators be appointed to serve: Mr. Clarence Rambharat, Mr. Nigel De Freitas, Mrs. Paula Gopee-Scoon, Mr. Taharqa Obika, Mr. Paul Richards and Ms. Sophia Chote SC.

Question put and agreed to.

JOINT SELECT COMMITTEES
(Extension of Time)
National Statistical Institute
of Trinidad and Tobago Bill, 2018

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Mr. Vice-President, having regard to the Interim Report of the Joint Select Committee on the National Statistical Institute of Trinidad and Tobago Bill, 2018, I beg to move that the Committee be granted an extension to March 31, 2020, to complete its work and submit a final report. Thank you.

Question put and agreed to.

Cybercrime Bill, 2017

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Mr. Vice President, having regard to the Interim Report of Joint Select Committee on the Cybercrime Bill, 2017, I beg to move that the Committee be granted an extension to March 31, 2020, to complete its work and submit a final report. I thank you.

Question put and agreed to.

ARRANGEMENT OF BUSINESS

Mr. Vice-President: Hon. Senators, I would like at this point in time to crave
your indulgence. I am awaiting a third Instrument of Appointment, so we would revert to item three once I have received that instrument.

DANGEROUS DRUGS (AMDT.) BILL, 2019

Order for second reading read.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Vice President. I beg to move:

That a Bill to amend the Dangerous Drugs Act, Chap. 11:25, be now read a second time.

Mr. Vice-President, Trinidad and Tobago has a number of issues at its feet. Certainly crime and criminality is a significant issue that must be managed. Our economy is a significant issue that must continuously be managed. But it is social justice in its very pure form that is paramount as a feature of all of our issues, and certainly as a feature of this legislation.

This Bill seeks to amend the Dangerous Drugs Act. Mr. Vice-President, the Dangerous Drugs Act, Chap. 11:25, is an Act of Parliament, No. 38 of 1991. It was amended in 1994, 1995, 2000, 2000 again, in 2014 last.

And Mr. Deputy Speaker—Mr. Vice-President, forgive me I was just in the House day before. The concept of dangerous drugs really is something that springs from a cultural association with opioids, with what have become known as psychotropic substances; those drugs which are scheduled in the First and Second Schedule of the Dangerous Drugs Act. But it is also deeply associated with our very history, culture and ethnicity. In Trinidad and Tobago, it is a matter of law, it is a matter of record, that we have had several iterations of law to treat with the concept of one dangerous drug in particular, and that is cannabis.

In 1885, we had the Ganja Cultivation Licenses Ordinance. In 1894, we looked again at the Ganja Ordinance of 1894. We had the Ganja Ordinance of
1899. We had the Ganja Ordinance of 1915. We had the Dangerous Drugs Ordinance of 1928. Prior to 1928, effectively we as a country recognized, even in our Customs laws, that we as a country allowed for the growth, exportation, usage, of what is known as ganja or cannabis, what is known as marijuana, what is known in so many different ways. And in fact our Dangerous Drugs Act, when looked through the lenses of our customs legislation, we find it even in our Customs Act, No. 22 of 1938; that is the current law. If you look to the current law, amended so many times over, and you look to Part IV of the general provisions, you get to section 33. In section 33 of the Customs Act, we are talking about no abatement for damage to ganja, which is imported. So this concept of this dangerous drug has been in our society for quite some time.

What caused the regulation of cannabis?—and I will use the term “cannabis” for this debate, because of its specific meaning as a chemical composition definitional reference point. What caused this to be under consideration is effectively an international reflection which found itself into law and certainly into practice in Trinidad and Tobago. And, of course, I am speaking as far back as the first Geneva Convention and then the second Geneva Convention, in the period 1928 come forward, and then in particular when we deal with the package of Conventions and the protocol. And I mean the 1961 UN Single Convention on Narcotic Drugs, the 1972 Protocol amending that Single Convention, the 1971 UN Convention on Psychotropic Substances, and the 1988 UN Convention against Illicit Traffic and Narcotic Drugs and Psychotropic Substances.

That package of international law found itself—you must of course by now all be aware, when we sign on to international law, it does not become local law. We are a dualistic country, not a monistic type of legal regime. Monistic is where you sign a treaty and it becomes your law automatically. Dualistic is where you
sign a treaty but you must then bring it into local law. And what brought these conventions, in large part, into effect are the Proceeds of Crime Act and the Dangerous Drugs Act. Those are the two pieces of law that manage this.

In our Dangerous Drugs Act, Mr. Vice-President, we find actually a very robust piece of law and I would like hon. Members to reflect upon Chap. 11:25. Chap. 11:25 treats with all dangerous drugs, and cannabis is treated as a dangerous drug. Dangerous drugs are defined in the section of reference, it is section 3.

“‘dangerous drug’ means a narcotic drug listed in the First Schedule or a thing that contains such a drug...”

—et cetera. When you get to the First Schedule, Mr. Vice-President, the First Schedule is the list of narcotic drugs. When we get to item No. 3,

“Cannabis”—with a capital ‘C’—“Cannabis sativa”—again with a capital ‘C’—“Cannabis sativa L, their preparations, derivatives and similar synthetic preparations, as for example”

And then three of them are listed. Now I have stressed the capital "C" because the capital "C" is the scientific reference to genus. Of course, you have order, genus and then you go narrower. The more characteristics in common is the tighter the pack becomes, in terms of reference to definition.

I would like to point out, in this Bill we seek to capture a definition of “cannabis”. But we absolutely still maintain the First Schedule. When we look to the Bill itself, Mr. Vice-President, and we go to clause 4 of the Bill, we have a definition of:

“‘cannabis’ means the plant of the genus cannabis...”

And you see it there. I stress that because, notwithstanding what appears to be an expansive definition of cannabis in the Bill, we must always be taken back to the First Schedule. We are dealing with the genus cannabis. It properly includes
hemp.

Now, Mr. Vice-President, in getting to this law, I need to put on record that we certainly looked at the laws of Canada, St. Vincent and the Grenadines, Jamaica, Antigua and Barbuda, Barbados; those countries with civil law jurisdiction in the European Union, Holland, for instance.

But we also were extremely and happily guided by the Report of the Caricom Regional Commission on Marijuana, 2018, which is an excellent publication under the hand of its Chairman, Prof. Rose-Marie Belle Antoine from the University of the West Indies, who has been leading this charge in the Caribbean in a very holistic sort of way. And I wish to offer a very public affirmation of excellent work, on behalf of the Government of the Republic of Trinidad and Tobago. I think that that Chairman, Prof. Belle Antoine, has really done a significant amount of work in this area, and we in Trinidad and Tobago are better off for it.

Mr. Vice-President, what is this Bill for? This Bill, in its short number of clauses, nine clauses in particular, seeks to amend the Dangerous Drugs Act. The Dangerous Drugs Act says all dangerous drugs are matters of strict liability. You will find yourself tripping section 5 of the Dangerous Drugs Act. You will be in possession if you have the substance. Substance possession includes under your control. Obviously, there is an element of knowledge that implies itself there, even though strict liability says you just need to be found with the thing. Your mental intention is not relevant. The law has evolved, in terms of its application.

Dangerous drugs, the offence set out in section 5 of the Act, is what drives our amendments today in part. In section 5 we say:

“...a person who has in his possession any dangerous drug is guilty of an offence and is liable—”

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Firstly:

“(a) upon summary conviction to a fine of twenty-five thousand dollars and to imprisonment for five years.”

And if it is:

“…on indictment to a fine of fifty thousand dollars and to imprisonment for a term which shall not exceed ten years but which shall not be less than five years.”

We seek in this Bill: (a) to define cannabis, correlating it to the First Schedule; (b) to uplift the treatment of offences for possession of all dangerous drugs; (c) to carve out the aspect of cannabis to treat it in a softer way driven by social justice with careful balance and parameters. We then also seek to modernize the law in keeping with the interpretation of the courts. I will refer you in particular, for the lawyers amongst us, to the case of Barry Francis, where we looked to the fact that mandatory sentencing is no longer permissible under our laws. You cannot exclude the jurisdiction of the court from a discretionary point of view. So we tidy up the laws in that purpose.

We also treat with the system in which we seek the criminal application. In that system, we propose a quantification limit treatment. We are disaggregating amounts between zero to 30 grammes of cannabis itself. We treat with cannabis resin, of course, in a certain quantifiable limit. We then treat with 30 to 60 grammes, and we treat 60 to 100 grammes. We apply a system of law which says you will first be treated with a ticketable offence for amounts above 30 grammes; ticketable offence for smoking in public, subjected to an actual offence if you are beyond certain amounts, that is above 100 grammes, certainly above 60 grammes to 100 and 100 onward. We preserve the trafficking aspects of it.

We then, in the Bill, Mr. Vice-President, manage if you do not pay the ticket
what happens, your ability to contest the affair in court. We provide an alternate remedy to incarceration, obviously by providing for community service, under community service orders. We then also provide for what happens if you have a charge for the sums which we now treat with in new law. We say that you can have those charges discharged. We say what happens if you have a conviction. We ask you to go to court and have that expunged. We then treat with a pardon, which is a constitutional remedy coming via the advisory committee on mercy in section 87 of the Constitution and how you have that removed from your record.

We then also treat with trafficking of new substances, in particular amphetamines, LSD, Ecstasy, which were not included, until recently, as dangerous drugs. So we treat with the new cohort of very dangerous drugs which are really ravaging our youth in particular and are passed off as innocent things when you look at the packaging of that material.

So that in summary is what the Bill contains. But before we get into the particular provisions of the Bill, permit me to speak to the constitutionality of the Bill from a proportionality concept.

Mr. Vice-President, may I ask what is full time in this debate for me?

Mr. Vice-President: You end at 11.24.

Hon. F. Al-Rawi: Much obliged. So let us get to constitutionally. Because this is a democracy. We are here pursuant to the Constitution, section 53 in particular, to make laws for the peace, order and good governance of our society. We are here as parliamentarians setting a standard, suffice it to say there is no unanimity of view on this particular issue. The Government has spent, certainly at the Office of the Attorney General, we took the period 2016 come forward, looking at this issue. We started by an analysis in the prison system, the criminal justice system. We are going to the data in a moment. Pursuant to the Prime Minister's greenlight that
there was an appropriate time, one year ago we started this exercise of looking at the decriminalization of cannabis, and we are here today.

There are views that tell us do not do anything at all. In fact, make the laws stricter, absolutely ban it. And there are advocates who say completely legalize the substance and let there be a free market economy in relation to this. We have taken a very cautious approach. It is driven by data. So in the whole concept of proportionality, in looking at constitutionality, the first thing is: Is there a legitimate aim? Are the measures that we propose in this legislation rationally connected to that legitimate aim? Do we, in exercising the measures in legislation, go further than we ought to? Have we been proportionate in our interruption of laws to cause this to be managed? Is there, in sense, an adherence to the concept of what is contained in section 13(2) of the Constitution, which is that this law is reasonable in a society such as Trinidad and Tobago's democracy? Let me repeat that, such as our own culture demonstrates. Obviously, there is a rationale aim and connection, and I have described that in our cultural rooting. I have described that in the phenomenon, which I am now going to go into, in terms of statistics, which will really address this phenomenon.

Mr. Vice-President, at the AG's office, I think that the hon. Senators here all know, we have taken our time in every single piece of law to come forward here to deal with statistics, whatever it is, bail, preliminary enquiries, dangerous drugs, child marriage. I can tell you, now sitting in Parliament going on a 10th year in the year coming, that in my five years prior to my incarnation as the Attorney General, we had no statistics. We could talk about statistics all over the world but we had no exposure to Trinidad and Tobago's statistics.

And I would like to stick a pin today, and I would like say to this for the record. One of the factors of social justice, which is a rational aim in this Bill, is
driven by my encounter experience and love for someone who sat in this Parliament, in this Senate, on the Independent Bench. And I refer to, God rest her soul, Sen. Corinne Baptiste—and I would like to stop for a second. That beautiful soul was afflicted with cancer. She suffered. She was warded. She was at the Vitas House. I would make it my business, together with my colleagues, Sen. Vieira, as well, to visit her as she managed her illness. Frail in body, but fighting in spirit, she confessed: “Faris, yuh might need tuh leave de room boy. Ah need tuh smoke ah lil thing.” In her affliction and for her pain management she actually had cannabis prescribed for her—McKnight. Corinne McKnight, forgive me. I am a little emotional on this issue. She had cannabis prescribed for her. And I gave her a solemn pledge that I would look at this issue, if I ever had the chance to drive law. I want to say to Corinne today, her soul being surely with us today, that this social justice for her and for the many people in her circumstances really is an important measure for us, Mr. Vice-President. Because, not only has this related to people who have been incarcerated, whose lives have been thrown away, but there are genuine causes for people like Corinne [Desk thumping] who really stood in the breach and in the gap for this country. And today, if I can say so quite boldly, we do this for you.

And, Mr. Vice-President, when we look to the statistics—and forgive me, it is not often I get emotional in the Parliament—but when we look at the statistics, Mr. Vice-President, let us get to what Trinidad and Tobago looks like.

Mr. Vice-President, we have had the benefit of analysis. In the period 2007 to 2018, there have been 80,815 marijuana-related matters in the Magistrates' Court. Let me repeat that, 80,000 matters. The vast majority of those matters, 85 per cent of those matters, are for simple possession, simple possession of quantities under 100 grammes; nearly 70,000 matters. Trafficking, which is anything over a
1,000 kilogrammes, is 14 per cent. Cultivation, interestingly enough, is 0.6 per cent. Gathering is 0.02 per cent. What does that mean? The vast majority of our 80,000 citizens who have passed through the criminal justice system are there for simple possession of under 100 grammes. What does that mean further? When we look to the statistics, Mr. Vice-President, in the Magistrates' Court there are, as at January 11, 2019, 4,321 pending matters for marijuana. When we look to the marijuana in the classification of ages we have, in the period 2015 to 2018; I took my period alone, under 15, 38 people charged before the courts; 15 to 19, 902 people; 20 to 24, 2,884; 25 to 29, 2,783; 30 to 34, 2,466; 35 to 39, 1,639.

It is worse when we disaggregate ethnicity. And it is not often we talk about it, but let us call the statistics what they are. We see in the distribution of our African population, Asian population, Indian population, Hispanic and mixed, in the category 18 to 35 Africans, we have 352 versus 18 to 35 East Indians, 124, versus mixed 185. It shows, Mr. Vice-President, that there is a preponderance of the application of this law, of the tripping of this law, in our African population. There is a preponderance of the law being tripped in our youth. There is a vast majority of it.

11.00 a.m.

Now, having 80,000-odd cases, 85,000 cases, is to be put in the lens of the fact that on average every year we have approximately 146,000 cases per year in the Magistracy. We have 43 magistrates in 12 courts not including the out courts. We have a systematic plan which this Senate has participated in to remove the chunks of matters that really ought not to be there, motor vehicle and road traffic is 104,000 of those cases. Preliminary enquiries is 26,000 of those cases. Marijuana possession related cases is 8,500 per year. And if we move these things out, under the Motor Vehicles and Road Traffic Act, under the abolition of preliminary
enquiries in the decriminalization in the manner that we seek in this Bill to do today, we are going to have 43 magistrates dealing with 7,500 matters per year. What can be more commonsensical from a criminal justice point of view than to disaggregate the matters, push those that do not need to be there, allow for the system still to work by causing those who need to come to court to still come to court, or who want to come to court.

So social justice, statistical driving, criminal justice, legitimate aim. Social justice tells us, Mr. Vice-President, that when we look to the work at the forensics division, I can tell you. If we look at the figures 2009—2016, and we disaggregate forensic analysis for marijuana versus cocaine—and we all agree that cocaine is not being touted there as something that ought to be legalized or decriminalized, that there are serious issues with cocaine—what do we see? The ratio is roughly 80 per cent to 20 per cent analysis; 80 per cent of the time spent dealing with cannabis, 20 per cent dealing with cocaine.

When we look to what the forensics division says, the forensics division says effectively, look, if you stop bringing plant-like substances to the forensics division under one hundred grammes, you are going to take away more than 92 per cent of our workload, leaving room to look at rape kits, DNA analysis, dangerous drugs such as cocaine, opium, ecstasy, other factors and even treating with forensics in firearms, ammunition and other positions.

Now, that is all commonsensical. It is why Chief Justice Archie, every single year in the end of term and in the opening of term publications said to this country, for heaven’s sake look at decriminalizing marijuana. And, Mr. Vice-President, I wish to commend the hon. Chief Justice for having that courage every year, but I want to commend the Prime Minister of Trinidad and Tobago who genuinely led our Cabinet into the position where we could consider this
issue. [Desk thumping] It is true that I may have been a bit of a nag in the purpose in trying to push this forward for all the right reasons and my colleagues in support, but I would like to say that the hon. Prime Minister has had the courage to do what no other Prime Minister has done in this area and for all the right reasons.

So, Mr. Vice-President, let us get a little further into the Bill now. The Bill before us—and I would like to say that we made some amendments in the House of Representatives, they are reflected in bold in the legislation before us. We are proposing, Mr. Vice-President, to bring to life something which could have been done all the time. Section 4 of the Dangerous Drugs Act allows the Minister of Health to publish regulations to treat with manufacture, import, export, distribution, sale, medicinal aspects, et cetera, but it was just never done.

I am very pleased to tell hon. Senators that we have in fact already drafted the regulations, I have them in my hand. The regulations to be promulgated under section 57(1) are drafted already. So that the prescribable cannabis, the THC quantification aspects can be dispensed through pharmacies under prescription, under management. It is why we have not taken to the course of prescribing cannabis by reference to THC or CBD which are the chemical components. THC being the hallucinogenic aspect of the dangerous drug, cannabis, and CBD being less than that, under 0.3 per cent in terms of its chemical position; that is the safe amount. But we are proposing in this legislation, Mr. Vice-President, that we actually bring to life the regulations under section 4 of the Act. We do not need an amendment for that, we just needed to do it under section 57 of the existing law and we have it ready.

So let us deal with the Bill. We propose a definition of “cannabis” in its wide form. It is specifically tied to the genus of cannabis set out in the First Schedule of the Dangerous Drugs Act. We did for the record, Mr. Vice-President,
introduce the withdrawal of certain drugs, Minister Deyalsingh did that on the 8th of November, 2019, by Legal Notice 342. We introduced the ketamine and aceta—

**Sen. Ameen:** Acetaminophen.

**Hon. F. Al-Rawi:**—acetaminophen into the positions. I thank Sen. Ameen for her quick draw today. We dealt with the positions of Ecstasy and LSD, lysergic acid in its combinations. We have dealt with the position of regulations for amphetamines and methamphetamines in this particular regime in Legal Notice 345, et cetera, and we basically took the opportunity to amend the Second Schedule to harmonize the psychotropic substances under the single use convention and the international regime. So we brought our laws up to date.

When we go to the definitional section in clause 4, we are looking at as well very importantly the definition of “cannabis resin”. We have separated out the derivative that can be the reduction of the cannabis plant into the resin which is a more potent form. We have defined “public place” in a narrower form than when the Bill was first introduced. We have specifically put the limitation that a public place does not include any premises in actual use as a dwelling which are not used for commercial purposes. And we have borrowed from the laws of Antigua in particular in looking at this definition of a public place. Why? Because we seek to criminalize the smoking of cannabis in a public place. Because if you wish to do it—and I want to remind, a doctor sent me a message while I was in the House, “Cannabis is not cabbage. It is a psychotropic substance”.

People are not encouraged necessarily to be smokers. There have been some radically difficult stories on the use of cannabis. The Government proposes a rigorous campaign of education via the Ministry of Health, via the Ministry of Education, social services in this arena. I want to say to all people in Trinidad and Tobago, I do not personally recommend the smoking of cannabis. Same way I do
not recommend the smoking of cigarettes or excessive use of alcohol, et cetera. This is something that has—it is obviously a personal issue and on that point you will not see in the law any reference to recreational use or personal use, because the single convention specifically prohibits that.

Jurisdictions around the world have been “ratcheting” it. They have been faking it by calling it prescribable cannabis, they say it can be recommended. Effectively, you go to a place in a public environment where it is controlled. We have set up a joint select committee to deal with the delivery by way of industry, because everywhere around us we are looking at an industry. I gave you the statistics for cultivation and gathering, we are under 1 per cent. In other words then, the cannabis that we have in this country is imported. It comes from St. Vincent and the Grenadines, it comes from South America. And people need to be careful of what you have, what additives are put into that. Does the person who is giving it to you lace it with something to cause addiction or to cause substances?

Minister Randall Mitchell told me some frightening stories of colleagues of ours coming from Presentation College who became hooked on the substance and learned that they were actually being laced with additives which cause addiction. Some of them ending up in St. Ann’s, some of them ending up in some serious conditions with their lives thrown away. I am not saying it happens to everyone but there is a different experience, it is not like alcohol which has a sedation factor over consumption. It is a psychotropic substance which has different effects upon different persons.

Mr. Vice-President, when we get to the amendments at clause 6, where we amend section 5 of the Act, section 5 of the Act—and I did provide all Members with a consolidated amendment—I hope it was circulated—of what the Dangerous Drugs Bill looks like. Again, I will ask you to note that that has not been
traditional in our Parliament but it is certainly traditional from me as Attorney General. In section 5 we are proposing that we amend the penalties for all dangerous drugs. We have raised those penalties up to $250,000 and five years, as opposed to $25,000 and five years for summary offences. We have raised the indictable up to $1 million and 15 years, because we are seeing it for all dangerous drugs.

But we have specifically carved out that possession of 30 grammes of cannabis or five grammes of cannabis resin is not an offence, and that possession of four growing plants not distinguished between male or female, and I just say that the male inclusion in the earlier iteration came from the forensics division’s insistence upon it. But we have had a lot of commentary coming from a few experts and the population at large, we were guided by that and we went to the fact that you can have just any plant being either male or female because you do not know what you are going to get.

And we are saying under 30 grammes of cannabis, which by the way is three cigarette packs of 20 cigarettes each equivalent of cannabis; it is a lot effectively, and therefore, I respectively suggest that anybody who is pushing for more really has to have a little look at whether they need some rehabilitation or some management. I do not know what the consumption prescribed amounts are, I am just saying it from an anecdotal, uninformed, uneducated aspect. In terms of scientific application, I cannot say, right, because this is possession at any time, per person.

Mr. Vice-President, what we propose is we treat with the bracket of 30 to 60 grammes of possession, and we say if you are in possession of 30 to 60 grammes, you are going to be subjected to a “ticketable” offence. The “ticketable” offence is set out in subsection 16 as we propose here, it is a $2,000 ticket. We borrow from
the regime of fixed penalties and how they are done, by having a ticket issued to you, you can accept the ticket, you can pay the ticket, even though it says you must present the notice to court, I want to remind you this law specifically applies to the payments into and out of court. In other words then, you can file the notice electronically pursuant to the rules of court, you can pay electronically. In other words then, you do not necessarily need to go to the court. I am very pleased to say at the AG’s office, Registrar General Intellectual Property, we have finally got electronic payment under control. We signed the agreement with FCB, we will be going live in December we are replicating that to motor vehicle and road traffic, to Licensing Division, to Customs, across Trinidad and Tobago, bringing to life the law which was passed in 2011.

Mr. Vice-President, we say that if you are treating with the fixed penalty system and you cannot pay the penalty, or you do not want to, you have the opportunity to go to the court, you can have that dealt with by way of presenting yourself before the court. We then say that if you cannot pay the penalty, the court should look to the community services aspect and we say that the court may make a community services order to perform 30 hours of community service for possession of the amounts between 30 to 60. The Community Service Orders Act says, in that law, that they cannot prescribe an amount under 40 hours. This law is a law which impliedly repeals that aspect for cannabis, there is no inconsistency in that law, the 30 hours will stand and that is upon a conviction.

We treat with, Mr. Vice-President, the removal of references to “marijuana”, because they use “cannabis” in the First Schedule, they use “marijuana” in the Act, they spelt it differently throughout we have harmonized the reference to “cannabis” in particular. Mr. Vice-President, we then treat with the amount of possession for the substance known as Ecstasy which is methylene dioxyamphetamine, we
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we treat with the possession of lysergic acid diethylamide which is LSD, we treat with ketamines. We have added those in thanks to Minister Deyalsingh and Minister Young, by way of the amendments to the dangerous drugs and the food and drugs regime by way of orders which I have referred to a little bit earlier.

We then treat with in the proposed section 5A, what happens if you smoke cannabis in public. And we have, thanks to a recommendation coming from the House, we took that into a “ticketable” regime, we are applying the same formula of fixed penalty notices in treating with that, we have said that you would be subjected as subsection (16) says to a “ticketable” offence of $2,000. Again, the regime of community service, if you cannot pay the $2,000, we are proposing in default of that, that the court treat with you obviously by way of subjecting you to $50,000 for the offence of possession and $50,000 also for smoking in public.

We say that the Minister may by affirmative resolution—and I am sure Sen. Mark would be very happy for that—prescribe certain places where cannabis can be used. That is to allow for the law to develop over time, we may or may not look at how an industry develops. Under the Cannabis Control Bill which has been referred to a joint select committee, that is where we deal with licensing regime, that is where we deal with prescribable medical cannabis, that is where we deal with religious cannabis for certain faiths beyond Rastafarians who are—obviously there are certain faiths that profess use of this as a sacrament, we treat with those there.

Ultimately, our country really wants to get to the place where you ought not to be having cannabis grown at home, you ought not to be smoking it in places. The best industry that drives this reform and management of it, is really that you have certain designated zones so you can be monitored, you know how much is administered, you have a clinical record, you know about smoking in certain
locations. So that it can be managed from a more scientific and societal regulation point of view.

Mr. Vice-President, we propose—again coming from a recommendation coming from the hon. Prime Minister. In treating with the Prime Minister’s recommendation as to what happens between the bracket of possession of 60 grammes to 100 grammes, we felt that we should certainly treat with that by way of an offence which is also to be treated separately from what happens in section 5(1). Section 5(1) is where you are tripping possession of a dangerous drug. Section 5(1) we have amended to say if you are in summary route, we have moved from $25,000 to $250,000, we have kept the five years. Under the indictable route we have moved from a small penalty up to $1 million, of course, we have kept the jail term prescribed there.

We are saying for possession of cannabis between 60 to 100 grammes, treat that differently from that regime. And we are saying possession of that ought to be managed by way of a regime which says, again, you will be subjected to an offence, you will be subjected to having community service imposed upon you; we have gone to 50 hours of community service. We have said that—and this is to be found at page 15 of the Bill in the new proposed 5D, where we say notwithstanding any other written law, we treat with the application of the law, I will come to that in a moment. But we are saying specifically that we want to refer you back to 5(2B) and we are going to have that regime where you are subjected to a penalty you can do the community service.

Let me get to the application of the law point which is really the important aspect of this. It is standard knowledge now, pursuant to the application of the Privy Council case in Liyanage. Liyanage is the proponent who went before the Privy Council. In Liyanage the Privy Council affirmed the position that if you are
going to ask for retrospectivity in terms of law, that you need to do that by way of a specific reference from the Parliament. Parliament must be deliberate in its indication that the law can apply retroactively. If we pass this law and we do not include the retrospectivity provisions, it will only be people charged after proclamation who would have the benefit of the law. I want to point out in the proposed section 5D at page 15 of the Bill, we are saying at 5D(1):

“A person who was charged for the possession of not more than sixty grammes of cannabis or not more than ten grammes of cannabis resin before the commencement…may apply to the Court for a discharge of that offence.”

Mr. Vice-President, do I go to 11.29 or 21? Pardon

Mr. Vice-President: 11.24 a.m.

Hon. F. Al-Rawi: Thank you, 24. We say absolute discharge, in other words then, take everybody who is on a charge for under 60 grammes and just clear them out of the system. We could not pass a law which just said “automatically” because it will become very disorganized in the court records. So as your matters come up, you apply for a discharge pursuant to 5D and we are saying that that applies going back, in other words then there is retrospectivity. We then say in new subsection (2):

“Notwithstanding any other written law, on or after the commencement of the Dangerous Drugs (Amdt.) Act…a person who was charged for the possession of—

(a) more than 60 grammes, but not more than one hundred grammes…”

And then we treat with the resin as well—

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“…before the commencement of that Act and is convicted in relation to that charge on or after the commencement…shall be liable to the fine specified in… 5(2B) and to be dealt with in accordance with…5(2D);”

In other words then, we are taking them out of the system. We could not treat with the automatic discharge because it is a higher sum. If we are decriminalizing, we have to disaggregate the approaches and again, if you come up before the court retroactively applying to all offences in the back, you have the benefit of this law. We then provide for the expunging of your records under the Police Service Act section 50K. We then provide for what happens if you want to have your criminal record removed completely by a pardon. There is a very important case which came from the Privy Council, it is Lendore, if I just use the single term for it. Lendore effectively says that unfortunately, the Mercy Committee cannot receive applications en masse. You cannot take a category of people and just treat with them by way of pardon.

Regrettably the Privy Council says you must have every single application come before you. And I would like to tell you as a member of the Mercy Committee, the office of the Attorney General, the Attorney General sits on that committee as does the Director of Public Prosecutions and the Minister of National Security and other people—what we are doing is we are putting in a dedicated regime to treat with the applications. Because we expect—the data says you have had over 85,000/80,000 cases. We expect to get a significant number and we are putting in a mechanism to treat with that.

Similarly we have spoken to the Trinidad and Tobago Police Service to treat with the expunging under section 50K. We have also treated with the Judiciary, and I want to commend again, Chief Justice Archie, for continuously taking the Judiciary in the right direction, aggressively pursuing reform. Chief Justice Archie
is driving that aspect of administrative management of how we treat with it in the Magistracy. After all we birthed the Criminal Division, we have computerized the Magistracy, we have recording technology. We are about to close this Parliament this month, move this Parliament from this location back to the Red House, and move the entire civil jurisdiction including the Appellate Division to this building, freeing up approximately 60 to 70 courtrooms for criminal matters. That is no small feat, hon. Senators, hon. colleagues. This is how Trinidad and Tobago begins to change itself.

Mr. Vice-President, I genuinely commend this law to the reflections of my learned colleagues. I look forward to any improvements that we may make. I would genuinely like to have this managed, I know that the Government is pressing a little bit hard at the agenda of hon. Senators. We are in fact inviting Senators to return next week to treat with the preliminary enquiries third round. Without anticipating that law, I would just say the reason is we want to abolish preliminary enquiries in January and if we wait for the Parliament to resume, you might be looking at the end of January. We need as a country to get rid of the road blocks and there can be no greater road block than the preliminary enquiry system. Mr. Vice-President, I welcome the Senators opposite and at the Independent Bench and my own colleagues’ contributions. I was very pleased in the House of Representatives that the Opposition supported the legislation. And I beg to move.

[Desk thumping]

Question proposed.

Sen. Wade Mark: [Desk thumping] Thank you, Mr. Vice-President, for allowing me to make my intervention on this Bill to amend the Dangerous Drugs Act. May I say from the outset that we are very disappointed that this Bill did not go to a joint select committee as the Cannabis Control Bill. I do not understand and the
AG has not given us an explanation, why did the Government choose to debate this Bill and send the Cannabis Control Bill to a joint select committee when, Mr. Vice-President, both are interrelated and inextricably bound together. So I think that we need to record our disappointment and I would still insist even though we have gone the root of passing it in the other place, that this matter ought to be really referred to a select committee of the Senate because there are some areas in this Bill—even though in principle we support as a Party, the decriminalization of cannabis and the users of it and all the numbers that the AG has given us in terms of the 80,000 matters and 85 per cent for simple possession of 100 grammes, and that yes, it will bring about some degree of fair play and justice for the citizens who have been caught in this web. But, Mr. Vice-President, we have to appreciate that this is a Bill when you examine it very closely, there are some areas that we are going to be suggesting that the Attorney General look at and examine very carefully.

Mr. Vice-President, we have always supported decriminalization of cannabis—

**Sen. Ameen:** In small amounts.

**Sen. W. Mark:**—in small amounts on this side. And as a party we choose to respect the advice of our country’s religious leaders and religious organizations who still—outside of the Rastafari organizations—advise against the legislation or decriminalization of cannabis for recreational use, and against opening the doorway to making cannabis a lot more prevalent and visible within our society than it has been before.

So we have the Muslim community and many Christian groups in our country who have spoken out against this legislation and it is something that we cannot ignore and I want to put on record the views—there is a paper by the
Muslim community in this country that deals with this whole decriminalization of marijuana, and there are many signatories to this document, Mr. Vice-President.

So it is a very serious matter. You have almost—in fact, the paper registers, that is the paper I have before me, the position of the Muslim community regarding the announced intention of the Government to proceed along this path, and the undersigned organization represents the majority of the Muslim population in this country. And we have Maulana Sadiq, Adman Nazeer, Yaqub Ali, Brother Khan, Imran Hosein, Mufti Khan, Idris Mohammed, Manohar Ali, Brother Hafeez Khan, Maulana Sheraz Ali, and you have a number of organizations that have expressed their views. And I think, Mr. Vice-President, as we proceed with this debate we cannot ignore some of the concerns of our religious and other leaders who have indicated reservations about this. And therefore, the Government is advised to pay some attention to some of these organizations’ concerns.

11.30 a.m.

Now, we as a party have always, as I said, supported decriminalization of cannabis for medical and scientific uses and even the constitutional rights of citizens to exercise their religious freedoms, but cannabis being an internationally regulated and restricted substance we have always advised and wanted to ensure that when the issue was addressed, that it would be addressed, Mr. Vice-President, properly and efficiently, so as to effect the best possible outcome for all our citizens in this beautiful country.

We have some concerns, and I would like the Attorney General to pay attention to some of the concerns we have. We support the Bill in principle as our colleagues have done in the other place, but we are here to strengthen the legislation and to ensure that we bring about a balanced approach to what we are doing, Mr. Vice-President. The Bill consist of only of nine clauses, but it is clear
to see that the Bill, if not carefully looked at, can open the doors to a host of issues problems and even consequences, both domestically and internationally. I am hopeful that the Government and the Attorney General understand the consequences that can result from our decision regarding this measure, and to suggest amendments, possible amendments that would serve to strengthen the proper motives of this Bill, whilst preserving integrity and prudence.

So, Mr. Vice-President, we have no problem with the first three clauses of this Bill. Within clause 4 of the Bill, we would like the Attorney General as it relates to definition, to include a separate definition for “private place” or “dwelling home”, and this should be inserted to give better contrast to the definition of “public place”. So, we are asking the Attorney General to look at a definition of “private place” or “dwelling home”. The definition of “smoke” we would like to submit an expanded definition for the consideration of this honourable Senate.

Now, Mr. Vice-President, in clause 6, this clause deals with a number of amendments to section 5, and in section 5 subsection (1)(a) and (b), the penalty for possession outside of the new prescribed limit is drastically increased from $25,000 to $250,000 on summary conviction, and from $50,000 to $1 million on conviction—on indictment. We find these are too drastic. These are drastic increases, if we are talking about decriminalization of this substance or narcotic, and therefore, we will also circulate an amendment to address that.

Now, in subsection (2) of subsection (5)—of section 5 rather, the Government is proposing that we allow without any level of penalty the possession of up to 30 grammes of cannabis, or up to five grammes of cannabis resin, and the allowance to cultivate no more than four cannabis plants. Now, this allowance for possession and cultivation without any accompanying penalty or without any
formal licences, inspection, or monitoring process, can lead to serious harm in relation to public health and safety. I think that the Attorney General ought to pay attention to this aspect very carefully. And I want to advise the Attorney General that I too, like him, have in my possession the three international drug treaties that Trinidad and Tobago have signed on to. And I will show how we are in breach of sections of these treaties even though we have not domesticated them in to law, but we are committed internationally to these treaties because we have ratified it.

So, we are advising, Mr. Vice-President, that we want to protect the public and most importantly, our children. And we will be making amendments to ensure that this is done to strengthen the legislation. And it must not be a free for all. Mr. Vice-President, we have heard, we have seen the Government mention over and over, that they are looking at decriminalization as opposed to legalization, but there is a document I want to send to the Attorney General, it is the European legal database on drugs. It is entitled “Decriminalization in Europe” and they have made a clear distinction between decriminalization and legalization. But I did not hear the AG talk about legalization whatsoever, but this is a conceptual difference that is located in this document, yet, Mr. Vice-President, we are just talking about decriminalization but the Government in the legislation have removed all sanctions, both criminal and administrative from the acts of possession of less than 30 grammes of cannabis, or five grammes of cannabis resin, and from the cultivation of four cannabis plants.

Now, may I remind the Senate that there is a Convention 61 the “Single Convention on Narcotic Drugs”, and this Convention makes it very clear that it is unlawful and illegal outside of medicinal and scientific purposes for anyone to be engaging in marijuana and cannabis consumption without a licence? You cannot have a free for all in this matter. You must have a licence, you must have an
authority to monitor that, so that people do not just grow, and grow, and next thing we have a marijuana country, a cannabis country. We have to be very careful about what we doing here.

And, Mr. Vice-President, I am saying that there are provisions in the Single Convention on Narcotic Drugs that supports my arguments, that there is need for regulation in this regard. So, the complete removal of sanctions from these acts render these actions legal. So, if there are no sanctions then it is now legal to have 30 grammes of cannabis, and five grammes of cannabis resin, and to plant four cannabis trees. So the question here, Mr. Vice-President, is that the AG must tell us what is he doing here? Is he engaging in decriminalization so that young black African youth that he mentioned in his contribution, can have their record wiped clean for small grammes and come back out the society and live their normal lives? Or is he saying at the same time apart from that, the Senate is being asked today to legalize in this country persons consumption of a certain amount of grammes of cannabis without any legal infringement by law enforcement? And not only that, you have something called “cannabis resin” which is more deadly. They are able to access five grammes without any police intervention or law enforcement intervention, and further, if that is not enough they can plant four trees.

My information, Mr. Vice-President, is one tree marijuana, if it is well groomed can give you from one gramme to 6,000 grammes. One tree can give you from one gramme to 6,000 grammes. So if you give, Mr. Vice-President—

Hon. Senator: A super tree.

Sen. W. Mark: I am telling you what the literature and the research is doing. “It eh no super tree”. It is what the literature is telling us. So, we have to be very careful in terms of what we are doing here. So you are having people having warehouses of marijuana and cannabis. We have to be careful, and this is why this
thing should have gone to a Joint Select Committee, so that, people could have
gone through this thing carefully. But the Government is on cheap politics. They
are on cheap politics. They believe this could win them an election, but they do not
care what impact it will have on the country’s children. [Desk thumping] That is
what they do not care about.

Mr. Vice-President, would you believe that there are no regulations
governing this piece of legislation? You have somebody who can plant four trees,
and we have no regulations governing how this thing is going to be done. Who is
going to be monitoring these people? Children coming from school in a backyard
marijuana, free. Cannabis, they can go and take leaves, wrap it up and smoke. Is
that what we want for our children in this country? Where is the protection for our
children? This thing has grave incalculable consequences if we do not think it
through properly. There is a difference between decriminalization and legalization
and what the government is trying to do here through the back door, is to legalize
the smoking of marijuana in this country. I have no problem if people want to
smoke, but we have to protect a nation, and, we have to protect our children.

And therefore, Mr. Vice-President, they have legislated that possession of
anything under—look in Jamaica, Jamaica understood what decriminalization
meant. You know what they did in Jamaica, Mr. Vice-President? In Jamaica, they
legislated that possession of anything under 56 grammes would be punishable of a
fixed penalty of USD $5, not no $250,000. If they want to decriminalize
something, why you going to a $1 million and $2 million; that is not making sense.
Come down like what they did in Jamaica, to USD $5. A small penalty, Mr.
Vice-President, but it is a penalty.

11.45 a.m.

Mr. Vice-President, the legalization presents many negative consequences
for our society. The Attorney General must tell the country the truth. Has he brought legislation in this Parliament to legalize cannabis? He has never used the word once in his presentation.

But, Mr. Vice-President, I want to say, this legislation that we are debating today, puts this Parliament and the Government and this country in direct collision with the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol. We are in contravention and we are in collision. You know what the treaty states in article 23(2)(b)? That no cultivation of cannabis may be allowed except under a licence by a government agency that is specialized to deal with those matters. That is what it says. We signed up to that. We signed on to that. So you bring legislation in this Parliament in contravention to what we signed up to. So what are you doing?

I am saying this should go out for public comments. Mr. Vice-President, I want to tell the Attorney General that the Executive does not run the Parliament. The Parliament runs its business. [Desk thumping] We look after the business of the people. We are the bridge between you the Government that is the Executive, and dictatorship; this Parliament. So we must conduct our own enquiries into these matters. You had your consultation, that is fine, but we must have ours too. So, Mr. Vice-President, what I am saying is that this contravenes this particular convention which the Attorney General needs to clarify for us.

I want to tell the Attorney General, if you pass this legislation in its current form, you are going to get a warning from the International Narcotics Control Board.

**Hon. Al-Rawi:** I met them already.

**Sen. W. Mark:** Yeah, I know you met them. I have information on when you met them too. You met them in March. Yes, you met them, but they told you, you could go ahead. But what they did not tell you, and they did tell you and they may
not have told you, but they did tell you that if you go ahead—go ahead, go ahead—but there will be a warning. You know, Canada did the same thing that we are doing here, but they “cyah export nuttin and they cyah import nuttin”. They are locked in, and Trinidad and Tobago will find itself in the same “monkey pants”, “Cyah export, cyah import”. So you have to be careful if you want to engage in foreign trade and how you go about your business.

So, Mr. Vice-President, within the international drug treaties, cannabis is regarded and guided under the section that deals with opium. The guidelines for cultivation, manufacture and processing of cannabis directly follows those guidelines on opium production. Mr. Vice-President, what this translates to legally, is that in those countries that have allowed personal cultivation of cannabis, that those persons can apply through a high court to gain the ability to cultivate for personal use, opium plants. So we can graduate from cannabis to opium. That is where we can go with this piece of legislation in its current form, and I want the AG to study this thing carefully and consult with maybe senior counsel on this matter.

Mr. Vice-President, this is a grave matter of public safety, and even though we are supporting it and we supported it in the other place, it does not mean to say when it comes to the Senate we are slaves, we are going to be slavishly following. We want to strengthen the legislation to ensure that the public interest is protected and that is what our role is here [Desk thumping] and that is what we are proposing, Mr. Vice-President. Mr. Vice-President, I listened to some of our colleagues in the other place—I was looking at them on television—and you know, some of them are comparing cannabis with alcohol and tobacco. Would you believe that? That is the extent of the debate that we are experiencing in this country. How cannabis could be equated with alcohol and tobacco in a real sense?
Mr. Vice-President, you cannot compare that.

You know there is a desensitization or desensitizing the children to the harms associated with alcohol, tobacco smoke, which can physically be harmful when used around children. I want to tell you, Mr. Vice-President, that cannabis has been described internationally as a psychoactive narcotic and the use of it around children should be specifically restricted. I know in the legislation that efforts are being made to do that in terms of schools and cultural areas and sporting areas.

It is our view that the amendments that we have in this legislation to the Dangerous Drugs Bill have not considered any aspects of public health and safety, and serve to take us back to a time before the pure food and drug act of 1915, before the narcotics legislation of the 1920s to a time less concerned with health and safety. I want to advise the Attorney General, do not take us back a century in time in terms of lawmaking. We have no problem, Mr. Vice-President, decriminalizing between 30-100 grammes of cannabis possession. Okay. You are going that route, cool. It will serve to greatly reduce the case load—I agree, we agree with the Attorney General on that, and greatly reduce the load on the forensics department. It will also save the taxpayers a lot of money, Mr. Vice-President. We have no issues with that. We have no issue with this kind of reasoning. We just think that it should have also applied across the board to affect the 30 grammes or less category.

Mr. Vice-President, in regard to personal cultivation of cannabis, we believe this should be a process done under inspection, licence and proper guidelines for security, monitoring and storage to ensure the public health and safety of our children. We are concerned about the nation’s children. That is what we are concerned about here, the nation’s children, and we shall specifically state that any
decriminalization should be towards—that should be in the legislation. Nowhere in the legislation—the AG talked about Corinne Baptiste-McKnight, and may her soul rest in peace—but I want to almost say he is being hypocritical, but I would not say that. I withdraw that. But you know why, Mr. Vice-President? Nowhere in the legislation that we are dealing with is there any provision on medicinal use. Nowhere. So where is this concern?

Hon. Al-Rawi: It is in the regs, I told you I have them.

Sen. W. Mark: What regs? “I eh see no regs.” Bring the regs here so we can see it. Do not tell me you have the regs. Bring them here.

Hon. Al-Rawi: We have to pass the law first.

Sen. W. Mark: No, you could table them, man, in draft form and we look at them. What are you telling me about “pass the law first”. What do you think? You want to blindfold me, handcuff me and kidnap me? No, no, no, no. So, Mr. Vice-President, I am saying that the Attorney General ought to deal with these matters very seriously. And, as I said, deal with—you have a treaty. The treaty says you cannot do that, you have to be guided by the treaty. That is what you have to be guided by, inspection, licence and proper guidelines, Mr. Vice-President, and it should be specifically stated in the legislation that any decriminalization should be towards medical or therapeutic uses, since therapeutic can be medical and can be applied to a wide range of situations, keeping us compliant with our international obligations. Put it in the legislation.

That is why, Mr. Vice-President, we do not understand—but I should not say we do not understand—we know what this Government is about. This Government is about cheap politics, and this thing is to try to garner votes for the 2020 elections and they do not care who they harm or who they damage or injure in the process, once they get votes and they get back into power. It is a game.
Anybody who has eyes can see the game that the PNM is on. Desperate! Why would you unhinge one piece of legislation from another piece when both are interrelated and interconnected? Games you are playing with the people.

So, Mr. Vice President, we are saying that there are some drastic increases in the penalties which we do not support. We believe if you are dealing with decriminalization, you should deal like in Jamaica with some very minor costs in terms of amounts that are being charged to the people, so we are going to put recommendations to that effect. Then somewhere in the legislation I saw 165 grammes of cannabis resin—they amended the Act to put 165—but I do not know if he understands what that means. Mr. Vice-President, 165 grammes of cannabis resin can represent between five to 20 times its weight in cannabis—

**Hon. Al-Rawi:** Trafficking equivalent.

**Sen. W. Mark:**—and also the toxicity of cannabis—

**Mr. Vice-President:** Senator, you have five more minutes.

**Sen. W. Mark:** Yeah—based on my research, Mr. Vice-President, shows that it can be very, very high in many respects. So, Mr. Vice President, we are very, very concerned about certain provisions in the legislation, and we are going to be trying to strengthen it and tighten it to make sure, Mr. Vice-President, that the legislation protects the public interest, and it is not designed to promote a small element in the society. I have more to say on this matter in terms of the Cannabis Control Bill, but that has gone to a joint select committee, but I have information about the whole conspiracy behind this piece of legislation. People are coming from Canada, you know, to ensure that they direct this Government on how to go, but I will say more about that publicly at the appropriate time, and the AG is aware of that because he has met with the people from Canada, so he is aware.

Mr. Vice-President, I have a series of amendments that I am going to
circulate for the Senate’s consumption. We are committed to decriminalization. We are not in support of legalization in the way that the Government is proposing it. If you are coming with legalization of that, you must follow the international treaty and we are a signatory to the treaty, and the treaty makes it very clear. Anybody who wants to plant marijuana in this country or cannabis, they must have a licence, Mr. Vice-President, they must be monitored and there must be guidelines for them. It cannot be just for a free-for-all. It cannot be, not in Trinidad and Tobago.

That is what the PNM is trying to do, but the international treaty is saying that they must do it differently. So we are going to be making sure, in our amendments, we stick to the international treaty and its obligation, and we reflect that in the legislation. So, at the end of day, Mr. Vice-President, we protect the public, we protect public safety, we protect our children and we do not allow the Government to go on a frolic of its own using the Parliament for cheap political purposes, and do not care about the consequences that will flow as it relates to our country and our future and our children.

Mr. Vice-President, I wish I had another hour because I have many more things say about this piece of legislation, but I will leave that for the committee stage when I would have circulated mine, and I will be able to debate and discuss it further. Thank you very much, Mr. Vice-President. [Desk thumping]

**Sen. Charrise Seepersad:** Thank you, Mr. Vice-President, for the opportunity to contribute to the debate on a Bill to amend the Dangerous Drugs Act, Chap. 11:25. Mr. Vice-President, let me at the onset say that I am in support of the measures delineated in this Bill to decriminalize the drug, cannabis. Those of us mature enough will remember 40 years ago, reggae star Peter Tosh released his song, “Legalize It”, protesting the criminalization of cannabis. The possibility that such
a revolutionary step could be contemplated seemed well outside the realm of possibilities, but times have changed.

In public places, the present fad is vaping of exotic oils in specially-designer lounges. Some of us may recall the group of elder gentlemen gathered around a chillum or hookah freeing their minds. It is worth noting that some of the most brilliant works were produced by visual artists, poets, writers and other creative people like Lord Tennyson, Virginia Woolf, Vincent Van Gogh and Bob Marley, who indulged in mind-enhancing substances. Whether there is a direct correlation with their creativity and drugs is uncertain.

Cannabis originated in the Kush mountains in the Indian subcontinent and has been used in Ayurvedic medicine for more than 5,000 years. Cannabis contains more than 500 chemical compounds which are still under research and study. It is also referenced in the secret text of the Vedas and some of its uses include medicinal, recreational and religious purposes.

Already neighbouring islands such as Jamaica and Antigua and Barbuda have replaced outdated cannabis laws. Canada became the second country with a legal national cannabis marketplace, making it the largest in the world. Therefore, Mr. Vice-President, while we are not the first in this endeavour, we are taking much needed steps to deal with the petty criminal offences of possession and the resulting displacement and social upheaval of what could be the most productive human capital base. A secondary, but important benefit from this Bill is the savings which will accrue in reducing the thousands of matters before the courts and the expense of housing those incarcerated. As stated by the hon. Attorney General, the costs run into billions of dollars.

Decriminalization of cannabis: Once the Bill is passed, cannabis will be treated like other controlled substances which are legal and regulated. Persons
over the legal age—I am assuming, this is not explicitly stated in the Bill—who are in possession of 30 grammes or less of cannabis will no long be subjected to arrest and criminal charges. Amending the Dangerous Drugs Act will reduce the volumes that the justice system must handle. As many as 8,000 matters will be removed from the courts and records will be expunged. The Forensic Science Centre spends 80 per cent of their time analyzing cannabis under 60 grammes, therefore, their time and resources will be allocated to more pressing matters.

Cannabis cultivation: Mr. Vice-President, in order for a cannabis market to exist, a structured approach to cannabis production and supply is critical. Cannabis farming, as exists in other countries, could create a new industry to meet global demand for medicinal and recreational cannabis products. The legal cannabis industry potentially holds economic benefits such as jobs, new businesses, expanded markets and export sales.

In 2015, Colorado, USA, earned US $150 million in tax revenue from the legal cannabis industry. Mr. Vice-President, 15,000 jobs were created. The spending reach of those persons and enterprises interfacing with the cannabis industries such as accountants, restaurants, car dealerships, et cetera, was estimated at US $2.5 billion. It is estimated that for each acre of cultivated cannabis, 10 jobs are created. If Trinidad and Tobago were to put 20,000 acres into active cannabis development, potentially 200,000 jobs can be created.

Health benefits: The health benefits of medical cannabis include relief from pain and muscle spasm, nausea associated with chemotherapy, anorexia, anxiety, insomnia and effective treatment of multiple sclerosis. Benefits are seen in the immune function, neuroplasticity, emotional and mood regulation, vascular health and digestive function.

Dangers of cannabis: However, Mr. Vice-President, as with any drug, the
potential for misuse, harmful and unwanted side effects are present. These include impaired driving, increased risk of stroke, brain changes that could affect learning and memory and mental illnesses involving psychosis.

Education and awareness campaign: Mr. Vice-President, of critical importance in the actualization of the measures contained in the Bill, is a comprehensive information dissemination campaign. It is vital that both the public and law enforcement are well informed so as to avoid missteps as the law takes effect. This cannot be a one-off exercise and continuous efforts must be made to reinforce the important aspects of the Bill. Mr. Vice-President, with these few words, I thank you. [Desk thumping]

The Minister of Labour and Small Enterprise Development (Sen. The Hon. Jennifer Baptiste-Primus): Thank you very much, Mr. Vice-President. Thank you for the opportunity to contribute on the debate on the Dangerous Drugs (Amdt.) Bill, 2019. Mr. Vice-President, as I rise, I wish to state that I am in full agreement and full support for the decriminalization of cannabis also known as marijuana, also known as weed, and also known as sundry other things. The objective of this Bill is to make several amendments to the Dangerous Drugs Act, Chap. 11:25, and to work in tandem with the Cannabis Control Bill, 2019, which will allow for the decriminalization of cannabis and to make provision for matters connected therein or within.

My focus, Mr. Vice-President, this morning, would be somewhat different to my colourful senatorial colleague, Sen. Wade Mark. I will focus on the impact on cannabis in the workplace. Mr. Vice-President, there is no doubt that in Trinidad and Tobago, marijuana related offences, in particular, those relating to simple possession, have generated a plethora of cases which created a huge backlog, as the hon. Attorney General pointed out, and thereby overburdening the criminal justice
system. Additionally, it is well known that convictions relating to such offences create long-lasting negative impacts on the convicted and hamper those persons with regard to their future employability.

Mr. Vice-President, citizens ought to expect that the law should offer as much protection as possible from the dangers associated with the use and abuse of dangerous drugs, but they must also expect that the law will adapt and cater to all members of our national community in determining what ought to be criminalized or decriminalized, and it is within this context that this Government is once again seeking to strike the right balance with this Bill.

In attempting to strike the balance, Mr. Vice-President, we may not please everyone in the process. But, Mr. Vice-President, let us look at what this Bill aims to do. This Bill has four central aims: firstly, to define marijuana comprehensively as “cannabis”; secondly, to decriminalize certain quantities of cannabis and cannabis resin; thirdly, to prohibit the use of the substance in public spaces; fourthly, all educational institutions and places of work which will be my focus and, finally, to modernize the criminal justice system.

Mr. Vice-President, this Government is concerned about the effect of the substance upon persons during the course of their work and operation of certain machinery. As such, the Bill proposes to prohibit persons who, whilst under the influence of cannabis, do anything which may constitute negligence, professional malpractice or professional misconduct. I wish to also emphasize that a similar prohibition applies to any person who operates, navigates or is in physical control of any motor vehicle, aircraft, ship, whilst under the influence of this substance.

Mr. Vice-President, at the Ministry of Labour and Small Enterprise Development, the impact of the decriminalization of cannabis and cannabis resin on the workplace was carefully considered as most, if not all the organizations hold
the use of cannabis and/or possession is strictly prohibited in the workplace as enshrined in their respective human resources manuals.

I want to take the opportunity at this point in time, Mr. Vice-President, to publicly acknowledge the work done by our Librarian Mrs. Dianna Ramdial-Harriram, our Senior Legal Officer, Ms. Sangeeta Boondoo and our Legal Officer II, Ms. Sanika Tyson. When this debate first started, our Librarian Mrs. Ramdial-Harriram, showed great initiative by producing a research paper for the consideration of our executive team, and thereby allowing the Ministry to formulate a position and to share with the hon. Attorney General. So I want to publicly acknowledge the work of these three hardworking public officers.

Mr. Vice-President, it is imperative that the Government caution against the potential harming of others by industrial accidents. The preponderance of legal costs as a result, as well as highlight other safety and productivity concerns associated with its use in the workplace. I am therefore very pleased that this Bill factors these considerations into account.

12.15 p.m.

Mr. Vice-President, alarmingly the hon. Attorney General, speaking in the Lower House on Wednesday the 11th of December and up to a short while ago in this honourable Senate, stated that the statistics from the Judiciary revealed that in the law term 2017 to 2018 the Judiciary reported 9,553 marijuana-related cases which came before the Magistrates’ Court with 8,316 being for possession of marijuana alone. It is even more alarming if one considers that should all of these individuals be convicted, then we have a situation whereby they may end up shut out of the legitimate labour force as a result of having convictions on their records for, clearly and apparently, very small amounts of marijuana. This is not a tenable situation, Mr. Vice-President, and this Government recognizes this. This
Government has been making meaningful changes to reforming our criminal justice system and this Bill is but a continuation of that work. This Bill reflects our commitment to modernizing the criminal justice system, especially as it relates to the decriminalization of cannabis.

Mr. Vice-President, I will now look at certain key provisions of the Bill and link it directly to the impacts on the workplace. Clause 4 amends section 3(1) of the Act by inserting the definitions of certain words as “cannabis”, “cannabis resin”, a “public place” is defined, “smoke” is also defined. These two definitions are deliberately expansive, I would not go into them; the Attorney General would have highlighted them previously, but these two definitions are deliberately expansive to ensure that as many possibilities are captured so that there is little ambiguity. For instance, that smoking cannabis at one’s workplace is prohibited by law. Let me repeat that again, Mr. Vice-President, smoking cannabis at one’s workplace is prohibited by law. Clause 6 would amend section 5 of the Act and decriminalize the possession of 30 grammes or less of cannabis or not more than 5 grammes of cannabis resin. It also increases the penalties for the possession of and trafficking in dangerous drugs.

Clause 6 also prescribes that having possession of more than 30 grammes but not more than 60 grammes of cannabis or having possession of more than 5 grammes but not more than 10 grammes of cannabis resin will be governed by a fixed penalty system. Additionally, community service as an alternative remedy for failure or refusal to pay prescribed fines will now work towards easing the court backlogs. These provisions will be introduced by subsections (2A) and (2B) of the Act. Mr. Vice-President, clause 7 of the Bill inserts new sections 5A and 5B, 5C and 5D to the Act. 5A criminalizes smoking or using cannabis resin in a public place and a person that does so shall be:
“…liable on summary conviction, to a fine of two hundred and fifty thousand dollars and to imprisonment for five years.”

Mr. Vice-President, at this juncture I wish to advise that the legal costs, safety and productivity concerns associated with cannabis use in the workplace has been addressed in several cases by the Industrial Court and was aptly captured by the Industrial Court in GSD 94 of 2017 between the Oilfield Workers’ Trade Union v Wire Products Limited by Her Honour Mrs. Ramparas. And I want to share with this honourable Senate, Mr. Vice-President, part of the court’s pronouncement. The court observed that, and I quote:

Foremost amongst these are the financial losses incurred by the employer as a result of mistakes made by substance abusers and the increased absenteeism which occurs. There may also be an element of vicarious liability resting on the employer arising from actions of a substance abusing employee.

In the case of TD, Trade Dispute, 131 of 2005, TIWU, that is the Transport and Industrial Workers’ Union v Public Transport Service Corporation, the court upheld the employer’s decision to dismiss a worker for using an illicit drug, namely marijuana, on the work site. The court noted that the employer conducted a fair investigation in the matter and as such could not be faulted in the conclusion arrived. Further, Mr. Vice-President, in the case of TD, Trade Dispute, 228 of 2010, CWU, which is an acronym for the Communication Workers’ Union v RBP Lifts Limited, a worker was dismissed after failing a random drug test. The Union claimed that the worker was unaware about random drug testing, however, drug testing was listed in the collective agreement signed by both the employer and the recognized majority trade union. Furthermore, the union, which was the RMU, recognized majority union for short, had never before challenged the drug testing
in the collective agreement. The court noted the high-risk nature of the job and cited the Occupational Safety and Health Act, section 10, which imposes a general duty on employees to act in a manner that is safe to himself and others. The dispute was therefore dismissed.

Finally, Mr. Vice-President, in the case of TD 110 of 2003, OWTU versus—I know some time ago I had problems with this company’s name out of Germany—[Interruption] No No.

Hon. Member: Schlumberger.

Sen. The Hon. J. Baptiste-Primus: Schlumberger OWTU, the Oilfield Workers’ Trade Union v Schlumberger Trinidad Incorporated the worker was dismissed after the discovery of traces of marijuana in his blood while on a course aboard and that course was organized and sponsored by the employer. Notably, the workers smoking of marijuana did not take place on the job, it took place off the job. However, the worker knew of the employer’s policy on marijuana use and termination which may arise but the worker chose to engage in the use of marijuana nonetheless; it is a personal choice. Additionally, the employer was engaged in an extremely high-risk activity involving the use of radioactive explosive and highly volatile substances. The court stated, that is the Industrial Court stated, that under the Industrial Relations Act, Chap. 88:01, it was mandated to act inter alia in the interest of the community as a whole. Consequently, the court could not disregard the risk, not just to the worker’s own life but also to his fellow workers, innocent members of the public, company’s property and the environment whenever he smoked marijuana. The dispute was subsequently dismissed by the court.

Mr. Vice-President, the Government is very mindful of all these, the range of concerns by employers and this seeks to allay, and we are about to allay those
concerns within the provisions of this Bill. We in this Government, Mr. Vice-President, are mindful of our own responsibilities to all the citizens of Trinidad and Tobago. Mr. Vice-President, clause 5C also creates an offence where:

“A person…”

(b) has cannabis… in his possession—

(i) on a school bus; or

(ii) in or on any premises where children are present for the purposes of education or attending or participating in any sporting or cultural activity…”

—and that person shall be:

“…liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment of five years.”

Mr. Vice-President, section 5C also creates an offence where a person:

“(c) operates, navigates or is in actual physical control of any motor vehicle, aircraft, or ship whilst under the influence of cannabis,”

—and that person will be:

“…liable on summary conviction to a fine of two hundred and fifty thousand dollars and to imprisonment of five years.”

This provision, Mr. Vice-President, is very important.

The 2018 Report of the Caricom Regional Commission on Marijuana which was chaired by someone in whom I have the greatest of respect, admiration and fondness, Prof. Rose-Marie Belle Antoine, and this report focused in part on marijuana-related vehicular accidents and stated at page 35 of the report, and I quote as follows:

“There is substantial evidence that marijuana use does have an adverse effect
on driving ability and increased risk of motor vehicle accidents due to the effect on cognitive processes”—that is—“(reaction time, judgement, perception of sensory stimuli and of time). However, some studies suggest that driving risk may not be as severe as previously considered”—refer to—(Sewell, Poling, Sofuoglu, 2009).

Additionally, Mr. Vice-President, the Industrial Court in Trade Dispute No. 2 of 1991, the Oilfields Workers’ Trade Union v Nestle Trinidad and Tobago Limited upheld the company’s decision to dismiss two workers and found that the company acted correctly in dismissing the workers after it found them to be in possession of cannabis while in the company’s vehicle following an investigation.

Mr. Vice-President, further, the proposed section 5D, persons with charges before the court for the possession of up to 60 grammes of cannabis and up to 10 grammes of cannabis resin may apply for the offence to be discharged. 5D also proposes that persons convicted for the possession of up to 60 grammes of cannabis and up to 10 grammes of cannabis resin shall have that offence expunged from their criminal record and may apply under the Constitution for a pardon. Mr. Vice-President, when we look at other jurisdictions, particularly within the Caribbean context, our Caribbean neighbours, Jamaica, Antigua, Antigua and Barbuda, they have taken steps to decriminalize cannabis use and possession to varying degrees but usually a small quantity. Mr. Vice-President, I see it therefore as a duty of this Government and that of the Opposition—only I speak to the lone Opposition Member, Sen. Sean Sobers, [Crosstalk] his other senatorial colleagues seemed to have abandoned him. You are holding the fort like a good trade unionist, eh? Mr. Vice-President, it is the duty of the Government and that of the Opposition and that of the Independent Benches to support this Bill, to allow this country to catch up with our Caribbean counterparts and other parts of the world.
and to move this country in a direction where the world is moving.

Mr. Vice-President, at the Ministry of Labour and Small Enterprise Development, our research has shown that as countries continue to legalize the use of cannabis for medical and recreational reasons, a number of issues have arisen with the management of its use both in the workplace and outside of the workplace. In terms of employment discrimination, both in Canada and in some United States jurisdictions, marijuana use for medical purposes has been classified as a disability. This classification places a duty on employers in those jurisdictions to accommodate employees with a substance dependency to the point of undue hardship. In Trinidad and Tobago, the Equal Opportunity Act, Chap. 22:03, offers protection to persons with disabilities as defined in the Act from discrimination in the workplace. Mr. Vice-President, arguably if cannabis is being legalized for medicinal purposes a similar classification should be taken into consideration in order to further protect users from discrimination in the workplace. That is one school of thought. Mr. Vice-President, with respect to the Occupational Safety and Health Act, Chap. 88:08, popularly known as OSHA, which is an Act established to guide and govern safe workplace practices, this Act provides guidance on the general duties of both the employers and the employees.

In relation to the use of cannabis and other intoxicants in the workplace, section 6(1) and (2) of the OSHA sets out the general duties of the employer to their employees as stated as follows. And I want to quote, Mr. Vice-President, for purposes of a comprehensive understanding of the impact within the workplace environment. Section 6, “General duties of employers to employees”, and I quote:

“(1) It shall be the duty of every employer to ensure, so far as is reasonably practicable, the safety, health and welfare at work of all his employees.

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(2) Without prejudice to the generality of an employer’s duty under subsection (1), the matters to which that duty extends include in particular—

(a) the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;

(b) arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of equipment, machinery, articles and substances;

(c) the provision of adequate and suitable protective clothing or devices of an approved standard to employees who in the course of employment are likely to be exposed to the risk of head, eye, ear, hand or foot injury, injury from air contaminant or any other bodily injury and the provision of adequate instructions in the use of such protective clothing or devices;

(d) the provisions of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the safety and health at work…”

Mr. Vice-President, section 7 sets out the “General duties of employers and self-employed persons to persons other than employees”. However, Mr. Vice-President, section 10 of the Act sets out “General duties of employees at work”, and this is what it says—this is subsection (1):

“It shall be the duty of every employee while at work—

(a) to take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions
at work;

(b) as regards any duty or requirement imposed on his employer to co-operate with him so far as necessary to ensure that that duty or requirement is performed or complied with;

(c) to report to his employer, any contravention under this Act or any Regulations made thereunder, the existence of which he knows;”

—And he has the responsibility:

“(d) to use correctly the personal protection clothing or devices provided for his use;

(e) to exercise the discretion under section 15 in a responsible manner; and

(f) to ensure that he is not under the influence of an intoxicant to the extent that he is in such a state as to endanger his own safety, health or welfare at work...”

Mr. Vice-President, an “intoxicant” as defined in the OSH Act comprises, and I quote:

“...any alcohol, medicament, narcotics and psychotropic substances;”

Insofar as section 10(1) requires an employee to ensure that he is not under the influence of an intoxicant posits that marijuana—and this is McGuire, 2018, and I quote.

“Marijuana is an impairing drug that has become substantially more potent since recreational use came into play with some products containing upwards of 60% THC.”

Page 28. There appears to be a school of thought against the recognition of marijuana as intoxicant or unsafe to use as a direct consequence by the discovery
of the medicinal benefits derived from the use of marijuana and the number of countries that have decriminalized and/or legalized marijuana.

Mr. Vice-President, at the Ministry we have identified that there are other workplace issues that will also need to be considered as we move forward, and I would just like to take the opportunity to highlight what these other issues are, Mr. Vice-President. May I enquire how much more time do I have?

Mr. Vice-President: You finish at 12.47.

Sen. The Hon. J. Baptiste-Primus: All right, let me try. Mr. Vice-President, one, drug testing policies and pre-employment screening; an employer’s views on addressing cannabis used in the workplace, particularly when cannabis has been prescribed for medical use on whether the removal of cannabis from drug testing is an option for employers or not. There is a need to balance the duty of employers to provide a safe working environment on one hand and the privacy and medical requirements of workers on the other hand. In particular, the Energy Chamber of Trinidad and Tobago requires companies in the energy sector to be STOW certified, that is S-T-O-W which is Safe To Work, certified. And a similar approach is adopted in the construction sector which is CHASTT, which is Contractors Health and Safety Assessment Scheme of Trinidad and Tobago, certification programme. Albeit being considered by Mr. Mikey Joseph and Mr. C. Gaskin, the CHASTT certification programme has not been formally implemented in the construction sector. However, Mr. Vice-President, it is important to know that the STOW certification programme consists of a drug testing component as part of its requirement.

Mr. Vice-President, (b), consideration of impaired testing as opposed to the current approach of testing by employers for TAC levels in the individual’s workplace. The second issue that consideration must be applied to, Mr.
Vice-President, the inclusion of risk management strategies for medical cannabis users as part of the risk assessments conducted by employers in accordance with the OSH Act. Mr. Vice-President, we also have to look at human resource manuals, whether or not there should be an inclusion or inclusion of marijuana as a restrictive item from workplaces even where it is medically prescribed for use. Another important issue, Mr. Vice-President, workmen’s compensation. For medical users of cannabis or cannabis resin, whether applicable and if not, in what circumstances will it be applicable, where accidents caused by employees being under the influence of cannabis at the time of the accidents.

We also have to look at national insurance benefits, Mr. Vice-President. We have to look at whether a worker can be entitled to sick or injury leave payments arising from cannabis use. We also have to look at employee health insurance plans in Trinidad and Tobago, Mr. Vice-President. The coverage or inclusion of employees who have been medically prescribed cannabis for treatment or management of certain illnesses, especially in companies where health insurance is mandatory, and the need for policies to ensure workers who are under-prescribed medical marijuana use are not disadvantaged in the recruitment or promotional activities. Mr. Vice-President, classification of medical cannabis use as a disability, that also is another important issue that requires us to look at. Also, employment discrimination, the need for policies to ensure workers who are under-prescribed medical cannabis use are not disadvantaged in recruitment and promotional opportunities. And lastly, Mr. Vice-President, disclosure-related issues as a result of marijuana being prescribed for the treatment of HIV/AIDS. Mr. Vice-President, as the Minister who is also responsible for small enterprise development, I wish to state that the Ministry also considered the impact of decriminalization on small enterprises. One of the recommendations coming out
of the Caricom Regional Commission on Marijuana, 2018, was that small farmers and small business persons should be included in production and supply arrangements with appropriate controls limiting large enterprise and foreign involvement.

As I close, Mr. Vice-President, this Government has consistently demonstrated its willingness to act in the best interest of the citizenry and the welfare of our men, our women and our children as they are paramount to us. All circumstances must be taken into account and carefully weighed, and this Government holds the view that the course that will be in the best interest of our citizens’ welfare must be chosen. The amendments being proposed by this Bill will improve the lives of those who require cannabis or cannabis resin for medicinal use as well as those who require it for religious purposes. The amendments will also significantly impact on our criminal justice system, and I strongly urge Members of this honourable Senate to support the passage of this Bill. I thank you kindly, Mr. Vice-President. [Desk thumping]

Mr. Vice-President: Hon.Members, at this point in time permit me to return to Item 3 on the Order Paper as I have received the correspondence from the Office of the President.

SENATOR’S APPOINTMENT

Mr. Vice-President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.
Senator’s Appointment (cont’d)

/s/ Paula-Mae Weekes
President.

TO: MR. RISHI TRIPATHI

WHEREAS Senator Saddam Hosein is incapable of performing his duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, RISHI TRIPATHI to be a member of the Senate temporarily, with effect from 13th December, 2019 and continuing during the absence of Senator Saddam Hosein by reason of illness.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann’s, this 13th day of December, 2019.”

OATH OF ALLEGIANCE

Senator Rishi Tripathi took and subscribed the Oath of Allegiance as required by law.

12.45 p.m.: Sitting suspended.

1.45 p.m.: Sitting resumed.

Mr. Vice-President: Sen. Obika.

Sen. Tahirqqa Obika: Thank you, Mr. Vice-President. Free herb, “free de herb”, social justice. Incarceration without just cause of thousands of young African and Indian youths across the length and breadth of Trinidad and Tobago can be reversed by this decision. I am on record as saying to the hon. Attorney General,
just this month, that much more could have been done in the fight against crime by the decriminalization of marijuana than by removing or denying bail to persons. So therefore it would be expected of me to be one of those, not just in tacit support, but in the forefront of supporting and endorsing this direction for, whatever word you call it, decriminalization or the legalization of marijuana in Trinidad and Tobago.

So I want to say that that the United National Congress, by virtue of our—now we know it as the “manifesto”, but we call it the national transformation plan for Trinidad and Tobago, have clearly stated in black and white the decriminalization of marijuana is a primary objective of our government when we return to office. The issue of social justice is one issue that is on that list.

Now when it comes to decriminalization for medicinal purposes, there are issues there as well. When we talk about lifestyle issues, there are issues there. When we speak about family and how the society of Trinidad and Tobago will be changed, if it is changed at all, there is another issue there.

But I want to say, Mr. Vice-President, that I spent all of two hours this morning speaking with senior representatives of the All Mansions of Rastafari. I am sure the hon. Attorney General would be very familiar with them and the submissions that they made, because the hon. AG mentioned their contribution in another place, and he also mentioned their contribution to the Caribbean in this Chamber today.

So I want to say, to ensure that there is no doubt, to the people of Trinidad and Tobago, to the young people in Marac, on the hills in Marac, in Bois Jean Jean, in St. Mary’s, in Valencia, in Gun Hill, in Warden Road, in Bel Air, on the line in Marabella, in Plymouth, that the people, the decision makers who will form the next government in the United National Congress is on their side. We are on the
side of the people of Trinidad and Tobago. [Desk thumping] So have no fear.

There were some questions raised, and of course with any law there would be questions raised as to ensuring that there is balance. Social balance is important and I am very sure that the same persons who are advocates that I spoke to this morning from All Mansions of Rastafari, I made it clear to them that where there is an opposing view, it may not mean that persons are against necessarily, but they are for something. And they understood and they agreed with me that there are persons who may have issues with it, and they also indicated to me that they themselves have issues with the way in which marijuana, for example imported marijuana, “compressed” as we call it, where in which you have other substances laced in it, changing of course what they would consider the herb to actually a very dangerous narcotic that I am sure hon. Sen. Dr. Deyalsingh would explain how, if the wrong components are added to marijuana it can cause persons to visit St. Ann’s.

So we are sure that persons even in the All Mansions of Rastafari would understand that persons who have issues with just general unfettered access would have serious concerns. Because it is very clear it is impossible to properly regulate, if each and every household in Trinidad and Tobago has four plants of any kind, whether it is pawpaw, green fig, or sativa, it does not matter, it is impossible to regulate that properly. Where is the manpower for that? That only happens when you do a population census. So that is impossible. We appreciate that is impossible.

What is probable is a situation where you have persons or companies or organizations that are involved in large scale storage, distribution of marijuana, are required to get licences, and there are licences for land development envisaged. We have for youth school curriculum land development, transportation, R&D,
packaging, cultivation and so on, that could be that feature in almost all marijuana legislation, but also commercial.

But getting now specifically to why there would be issues with the Bill, I will start where I would normally end, because it was not dealt with much because most persons started at the beginning and found less time to deal with the issues at the end of the Bill. It had to do with the issue of possession of not more than 100 grammes, in terms of what is the process for discharge. What is the process for persons going before the Mercy Committee and so on?

The hon. Attorney General mentioned the case Lendore which is part of the case regarding Privy Council matters, and it is clear there the arguments that the Attorney General made regarding how persons can come before in the difficulty or the problems or the challenges with coming en masse. So that is accepted. What, however, we would want to look at is ensuring that each and every person who is so incarcerated, who can benefit from such a discharge, understands that this opportunity for freedom is available to them.

This opportunity for expunging their record if they are already on the outside, as we say, for possession of small amounts of ganja, is available to them as well, so that they can live a normal life. Because, Mr. Vice-President, you would know, as we all in this honourable House would know, that you cannot get any job now without a police certificate of good character. Once you have a conviction on your record well, dog eat your supper, and if your conviction is for something that we believe at this point only requires community service, then of course it stands to reason that all persons who only suffered such a conviction should also have their records cleaned so they can participate in all spheres of life in this country.

So when one turns to that, we want to ask the question: How resourced is the
committee, not the Mercy Committee itself because these are office holders, but the secretariat to such a committee? If the hon. Attorney General could provide some clarity in his wind-up, or maybe another Member of the Government. How resourced is such a committee? [Interrupted] I see we have some brothers and sisters, some priests from the Rastafari community, we welcome them. How resourced is such a committee? The secretariat for the Mercy Committee, how resourced is it? If it is not well resourced then there would be a significant bottleneck, you can imagine. If in fact there are thousands of persons, either on remand or serving time for matters that can be captured under the discharge that is envisaged here. If it only applies to persons on remand, how much time would it take for the Mercy Committee, based on its current support staff, to get them through the system and to get them discharged and be free? So that is a main issue. That would be a big issue of course. It would affect the lives of not only those persons so remanded, but it will also affect the lives positively of their family members, because they would now be free to pursue their lives and their lifestyle outside of the incarceration that they suffered.

Now, Mr. Vice-President, a very important aspect of this Bill has to do with the medicinal issue. There are three international treaties that we are aware of: the 1961 Single Convention on Narcotic Drugs, the Convention on Psychotropic Substances and the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, ratified in 1998. Under these, for example, if you look at Canada, which is a very popular case today in terms of exporting of medicinal marijuana products, Health Canada has an obligation to restrict the movement of cannabis to medical and scientific purposes between countries. But there is a significant development just this year. Just this year in 2019, the World Health Organization, citing new research, touted the medical benefits of cannabis,
something we knew for centuries, and it made headlines for calling for the removal of cannabis as a Schedule IV drug under the 1961 convention, and also removing it from the Class A drug. So it is not considered in the same light as heroin or cocaine, as we all know.

The problem with citing, however—so there you have on one end the World Health Organization saying, declaring, that cannabis should be treated as medicine. But on the other hand you have the United Nations being slow to come to the party and there is a reason for that. The reason for that in this article dated in the Financial Post of June 19, 2019, titled:

“Global marijuana trade is still five to seven years off, but Canada aims to be world’s cannabis king”

It says here that it has to do with a historical stance of the member countries of the United Nations. So in Trinidad and Tobago we cannot expect at this time to see the United Nations being the vanguard for proliferation of cannabis across the world. But we already have an international body, the World Health Organization. So if the World Health Organization, who is more of an authority, in many ways much more than one in terms of health issues, classification of medicine, classification of plants with medicinal properties, we must—we are compelled to follow the lead of the World Health Organization.

So if we are so compelled to follow the lead of the World Health Organization that marijuana is in fact not a dangerous drug, but it is something that can be to our benefit for our society as medicine, then we have to disregard the slowness to come to the party of the United Nations. In this regard I want to say that Caricom must be commended, because Caricom this year answered the call, and it is interesting because Caricom answered the call through a Trinbagonian, Prof. Rose-Marie Belle Antoine. In the final reports of the Caricom Regional
Commission on Marijuana there was a warning. There was a warning in that final report. The warning was that we should not use marijuana reform for political gain.

That is the headline, *Guardian* newspaper, on the 13th of December, 2019.

“Prof. Rose-Marie Belle Antoine is hoping the issue does not become a political football for those in authority wanting to score political points.”

So here we are today. Prof. Antoine also said that:

“…the proposal that anyone found to be using or in possession of 30 grammes of marijuana or less would not be arrested or charged was, ‘More than a lot of the other countries has looked at so far’.”

So therefore it stands to reason that Prof. Antoine is saying whilst she is at the vanguard of the entire Caribbean region, legalizing or decriminalizing—depending on the country you go to—marijuana, she is also saying that there may be some things that we should discuss. I will give an example with the 30 grammes.

The position of All Mansions of Rastafari, which has Nyabinghi, Bobo Shanti, Twelve Tribes, as well as, I guess it may be included there, the Ethiopian Orthodox Faith, but at least the first three mentioned, have proposed to the Government—and the hon. Attorney General could bear me out if I am incorrect in this—a limit of one kilogramme. Hon. AG, am I correct?

**Hon. Al-Rawi:** Yes.

**Sen. T. Obika:** However, there are issues where that is concerned and there could be fixes for that. The fix for that could be when we go in another place to deal with the regulations, in another place to deal with the authority—and just allow me probably just a few seconds because I know I would be tripping the Standing Order on anticipation—where organizations could be allowed to store larger quantities. So therefore a religious shrine, for example, that is under the Rastafari faith can
have these larger quantities of marijuana stored, because they would be able to do so based on a licence afforded to them from the regulation. So it allows someone to have access to larger amounts because they may need larger amounts because of their use for it in their life, but it would not allow for large scale proliferation among the population where there is no requirement to use marijuana in such large quantities. So that could be fixed in subsequent legislation when we deal with the authority. So we are at the 30 grammes issue.

Mr. Vice-President, we also have the issue of some countries in the Caribbean going ahead. We have the case of Jamaica. Right here in Trinidad and Tobago, the Government’s position, stated by the Prime Minister, was that decriminalizing marijuana was not a priority of the Government, just June last year. So if it was not a priority, one would ask the question: Exactly what came out of the conversations? And whilst there would have been some public consultation on this matter, it did not reach the ears of, for example, the Independent Senators in the Parliament. So when there is consultation at the level of a joint select committee, when there is stakeholder involvement, the way it has emerged, the Parliament Channel, kudos to the Parliament, has become very popular amongst the nation.

So whenever there is a matter being ventilated via a joint select committee, some may see it as obstructing, but what actually happens is illumination of the issue. The population gets to see exactly what is involved, because the Parliament channel is widely followed by the population. So that maybe something the Government may still want to consider regarding the issues that are in the legislation, given the fact that not Taharqa Obika, but Prof. Rose-Marie Belle Antoine raised a green flag, a blue flag, on the issue of the amount, 30 grammes. And given the concerns of the users of marijuana, it could be fixed by the
organizations having larger quantities available to them.

So going back to the legislation, there is an issue regarding community service. It would be interesting and informative for the population to know, because community service is mentioned as the—I do not want to say “punishment”—but is mentioned as the remedy for persons so caught via the legislation, regarding small amounts of marijuana. Whether it be 30 hours from 30 grammes to 60 grammes, or if it is 60 grammes to 100 grammes, 50 hours of community service, if they fail to pay the fine of $50,000 or $75,000 in either case.

So it begs the question: What is the system that is at play regarding community service in Trinidad and Tobago? It sounds attractive to the average citizen, because it sounds restorative, it sounds reformative. But what exactly would someone do during community service? Does someone get to choose the type of community service they give? For instance, if for example someone is a crack shot accountant, and you put them to sweep the street, is that the best use of them for community service? Maybe you could go and find organizations that simply cannot afford to do their accounts, and make that person do their accounts for them, possibly.

I am just saying, what exactly is contained in community service, and is it only putting persons to work in places where they are already Trinbagonians seeking jobs? So in effect if there is a large number, let us say 500 persons every month on this Community Service Order, what they will actually be doing is taking away jobs from persons in the regional corporations, because there are persons lining up to sweep the streets, to keep our environment clean, to cut the grass at the side of the road and so on, which also helps with safety for road users. There are persons lining up to get these jobs. So it may be a better look for the Community Service Orders to actual use the skill set of the person. But then of course, what
exactly is involved? Is there proper staffing in place for persons who are committed to community service?

Regarding clause 7 where a person smokes or uses cannabis resin in a public place and that person should be liable. So a “public place”. Sen. Mark spoke of a definition of a “public place” and so on, if someone is using it at a home, at their home. We recognize that there are many public places that double as private residences. So for instance someone will be selling at the front of their house, and there are many homes in the country where that is the case, or the downstairs of their home is a commercial space, a parlour, a hardware, a carwash, a day-care, you understand? Most day-cares are in homes, they are not in commercial buildings. How do we define a public space, and is it that persons who have commercial activities being undertaken in the same space that they are in, would be allowed to smoke but within certain hours, when for example the place is closed? So probably from six in the evening to six in the morning. Those are also questions that would arise, because clearly if one is allowed to smoke in their home, and next door is a day-care, there would be a question of conflict, you know. So there are issues where that is concerned regarding a public space.

I want to say that I was born and raised in Point Fortin and I grew up in Marabella. When I went to secondary school, Presentation College, I travelled from Marabella to San Fernando. Where I lived the house was one building away from the line. Those who know the train line in Marabella, despite the fact that there are people living there and families living there, there is a lot of activity regarding marijuana, cocaine. I apologize to my brothers and sisters in the Rastafarian faith, but the persons who are I know selling cocaine on the block also sold marijuana.

So persons are not going to be charged for holding quantities of marijuana.
Then the Government must be very clear on cleaning up the presence of cocaine on our streets. It must not be that the same persons who are involved in the trafficking and the distribution of cocaine, remain involved in providing marijuana to persons. Because there are cases where persons have been accused of getting marijuana laced with other drugs, cocaine for example, so that they could be hooked on it.

There is another issue regarding vaping. But I see—I am not sure if this was a change from what was sent to us before—but I am seeing on page 3 in the definition of “smoke” you have it:

“…includes the use of an electronic smoking device that creates an aerosol or vapour…”

—so I guess that fixes that there. However, if the hon. Attorney General could talk about other varieties, other uses of marijuana, for example making brownies. If someone decides to open a bakery and have hash brownies available for the public, how would the law deal with them where that is concerned?

Mr. Vice-President, there is another attorney that would follow me, so I would stick to the social issues that I prepared and presented. I want to read from a document:

“The World Health Organisation’s Expert Committee on Drug Dependence has recommended the reclassification of cannabis under the UN drug treaties…”

—simply for Hansard. There were several points made. One was:

“Cannabis be removed from the most restrictive schedule IV—but remain under schedule I.”

—which I raised before.

“…so the removal...acknowledges the medical usefulness of cannabis and removes the default treaty recommendation that medical uses be prohibited.”
So what does this mean? It means then that this is opening up the way, together with the second point that CBD not be subject in international controls. Where CBD is the non psycho-active component of cannabis, there are other certain medical uses.

So this directive by the World Health Organization opens up the way for marijuana trade, and because of that it brings us to the first question regarding the four plants for example.

2.15 p.m.

Storage: someone from the general secretary of the All Mansions of Rastafari raised an important point to me on storage. He said that if you are allowed four plants and you cultivate, you harvest from one plant and you collect one pound, for example, of marijuana, what are you to do with that one pound, Mr. Vice-President? Are you to discard it? Are you allowed to store it? Clearly you are not, because the law does not provide for that. If you are allowed to store it, where do you store it?—because you cannot store it at home; and these are issues that could be properly ventilated in a joint select committee. Of course, the law that is to come may contemplate having persons access to storage with persons who are licensed distributors of marijuana, but then this law does not envisage that opportunity for anyone.

So therefore, if someone has a plant, they have four plants, it is flowering, let say they have three female plants among its flowering and they decide now that they want to harvest and they have it there in their home, and they get a visit from their friendly neighbourhood police officer with a scale, and they realize, well, you know, you have too much. You have run afoul of the law, and based on the law, the quantity that you have is greater than one kilogramme, you trip the offence related to trafficking, and you would now be subject to, based on the amendments
here, Mr. Vice-President, you will be now subject to a fine of $3 million, I believe; is that correct?—$3 million and up to life imprisonment.

So therefore, in the morning, Mr. Vice-President, you are perfectly legal, you have your four trees in your house, you only have your 30 grammes some in your pocket, some in your medicinal cabinet, you understand, in your kitchen, but by lunch time you decide—you know what?—today is a good day to harvest, and you go and you harvest and you prepare it, and at that very moment your friendly neighbour police officer decides to pay you a visit, and you have more than one kilogramme when he brings out his scale, you trip the offence regarding trafficking. And in the course of one day you go from being a perfectly legal law-abiding citizen, but by this law you go to being a trafficker and you will now face a multi-million dollar fine and up to life imprisonment. It makes absolutely no sense, Mr. Vice-President, and this is a point raised by the Head of the Nyabinghi Order in Trinidad and Tobago, and he said that this is a point that must be raised, and that is why we must find ourselves at a joint select committee.

Now, Mr. Vice-President, I know it is no secret that there are persons on Laventille Road that get their supply of herbs from someone maybe in Toco. All right? And currently as we speak, in many schools in the country, many schools, I do not want to call out any schools because you know how we are in this country, we do not want to be accused of anything, but we know, this is open secret. In Trinidad and Tobago marijuana use is prevalent across the board, all walks of life, whether it be at university level, whether it be at the secondary school level, persons, youths under the age of 18, it is across the board.

Some persons see it as experimental, some persons use it as part of their custom, and many persons—you ask the regular young who has crossed 16 years old, he could tell you the difference between compressed, local, jam, Vincy grade,
Moruga grade. They might not know the difference, but they could pretend, and
the reality is that has been so and I am 36 years old now, that has been so since I
was 16 years old, that has been so since I was going to the University of the West
Indies. It is no secret that students across the board use marijuana. What I want to
submit, Mr. Vice-President—can you tell me how much more time I have left?

**Mr. Vice-President:** You finish at 2.25.

**Sen. T. Obika:** Thank you. What I want to submit, Mr. Vice-President, is that our
society would be better off with a system where the Government has a hand in
providing proper controls for the use of marijuana than not have controls. [*Desk
thumping*] And you know the interesting thing? Persons may think, well, some
persons just want to smoke weed, but when I spoke to persons from All Mansions
of Rastafari, they were very clear that they are happy with local understanding,
improved local knowledge of what exactly is marijuana, because they recognize
very clearly that a lot of the imported stuff that we get, because it is illegal, you
have no clue what you are getting. Now, I know it is now for us to compare the
psychotropic contents of marijuana, THC components to alcohol, but I beg my
colleagues to allow me this comparison.

If I go in my backyard, Mr. Vice-President, and say, “You know what? I
want to be an entrepreneur”, and I cut a half barrel from Nestlé and full it up and I
decide to make some “babash” or for the Christmas, I could be locked up
immediately. Let us say I am skilful and I do not get locked up, what could happen
is you could have “babash” that could be poisonous to people, being consumed all
over Point Fortin, you understand? However, because we have regulation, if
someone wants to get strong rum for Christmas, they could buy a bottle of
puncheon, whether it be Stallion, whether it be Angostura or whichever brand they
prefer or they could buy Sunset, you understand?—which is the Vincy or Lucian

**UNREVISED**
example, of strong rum, extra strong rum. And the thing is, some persons may say, “Well alcohol is bad”, but there are persons who need alcohol for religious practices; the Orisha faith, for instance, it is a requirement.

Now, so the point is this. Alcohol, the use of alcohol they have benefited from regulation, proper licensing regime. Now, one could argue, there could be more equity in the licensing regime so that more sectors of the society get licences to brew alcohol; that is a conversation for a different day, but in the case of marijuana, if it is legal and someone is importing it, provided that they are importing from a legal source, they will be able to now show the authorities, this is what I am bringing in, it will not poison your children, it is not laced with any poisonous substances. All right?

So whilst persons may be fearful of what they see with marijuana, they need to understand that many of the times when there is no regulation, persons go in all these places to get marijuana, it does not tell you how potent or otherwise what you are consuming is, but if you regulate it properly as they do in Jamaica, Mr. Vice-President, as they do in Jamaica, you can go to the Bob Marley Museum today, you could have gone there 10 years ago, as it has been reported, and you can get your choice of marijuana to consume. You can get a very strong one, you can get a very psychotropic one, you can get a mild one, and there are different flavours, so therefore it promotes proper use of it. All right?

So, I just want to say that, I want to close on social justice, I want to tell the youths of the country that we understand that locking them up for no reason for marijuana in not what we are about in this country. We agree with using the Mercy Committee to expunge the convictions of these people and clear their records, we agree with that.

And on the issue of social justice, we agree with religious equality in this
country, and the Rastafari movement is a bona fide movement recognized by the United Nations. In fact, I was in Africa, I will close on this point, for three years and in Ghana ganja is called “Indian hemp”, and we have a large Hindu population in this country that historically, I am told, use marijuana specifically in religious purposes.

So our country has a long history of using the herb, sativa, ganja, sensimilla, whichever name you want to call it. We are just saying, for all intents and purposes, let us do the right thing, let us get all parties involved and bring this matter to a joint select committee so you will have proper conversation with the population. I thank you. [Desk thumping]

Mr. Vice-President: Sen. Richards.

Sen. Paul Richards: Thank you, Mr. Vice-President, for recognizing me, and allowing me to join this debate today. Before I start my substantive contribution, I just want to take some time to congratulate the Parliament Channel, they won a TATT ward for local content recently. [Desk thumping] I do not know if that means we are the best reality TV on show, it may well mean that. And also welcome our brethren from the Rastafari faith and one of the stakeholders, and I know Nazma was here earlier on.

This is one of the more polarizing Bills and topical Bills to come before us. It has engaged the population for actually over 20 years, but more fervently in the last two or so years since the Government decided to hold consultations on it which I think is admirable. The number of letters, emails, comments and conversations I have had regarding this and interviews, is astounding. Certainly the amount of information that is available locally, regionally and internationally is also proof of how important this issue is to so many people in Trinidad and Tobago and across the Caribbean and Caricom.
It is interesting that the hon. Attorney General and others cited the great work that Prof. Rose-Marie Belle Antoine did, and the Caricom Regional Commission on marijuana, because interestingly enough, Trinidad and Tobago is one of the few countries or the only country that did not accommodate the regional Caricom commission for national consultations. St. Vincent and the Grenadines did, Antigua and Barbuda did, Barbados did, Guyana did, Suriname did, Montserrat did, St. Kitts and Nevis also, Belize and also Bahamas. Trinidad and Tobago did however, accommodate a face-to-face meeting of commissioners on the 21st and the 22nd of May, and that was also lamented by Prof. Belle Antoine that she is the Trinidadian chair of the commission, and we did not accommodate a national consultation, though I know the Government did accommodate national consultations. I thought that was a missed opportunity.

This to me, let me put on record from the start, that I support this because I think it is about time. We have discussed this for over 20 years in Trinidad and Tobago, we have hemmed and we have hawed, and it is time that we deal with this because we are really behind the curve regionally and globally on this. And to me, it is commendable that the Government has brought this to this position, and also set the other important component of this, the Cannabis Control Regulatory Authority to a joint select committee, because I think that being the foundation upon which this legislation will stand or fall, is important that it goes before a joint select committee to really distil all the elements to put a proper foundation and regulatory framework in place, because this cannot work without that at all, so I think that going before the Joint Select Committee is very important.

And the interesting thing about it is, what are we here to really do? You now, the State is on record in terms of explanatory notes are saying, it seeks to decriminalize, to create offences, restricting cannabis use to specific instances,
having offences expunged from criminal records, adding new elements to
dangerous drugs including ecstasy, LSD, ketamine and the possession of more than
the specified amount which is deemed for the purpose of trafficking, and that is
also important, but we have to be very careful in terms of how we go ahead.

And I think these deliberations are extremely important, because if we have
to follow the medical approach Hippocratic Oath in terms of “do no harm”, there
are several examples that I would cite, although I have already put on record that I
completely support this move to decriminalize that have shown that it has not been
a Shangri-La or a nirvana in many of the developed countries with so many
resources at their disposal in terms of the decriminalization and/or legalization of
marijuana. And in many instances they have seen so much harm caused because
they did not think things through carefully and they did not put systems in place to
ensure that the objectives were achieved.

So, there are several, of course, objectives that we could go to, and
marijuana has been found in burial grounds in Siberia dating back to as early as
3,000 BC. Chinese have been using cannabis as medicine for thousands of years,
even American founding father, George Washington grew hemp in Mount Vernon.

So, again, I commend the Government for bringing us to this stage, but we
really have to deal with these issues included but not limited to the reform
envisioned for the criminal justice system, and the Attorney General, the hon.
Attorney General, has done us a great favour by providing quite a bit of interesting
data in terms of what he has provided this morning. From 2007 to 2018, 80,815
marijuana-related cases clogging up our criminal justice system.

Now, when you think about it, unless we go with some of the provisions as
outlined in this Bill, we really cannot get out from under that effectively. It will
take us the next 50, 60 years by which time others will be piled onto the system,
and this to me is one of the ways we can do this, but coupled with that, is the issue of the illegal drug trade, because presently many have cited that marijuana is available in Trinidad and Tobago quite readily, and there is no legal way of bringing marijuana into Trinidad and Tobago. So unless you deal with how people are going to access the drug, and it is a drug, we have to deal with the regulatory framework by which people can either grow marijuana here in specific instances or import marijuana.

Many have spoken about the possible impact on the criminal justice system in Trinidad and Tobago, and as I said earlier on, I think there are several opportunities that may not have been thoroughly covered in this legislation that we can possibly do so at committee stage. And that is, when we are dealing with the issue of the 80,000 or so, or as the AG has put it earlier on, the 8,500 in the courts annually, if we go the route and we are successful in expunging those records and getting those primarily Afro-Trinidadian youth out of the prison system, let us just say, we are moderately or mildly successful, and out of that 80,000 or those 80,000 cases or those say 3,000 incarcerated, we get 1,000 out of the prison system. How are we reintegrating them into society after they have spent, in some instances, six, seven, eight years behind bars, cut off from society, socialized in some instances to more violent tendencies, and we think that we are just going to get them out, which is a good thing on these minor possession charges, reintegrate them into society is just going to happen by osmosis.

We have to put systems in place to ensure that these individuals whose records are going to be expunged, whose sentences are going to be cancelled by the criminal justice system are properly reintegrated, because if we do not do that, we are going to be adding to the criminality that pervades, because they are not going to be able to find jobs, though their records are expunged. When they go to an
employer and say, “Well, I was in prison” or they may not be as honest to say that. The employers are going ask, “Well, where have you been for the last five years? Why have you not been employed?”

So while it is a productive move to clear up the criminal justice system of these cases, we really have to put systems in place, and I am championing the State to do this because, if the State does not do it, the private sector is not going to follow suit.

Mr. Kirk Waithe had a very commendable initiative a couple weeks ago, I think it is titled, “Hire One”, if I am not mistaken, where persons who have served and paid their debt to society and are looking for work, the private sector is invited to hire one person. And if we do not put systems like that in place, when these persons who we are seeking to offer some redress through one of the provisions in this Bill, we are going to find ourselves in a problem because they are not going to be able to find work, and they are probably going end up at the behest of the criminal element, and it will really thwart the efforts that we are trying to achieve here, so I really hope that we can look at that reintegration issue.

We also have to look at, and this is another opportunity for me, and I am going to circulate an amendment for the committee stage in terms of the Attorney General spoke about this social justice aspect in terms of the objectives of this initiative. And if we are really looking at the social justice aspect, we have to admit to ourselves that, marijuana is a drug and there are some addictive proprieties associated with marijuana, but I do not see any provisions in the Bill for addiction treatment or rehabilitation.

**Hon. Senator:** No. They do not care about that.

**Sen. P. Richards:** So, and that to me is a missed opportunity. So I have circulated an amendment that I would suggest in committee stage, that in addition to the
community service, people are mandated to go for addiction treatment protocols, you know, but it will be circulated, Madam Minister. Yeah.

So, I think if we are going to go the route of decriminalization, it is important that we use this opportunity to deal with addiction issues in Trinidad and Tobago generally, bolster up institutions like NADAPP and other NGOs and Caribbean institutions with a view to dealing with addiction issues, marijuana and others included, and I think it will be a more holistic approach in dealing with the decriminalization issues, because there will be people who will become addicted.

There are people who are already addicted to marijuana, and if we are liberalizing the environment, it means that we have to provide treatment options for persons who may become addicted, or whose lives may be negatively affected by addiction issues in Trinidad and Tobago. And I think if we are dealing with this, and as I said before, I have it on record, I support this and it is the way to go, I think those provisions in addition to community service will make it a more holistic approach in Trinidad and Tobago. So I hope that can be considered.

And also in terms of the education aspect of it and the very, very critically important public awareness and education programme that must come with this, because as I will outline later on, it is not been smooth sailing or as smooth sailing as we think in places we like to cite like Amsterdam, a 2018 study about four US States and Washington they say that they are seeing significant negative consequences of the liberalization of the environment, and they have resources to put systems in place. So while I say it is a good move, we have to look at the lessons learnt in other jurisdictions in terms of how we apply this moving forward.

The other aspect that I think we are trying to achieve here is the issue of the medicinal applications which, I think, everyone agrees with. It is no longer even speculation, it is now science in terms of what marijuana’s medicinal properties in
many arenas would provide; so that is something.

When I was doing my research for this, through you, Mr. Vice-President, you know, I outlined the objectives in terms of the explanatory notes in our Bill, but I went to the Canadian and Uruguayan experiences. And I do not know how many people looked at the Uruguayan experience, that is one of the benchmark models that people around the globe are now turning to in terms of their local situations regarding marijuana and cannabis.

And in terms of the Canadian cannabis Act, and they have taken a really public health approach to this, as opposed to a liberalizing approach to it which, I think, is the way we need to be very aware of. And the purpose of the Act is to protect public health and public safety in particular to:

“(a) protect the health of young persons by restricting their access to cannabis;

(b) protect young persons and others from inducements to use cannabis;”

Because in their regulatory aspect of their Bill, they are specific even about packaging and commercializing of it, so that young persons in particular, just like cigarettes, are not induced into using cannabis though it has been legalised in Canada in terms of the legislation.

“(c) to provide for the licit production…” or the legal production—“…of cannabis to reduce illicit activities in relation to cannabis;”

And we are seeking to do that.

“(d) deter illicit activities in relation to cannabis through appropriate sanctions and enforcement measures;”

We are seeking to do that.

“(e) reduce the burden on the criminal justice system in relation to cannabis;”
We are seeking to do that.

“(f) provide access to a quality control supplier of cannabis.”

We are somewhat seeking to do that. I have not heard a lot about quality. I heard about quantities and amounts.

“(g) enhance public awareness of the health risks associated with cannabis use.”

And included in that statement is the understanding that there are health risks associated, and we cannot bury our heads in the sand about that, there are health risks involved with the use of cannabis.

In terms of Uruguay, their clear objectives include, and are not limited to, three main objectives. One, to reduce drug trafficking related violence and drug trafficking by taking marijuana of the black market. Which is partly what will happen in our circumstance, but once you put everything in place.

B. promoting public health through education and prevention campaigns. You see the similarity in the Canadian model where a lot of focus is placed on public health, because you are regulating a drug with psychoactive elements. And also three:

By eliminating the existing legal paradox that allowed marijuana for possession, but effectively blocks users from accessing marijuana. Which is what we are doing in Trinidad and Tobago, because if you are granting people the access to use marijuana, you certainly have to provide legal options for them to access it, and in some cases as Sen. Obika said, to store it in instances, in some special instances.

Good law is not simply passing good law, it means ensuring that the law meets its intended objectives by providing systems, resources, structures and monitoring and assessment strategies to ensure these objectives are being met with
regular revisions to ensure application, enforcement, and compliance. And that is where we fall abysmally short in Trinidad and Tobago.

We are extremely effective at passing laws, we are very good at passing laws and amending laws in Trinidad and Tobago, but what we are not good at is enforcing the law, applying the law in many instances equitably, and providing monitoring systems and research to see if the law or the laws are reaching their or meeting their required objectives. And the Uruguayan model has certainly provided for that in terms that they have put benchmarks for revisions every year, they have put research elements in place to gather data to see if the intentions of the law are being met as part of their legal requirements, because it makes no sense passing a law, and five years down the road you have the same problem, so I think that is a model that we can adopt in Trinidad and Tobago.

One of the issues that I want to focus on is the issue of marijuana and its impact on young people and developing brains, because this is something we have to be very aware of in Trinidad and Tobago.

The human brain does not fully develop, and this is science, until you are about 24/25 years old, and it is now scientifically proven that marijuana elicits in early use cognitive deficiencies particularly in the developing brain.

So people who start—the earlier you start to smoke marijuana, the more cognitive deficiencies and retardation of those developmental issues are more present, so we have to be very, very careful. I think Sen. Mark referenced the protection of children as very important. And something that crossed my mind while Sen. Mark was on his feet, on his legs, through you, Mr. Vice-President.

So, okay, we can use marijuana in our homes in certain amounts we can smoke. What happens if our children are exposed to secondary marijuana smoke? How do we regulate that the effect on those developing brains? And a parent is
well within his or her right now, if this law is passed, to smoke marijuana, and it may have some negative impact on those developing minds through second-hand smoke. We all know about the impact of second-hand smoke, tobacco smoke on children. So what happens in those cases? How are we protecting those children?—because it is science that exposure to marijuana smoke for developing brains has negative impacts on their cognitive developments, and we have to look at how we are going to deal with that because it is a reality.

Mr. Vice-President, can I quote a *Newsday* article February 8<sup>th</sup>? Friday, February 8, 2019 by Racheal Espinet of the *Newsday*, I think it is.

“Young people should not use of ganja. People under 25…”

And I quote:

“People under 25 should not smoke marijuana, as their brains are not fully developed until that age. If they are genetically predisposed to psychotic diseases, it can be harmful.

This is the view of Dr. Anthony Pottinger.”

Now, he is a gynaecologist, but he Jamaican and has done extensive research on marijuana.

“He was pannellist at the second public consultation of the decriminalisation of marijuana held on Wednesday at the Teaching and Learning Centre at the University of the West Indies, St. Augustine.”—campus.

And I quote Dr. Pottinger:

“A small amount of any population are genetically predisposed to psychosis, but if those people start to use marijuana at a young age with heavy use—I’m talking about those with less sense than adults…”

—or less cognitive ability or reasonable ability in adults—

“…with heavy use for a prolonged period of time, nobody is disputing this
can cause brain damage.

The other panellists were Attorney General Faris Al-Rawi who led the discussion on the Government’s behalf;”

Also included in the panel was:

“…Minister in the Ministry of the Attorney General and Legal Affairs Fitzgerald Hinds; and cannabis expert and consultant Marcus Ramkissoon.”—who I believe is with us today.

“While Pottinger dispelled the idea that people who smoked marijuana would lose ambition and risk developing schizophrenia, he did not support young people using marijuana at all.”

So that is also a cautionary tale that we need to take into consideration because it is scientifically proven, and I will go into some articles that I took the liberty of bringing to prove that.

**2.45 p.m.**

I want to quote another bit of research, the National Academies Press, *The Health Effects of Cannabis and Cannabinoids*—I never get it right—*The Current State of Evidence and Recommendations for Research* (2017). “Developmental Implications Among Adolescents”—and I am not going to read the whole thing:

“One adolescents were clustered in many of these systematic reviews”—and tests and research—“it is important to note that they were the minority…less than 20 percent of the full sample...”

However, the information is quite profound:

“…data in the cited systematic reviews and elsewhere…continue to indicate that an early age of initiation tends to be connected to bigger differences in brain function during adulthood…the brain does not”—fully develop—
“until approximately age 25”—I said it before—“and data from the field of alcohol use also reflect that substance use”—and its impact on the developing brain in that instance.

So you see, the developing human brain, particularly adolescents until 25, is a very sensitive situation we need to be aware of, so we need to protect those people.

“This interference in cognitive function during the adolescent and emerging adult years, which overlaps with the critical period”—for—“many young adults’ primarily responsibility is to be receiving their education”—and it—“could very well interfere with these individuals’ ability to optimally perform”—well—“in school and other educational settings.”

So, our age, legal age is 18, and this is saying the benchmark is 25, so we see the disparity there already in terms of the possible risks. Right? Also, from the same article:

“…the National Institute of Health (NIH) for the landmark study on brain development and child health, Adolescent Brain Cognitive Development...The ABCD study is the largest long-term study on cognitive development, tracking the biological and behavioral development of at least 10,000 children beginning at ages 9 to 10 for 10 years through adolescence into”—early—“adulthood using neuropsychological evaluations and advanced brain imaging to observe brain growth with precision. This study”—began—“in 2015”—and examines—“how biology and environment interact”—in relation to marijuana use.

So they answered a couple question. Is there an association between cannabis use and memory? And I am quoting:

“In this review, 22 studies assessed memory, including working memory and other memory function using various neuropsychological tests such as the
Sternberg task, Trails B, n-back, and Wechsler tests, including spatial working memory, digit span…These studies showed moderate to strong evidence for acute interference of cannabis on memory”—particularly with younger people.

“…there is a moderate evidence of”—a statistical—“association between”—acute—“cannabis use and the impairment of the cognitive domain”—including learning, memory and attention.

We need to take note of that. So, while we are putting systems in place to regulate, which I will keep saying I agree with, we need to be very, very careful about the impact that this can have on our younger people.

Mr. Vice-President, I would like to also go now to the article I referenced earlier. It is called, “Smart Approaches to Marijuana, preventing another big tobacco”, and it looks at lessons learned from four US States and Washington DC, including Washington, Colorado, Oregon, Arkansas and DC itself. And, it really focuses heavily on young people, on the impact, the legalization in some instances, and decriminalization in some instances, have had on person as early as 12 years old. Right? So, what we are seeing, is about:

“A study in Colorado found that 50% of youths in outpatient substance abuse treatment reported using diverted marijuana”—I do not know what that is, but I guess it is some derivative marijuana.

“In Anchorage, school suspensions for marijuana use and possession increased more than 141% from 2015 (when legalization was implemented)—in—“2017”—in one year.

“Colorado toxicology reports show the percentage of adolescent suicide victims testing positive for marijuana have increased…”—2017.

“Young adult use (youth…18 to 25) in legalized states”—were seen to be
increasing.

I would also like to cite that:

“Washington, DC, saw public consumption and distribution arrest nearly triple between 2015 and 2016.”

“In Colorado”— and this title is “Hospital and ER Visits”— “In Colorado, calls to poison control centres have risen 210% between the four-year averages before and after recreational”—decriminalization and—

“legalization.”

And these jurisdictions have resources to monitor and implement. So, if it is happening there, we can see what the possibilities are here if we do not monitor the situation properly and put systems in place.

—In— “Central Oregon hospitals saw a nearly 2,000% increase in emergency room visits due to marijuana poisoning, with 434 marijuana-related emergency visits in January 2016 alone...”

So while it is the sexiest topic in the world, and from my unscientific gauge, most people are in favour, including myself, of decriminalization, there are several considerations that we must have when we are going in this direction and learn from these other jurisdictions.

“One hospital in Bend, Oregon”— has also—“had an increase in marijuana-related emergency room visits from 229 in 2012 to 2,251 in 2015...”

You are seeing the trends, right? It also has had an effect on, interestingly, ironically enough, on the marijuana black market industry, while it was intended to reverse that.

“Narcotics officers in Colorado have been busy responding to the 50% increase in illegal grow operations”—since the legalization and decriminalization.
So, it has had the opposite effect in terms of managing that.

“In 2016 alone, Colorado law enforcement confiscated 7,116 pounds of marijuana”—and—“carried out 252 felony arrests...made”— in—“346 highway interdictions”— an increase of nearly 50 per cent.

“...US mail system”—the mail system, eh—“has also been affected by the black market, seeing an 844% increase in marijuana seizures”— of people trying to deliver marijuana through the mail.

Because people feel well, now it is a free for all so let us run amok. So, we really have to be very, very careful. And the last one I would quote from this is something that we need to be very careful of, and I know our colleague, Minister Baptiste-Primus spoke about the workplace issues. Let me start with crime:

“The crime rate in Colorado has increased 11 times faster than the rest of the nation since the legalization (Mitchell, 2017).”

“Impaired driving

The number of drivers in Colorado intoxicated with marijuana”—because I have not heard any aspect of that referenced yet— “intoxicated”— by marijuana and driving—“and involved in fatal crashes increased 88% from 2013 to 2015”— alone. “Marijuana-related traffic deaths increased 66% between the four-year averages before and after legalization.”

Marijuana-related traffic fatalities.

**Sen. Baptiste-Primus:** Source?

**Sen. P. Richards:** The source is “Lessons Learned From Marijuana Legalization in Four U.S. States and D.C.” It is called “Smart Approaches to Marijuana”, and it is out of the University of Colorado at Denver, Harvard Medical School, Boston Children’s Hospital, University of Connecticut, Yale University, and the University of Kansas. So, it is quite a credible document. So, I say that to say that
while—I will keep saying it on record, I think we are going in the right direction. Let us not get carried away and miss or underestimate the possibilities of these situations happening in Trinidad and Tobago, and totally missing the mark in terms of our initial objectives. We have to put systems in place to deal with these things otherwise we are going to end up in a poorer state than when we actually started.

Let me go, again, more substantially to “Marijuana legislation in Uruguay”, and the author is Ella Jordan, 2018, and the organization is the Centre for Public Impact. And what happened in Uruguay was that they had already a bad illegal drug trade situation, so part of their objective in decriminalizing marijuana was to help deal with that because it was fuelling crime in that country. So in addition to dealing with the public health aspect, it was really to deal with crime. And they had a very, very effective scientific model developed in association with academic institutions in Uruguay that sought to put a real professional scientific business model in place in terms of the action plans, the measurement of the effects, the unintended consequences, how they were going to mitigate that, the medical applications of it, et cetera.

So, I think that was very, very important, and the initiative was started in June of 2012.

“…President Jose Hosea Mujica introduced a bill in Congress to legalise the production, distribution and consumption of marijuana in order to improve public health and tackle the increasing violence and drug problems facing the country. Marijuana legislation was formerly proposed as part of Mujica’s 15-point plan to address insecurity in the country known as Strategy for Life and Coexistence. The bill was”— initially— “criticized and met much resistance, and as a result it was revised and presented”— in their— “House of Representatives in November of the same year. The new bill gained the support of NGO workers and human rights
advocates, as well as some opposition party members. After many amendments and much debate, the bill was signed into law on the 24 December 2013”—and—“followed by a public announcement…the new drug regulations on 2 May 2014.”

And they focused a lot on the supply side of it, which I think, without tripping the Standing Order for anticipation, we probably will do a lot of in the JSC. But they focused a lot on home cultivation, and I think we can look at this model to see what worked for them. In their legislation:

“Home cultivation – registration of individuals through”—what they described as an—“IRCCA”—framework—“began on the 27 August 2014.”

And:

“Home cultivation allows for a maximum of six flowering, female plants per household with a maximum total yield of 480 grams per annum.”

So, they even put limits on the annual yield. In addition to putting a benchmark on the plant number, you could not grow in excess of 480 grammes to obviously regulate it more.

“Marijuana clubs—because they registered certain establishments who would be able to dispense marijuana, I guess like you see in Amsterdam.”—And those—“…clubs must contain between 15 to 45 members and they—as a club—can grow up to 99 plants per year. However, no individual member may take more than 480 grams of the drug per year.”

So, this may address the issue cited by Senators Obika and Mark in terms of some organizations being allowed the ability to grow a little more and store a little more for their specific purposes, but individuals still have a 480-gramme benchmark in terms of what they can take away. And also purchasing through pharmacies and medical institutions, they also covered that quite extensively.

Mr. Vice-President, I want to also cite Amsterdam, because very often when
you talk about a liberal society, we speak about Amsterdam in that context, and most people think well, Amsterdam, you could get marijuana there for decades now, prostitution is legal under certain circumstances. It is a very, very liberal society. But what people do not get is the back story about what it does to the country itself, because it is not heavily publicized, because one of the laws of Amsterdam is that it is liberalized. So they are not going to publicize it because it is going to damage their tourism intake. But there are serious challenges that Amsterdam has faced over the years since they have become a liberalized society in terms of marijuana, et cetera. And I want to quote a Reuters article, and I quote:

“Long famed for its casual attitude to marijuana use, the Dutch capital Amsterdam says it now has a serious problem with hard drugs that has brought increased violence and corruption at the hands of “hustlers, parasites and extortionists.” Money from the lucrative trades in drugs such as cocaine…ecstasy”—and—“marijuana has…found its way into the city’s flourishing real estate market, according to a city-commissioned report”— called— “The Other Side of Amsterdam”. …Amsterdam's famed—“coffee shops have for decades sold it openly for the pleasure of residents and tourists alike.”—it is part of the rural of Amsterdam. “Prosecutors do not”—necessarily—“press charges for possessions of small amounts”— but it has had a devastating effect on the capital and the country at large.

“At the top of these criminal chain are wealthy organized crime bosses who may not be physically located in Amsterdam, the report said.”

So, one of the things we have to look out for is possibly because criminals are very creative to what they consider soft targets. So when we liberalize our
environment, we have to guard against external forces, and internal gang leaders, “gangstering” as they say, people to grow the limited amounts in their house and come in and collect it. Think about it. It happens in URP. It happens in several state agencies.

**Mr. Vice-President:** Senator, you have five more minutes.

**Sen. P. Richards:** Thank you, Mr. Vice-President. So we have to be very careful about not guarding against that sort of scenario, and it is very important that we put systems in place so that people are not exploited and the gangs are not able to invent another level of criminality in Trinidad and Tobago, much too all our detriments. So I would end by going through an article called, “Is marijuana addictive?”, and also focusing on the rising potency levels in marijuana since many of these jurisdictions went through their decriminalization processes and the legalizing processes, because in most of these—[Interruption] Sorry?

**Sen. Baptiste-Primus:** Who is the author?

**Sen. P. Richards:** The author is John Hopkins Bloomberg School of Public Health, 2015. This is the same thing. Right? And it goes, and I going to précis because of the limited time.

> “Marijuana use disorder becomes addiction when the person cannot stop using the drug even though it interferes with many aspects of his or her life. Estimates of the number of people addicted to marijuana are controversial, in part because of the…studies on substance”—abuse—“often use dependents as a proxy for addiction”—although they are separate. “Those studies suggest that 9 percent of people who use marijuana will become dependent”—and addicted. This rises—“to about 17 percent in”—people—“who start using marijuana in their teens.

In 2015, about 4.0 million people in the US met the diagnostic criteria for
marijuana use disorder—only—“138,000...sought treatment...”

And another thing we need to be very careful of, is the raising potency of marijuana as the drug is liberalized in many jurisdictions, because then what happens is that the science proves that people get accustomed to one potency so they seeking higher and more concentrated potencies to get the same kind of feeling. Because the human body has the ability to what is called, “habituate” and adapt very, very easily, because your receptor says your brain becomes addicted to a particular concentration, so you require more for the same feeling, and that more is the demand side for the supply of potency and more marijuana use.

So, in closing—I did not even get to my article. [Holds up document] I have this for three years now, and I asked the Vice-President, that I could show it. And this is National Geographic in June of 2015, which says, and the title is “Weed: The New Science Of Marijuana”. And it is a fulsome repository of information related to medicinal use, and also the possible harms any jurisdiction must guard against when they are thinking of going in a step that we are going in, and it focused extremely heavily on the 11 to 19 age group, because they are the ones who had been most affected, when the research studies were done, in most of the jurisdictions. Because the laws would usually state adult use only, but it gave a social and psychological imputation to young people that, well, society is doing it now, so I need to do things that make me feel big and adult too. And if you do not guard against that, you are going to have a plethora or an abundance of marijuana abuse by teenagers leading to cognitive deficits, memory deficits, and its use in society at large.

So, while I am record as saying I support this, I know much of my contribution has been focused on the possible negatives, because we cannot all get carried away with just the positives, because they are significant detriments if we
do not put systems in place. With those few words, Mr. Vice-President, I thank you. [Desk thumping]

**Sen. Foster Cummings:** Thank you, Mr. Vice-President, for the opportunity to make a very short contribution to the Dangerous Drugs (Amdt.) Bill, 2019. I think it would certainly be recorded as one of my shortest contributions. [Laughter] I cannot claim to know much about cannabis.

**Hon. Senator:** What about weed? What about weed? [Laughter]

**Sen. F. Cummings:** Also called ganja, weed, marijuana, dope, chronic, grass, hash, Mary Jane, pot, kush, what is the other one?

**Hon. Senator:** “Tampee.”

**Sen. F. Cummings:** “Tampee.”

**Hon. Senator:** “Spliff.”

**Sen. F. Cummings:** “Spliff.” I missed some, and I thank you for the assistance, but clearly I will have to refer my colleague, Sen. Obika said that the bakeries down in Point Fortin—

**Sen. Obika:** No, no, I did not say that. [Laughter]

**Sen. Ameen:** Do not misquote what you hear. I have is a Standing Order against that. Do not misquote.

**Sen. F. Cummings:**—produced a brownie that might be—some of the ingredients in that brownie might involve some cannabis. [Crosstalk]

Mr. Vice-President, this drug is a very popular drug. I am not a smoker of anything, but I know that this drug is a very popular drug. Some of the effects, from my reading, would be happy feeling, dizzy, relaxed, hungry or the “munchies”, confused, confusion, paranoia, and, of course, some people may become a little hallucinated or scared. [ Interruption] [Laughter] We have heard a lot about the benefits in terms of the medicinal use. But, Mr. Vice-President, I
want to commend the Attorney General and his team for this Bill. I take my mind back to the village “whe-whe”, many years ago, it could be about 30 years ago, in my little heaven called Indian Trail in Couva.

Sen. Ameen: You are so old? [Laughter]

Sen. F. Cummings: I was a teenager at the time. And you would hear at least twice a day of the banker or the man who had to “buss de mark”. You did not see this gentleman. He was somewhere—[ Interruption] Yes, I never saw the banker, but what I did see were lines of persons going to wherever the man was going to “buss de mark”, and there was this myth around the man who had to “buss de mark”.

What you was sure, is that the police would follow, and that sometimes arrests would take place for those who were involved in “whe-whe”. The State moved in on that situation and legalized this issue, and we now know Play Whe. My children and yours, Sen. Sobers, would know nothing about “whe-whe”. What they know about is that they can pull up at a machine and legally play a mark that the National Lotteries Control Board will buss. [ Interruption] Well, children not underage, some of us have adult children. [Crosstalk] But, they can approach a national—[ Interruption] Well, yes, I just referred it to what the “whe-whe” man would do. I kept the name “buss ah mark”. So that in today's situation you can legally play the game without the police being on your case, and therefore that removed the whole stigma of criminality or criminal conduct associated with that game.

Mr. Vice-President, when I pass through several towns, both in rural and urban areas, this is not something that is restricted to the rural areas. You come upon a number of young men who are idle most of the time, unable to get into productive use, or to find a job because of their use of marijuana. I give an
example in particular about the small villages surrounding the Point Lisas Industrial Estate, which I am familiar with. And these many young men, some of them very skilled, their issue that causes them to be unable to get or find gainful employment will be as a result of the fact that they had some time ran into contention with the law on the use of marijuana. Some of them, for what we would call a “joint”, or a “marijuana cigarette”. Many of them have pending matters before the court. Many of them are criminal records because of the use of marijuana. And we have heard in this debate that in the Remand Yard how many of our young people, charged with the possession of marijuana are still at the Remand Yard unable to access bail in many cases, and some of them unable to afford proper legal representation. That is the story of many of our young people. That is a fact.

And that I took some time to read what has taken place in relation to the use of this drug in some of our neighbouring territories, in North America, Canada, and some parts of Europe. The story is the same. No different. As a matter of fact, taking off from Sen. Richards, who spoke about the possibility of mass use of this drug in the event that this law is passed, I came across an article written by one Jim Dryden, July 2018, who has been looking at the follow up from the decriminalization of this drug in other territories, and he says that:

Following the passage of the law there is no evidence that the use of the drug has spiralled.

In other words, what he is saying is that those who are using the drug now, of course, continues to use it, free from the criminal punishment and exposure associated with it, but it is not that decriminalizing the drug is going to cause any wave or widespread use of it.

Mr. Vice-President, do we understand what it would mean to a young man of any
race who had a career in front of him, got charged by the police for possession of a joint, and then saw his future disappear into thin air, because he could not then get a job in the public service or in many parts of the private sector. To now have that criminal record expunged, would give a new lease on life to such an individual. The overcrowding at the prisons is something that is of concern to all of us. And while I am on that, I wonder sometimes when the justice on time truck passes me on the road, with some dangerous driving I must add, I wonder how many of the occupants of those vehicles are charged with marijuana possession, and the expenses associated with taking them through the criminal justice system, the use, police time. How many of us have heard the stories of persons in need of police attention for serious matters, and being told that the police cannot come because they have no vehicle, et cetera, et cetera, et cetera?

3.15 p.m.

These measures being taken will certainly free up a lot of the police time to allow them to focus on matters that we would all love for them to focus on, the backlogs in the court. I visited the Magistrates’ Court as part of a village council, again, many, many years ago. And having to wait for—we were doing, I do not know if they do bazaars anymore but it was a bazaar. I have not heard a bazaar in a long time, [Crosstalk] I really have not heard a bazaar in a long time being advertised, but that is what it was. And you had to sit and wait for all the cases in the court to be called out before the magistrate would deal with the application for the liquor licence.

So you had to spend some time in the Magistrates’ Court, listening—I am sure Sen. Sobers or other practitioners who are in the court system knows what I am talking about. And many of the cases that came to the magistrate’s attention had to do with possession of marijuana. Many young people, in particular young
men, matters being put off, having to go back up to the Remand Yard and come back on another occasion. In some cases, years before a matter could be settled, waiting on justice because of this marijuana cigarette.

We heard about the overcrowding at the prisons and when you have young men charged for possession, going into a situation in remand where they are unable to access bail, some of them, waiting years for trial, interfacing with hardened criminals, so to speak, and therefore, these young men, some of them losing several years of their life. And this Bill, the effect of it will be to remove the criminality out of the simple possession of marijuana.

We hear of all the associated crimes at the retail end of this industry, block violence, as people fight to retain or control turf, young men using this as an industry, almost as the prohibition of alcohol; when alcohol was a prohibited substance, and the industry went underground. As the industry is underground, it creates the environment at the retail end, even at the wholesale end, but at the retail end in particular within the communities, where different young “entrepreneurs” get involved and all the associated crime that goes with that.

I know of an instance in particular, Mr. Vice-President, where two young men, one 19 and one 21, lost their lives because the person who was running the block felt that they were selling too close to his business place and the end result of that was that these two young men lost their lives. And so we cannot bury our head in the sand as to all that is taking place in relation to the use of marijuana in Trinidad and Tobago.

Mr. Vice-President, I think all of us have the experience of engaging or knowing some young rural or urban youth that has crossed the path of being arrested for the simple possession of marijuana. What is good about this Bill also is the retroactivity, where persons who have pending matters before the court for
simple possession under 30 grammes can have— can take the benefit of this law when it is passed. Because, Mr. Vice-President, it would mean, as I said earlier on, a lot to a young man, a young woman, to have access to such a law and also, for those who already have a criminal conviction to have that record expunged and be able to live a most normal and productive life.

As I said at the beginning of my contribution, I want to focus on how this law is going to touch the lives of many young people in our society. I want to reiterate, Mr. Vice-President, that from the research that has been done, it is clear that the decriminalization of marijuana has not led to any upsurge in the use of the drug in the States that have decriminalized marijuana. And therefore, while I hear that concern, the research does not support that.

**Sen. Richards:** What is your research?

**Sen. F. Cummings:** I pointed it out. You may not have been in the Chamber, Senator, but I did ask you—you stepped out for a short while, I asked you to read an article by Jim Dryden, July 20, 2018. All right? You can just pull that up and he did some research on it.

So, Mr. Vice-President, again, I want to commend the Attorney General for bringing this piece of legislation. I ask our colleagues on both the Independent Bench and the Opposition Bench, in particular, to lend their support to this piece of legislation which has, as we clear, the benefits have been outlined and which certainly will move us a step closer to the improvement of the criminal justice system and to the improvements of the lives of many of our young people in Trinidad and Tobago. And I thank you. *[Desk thumping]*

**Sen. Hazel Thompson-Ahye:** *[Desk thumping]* Thank you, Mr. Vice-President. When I was a young girl, I thought only the boys on the block smoked marijuana. I would smell it and I would hear, “They smoking”. When I got to university I had
an occasion to use a room for year one rep and there was something called the “I” room. And when we passed that room, there was that smell again, weed. I did not think people at university would smoke weed, but I never actually saw a cigarette or weed until sometime after when one of my colleagues was rolling this thing and asked me if I wanted to try it. And I was so surprised I asked, “Where did you learn that?” [Laughter] She had learned that from a doctor. So I realized that this thing was in high places.

Sen. Dr. Remy: Not a doctor of medicine?

Sen. H. Thompson-Ahye: A doctor of medicine. Then I read in the newspaper that a prominent member of the Bar and something happened in a particular place, in strange circumstances and about files disappearing from the registry, and I sat in my shoes and I wondered. Because I cannot even abide cigarette smoke, but I was forced to smoke when I was taking part in a play in Barbados, playing a lead role, The Yoruba Yard theater, packed houses, and I was forced to learn to smoke.

Hon. Senator: Smoke what? [Laughter]

Sen. H. Thompson-Ahye: Nothing illegal. [Laughter] I had to learn to smoke cigarettes. And I learned a bit more than that in that production from the artistic director and the producer who had a relationship, so I learned more about also relationships. But I will leave that for another debate. We are a very creative people and I have had opportunity to be around creative people a lot. I have been in the theatre for a number of years and I have seen my colleagues, and I have been observing the creativity of our pan arrangers, some of whom have gone to the great beyond, through strange circumstances, sometimes associated with this herb. We have people who claim that they write better and they paint better because of this herb that enhances their creativity. They even produce better calypsos and sing better because of this herb.
We have come here today because the Attorney General has said to us, that it is about social, what is the words he used?


Sen. H. Thompson-Ahye: Social justice. And I made an “un-friend” yesterday, I am going to make another “un-friend” today. I would not even look in the direction of the person. But I remember when—what you are looking at? Behave yourself. When, forgive me, Mr. Presiding Officer. When the Archbishop spoke about so many people on remand and could we not do something about it. We were told by the Attorney General that, really, if we are to get those people out of the prison, it would be negligible amount. And I am wondering how come now it is going to make so much of a difference with the people who are in prison on remand or have been convicted because of marijuana use?

Hon. Al-Rawi: Senator.

Sen. H. Thompson-Ahye: I am also happy—I will gave way in one minute. I also wonder as to how it is that we are now hearing about the Mercy Committee going to sit to deal to those things when the Mercy Committee has not been sitting for some years now. I will give way.

Hon. Al-Rawi: Thank you. First of all, the Mercy Committee sits continuously. I am a member of it and it has been sitting for many, many years. Sen. Chote was also a member of the Mercy Committee if I am right, previously, and it sat previously as well. So that is point one.

Point two—

Sen. H. Thompson-Ahye: Excuse me. When did it last sit?

Hon. Al-Rawi: Last week.

Sen. H. Thompson-Ahye: And before that?

Hon. Al-Rawi: The week before probably. [Laughter] The point is we have been
sitting continuously. So we have done umpteen matters at the Mercy Committee, I can certify that for sure.

Secondly, the Archbishop spoke about doing persons who are past maximum sentence. In other words then, they were in remand and they had gone beyond the number of years in remand for what the offence would do. The Judiciary did an exercise with the prisons, seven people were allocated, they appeared before the courts to do a maximum sentence indication. In the marijuana cycle, the numbers are approximately 8,000 people per year. So it is vastly different from what the Archbishop was talking about with seven people having in fact been found in the prisons. The complication was that we could not get people who were out for multiple offenses. So they may have passed maximum sentence for charge A but charges B and C were still running and the DPP wanted to make sure that they had the evidence of bad character available in the event of conditional releases. So it was all dealt with hon. Senator.

Sen. H. Thompson-Ahye: Thank you, hon. Attorney General. But the question of the Mercy Committee, there is some disparity in what has been said, so perhaps one of the fellow Ministers can deal with that in a public place quite recently.

Now, there is a definition in the legislation of smoke, smoking marijuana, yes? And I would like to refer you to *Oprah Magazine*, April 2019, one of my favorite magazines. There is an article written by Rachel Jacoby Zoldan and it is entitled, “Feeling Good”. And she says:

“You can smoke it, vape it, sip it or spritz it. You can bake it into brownies. You can find it in lotions and potions to rub on your skin, tinctures to drop under your tongue, capsules to swallow, or oils that have been added to your latte or ice cream.”

And I hope that that latte outside there is safe.
“Cannabis is everywhere these days, and to hear its proponents talk, it’s the fix for everything that might ail you. But is it?”

So I went to look at the meaning of “spritz”. So perhaps you can look at it because it tells you, you can spray it and you know that we are very innovative. So you can spray it like perfumes some times and maybe that is one of the things that I said that we can look at.

There are many claims for marijuana use and the good effects and one of which we heard from the Attorney General, Mr. Vice-President, at the beginning of the presentation and that is the alleviation of chronic pain. And nobody wants to suffer chronic pain. So it is certainly is a good reason that one can look at for the decriminalization and, in fact, having the use of marijuana to alleviate chronic pain. But there is also a caveat to that, because in the use of marijuana it produces:

“…symptoms such as feelings of anger”—aggression—“abdominal pain; fever; chills, sweating; headache…tremors”— that could be also side effects.

It also said that it produces better sleep. But then there is another caveat to that that it depends on the length of the use and the existing— what is the reason for the sleeplessness. Is it that we are staying too long in Parliament and we are too tired? What is the reason for it? It is also said that it improves gastrointestinal issues, bowel diseases, that is one of the pluses and also, that has to be looked at carefully.

Another positive effect is that it mitigates anxiety, but it depends on whether you have a low dose or whether you have a high dose. And it depends also on short-term use as against long-term use. And one of the effects that can happen when you have marijuana growing in your home is that it apparently is a plant that requires a very—it is supposed to be a very thirsty plant so it will require a lot of water. And this might be a concern for Minister Le Hunte. It also requires high
intensity lights, ventilation equipment. So that is one of the things that one needs to look at.

Now it is also being said in another issue of the *Oprah Magazine*, so she has been dealing in—July 2019, “The ABCs of CBD”. So apparently quite a lot of interest this year in marijuana and what is happening with it. And she talks about the question of marijuana or cannabis:

“…creating quite a buzz in skincare…it’s cropping up in serums, mask, and creams that promise to leave the skin clearer, smoother and more youthful.”

And many times when I meet my law students they say, “But Mrs. Ahye, you taught me 25 years ago and you are looking the same way.” And I say to them, “You know, you are a good “lawyer”. So maybe I should say, maybe it is “mari-juana”. [Laughter]

So when we look at what is happening with this legislation, there are some concerns, in particular, with what happens with our children. Under the Convention on the Rights of the Child, Article 33, enjoins us as:

“States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.”

Are we adequately protecting children from the drug—we are not legalizing it, we are decriminalizing it—and from coming into contact with these drugs? Because if you have the drug within your home environment, what is to protect the child when the mother says or the father or the older brother and sister, “Go and wet the marijuana plants for meh please”, or the child decides to interfere with that plant? How can we prevent this? How can we prevent children coming into
contact with the drug, interfering with it and experimenting? Because you know very frequently, children like to do what they see their older peers, their older brothers and sisters doing.

In the National School Code of Conduct:
“...no one”—is—“permitted to have on their person or under their control, an illegal drug either for personal use, trafficking or any other reason. Specifically, smoking and vaping/use of electronic cigarettes also known as E-cigs, vape pens, hookah, vaporizers or any other handheld electronic device used to create the feeling of tobacco smoking, is prohibited in all school buildings, inclusive of classrooms…”

Now, in the definition of “public space” it does not specifically mention that it excludes educational institutions. The question of educational institutions comes later on in the Bill. So perhaps we ought to make it clear from the outset that educational institutions are in fact places that are excluded under the legislation.

When the criminal law is dealing with matters such as these, generally it does not deal with other aspects of it, such as, diversion programmes and educational programmes. And I would urge that within the Act itself and not the regulations that provision be made for education on the harmful effects of drugs, that treatment programmes must be part of this strategy. I would also urge that drug treatment courts be—you know, the whole scope of them, that it be widen, that more youths become eligible for drug treatment courts, that we have them more prevalent within the various criminal justice districts so that more people can take advantage of it. And that whenever we do these things that we make sure to educate the Judiciary across the board so that they know and understand what the drug treatment courts are about. That when we talk about community service, again, we must be sure to educate the Judiciary. Because frequently what happens,
Mr. Vice-President, is that it becomes the luck of the draw. You may have a particular judicial officer who may be of a particular mindset into restorative practices but you may find one who is of a more punitive mindset and, therefore, will not readily refer persons who come before them, even when it is in the legislation. They may sometimes not be aware, that there are these options that are available, that these programmes, they must understand that they are vital.

So you have everybody being educated from the outset, you have the Police Service, we are passing new legislation, the Police Service, they must also be trained to operate in a particular way. We have heard the Attorney General talk about how selective it is in terms of prosecution and we know that the police are the gatekeepers of the criminal justice system. They are the first call. They decide who they going to charge, they decide, when they will charge and for what they will charge. So unless you have across the board the people who are within the criminal justice system or within the child justice system operating in a particular way, then you will find that the injustices will continue to occur. Because even when in the various US jurisdictions you had the decriminalization or you had legalization, they still found—the research is still showing that there is still a preponderance of arrest among the people who are of the African population.

So the question of Black Lives Matter is not only a US concept. It operates right here and as you say Mr. Attorney—the Minister Attorney General said, we do not speak about it, we do not recognize it, but we must realize that the disadvantaged in the society continue to be disadvantaged. They do not have recourse to the “assistance” that the other people may get. And it is not always a question of race. Very frequently, it is a question of class. Because who can talk to whom, who can call somebody on the phone, who can make arrangements that somebody, a co-accused take the rap because my son has to go to university and
there is no hope of you are going there and you need the money and therefore, help me.

So there are many undercurrents in the society. There are a lots of things that are happening and even when we pass law, for the law to be effective we must recognize what is real, what is happening. Do not close our eyes to the reality of our existence in Trinidad and Tobago. We are not equal.

3.45 p.m.

So let us aim for equity in terms of how we operate the law and make sure that the education is out there for everybody, and those who do not follow the rules or those who do not operate in a proper manner, that they are dealt with according to the justice of the case. So with those few words, I thank you. [Desk thumping]

Mr. Vice-President: Sen. Teemal. [Desk thumping]

Sen. Deooroop Teemal: Thank you, Mr. Vice-President, for this opportunity to contribute to this debate on an Act to amend the Dangerous Drugs Act. Mr. Vice-President, listening to the contributions of my senatorial colleagues, I do not think there can be any argument or any doubt to the fact that one of the major harms imposed by illegal drug use and possession is the cost of dealing with it through the criminal justice system. We have heard, and I think we all acknowledge, that the time of police officers, lawyers, and courts, and the imprisoning of drug offenders, do represent a significant cost to the taxpayers of Trinidad and Tobago. And in addition to just the raw cost to the taxpayer, we are faced with an over-burdening of the courts resulting in severe delays in processing cases and tremendous overcrowding of prisons.

Now, there is evidence from several jurisdictions throughout the world that indicates decriminalization of drug use, indeed reduces this burden to some extent. And as we have heard, this seems to be one of the major reasons why this Bill is
before us today. In addition, we have heard that one other major reason for the purposes of this piece of legislation before us is that of social justice, particularly in terms of young men of socially disadvantaged communities, and in the context of such persons no longer having to, as we would say, “make a jail” for possession and personal use of illegal drugs. And very much important, in addition, is that criminal records would be expunged. And all of this would go a long way, undoubtedly, in terms of the removal of the stigma that such persons would have with this criminal record, and also allow for such young persons to be reintegrated into community and the wider society.

Mr. Vice-President, notwithstanding these tremendous positive impacts of decriminalization, I would like to submit that one of the main aims, or major aims of decriminalization, should also be reducing drug use, and particularly problematic drug use, in addition to related public health and personal health problems arising out of problematic use. Decriminalization should also be concerned with this. Why I am including this as one of the major aims of decriminalization, is that I would ask the question: Is ganja or cannabis a dangerous drug? And according to our legislation it is a dangerous drug.

Notwithstanding the overwhelming evidence for positive medicinal benefits based on worldwide research, the evidence for positive medicinal benefits of cannabis is tremendously overwhelming, as we have heard to some extent in the debate thus far. But the report on the Caricom Regional Commission on Marijuana, 2018—and as we have heard from our Senatorial colleague, Sen. Richards, and also Sen. Thompson-Ahye—there are potential negative effects on the use of marijuana, and particularly the most vulnerable group, as research has shown, is our young people, is our youth, as it is most prevalent amongst our teens, as we have heard, through experimentation and all of these things. And I know Sen.
Richards went into a lot of details, but he did mention the effect it has on the adolescent brain not being developed until age 24, as it affects also several domains of cognition, such as memory, attention and learning, and it is associated with lower academic development, compromised social relationships and roles.

Also significant risk factors of marijuana use include younger age of alcohol use, nicotine use, parental substance abuse and childhood sexual abuse. I think it was also mentioned that there is a possible link to psychosis particularly in terms of the genetics of young people, certain groups of persons, as well as an a motivational syndrome and withdrawal and dependent syndrome because I think, generally, one in 10 users become dependent and in younger people, in terms of those in their mid-teens, one in six become dependent on the use of cannabis.

Mr. Vice-President, alcohol is a sedative. Cocaine is a stimulant. Heroin, hallucinogen, and research has shown that, essentially, cannabis or ganja, is all three of those things, and also that cannabis or ganja is the prevalent forerunner to the use of harder drugs. Now, Sen. Cummings did mention in his contribution that—he referred to a piece of research where he said that there was no evidence of increased use due to criminalization. Mr. Vice-President, there is no place in this world where records are kept of who is using marijuana. And I question, I mean, how could such a conclusion be arrived at when a lot of users are silent users, particularly in the case of the less harder drugs like cannabis?

I would ask the question, because what is coming out thus far is that the most vulnerable group are our young people, and does decriminalization signal to our young people that cannabis use is now more socially acceptable or tolerable? And as a result, would they be more willing to use this drug? I would ask: Will we see a significant rise in the use of this dangerous drug by the youth of our nation? If this is the result, then from this perspective, decriminalization would have had a
counter-productive impact on drug use. How do we send a clear message that
decriminalization does not mean that the use of cannabis is condoned in Trinidad?
How do we send that message? For me, Mr. Vice-President, this is deemed an
almost impossible message to send.

Decriminalization would inevitably always be equated with legislation. There is such a thin dividing line, and public perception and the education
necessary to clearly distinguish between the lines of decriminalization and legislation is indeed a tremendous challenge. The message needs to be clear at all
times: any drug use is risky and probably detrimental and damaging to health. It is imperative if this Bill becomes law, that the Ministry of Health—we heard from
the Minister of Labour and Small Enterprise Development about the inputs
regarding occupational health and safety, but in terms of personal health and public health, we have not heard as yet, and regarding the Ministry of Health, that it does
not abdicate its responsibility in this regard.

Just as we were diligent as a nation in advising the public about the use of
tobacco in keeping with the whole international movement coming out of the
research of the negative impacts of tobacco and the effects on your health, and also
public health through second-hand smoke and all of these things which were
mentioned, consideration would have to be given to clear identification of the
health risks associated with the use of cannabis, and dissemination of this very
clear information to the public and particularly our young people; a public
education and awareness campaign regarding these health risks. Mr. Vice-President, whilst we address the issue of social justice, which I strongly
support, all measures must be taken that with this legislation we are not journeying
on the road to really building a nation of drug users or pot heads.

Mr. Vice-President, we also need to look at the possible impact that this
decriminalization of cannabis would have on our health-related institutions, and I think it is never too early for us to assess, as a nation, the outcome of this decriminalization, I say on health, personal health and the impact it is going to have on our institutions, and to be able to plan and to put in effect appropriate measures within those institutions, whether they be expanded programmes, in order to deal with what may come out of this piece of legislation.

Mr. Vice-President, I would just like to refer to what is considered by many to be one of the best models of decriminalization of dangerous drugs in the world, and I refer to the Portugal model, and I would like to just refer to this document: “The Effects of Decriminalization of Drug Use in Portugal” by Caitlin Hughes and Alex Stevens, from the Beckley Foundation, December 2007. And what they are saying in this piece of documentation:

“In July 2001, Portugal introduced a new law…which significantly changed the legal response to drug users. The new law decriminalized the use, possession and acquisition of all types of illicit substances for personal use…”

Not only cannabis, but all drugs.

“…which was defined as being up to ten days supply of that substance. These changes did not legalize drug use in Portugal. Possession has remained prohibited by Portuguese law and criminal penalties are still applied to drug growers, dealers and traffickers.”

As is what is being proposed in this legislation. But the report goes on to point out that:

“The main features of these changes were:”

—of course
• “Ending the use of penal sanctions for drug possession…”

As we have in this Bill before us. And additionally:

• “Introducing a system of referral to Commissions for the Dissuasion of Drug Addiction”

—referred to as CDTs.

“The CDTs are regional panels made up of three people, including social workers, legal advisors and medical professionals, who are supported by a team of technical experts. The police refer people who are found in possession of drugs to the CDT’s. The person appears before the CDT within 72 hours. The CDTs use targeted responses to drug users, including sanctions, such as community service, fines, suspension of professional licences and bans on attending designated places.”

Mr. Vice-President, I am still referring to this report. It goes on to say that:

“The law formed part of a strategic approach to drug use which aimed to focus police resources on those people who profit from drugs trade, while enabling a public health approach to drug users.”

And very importantly:

“It developed from to period of reflection and debate, which included a…report on the National Commission for the National Strategy to Combat Drugs. This led to the adoption…of a National Strategy for the Fight Against Drugs. The prohibition of drug possession through administrative regulations rather than criminal penalties, was one of the 13 objectives of this strategy.”

So rather than a total absence of administrative regulation, this particular piece of legislation from the model in Portugal did retain administrative regulation
where persons, once they were caught with the drug, were referred to a dissuasion centre for assessment and for recommendations for action to be taken, which also included, if it was a first-time user, a recreational user, dismissal, or a recommendation for voluntary rehabilitation, as one of the measures.

Mr. Vice-President, just still referring to this report, in terms of the implementation of the strategy, it says:

“Following the strategy there were several institutional changes in the Portuguese response to illicit drugs and their users.”

And I am reading this out because it speaks about institutional changes, and that was:

- “Establishing CDTs in”—all the different—“regions…"
- Creating a central support department to assist the CDTs and to record all contacts with the CDTs.
- Rapidly expanding the provision for drug treatment…
- Increasing the number of schools that provide drug education.

Refocusing police efforts on the interruption of large-scale trafficking operations”—which I am sure this Bill would allow.

Mr. Vice-President, what we see from that Portugal model is really a switch from a legal and a social approach to the decriminalization of drugs to a human-centred approach where the focus is on, not only the system—the criminal system and relieving the burden on the system and enhancing social justice—but the focus is on the drug user and the need for prevention and intervention in drug use. And I think it begs us to really reflect very strongly on this model and the human-centred approach that it offers.

Mr. Vice-President, in terms of the United Nations Sustainable Development
Goals on which our *Vision 2030* is based on, you know, we do have 17 goals, and the legislation that is in front of us, to me, seems to be focusing on Goal 16 of these 17 Goals, which is “Peace and Justice, Strong Institutions”, based on how it is crafted. But when we look at Goal 3 of the Sustainable Development Goals, it is good health and well-being. And with the passing of this legislation, Mr. Vice-President, I am seeing a paradigm shift, really, in terms of, after this is in place, and what we need to look at down the road, and really and truly, a shift may be from the emphasis on social justice and criminal justice into the realms of good health and well-being, because this would lay a good sustainable base for the future of our nation where we treat with it very strongly as an issue of health and well-being. We must develop a system of intervention, a system of prevention and detailed systems of rehabilitation.

So Mr. Vice-President, in connection with this legislation, I strongly recommend that the Ministry of Health be brought into the picture in a most significant way and that they be given a mandate to address the health and health-related issues, particularly aimed at the most vulnerable group, our young people, through the development of a strategic intervention plan which should be presented to this Parliament within a specified period of time. Mr. Vice-President, I thank you. [*Desk thumping*]

**Mr. Vice-President:** Sen. Tripathi. [*Desk thumping*]

**Sen. Rishi Tripathi:** Thank you, Mr. Vice-President. Mr. Vice-President, I would like to begin by extending my thanks—my sincere thanks—to the Leader of the Opposition for this opportunity to serve, and to my colleagues on all sides. Mr. Vice-President, 11 days ago was a very important day in this country, very monumental day, in which the voting majority, the public, would have re-energized, re-renewed and re-invigorated our mandate to serve the people of
Trinidad and Tobago. [Desk thumping] And coming out of that exercise 11 days ago, a message was sent as well to the Government of Trinidad and Tobago that the policies, plans and performance have been weighed, measured—no pun intended—and found wanting. [Desk thumping]

Now, Mr. Vice-President, with regard to the amendment to the Dangerous Drugs Act, I heard earlier when my colleague, Sen. Mark raised the issue of both Bills going to the Joint Select Committee, he was scoffed at, and I find that very unfortunate because I also reviewed the Cannabis Control Bill that was before the other place, along with this Dangerous Drug amendment, and I found that it is very important that both pieces work hand in hand as one is a regulatory instrument and the other would decriminalize. [Desk thumping] Now, Mr. Vice-President, there is no dispute. Every Member in this House who spoke today had some sort of concern, whether it be societal impact, health risks, safety risks, and seeing that there are so many concerns—I just heard Sen. Teemal mention about stakeholders getting involved, the Ministry of Health, and so on—I firmly believe that this Bill needs some more time, some more consideration and I think that it should be referred to a Joint Select Committee. [Desk thumping] I support the sentiments of Sen. Obika as well.

Now, every time we try to interpret statutes, one of the first things we look at is what is the mischief that the Bill seeks to cure. And in this case here, there is no doubt we all support decriminalization of cannabis-related offences. That is not being disputed here in any way. What we are concerned about would be the ramifications, the side effects, so to speak. Now, I do not practice much criminal law anymore, but from time to time I would be around the Magistrates’ Courts and I would see the operation of the Magistrates’ Courts, and I agree wholeheartedly with the hon. Attorney General that by decriminalizing these offences, what you
get is a reduced burden on the court system. Definitely, I agree with that. However, in my experience, in my humble view, I have seen different types of accused persons come before the court.

Now, I would have seen young men come before the court with a joint of marijuana—one joint; first-time offence, and, you know, we as attorneys would plead and say to the magistrate, “You know, this is the first offender. He has his whole life ahead of him. His future ahead of him. He deserves an opportunity.” But then you also have the individuals who come before the court with that same one joint, six, seven, eight times, and when they come before the court you feel for them. They look hopeless. They seem to have lost their way in society. And that is another aspect that I intend to look at as I go further into my contribution.

There is another type of person that you often see before the Magistrates’ Court, and that would be a person who would come in with, say, 60 grammes of cannabis, a large amount. Anybody who knows what 60 grammes of cannabis looks like, it is a sizeable amount. And they also come in on other related charges. They would come with possession of a firearm; they would come with, you know, possibly other criminal—some indictable, some summary, other offences, and those type of persons, I think we need to distinguish who this directly needs to affect and who will benefit the most from these changes.

Now, looking at the societal impact of this legislation, I recall my own experience, a former Hillview College student—very proud to be; very excellent school. [Crosstalk and laughter] I respect everyone’s school and, you know, the prestige schools, as they are called, they have better mechanisms to cope with young people being caught up in these types of lifestyles. Now, anybody who knows about Hillview College, they know about the hills; they know about what takes place there; they know about the marijuana growing on the hills and, you
know, it is difficult, and I give kudos to Hillview College’s administration over the years for managing that problem, because it is very easy for students to get caught up in that type of lifestyle. Back when I was in high school, many moons ago, one of the issues we faced was that students would take cigarettes from their parents, or they might steal a little alcohol in a flask and bring it, and you know that coming to school at that age, they think it is cool. They bring it to school; they want to share it with their friends. And, you know, with the decriminalization, one of my concerns is that when persons have plants in their home, or 30 grammes of cannabis in their home, what happens when these students pick up this marijuana, roll it and then carry it in the school? They want to show off with their friends. What happens then?

The other aspect of societal impact, as I like to call it, is the culture of excessiveness that we participate in, in Trinidad. It is no secret that, you know, when we are partying, we “not leaving until de fete done, until de sun comes up”. You know, when “people indulging in alcohol, they not stopping until they cannot function anymore”. And that is just our culture in Trinidad. When something is new or if it is something that we picked up on from the US, from some foreign culture, we gravitate towards it and we participate in excessive amounts.

What happens now when persons are allowed to utilize 30 grammes of cannabis and the excessiveness? I am concerned that the excessiveness will affect our young people; it will affect productivity; it will affect the citizenry. But I also understand that we, as a Parliament, and we as a responsible Opposition, we have to take into consideration the interest of all parties involved.

And this is why it is so important to have the cannabis control regulations side by side at the JSC stage with this Bill, because the regulatory framework was very well structured in that Bill.
4.15 p.m.

Now, there were certain aspects of the Bill I did not agree with—I would not go too much into that—but one of the things I liked was the fact that you had licences being provided for research, you have medicinal use, you have religious use which is very important because we are a very diverse society in Trinidad. We have to respect everyone’s religion and everyone’s choices, and that is why I think that it was important for both pieces to work simultaneously. Because right now what we have is decriminalization, and with that Bill at the JSC we do not know when that Bill is going to be passed. That could take months, it could take to the end of next year, and what we are doing is we are allowing persons to have large quantities of cannabis without regulation. And as I go along, I want to mention the health risks associated.

I know Sen. Richards did an excellent job in highlighting a lot of the health risks associated, underdevelopment of young persons’ brains and so on; those are the known ones. One of the things I want to raise is the health risk associated with vaping. A lot of persons nowadays are using THC extract—synthetic THC it is called—and they are using it in these pens, and you know we have a vaping culture in Trinidad now. Everywhere you go you see young people in a corner vaping and stuff like that. Who regulates the THC that is going to be used in these vapes? What is exactly in it, and none of us could know. It takes being sent to a lab or forensics to really know what is in that, and by the time you do that, you know, you will have a hundred other people outside smoking these pens.

There is a worldwide, I would not call it an epidemic, but there is a worldwide—it is a very serious issue where a lot of young people who are vaping now, they are suffering from lung failure and a lot of injuries to their own bodies by vaping and vaping from illegal sources then: homemade, synthetic vapes, and
all these different types of things. I do not dabble in those things, but personally I think it is very concerning. It is something that we need to pay attention to, because whereas with actual cannabis you can see what you get, with the synthetic THC version you do not know what you are getting in it and that is a concern for—you know, I speak mostly for the young people in this country because I would expect the adults to be a little more responsible and mature with their decision-making, but we still have to legislate for all.

Mr. Vice-President, there is a safety risk as well that comes with the way this legislation is put forward, and this is why, again, I reiterate the fact that I like both pieces of law working together, or proposed legislation working together and the safety risk. Without the Cannabis Control Regulations being in effect, where is Joe Public going to get his cannabis from? And I mean, the quick answer everybody will say is that you are allowed four plants, you can grow your own marijuana. But who in society right now is patient enough to sit down and watch that plant grow until it is mature enough to get the product from it? Where are you getting the seeds from? Are you going on the block with the same persons who engage in criminal activity? Where are you getting it from? Are you putting the average man, the average young person, or maybe somebody who wants to try it, at risk by going out there and dealing with the criminal element to buy it? Because at it stands right now, retailing and so on is still illegal, so where do you get it from? And this is why the licensing was important because in other countries the Government plays a very serious and significant part in the regulation.

The Government, in a lot of places, they are responsible for dispensation. They are the bodies alone with the authority to dispense. So that is another issue that I personally see as a problem. I do not know if the hon. Attorney General later on could probably shed some light on that, as well as—another thing that raised a
red flag for me as I mentioned earlier, is the 30-gramme figure. Where did we get that figure from? Thirty grammes is a sizable amount, and what we have to do is—right now I feel like we are in a junction. We are on one side facing decriminalization, but behind us we have full-fledged legalization persons—we had persons championing that cause, and I think the danger we run here is that we are a bit of both. We deal with a bit of both here, because if it is just decriminalization, is 30 grammes, or I saw persons can apply to expunge up to 60 grammes from their record, is that just for decriminalization purposes; or are we heading down the full-fledged legalization route? And if we go down that route, obviously you need your framework, you need your licences. There is a whole lot more that comes with that, that we are not ready as a country to deal with, in my respectful view.

So, as I asked, how did we come up with this 30-gramme figure, and in my research looking at the Canadian model, I think one of the things they used was the 30-gramme figure, and I am really hoping that it is not a case where we just said, “Hey, Canada used 30 grammes, let us just follow them”. Because 30 grammes being a sizeable amount for personal use, you know, when you look at the Canadian model, every Province is regulated by the Government. The dispensation is dealt with by Government authorized agencies. In fact, they have the full-fledged legalization. They have the market. It is booming across there; it is doing well for them financially. In a lot of cases it self-sustains itself because they make so much revenue from the cannabis market, but we are not dealing with that aspect of things here because if both Bills were side by side, that could have been an argument made.

They also have a lottery system whereby fit candidates could apply, companies and so on could apply, to retail, but again the dispensation is actually
regulated heavily by the Government. I looked at the Nevada model because I understand now in Las Vegas it is—you know, Las Vegas being home of so many activities, nightlife, and so on, marijuana is actually legal there now, and what happened with them is—but they also have—the fact that the US model deals with alcohol and cannabis for persons over 21 years, we deal with 18 and over. That is our adult age, but for alcohol and cannabis across there you have to be 21 years and over.

Mr. Vice-President, one of the other problems that I saw an issue with was the 60 grammes being the limit for persons who can apply now to have their records expunged, and why is it that we are saying we are decriminalizing up to 30 grammes but we are allowing persons to expunge their record up to 60 grammes? That is something I really do not understand because you have—I understand the AG mentioned earlier that there will be ticketed offences, and so on, but the fact is if it is 30 grammes you are allowed to have in your possession, why is it that we are expunging the records for persons with up to 60 grammes? And as I mentioned in my personal opinion and my personal view, when you go before the courts and you see individuals with the larger quantities, they are often the ones who deal with other types of criminal offences as well, possession of firearms and related offences. So perhaps the AG could elaborate on that a little more.

I also have a big issue with the ability to grow four plants right now, because the reality is if we are decriminalizing, to me the four plants in your possession, it speaks more to full-fledged legalization and going down that road, and again that is something that we need to pay particular attention to. Without regulations that could be a very dangerous issue.

In the other place I listened to the hon. AG on Wednesday and the Minister in the Ministry of the Attorney General, speak boldly about the extent of the
consultations, how they met with so many public interest groups, and I swear to you, Mr. Vice-President, if you listen to them by themselves, the hon. Members, you get a sense that this country is a paradise, everything is perfect, but every morning when you wake up, you look at the news and there are 500-plus murders for the year. People are being robbed, people are being displaced and there is so much [Desk thumping] pain in this country. And what I want to know is that with the extent of all these consultations, why is it that us as a responsible Opposition, we are still getting complaints from several large organisations within the country, whether it be religious, whether it be social justice?

We have so many organisations writing to us with their concerns. Now, they are not saying necessarily that they are totally opposed to decriminalization. What they are saying is, with everything else, we need regulations and we need to put the proper infrastructure in place. Because as we saw recently, I was very saddened to read in the papers a fairly young person working in Scotiabank, under the stress placed by the Government with this demonetization exercise, passed away.

**Sen. Baptiste-Primus:** That is not true. She had a previous heart problem.

**Sen. R. Tripathi:** Well—you know that?

**Sen. Baptiste-Primus:** That is not true.

**Sen. R. Tripathi:** Okay. Well, you probably—the hon. Member probably saw the autopsy report. I did not, but the fact is, that matter aside, anywhere in this country you go, there is chaos; lines outside the banks and people suffering, and that is a—[Crosstalk]

**Sen. Gopee-Scoon:** Point of order.

**Sen. Mark:** What is the point of order?

**Sen. Gopee-Scoon:** Point of order.
Sen. Mark: Yeah, but what is the point of order?

Sen. Gopee-Scoon: 46(1).

Sen. Mark: “You outta order.”

Sen. Gopee-Scoon: He is going down a wrong road.

Sen. Mark: “Wah you mean a wrong road?” [Crosstalk]

Mr. Vice-President: Okay. Okay. Allow me to rule.

Sen. Mark: Yes, Sir.

Mr. Vice-President: Senator, just be mindful about the comments that you are making specifically. Okay? Continue.

Sen. R. Tripathi: Thank you, Mr. Vice-President. Mr. Vice-President, the point that I am trying to make is that proper regulation is necessary, and they could fight it as much as they want, [Desk thumping] it is not the first time in this country in the last four years that we have seen a lack of regulation and proper infrastructure put into place before laws are being brought to the Parliament and we are asked to support it blindly.

Mr. Vice President, another issue I would like to touch on would be the involvement of the Trinidad and Tobago Police Service. With the extent of consultations taking place, I would like to know from the hon. Attorney General what was the stance of the Trinidad and Tobago Police Service in this entire exercise, considering for a long period of time they have been the ones eradicating cannabis plantations in the country, and they have been the ones upholding the law, so what is the opinion, what is the direction from the Trinidad and Tobago Police Service? Do they support this? What is their view on this? And I also want to know, the Commissioner of Police Office, are they equipped to handle the thousands of requests that are going to come forward for persons to expunge their records under section 50K of the Police Service Act?
We have often heard about resourcing complaints and the police service being under-resourced despite the Government saying otherwise, and I would like to know what provisions are being made for the Office of the Commissioner to deal with this because that is a serious issue. You are going to have thousands of applications to expunge your record. So that is something that I would like to get some insight into. How do—another issue I would like to address is—Sen. Richards touched on it briefly—persons driving under the influence of cannabis, how do we deal with that? Is the police service equipped to deal with that? I understand that in the US there is new technology now, breathalyser-like technology to test your blood levels, and so on, to see if you are under the influence of cannabis. Are we getting that technology? Has any thought gone into that? Because just like alcohol you are going to have persons who may be inclined to smoke and drive, putting other road users at risk. So that is also something that we need to pay attention to. How do we tell who is under the influence and what provisions, if any, are being put into place?

Now, I am happy to see the other dangerous drugs like the amphetamines, and ecstasy, and so on, being added. Because I remember on my last occasion here, I remember Sen. Richards raising the “zesser” pill issue as a matter of public importance, and that is something that I am very happy to see being added to the dangerous drugs amendment. I also believe that education and outreach is very important, and as much as we have person’s records being expunged it is important especially for the youngers folks involved in this exercise to learn and to receive some sort of rehabilitation to help them move away from these habits if they are addicted, because we do not know, some persons may be addicted, some persons may be just trying and a victim of circumstances but it is important that we have a rehabilitation and some sort of counselling provided.
With your leave, Mr. Vice-President, I would like to refer to an article today. I am a big sports enthusiast and I follow Major League Baseball. I know not many people in Trinidad do, but it is very important to note because American culture being what it is, they have reached a point where they have removed marijuana as a drug of abuse from Major League Baseball and that is very ground-breaking because they have very strict regulations as to what athletes are allowed to use and not allowed to use. And even so, the article is on the ESPN website, so it is entitled, “MLB, union agree to opioid testing; marijuana removed as ‘drug of abuse’”. And as we mentioned, decriminalization is not the issue, we all support that. But in this article it speaks to the Major League Baseball unions requiring significant evaluations, significant testing, significant emotional and psychological support for persons who were found with marijuana in their bloodstream.

Now, what this says to me is that even an organization as big as Major League Baseball which deals with billions of dollars every year and high performance athletes, what they are saying is that despite it not being an issue anymore, or a crime so to speak anymore in baseball, what they are saying is that there is a level of counselling and rehabilitation required so that these persons do not throw away their entire career or throw away their future by using cannabis. There is another issue that was raised there and that is that synthetic THC is not allowed. Despite cannabis being allowed, synthetic THC is not allowed for the same reasons I mentioned earlier, which is that there is no way of knowing what you are smoking and that is something that needs a lot of testing and evaluation.

Mr. Vice-President, a lot of points, good points were made today, and you know, as the Opposition we support the decriminalization but we believe that this Bill should go to a joint select committee just like the Cannabis Control Bill. We are committed to serving the people of Trinidad, we are committed to good laws
being passed, and with that I thank you.  [Desk thumping]

Mr. Vice-President:  Sen. Young.

Sen. Ndale Young:  Mr. Vice-President, I thank you for the opportunity to contribute to this Bill entitled, an Act to amend the Dangerous Drugs Act.  Mr. Vice-President, while sitting here and listening to the different contributions being made, before I even get going I want to give thanks to the Attorney General, to the political leader, to the Prime Minister for bringing this front and centre, this issue of marijuana front and centre.  I heard a lot of people, a lot of Members reading from different anecdotes, and papers, and that type of thing, and in my own research I came across a number of digests about marijuana and the consumption, and edibles, the difference between edibles and actually smoking marijuana, and the fact that some of it cannot be regulated.  But today in my contribution, I focus, as other people would have focused, on the use in particular, because it is near and dear to my heart in some of the offices that I hold.  And in my recent operations in where I am from in Barataria—Barataria/San Juan to be exact—I came across some of these things that we are discussing as a matter of instances in a very real type of way.

One of those stories was a young man by the name of Shaquille.  Now, Shaquille lives in Thomas Street in Sunshine, San Juan, and when I met Shaquille out on the street just walking about trying to engage the people in the community, he called me aside after speaking briefly and he said, “Boy, I really want something to do”.  “I want to get a lil wok.  I want to do something.  I want to better my life.”  So I asked him, “Well, you know, what you have”?  “What can we do? You have any passes”?  He said, “Boy, I have nuttin, I have nuttin”.  So I said, “Wah you mean by you doh have anything”?  And he started to explain to me his life story.
Now, Mr. Vice-President, I would admit I did not go to a prestige school like Hillview, or “Pres”, or “Naps”, I went to Success Laventille Composite and, in so doing, a lot of these cases and a lot people who deal with these marijuana and that kind of thing, I came across a number of them, but I never understood the story as Shaquille would explain it to me. You see, Shaquille at the age of 14 was sent to YTC because his parents could not handle him and they found him with some marijuana, and the stigmatism of marijuana at the time, they did not even know how to handle that. They find that the boy had weed, send him to YTC. He was there until he turned 17 and a half.

However, the story went, he came out, and sometime thereafter, after being 18/19 looking for something to do, by now, not having any education because he did not get a chance to finish school—was doing very well before—and looking to see if he could get a trade or started Servol to see if he could do plumbing and so on and so forth, but by now in YTC he would have gotten addicted to marijuana while being inside. That is another issue by itself. And one day in San Juan again, with having a stick of joint in his hand, got locked up again. The next time he came out he was 22 years of age.

The total time spent in the general population was round about seven months of his life from 13 to 22. So much so, in attempting to take him to get a pair of pants—because he did not have a long pair of pants—I took him to Grand Bazaar, and he looked about the place and he say, “Boy, here nice boy. How you does reach here if you want to travel”? And I said, “But you are living San Juan, you have never been to Grand Bazaar”? He said, “Boy, I haven’t been much places in Trinidad, you know”. He said, “other than up on San Juan hill and in de jail, dais all I know”. And I give that story because the fact, one, the stigmatism of marijuana from the parents, and the fact that it was easy for him to get locked up.
after he came out with the stick of marijuana and gone back inside for around about two years—now, that two years did not see him having a trial, eh. It took two years for him to find somebody that would bail him because he had a simple bail but nobody to bail him, and he came out.

I took him with me and we worked, and I was helping him to get stuff done. I got him to work with CEPEP and to do different things, and I would go and check him from time to time. And one day Shaquille who—at the point in time when I asked people for Shaquille—they did not know his name, eh. They said, “Shaquille, who is that”? “We have nobody up here.” And when I said “32”, then they knew who it was because the language and the jargon in these places, that the nickname is more important than the name. And when I asked for him one day they said, “Well, he lock up”. And I said, “Well, how could he be locked up”? “I think the man doing good. He tried to rob somebody?” They said, “No”. “He and a family member had an argument over some food. The family member who offered their land for the deed to bail him, decided to remove that deed and at the next instance he was locked up.”

All still because of a joint of marijuana two years before. While doing yeoman service, helping old people to do this, and cleaning up their yard for a little extra money, and doing all that trying to be a reformed citizen in the process, was unable to see the light of day. Up to today, Shaquille is still in Remand Yard, today as I speak to you.

So with no disrespect to the hon. Members opposite that say well, we need this to go to a JSC, and we need this, and we need that, well, we want the both of them to come together. Having the revenue authority deal with how we are going to dispense and how we are going to regulate, is much different to the decriminalization that is needed now, if for nobody else, for the sake of Shaquille
that is sitting in the prison today because he is unable to make bail, simply because of that.

Now, against the background of the numbers that the hon. AG gave us in terms of 8,500 cases per year, it is with my research that 67 of that population is from 18 to 30.

**Hon. Senator:** 67 per cent.

**Sen. N. Young:** 67 per cent from 18 to 30. Notwithstanding within that, the 18 to 25 bracket is about 52 per cent. So most of the youths that are held, that are backing up in the van and passing in the justice on time, they would not have an opportunity to be properly educated, and the effect that this has is the tripping of a number of other laws, and if you are not from the jungle you will not understand the laws. But I will tell you, when you are not educated at 18, you now become criminal stock because even if you want to do better—and I can call 25 names of gentlemen.

I kept a meeting one day and I said, “Listen, we are looking at, you know, having proper employment, something to do”. Thirty-nine gentlemen came within an hour, said, “Listen, we don’t want to do nothing illegal”. “We will work hard for what we—we just want an opportunity”. Every one of them, none of them had a pass. Of all of them put together, none of them had one pass, and 30 of those gentlemen were released within the last year. Just came back out into society, nothing to do, no reform, no nothing, and he just—back out onto the street.

Now, the part about that is—another thing that Shaquille taught me while we were up there is that, you see this AR-15 law that we brought to this House, the effect that that has in these places is that when you tell a gentleman—I was having a conversation with a group of men and I said to them—they said, “Well, when you get this marijuana law, if you selling or if you doing this, how you protect
Dangerous Drugs (Amdt.) Bill, 2019

Sen. Young (cont’d)

yourself with a one pop”? “No, you have to have an AR.” And I said, “Well, if the Bill is passed, when you have an AR that comes like murder, no bail, 120 days”. And a man said, “No bail”? He said, “Well, nah, I go ha to get rid of dat gun”.

Hon. Senator: He was not serious.

Sen. N. Young: “Nah, ah dead serious.” And he said, “No bail?” Because they know you could go in, “get hold”, reprimand and discharge within two to three weeks, you are outside, or even if you have a case, the case is running, the lawyer is beating that case and you are back outside with a firearm.

But I am saying the stock that the criminals use—I am talking about the ones who are higher up in the tier, is the stock of these people who have not been educated, and many of them have been robbed by the fact that they were on a charge with marijuana, they went to prison, they now have a case, unable to be educated, and now they are sitting down on the block, they are still smoking. Like my colleague said, they just “dey” in a group smoking with nothing to do, and a man said, “Well, sell a pound, nah”. “You go make ah money.” Excuse the language. And with that pound, well, you will have to be able to defend yourself. So while they drop the pound they drop an AR.

Hon. Senator: What is an AR?

Sen. N. Young: AR-15 for those of us who are—semi-automatic rifle. [Crosstalk and laughter] Excuse the local parlance.

So it is important for us to understand that while we talk about this Bill in almost like a fairy tale type of way, “well, you know, lots of people will be”—this is real to some people. [Desk thumping] This is not just life or death. It is real to some people, so much so, a gentleman who probably never understood that the Parliament had a channel, when we brought the marijuana law asked me, “How
you could get to see the Parliament channel”—the first day when it came in the Lower House. I said “well, if you go up on thing—” “It on YouTube?” “Yeah, pull it up on YouTube and you will see it live.” And for the first time ever he said, “Boy, I will sit down and look at this because they passing the weed”. I say, “Well, it is not that easy, eh”. “There are many more things to happen and we have to work out the thing before the thing actually pass.”

But the point I am making is this, the Government is by no way condoning, advocating, putting a blanket statement out there that smoking weed is it. We support the views of Sen. Richards that the facts are there. Fifteen to 25, it hampers development of your brain, cognition is affected, a number of things affect, and we are saying do not do it. And just like with alcohol, just like with smoking, just like with everything else, the necessary regulations and all of the education that will go with that will be in place, but the fact still remains that while we are attempting to legislate for a perfect society, we have the society that we have today, and today Shaquille is in Remand.

So I am bringing this home in a very real type of way in terms of my experience. And coming out of this type of experience, what I have decided and I indicated to the AG, is that the education that rolls out cannot be in the regular form, and he has already indicated it is not going to be just aggressive in terms of flyers, and pamphlets, and Facebook posts, but to get into the communities and to get hands-on experience to indicate to them this is what it means, this is what can happen. You can have four plants, this is what it is. These are the effects of doing this. You do not want to smoke this around your baby because you will have adverse effects, probably some of the reasons why some of them have some illness. That is the type of—

Mr. Vice-President: Senator?
Sen. N. Young: Sure.

Mr. Vice-President: Hon. Senators, the time is now 4.45 p.m., I think we will take the tea break. So this House will stand suspended until 5.15 p.m.

4.45 p.m.: Sitting suspended.

5.15 p.m.: Sitting resumed.

Mr. Vice-President: Sen. Young.

Sen. N. Young: Thank you very much, Mr. Vice-President. I do not intend to be much longer in so much as many of the points have been exacerbated by a number of other speakers.

But, in presenting this, I want to give credence to the hon. Attorney General for bringing what I consider to be a balanced Bill. So while many may focus on the fact that we are decriminalizing marijuana and the use of marijuana up to 30 grammes and we are looking at over 30 grammes to 60 grammes is only a fixed penalty notice, I also take note of the fact that coming out of the other place, some of the amendments made have made it clear that we are about making it safe for children. We are about setting some sort of boundary for the users, inclusive of the fact that in section 5(8) that speaks about the use of the marijuana in the premises of nurseries and kindergartens and early childhood care centres.

This, along with the fact that a number of the fines and penalties and jail times have been increased exponentially, sends a strong signal that while we understand the recreation of marijuana, while we understand the medicinal purposes, while we understand the benefits to the many communities, the Government and the AG is still responsible enough to take into cognizance that there are a number of violations that take place even now. Because as it is unregulated, usually, where I am from, you can meet the fellas “on de block that is smoking right outside the school, opposite the school” and that in itself is not a
charge by itself but this law brings that into a charge by itself notwithstanding having marijuana.

So I want to point out the fact that many speakers have indicated and pointed out the fact that balance is necessary but I think even in bringing this legislation to be passed and sending the other legislation to the Joint Select Committee, it shows a balance of what is necessary to be done and what can wait, because I think above everything else, nobody can argue with the fact that the Judiciary, the legal system, the pressure that it puts on individuals, the fact that our system is unforgiving in its natural state. Even natural justice in Trinidad and Tobago, it is usually unforgiving.

I was a board member of Vision on Mission and I remember quite clearly some people may go to them to ask them to have people to come to work. They did not care what you were convicted with. “He is ah criminal?” “No, well he only got some possession and he had ah wrapper”. “But he went to jail, well he is ah criminal.” I have seen people sit down and look at the news and when “they see somebody geh lock up, people make all types ah statements dat yuh should geh rid ah all ah dem, lock all ah dem.” But the fact remains, until it becomes your son or your daughter, then well, “the police wicked” or then you are innocent until proven guilty.

So I say all that to say that I am grateful to be a part of this august place that will pass such a Bill that I can tell my children and grandchildren once upon a time, we lived in a place that was kinda unfair to you but because of what was done here today, things will be a little bit better.

Mr. Vice-President, I thank you for the opportunity to contribute. [Desk thumping]

Sen. Dr. Maria Dillon-Remy: Mr. Vice-President, I thank you for the
opportunity to make a very short contribution to this Bill entitled a Bill to amend the Dangerous Drugs Act, Chap. 11:25. I have really enjoyed the contributions made so far in the House today and in spite of the fact that there have been some things that have been repetitive, I think people have done it in their own way and it shows me that at the level of the Senate, people are interested in our nation’s development, particularly our youth. In other words, this is not just another thing for us. It is so important to people that they are making excellent contributions, so I just congratulate my colleagues who would have gone before.

Mr. Vice-President, because I am this late in, lots of things that I would have liked to say have already been said. However, I want to thank the Attorney General that the Bill that is being brought today is not a Bill to wholly legalize cannabis use in Trinidad and Tobago, because I would not have been happy with that. I fully understand the delicate balancing that had to be done to come up with the Bill that is before us today and, Mr. Vice-President, while I do appreciate what is being attempted in the Bill, for instance, clause 4 where the attempt is being made to remove from the prison population the thousands of small men who are in remand for possession of less than 30 grammes of cannabis or 100 grammes depending on what they have there for, as mentioned by the Attorney General when he gave the statistics. I understand that it is more than just looking at the criminal justice system.

Like Sen. Mark said about the medicinal use of cannabis, I would have preferred to see the regulations as the hon. Minister said that are in draft now because, for me, the big thing about cannabis use at this point in time, is its use for medicinal purposes, legalizing that for medicinal purposes in Trinidad and Tobago and I am looking forward to see the regulations, hon. Minister.

I would like to focus my attention, Mr. Vice-President, on the effects of
cannabis use in children. In utero, we have issues with the use of cannabis by pregnant women and well, some of the presenters have also spoken about the youth, especially in teenagers. Because while we try to balance this matter about decriminalization, we must consider the effect on children. Sen. Richards and Sen. Tripathi and Sen. Teemal did go into this matter in terms of the young people, but I would just like to put another few points on the table. Trinidad and Tobago, the Global School Health Survey of 2011, the ages of the students surveyed were between ages 13 to 15 years. That survey shown that 7.4 per cent of girls and 11 per cent of boys had used marijuana one or more times in their lives, 13 to 15 year-olds. The question is: Would this Bill cause these numbers to go up? It has already been mentioned that probably some of our youth may feel that decriminalization makes it safe to use it now. Would this number go up?

Mr. Vice-President, I am concerned about children in the homes where the four cannabis plants are growing. We have many homes where the children—well, there are many homes in a yard so you could have, let us say, four or five homes in that area and suppose you have four plants, each house legally holding four plants in it, the children in that yard would be exposed to, I would say, almost a plantation. I mean, it may sound ridiculous but the truth is that that is what the law says, it is legal to have four plants in a home and we know that we do have lot of places where there are many homes in a yard and many children in that area.

Mr. Vice-President, permit me to quote from a World Health Organization Report 2016 on “The health and social effects of nonmedical cannabis use”. I will just point out a few areas.

“Neurobiology of long-term cannabis use”

Page 15 of the report says:

“The daily use of cannabis over years and decades appears to produce
persistence impairments in memory and cognition, especially when cannabis use begins in adolescence…”

Continuing to quote:

“Brain imaging studies compared school students who are regular long-term cannabis users and non-using students typically find poorer cognitive performance and large decreases in perfusion in the former…”—that is the one who are regularly using—“using SPECT scans…These changes could partially explain the lower educational attainment and lower grades among chronic cannabis users…”

Page 17 of the report continues:

“The adolescent brain seems to be more vulnerable to cannabis than the adult brain, and early initiation of heavy use appears to disrupt the trajectory of normal brain development. Heavy or regular adolescent cannabis users manifest a range of cognitive deficits, including impairments in attention, learning and memory, and an inability to switch ideas or responses. These deficits are similar in adults, but in adolescents, they are more likely to persist and may recover only after long periods of abstinence…”—from the drug.

The report also talks about prenatal cannabis exposure. Quoting:

“Nevertheless, accumulating evidence suggests that prenatal cannabis exposure may interfere with normal development and maturation of the brain. Children exposed to cannabis in utero demonstrate impaired attention, learning and memory, impulsivity and behavioural problems and a higher likelihood of using cannabis when they mature…”

In other words, the vulnerable, here we are talking about children in utero and the young children and the adolescents are specifically at risk for long-term
effects of cannabis use. Cannabis is also responsible for non-communicable diseases. There may be associated increased risk of strokes particularly in younger adults and testicular and prostate cancer, cervical cancer, heart attacks, et cetera. The article did say though that this area may need further research.

I agree with the hon. Attorney General’s statement about the significant effort to prevent initiation of use in cannabis in youth. The hon. Minister spoke about education, education, education. My concern is that if we make this decriminalization something that is sexy, our youth may feel that they have licence to use and so increase, as one of other presenters said, in other words, them thinking that it is something that is sexy to do and therefore we could do it more than we were doing it before. In other words, moving from 7 per cent and 11 per cent to more than that.

Sen. Richards spoke about the issue of the impact of the reintegration of persons who are now incarcerated. Again, getting people out of prison is excellent but what happens when they come out? Yes, their records are going to be expunged but we also have to look at things that will have to be done to make sure that they do not just come out of prison but they do not go back into prison because they would have had the systems put into place to make sure, not just that they do not have a criminal record but that efforts are made to make sure that what is done with them outside, make sure that they do not go back in. Efforts are made to do that.

While we are talking about education in terms of prevention, we also have to make sure that the education also goes in terms of the parents. The children do what they see the parents doing. People do what people see and therefore the children who are growing up, particularly in the schools, adolescents, are using drugs because most likely, they would have had the experience at home. So as we
are talking about prevention and education in terms of preventing children, we also have to make sure that we get the parents’ involvement. And I like Sen. Young’s statement about community involvement, not just in terms of what happens in terms of reintegration but community involvement in terms of making sure that people understand that this is not something that is good for you, you know. But we have to make sure that efforts are being made, not just to speak it but to walk them through the issues and it has to be community-based. I am agreeing with you, Sir.

Mr. Vice-President, this decriminalization matter brings several changes in its impact and processes need to be explored holistically, not just from a criminal justice system. There are several systems that need to be put in place. For example, clause 7, the new section 5C on page 15 that talks about:

“A person who -

…under the influence of cannabis, does anything that contributes negligence…”

—et cetera.

“(b) has…in his possession-

(i) on a school bus…”

—et cetera. Then:

“(c) operates, navigates, or is in actual physical control of a motor vehicle…”

—et cetera. How does the police officer know that that person is under the influence of cannabis? Currently, the police could use a Breathalyzer for testing for alcohol but testing for cannabis currently involves a urine test. Who and when would that test be done? We would have to make sure that the systems are put in place.
Mr. Vice-President, in summary, while I understand what is being attempted by the Bill, I strongly recommend that as a Senate, as a Parliament, we make it very clear that as a nation, drug use is undesirable. It is not good for us, especially our youth and we must ensure that if this Bill is passed, every measure should be put into place to make sure that we make every effort to prevent drug use.

I thank you. [Desk thumping]

**Sen. Dr. Varma Deyalsingh:** Thank you, Mr. Vice-President, for allowing me to partake in this Bill and I must say upfront every fabric of my being sometimes would kinda hesitate in supporting this Bill, because I have been trained about the evils of drugs, the evils or marijuana, the evils of cocaine and somehow, with that training and what I have seen and horror stories that I have had, it has me going through a certain level of disquiet, which I started about a few years ago when the discussions on the world scene, it was left that different countries were supporting the need to decriminalize or even to legalize marijuana.

So I might say I may have that bias from before but as say I was open to look at the literature, look at changes, look at what happened in other countries and see that if we are going that way because I understand both the Opposition and the Government wants it to go that way, you have, we have to see if any sort of recommendations could be made and other Senators did bring up certain issues like the effects on children, what could we do to prevent that, the social effects that may fallout that may come.

So, Mr. Vice-President, I heard Shaquille’s case where Sen. Young mentioned that area and my clinic in Barataria, the Mental Health and Wellness Clinic, we actually cater for patients around that area. We look at patients from Beetham, Morvant, we look at Barataria, El Socorro, St. Joseph so it is a wide spectrum of persons we see and yes, I understand the plight of Shaquille and I understood, you know, what
do we do with young men like that? And part of the solution, Senator, I remember when we had young persons like that, part of the recommendations was we have to get a mentorship programme for him. Because remember this guy never even saw Grand Bazaar and he lives there. So mentorship programmes mean persons come in, we identify their levels of—you know they may be exposed to the gang in that area, we have a duty to latch that guy on to the other families to say, listen, this is another way of life and this I think is something that we may have to go forward if we want to save our youth.

But as we look at Shaquille, I want to now go on the other side. I want to mention the plight of Ernestine. Ernestine is a mother from Never Dirty, Morvant. She has a 27-year-old son and when she came to me, her son was actually stripping, walking down the streets, picking up stones, pelting people, causing what we call social distress and certain communities will never like persons and individuals like that around them because it really causes some social distress to the neighbours, to the mother, the embarrassment and always being called out. Police has been called. So people are totally fed up with her son. But poor Ernestine, she comes to us at the clinic from time to time and you see, if I support this piece of legislation, she would come to clinic next Tuesday and she would really abuse me. I could understand verbal abuse. She will say why I did that.

Because since her son was 15 years and first started marijuana, she came seeking help. We could not help him because he was a minor, so you had to go to the child guidance clinic and it took about two years before he could get an appointment in the child guidance clinic. So he was left there, he was left to just continue using the drugs and he tripped. And this was a guy who had great potential, attending a high school, mother would supply books, was proud of him and suddenly, came for help, we were not able to help him. Child guidance took
too long. So we failed this guy and this is where I am looking at. We have failed certain young persons and we will continue failing them unless we put things in place because if we are going to open up the scenario, as Sen. Dillon-Remy mentioned, we have to put things in place to catch these individuals and somehow bring them in to help them.

So this 15-year-old guy, now 27-year-old, still causes a problem. What is the stress she has? She has stress, one, when he starts to walk down the place, they call her from her workplace. The neighbours call her. Recently, he moved into a church and slept naked in the church and the community there wrote a letter to us in the clinic; how could we help this situation? The difficulty she has also is when she calls for an ambulance, she does not get the help, the support service to say that my son is “trippin”. And this is something I wanted to mention.

Netherlands and Holland and all of these places, they can have beautiful pieces of legislation to legalize, decriminalize but somebody starts to walk down in their streets, their main roads, naked, be assured an ambulance will come and pick up that person and get them into an ambulance, like a hospital. They have the back service and this is what I am saying. If we are going to support this, we need back up service, we need an ambulance service that can come on-board, we need mental health officers around the clock, 24 hours that the police can call and say listen, we need help to apprehend somebody moving there. They can still hook on to the global ambulance service but at least, you know that person is taken away into St. Ann’s Hospital. So two problems there. We need to have mental officers around the clock.

Number two, St Ann’s Hospital I mentioned, some time ago, that previous administrations and this administration said they want to close down St. Ann’s Hospital because, I do not know, the cost factor. It costs a lot to keep people in St.
Ann’s Hospital. But if we do not have places to put these individuals, they are going to create a social distress. If more persons are going to trip and more persons are going to have psychotic breaks and we do not have places to put them, we are going to leave them in society and you find now, the persons who are out there who are already stressed out with the bandits and traffic and unemployment, you are going to put that added burden of stress. So the Government may have to look at somehow revisiting the closure of St. Ann’s Hospital because you need places to house persons who may fall out from this situation.

So as I go on, Mr. Vice-President, I have another patient, a teenager. His parents are two attorneys and they came to me and say look, this 16 year-old boy does not want to go to school. He is buying the weed and he is smoking the weed and he is only playing video games whole day. So this is his life, no motivation. They will cry, they will plead, they will try to stop him and he threatens them. He almost hit his father down recently. And he will go out and he will get his weed and he will come back. Now, what options do they have there? A parent there. There is no place—a clean, safe place that if my son trips tomorrow, I can want to call a social work department and say, “Carry my son there, I cannot cope with him”.

Long ago, you know, we could have carried them to certain homes, like St. Jude’s Home. You had to go to the Magistrates’ Court. Now St. Ann’s Hospital has a ward where there are six children. If the court determines that those kids need to be placed there, they will place them there. So we have to create spaces for the young population who may be tripping whose parents cannot do anything. What choice do you have? “Yuh can call the police, yuh can call the social workers”, but the fact is you are faced with a child there and you understand you are caught between a rock and a hard place. If that child is there, is St Ann’s
Hospital the correct place? But you know, parents cannot cope, it is a helpless situation.

So we have to create situations like that to know where we are going to put them, safe places where we can keep those children, where we could guide them, teach them stress management. Help them with any sort of video addiction they may have or game addiction and you know, give them techniques on how to help their life skill. So all these are challenges that this Bill will have to push out there that we as the legislators will have to look to see how we are going to manage that, because then we will be doing a disservice to people by having legislation and giving a greater degree of social distress.

So I have seen the cries of parents, the frustration of mental health workers in St. Ann’s who say, well, you know, doc, this patient was there last week. He came in with drugs and psychotic and we treated him. He does not want to go to Caura because Caura is a voluntary programme. We have the Substance Abuse Prevention and Treatment Centre. If his parents are willing to pay for him to go to other institutions like, you know, where you could pay and stay in those institutions and he does not want to go. That individual is let back out because we do not have space in St. Ann’s and back in the society, back on drugs and it comes back. It is a revolving door syndrome and quite honestly, somehow we have to put legislation in place where we could get those individuals and probably have mandatory rehabilitation for such individuals because we are going to be spinning top in mud with this coming back and forth.

So, Mr. Vice-President, I know the ill effects of marijuana and I just want to mention that, you know, while I was pleased that Sen. Richards went on to some of the effects that they see, the fallout that they are having in the other countries with legislature for the use of marijuana and he mentioned the driving, he mentioned the
fact that the emergency departments are being filled and those are things that alarmed us, because we were looking to see what sort of fallout we would have.

But I must say, you know, marijuana by itself is a safer drug than alcohol. It does not really cause death, it does not cause coma. So if you have to compare alcohol and marijuana, marijuana is what I would support. So I might say that. You know, you do not really get addicted to such so, so it is drug then if I had a choice, I would say marijuana but put some more levels of control over the alcohol. Remember aboard, in America, 21 years and over before you could use alcohol. So those are things we have to say, if we are going to lose marijuana, why we do not put a little restriction on the alcohol? And this is what we may have to look at. Because what I am saying, both of them out there may cause an additive cumulative effect and we see right now, we cannot deal with what we have available. So this is my fears that we may be opening up a Pandora box where more persons may go on the marijuana, may go on the alcohol and cause a great social distress.

Sen. Dillon-Remy mentioned the fact that there is a study that was done and I looked at the use in schools and this study, Mr. Vice-President, I, too, looked at the youth and I am thinking, how could we get those youths? How could we get those individuals to move out from the block to get into a programme? Government has billions of programmes: the MiLAT, CEPEP. They have things that we asked our social workers to get those guys involved, they do not want to go. They are getting a stipend and sometimes they go there and they do not want to go in those programmes. So I am thinking, you have the youths there, they are idle youths and I am saying we may have to criminalize against idle youths. How are we going to do that? If you are less than 18 and you are not in school or a training programme or “in yuh father’s business”, if it is farming, then you have to
be in a place. I do not want to call it boot camp, you put them in some kinda camp, call it youth camp, but let them be involved there rather than sit on the block idle.

**5.45 p.m.**

So we may have to look at those measures to get the youths that—

**Hon. Senator:** Service.

**Sen. Dr. V. Deyalsingh:** Yes a service.

**Sen. Vieira:** National service.

**Sen. Dr. V. Deyalsingh:** National Service, yes. So we have to look at that service for those youths because I think they would be caught under this. Yes. The unmotivated youth they already have a challenge, and you see, marijuana by itself causes Amotivational Syndrome, I think was mentioned by Sen. Teemal. So they may smoke and all they would want to do is sit down all day, they laugh, they giggle, they do not have the drive. We already have a challenge with our young males in the educational system. You look at all the admissions in the University and the young males are falling back and this is what I am frightened for, that this may now be an additive effect on that, because we are challenged now to get that young male to study.

I have three boys so I am scared. I have no daughters, if I had a daughter I will say well probably she will be a professional but with three boys I say, I hope they do not have that level, you know, those guys do not want to study. The guys out there now we have to motivate them. We have to get them out. And this is a challenge that we have in the educational system. We do not want to create a nation of young happy zombies, because they are happy, they laugh and they are happy all the time.

There was an accident I saw once, where some guys in a car actually struck somebody and the lady came out and she was bleeding and they were giggling. So
they could not even appreciate the damage that they had done to this 62-year-old lady who was bleeding and they were giggling about it, “Oh, why we did not take a turn”. So the level of the drugs could cause problems. You see marijuana could cause reduced ability to think, focus, concentrate, it causes—academic performance will fail.

**Mr. Vice-President:** Senator, just a matter of caution. So a lot of what has been said before is along those lines and what you have said prior brought a new dimension to the argument even though some of the points were said before. But if you are going into the benefits, and the negatives, and the positives, that part of it has been said ad nauseam by almost every single Senator that has spoken thus far. So you are running into a realm of tedious repetition if you are going down that road. So I just caution you because if you have anything new or a different dimension going forward, then I invite you now to bring that forward and there is no need to go back down over the negatives and the positives of marijuana use.

**Sen. Dr. V. Deyalsingh:** Thank you, Mr. Vice-President, so guided. But, I just wanted to mention the fact that we have to get at the youths, we have to get at the youths and recently I just want to quote a newspaper, Diego Martin North Secondary School, Loop News, there was a Trinidad, “Six school girls suspended after marijuana video goes viral”. This was on the 31st of January, 2019 and it was Ashkarfenon@caribbeannews. Now, this shows that as at January, yes, we have laws in place against marijuana but those girls were still out there with that video. And as Sen. Dillon-Remy mentioned, we hope now that we are now “kinda” laying back and opening up the door way this would not go further.

Again, I must quote also the Guardian, Wesley Gibbings’ article July 21, 2016, where he looked at the Inter-American Drug Abuse Control Commission, by the Organization of the American States and again it look at the fact that the
number of students using alcohol and using drugs on the whole, the regional average is 8.8 per cent, and Mr. Vice-President, you find that when we looked at this regional average, we found that first use was really like 13 years old, people used either alcohol or marijuana.

**Mr. Vice-President:** Senator, the argument in terms of the effect on young people has been made with several statistics being forward by several Senators. So what you are essentially is rehashing the same point albeit using maybe different statistics this time. So what I would ask you to do is that there is no need to go over the effect on young people any more anything that you have by way of new arguments coming in I invite you now to move forward.

**Sen. Dr. V. Deyalsingh:** Thank you, Mr. Vice-President, what I am saying is if we want to see how are we going to get these students, I am trying to say how could we get them, how could we get them to know which youths need the help. Because the figure showed they are there and some of these children now when we looked at the trend of questioning, when they asked the children, do you think the effects of marijuana use is very harmful? And in 2010, 71 per cent say, yes. In 2013, 63 per cent. So right now you are having children under the perception that marijuana is not that harmful.

And I must think, when I looked at some of these videos they have with certain artistes and they are looking—they smoking the marijuana, they have the women in scanty clothing. When I look at those things, it is doing a disservice to our youth and I am thinking somehow, you know, we have to look into that, because what the youths put into their mind is what they gravitate towards. So if they see this, Mr. Vice-President, they may gravitate towards that lifestyle. So I am looking at how we could now get help for those youths.

I am thinking should we now have a policy where if parents know their
children are using marijuana and somehow they may be ashamed to come out and say that and the State has provided good places for them, safe places for them where their children can go and really get help. Now the duty of the State is to provide clean, safe places. I am thinking we may have to develop a system where the parents now will be held responsible in the sense that if you catch the kids and they do not come out and seek help that we so how give that parent a greater degree of responsibility. So that is one aspect.

The aspect I am looking at is children who also are in a home where the parents are smoking weed and openly in front of them. If we are going with encouraging education for children we have to now tell children look this is, I mean we are telling them we are opening up the laws, but we have to tell them this is harmful to you. And the harm that it does to you, you should be able to report that to a social worker in school and somehow we know how to investigate. Now, if a parent wants to smoke in his own bedroom locked up in that environment, no problem, once the smoke is not going to affect the kids. And we could do urine testing on the children after a period of time to see if they have any levels of THC in their system.

Mr. Vice-President, I want to look at the fact that even though you found that certain jurisdictions had opened the use of marijuana, what I must say is that there are a lot of problems with marijuana with cognitive and psychomotor functions, and safe driving was already established there. And I am saying that I want to support what my colleague said about driving. There are cases where the use of the marijuana and the alcohol has an additive effect and causes a greater degree of distress.

And I just want to look at the Cannabis Policy Framework, October 2014. The Centre of Addiction and Mental Health from Canada, Mr. Vice-President,
where they claim that frequent cannabis use has been found by many studies to be associated with mental illness. So all these are problems we are looking at the exacerbation and the fact that people may have a pre-existing vulnerability if you have schizophrenia in your family, this can trigger a mental illness. So not everyone who will use the marijuana—but it is also found that people who already have an existing mental illness it can be affected. And it also went on to other details, Mr. Vice-President, like cannabis smoke and the tar could also increase the risk of bronchitis and cancer. So there are the physical effects and there are the psychological effects and in this study they claim that there is a 9 per cent dependence of cannabis.

So if there is a risk of dependence, other studies it did not get that actual dependence, this Canadian report showed that. We have to provide avenues where people if they are addicted, they can seek help. So this is another thing that we may have to work at. The Government has implemented three cessation clinics for cigarette smoking. What I am saying that could be expanded if people have problems even with alcohol and with marijuana those clinics should be expanded. It is a recommendation I give, because it is staffed with some members who learned about addiction. So we need to open those places to a greater degree of drugs that are available. So NADAPP has a good effect in education, but even though there is education they are still seeing increase in youths. So something is still not—the dangers of drugs are still not reaching to certain individuals if the youths are willing to try it.

So, Mr. Vice-President, the risk is their dependence. According to this article and I saying what I want to look at, the fact that there are some many health risks that are mentioned and problems with also memory, attention and IQ in young persons all those are effects that will effect, there are those ill effects. So, you
know, I am saying that knowing the ill effects being in the medical field, I have a natural tendency to say no, I do not like this—to support this. And you see I just wanted to look at, I think Sen. Baptiste-Primus mentioned about driving, something about the driving and marijuana, the effects and Sen. Richards mentioned that. But there were two large European studies which definitely found that drivers with THC also would have that.

Okay. So then what I may want to look at. Mr. Vice-President, is the fact that we are looking at the reasons given to go into this piece of legislation and I think, when I heard the reason was because the magistrates had a lot of work to do, they were overburdened, there were a lot of persons in prisons. I wondered, if you have the magistrate—now I do not know if the magistrates are doing their jobs, if there are enough magistrates, if successive Executives did not put things in place or systems in place to make the magistrates work in a more efficient manner. Because I have been hearing night courts for years now. And probably if you had the night courts, an efficient system, we would not have had that backlog and we would not have had all those persons in Remand Yard and we may not have need to come to this legislation. A quick justice may have been able to roll them out.

So if one of the reasons was because “Oh the backlog would be the 8,000-something a year the backlog would be cleared. I am saying but if you are now getting more magistrates it means the system should be running more efficiently and that may not come into place, because the greater amount of magistrates, I think is 43, may have been able now to start the clear that backlog. Especially if we taking to eliminate preliminary enquiries out of their domain, you find now they might have been able to deal with this. But be that as it may, it came here.

So I am thinking yes, I looked at the fact that the increase in cases that they
have would put a level of burden on them, and on society, and on the people. But what I am saying, I look at the backlog and I look at it and I refer to it as backlog madness, why was this situation allowed to reach that level? Why were things not put in place? Yes, the Chief Justice did appeal before for legislation. So that means, I am looking at the trend, Mr. Vice-President, is it that every time there is a glut of cases of a certain calibre that next three years we will come and say, “Well, let us decriminalize it”. Suppose right now persons now start to use cocaine and you find cocaine possession comes on the—starts to increase in the court cases and next two years there are about 8,000 cocaine cases in the Magistrates’ Court, would we now come and say well let us decriminalize that because it is clogging up the system? No, I am thinking we cannot continue this way we have to have better efficient services that could clear up any sort of backlog before it reaches this state where it causes a strain on the magistrate and a strain on the person.

So therefore, by freeing up the judicial strain which may be good for the magistrates it is going to put a strain on the health system. It is going to put an overload on the health system because I am thinking if more persons are coming into St. Ann’s we will have now to see—so we might be helping the magistrate, but we have to help the health system, we have to put the things in place. And what I am thinking is Government has been doing things, we see an adolescent clinic now—Mount Hope Hospital has an adolescent clinic on a Saturday; it is a free clinic. So when these children have stress they can come there and talk and we need to open more adolescent clinics.

Sen. Baptiste-Primus: What age?

Sen. Dr. V. Deyalsingh: We look anywhere under 18, we would deal with those. Free clinics, so you have a problem with your children in school, bullying, you can come and speak. There is a Dr. Pemberton there, Saturday, free clinic.

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Sen. Baptiste-Primus: I know Dr. Pemberton.

Sen. Dr. V. Deyalsingh: Yes. So this is a beautiful initiative but we need more, right through the country, we need it in Tobago, because we have to look for any sort of fallout. So therefore, again forensic complained that they are overworked, but if forensic had the staff and was working better we may not have had that complaint to have to reach this situation.

So therefore, I looked at the ill effects of the marijuana and I want to now weed out, well I should not say “weed out”. But I want to weed out the good effects.

Sen. Baptiste-Primus: No pun intended.

Sen. Dr. V. Deyalsingh: Yes, no pun intended. I want to weed out the good effects. So I have been trained, I have been trained to be, you know, not like marijuana or drugs. Because, Mr. Vice-President, talking about the drugs and the extension in the schedules that I think the Minister of Health and the Minister of National Security added on ketamine. But ketamine is now used for the depression. So for resistant depression, ketamine is now coming back into the medical world. So we are going to be using that soon in Trinidad.

And also I make mention of the fact that with these drugs you have to be a little careful. There is a drug for attention deficit hyperactivity disorder, a drug called Concerta Ritalin, those are like amphetamines, and I have seen people abuse it. They have come to me sometimes with all sorts of Nancy stories, adults, “Doc, I think I have adult attention deficit disorder”, and they come with all the symptoms, every single symptom. And right away you know they are just doing that to get a prescription for Concerta which is an amphetamine. So we have to look at what is going on out there.

People want to study will come and try to get a prescription for those things.
So are things and I want to make mention to the fact, Mr. Attorney General there are the mushrooms the psychedelic mushrooms available down here now. They call “shrooms” and psilocybin is the active ingredient, it causes hallucinations. So this is something that we have to look at; it is on the market here. The fact that ecstasy and other drugs were included in the schedule is something to be commended, because as we remember the “zesser pills” we were not able to touch and now we are able to touch that because of that.

So I want to make mention now, Mr. Vice-President, that I think that coming in with my training and coming in with my concerns, coming in with my bias that I had, I said well you know, I am now getting a softer touch. I am now being educated, and I must say part of the education had to do with my wife, because she wrote two columns in the Express, Dr. Sherene Kalloo, I will just quote what she had here and sometime over a cup of tea we would have discussions, things about the nation, about children, about how to help, and whilst she was supporting this, I was always against it.

So we always had that discussion and she had, and I want to just read one article, Mr. Vice-President, which she wrote on the Express, the 19th of the fourth, ’16 when she actually looked at the economic benefit of it and she said—and even Jamaica she said you were allowed cultivate five or fewer plants on the premises, but she mentioned the cases in Colombia—[ Interruption ]—yeah. Colombia, she mentioned in Canada medical marijuana was legalized, she mentioned Czech Republic. So a lot of cases she had mentioned and actually she was actually pushing for it, and she said there would be great economic benefits and there is medicinal benefits, 23 medicinal benefits according to the research.

When I was in Jamaica years ago as a student in—it was around 1982 they were researching glaucoma. So yeah it was there and now we have all the benefits
of it that it good for pain and persons mentioned it, and lately now what we found is why she like this is that women in New Jersey was making a claim to get this for menstrual cramps. So again being a gynecologist she would have that sort of interest in serving her clients.

So, therefore, what I am looking at is the benefits were there, 23 benefits and she mentioned that and again there was another article where she had on the 15th of July, 2018, and she was a little critical of our Prime Minister, I must say, because what she was saying and I just like to quote a little bit, what she said is that she was very disappointed to hear the Prime Minister, Dr. Keith Rowley, say that any move to decriminalization of marijuana is not a priority. And he answer that in an article which I have here that he actually made mention to the fact after he had a meeting, I think, with the Caricom nations and it is an article listed in Loop News, 12 July, 2018, “Decriminalization Marijuana not a priority says PM”. So this article, it was not a priority, but then I think the Attorney General said that under prompting, under guidance the Prime Minister changed his mind. So, and it is here now on the books.

So too with prompting from my wife, with prompting from world literature, with prompting form what is going on the world, I looked at it and I have seen the benefits of it, Mr. Vice-President. I have looked at it and I have seen that there are certainly major benefits. So the economic benefits are there in her article she mention the revenue and millions people get in Colorado and what not so the benefits would have been there. So I am convinced there are some economic benefits, but we are looking to see if there will be any fallout in the emergency rooms, people coming in, people need medical treatment, people need more hospital stay, this is what we will have to look at locally if that happens.

Mr. Vice-President, I must say that when I looked at some of the other
benefits, you know, what I looked at in this actual piece of legislation and the move to decriminalize, is the fact that, yes there is great medicinal benefits. Because even things like aspirin came from a plant called White Willow, quinine, which was used for malaria which saved millions of lives probably with quinine and now used for foot cramps that came from a plant again. So you had Penicillin was derived from a mould, Penicillin antibiotic digoxin which is for heart failure, Fox Glove plant. So the medicinal benefits of these plants are there and marijuana definitely has the benefits—anti-cancer drugs, Mr. Vice-President, there are certain anti-cancer drugs that came from plants that we are using.

So therefore, the benefits are there definitely the benefits are there and what actually I looked at it the fact that, you know, if we are going to look at the medicinal use of marijuana, some of the guidelines we were getting from other countries they were saying actually the clinical guidelines for use of medicinal cannabis products in Queensland, August 2018 and a significant note they have here, because a lot of persons are saying let us just use the marijuana derivative for a lot of ills. But what they said here, Mr. Vice-President, medicinal cannabis should be considered only where conventional treatments have been tried and proven unsuccessful in managing the patient’s symptoms. It should be noted that medicinal cannabis is not considered as a first line therapy for any indications.

So this is their opinion. We could look at it different, because remember there are different levels of different types of the active compound and Mr. Vice-President, I just want to mention to the fact was the active compound that we look at as causing the hallucinations, or the effect was the THC which we know is the tetrahydrocannabinol and that actually causes the effects where you have the psychoactive. The CBD actually is the cannabidiol is the one that has a lot of promise in the medical fields, but now we are finding there is a cross mixture.
Some may counter the effects of others and we find that the THC, may help nausea, vomiting, pain and the CBD may help different conditions like pain and seizures and anxiolytic effects.

I have patients, Mr. Vice-President, who I have tried on anti-depressive drug called Paxil for years for OCD, never worked. They will come clinic—a guy comes in and he will have to tap on the ground three times before coming in the room, when he is leaving he taps three times. He came in clinic about six months ago and walked in and sat and he said, “Doc, you know, I am not using your Paxil”. I said what is going on. He started marijuana. Now I am not condoning it, but I am saying I saw results in obsessive compulsive patient; this relaxed him totally that he did not feel he was responsible for the world. So there are benefits.

And you know what is strange, Mr. Vice-President, we know we can get the cannabinoids from plants, from the marijuana. But our own body produces cannabinoids, our own body produces it. So it is a part of us. So you have different types of these cannabinoids, the phyto from the marijuana plant.

Mr. Vice-President: Senator, you have five more minutes.

Sen. Dr. V. Deyalsingh: Sure yeah. And also our own body and the synthetic and I think Sen. Rishi Tripathi mentioned that it is a no, no for the synthetic cannabinoids because this is the one that causes a great deal of harm.

So, Mr. Vice-President, I want to just look at the fact that you know if you are now—another turning point that caused me to want to support this is the atrocious conditions that exist in prison. I cannot have young men in prison under those conditions and the 2017 Joint Select Committee on Human Rights and Equality and Diversity, the Third Session of Parliament, they gave some horrendous conditions that exist in prison. So I do not think it is fair for persons to be there, young men to be there in these types of conditions. So I am thinking
because of this the greater harm I think and violation of human rights to persons committing minor cannabis possession, it will outweigh the others. I am thinking we have to get those individuals out of there and this is another reason why I look to the fact that decriminalization, the overcrowding, to support that.

I am also again as a physician I am guided by the World Health Organization. Now, the World Health Organization has been asking us for years to restrict alcohol use, they tell us about the harmful use of alcohol and this is something we have to go after that. But the World Health Organization recently had a support given where the WHO, to reclassify cannabis under UN treaties the World Health Organization expert committee on drug dependence has recommended the reclassification of cannabis under UN drug treaties. And this was a press release in 1st of February, 2019. So even the World Health Organization, who I as a physician I try to follow their guidelines, they have suggested the reclassification and they also mentioned the fact that we have been wrong about the harms for marijuana, World Health Organization. So this is one of the reasons I would have supported that.

Mr. Vice-President, one thing I must make mention too, is the fact that I was concerned about the use in work, because Sen. Baptiste-Primus actually mentioned the use in work how they are going to have policies, how they are going to at least check for the THC levels in certain individuals. And I am saying that even there is a pilot who is going into a plane and his eyes looks red and I figure he is high there should be some mechanism that we can call a body and say, “Look, stop that guy and do some sort of test on him”. There are privacy issues, but if you are signing a contract for certain positions, I am thinking spot checks and spot blood checks should be something that we have to say we will put that in line.

And I am looking at smoking in a public place. And I am thinking if we are
going to allow smoking in a public place—there was a concert recently where an artiste came down from Jamaica and certain individuals were there and people say they were smoking marijuana and nothing was done. Something I want to mention, if you are looking at smoking in a public place we may have to declare certain concerts that that concert smoking may be allowed in that place rather than cause a big confusion after where police will go and raid and lock up people. So certain concerts may have to say, now I would want to go to the concert, but I would not want to smell the weed. So if you have two days of a concert; one day a smoke day, you could go and smoke, you are going on a ticket where you could go and anybody there could be. But the other day, I could go in and enjoy that same artiste. So we have to consider allowing certain events and concerts that privilege for persons who want to go there under that environment.

In closing I must say we need to get a mechanism in place, mental health officer out there an ambulance out there, St. Ann’s Hospital, the Substance Abuse Prevention Treatment needs to be expanded. There is a group called MAD, Mothers Against Drugs they will tell you about the plight they have dealing with these individuals. They need to be engaged and Mr. Attorney General in any sort of future legislation we are bringing in, because the other piece of legislation, I think is needed to tie into this one and I am thinking if there are, you will hear their plight and definitely when you hear we will have to create things that will help them. Again we need to educate doctors about CBD, because a lot of us were not trained in the drugs in that and the effects and what not, so this is re-educational system that we have.

So in conclusion I am thinking we have been given this legislation but we will have to be a little careful, we do not know what is coming around the corner, what dangers are there and I am thinking that we have to prepare for it and
safeguard our youths by putting certain things in place. Thank you, Mr. Vice-President. [Desk thumping]

Sen. Khadijah Ameen: [Desk thumping] Mr. Vice-President, I thank you very much for allowing me to join this debate on the amendments to the Dangerous Drugs Act which is being termed the “Marijuana Act” or the “Marijuana Bill” in Trinidad and Tobago. And it is a piece of legislation that people in various quarters of Trinidad and Tobago have been looking forward to in terms of the debate. It is on record and I will repeat for this Senate that UNC’s position, the United National Congress, the Opposition’s position is in support of decriminalization of marijuana in small amounts and the legalization of marijuana for medical purposes.

Mr. Vice-President, behind every piece of legislation must be a philosophy. You must have something that would allow you to launch in a particular direction. I do not think the Government has been very clear in terms of where they are going next with this, and if you would allow me to call it, the “Marijuana Bill”. That, I think, has to be clarified. In fact, in the middle of last year, I remember the Attorney General in response to the media, making a statement indicating that his office was working on legislation to treat with the legalization or decriminalization of marijuana and then the Prime Minister made a statement contradicting him and today we see an about turn. And I feel that that is in part due to the response from the public based on the Opposition making it very clear our position on marijuana, decriminalization and medical use. I do not think the Government has been very clear in terms of where they are going next with this. And if you would allow me to call it “The Marijuana Bill”. That I think has to be clarified. In fact, in the middle of last year I remember the Attorney General in response to the media, making a statement indicating that his office was working on legislation to treat.
with the legalization or decriminalization of marijuana. And then the Prime Minister made a statement contradicting him. And today we see an about turn and I feel that that is in part due to the response from the public based on the Opposition making it very clear our position on marijuana decriminalization and medical use.

6.15 p.m.

So, Mr. Vice-President, we now—the UNC’s philosophy and proposal for legislation, the two major parts, one has to do with the decriminalization of small amounts and the other has do with medicinal use. So, first of all, I think we have a sort of agreement with regard to the decriminalization of the small amount.

A number of Members in this Senate have spoken about the at-risk youth; the young person who could get lost in the prison system. It is not only a young person but any vulnerable person. And I listened to the stories being put forward by Members on the Government Bench in particular identifying perhaps the most at-risk group as the young African male, but the truth is that one marijuana joint would not be responsible for all the things in the stories that are being put forward. There are a number of social ills that are responsible for the situations that are being identified. And I think the PNM has systemically failed to address the social ills that affect the young African male who is at risk. So, to come and give these stories in isolation, without pointing to policies to empower these at-risk youth.

Mr. Vice-President, Paul Richards, was once a young African male. He spoke about—and we have shared a conversation. I mean, he would have gone to a school that was mentioned in the debate. “I know he wha meh tuh call de name ah de school, eh, buh I ain giving allyuh no free ad.” But I know you are very proud of your alma mater, Hillview College. Men like Paul Richards and others, who would have gone to prestige schools or any school for that matter, would encounter marijuana. There are young men who use marijuana—and not only
men, men and women who use marijuana—and it does not affect their lives in that manner. There are people who are around others, their peers, who use marijuana and they never “end up even ever” smoking a joint. So it is not that the young African male is just automatically going to fall into this group. So stop, I think we need to stop trying to play that game. Let us not pretend that it is one joint that could cause this downfall. There are many other social ills that we have to protect our at-risk youth, whether it is male, female regardless of the race.

Mr. Vice-President, I remember reading a story once of a man who was sentenced to prison for three months. He was serving a sentence for three months, for possession of marijuana. But I do not know what happened and he died in prison. In fact he was beaten and sodomized from the report. And his wife—the report I read was where his wife was awarded, I think, $750,000 in damages. And he was imprisoned for possession of marijuana, a three-month sentence. With legislation like this, he would not have had reason to be in prison. So, these are the situations that might be extreme but would have an impact on a number of people's lives.

Many would have mentioned, and I think we have full support, with regard to the crowded prison, the State resources used for imprisonment, taking prisoners from prison to court, the overburdened court system, the justice, getting the wheels of justice to turn faster. Those are, I think reasons why many are in support of the decriminalization of small amounts.

But, Mr. Vice-President, marijuana—I really feel that this debate is slanted in a very outdated view of what marijuana is to society. This Bill seems to presume that marijuana is for smoking and smoking is bad for your health and that is about it, you can go to prison and so on. This is a real old archaic view.

And here, I want to touch on marijuana for medical purposes. There are a
slew of products that are extracts; I am not even speaking of the plant itself; that are extracts. Members before me would have mentioned CDB oil, well what is known as CDB oil, which is an extract. But it is used for seizures, such as epilepsy; neuroprotection, when it comes to Alzheimer’s, Parkinson’s disease, anxiety, pain relief, acne treatments, skin treatments, even cancer treatment. These are not treatments that rely on the smoking of marijuana to reach into your system. They are very, very advanced ways of extracting and including these in regular methods such as creams, injections, and so on. So, I felt that all the Members thus far would have taken a view that is very—we have not taken a modern view, in terms the uses that the products of marijuana have advanced to be.

Mr. Vice-President, I want to also ask, when I speak about what the uses are presently, I also want to add some Members may have mentioned before with regard to the definition of “cannabis”, and this is again relevant to what we allow the uses to be for.

In the definition it includes any part of a plant, growing or not, its seeds, any compound, salt, mixture, extraction, and so on, and does not include fibre produced from the stalk of the plant, oil or cake made from the seeds of the plant. And I do not know why that is specific, in terms of the seed versus the leaves or other parts of the plant, because in cooking somebody mentioned bakery items but a lot of people hear stories about brownies. But it is not only brownies. It also mentioned sterilized seeds of the plant which are incapable of germination. Hemp oil is exacted from the seeds.

Brownie item and bakery items may be popular, based on what people read. But the truth is that, off course, even sweets and lollipops, gummy bears, and so on, marijuana can be infused. In fact in even local sweets. There are people who make local sweets such as kurma, barfi, toolum, sugar cake with extract from the
marijuana plant. Food, stews, pastas, the most modern of dishes, can be infused with marijuana oil and with other products. So when we take this view that somebody is going to eat a marijuana brownie and get high and, I do not know, fall down, or have hallucinations, that is a very archaic view.

The question I want to ask is with regard to the inclusion of marijuana products and marijuana extract. It is not only oil or cake made from the seeds of the plant. That is very limited, in terms of what marijuana products are used for at present. So that is an area, I think, we have to shed a little more light on. And certainly, I think, had this Bill gone to a joint select committee, we would have had a little more opportunity to get feedback to allow us to properly capture those things.

So, Mr. Vice-President, I want to move now to another area. The Minister of Labour and Small Enterprise Development gave a very comprehensive contribution. The Minister pointed out the shortcomings, in terms of where there would be holes in legislation affecting workers. But there were no recommendations and I suppose that will come at a later date.

In terms of the OSH Act, Occupational Safety and Health, because of what intoxication and dangerous drugs would have been defined as in the past, intoxication under the OSH Act may have to be defined differently. How then do you determine if someone is under the influence of marijuana at the workplace and if it is affecting their ability to function? So if someone is under the influence of alcohol, for example, there is a Breathalyzer test. If someone is under the influence of marijuana, at present the police may rely on the smell, the slurred speech, if they have glassy eyes or bloodshot eyes. If someone is driving, for instance, under the influence, working under the influence, operating heavy machinery where their motor skills will be affected, what reliable scientific method
do we have to determine that that person's level of marijuana intake in their body at the time is enough to affect their motor skills, or so on. So the alcohol test—with alcohol, you have a Breathalyzer.

The Attorney General did mention that the Government is exploring the importation of a machine that could detect the CDB on a person, the user's breath. Those machines are very much in the early stage, in terms of testing—[ Interruption ]

Sen. Obika: THC.

Sen. K. Ameen: The THC level, sorry. So many of those—I think what is very important is, in addition to the workplace, as mentioned by the Minister of Labour and Small Enterprise Development, accidents or people who are operating heavy machinery where marijuana could be considered an intoxicant versus a medical use or something. Right? And where a person could be committing an offence if they are under the influence, whether it is similar to alcohol but under the influence of marijuana so that it affects their functioning.

At present, the test for marijuana is urine, a urine test. But a urine test would determine if you would have used marijuana. It would not determine if you are under the influence at the time. So a person who used marijuana a particular day, for an entire week after it would show up in their urine. But that does determine that they are in fact under the influence.

So the new Breathalyzer, which is being developed in a university in Pittsburgh that would detect the THC on a user's breath, is an advancement, in terms of enforcing for DUIs, especially where accidents and so on, are concerned. It is a very new technology, Mr. Vice-President, and it uses nanotechnology, censors, and so on. But are we there yet? And if we are, we have to, along with this legislation, determine what is the level that we are going to consider as a
nation to be the legal limit, just as we done for alcohol. So allowing the use of marijuana, you must have those mechanisms in place, those safeguards in place. That will bring me to another point later with regard to when we plan to proclaim this Bill.

Another thing that was mentioned in the contribution of the Minister of Labour and Small Enterprise Development was the question of whether medical plans will cover where prescriptions are given to patients who are employees, recommending medical marijuana. And this is why I feel that the issue of medical use of marijuana has not been sufficiently explored. Because there will be an impact on other very important laws, existing laws, in our country. And that is an area, I think, that the Government’s silence will cause a lot of cracks for people to fall through. So that is an area I think, as I said again, a joint select committee may have been able to flesh out a little better.

Sticking to medical use, Mr. Vice-President, there are many who would gasp at the thought of a parent giving marijuana to a child because of the view that marijuana is an intoxicant, it is a drug, it is not a medical drug. So, you have the use of marijuana as an intoxicant, but you have the medical use of marijuana and marijuana products. Not as a hallucinogenic, not as something that is harmful to the body or that interferes with the mind, but this is an area again, where I feel the JSC would have been able to help us flesh around it.

I remember being in fact part of a JSC. The report did come to Parliament, so I think I am permitted to mention pharmaceutical experts and the UWI Medical Sciences Centre came before the JSC and they spoke about their research. And they did not speak about marijuana alone. They spoke about herbal medication across the board. And I really think—so now you have the question of the views expressed by many, in terms of concern.
So, when from the moment you hear that an adult wants permission to give their child marijuana, it makes it sound as though it is similar to an adult giving a child alcohol. Right? At present there are laws that protect children under the age of 18 from the sale of alcohol, the sale of cigarettes. Because those are intoxicants. I am not aware that the present law says anything about the sale or the possession or an adult giving a child, a person under the age of 18, marijuana to use as an intoxicant. And that is something I think we have to include, because just as cigarettes and alcohol, the use of marijuana in terms of an intoxicant is dangerous. But we also have to carefully balance that with the medical use, the use of the oil.

There are people who boil the root of the plant to use for asthma, for colds, for medical issues where inflammation is concerned like sinuses, and so on. And that goes alongside, in many parts of the country, goes alongside the use of other herbs and other bushes like fever grass and Christmas bush, bacano leaf, zebapique, and all these things that people boil when they have the cold, the common cold, the flu. And we hear a lot about asthma. You have people who use “Ti-marie” bush, the “Mary-Mary-close-your-door”, people who use turmeric. So, all of these could come together. Because if a part of the plant is used in that manner, it is not an intoxicant and there you would have the question of a child being given a marijuana extract or a product or tea as medication. So, that has to be carefully balanced as opposed to giving a child marijuana as an intoxicant.

So, Mr. Vice-President, I really feel that the legislation is very, or maybe the view of the Senate—because I think we, the Government side, the Opposition, we are involved in politics. The Independent Bench, they too have their professional lives. And we would all sometimes want to say what is politically correct and to speak on behalf of the majority. But in doing so sometimes we tend to repeat the clichéd views. And I think this is an excellent opportunity for us to take a modern
view because some of the recommendations in this legislation is taken from countries that are very, very far advanced, countries who legalize or decriminalize marijuana 20 and 30 years ago. So we are extracting from their legislation and still keeping our very old view.

So, Mr. Vice-President, I was not at all impressed with some of the things that were being put forward. I felt that we were just kind of going in the same old clichéd circles. Because, as I said before, the legislation presumes that the primary use of marijuana is for smoking. The view is that smoking is bad for your health. But we have not considered that marijuana and marijuana extracts are eaten. It is in drinks. It is in medicine. It is used for making clothes. Part of the definition of cannabis indicated in the legislation does not include fibre processed, produced from the stalk of the plant and the fibres are actually used in making cloth and clothing. And in fact, many other products. So that is an area we also have to explore. Time would not allow me to go into much detail, but I just feel it is important to mention that. That was actually the only use of the male plant that was initially proposed by the Government.

That however, Mr. Vice-President, does not mean that we do not have to balance the exposure of marijuana as a drug. The permission to have between 60 and 100 grammes of the plant and 10 to 14 grammes of the cannabis resin, here is what one of my concern was. I would use the example of a university student. A university student who is allowed to have between 60 and 100 grammes, that is about 40 marijuana cigarettes. If a student, whether it is a university or a secondary school student, has this and is selling this on the school compound, whether it is the university campus or wherever—I want to use a university as an example because I do not want to go complicate it with the matter of people under the age of 18.
So I am using a university where you have people over the age of 18 and someone has these cigarettes in their possession and every day they go with 40 and they sell. There is no law against having that amount, and I am wondering if we are ready for that volume and if we should have a little more restrictions and guidelines with regard to the volume that one person is allowed because that amount would be for the particular point when they are arrested or searched, and so on, versus a person who may have a week supply or a month supply in their home, in their private home. And I have to ask if the laws concerning the possession of narcotics around a school will be applicable here, because a person at present could be charged with trafficking if they are near to a school for a much smaller amount than if they are outside of a school zone. So that is an area, Mr. Vice-President, that I want us to bear in mind.

Mr. Vice-President, I also want to just take the opportunity, separate from what I have already spoken about, to share a background, in terms of a balance in the Islamic Perspective. Maybe part of my thought and thinking on marijuana has to do with my upbringing in Islam. And I read the Islamic Perspective as published by—which was mentioned, a paper which was mentioned by the Leader of the Opposition Bench—and the Minister who is enquiring opposite, yes, she thought I was a Hindu. I do not know for what reason.

Sen. Gopee-Scoon: That is not what I said.

Sen. K. Ameen: So, in Trinidad and Tobago, my father was born a Hindu, converted to Islam, married my mother under Islamic rights and raised us as children in Islam. So, I hope that assists you. But I am sure if the Minister has questions she will make a contribution.

But, Mr. Vice-President, I do not want to be distracted, but I am just sharing that because I read the Islamic Perspective that the Leader of the Opposition Bench
mentioned earlier, I just want to, for the edification of the Members here and nationwide, share that perspective.

Muslims who live in a country recognize the rule of law. In Islam, some aspects of life are legislated as permissible or halal, while others are deemed as Haram—

**Mr. Vice-President:** Please quote the source for *Hansard.*

**Sen. K. Ameen:**—or not permissible.

**Mr. Vice-President:** I know Sen. Mark may have spoken to it earlier, but if you can just repeat the source even if you are doing it—

**Sen. K. Ameen:** Yes, I will provide the information to *Hansard.* So these Haram or halal things can range from a formal act of worship to mundane daily acts of living, including food and drink.

Marijuana is deemed as Haram, or not permissible, as it belongs to a group off substances known as *camr* in Arabic, which means things that cloud the intellect.

So here is where marijuana is considered as an intoxicant it certainly is an abomination, according to the Glorious *Quran.*

The Prophet indicated that everything that befogs the mind is an intoxicant.

And every intoxicant is impermissible.

So there is no way that marijuana as an intoxicant could be permissible in Islam. So, as this statement indicates all substances that befogs the mind is not permissible. So, therefore, the effects of an intoxicant such as alcohol and marijuana, where it causes the inability to control one’s mind, one’s limbs, senses and emotions, the inability to perceive reality from the imagined as a hallucinogen.

However, the balance is that the medical use of CBD oil, from an Islamic point of view, is such that its use may be permissible under certain

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conditions, and these include:

1. the need for using the CBD oil medicinally is of absolute necessity, such that there is no other substance providing the relief needed. And there are medical cases where no other relief may be found;

2. the use of the CBD oil will only be to the extent that is required to bring relief;

And just like any other pharmaceutical that should not be abused such as painkillers and other pharmaceutical products, it should not be abused.

3. the use of the CBD oil will not result in other problems worse than the relief obtained.

So, Mr. Vice-President, I think the—and the Islamic—the statement was actually encouraging the Government to consider a faith-based approach in the issue of decriminalization of cannabis. And there are other religions that share this perspective. So I think it is important, Mr. Vice-President, to have everything in balance.

For this reason, I think that this Bill, Mr. Vice-President, might be a little more than an election thing. I think that the conversation about marijuana and the positive response from the public has prompted the Government to put this Bill on the agenda. And because of that, there are a number of areas that have not been fully fleshed out. When will this Bill be proclaimed? Is this Bill coming to appease the public for the upcoming general election? When will you—is the Government going to wait for the Cannabis Control Bill, 2019, to go through the process in the Parliament and for both Bills to be proclaimed together? They work hand in hand.

6.45 p.m.

I think Sen. Mark already mentioned that this Bill and the Cannabis Bill
should have come together, so that, you will have unison when you are going forward. So, I want to warn the population, be on the lookout, the Government might hit us a six for a nine when it comes to this legislation. It appears to me that the Government just decided to roll with the hype, no pun intended, where it comes to the implementation, you jump on a bandwagon of something that is popular, because the Government has been getting blows for a lot of things, a lot of issues, a lot of lack of performance, the high crime rate and so on, their inability to respond even to the flooding, but I do not want to get started on where the Government not performing. I would not finish today.

So, I want to ask the Government to not be about the hype. The growing support for the decriminalization of marijuana, the legalized use of marijuana, the permission to allow marijuana to be used for medical purposes, it has an impact on the Customs Regulations and so on. In fact, Mr. Vice-President, there are people—there are products that you can purchase online, and if you use your credit card and you purchase it, it comes in your skybox and it contains the CBD oil. I know people who ordered facial creams because they have bad acne, and it has CBD oil in it, and they have been allowed—it has been allowed to come into the country through the skybox and so on. But can a person or a business import these products now and distribute as they would a regular face cream or a regular—or other products.

So, Mr. Vice-President, the putting forward of this legislation at this time, might be the equivalent of what I saw happened in Sangre Grande.

**Mr. Vice-President:** Sen. Ameen, you have five more minutes.

**Sen. K. Ameen:** Thank you. The putting forward of the marijuana legislation, the cannabis, the legalization of the marijuana, the weed Bill, whatever you want to call it, might just be the equivalent of what I saw in the local government elections,
where people were putting money in PNM jerseys and distributing, an election gimmick that did not cause the PNM to have victory. And I am warning that legislation such as this should not be used as an election gimmick. Let us sit as a responsible Parliament and deal with [Desk thumping] both Acts together. Let us deal with all the possible modern uses of cannabis, let us sit with the stakeholders and look beyond cannabis as simply something to smoke. Let us have the Cannabis Control Bill together with this one, and let us have from the Government, an implementation, their plan to implement in going forward, when will it be proclaimed, when will the other things that have an impact on this? The regulations that would encourage responsible use, and reasonable use, have to be taken into consideration. Otherwise, Mr. Vice-President, this is just a desperate attempt by the Government to jump on a bandwagon that would allow them to get popular support which I will not support. Thank you. [Desk thumping]

Mr. Vice-President: Acting Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Mr. Vice-President, for the opportunity to contribute to this Dangerous Drug (Amdt.) Bill, 2019. Mr. Vice-President, the résumé of Anthony Isadore Smart has on page four, this paragraph and I would read, it says:

Drafted and successfully piloted the landmark Dangerous Drugs Bill, 1990 through both Houses of Parliament. Mr. Ramesh Lawrence Maharaj SC was appointed a temporary Senator by the Opposition Leader, Mr. Basdeo Panday, specifically to oppose the passage of the Bill.

Then it says:

The Opposition supported the passage of the Bill.

That is the Act that we seek to amend today, and the first point I want to make, Mr. Vice-President, is that we are here 28 years late, 28 years late. You see, Anthony
Isadore Smart was replaced by Keith Sobion from my community. And for those of you who do not know, I come from a place where marijuana has grown in abundance through no fault of ours. The soil seem to be perfect for it and from Guayaguayare, Trinity Hills in Guayaguayare, straight through the forest Guayaguayare forest, through Rio Claro, Ecclesville, up to Navet, Cuche and Biche, marijuana has flourished. And in electing Keith Sobion as Member of Parliament for Ortoire/Mayaro, my community was really investing in an Attorney General who we felt will give effect to section 4 of the Dangerous Drugs Act.

You see, that legislation was passed in a particular context, with extreme pressure of course from the United States as it battled with its own cocaine trade, but in that legislation section 4 provided a carve out for the Minister of Health to issue licences for, among other things, the cultivation of cannabis for medicinal purposes. So this is not new ground we are breaking here today. The first thing we are doing, is that we are fixing something that should have been fixed 28 years ago. In my community we thought that Sobion would quickly craft those regulations that will allow us to grow marijuana for medicinal purposes, and for the Minister of Health to issue this licenses, and our trade on the east coast in high grade medicinal marijuana would have flourished. And Keith Sobion lasted until 1995 as Attorney General and MP, and he left without fulfilling our wishes, and it has remained in abeyance since.

I am really quite surprised that two things, as I make my second point, one, that my friends on the other side are in love with medicinal marijuana, I am surprised. And secondly, that my friend Member Ameen has totally missed the bus on this legislation but I will help her, I will help her get back on track, because all you had to do from May 24, 2010 to whenever your term end—September 07, 2015.
Sen. Ameen: I was not there. You and I were not here.

Sen The Hon. C. Rambhart: No but I am just saying. All that had to be done—

Sen. Ameen: You come to blame the UNC now?

Sen The Hon. C. Rambhart:—was to give life to section 4. You did not need to pass any legislation as are trying to do here. All you needed to do was to put in place—you see I read from Mr. Smart’s résumé for you to understand that it is your ancestors in the UNC and our ancestors who found their way in NAR—’86 to ’91—that gave life to the regime.

Sen. Ameen: “I was in pampers then boy, doh geh me in dat”

Sen The Hon. C. Rambhart: And all you had to do, was to craft the regulation because you obviously are experts in medicinal marijuana, and you did not do that.

Sen. Ameen: Were you born yet?

Hon. Senator: No.

Sen The Hon. C. Rambhart: The second thing I would say in relation to that, in your enthusiasm, is this issue of Prime Minister Dr. Rowley, and his about turn on marijuana. Well the English is a funny, funny language. That is why I love it. You see, timing is an important thing. It was July 21, 2018 that Prime Minister said that marijuana is not a priority for the Government. He did not say we do not intend to treat with marijuana and give effect to section 4, he said it is not a priority.


Sen The Hon. C. Rambhart: Because you see, none of you have referred to the quarter inch or half inch thick Caricom Commission Report. But two weeks after Dr. Rowley’s statement, the Commission published its report. It is dated 03 August, 2018.

You see, the Prime Minister understood fully, the Prime Minister understood
fully, that it was in 2014 that Caricom in the context and the recent tradition of developing model of legislation to the region, the Caricom commissioned work on this issue of marijuana 2014. And the Commission submitted a report dated 03 August, 2018, and it was not long after, it was another three weeks when the Prime Minister said we intend to decriminalize marijuana in the context of having received the report, in the context of having received the report. Because the Prime Minister recognized then, because in July 2018 he did not just say “it is not a priority”, you know. He said a few words more. He said “in the context of what some people would like us to do”. You see, there was pressure to become a mini Colorado. Because those who were knocking, and even my door was being knocked on by people who wanted to get into this marijuana for medicinal purposes thing. And I do not blame them as a business. Because all they were seeing was the business of marijuana. This Bill is not the business of marijuana, the next Bill is. But people were pressuring because they wanted that avenue and they saw that Jamaica and St. Vincent seemed to be ahead of us and they wanted to do business in Trinidad.

But if you follow the argument of Dr. Rowley in the other place on this Bill, keeping in mind that he spoke on this Bill, and his argument in September 2018 when we articulated the need the decriminalize, it was absolutely not on medicinal marijuana and commercialization of marijuana. Dr. Rowley has been on the record and very clear that this Bill is about dealing with a historical problem of criminalizing conduct of a particular section of our community, in a manner in which they were harmed beyond repair for life. And that is what he said, he said, when you look at the numbers, when you look at those who are in jail because they could not afford bail, when you look at those in jail for a five piece because they did not have access to justice, you saw a particular demographic, and I make no
apologies because I have said it many times before.

Those young men in jail resemble from head to toe my two sons who are now aged 25 to 21. And all my life, all my life growing up in Rio Claro and traversing from Trinity Hills to Biche, I have seen many, many, many, young black men, many of them excellent sportsmen, brilliant craftsmen, people who could have worked offshore as Amoco developed. A lot of men in my community could not work offshore because of a criminal record relating to the possession of a five piece of marijuana. And many of them were lost in jail. And when you look at the other side of the spectrum—because we were not growing the weed for us you know. We were quite happy with dasheen and fish. We were sending the weed to the urban parts of this country, was feeding on marijuana and to this day, in all those skyscrapers “is weed dey bunin in dey”. I could tell you, on the blocks in my community, all through Mayaro and Biche and Cuche, I see people smoke weed as much as I see people smoke weed in town. I smell more marijuana in this city than in Rio Claro, Mayaro and Biche. “And nobody could tell me ah wrong about dat.”

7.00 p.m.

And when they got caught, C-R-D section 71, convicted, reprimanded and discharged. Because, you see, when “yuh heel high” in this country, you could get a special tracking justice in this country, you could get a special track. Because for most of those persons in urban areas—son in Presentation College San Fernando and son in QRC and daughter in Convent—Monday morning your matter start and end, and you have no record. But is Black Maria for my people and my community, and I thought that Keith Sobion would have fixed it for us and he did not.

Our community had produced two outstanding Attorneys General, you know, Selwyn Richardson and Keith Sobion, and I thought that that matter would
have been fixed, and 28 years after, I am happy to have made it from my community into the Parliament to get this thing done [Desk thumping] because in 2014 I told my community that I am confident that I will be a Member of Parliament when this matter of marijuana is being debated. The only thing that happened was that I ended up in this House and not the other place. So I am happy to be here, because this is a historical wrong that is being redressed finally.

And the Prime Minister was not—it had no about turn or anything like that. It was crystal clear that what ought to go forward first is not this matter of commercial production of marijuana and CBD oils and on—I will come to that—but this matter of decriminalization—dealing with pending matters, expunging the criminal record and getting the pardons, and that is what he has been talking about, not the commercial side. I want to make that point.

I want to say Sen. Ameen has said it is not clear where the Government is going next. She has gone into medicinal and she says the Government’s silence will cause a lot of things to fall into the crack. Well, the only thing that has fallen into the crack is Sen. Ameen’s preparation. There are two Bills, and I would not offend the Standing Orders by going into the other one, but it is the other Bill. And when you talk about the Joint Select Committee and it is the perfect place and we should have—the other Bill deals with medicinal marijuana, it deals with the commercial side, the licensing regime, everything from the cultivation to the export and everything in-between. That is what that Bill does, and Dr. Rowley said “priorities”. He used the word “priorities”, and we offered to the Opposition in the other place, the opportunity to debate and complete both Bills and I was very, very pleased with my friends in the other place that they debated both Bills, and based on the submissions that came from the Opposition, the Cannabis Control Bill was referred to a joint select committee which we populated in our place.
today, and that deals with the medicinal marijuana and the commercialization that my friend Sen. Ameen talks about. And she talks about an entire Bill, an entire JSC would have—well that is where we are heading, and a time has been fixed for report to the House which is 29 February, 2019, which I addressed earlier today—2020 sorry—when we appointed, and it is not this Bill and it was never intended.

This Bill does not deal—this Bill deals with cannabis in the form that you wish to have it in your possession and use it, and I will come to that. But the issue of the CBD oil and so on is addressed in there, and to say that the Government does not have a plan, the Government has a plan. The Government has a plan which was to await the Caricom commission’s report, make a determination of where we want to go in the context of what the others are doing and what the commission recommends, go to public consultation—and I do not think any of you attended or have referred to the six consultations—and out of that, craft on the basis on what the public has said to us and what we as a Government have the appetite to do—because you talk about election gimmickry and election. We could lose a lot of support as a Government on account of this. We could lose a lot of support because we have not lost sight of the fact that certain faith-based groups and certain faiths are likely to be opposed to this, but we are not counting the votes. We are redressing a historical wrong once and for all and we are doing what could have been done in 1990 and 1991, 28 years later. [Desk thumping]

And Sen. Ameen referred to the cannabis root and says, we have not provided for that. So that the first place I want to go in the Bill, Mr. Vice-President, is clause 4, and for the very first time we are introducing a definition of “cannabis” and this definition of:

“‘cannabis’ means the plant”—and includes the plant—“whether”—it is—“growing or not…”

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And you know why? Because some people have a bottle that can hold a whole plant, a whole plant. They will make their thing with that. I am not going into the details until the Bill pass. I do not want anybody go and interfere with “meh” people, and it includes:

“any part of the plant, whether growing or not;”

And that covers the root. So the 30 grammes do not have to be weed in your pocket, and do not assume that possession means to smoke.

I want to make it very clear to you, very, very clear to you, that I do not support smoking in any form of anything. I do not. Thankfully, I suffer from allergies and the only thing I am really allergic to is cigarette smoke, and I do not support smoking whether it is marijuana, tobacco or anything else, but I understand that there are smokers in the country and I understand that this 30 grammes does not have to be—nowhere in this legislation do we say it is for the purpose of smoking. So your 30 grammes could be your root, it could be the branch, it could be the seed. It could be all kind of thing.

You know, when we were growing up it was easy for your parents to know if you smoking weed, you know, because marijuana has—[Crosstalk] when you have a spliff, the little seeds “does pop” with the heat and fall on your clothes. So when they are washing your clothes and they hang it up on the line and they see through it—especially when you go to cinema and you light up in the cinema—[Crosstalk]—but the seed, the seed, is included.

And when we get to 4(c) that Sen. Ameen says we have not provided for, you see:

“any compound, salt, mixture, extraction, derivative, product, synthetic or other preparation of the plant, any part of the plant, its seeds or…resin…”

Everything is provided for. However you want your 30 grammes, however you
want to fix your 30 grammes, you fix it, and that is what this Bill addresses, this issue of personal possession recognizing—let me tell you something. Why did we not ban bois bande? Why did we not ban it? It is just as medicinal as marijuana and there are a lot of things. The herbalist will tell you there are a lot of things growing here that are more dangerous than cannabis, and this Bill deals with things like, for example, ecstasy. Who knew that ecstasy could come into Trinidad and be distributed and sold all this time? Something like ecstasy? So this deals with possession and personal possession of cannabis in the defined form, which include just about any form that my friend Sen. Ameen refers to.

The second point I want to make—and, of course, the AG has referred to what was added in the other place—is just address this issue in the definition of this definition of “smoke”. You see, in my opposition to smoking, I for a short time accepted this thing called vaping, because I felt it was a comfortable alternative—you did not have to deal with tobacco and allergies and so on—and it did not take long for the medical community, the medical world and all the experts now to tell us that vaping has single-handedly—all the work that has been done on discouraging young people from smoking—undone that, and that is why I am happy to see the definition of “smoke” includes vaporize, the substance, and the use of an electronic smoking device. I wanted you to know that is there, so that those who vape should not be vaping cannabis in a public place, and eventually I hope as a country, we will eliminate this thing called vaping and not wait 28 years as we have waited to deal with cannabis as set out in section 4 of the Act at that time.

The third point I want to make is this matter that my friend, Sen. Mark, grappled with and some of his colleagues, in light measure grappled with it, and that is using this decriminalization and legalization interchangeably. Well, the
Government decriminalized, we did not legalize, because if you legalize something, it is difficult but, not impossible, to put controls in place. For example, alcohol. I mean, we behave in this country, as they say, like alcohol is “free sheet”, but you cannot buy as much alcohol as you want and carry it home. You need a permit. You cannot buy alcohol any and anywhere. You cannot consume it any and anywhere.

There is a licensing regime for alcohol and in decriminalizing this 30 grammes, I want you to understand this Bill in its full form, because we focus on the decriminalizing line and we are not paying attention to the other part, which says, the Bill seeks to:

“…decriminalise the possession of not more than thirty grammes of cannabis or not more than five grammes of cannabis resin and to create offences, which restricts the use of cannabis in specific instances.”

So that this is not a permit, a license for everybody to do what they want with marijuana as though it is dasheen bush.

This Bill takes a very responsible approach in achieving a specific purpose while putting in some serious penalties for other aspects of possession of cannabis. That is what we are doing here. We are not saying that weed is safe, weed is good for you, weed is medicinal, go ahead and do what you want. We have dealt with under 30 grammes and we have put in very clear provisions in relation to the criminal aspects of above 30 grammes.

And one of the things like so many other pieces of legislation that comes to us, like the Firearms Bill, for example, in clause 6—I am happy to see this—seeks to increase the penalties for the possession of and trafficking in dangerous drugs. So this is not free sheet. This is not the marijuana traffickers and growers licence Bill. This is to deal with a specific area that ought to have been dealt with in 1990.
that had not been dealt with that we are dealing with now, but also to ensure that the society is protected from those who go beyond possession for personal use and get into commercial cultivation and trafficking in marijuana in a manner that not only destroys our society, but destroys other places.

And my colleagues, Sen. Cummings and Sen. Young, dealt with the issues of discharge, expunging and pardon and, as I have said, this is not just decriminalizing of 30 grammes. It is dealing with in the manner in which Sen. Cummings explained, that we left people with the criminal record in whe whe. And whe whe, again, just like marijuana, the whe whe was essentially in rural areas. It was not an urban thing. It was not an urban thing, and imagine living in a community where you cannot have a piece of paper in your hand, because if you have a piece of paper in your hand police rubbing you down, police holding your hand out. I know, you know. Police appear with a fan belt and they want to read your hand to see who mark you have write down on your hand, a criminal. Imagine criminalizing, you cannot get into the teaching service because you had a piece of paper with 24 written down on it and police playing whe whe, principal playing whe whe, politician playing whe whe, lawmakers “bussing mark” and having a piece of paper or having a mark written on your hand was a criminal matter that remained on your record.

And this Bill seeks, in a rare occasion, when a Bill of this nature goes backwards, this Bill goes backwards to deal with some of what is recorded on people’s criminal record, so that they could get a clean slate. And, of course, when we talk about expunging and when we talk about dealing with persons who are incarcerated and pending charges and so on, somebody may be in jail or on Remand Yard for multiple charges, and will still have to face the justice system for those matters which are not possession of under 60 grammes, because the
discharge and the expunging and the pardon relates only to matters which are 60 grammes or less. Those matters which are non-marijuana, non-cannabis related will go on, but those which are related to the conduct that we are now trying to deal with, are going to be able to move forward in their lives without the problems of it.

Sen. Mark, as usual, was very contradictory in whether he supports or does not support. So he held up the Jamaican model as a model that we should follow and then said that legalization is a serious problem for the society, and then acknowledged that this is not a Bill about legalization, but a Bill about criminalization.

Sen. Mark: Do not confuse my contribution.

Sen. The Hon. C. Rambharat: It is typical of my friend, but I believe that CBD oils will clear all the channels and allow you to put decriminalization and legalization, but I want to say something, Sen. Mark. [Crosstalk] It is not accurate to say that Jamaica cannot export or Canada cannot export. Canada—


Sen. The Hon. C. Rambharat: I will refer you to, Sen. Mark, because I know you love to read. I will refer you to CBC News, January 02, 2018, which reads:

“Medical marijuana consumers in Prague rang in 2018 with a new Canadian import, Tilray Milled Cannabis, a high THC marijuana product grown on Vancouver Island.

The Czech Republic is just the latest nation to sell Canadian weed, joining Germany, Australia, New Zealand and a growing list of other nations which are turning to Canada as a safe and legal source for medical grade cannabis.”

I end the quote and inflict no more misery on you.

And anticipating, of course, you would ask me about Jamaica, Jamaica has
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been in the news twice. The first is when in 2018, the hon. Audley Shaw, a colleague of my friend, Minister Paula Gopee-Scoon, announced that Jamaica had its first legal export of medical marijuana extracted oil to Canada. The shipment to Canada was authorized:

“through an import permit issued by the Government of Canada through Health Care Canada for Jamaica and an export permit issued by the Ministry of Health in Jamaica.

The shipment marks the first step in positioning Jamaica as the medical marijuana hub for the world.”

And this was in 2018. And, very recently, Jamaica announced that it had made its first shipment of marijuana; not an extract from marijuana. They announced that they did, and it is wrong to say that they have not exported.

**Sen. Mark:** Who said that?

**Sen. The Hon. C. Rambharat:** Just to repeat, Mr. Vice-President, Mr. Audley Shaw, Minister of Industry, and Commerce, Agriculture and Fisheries in Jamaica. I did not say it. I did not say it. So it is wrong to say that.

As I close, Mr. Vice-President, I understand my friends, I understand the anxiety. They would like to deal with everything at one point, at one time—

**Sen. Ameen:** Comprehensive legislation.

**Sen. The Hon. C. Rambharat:** In a very comprehensive way, they would like to do all of that, but we understand how to do this and the priority of the Government, as articulated by the Prime Minister, is that we must deal with 30 grammes and less and to deal with the matters which are pending and the criminal records and so on. This Bill seeks to do that.

This Bill allows for personal possession of less than 30 grammes of cannabis in various forms. It is not restricted to smoking. It deals with this issue of public
smoking, smoking in a public place. It deals with some of the workplace issues which would arise, as my colleague, Sen. Jennifer Baptiste-Primus articulated about. And alongside this in the work of a joint select committee that this Senate populated today, the matter of the commercialization, cultivation, distribution, export licensing of products related to cannabis, including medicinal marijuana and derivatives of the cannabis plant would be addressed once the JSC completes its work for which it has been given a February 29, 2020, deadline. Mr. Vice-President, thank you very much. [Desk thumping]

**Sen. Anthony Vieira:** Recently I chided Government for the apparent one dimensional heavy-handed approach to offenders—lock them up, hit them hard. This is a welcome change and the Government deserves credit for the effort. [Desk thumping] Now, if I seem at times to be making light in my contribution, it is either for dramatic effect or to keep things, you know, on an even keel. I recognize that this can be a very contentious topic, all right, and it can involve some very deep sensitivities, so let me apologize up front if my words cause offence. It is not intended to be politically incorrect. I am not trying to be flippant or disrespectful of anyone, any religion or any section of the society.

In my youth, my passion was martial arts. I was not into smoking cigarettes, getting drunk or getting high on marijuana. I did not like being not in control of my mind and senses. My vices tended to lead in a different direction, [Laughter] but many of my friends indulged in the activity. We were part of the peace and love generation—idealistic, non-threatening to anyone. My friends were not criminals, but the current ganja laws and the laws as they were then are an example of where otherwise decent law-abiding citizens are turned into criminals, because the law is out of sync with our culture and history.

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Now, my teenaged friends thought they could evade detection by applying patchouli oil as a perfume. Well, you know, everybody knows ganja is easily discernable. Right? It has a distinctive smell. A blind person could smell them a mile away. The patchouli was a giveaway as was their bloodshot eyes.

The life of the criminal law begins at criminalization. To criminalize an act is to make it a crime, and we have, as Sen. Young so vividly described, we have criminalized thousands of young men and women who are no threat to society and who ordinarily would have stayed on the right side of the law, and that is what this Bill is about. It is about righting a historical and social wrong. [Desk thumping] Innocent law-abiding citizens caught up in investigation, being prosecuted, getting convicted and punished as criminals. To my mind, that was not just disproportionate but wrong and in my law practice, I have seen so many, so many good young men—men within the 18 to 30 age bracket we spoke about—run afoul of the law for doing something that caused no harm, no threat to anybody, nothing to the society, only to themselves and, you know, more often than not, men who were shy or of an artistic disposition whose lives and futures were blighted because of a personal recreational choice, which was frowned upon by the establishment, laws which were foisted on us from outside interests.

Sen. Young’s recount about Shaquille really grounds us in the reality. I have seen that. That is a common story. It resonated with me, because real lives are affected. The establishment has failed Shaquille as it has so many other vulnerable young men. So this law is long overdue, and it should never have been on the books to begin with.

Consider, for example, the glaring disparity between alcohol, also a drug, but we glamorize it, we promote it, we sensationalize it. And as Sen. Deyalsingh pointed out—and he is one of our most prominent psychologists—the marijuana is
less of the two evils—psychiatrist, sorry. Consider also the fact, as the hon. Attorney General has pointed out, that the cultivation, sale of marijuana was once legal in this country. I remember once driving around in Gran Couva and seeing a parlour where they had a sign for ganja for sale and the price for it.

**Sen. Baptiste-Primus:** Really.

**Sen. A. Vieira:** Absolutely. Marijuana was sold over the counter in Trinidad and Tobago, and it was often used for performing har pooja, Shiva worship. Right? I recall being amazed during a holiday in Nepal where there was a week-long festival in that country, Maha Shivaratri, where Sadhus and devotees smoked ganja and it grows wild in the Himalayas as a holy offering to Shiva. It turns out that Shiva is a God who likes marijuana. I understand that even his eyes are depicted as bloodshot. There is a verse from a 15th Century Nepalese devotional song:

Your eyes red and heavy from hemp’s fumes turned inwards seeing all.

I am not going to get into whether marijuana smoking in hookahs is halal or haram, but my understanding is that it was commonly used by Sufis, in particular, during the Islamic golden age and closer to home we, of course, have the Rastafarian movement where the herb is used as a sacrament.

**7.30 p.m.**

Last but not least, let us not forget the many people who are ill and suffering, chronic pain, marijuana is often the one thing, the only thing that offers comfort and the alleviation of pain. So there is a very important aspect of the use of marijuana in palliative care. Criminalization of marijuana was misplaced. As I say, the guys who smoked tend to be of easy-going disposition. I do not know if that was because of their inherent nature or if that was the effect of the herb, or a combination of both, but in any event today we know better. Today we recognize that there are medicinal benefits, weight loss, asthma, glaucoma, pain relief, just to
name a few. Sen. Deyalsingh listed a number of the medical benefits. We recognize today the cultural and religious application of the plant, so it is not just decriminalization for recreational use—

**Hon. Senator:** Weight loss?

**Sen. A. Vieira:** Weight loss, yes, the THC, you do not see fat Rastas you know. [*Desk thumping and laughter]*

Now, for those who may be alarmed in our society about where this is going, let me hasten to assure them that we are not looking to open the floodgates, this is not a pathway to Sodom and Gomorrah, or as someone said, towards becoming a nation of drug users and potheads. I am satisfied that this legislation has been approached thoroughly, thoughtfully and responsibly. I am not convinced that marijuana is a gateway drug. Sen. Deyalsingh spoke about Ermintude’s son, but it was not clear if the reason for his socially disruptive behaviour was as a direct result and the sole result of the marijuana or if it could have also been due to mental illness such as schizophrenia, bipolar, what you call a pre-existing vulnerability. I am not a scientist, I can only speak from personal knowledge of persons who have been using it for years. Persons who do not drink alcohol and they have shown little or no interest in hard drugs or designer drugs, and if you doubt my words, have a look at Willie Nelson. [*Interruption*] Willie Nelson, the country singer, he is in his 80s; it is well known that he smokes marijuana all the time, it has not impaired him, he is healthy, he is not into any kind of hard drugs. [*Interruption*] He could be. [*Laughter*]

In any event I accept what Sen. Cummings has said about the research in support of marijuana. And it is also worth emphasizing that this legislation closes the door on some very dangerous designer drugs which are currently afflicting our youth. The legislation does not do away with the First Schedule which lists
narcotic drugs under the Dangerous Drugs Act. The penalties for dangerous drugs have been raised in this legislation so this is not a case of anyone going soft on crime. The following are also worth flagging: Where a person operates any vehicle whilst under the influence, whether it is a car, a plane, a boat, machinery, that is now a crime. You cannot have or use cannabis on a school bus or around an educational establishment for children or where children are participating in any sporting or cultural event. Doing so will be a criminal offence. You cannot indulge in public, smoking or using cannabis in a public place remains a criminal offence. In fact, the penalties have been raised, and if you are a professional person doing anything which constitutes negligence, professional malpractice or professional misconduct, that is now a crime. Now, you always had recourse under the civil laws, you would have had recourse under the profession’s disciplinary body, but the law has been strengthened, any of that “dotishness” and skylarking or irresponsible behaviour is also now a criminal offence. This is not about getting soft on crime.

So, in general, I would say that the provisions in this Bill have been thorough and the drafters have shown particular care in getting the balance right. [Desk thumping]. There are aspects of this legislation that I particularly like. The opportunity for persons who are currently charged with simple possession to apply to the court for a discharge; that is going to free our system. The opportunity for those who were convicted of simple possession to have their records cleared and their good names restored. For those who may have slipped, you know, they went to the concert that Sen. Deyalsingh spoke about and they had their spliff in a public place, well, now you have the opportunity to pay a fixed penalty just like a traffic offence, and the opportunity for a convicted person to apply for a community service order.
Now, I am a great believer and supporter of community service orders. Years ago I represented a very decent man, he was a sportsman, he was a handyman but he was caught with marijuana and we were able to get a community service order. He used his skills, he took advantage of the opportunity to paint and repair an orphanage, he did amazing work and in the end everybody benefited, and he was so grateful for the chance to be able to go on with his life. Because when you have a criminal conviction, that is it you know, it is going to affect your employment, it is going to affect your opportunity to go to University, to travel, everything, and for what, a little spliff, a joint? So, all in all, I think this is a welcome gift for many. There is a place for drugs, it is the misuse of drugs that is the problem. This legislation recognizes that it was wrong to treat a matter of personal choice as a crime. It is about personal possession.

If I were to summarize this legislation it would be, “Hear what, being in possession of drugs is still a criminal offence in Trinidad and Tobago, but what we have done today is we have carved out a very carefully worded exception”. This legislation allows persons to use marijuana as a comfort and for relief from pain. They can now get it openly and legitimately instead of having to send somebody to buy it from the underworld supplier and run the risk of facing criminal charges, conviction and the serious consequences that will follow. This legislation allows persons and communities to engage in religious ritual without fear of the heavy hand of the law.

I also want to say that this legislation is nuanced, it allows for flexibility. It enables law enforcement and the courts to distinguish between trafficking and the misuse of drugs on the one hand and the use of marijuana for personal, religious or medical use. So I heartily congratulate Government for bringing this legislation. I am glad to be part of the dismantling of unnecessary misplaced and even
Dangerous Drugs (Amdt.) Bill, 2019

Sen. Vieira (cont’d)

Oppressive provisions that we have on the law books. I think the Bill is reasonable, balanced and proportionate. It has a legitimate aim and its measures are rational. Personally, I do not see any need to go to a joint select or any select committee. Well done, high time, pun intended. Thank you.  

[Desk thumping]

Mr. Vice-President:  Attorney General.  [Desk thumping]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Mr. Vice-President. Wow, I am nearly tempted to utter those words that come at the very end of a contribution almost immediately by saying that I concur with everything that Sen. Vieira and Sen. Rambharat in particular put onto the record, but, Mr. Vice-President, permit me to make a few observations.

First of all, Mr. Vice-President, I would like to thank all hon. Senators for their contributions this afternoon, and I genuinely mean all. This is the kind of law that obviously will have polar positions; it is a sensitive issue, it is a heartfelt issue. I thought Sen. Obika made significant sense in his contributions today. Some of it collided with Sen. Mark’s passion. I do not think that it was anything other than an intellectual difference between them in a matter of approach. I genuinely believe that we have managed to touch upon the large issues around this. So let us do it in quick fashion.

I recognize that other jurisdictions have managed to treat with this issue in one shot. You will often see cannabis control, economic exploitation, management of medicinal cannabis in one piece of law—

Mr. Vice-President:  Acting Leader of Government Business.

PROCEDURAL MOTION

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Mr. Vice-President, in accordance with Standing Order 14(5), I beg to move that the Senate continues to sit until the completion of the business at
hand, inclusive of the matters on the adjournment. I thank you.

    Question put and agreed to.

**Mr. Vice-President:** Attorney General.

**DANGEROUS DRUGS (AMDT.) BILL, 2019**

**Hon. F. Al-Rawi:** Thank you. Many jurisdictions have managed to do it in one shot and by that they take advantage of the fact that their constitution is very different from our own. Mr. Vice-President, as the drafter of laws for the Government of the Republic of Trinidad and Tobago I admit to being strategic. I admit to wanting to achieve the objective in the least painful way. I admit to purposefully crafting two pieces of law to cleave the issues. They operate together, that Bill which has gone to a joint select committee and that which is now before us, but respectfully they had to be cleaved because the social justice correction is something that we ought to do with immediacy, provided that we have nuanced the approach carefully. The economic management, the medicinal prescription route, the single convention management, the sacramental purpose, those things take a little bit more time. Where is the licence going to be done, who is appointing the members, how do we structure those things.

Treating with the social justice issue in the amendment to the Dangerous Drugs Act really is something which can be done today on the floor of this Parliament and at the committee stage. Why? We come to this issue after having had the benefit of a whole lot of global experience. We come to this issue after having had a whole lot of consultation. We come to this issue having had, as Sen. Rambharat put very capably on the floor, the benefit of a Caricom position. In case Members do not remember, the hon. Prime Minister, the Prime Minister of Jamaica, the Prime Minister of Barbados in particular have re-energized under Prime Minister Rowley the concept of Caribbean unity. And it was not my
mistake that we elected for the 60 gramme limit because Jamaica is at 56, Barbados is moving to 60 and we know what the Caricom is doing as a whole. But in getting to this social justice issue, Sen. Tripathi asked, “What did the TTPS have to say?”, and I will tell them now, through you of course, the question being a good question from the hon. Senator, but I want to start with what the prisons had to say, and this is pegged into the illegitimate aim of social justice.

Mr. Vice-President, the submissions coming from the prison’s administrative offices in a letter to me, coming under the hand of the Commissioner of Prisons, says this:

The prison is satisfied that there should be significant changes to the law on marijuana prohibitions. Some of the benefits include legislation that would decriminalize marijuana and regulate its consumption. This would eliminate arrests for proposed small portions of personal/recreational or medicinal. This aims at reducing both the cost to Government and the cost to the individual arrestee, including not only the punishment itself but also the stigma, disruption to life and non-criminal sanctions.

The legislation, decriminalization can help to allow criminal justice resources to be redirected towards other pertinent criminogenic issues. This implied by this percentage has three components in principle, a reduction in police resources because of the reduced number of arrests, a reduction in prosecutorial and judicial resources because of the reduced number of criminal trials and a reduction in correctional resources because the reduction, the reduced number of prisoners. Therefore, reducing or eliminating penalties for marijuana use, particularly to the possession of small quantities of drugs can reduce the severity of the criminal justice response to drug users.
But I would like to say something in particular, Mr. Vice-President, and this is where they come to their key findings. They say this. This is the prisons speaking for their perspective:

Approximately 55 per cent are convicted inmates; 65 per cent of the marijuana charges are simple possession of marijuana and close the 35 per cent were charged for trafficking.

So the preponderance is on simple possession:

Approximately 5 per cent of female inmates are incarcerated as a result of marijuana-related offences; 37 per cent of this figure is remanded inmates.

Hear this one—hear this one:

Seventy per cent of the young lads at the Youth Training Centre are confined to the centre for marijuana-related offences.

I think you could stop right there, 70 per cent of the young lads at YTC, now Child Rehabilitation Centres, are confined to the centre for marijuana-related senses. Do we really need to hear Sen. Mark say that we need to talk some more about that, hon. Senators? Do we need a joint select committee to talk while the paint dries on the walls of the prison cells for 70 per cent of the youth in the Child Rehabilitation Centre arena? Do we really need to do that? Can we take cognizance of the current law and current structures?

Hon. Senators, I want to remind, we as a Parliament, we in this Senate passed the Family and Children Division Bill, remember that? I think the Opposition probably does not remember it. In the Family and Children Division regime, Mr. Vice-President, we created a drug treatment programme in a drug treatment process for every child, someone under 18 years of age coming into the system. Could we in this law have said, “Okay, everybody under 18 years it is an offence of a high quality to have possession?” Would we not be entering into the
madness of inequality of treatment? We know statistically 80,000 people in 10 years ended up before the courts, we know 70 per cent of the lads at YTC are there for simple possession, if we criminalize children being in possession and we treat them differently from adults, what are we doing? How do we enforce that law? There is a solution, the solution is to be found in the Children Act. The Children Act makes it abundantly clear, offences relating to dangerous drugs, tobacco and alcohol, Part VII of the Children Act, section 35:

“A person who exposes a child or causes a child to be exposed to a dangerous drug or a substance having an effect similar to that of a dangerous drug commits an offence and is liable – on summary conviction, to a fine of five thousand dollars and to imprisonment for nine months; or on conviction on indictment to imprisonment for five years.

A person who gives, or causes to be given to a child, a dangerous drug or a substance…”—et cetera, summary conviction, indictable conviction.

“A person who uses a child or causes a child to be used as a courier, in order to sell, buy or deliver…”—summary conviction, indictable conviction.

“Where a constable reasonably believes that a child or person whom he reasonably believes to be a child is – in possession of…”—alcohol, tobacco, et cetera, and so we go.

The Children Act already treats with how we manage children, but we did not stop there, this Government birthed the Family and Children Division, this Government opened the Children Court, this Government anonymized all of the data to treat with children, this Government created the children’s rules, this Government created the drug rehabilitation rules, this Government opened the Drug Treatment Court, this Government has that working right now.

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So when I hear Sen. Mark recommend to us with a straight face, JSC, more time, talk, it is time to draw the line in the sand and say, no, one more day for a young man at YTC, now Child Rehabilitation Centre, is too much. [Desk thumping]. One more day for a person on remand because they are just too poor to access bail. It is just too much. And I am genuinely extremely passionate about this issue because contrary to the allegations that this is somehow an election ploy. I took the proverbial hard cuff in the face, intellectually speaking, when I was busy trying to promote dangerous drugs, cannabis, marijuana reform. In 2016 the hon. Prime Minister corrected the position in the public domain because he reminded me later, “Listen, let us get the criminal justice system beginning to work”, because Sen. Deyalsingh was talking a bit about why do we have to do this law, perhaps if our criminal justice system was working maybe we did not need to treat with this.

He talked about, “Why do we not have night courts?” and, et cetera, but I want to remind Sen. Deyalsingh, this is a stain on your record that puts you out, full stop. If we left this law as it stands you have a conviction for one joint because possession of any amount of cannabis is a crime, then that is a full stop on your career, you will not pass go. That is a full stop on your employment. That is a full stop on your family life. That is a social stigma for something that is happening everywhere. Look, I am the Member of Parliament for San Fernando West, in my own constituency, Mr. Vice-President, in the very poor areas of the constituency you walk along the streets and communities, you can smell weed everywhere. The police pass up and down, do nothing about it, but when it is time for them to “puh dong ah a wuk” on the community, they will go and arrest you for the thing they passed 100 times already. What is the point of that, Mr. Vice-President? That is the point of that?
Mr. Vice-President, I can tell you in my first draft of the legislation, I drafted regulations to license one plant, intellectually wrestled with the concept of, “Look, let us protect the child, let us manage the situation. If you want to have one plant in the area, let us let you get a licence for it”, but you know what came into the operation of that law, “How are you going to police that? How are you going to police when you know the statistics tell you in 10 years you have 85,000 cases, 8,000 cases a year, that is who you bothered to bring in, not those who you left out. How are you going to police thousands of households in this country and not run amok?” And that is why I actually have the regulations I drafted in my hands right now, I abandoned that, the Cabinet abandoned that. I took that to the Cabinet and the Prime Minister raised the issue of practical reality in our country. We scrubbed it against the data, are you actually being brought before the courts, what happens to you, are you incarcerated for simple possession; 99 per cent of the time you are incarcerated only if you are too poor to afford bail, pretrial incarceration.

As soon as you get to the court and you are dealing with under 100 grammes you effectively only get $1 fine; that is what you get. Sen. Deyalsingh raised the issue of night courts, et cetera, we do not need night courts in this country, we have the Criminal Division, what we needed was rules of court to cause you to go to court, be on time, have your matter prepared up front. But you know what, Senator, through you, Mr. Vice-President, we birthed the Criminal Procedure Rules, we birth the criminal courts, we computerized the Magistracy, and what we are doing is we are rules-basing the criminal justice system, we are organizing the management of that system, but what you are also doing is freeing up the court system of thousands of matters; in fact, hundreds of thousands of matters. Why do you need 104,000 motor vehicle and road traffic cases? That is why we passed the Motor Vehicles and Road Traffic Act amendments.
And stick a pin there, under section 77, I believe it is, of the Motor Vehicles and Road Traffic Act, it is in fact section 70; section 70 says:

“All person who, when driving or attempting to drive or when in charge of a motor vehicle on a road, is under the influence of drink or a drug to such an extent as to be incapable of having proper control…”—et cetera.

It then goes on to say:

“The Minister may, by Order, approve the device to be used for the detection of drugs pursuant to subsection (1).”

You want to know what, we have drafted the regulations for that already. The drugalyser kit exists already. I have announced that in the Parliament, the Bill is ready to be laid now. So all of these pieces actually coordinate and interoperate.

And what has taken us long to operationalize the Motor Vehicles and Road Traffic clear-out, electronic payments, done as of Monday this week in the Registrar General’s office to be applied in the Ministry Works and Transport Licensing Division. This month as we take that online payment system we had to digitize the data, licences for driving, motor vehicle registration; we had to put in the camera systems, all of those things, the creation of the bodies to work it, they have been completed and will go live this year, 2020, in the first quarter. Take away the preliminary enquiries, 26,000; take away the cannabis cases, 8,500 a year, you are left with 43 magistrates under Criminal Procedure Rules in an expanded Judiciary where they could only have just a sensible amount of work as a workload, and that is how you get progress in your society, Mr. Vice-President. So—[Interruption] yes, please.

Sen. Thompson-Ahye: Thank you, Mr. Vice-President. Is there a plan for the cases where the children had to be released from the rehabilitation centres and the parents do not want them home, will not welcome them home? There are times
when, for example, at Christmas you try to get the parents to even take them home for Christmas and the parents say, “Where you are going, doh bring dat child here.” So I just want to know, you release them, where are we releasing them to in those cases?

**Hon. F. Al-Rawi:** Sure. We have created children homes, we have created alternate systems, we have amended the Children Act to allow for alternate remedies to prevail, so there is a plan for that. And, yes, we have a brutally callous society, old people are checked into the hospital as sick during Carnival time and left there for two and three weeks at a time; children are not taken home; we have dealt with children in need of care, CHINS regime. We have dealt with the callous side of our society as best as we can. And the point is creating the Family and Children Division, creating the drug treatment court, creating the child probation officers, creating the social services, doubling up the capacity of the Children’s Authority, we have done all of that. Now, will there be religious leaders who will be upset with some of what we did? Sen. Rambharat is right.

**8.00 p.m.**

Do you remember the hue and cry, three Senators sitting on the Opposition Bench, when we tried to abolish and in fact abolished child marriage? The UNC came to this Parliament and said effectively no to child marriage, and then excoriated me as Attorney General for stripping out the three-fifths majority. Mr. Vice-President, that was in the face of statistical information to demonstrate a 55-year-old man had married a 12-year-old girl—pedophillia. And Sen. Mark wants another joint select committee.

Mr. Vice-President, there is another regulation. Sen. Tripathi correctly raised the issue of where is the supply coming from; the dilemma in the four plants; what happens if you are over the limit, but we had to treat with the source.
But the data in Trinidad and Tobago demonstrates that we are not actually producing marijuana here, because the charges for cultivation and gathering are 0.2 per cent, et cetera. That means we are importing it. The education programme which goes along with this is critical. We are going to have to say, “Make sure you are not taking something that is contaminated, understand there may be additives,” as Sen. Obika put forward. [Interruption] Yes, please.

**Sen. Richards:** Thank you. Through you, Mr. Vice-President, because, I was wondering about that very point. Does the Government envision proclaiming this amendment to dangerous drugs at the same time that the JSC would end, and the other Bill, the control Bill will be debated? I am asking that because in this Bill the only reference I see to the supply side of it is the cultivation part of it, and if they are not done together you have to ask yourself where people are going to get the 30 grammes from.

**Hon. F. Al-Rawi:** Sure, I will answer that now. I was coming to that literally now. What time is full time, Mr. Vice-President?

**Mr. Vice-President:** You finish at 8.23.

**Hon. F. Al-Rawi:** Sure. Section 57 of the Dangerous Drugs Act allows the Minister of Health to bring to life the regulations for importation of prescribable cannabis. Sen. Rambharat said, “Dis ting could have been done since 1991.” Nobody did it. We were prepared to do it. Tough choice, hard call, not everybody going to be happy with you. I recognize Marcus Ramkissoon, a very hard-working expert in this particular field, who gave Trinidad and Tobago yeoman service. We had many a day fighting, he and I, as to the approach to this law. I told him, I said with the greatest of respect, “Listen, yuh doh understand our Parliament yuh know. You may have drafted the laws in Antigua and elsewhere where common sense prevails, but in our Parliament, I will have to face a few Senators who will tell me,
‘Let us talk some more. Let us have a JSC. Let us talk till the kingdom ends.’”

And so we split the laws. Big ring down fight, Mr. Ramkissoon and I, could not understand why I was splitting it. I think he may understand today.

I will tell you, section 57(1) of the Dangerous Drugs Act always allowed the Minister of Health to produce regulations. The supply is easy. I have the regs in my hand. The regulations, which I obviously could not put into the Parliament yet, are very simple. We propose to define what medical cannabis is, what THC means, how medicinal cannabis goods are to be dealt with, how they are to be labelled, packaged and then managed through food and drugs, and the dangerous drugs regime, to be licensed to be brought in and dispensed by pharmacies. It means you are guaranteed to get a clean non-addictive substance laced with LSD or cocaine, or something that the man on the corner pretends to be good weed, or that has pesticides, or worse yet pathogens or bacteria in them. You can actually allow for the importation of this in world standard, prescribable THC content under these regulations which we intend to lay immediately.

**Sen. Richards:** Is that prescription or—

**Hon. F. Al-Rawi:** Yes, this would be a prescription.

**Sen. Richards:** So I am asking about the ordinary man in the street, through you, Mr. Vice-President, who does not go to a doctor. And from my understanding and please correct me if I am wrong, the new regime will mean that the person in the street will think that I could have 30 grammes or less for my personal use, not necessarily for medicinal use. How is that person going to get that in the absence of the passage of the control regulatory framework?

**Hon. F. Al-Rawi:** Sure. Because, number one, you see this concept of medicinal use, let me call a spade a spade, it is a ratch—it is a ratch. All over the world it is a ratch. Right? So the prescribable aspects are so wide that a doctor, a vet, can
prescribe this position and there are multiple uses. What are we talking about the use for? We are talking about the use for pain relief, for all of the good sides of it. We had to allow for the decriminalization and the supply side. All other jurisdictions started with the four plants. Where the control Bill comes into effect is effectively to remove the personal supply via plants. That is where the industry will take over, as Canada did, to remove that growing in your home. But we can do the two things coming from different ends. The point is: Do we wait and keep people in jail for another day? Do we manage this? Do we wait for the JSC, for Sen. Mark to talk till the cows come home, intellectually speaking, in another joint select committee?

We have been trying to pass the cybercrime law, the gaming law, the Revenue Authority, and there are certain Senators that sit on some of those Committees that just refuse to get on with the business, you know. One year becomes seven years in a blink of an eye. Mr. Vice President, what I am saying is we can allow for the prescribable quantities to come in, when the control Bill is managed, the authority is birth, because there is a whole amount of time taken for that to come into effect, when that comes in we can manage the process.

Now let me speak to Sen. Mark’s point, about the International Narcotics Control Board supposedly going to condemn Trinidad and Tobago for what we did. Mr. Vice-President, I would like to tell you as a matter of fact, right here in this Parliament building, not in March of this year as Sen. Mark alleges, but in September of this year, Prof. Francisco Tumbi and Kebe bush Welkema came in September 2019 and they definitely said to us, be mindful of the conventions but that there are no retributions or consequence for treating with the personal use side of it.

Sen. Mark is correct, many an industry player has come to the Office of the
Attorney General to ask about the cannabis industry. In fact, one of the large Canadian companies came with a UNC representative. Let me repeat that. Past diplomatic representative, Mr. Neil Parsan, who is a good friend of mine, brought in a Canadian company to talk about this issue. I listened to them, as I listen to everybody else, from the All Mansions team, everyone else, but they walked in the door with the UNC. So I do not know what Sen. Mark is talking about. He will talk about that in public and some proverbial “mark tuh buss”. Ask your own people about it, because there is nothing wrong with that. There is nothing wrong with the global discussion. That is why we treat with the two aspects in different forms.

Now, Mr. Vice-President, I am proposing that we have some amendments to this legislation, the Government proposes. I think there was a great meritorious point raised by Sen. Richards. I wish to thank him profusely for the point that he raised, of something which other Senators touched upon: How are we treating with the rehabilitation side of it? Permit me to point out that section 6 of the Dangerous Drugs Act, the existing law, says that:

“(1) The Court before which a person is convicted under section 5, may, before imposing a sentence, order the Psychiatric Hospital Director to admit the person convicted to the psychiatric hospital named in the Order.”

But then it becomes very limited:

“(2) Subject to subsection (4)(b) a person who has been admitted under subsection (1) shall not be kept in a hospital for more than fourteen days.”

It just does not go far enough.

Thanks to Sen. Richards’ point, we propose, Mr. Vice-President, that we cause an amendment to the Bill. We are asking for that amendment—I wish I had mine; as Sen. West bails me out of my dilemma—I am asking for that amendment
to be that we allow for, at the point of conviction:

“Notwithstanding any other written law, before discharging…”

Because we are proposing to discharge in this law people who have been convicted already:

“or imposing a sentence, on a person in relation to an offence under this Part.”

And that therefore takes you prospectively and retroactively:

“…the Court may make an Order for—

(a) counselling;

(b) rehabilitative intervention or treatment; or

(c) psychological evaluation and resultant assistance.”

I thank Sen. Richards for bringing that very material point. It was echoed by a number of Senators across on the Opposition Bench, on the Independent Bench, this has been a common theme. How do we treat the next step forward in treating with it? But with this addition, hon. Senators, I believe we have caught the last gap in this law.

The Government does not pretend that it can think of all angles, all options. This is obviously law being made in the dynamic context of what Trinidad and Tobago actually is. We do not make law for ourselves. We propose law for the country. Section 53 of the Constitution: For the peace, order and good governance of our society.

We can make a difference in this country. I did give a very solemn word on a few issues when I was in Opposition.

You would recall when we were debating the Children Act, Sen. Vieira was there with me. In 2012, the Independent Bench did not vote for the Bill. The Opposition PNM and the UNC Government passed that law that night. The
Independent Bench abstained because they said until we treated with the issue of child marriage, they would not support the law.

Then in Opposition I said opposite to then mover, Verna St. Rose, I said to her, “You have my full support. The PNM supports this measure. We will get it done.” That is why I came as Attorney General with the law to abolish child marriage.

The second solemn promise given when I was in Opposition was to my beloved Senator, the late Corinne Baptiste-McKnight, in saying to her in a different setting, on her death bed, not at the time but as she lay there at Vitas House, that this is something that has to be treated with. We went to work. I want to remind you where we started in 2015. The first public consultation conducted by this Government was on the prison system; we laid it bare. We then set about doing the reform aspects. What have we done? We have addressed plant and machinery, people, processes and law, and all of the laws, the vast majority of them that we have passed as a country for years, have not been brought into operation because nobody bothered to operationalize whilst they were legislating.

I am very pleased to say that this Government has a very different track record. Plea bargaining, up and running; judge-only trials, even for murder, up and running; Criminal Division, birthed, up and running; Family and Children Division, birthed, up and running; explain your wealth legislation, first two preliminary unexplained wealth orders have been made in this country. That is no small feat. And yes, there will be some inconveniences as we operationalize law, for instance in the demonetization of the $100 bill. It cannot be an easy thing, but for heaven’s sake, Mr. Vice-President, when the fruit is brought into reality and we start to take the profit out of crime, or better yet, let me put this on the record.

Everybody who has a job pays taxes via PAYE, pay as you earn.
Businessmen who are registered, pay taxes. There may be a certain amount of avoidance, some evasion, but there is a vast majority in our country that do not pay their fair share, or anything at all. It is not a laughing matter that a barber could do very well, or a hairdresser, or a person involved in the beauty industry, or a lessons teacher. They do very well, they provide yeoman service. But do they pay their fair share? There is nothing wrong with causing the banking of money, in diverting our economy into a cashless system, in asking more people to pay less. There is nothing wrong with that.

If Sen. Mark’s team would not allow the Revenue Authority to be birthed, well you have to find a different way. You have to find a different way to get everybody to pay their fair share. This law, this Bill that we are treating with, is about asking more citizens to buy onto the idea of social justice, management of societal issues, bringing the disparate pieces into order and going with my favourite phrase—and you know what it is: Just start. Too much of our time is spent looking for the perfect product. There is a great deal of merit in just starting. The Parliament is here to fix things.

Mr. Vice-President, without interrupting the rule of anticipation, I am on my third amendment to the administration of justice preliminary enquiries law. Why? You fix it as you go. You do your consultations, you scrub, you get the law right, you move the Parliament and you get it done.

Therefore, Mr. Vice-President, I honestly recommend to all Senators that there is merit in beginning this process with immediacy. I genuinely do not believe that this Bill is so radically different in intent and purpose that it requires more consideration. The amendments to the Dangerous Drugs Act can stand alone. They can bring immediate relief, they can bring social justice. Obviously we have to have an abhorrence to abuse. Obviously we must protect our children.
Obviously we rely upon the Children Act, the Family and Children Division, the drug treatment aspects that we have birthed and put into operation in law and in fact. But today is the day we really need to stop talking about continuing to talk, and more and more analysis paralysis. You know what the real political tragedy would be? To sit down and just not get it done. To take another 28 years to do something that should have been done already.

Mr. Vice-President, I recommend in all sincerity the legitimate aim of this law. I borrow Sen. Vieira’s reflections that this law is nuanced, carefully constructed. I wish to thank all persons that participated, the thousands who came out to the public consultations, the CPC’s team, the hard-working CPC’s team that sat for umpteen hours with me and with Sen. Rambharat who is the Chairman of the Legislative Review Committee, my own secretariat. The consultants in the persons of Mr. Ramkissoon and others, that worked with us, Dr. Pottinger. I wish to thank Prof. Rose-Marie Belle Antoine [Desk thumping] for her work in leading the Caribbean charge on this, as an advocate for social justice in her own right, very commendable amount of work conducted by the University of the West Indies with the personal passion there.

Mr. Vice-President: Attorney General, you have five more minutes.

Hon. F. Al-Rawi: Thank you. Mr. Vice-President. I believe this time has come for this law to be passed, and I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Mr. Vice-President: Hon. Senators, before I call the Attorney General to put the committal, we shall take a short break and this House shall return at 8.30.

8.19 p.m.: Sitting suspended.

8.30 p.m.: Sitting resumed.

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Mr. Vice-President: Attorney General.

*Bill committed to a committee of the whole Senate.*

*Senate in committee.*

Mr. Chairman: Hon. Senators, as you are well aware, this Bill has nine clauses, and there have been amendments circulated by the hon. Attorney General, as well as Sen. Paul Richards and Sen. Mark. Is everyone in receipt of these amendments?

Hon. Members: Yes.

Mr. Chairman: Yes. Good. Then we can begin. What I propose to do, given that these amendments actually begin at clause 4 as it pertains to Sen. Mark’s circulated amendments, we will take clauses 1 to 3 as a batch and then we will begin the clause by clause.

*Clauses 1 to 3 ordered to stand part of the Bill.*

Clause 4.

*Question proposed:* That clause 4 stand part of the Bill.

*Sen. Mark’s amendment reads as follows:*

A. Delete the definition “public place” and substitute the following definition:

“public place” includes an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not, including

(a) all commercial, agricultural and industrial zoned lands and properties;

(b) bars, drinking places, restaurants and clubs;

(c) tourist establishments, beaches, hotels and guesthouses;

(d) schools and all other educational institutions;

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(e) hospitals whether publicly or privately operated;
(f) churches or other religious establishments except as is permitted under the Act or any other law;
(g) correctional facilities whether publicly or privately operated;
(h) public transportation;
(i) government offices; and
(j) other places or buildings of all types, accessible to the public;

B. By inserting in the appropriate alphabetical sequence, the following definition:
   “dwelling house” means any structure or part of a structure whether permanent or temporary and whether fixed or capable of being moved which is designed or adapted for use as a dwelling or residence;”

C. By deleting the definition of “smoke” and substituting with the following new definition:
   “smoke” means to inhale, exhale, burn, combust, vaporize or carry any lighted or heated device or pipe, or any other lighted or heated cannabis or cannabis product intended for inhalation, whether natural or synthetic, in any manner or in any form and includes the use of an electronic smoking device that creates an aerosol or vapour, in any manner or in any form, or the use of any orally used device for the purpose of circumventing the prohibition of smoking in the public place;

Sen. Mark: Yes, Mr. Chairman, let me make it very clear once again that our task here is to strengthen this piece of legislation, and to ensure that the public interest is protected. So what I am doing here, Mr. Chairman, is that for the ordinary man in the street, the current definition as proposed by the Government through the
Attorney General, is somewhat a bit technical and confusing to the ordinary person. So what I have sought to do is to advance a definition that anyone can relate to in the society, including the ordinary person. So when they read the definition of what is a public place, they will immediately be able to associate with this definition rather than this one that we have in the current legislation.

So I am asking the Attorney General to look at this particular proposed amendment for his consideration—well, for consideration, to determine whether he can live with it or whether he would not go along with it. But I honestly feel that we need to be a little more specific, direct and a little more certain when we are defining terms in this legislation given its importance. So that is what I am proposing.

Mr. Al-Rawi: I thank the hon. Senator for the recommendation. The Senator proposes an important word which is “including”, which means it is not necessarily confined to the ejusdem generis rule in listing the matters as he has. But that notwithstanding, there are a few observations to be made on this. First of all, in looking at the legislation from other jurisdictions, we have not come across a formula such as recommended by Sen. Mark.

Secondly, the position is misleading for the ordinary user. What happens to aircraft, what happens to ships, what happens to other context? They are all omitted, even though the word “including” is put there. The current definition of “a public place” has precedent in several jurisdictions in the Caricom setting, in the Caricom recommendations, et cetera. And because the law would need to be a breathing, living thing, we prefer to reside in the definition as proposed:

A—““public place” means an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not;”
This not only fits with the international and Caricom setting, but it fits with definitions included in our law which prohibits smoking in public. Therefore, we prefer to reside in the local accepted formula. What we thought was very important, and this amendment actually came from the House. We thought that we should not include specifically a dwelling, which is used obviously for private purposes, for dwelling purposes, in the genuine sense. We are excluding out commercial activity. So we genuinely believe that the definition of public place as proposed in the legislation as a framework position, allows us to keep, A, informed with the laws of Trinidad and Tobago and, B, in keeping with the general Caricom context, particularly as we are looking to harmonize the Caricom region.

8.40 p.m.

**Mr. Chairman:** Sen. Vieira.

**Sen. Vieira:** Thank you, Chair. AG, what about private members’ clubs and private bars or churches and religious establishments such as temples where the herb might be used as a sacrament or for devotees?

**Mr. Al-Rawi:** Sure. So if I take the latter one first which is the sacramental aspects, that is important, so important that we have carved it out into the Cannabis Control Bill where we allow for sacramental purposes. And in that regime we are proposing registration as a non-profit organization, definition of premises, because in those sacramental areas we are going to have to have dispensaries because the sacrament is dispensed. If you take the host in the Catholic Church, for instance, you are going to have to, in the communion of the body and blood, it comes from the place there. So insofar as dispensaries are contemplated in sacramental purposes, we have put that under the licensing regime for cannabis control as other jurisdictions have.
With respect to private members’ clubs, et cetera, those clubs are caught by the definition of “public place” because that is private or public to which the public has access by right or invitation whether expressed or implied. So all of those are caught in the same way that a bar will be, et cetera, so we have separated out the religious purposes for the other law where we need to tighten that up.

**Sen. Mark:** Mr. Chairman, if you look at what is being submitted, I have sought to marry what the AG has in his definition, but to expand it so that the public would be able to understand, you know, some definite places. We are living in Trinidad and Tobago, and I think that we need to be conscious of our environment. So we have captured what the AG has in his definition in the first three or four lines of what is a public place, but we went on to expand and said it, you know, “including the following”. So I think this is a more elegant definition for inclusion and consideration, so I would like to ask the Attorney General to reconsider his position.

**Mr. Al-Rawi:** I think that I have advanced the reasons as to why we respectfully do not accept the definition proposed by hon. Senator. I thank him for it nonetheless.

**Mr. Chairman:** So, Sen. Mark, just for clarification. So we have spoken on clause 4, A, B and C. Okay. When you look at B now, for—

**Sen. Mark:** Yeah.

**Mr. Chairman:**—in your proposed amendment 4, B.

**Sen. Mark:** Mr. Chairman, we have used in the definition of “public place” in the Bill that is before us, the non-inclusion of a dwelling, but there is no definition of a dwelling in the interpretation section, and I believe that this is very important to have a definition of a dwelling place or house, and I have extracted from one of the pieces of legislation here in the Parliament, this particular definition for the
consideration of this House and for the consideration of the Senate.

So, again, Mr. Chairman, I think we need to have some certainty and any avoidance of doubt when we are using terms in these kinds of pieces of legislation and therefore, I am suggesting for the AG’s consideration that we define what a dwelling house is, for purposes of certainty and clarification.

**Mr. Chairman:** Can you do C, “one time”, just for expediency?

**Sen. Mark:** Yes. And, again, I have again sought to incorporate what the AG has under “smoke”, but he has left out certain very important terms and words which I have sought to incorporate in this definition like “cannabis” and “cannabis product” intended for inhalation. So I have sought to expand to make it as broad as possible and to capture what I believe we are trying to achieve when we define “smoke”. So these are the submissions I would like to make for the consideration of the Attorney General.

**Mr. Chairman:** Attorney General.

**Mr. Al-Rawi:** Sure. If I may deal with “public place” first of all, Mr. Chairman, we do not use the term “dwelling house”. In the definition of “public place” we exclude any premises in actual use as a “dwelling”, not a “dwelling house”, and we have used that concept because “premises” will include everything: a container house, a chattel house, a the ship which is converted to a home, something that is on the water, and therefore, we have specifically used “dwelling” to indicate the human habitation for housing purposes.

Secondly, we have used the concept of “premise” together with “dwelling” so that we can capture the home aspect with anything that can be. You see, in the Caribbean we have a unique form of living, it has come up time again, I am sure many of my attorney colleagues would, of course, remember *Mitchell v Cowie* and the whole concept of chattel homes and houses and now containerized solutions, et
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cetera. So we have gone with a very broad formula as opposed to a specific formula for “dwelling house”; because what happens if it is not a house? What happens if it is a dwelling boat or a dwelling container or a tent or a carat shed, et cetera. So that is why we have not gone with dwelling house at all, we have just gone with “dwelling”. “Dwelling” is to indicate the human habitation for home, and “premises” captures everything.

Mr. Chairman, the difference between the “smoke” definition as proposed by my colleague and the one that is inserted into the Bill as before us, first of all there is a formatting arrangement. We have preferred the use of the (a) and (b) just for ease of reading. Where there is a difference between that proposed by Sen. Mark and what we have, is where Sen. Mark says:

…or any other lighted or heated cannabis or cannabis product intended for inhalation whether natural whether natural or synthetic.

That defeats the purpose of having a definition clause, so we have defined cannabis in its broadest form. We have defined it also by way of cross reference to what a dangerous drug is, which is the First Schedule, item No. 3, which captures the genus of cannabis. Cannabis, Cannabis L, cannabis sativa in its synthetic or natural form, and then the various iterations set out at the First Schedule.

So we prefer, because effectively we are saying it in a tighter form, to use the definition as set out, (a), from a form and process point of view, and (b), because we captured the definition of cannabis in the manner in which we have defined it both in the definition section and by way of reference to the First Schedule, item 3. So in those circumstances I respectfully decline the invitation to accept the proposed amendments.

Mr. Chairman: Okay. Hon. Senators, at the point in time I will put the question as it relates to Sen. Mark’s amendment first, and then, secondly, as it appears in the

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original Bill that we debated.

*Question, on amendment, [Sen. W. Mark] put and negatived.*

**Sen. Obika:** Mr. Chairman, before you go to the actual clause 4, there was a question I had on “public place”, but I did not want to traverse the amendment by Sen. Mark. So, if I can put question to the hon. AG.

**Mr. Chairman:** So you have a question—

**Sen. Obika:** Clause 4 itself.

**Mr. Chairman:**—clause 4, just original as it is.

**Sen. Obika:** Yes. Not on the amendment.

**Mr. Chairman:** No problem. Go ahead.

**Sen. Obika:** Thanks, Chair. The issue that I am looking at is, but does it include the premises in actual use as a dwelling which is not used for commercial purposes—that last part. If there was an ability in the language to account for instances where a building has a commercial space, a parlour, a seamstress establishment, an ice cream shop whatever, which is normally the case in many places, how do we account for that?

**Mr. Al-Rawi:** So I take it you are talking about mixed use, right?—where somebody may be using a dwelling home for certain purposes. The law as it is applied in general, not the Town and Country Planning law where you have to have mixed use permission, et cetera, is that you tend to disaggregate the public side of it from the private side of it. And you will usually see that in the construct of parlour on the premises, et cetera, they are usually divisible. When people go for licences, for instance, to sell alcohol and there is a home at the back, et cetera. So that private side of it would be distinguishable from the public side. If you had a shop in the front of the home, do not bring the cannabis out there because members of the public are accessing there. I do catch your point, I think it is a
laudable point, but we divide it out that way. The home side of it, you are okay on, the public side of it, you are not okay on.

**Mr. Chairman:** Sen. Ameen, same clause 4?

**Sen. Ameen:** Yes. Mr. Chairman, I want to be guided by you, while the clause deals with, in terms of public space and so on, right? What I wanted to ask is, with respect to the present law where the possession of certain amounts of control substances or dangerous drugs near to schools or institutions that host children, would be considered trafficking. How is that impacted?

**Mr. Al-Rawi:** Very good question. A home that is next to a school, that is within 500 metres of a school; sorry. They will have to be bound by the 500 metres principle, because the risk of throwing it over the fence or the child coming into proximity; so the 500 metres chain will always apply.

**Sen. Ameen:** Thank you, Mr. Chairman, that is what I was looking for. Thank you.

*Question put and agreed to.*

*Clause 4 ordered to stand part of the Bill.*

**Clause 5.**

*Question proposed:* That clause 5 stand part of the Bill.

**Mr. Chairman:** Sen. Mark.

**Sen. Mark:** I just wanted to ask—thank you, Mr. Chair. I just wanted to ask the Attorney General, given how we have reworded this particular section where we have included “genus cannabis”, could you see or foresee a circumstance in the future where someone who is given the right to plant four trees can say, “Listen, I am entitled to that under law”, but in the definition under section 4(b), we also include “opium poppy” and therefore, I am just asking whether an individual can say, “Just as how I have the right to plant four trees or plants in terms of cannabis”,
whether by some stretch of the imagination, somebody who is on some trip can go to the courts of Trinidad and Tobago and indicate that he has a right to also plant opium poppy.

So in other words, I am just devilling a point for your consideration, because this is in the legislation under the Dangerous Drugs Act and we are amending that section to include something that was not there before. So with us bringing this into play, and this “genus cannabis” is now being permitted, people are now permitted to plant and to raise these plants, can an individual go to court and say, “I also have the right to plant opium poppy”? I am just asking for your consideration.

Mr. Chairman: Attorney General.

Mr. Al-Rawi: Mr. Chairman, most respectfully this amendment simply deletes the word effectively “marijuana” and replaces it with “cannabis”. Section 4 of the Act says:

“The Minister may, subject to Regulations made under section 57—

(b) issue licences for the cultivation, gathering or production, at a stated place, of opium poppy, marijuana, or coca plant;”

They are not in the conjunctive, and then the particulars of licence will tell you what you can do. Your licence will be specific in nature for the specific product, so I think there can be no mischief that would be tripped into existence in that regard.

Sen. Mark: I just put that for your consideration, because you know, we are thinking about what could happen in the future, I put it up for his consideration.

Mr. Chairman: Sen. Vieira.

Sen. Vieira: My interpretation of the amendment is that the qualifying words was “of the genus cannabis”. So what you are talking about, opium is the narcotic
extracted from the cannabis plant—

Mr. Al-Rawi: No. No.

Sen. Vieira:—opium would be the flower from the cannabis.

Mr. Al-Rawi: Sorry. They are separate categories entirely. Opium is different from marijuana—


Mr. Al-Rawi:—is different from coca.

Sen. Vieira: Or plant—

Mr. Al-Rawi: Yes.

Sen. Vieira:—of the genus.

Mr. Al-Rawi: Yes.


*Question put and agreed to.*

*Clause 5 ordered to stand part of the Bill.*

Clause 6.

*Question proposed:* That clause 6 stand part of the Bill.

Mr. Chairman: Sen. Mark, we will take your amendment first.

Sen. Mark: Yeah. Mr. Chairman, we cannot be speaking from both sides of our mouth. We are talking about decriminalization and we still maintain some very hefty fines of $1 million where we had before $25,000 No, $25,000 we had before, and we are now putting $250,000. I am saying that the Government must look at the Jamaican experience and try to get—this is not for violent crimes, this is for somebody having, you know, a plant, and I do not believe that if the Government is serious about decriminalizing, they should be having such hefty and draconian fines in this particular legislation.

So I did not want to not put a number, but I really feel that the Government
should give active consideration at reviewing this matter, whether it is like a fixed ticket of $2,000 or community service, so you move away from the criminalization of this whole issue of possession of cannabis. Because if we are on particular path and we are trying to empty the lake or the stream of all these African youths who are in jail, and we want to expunge from the record whatever criminal records are there, here we are going, Mr. Chairman, with, you know, the very said thing that we are now trying to deal with. Because if somebody is fined—an ordinary man that is—$250,000, Mr. Chairman, where are they going to find that money to pay?

So all I am asking the Attorney General is that, if you are trying to decriminalize, then you also have to take it in a holistic way in terms of sentencing and fines, and I am suggesting that this thing should be deleted completely, this clause; I am suggesting that.

And then when you go to (iii), we have gone from 50,000 to:

“…the words ‘five years’ and substituting the words ‘one million dollars and to imprisonment for fifteen years’;”

Again, Mr. Chairman, I believe that if we are going the full way, we ought to go the full way, we cannot be half pregnant. Again, I would like the Attorney General to consider whether we could look at these hefty and draconian fines.

As we go on Mr. Chairman, to (b), I am proposing that if you look (b)(ii), this is where the Attorney General and I have some serious differences because this is in violation of the international treaty that we have signed up to. And I am suggesting that I am sure the INCB will write us on this matter and warn us too but, Mr. Chairman, I would like to suggest to the Attorney General, where it comes to this cannabis resin, I would like to put after that, seeing that it is the strongest of the two plants or herbs, I think it contains THC if I am not mistaken, I would say that that ought to be qualified by the following words, because the hon. Attorney
General made mention of the late Corinne Baptiste-McKnight, and the whole need for us to look at cannabis from a medicinal point of view. And I am suggesting that he should qualify “cannabis resin” by including the words “for medical or therapeutic use”. So in other words, people would know what this thing is about, and I would just want to propose that.

And then as you go further down, Mr. Chairman, I am suggesting that in:

“(g) a person who cultivates or has in his possession not more than four growing male plants of the genus cannabis.’;”

I would like to suggest that after the word “who”, we include:

…who under licence for medical or therapeutic use cultivates…

So, again, we insert what we are about. This is about using cannabis for medical or therapeutic use, and it should be inserted in the legislation to that effect, consistent with the international treaty that we have signed onto.

In terms of (c), Mr. Chairman, I am suggesting that the Attorney General again revisit the hefty fines and look at coming up with a more reasonable approach. So instead of $50,000, I am suggesting that that be deleted, and I have placed 25, but the AG could delete that too and maybe come up with something more creative in terms of numbers or something less. But the essence of my intervention, Mr. Chairman, is to ensure that we qualify what we are doing and we seek to ensure that these draconian fines do not go forward in a period when we are seeking to decriminalize the use of cannabis. So those are my thoughts on the proposals and amendments that I have advanced on behalf of the—

Mr. Chairman: Attorney General.

Mr. Al-Rawi: Mr. Chairman, if I may. The recommendations coming from Sen. Mark are premised upon a supposition that we are being inconsistent, A, with the intent to de-criminalize, and B, with the Single Convention on Narcotic Drugs.
Those are essentially the two submissions that the hon. Senator has made.

With respect to the first part that we are being inconsistent as it relates to decriminalization, I beg to differ. What we are doing in the proposed amendments to section 5 of the Act, that is where you make possession of dangerous drugs, all dangerous drugs, triable by a summary route or an indictable route. We have left the prescription for the number of years that you would be exposed to. So on summary conviction we have left five years, and on indictable we have left the position set out there, but we have cleaned it up a little bit because of the maximum sentence rules. Right?

What we are saying is that, we are simply saying that if you are brought before the court for summary convictions for dangerous drugs other than cannabis in the way which we treat it now, in other words then, other than the decriminalized route which we have carved out, you may be subjected to $250,000 as opposed to $25,000, and you may be subjected to $1 million as opposed to $50,000. That is essentially what we are doing.

We carve out decriminalization as follows. For amounts under 30, no consequence, for possession there is a consequence for smoking, so there is still a criminalization aspect. For the amounts 30 to 60, we say, “ticketable” offence, $2,000, in default you are going to find yourself subjected to community service, 30 hours. In default of that, you may find yourself subjected to the fine which is $50,000. We do not propose $250,000. That is not what this law says because we specifically carve out cannabis in the manner in which this Bill does, so it is the opposite of what Sen. Mark says.

What we say is if you are over—now we take the next category—60 to 100. For 60 to 100, we say you would be subjected to $75,000, and that can also be treated by way of community service, but we do not allow for “ticketable” offences
for that. Right?

When you cross 100 grammes—and let me put this into context—60 grammes is six packs of regular cigarettes with 20 cigarettes per pack. That is a 120 cigarettes of marijuana in your possession for 60 grammes. That effectively takes you up to nearly 200 cigarettes in your possession. We, from a policy point of view say, you have no reason in a decriminalized environment to be walking around with so such marijuana and we therefore provide for, if you are over the 100 grammes that is when you get hit with the $250,000.

Now, section 68 of the Interpretation Act is abundantly clear, it says that the maximum amount prescribed in law—so when you see $1million or $250,000, that is the maximum amount that you can get. If you take the $250,000, you have, as Sen. Rambharat reminded us earlier, you still have section 71 of the Summary Courts Act where you can apply for a reprimand and a discharge, conviction, reprimand, discharge, zero, and you walk out. So you do not have to get $250,000, the case law is replete, the Interpretation Act section 68 is clear, you are not subjected to the full amount.

It is the same on the indictable route where there is a discretion for the judge depending upon the severity of the offence, the circumstances of the case to, in judicial discretion treat with that. That is also circumscribed by the judicial pronouncements set out in the sentencing guidelines. We now have published sentencing guidelines, so none of what Sen. Mark said is the case, it is in fact a very well-known principle. So that is with respect to the “excessive”, and “you are talking on two sides of your mouth”, that is not the case, we are very clear in this, but you would have to read the whole law to catch that.

The second aspect as to the breach of the single convention and whether we would be tripping the single convention, and inserting into the law as Sen. Mark
proposes, the concepts of “under licence for medical or therapeutic use”; no. We have premised our amendments on the back that this thing is too large in small quantities to license anybody. We do not have the manpower in this country to go and license every home, to take the police there, to subject the people to police entering and to go and view their premises any time of day or night, warrant beating down your door. All that you would be doing is that you would be shifting the problem to somewhere else. Instead of arresting you for one spliff, one joint, they would be beating down your door for your one plant. And we just say, we cannot treat with that, we will have to educate people, we will have to roll out the health aspects, et cetera.

When we treat with medicinal or therapeutic use, we have carved that out into the Cannabis Control Authority. There is a whole section in the Cannabis Control Bill that treats with medicinal or therapeutic use, so we cannot conflate the two.

To take these two amendments is to effectively kill this legislation, sit down and talk for another 28 years and fix nothing, and in those circumstances I respectfully do not accept the recommendations coming from my learned friend, Sen. Mark.

9.10 p.m.

Mr. Chairman: Sen. Vieira.

Sen. Vieira: Thank you. Just on the wake of Sen. Mark’s point about the International Narcotics Control Board, that board, that organization has been seen as ultra conservative and highly judgmental. The board has in fact even been against the use of cannabis as a medicine, and the International Narcotics Control Board has been criticized for their behaviour in commenting on matters that are the sole purview of national governments.

“In an April 2003, former United Nations Drug Control Programme, Chief
of Demand Reduction Cindy Fazey penned a scathing review of the Board, accusing it of overstepping its bounds.”

— And I quote:

“Unfortunately these individuals also see their role not only as the guardians at the conventions, but also the interpreters of them as well. In their annual report they have criticized many governments, such as Canada for permitting the medicinal use of cannabis, Australia for providing injecting rooms and the United Kingdom for proposing to downgrade the classification of cannabis, which would entail less serious penalties than at present. These criticisms go far beyond their remit, and indeed it is hubris to criticize the Canadian Supreme Court.”

Mr. Chairman: Sen. Mark.

Sen. Mark: Yes. Mr. Chairman, I think that the Government of Trinidad and Tobago should take a decision to withdraw from these treaties, because we cannot be saying that we are a signatory to these treaties, and these treaties have certain provisions that says that once you are a member of it, you can only use cannabis for medicinal and scientific purposes. If you go beyond that, you are in breach. If the Government of Trinidad and Tobago is saying we are not taking on the International Narcotics Control Board, that is fine, but once you are a signatory, I have an obligation to draw to your attention, and to draw to the attention of Trinidad and Tobago, that the Trinidad and Tobago Government is in breach of the treaty, and if they want to get out, let them get out. But they cannot say they are staying in and violate it, and that is all I am advancing in this regard. So I rest my case.

Mr. Chairman: Attorney General.

Mr. Al-Rawi: Thank you, Mr. Chair. Number one, Sen. Mark in particular, had a
full 10 years and three months to do that, and did sweet nothing.

Sen. Mark: Well, we came here with the Bill. You did not bring it.

Mr. Al-Rawi: Let me repeat that, 10 years and three months, in the period 1995 to 2000, Sen Mark was in fact a Minister of Government sitting in a Cabinet.

Sen. Mark: You never tried to legalize—

Mr. Chairman: Sen. Mark, allow—

Sen. Mark:— marijuana to be marked up.

Mr. Chairman: Sen. Mark, please allow the Attorney General to respond to comments made. Attorney General, continue.

Mr. Al-Rawi: Yes, Sir. Ten years, three months. The Minister in the UNC Government was Sen. Mark, period 1995 to the year 2000. Nothing done. In the period 2010 to 2015, the UNC Government had a chance to do that. That is point number one.

Number two, we are signatories to the conventions and the protocols which amended the conventions, but under our system of law which is a dualistic system of law, not a monistic system of law, it is only lex loci, or the local law which incorporates convention law which binds us to law, and we are certainly not in a position where we have brought this into local law other than by way of firstly, the Proceeds of Crime Act, and secondly, the Dangerous Drugs Act.

Point number three, we met with the International Narcotics Control Board. They came to Trinidad and Tobago, they sat up upstairs on the ninth floor of this Parliament with me, the Minister of National Security, the Minister in the Ministry of the Attorney General, the Office of the Attorney General, and the Office of the Prime Minister, et cetera, and they specifically told us that we are on safe ground with what we were doing, so we went further than what Sen. Mark did.

We did not run in a shadow and cower as to what somebody would say. We
went and we met the people, we spoke to them, we engaged the issue, and we were given the assurances that we were on the safe path. Why? Because they saw both pieces of law: the Dangerous Drugs (Amendment), understanding the national priority to treat with social justice, and secondly, the Cannabis Control Bill, which they saw as well. So, I do not accept what Sen. Mark is saying, that is fearmongering for somebody who did nothing for 10 years and three months.

**Sen. Mark:** Well you are fearmongering too.

**Mr. Chairman:** Sen. Mark. Okay, so we had enough discourse on this particular amendment. Oh, Sen. Obika, go ahead.

**Sen. Obika:** I just want to know if I am on correct ground.

**Mr. Chairman:** This is on Sen. Mark's amendment, right?

**Sen. Obika:** Okay no, sorry.

**Mr. Chairman:** Yeah. Does anybody else have anything to say on this amendment as put forward by Sen. Mark? Sen. Seepersad.

**Sen. Seepersad:** Mr. Chairman, through you. Attorney General, if we can implement these amendments, and the International Narcotics Control Board is not in agreement with us, would it have any impact on our CFATF arrangements?

**Mr. Al-Rawi:** No, none at all.

**Sen. Seepersad:** Okay, thank you.

**Mr. Al-Rawi:** And for the record they are in agreement with what we are doing.

**Mr. Chairman:** I would now put the question specifically on Sen. Mark’s amendments.

*Question, on amendment, [Sen. W. Mark] put and negatived.*

**Mr. Chairman:** So, we shall now move on—[Crosstalk] Can I speak?

**Sen. Mark:** Yes, Sir.

**Mr. Chairman:** We shall now move on to the amendments as proposed by Sen.
Sen. Richards: Thank you, Mr. Chairman, through you. Given the submissions of the hon. Attorney General, and I want to thank the AG for accepting the accommodations, the principles of my submission which was to move the clause and the legislation generally from—in addition to a criminal justice approach to a public health approach, which is what my submission was about. And the fact that it now focuses on a rehabilitation component for the offender, and that the Attorney General’s submissions also include those who are now incarcerated who may be—their record may be expunged and they may be subject to sentencing, in addition to those who may fall afoul of the law in the future, I withdraw my submissions in lieu of the AG’s submissions. That is 6 and 7. Yes, thank you.

Mr. Chairman: That is clause 6, right?

Sen. Richards: Yes.

Mr. Chairman: All right. Okay, Attorney General.

Mr. Al-Rawi: Yes, Sir. Mr. Chairman, may I firstly indicated that the amendment as circulated for clause 6 is in need of a small improvement on my part. May I just guide you through an addition to that?

Mr. Chairman: Sure.

Mr. Al-Rawi: What you have written there in the right hand column of clause 6, if I could just ask you to put the letter “B”, capital “B” next to that.

Mr. Chairman: The right hand column, capital “B”.

Mr. Al-Rawi: Just put “B”. So, B would start in paragraph C, because I propose to add an A into it, which I propose to dictate. Yeah? So, I want to add a paragraph A, and paragraph A would say:

In paragraph (a), delete the words “and (2A)”—and you would continue—and substitute the words “, (2A) and (2B)”.

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So what that would do, Mr. Chairman, is in section 5, which is where you have the offence of being in possession, currently the law says, “Subject to subsection (2)”. Because we are introducing (2A), which would be, if you are in possession for 40 to 60, (2B), if you are in possession for 60 to 100, we needed to except those out from the possession offence. So, the amendments that we have proposed in the round, therefore, in the first paragraph, make sure that we capture the exceptions for (2A) and (2B). What is now in paragraph B of this proposed amendment, which would read as circulated:

“In paragraph (c), in the proposed subsection (2B), delete the words “Subject to section 5B(2), a” —and replacing with— “A”.”

We somehow managed in the House to include this by mistake. It should not have been included, because we never intended, and certainly the Hansard will reflect that, to have the amount between 60 to 100 subjected to the ticketable route. If you are between 60 to 100, you are going to be subjected to the fine of $75,000 or community service, and of course, rehabilitation, et cetera, as we will come to in clause 7, and that will deal with the withdrawal of the excellent submission proposed by Sen. Richards. So that, for the record, is the rationale, a, to make the exception for subsections (2), (2A) and (2B), and b, to make sure that the possession of 60 to 100 grammes is not subjected to the fixed penalty route and ticketable route. It is only subjected to the consideration of a fine, maximum fine of $75,000. Again, that can be anywhere from zero to 75, depending upon the judicial officer; and b, to ensure that that is then enveloped into community service, in default, and of course counselling and other public health aspects, and social aspects as proposed by Sen. Richards, but which we would pick up with in the proposed amendments to clause 7. Those are the reasons, Mr. Chairman.

Mr. Chairman: Good, so I will now propose the question as it relates to the
amendments put forward by the hon. Attorney General. Hon. Senators, the question is that clause 6 be amended as circulated by the Attorney General and further amended to say:

“In paragraph (a), delete the words “and (2A)” and substitute the words “, (2A) and (2B)”.

Does everyone understand that?

*Assent indicated.*

**Mr. Chairman:** Great.

*Question, on amendment, [Hon. F. Al-Rawi] put.*

**Sen. Teemal:** Chairman, on page 5 of clause 6(2B), where it is said about 50 hours of community services. AG I am just looking at in terms of one, proportionality, trade off against the fine of 75,000, whether, you know, that trade off per se is adequate, and do we really want to constrain the court to exactly 50 hours, or a minimum of 50 hours, and we allow the court to decide whether it should be more. Because if we do roughly $75,000 over 50, it gives us $1,500 per hour of value to community service, which seems to be rather high, and whether based on what the court assesses, the court has a minimum of 50, at least to work with, but if they want to impose more hours of community service, we leave that to the discretion of the court.

**Mr. Al-Rawi:** Sure, may I? So, the Community Service Orders Act, actually only allows a maximum of 40 in the Act itself. So, when you go to that Act you will see that they only allow 40. We did two things in this law. One, is we impliedly amended that law by going to 30, which is under the 40, and then we went to 50 which is over the 40. And we did that on a policy basis because we felt, well, first of all, the court has a discretion to go anything under those limits, right, under 30, under 50, in those circumstances, because again section 68 of the Interpretation
Act applies. So, when you put a million dollars you could go from zero to a million dollars. If you put 40 hours, you go from zero to 40 hours. So, we have used the term “may” first of all, because we do not want to interrupt the discretion of the court. We cannot fetter the jurisdiction of the court, so we do not use the word “shall”. We use the word “may” in respect of the separation of powers principle.

And secondly, we have accepted the 40-hour rule in the point, because the Community Service Orders Act comes upon a conviction, and then the community service allows you a range of things, a conviction and a mix of hours; incarceration, mix of hours; pure hours, then you can have a discharge. So, there are lots of conditionalities that can happen. It is a beautiful piece of law, which we really encourage the courts to do. So, this is Parliament’s way of suggesting to the Judiciary, “Ay, it is a good piece of law for this type of thing, which is cannabis, which we are accepting out under 100 grams from all dangerous drugs.” So, it is proportionate in the circumstances, in my respectful view.

Mr. Chairman: Sen. Obi.

Sen. Obi: Thanks, Mr. Chairman, I too was slow on the draw. My issue is on page 4, where under clause 6, section 5 is amended, the issue is:

“...a person who cultivates or has in his possession” —so one, the person who cultivates, right—“not more than four growing...plants...”

So, if we are in a household and the household has four adults, is it that each person can cultivate four plants, so then you can have up to 16 plants in that household? Or in cases where you have sometimes up to 10 adults in a household, you know where you have compound households, could we have 40 which is like a small farm. Is that possible?

Mr. Al-Rawi: So the single use convention prohibits the concept of personal use,
right, so we cannot say “personal use”. But in reality, the elephant in the room is that this is personal use. In certain circumstances one could consider it that. We will certainly not call it that. What we are dealing with is where does the supply come from? That is the elephant in the room. The best in case scenario is that really we need to shepherd our society under the control Bill to really get people into only licence, the medical aspects. The medical aspect does include recommendations and prescriptions. You see that wonderful term “recommendation” popping up in all of these laws to comply with the single convention, that is a “ratch”. What is a recommendation as opposed to a prescription, right? And because remember this has both the psychiatric, psychological and medicinal aspects to it. Right?

So what we are doing is, on treating with the operation of this law, we are going to put the regs into place so that you could shepherd them towards the counter of the pharmacists where there is an unpolluted, not laced, purer form of the THC which is prescribable, so you know what you are getting into. So, that is where we hope to shepherd people in the education programme. The four plants, it is a person, obviously the education programme is going to go there, when you and your family members are walking through the airport and you could buy two duty free alcohol limits, and the whole family, everybody picks up two bottles and you all arrive in the same house, it is kind ah like the same thing, and cigarettes. We cannot legislate for common sense and good behaviour, but we could try to educate it there.

So, you have hit upon the raw nerve, Sen. Obika, that is why I purposefully said in the debate that I thought your contribution was an excellent one in this debate, but this is the manner in which other jurisdictions have approached it, and it is the way we are going to have to get into the water. Where do you get the
marijuana, Sen. Seepersad? The gentleman sitting to my right is the Minister with responsibility for agriculture. And in fact what we actually intend to do, is to have that dealt with via the Government, so that the seed or the aspect of it is strictly regulated, and that the supply comes ultimately from the Government’s end of it, so we would know what is going into the market, more so, who is taking it from the farm. [Interruption] Well, we will treat with—that is where the control Bill goes to, to the revenue, to the tax exploitation. This thing is a potentially lucrative and manageable thing, lots of jurisdictions have dealt with it, so perhaps the champagne rule of genetic markers and geographic indicators. Sen. Vieira and I both have a great passion for intellectual property and agricultural persuasions. Our cocoa and our marijuana might be equally persuasive in the market, so that there are lots of permutations and combinations.

Sen. Seepersad: Can I just ask, please?

Mr. Chairman: Sen. Seepersad, yes, you may go ahead.

Sen. Seepersad: So what you are saying, this is not medical marijuana you want. If you want non-medical—normal marijuana, if you want to smoke the thing, where do you get it from? Do you have to go to the same illegal people, or is there—I mean, not plant it.

Mr. Al-Rawi: Mr. Chairman, this is a very important point. Let me put it to you this way, 90 per cent of gang activity in this country—let me repeat this, 90 per cent of gang activity in this country is sprung from marijuana trade. The minute you take away the lucrative side of bootlegging, underground economy, because it is prohibited, and you have to sneak by the doubles man in Arima who is selling weed under the cart, et cetera, as it is reputed to be. A, you are removing the cash aspect of it; B, you are taking away the trade. Because when you look to what cocaine is, Trinidad and Tobago is really a transshipment country for cocaine. We
pass through. If you look at the forensics data that I read out tonight, 80 per cent of our forensics analysis is for marijuana and 20 per cent for cocaine. Trinidad is not a cocaine country. The users of cocaine—because it is expensive, it is transshipment—they may be very few in number. What we are treating with in criminal activity and lucrative positions is marijuana, and that is why we are managing this law alongside this.

Sen. Seepersad: AG, I still do not understand where you are going to get the non-medical marijuana from.

Mr. Al-Rawi: You would get it, number one, from the pharmacy, as I told you, because we have the regulations under section 57(1) to promulgate. You can have that there. Remember the prescription, as I mentioned before, is a recommendation as well under the section 4 positions of the Act. Number two, the Ministry of Agriculture, Land and Fisheries will have a certain feedstock where the plant can be grown. Number three, those people who are in the shadows and have the plant already will emerge, and then it goes from there.

Sen. Seepersad: But that is a plant. What about the finished product, where do you get that from?

Mr. Al-Rawi: Okay, I am not going to go into the details of how to produce marijuana, because I do not know.

Sen. Seepersad: No, no, no, I am not asking that. I am asking, since we are decriminalizing it and we are saying if you have up to 30 grammes, you are not going to get arrested if you smoke it in your home—

Mr. Al-Rawi: Your question is, where does it comes from?

Sen. Seepersad: Where does it comes from?

Mr. Al-Rawi: It comes from where it comes from. I cannot say—you see, Senator, what is going to happen is that plants are going to be created, people are
going to cure, they are going to dry, they do it under lights, they do it under systems. It is actually not a complicated process. It is available on YouTube, for most people who look to see how things go. We have had UWI students arrested for having cannabis farms inside of their apartments, et cetera. So, a lot of people know how to do these things, but our important point is not to manage how they grow it, it is to make sure we treat with the law as to how it is in your possession to be managed.

**Sen. Ameen:** Am, Chairman?

**Mr. Chairman:** “Hmm.”

**Sen. Ameen:** If I could just join in, I do not think any of us could pretend that we did not ask ourselves if you are allowed to have a certain amount in your possession, where “yuh” getting it from? We cannot pretend that everybody is going to grow four trees and dry it, and follow the process on YouTube video. You are creating a market for which the sale of the item is still illegal, so are we going to let the authorities go easy on the people who are selling the—

**Mr. Al-Rawi:** Mr. Chairman, could I respectfully intervene. We have had a debate. We know that the plant supply is there. Many jurisdictions have it. This is, at this point, I respectfully believe, moving way beyond what we are proposing in the committee stage—

**Sen. Mark:** This is a serious matter. [Crosstalk]

**Mr. Al-Rawi:**—and I would just like to say, that—[Crosstalk]

**Mr. Chairman:** Senator, Senator, okay. Let me take control of this now.

**Mr. Al-Rawi:** Thanks.

**Mr. Chairman:** So, we have had honourable discussions. People have asked their questions. Obviously, this particular piece of legislation will have all kinds of questions attached to it in relation to that, but we have to treat with what is in front
of us by way of the clauses. I think the Attorney General has answered as best as he could. The actual responses coming from the Attorney General is not changing as much as the questions are being asked and whatnot. We have treated with clause 6. I am at this point in time—Sen. Ameen, I know you had concerns, Sen. Seepersad had very similar concerns, to which the Attorney General has relatively answered. I am going to put the question now on clause 6, because we still have a number of clauses to deal with, where there are several amendments that are circulated on the floor. Sen. Obika, is this—

**Sen. Obika:** Something new, but it is really just for the benefit of other Senators. Something I raised with the AG privately that I wish for him to make clear for the rest of the House.

**Sen. Ameen:** What is it?

**Sen. Obika:** Pertaining to persons who have plants in their possession and they cultivate, and then now they find that they have more than one kilogramme of cannabis, they would trip the provisions for trafficking, and then now they would be liable to sentencing up to a period of life and fine up to $3 million, what would be the remedy for those persons?

**Mr. Al-Rawi:** Sure. The remedy would be the certainty of the law. You would have to destroy anything above that amount. So, people who are in this position would be aware. You have a car, you could drive it at 200 kilometers per hour, but the road says that you could only drive at 80. It does not mean you have to drive at 200, just do not do it. So, you are completely right, Sen. Obika, this is something that people need to be aware of, so we are going to have to do a dedicated education programme to tell people, “Look, at the harvest what you gonna have to do, is you gonna have to destroy and remove the excess product”, and that is just what it would be.
Mr. Chairman: Hon. Senators, the question is that clause 6, as amended, now stand part of the Bill.

*Question agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

Clause 7.

*Question proposed:* That clause 7 stand part of the Bill.

Mr. Chairman: You have a question on the original clause 7 in the Bill, before any of the amendments. We are going to treat with Sen. Mark’s amendment to clause 7 first, and then when we get to the original Bill, then you can ask the questions. Sen. Mark.

Sen. Mark: Yes, Mr. Chairman, in clause 7, in section 5A(1), let me just get the section, Mr. Chairman. We are at clause 7, section 5A(1)—

Mr. Chairman: The first one is, “or uses”.

Sen. Mark: Yes, “or uses”, yes. I am proposing, Mr. Chairman, that in section 5A(1), we delete the words, “or uses”, and it similarly reads:

A person who smokes cannabis or cannabis resin in a public place.

I am suggesting that we delete the word “uses”. I am saying I think it is looking more redundant than anything else here.

Mr. Chairman: You are talking about (b), Sen. Mark.

Sen. Mark: Yeah, but I am seeing where in the proposed new section 5A—I think a part is missing on my—

Mr. Al-Rawi: No, you wanted to delete subsection (3), which is the obligation on the owner to have a positive role to tell people do not do it.

Sen. Mark: Yes, I was not too clear on this. AG, you need to explain this to me, because that is why I was proposing that be deleted completely.

Mr. Al-Rawi: Sure. Sure.
Sen. Mark: Because this is what—

Mr. Al-Rawi: I understood.

Sen. Mark:—I cannot understand, so if you could explain.

Mr. Chairman: All right, AG—

Sen. Mark: But, Mr. Chairman, before the AG does that, because I think 7 goes right down, is this, Chair?

Mr. Chairman: Well you have two amendments, a and b, which you have spoken to.

Sen. Mark: Yes, but there are some other areas I would like clarify even though I did not put it in writing.

Mr. Chairman: Well, let the AG deal with the circulated amendment first, and then—

Mr. Al-Rawi: Mr. Chair, do you want to take any other comments and I could perhaps answer all in the round? It is up to you, Sir.

Mr. Chairman: No, it is up to you if you are able to take in all.

9.40 p.m.

Mr. Al-Rawi: I have taken notes on the first two. Perhaps it is convenient for the Senator to continue with the rest?

Mr. Chairman: Okay. Go ahead Sen. Mark.

Sen. Mark: Hon. Attorney General, in section 5C on page 14 of my Bill, I just wanted to know what device or devices are we going to be using to determine a person’s level of cannabis. Because we are saying that a person who whilst under the influence of cannabis does anything which constitutes, and we go on to talk about negligence, malpractice and so on. And then we go on into the second section and say, if the person has cannabis or cannabis resin in his possession on the school bus—what I was concerned about is 5C(a) and then further, a person
who in C, 5C, big C that is, you go to small (c), who:

“operates, navigates, or is in actual physical control of any motor vehicle, aircraft, or ship whilst under the influence…”

My concern here, Mr. Chairman, is that that person:

“commits an offence and is liable on summary conviction”—that is—“of two hundred and fifty thousand dollars and to imprisonment for five years.”

My concern AG, what mechanism, what device are we going to use? Mr. Chairman, you know if you are driving under the influence of alcohol the police will stop me, have a Breathalyzer. I need to know what device is being used to determine the level of cannabis content in my blood stream so that you can charge me. We need to know that because there is nothing to tell me what the device is.

Mr. Chairman: Is that the extent of the concern?

Sen. Mark: Yes, that is the extent of my concern.

Mr. Chairman: Attorney General.

Mr. Al-Rawi: I believe Sen. Obika had some questions too as well, Mr. Chairman, if I can probably hear the others.

Sen. Obika: Clause 7 has to do with the Mercy Committee, right, hon. AG?

Mr. Al-Rawi: Yeah.

Sen. Obika: I think Sen. Tripathi has an issue, so I will collect my thoughts.

Sen. Tripathi: Thank you, Mr. Chairman. Through you hon. AG, section 5D. Now in a perfect world I would submit that 30 grammes being the level that is acceptable now after this Bill is passed. I would propose that for persons seeking to expunge their records 30 grammes should also be the amount. That would be in a perfect world. But would the AG be reminded to consider dropping the 60 to 45 grammes?—just for the sake of 60 grammes in my respectful view being excessive.

Sen. Mark: Mr. Chair, I have other areas I just want to clarify with the Attorney
Mr. Chairman: Attorney General, you are able to take—

Mr. Al-Rawi: Yes, Sir, of course.

Mr. Chairman: Sen. Mark.

Sen. Mark: Attorney General, if you go page 16 and you go to section 4, which reads—that deals with the expungement or the expunging of criminal records through your attorney and so on. What I was thinking is that when you expunge, from my humble understanding, one’s criminal record you are really starting from tabula rasa, a clean slate, you have nothing to trace. When you go for a pardon I am seeing where you can have remnants of your past still being in existence.

So what I was thinking is whether we are going for expungement or we are going for pardon or is it we are going for both. Because I am seeing that there might be a collision in terms of a pardon versus an expungement. So I just wanted to ask you whether it would not be cleaner for us to just focus on expunging or an expungement of the person’s record and end it at that point or if you are going for pardon you just go for pardon and leave out expungement, because that is a bit worrying. Because you remember the only person, as you know, and it is outlined here, who can pardon an individual is the President and you constitute the Mercy Committee and you go forward. So I do not understand why we have a two tier or two tiered approach in this matter. So I just need some clarification for it.

Mr. Al-Rawi: Mr. Chairman, are there any other questions?

Mr. Chairman: No. Attorney General, you may proceed.

Mr. Al-Rawi: Thank you, Mr. Chairman. Let me deal with Sen. Tripathi first, if I may. The request I understand is driven from an understanding of what appears to be reasonable. So I catch the hon. Senator’s recommendation of 60 appearing to be really a lot of marijuana, a lot of cannabis. The reason we gone for 60 and why
I urge that we keep it there, is bifurcated. In the first instance it is to keep harmony with the rest of Caricom because Jamaica is at 56, Barbados is about to go to 60 and the other jurisdictions are going to harmonize across at 60.

The second reason is the vast amount of work at the Forensic Division is occupied by things under 100. So we have kept at the 60 for the ticketable offence aspect, really in an understanding the work load in the court and the work load at the forensics. So that is (a) and (b) of Part II and then in the harmonization for the rest of the Caribbean being the first ground on it. Does that assist?

Sen. Tripathi: Hon. AG, I understand where you are coming from and the ticketable aspect of it I do not have an issue. But it is just the expunging because it seems to me that we—it should not just be a forensic issue being the end result. I know you mentioned that you look at a lot of statistics. In your statistics that you looked at for 30 grammes and under would you be able to tell, maybe how many persons records will be expunged from 30 to 60.

Mr. Al-Rawi: Sure. I can give you some averages based upon my recollection of the figures. So the 30 to 60 will take you to about, anywhere about 65 per cent of the batch. The over 60 to 100 will get you to about 94 per cent of the batch. I can deal with the pardon aspect and expunging aspect, your point on expunging together with my response to Sen. Mark on pardon so if you permit me to envelop the two together?

Sen. Tripathi: Okay, thank you.

Mr. Al-Rawi: So if I deal with Sen. Mark’s observations, Mr. Chairman, Sen. Mark’s proposal that we delete the words “or use” in the first part. If we were to just keep it to smoking, the definition of smoking does not contemplate the manner in which you may administer resin. Because remember we are capturing cannabis and cannabis resin. Two different categories. Resin may be administered perhaps
intravenously, I do not know, I do not know what the ways of administering the chemical components may include, but there are certainly uses beyond smoking. So we took using to capture the other forms of ingesting the THC or administering the THC as they may develop over time.

Couple years ago nobody would have thought that you could have vaped something. Vaping is now quite common in place. So it is to allow the law to continue to speak. [Crosstalk] Pardon. No we are dealing with cannabis, cannabis resin. I would not come into that aspect just yet on that point. So that is paragraph (a) of Sen. Mark’s proposed amendment to section 7.

Sen. Mark proposed the deletion. He really asked a question why do you have this thing just lying around there about the owners of premises, having a positive obligation to tell people look stop using the thing and go. It offends the very principle of law which says you ought to have a sanction for something. So I understand Sen. Mark’s observations on that. We borrowed that from a number of jurisdictions in the Caricom where we had least put a positive obligation to tell people, “look mind your business”. There is a positive obligation in the law, it is not underwritten by an offence but at least it is a positive obligation where law enforcement can come along and say, look put up a sign, have the ability. But if you look at what we suggest there, what we are saying in that section, if I can just get the page of the Bill where it is. Page 9, subclause (2):

“(2) An owner of, or any person who has the sole or shared responsibility for managing, supervising, or regulating the use of, a public place shall ensure that any person who smokes or uses cannabis or cannabis resin in that public place cease and desist from such smoking or use and may remove or evict that person from the public place.”

That is the “sanctionable” aspect that we put in inside of there to give them
the compelling reason to eject somebody. You see, the law of trespass and the revocation of the license to remain in the public place will not exist in the same circumstance that it exists in a private place. In a private place you are a licensee at the will of the person who has invited, allowed you to stay there. The minute somebody is on a private place and you do not want them there and they are not an owner or have any propriety right there, you say, I revoke your license, get out. And then you can physically compel them out because you own the property, you revoke the license, you become a trespasser when the license is revoked by you saying, “I want you to leave”.

If a policeman enters your premises without a warrant and you do not have reasonable suspicion you can actually revoke the license for the person to be there. In a public place it is a little bit different. In a public place we want to give the person that has the authority to manage the place, the ability to say, well I am going to eject you from the place right now. This would at least provide a defence to the person who ejected you for using cannabis in the public place, that person will be clothed in the action that that person took provided, of course, that it was not unreasonable. So that is the rationale for subclause (3) which Sen. Mark proposes to be removed and why we would not accept that recommendation respectfully.

Sen. Mark asked a further question—

**Sen. Mark**: Mr. AG—

**Mr. Al-Rawi**: Just let me finish with your original questions. You spoke for a good 20 minutes on them, so let me just get through them. You asked a question about expunging versus pardon, are we doing both. We are doing both and I will explain why. If we pardon the record will still stay under section 50K of the Police Service Act. So even though you are pardoned that record will still be there, it will
be an historical document which would continue to be in existence. So we want people to have the ability to have it expunged from the records of the police and not be there.

**Sen. Vieira:** And just to explain further on that, Sen. Mark, it is two different processes. The pardon is a presidential pardon given on the advice of the Mercy Committee. That would be a complete expunction but that will have to be done in an individual basis—

**Mr. Al-Rawi:** Correct.

**Sen. Vieira:**—and it could take some time. The fact is though, when you go for the expunction of the record, “doh forget” the police, if you want to get a Certificate of Good Character you have to go to the police to get it. If you get charged with any kind of thing they go and they do a search, you have a prior conviction. So you do need to have, as a matter of practicality, the police record expunged.

**Mr. Al-Rawi:** Precisely, thank you so much. I could not have said it more precisely. Thank you, Sen. Vieira. So those in the round are the reasons. Sen. Mark, you wanted to ask me something further.

**Sen. Mark:** No, I was just asking whether the owner rather than physically ejecting or evicting the individual, should not the owner secure the support of the police. Because you see, remember this is a situation in which somebody is on high, the person might be using cannabis resin, THC, and he is hallucinating. He is seeing the owner as a pig. Now, you go to evict that man, Attorney General, and that man might physically bring harm to you and you may have, if you have a weapon you might have to use it on him. So I am just wondering for the safety of the owner of the premises whether we should not have a provision where the owner is given the all clear—
Mr. Al-Rawi: I got you. Let me just borrow from the law of landlord and tenant and the prospect of ejection or even dealing with squatters. You have the right of self-help in law. You can eject, you can put someone out, but the law frowns upon it. So the common law will continue to speak in the usual reasonable sense where you would be invited to call the police “nah” and treat with it, but we do not need to put that into law, it will operate.

Sen. Vieira: Just a suggestion, it does not come in any of these things, but we all have been wrestling with the issue where does someone get the marijuana legitimatelly. That is where there is a gap. I have come up with three possibilities. One is you buy plants from the Ministry of Agriculture, Land and Fisheries and you grow your own. The second one is as you have put in the legislation, you could go to a pharmacy and get it under a prescription. But I would like to suggest a third option. When I was in Finland they were dealing with their alcoholic problem. So what they have in Finland in a state monopoly where you could only buy alcohol from an Alko store. Now that, they have 355 stores and 66 order points throughout the country—

Mr. Al-Rawi: “Ah got yuh.” Canada did it for cannabis and then open the licensing aspects—


Mr. Al-Rawi:—as well.

Sen. Vieira: And so what you do is—

Mr. Al-Rawi: And that is where the control Bill is intended to go.

Sen. Vieira: That is right. So you have to show that you are over 18. You have to produce ID. If they feel you are buying it for somebody else they are legally obliged not to sell it to you. And so that would be a model that I might suggest we could perhaps consider adapting to get this thing up and running.
Mr. Al-Rawi: So that is the intention in the Cannabis Control Bill. It is literally intended to control and what we will intend to do is that that is going to be run—Canada started with state monopoly, opened up the licensing into the private sector and we are literally on the same page, Sen. Vieira. We are literally on the same page, we have tackled that in the JSC with alacrity. In fact, we are hoping to meet next week to at least establish the committee and get its parameters out.

Mr. Vice-President: Okay, we have two more Senators, Attorney General, keeping in mind the fact that you also have amendments to this particular clause 7. So I will allow Sen. Obika and then Sen. Dillon-Remy. Sen. Obika.

Sen. Obika: Actually my question is for a different part of the clause.

Mr. Vice-President: Yeah, go ahead.

Sen. Obika: So thanks, hon. AG. Basically it has to do with page 15, regarding the Police Service Act. If someone is currently on remand or convicted seven times, do they have the opportunity after this law has been assented and passed, and so on, to be liberated, to be freed?

Mr. Al-Rawi: Sure.

Sen. Obika: And what is the time frame?

Mr. Al-Rawi: And the method I can even go to. So on the remand condition, you are remanded to return to the court because you must come in fact every 28 days, you are bound to come to remand. It may even be on a shorter period. It used to be eight days many years ago, but under the last Government, prudently it changed to 28 days. So you will come back up before the court every 28 days or such other period as the court would have done, so the remand side is easy.

On the conviction side, I am sure a lot of people will be paying attention. But we have already in the prisons mapped out everybody who is there. We know who is inside of there, including who is inside of there for only cannabis. They are
the first ones who will be informed by the Prisons Authority exactly what is going on. You may be surprised to know this. Despite the deplorable conditions of the prisons, which we are working aggressively on I should tell you, the retrofitting of Remand Yard is going on, the opening of a court is happening there, in fact in January we are going to have the head of Corrections Canada here, we have a lot of work done. We are bringing a parole Bill to the Parliament next month, so there is a lot of work going on there. On the convicted side you would be surprised to know and remand side the prisons keep their data well into. So we have done that.

We are already operationalizing to make sure the police are ready to green light this, they have the fixed tickets, the prisons have mapped out the structures, the Chief Justice is aware in terms of the volume that will come before the court, how we treat with it. Under the Criminal Division, section 24 of that Act allows for the establishment of special courts by the Chief Justice’s direction and we have already put that into place. It is the same way we did 400 maximum sentence indications in one month, in the cycle that we did when we brought in the whole plea bargaining and the structures, et cetera. So we have been preparing to operationalize this law actively and your points are well taken.

**Sen. Ameen:** AG, just for—

**Mr. Vice-President:** Sen. Ameen, hold on. Sen. Remy.

**Sen. Dr. Dillon-Remy:** AG, with respect to on page 15, the court discharging for that offence. That is 5D and then the other part. I am just wondering—this is for one offence. So that person gets discharged, person commits the same crime again, twice, three times. Each time you go and get discharged. Is there anything that will be put in place for repeat offenders?

**Mr. Al-Rawi:** So the law actually treats with repeat offenders under the Dangerous Drugs Act and then your antecedents comes to the court. So when the
court is looking at how they are going to prescribe penalties and prescriptions for you, the court is going to take notice of people that have a continual point, which is why, “bam” Sen. Richards comes into play. Because the amendment that I have not yet had a chance to put to the floor treats with the drug rehabilitation side. And I really want to stop and thank Sen. Richards for pointing that out there. I had not thought of it in the way that he did and it is amazing at how a debate can bring out good points and I want to thank Sen. Richards for that. That is the proposed amendment that hopefully I will get to move at some point tonight in this clause.

[Laughter]

Mr. Vice-President: In keeping with that—one second Sen. Thompson-Ahye, let me just allow the Attorney General to speak to his amendment one time given that most Senators have question on clause 7 that is in the Bill anyway, just in the interest of time and that way procedurally I can treat with all of the amendments as put forward by various Senators. Attorney General, go ahead and speak to your amendments in clause 7.

7. A. In the proposed section 5D(5), delete the words “Constitution.”. And substitute the words “Constitution.”.

B. Insert after the proposed section 5D, the following new section: “Power of Court to order discharging, or imposing a sentence on, a person in counselling, relation to an offence under this Part, the Court may rehabilitative intervention, (a) counselling;
etc. (b) rehabilitative intervention or treatment; or (c) psychological evaluation and resultant assistance.”

UNREVISED
Mr. Al-Rawi: I am very grateful to all Members and to you, Mr. Chairman. Mr. Chairman, we proposed in—[Interruption]

Sen. Ameen: “Mr. Chairman, you forget meh.”

Mr. Al-Rawi: No, no, we will come back to it.

Mr. Vice-President: We will come back to it.

Mr. Al-Rawi: In the amendments you will see paragraph A and paragraph B, that bunch of words in paragraph A is effectively just to delete the inverted commas. It is the way that the legislative drafters do that. Just deleting the inverted comma which appeared in the word “Constitution”, just after it.

Paragraph B is where we insert the idea brought forward by Sen. Richards, which is that we insert a new section, but it is an amendment. So we are not doing a new clause, right. So we are allowed to do it this way. So we are putting in the power of the court to order counselling, rehabilitative intervention, et cetera. We are saying:

“Notwithstanding any other written law, before discharging, or imposing a sentence on, a person in relation to an offence under this Part”—we are taking the whole part—“the Court may make an order for—

(a) counselling;
(b) rehabilitative intervention or treatment; or
(c) psychological evaluation and assistance.”

And what we did, Mr. Chair, is that we borrowed that from section 59(2)(k) of the Children Act. And section 59(2)(k) says, and this is when we were treating with kids in the same bracket, that the court may:

“make an order for counselling, any other rehabilitative intervention or treatment or for psychological evaluation and resultant assistance;”

So what we did is we harmonized the advances that we made for children.
Remember we parked that in the Family and Children Division by creating a drug treatment arrangement there. We have added services now. So this is a great opportunity to bring the dangerous drug adult side of it into the children’s side of it. We would have missed it if Sen. Richards did not point it out, we were just doing so much at the same time. Again, I say thank you to the hon. Senator. So that is the reason.

I want to remind you that that was driven in the Dangerous Drugs Act, Part II is the possession of and trafficking in dangerous drugs. It commences with section 4 and it goes right down to section 6 and that is where we treat with that part. Section 6 was inadequate. It only allowed us the facility for the court to order admission to a psychiatric hospital for 14 days. And that just is far from rehabilitation in the sense proposed by these amendments. So that is the rationale, Mr. Chair.

**Mr. Vice-President:** Okay. In light of what the Attorney General has just said, Sen. Richards, do you wish to withdraw your clause 7 amendment?

**Sen. Richards:** Absolutely. The Attorney General’s proposal is a lot more elegant than my suggestion.

*Amendment withdrawn.*

**Mr. Vice-President:** Thank you. Sen. Ameen.

**Sen. Ameen:** Three, “lil” lower down.

**Mr. Al-Rawi:** Which page?

**Sen. Ameen:** Same page, 15 with 5D.

**Mr. Al-Rawi:** Yeah.

**Sen. Ameen:** Item 3, clause 3.

**Mr. Al-Rawi:** Yes.

**Mr. Vice-President:** Yes, go ahead.
Sen. Ameen: And it goes over to 16. I am asking, one of my main concerns here is that a person may apply to the Commissioner of Police to have their record expunged. But in (4) you say: “the person may apply through his attorney-at-law to the Commissioner of Police”. I know that the State provides an attorney for a person who cannot afford through legal aid. But I am asking if this is a situation where there are straight forward situations, can we have a provision for a person to not necessarily need an attorney to fill out a form and because the prison has all the information, or the prison has data, as you say, well in order that there should be an option for a simpler application to have that record expunged; or a person whether they are in prison or they are outside of prison.

Mr. Al-Rawi: So hon. Senator, what drove—may I be permitted to tell you what I understand your submission to be? In subclause (4) why attorney-at-law only, right? What about if you want to act in person, correct?

Sen. Ameen: Yes.

Mr. Al-Rawi: Why go through the expense of an attorney-at-law. I think that is a great idea. It was driven as we drafted it because the process is already in place and the forms are drafted for an attorney-at-law to do it. I think it is a great idea to allow you the facility to act in person if you wanted to do so. But let us look at the language:

A person who has been convicted for the possession of not more than one hundred grammes of cannabis or not more than fourteen grammes of cannabis resin, may apply through his attorney-at-law to the Commissioner of Police to have that offence expunged...

We can say “may apply in person or through his attorney-at-law”.

Sen. Ameen: Yes.

Mr. Al-Rawi: Yeah?

Sen. Ameen: So that would apply to a person whether they are in prison or not? Yes?

Mr. Al-Rawi: Yeah.

Sen. Ameen: So my other concerns stemming out of this, where a person is outside and they may have served the sentence or what not and they want to get the record expunged, that is clear. But if a person is in prison, may be serving time for convicted, so he is serving time and you want to make this application, you are in prison, you make this application to the Commissioner of Police as it is. I am not sure if we are guided by another piece of legislation for the Commissioner of Prisons to act.

Mr. Al-Rawi: So the Commissioner of Prisons never acts on behalf. He would be ultra vires if he sought to do because he cannot act as the advocate for the person and be the Commissioner of Prisons. But prisoners will be informed, circulars will go out, the Prison Authority will be informing particularly incarcerated people of that—

Sen. Ameen: No, no, sorry if I may. Just to correct you, if the application goes to the Commissioner of Police and he approves the offence to be expunged and so on, then the Commissioner of Prisons should be acting on the advice or the decision of the Commissioner of Police, for a person who is incarcerated, who is sentenced and serving a sentence for such an offence.

Mr. Al-Rawi: Are you enquiring about the trigger—let us say that person was there only for that, that the Commissioner of Prisons would say, well okay you are free to go. Is it that you are concerned about?

Sen. Ameen: Yes.

Mr. Al-Rawi: Yeah, that will happen, because remember the orders go back. The
moment you are in prison, and let us say you are there for just this matter alone and
you are entitled to be discharged, right—let us get to the conviction. Let us look at
subclause (3):

“Notwithstanding the provisions of section 50K of the Police Service Act
any offence on the criminal record of a person prior to the commencement of
the…Act…”

So that is prior to, we are giving the retrospectivity, “shall be”, automatically
it is done, right. So if your Certificate of Character comes up and you see it there
you say, no, no, no, that is gone in law, do not put it there and the Commissioner of
Police would just look at section 3 and say well that is gone. It is void, right.
Subclause (4) says:

“A person who has been convicted for the possession of not more than one
hundred grammes of…cannabis resin…”—et cetera—“may apply through
his…”—

We are going to in person, by himself or through his attorney-at-law, right.

Sen. Ameen: Or the Commissioner of Police. So this happens and the
Commissioner approves the record being expunged.

Mr. Al-Rawi: So CPC—

Sen. Ameen: What informs the Commissioner of Prisons to let this man go?

Mr. Al-Rawi: So, No. 1 we know the Commissioner of Prisons keeps a record of
everybody who is there and for what. Two, the person will know that they are
there for that as well. So there is an equal mind, because we are going to issue
notices inside of the prisons, et cetera. What we propose to capture, what you are
saying is that we will just delete the words, “through his attorney-at-law” in this
subclause (4). So that means he could do either one.

Sen. Ameen: Yes, I agree with that part. I think we have agreed on that.
Mr. Al-Rawi: I understand what you are saying. But what is the trigger to cause the person to get out, will the Commissioner of Prisons have something in his hand to say you are free to go. Is that not your point?

Sen. Ameen: Yes. This is separate from (4) where you have in person or through an attorney. That applies for a person who is outside already or a person who is inside.

I am asking now, specifically for a person who is inside, what triggers, after the Commissioner of Police approves?

10.10 p.m.

Mr. Al-Rawi: I just said that three times. I understand your point. The mischief you are driving at is for the man who is in jail, who now has nothing on his record by virtue of this law, how will he know that he ought to go out; what happens if he misses the boat; he did not know; will somebody be alerting the unsuspecting person—

Sen. Ameen: Or alerting the prison.

Mr. Al-Rawi:—or a person who is not informed. The prisons will be informed. They have their records. There are 3,000-odd people in prison, including remandees. There are about 2,500 people in the prison. We know what they are there for; every offence that they are there for. So that record has been prepared already and we will be methodically going through it. The prison will also be informing people who are in prison: if any of you all take notice, this is the position. There would be some people whose families will know about this too as well. So we are relying upon the pool to get in. The Commissioner of Prisons has that record and we will be scrubbing it through as well: the court record; the prison record; the personal record. There will be a combination inside of there. But your point is taken.
Sen. Ameen: So I appreciate the explanation in terms of how you anticipate it will work. I am just asking if there is a specific requirement for the Commissioner of Police to inform the Commissioner of Prisons that this person’s record is now clear.

Mr. Al-Rawi: We will deal with those by standard operating procedures and comity between the two. We do not want to prescribe it in the law here, as to how that will go. There is the ability for the Minister to make regulations under section 57(1).

Sen. Ameen: Right. So, I am trying for there to be like an obligation for the Commissioner of Prisons to inform the Commissioner of—

Mr. Al-Rawi: The reason why we will not do that is then we are going to expose the State to judicial review, damages, mal-positions, et cetera.

Sen. Ameen: Well, I want the State to be responsible, Mr. Attorney General. I want, if the Commissioner of Police gives an approval, that the State—

Mr. Al-Rawi: Mr. Chair—

Sen. Ameen:—that the prison is obligated—that the Commissioner of Police is obligated to inform the Commissioner of Prisons, so that, you know, it would not just slip through. Because there is no requirement here for that to happen.

Mr. Chairman: So, understanding both points, coming from Sen. Ameen and the Attorney General, I think that there is an impasse in the sense that he has answered exactly, you know, what the mischief is. And Sen. Ameen is indicating exactly what she is trying to drive at. So let me just ask the Attorney General in relation to what she just indicated, and her mischief, if you are inclined to accept anything further than what you have just stated.

Mr. Al-Rawi: I cannot say it any many more ways that I have already answered, Mr. Chair.
Mr. Chairman: Perfect. That is fine enough. Sen. Thompson-Ahye.

Sen. Thompson-Ahye: Thank you. Like Sen. Mark, I too am concerned about the wording on page 9 of clause 7(3). Now, there are many women who manage and supervise bars. Some of them are very tough, some of them are not. I find that the words “shall ensure” are strong words. It is all very well and good for the Attorney General to say “call the police”. The reality of it is, you call the police, many times the police do not come. I am asking, therefore, that instead of using the word “ensure” you can put the word “require”, because it becomes very soft at the end of that clause, you know: “may remove or evict”. I do not think it is going to do too much damage if you change—and it will be in accord with the reality of life: “shall require”.

Mr. Chairman: Attorney General.

Mr. Al-Rawi: So instead of “ensure”, change “ensure” to “require”?

Sen. Thompson-Ahye: To “require”.

Mr. Al-Rawi: What is the difference, respectfully? Just give me it again so I could capture it.

Sen. Thompson-Ahye: All right. If you are—you must ensure, it means that you must make sure that that happens. If you require, you are making a request of that person, but you cannot force that person. You may, as you say, call the police, but the fact is I can see many instances where someone is smoking marijuana and you say, “Stop smoking. You are not supposed to smoke here.” But, when you say “shall ensure”, that is something that you are telling me I must do, you know, and I may not be physically or otherwise able to do.

Mr. Al-Rawi: May I invite you to the word “may” in the second to last line of the paragraph?

Sen. Thompson-Ahye: That is why I say it softens. It softens the approach when
you have “may remove”, but then when you have “ensure” and then “may remove”, it means you must ensure that that person stops smoking. But the “may” comes in; there is a choice about whether or not you remove or evict that person. The “may” is two different actions there, you know. First you say he must not smoke, and then you say, “You better leave”. The person may decide, “I will obey. I will not smoke.” And then you may have a choice: “All right, you are behaving yourself now. Continue being there. So it is two different things; it is two different steps.

Mr. Chairman: Sen. Vieira, you have anything to add to that?

Sen. Vieira: Yeah. I think Sen. Thompson-Ahye has a point. “Ensure” means to make certain of. It is a very high obligation. “Require” means you can ask; you can call for; you can demand, but it is a different type of obligation.

Mr. Al-Rawi: I respectfully just do not see the difference in the two, you know. If I am requiring you to do what I say, I am asking you to ensure that it is done. You see, let me put it to you this way. The most important thing here is that there is no consequence if you do not do it. The only intention in this clause here is to give you the right to throw the person out if you choose. That is why I invited the Senator to the word “may remove”. So had I said “you shall ensure” or “you shall require” and in default of that you will be guilty of an offence, well, then I could understand what Sen. Thompson-Ahye is saying. But we stop there. The “shall ensure” gives you the lawful authority if you want to throw somebody out, and that is why we put it that way.

Sen. Vieira: Let me ask you. If you put “shall require”, does it hurt the legislation—the provision—in any way?

Mr. Al-Rawi: But, respectfully, what is the difference? Am I then going to get into an argument that when I threw you out it is because it was softer that you did not
really have the authority to throw you out? Is it in the inverse?

**Sen. Thompson-Ahye:** But words have meaning.

**Mr. Al-Rawi:** Of course they do. So I accept that. The purpose of subclause (3) is to allow the person who chooses to evict someone to do it if they choose, and therefore you want to say, “Well, look, I have an obligation to ensure and my obligation to ensure which is higher, allows me under law.” Because when they come to tell me, “Well, look, you assaulted me; you are guilty of battery; you abused me”, I need to say, “Well I had a positive obligation to ensure that this happened.” If I soften it to “require” now, am I not diluting the defence that the person has in those circumstances?

**Sen. Thompson-Ahye:** No.

**Sen. Vieira:** I understand what you are saying, AG. I think we are looking at it from more the point of view that if there is a penal consequence for failing to ensure, or to get that person out—

**Mr. Al-Rawi:** And there is none.

**Sen. Vieira:**—that would have been the significance. But since there is none, it really does not matter as much.

**Mr. Al-Rawi:** I wanted to protect the person who chooses to throw the person out, to say, “Well, I had the obligation to ensure.”

**Mr. Chairman:** Okay. So I think the merit of what Sen. Thompson-Ahye was trying to put across has been answered by the Attorney General. So I will move on to Sen. Sobers.

**Sen. Thompson-Ahye:** I have not finished yet. If I may, in your list of amendments, just how you read it, 5E—just how you read it without pausing suggests to me that somewhere deep down in your heart and soul, you know that comma should not be there, after the “on”. You went straight on, and that is how it
should be read. So what it is doing there sticking out like a sore thumb, I do not know.

**Mr. Al-Rawi:** Sorry. Would you guide me to where that is, please?

**Sen. Thompson-Ahye:** I will read it as you read it:

> “Notwithstanding any other written law before discharging or imposing a sentence on a person in relation to an offence under this part, the court may make an order for…”—et cetera, et cetera, et cetera.

That is how he read it, and that is how it is meant to be read. What is that comma doing there?

**Mr. Al-Rawi:** Okay. So which comma? Sorry. There are several of them.

**Sen. Thompson-Ahye:** Really? After “on”.

**Mr. Al-Rawi:** Oh gosh, Senator.

**Sen. Thompson-Ahye:** Sorry. After “on”.

**Mr. Al-Rawi:** Oh gosh.

**Sen. Thompson-Ahye:** We are at 10(19) Sir. “sentence on”.

**Mr. Al-Rawi:** So, Mr. Chairman, we will delete the comma after the word “on” according to the Senator. That is what I am getting the point. CPC to the back of me is insisting that it stays.

**Mr. Chairman:** So it stays. So you are inclined to have it stay.

**Mr. Al-Rawi:** And he is saying because it causes a—he is saying because the flow is discharging a person. I do not pretend to be the Chief Parliamentary Counsel. I understand what my dear friend and colleague, who taught me at law school, says—

**Sen. Thompson-Ahye:** Who tried to teach you.

**Mr. Al-Rawi:** Who tried to teach me at law school [*Laughter*] and who passed me in the course that I did under her. [*Crosstalk*]
Mr. Chairman: Sen. Sobers.

Sen. Sobers: Hon. AG, through you, with respect to Sen. Ameen’s point as it pertains to the utilization of an attorney-at-law for the expunging of the record at the police department, if I understand it in terms of how the process is currently, and if there is a difference with what you are proposing here, if you could just guide us. Currently the situation is simple, in that you would need to just take whatever extract from the court, carry it to Riverside Plaza where they will have the record already wiped there. Is it going to be manifestly different from that? Because if that is the position, I do not really see the need to prescribe now to say that it could be done in person if there is a particular form.

Mr. Al-Rawi: I agree with you. It is that, and what we are going to do is we are going to delete the words, if the Chairman would allow me to do it. We will literally delete those words, “through his attorney-at-law.”

Sen. Sobers: If you so desire. I just “doh” see the need. “Yuh doh” need to interfere with it: attorney-at-law; person, it does not matter. If the form does not prescribe for a lawyer, you could just leave it as it is.

Mr. Al-Rawi: Well, insofar as I think Sen. Ameen made a good point, the law says that if say you must use your attorney-at-law and you may want to do it yourself, I did not want a technocrat at the door of the police to say, “Well, sorry, you cannot do this. Go and get a lawyer.” So I take Sen. Ameen’s point.

Sen. Vieira: I would leave the attorney-at-law because you may be incarcerated. You want to have it expunged. You cannot personally go—

Mr. Al-Rawi: So you would have both. If we strike the word, “through his attorney-at-law”, you could use your attorney-at-law or you could do it yourself.

Sen. Vieira: That is right. I agree.

Mr. Al-Rawi: Yeah? So, Mr. Chair, actually, that would take me to what we have
in proposed 7, and it would be because we are dealing with—this would be 5D(4),
right? We start off of A in treating with 5D(5) so I am really putting in a new (a).
So if I could, in what is circulated, Mr. Chair, it would say, the first thing, (a)
would be:

“in the proposed section 5D(4)”—you are with me?

Mr. Chairman: Yes, 5D—

Mr. Al-Rawi: Right.

“In the proposed section 5D(4), delete the words “through his attorney-at-law”.

And then (a) would become (b) and (b) would become (c).

Mr. Chairman: We have to insert the words too, right?—“in person”? Or you are
just deleting the words completely?

Mr. Al-Rawi: You are just deleting those words and that would take care of it.

Mr. Chairman: Okay. So I will now first propose the amendments as put forward
by Sen. Mark—

Sen. Mark: Just before you go there, he did not answer one point. AG, you did not
answer—go to page 14, 5C (a) and (c) respectively. Remember I was asking—

Mr. Al-Rawi: Oh, okay. So this is intended to be—so, right now, driving under the
influence of a drug actually ends up in court. They do testing. People are charged
for that position. What we intend to do is to introduce a drugalyser. The law for
that is prepared already for the Motor Vehicles and Road Traffic Act and we are
going to standardize across that. As I understand the Commissioner of Police to tell
me, it is actually a non-invasive devise. It is a strip and it is treated with that way.
So they are going to test on a prescribed basis. The standard will be put in the
Motor Vehicles and Road Traffic Act and then applied across the basis.

Sen. Mark: That would be introduced before this is proclaimed and assented to—
the law? Because remember you do not want “nobody” to be under the influence and then you have no way of testing them.

**Mr. Al-Rawi:** Right. So the police have right now, mechanisms to treat with when they suspect you are under the influence: you are incapable of walking a straight line; you appear to be delirious; you are smelling of the substance. There are all of those presumptions. Before we got the Breathalyzer, we used to do it the old school way: walk the line, et cetera. So all of those things still apply in this circumstance. So whilst that drugalyser catches up, there is still the ordinary way of treating with it.

**Mr. Chairman:** All right. So I shall now put the question for Sen. Mark’s amendment.

*Question, on amendment, [Sen. W. Mark] put and negatived.*

*Question, on amendment, [Hon. F. Al-Rawi] put and agreed to.*

*Clause 7, as amended, ordered to stand part of the Bill.*

*Clauses 8 and 9 ordered to stand part of the Bill.*

**New Clause 8.**

*New clause 8 read the first time.*

*Question proposed: That new clause 8 be read a second time.*

*Question put and negatived.*

**Mr. Chairman:** [Crosstalk] We are almost there. Minister of Labour and Small Enterprise Development, and Sen. Mark, it has been 12 and a half hours.

**Sen. Ameen:** Mr. Chairman, I think the Members opposite “gehing tired, yuh know”.

**Mr. Al-Rawi:** We said no.

**Sen. Ameen:** They interrupting unnecessarily, man.

**Mr. Chairman:** Everybody is tired. [Crosstalk] Sen. Ameen, Members on the
Government Bench, Independent Senators, are tired. The people looking on TV right now are tired. Everybody is tired.

**Sen. Ameen:** Mr. Chairman, speak for yourself.

**Mr. Chairman:** Can I continue with the procedure? Thank you. Continue.

*New clause 9.*

*New clause 9 read the first time.*

*Question proposed:* That new clause 9 be read a second time.

*Question put and negatived.*

*Question put and agreed to:* That the Bill be reported to the Senate.

*Senate resumed.*

*Bill reported, with amendment.*

*Question put:* That the Bill be read a third time.

**Sen. Gopee-Scoon:** Division.

*The Senate voted:* Ayes 27

AYES

Gopee-Scoon, Hon. P.
Rambharat, Hon. C.
Baptiste-Primus, Hon. J.
Sinanan, Hon. R.
Moses, Hon. D.
Hosein, Hon. K.
West, Hon. A.
Le Hunte, Hon. R.
Singh, A.
Henry, Dr. L.
Cummings, F.
Dookie, D.
Young, N.
Thomas, A.
Mark, W.
Haynes, Ms. A.
Ameen, Ms. K.
Obika, T.
Sobers, S.
Tripathi, R.
Richards, P.
Vieira, A.
Deyalsingh, Dr. V.
Deonarine, Ms. A.
Seepersad, Ms. C.
Teemal, D.
Thompson-Ahye, Mrs. H.

*Dr. M. Dillon-Remy abstained.*

*Question agreed to. [Desk thumping]*

*Bill accordingly read the third time and passed.*

**ADJOURNMENT**

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Mr. Vice-President, I beg to move that this Senate do now adjourn to Tuesday, December 17, 2019, at 1.30p.m. Mr. Vice-President, on that day, subject to it being passed in the House on Monday, the Government intends to proceed with the debate on the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 3) Bill, 2019. Thank you.
Sen. Mark: Mr. Vice-President, I do not know if the hon. Acting Leader of Government Business is aware that Her Excellency has invited every Senator to the opening of the President’s House on Tuesday, and therefore we are all attending, and therefore I ask the hon. Leader to postpone Tuesday and maybe go to 2020.

Mr. Chairman: Acting Leader of Government Business.

Sen. The Hon. C. Rambharat: As I indicated, Mr. Vice-President, I beg to move that the Senate do now adjourn to Tuesday 17th December at 1.30p.m. The Government intends to proceed, subject to the passage of the Bill in the House on Monday, with the debate on the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 3) Bill, 2019.

Mr. Chairman: Hon. Senators, before I put the question on the adjournment, leave has been granted for two matters to be raised on the Motion for the Adjournment of the Senate. Sen. Mark. [Desk thumping]

Employees of Port of Spain City Corporation
(Unsatisfactory Working Conditions)

Sen. Wade Mark: Thank you very much. Mr. Vice-President, this first Motion deals with the unsatisfactory working conditions experienced by employees of the Port of Spain City Corporation. Mr. Vice-President, the workers at the Port of Spain City Corporation “has” been labouring under some very—

Sen. Gopee-Scoon: “Have been”.

Sen. W. Mark:—have been labouring, rather, under some very unhealthy and unsatisfactory conditions. Mr. Vice-President, there is a unit called the Night Soil Unit which is located and operates out of the central market in Port of Spain. This unit is responsible for emptying pits and tanks at the homes of people—burgesses, I should say—in the city, and persons outside of the city. There are major problems
affecting the workers involved here. This Night Soil Unit is located near the abattoir where the tests meet in that particular area and it is very close to the central market where produce is retailed to consumers. So you could understand the safety and health challenges posed by this particular soil unit. The workers have had major medical problems in that area, resulting in workers expiring upon their retirement. The poor working conditions, Mr. Vice-President, is testimony to the hazard that these workers have to encounter on a daily basis. In spite of the workers communicating to the city council and other institutions, the situation remains the same for the workers.

Mr. Vice-President, there is also the issue of the public health workers which operate, or who are operating out of St. James. They are asked to treat with rodents, bats and other insects, using a poisonous substance which leaves a lot to be desired and which generates a lot of negative side effects impacting negatively upon the women workers, in particular. There is also the absence of any proper medical check-ups. These workers are supposed to receive two medical check-ups every year. To date, and for the last two years, these workers have not been receiving their regular annual medical checks.

10.40 p.m.

Down at the Transport and Cleansing Department we have an overcrowding situation. We have also medical problems impacting upon workers. Mr. Vice-President, there are two buildings erected on the compound, and for the past 16 years the corporation has been literally squatting because of the failure to secure what is called proper security of tenure for the land that the city council occupies in that part of the city. This is an area, Mr. Vice-President, where there are several axillaries, or departments, or units, responsible for maintenance, tyre repairs,
Employees of Port of Spain
City Corporation
Sen. Mark (cont’d)

welding, and sanitation among other areas.

In addition, we have a situation where in that particular corporation the workers have had a very difficult situation to face as it relates to the lack of funding. The lack of financial resources have contributed to a situation where vehicular, vehicle maintenance rather, is very problematic. There is no proper maintenance of the vehicles used by these workers to collect garbage and to dispose of garbage. We have a lot of vehicles in that area that are not roadworthy and pose a risk to the life and limb of the public at large.

Mr. Vice-President, most of the compactors are down for lack of spare parts, and when they are repaired many of them go down thereafter. So we have at the city corporation today, poor working conditions that are affecting negatively the workers—

**Mr. Vice-President:** Senator, you have two minutes.

**Sen. W. Mark:** Thank you, Mr. Vice-President—there is an absence of adequate funding, there is overcrowding, and there is need for the Government to acquire the land that these two buildings currently are erected. So I call on the hon. Minister of Rural Development and Local Government to report to this House what is being done to address these deficiencies impacting negatively on the workers working in the Port of Spain City Corporation.

So I look forward, Mr. Vice-President, to the Minister addressing some of these unsatisfactory working conditions identified by myself, and I hope that he will be able to bring some resolution and improvement to those particular conditions that are harming and negatively impacting on the workers’ ability to perform adequately and productively. I thank you, Mr. Vice-President.

**Mr. Vice-President:** Minister in the Ministry of Finance.
Sen. Mark: No, it is Local Government.

Mr. Vice-President: No? Oh, Minister of Rural Development and Local Government.

The Minister of Rural Development and Local Government (Sen. The Hon. Kazim Hosein): It is getting late, Mr. Vice-President. Mr. Vice-President, I wish to make a statement to this honourable House on the matter raised on the Motion for the adjournment of this House relating to the failure of the Government to address the issue of the unsatisfactory working conditions being experienced by employees of the Port of Spain Corporation.

Mr. Vice-President, permit me to firstly indicate that this matter was raised in November 2018, in which I stated then and wish to reiterate now, that the matter of working conditions faced by employees of any corporation falls in the first instance to the relevant corporation. The corporation, and in this case the Port of Spain City Corporation, through its administrative staff, is responsible for ensuring that conditions faced are appropriate for its employees to function and to carry out their important role in the national landscape.

As such, please be assured that in addition to the various corporations carrying out their daily duties and responsibilities, maintenance, refurbishment, and other improvement works take place as a matter of course. That notwithstanding, where it is necessary for an intervention at a higher level, Mr. Vice-President, I stand willing and ready to intervene to assist any corporation in any venture that will redound to its effective operation in the interest of its burgesses.

As Minister, I would have met with members of the council and the administration of the Port of Spain Corporation as well as the union, and visited the
corporation’s Transport and Cleansing Department in St. James to discuss the issue of working conditions at the corporation. Mr. Vice-President, the major issues highlighted at that time were the storage and placement of poisons at the Public Health Unit—that is the insect vector—the procedures for the sanitizing of vehicles from the Night Soil section, and challenging working conditions at the Transport and Cleansing Department.

Mr. Vice-President, deliberate strides have been made in terms of devising and implementing alternative solutions for the storage of poison at the Public Health Unit. I have been reliably advised that the corporation continues to assiduously pursue the approval of the Commissioner of State Lands to facilitate the construction of a building to house both the Public Health Unit and the Transport and Cleansing Department. Additionally, Mr. Vice-President, with respect to the issue of the procedures for the sanitizing of the vehicles from the Night Soil section, plans are moving ahead to provide the suitable space to facilitate this activity.

Mr. Vice-President, let me emphasize that the Ministry remains committed to working with the relevant agencies to enable the implementation of desired long-term solutions. In the interim, workable short-term solutions continue to be explored and implemented. Mr. Vice-President, in November 2018, when this matter was first raised I would have reported that a memorandum of understanding was signed between the Vehicle Management Corporation of Trinidad and Tobago and the Port of Spain Corporation which included training of employees in fleet management. Employees of the corporation would be trained in 2019/2020 fiscal, and the upgrade works at the corporation’s Transport and Cleansing Department which first commenced in fiscal 2018/2019 would continue in this current fiscal
On a final note, Mr. Vice-President, having functioned at various levels at a corporation, I have given the workers at the Transport and Cleansing Department the assurance, and I also give this esteemed House the assurance of my continued interest and involvement in advancing towards full resolution of the challenges being faced. Thank you. [Desk thumping]

**Disposal of Non-operational Assets of Petrotrin**

*(Engagement of Scotiabank)*

**Mr. Vice-President:** Sen. Mark.

**Sen. Wade Mark:** Thank you, Mr. Vice-President. Mr. Vice-President, the second matter—Motion rather, deals with the need for the Government to provide the Senate with some explanation on its decision to engage Scotiabank to conduct an auction of several of the non-operational assets of Petrotrin. Mr. Vice-President, in a *Reuters* article dated March the 12th, 2019, and headed “Trinidad Petroleum secures new bank loans as bond repayment looms”, Trinidad and Tobago was informed by this international news agency that the Government of this country, through the Trinidad Petroleum Holdings, was in discussion with a number of banks in the United States, from the Cayman Islands, from Panama, aimed at raising loans amounting to US $1.4 billion in an effort to deal with the looming US 850 bond maturing in August of 2019 and affecting the then Petrotrin.

This article among other things mentioned and I quote:

“…another cost-saving measure…”—involved the Trinidad Petrotrin Holdings’ engagement of—“...Scotiabank to oversee a sale of its refinery…”

Now, we are seeking clarification this evening, from the Government, as to what
was the role of Scotiabank in this whole transaction involving the sell-out of Petrotrin. They sell out Petrotrin, close it done, and they had Scotiabank being one of their friends, being responsible for the sale as we understand it, of several of this former flagship company’s non-operational assets. So we would like the Government to explain to this Parliament and to the people of Trinidad and Tobago, how did they choose Scotiabank?

We know that there is a gentleman at Scotiabank, a former managing director of Scotiabank who is now a director and on the board of Neal and Massy, who is also a director on the board of Sagicor, who is also a member of an implementation committee of this Government, and who is the father of a senior Cabinet Minister. So we would like to know what process was involved in this selection of Scotiabank to deal with the disposal of the non-operational assets of this very important flagship company which has been shut down by this Government.

Now, Mr. Vice-President, as I understand it, there is a Vesting Order dated 2018 that was published under Legal Notice No. 169, and this Legal Notice that dealt with this particular company, former Petrotrin, dealt with what is called all of the non-core assets, or what is called the non-operational assets, and this is what we understand the Government hired, employed Scotiabank to dispose of. So we would like to share with you some of the non-core assets that we understand Scotiabank was supposed to dispose of, and if I am wrong, then I stand corrected and the Government will guide this honourable Senate.

As I understand it, Mr. Vice-President, it was all the clubs and recreational facilities at Pointe-a-Pierre including Petrotrin’s staff club, golf courses, the rifle range, swimming pool, tennis courts, Petrotrin’s sports club among others. Mr. Vice-President, computer services would have also been involved—that is an area
of former Petrotrin operation. We also understand from this Vesting Order that the Augustus Long Hospital and the accompanying grounds, the wellness centre, St. Peter’s Anglican Church, special needs school, the abandoned staff farm, Bon Accord house, the yacht club and, Mr. Vice-President, over, I would say, 200 bungalows. So we would like to know, Mr. Vice-President, the role of Scotiabank in this matter. Was Scotiabank employed to deal with these things? And if that is so, let us get an up-to-date report on this matter.

Mr. Vice-President, we also know that there are places like the staff training centre, the trade school training offices, nurses’ quarters, among other areas that I have before me.

**Mr. Vice-President:** Senator, you have two minutes.

**Sen. W. Mark:** So what we are asking the Government to clear for us this evening is how far has Scotiabank reached in its role in disposing of the refinery and its non-core assets? And, Mr. Vice-President, in my two minutes, this former Petrotrin had a holiday home at Gasparee Island, they had a holiday home in Mayaro, they had a vacation home in Tobago, they have a Port of Spain office, they have a Port of Spain office at Queen’s Park West, they have land at Macaulay in Claxton Bay, and they also have land or they have interest I should say, at the Queen’s Park Oval as it relates to corporate box. They also have three gas station sites at the Pointe-a-Pierre roundabout, Beaumont Hill, and Guapo.

So, Mr. Vice-President, all we are asking the Government to do is to tell us the following in closing: how did they choose Scotiabank; what was the selection process to bring Scotiabank on board and exactly what did they do when they were hired by the Government; and how much money they were paid by the people of this country to carry out their job? This is what I would like to have clarified this
evening, Mr. Vice-President. Thank you very much. [Desk thumping]

**Mr. Vice-President:** Minister in the Ministry of Finance.

**The Minister of Public Administration and Minister in the Ministry of Finance (Sen. The Hon. Allyson West):** Thank you, Mr. Vice-President. Mr. Vice-President, once again Sen. Mark has rumbled on, on a Motion that has no basis in either fact or truth. For the relief of my longsuffering colleagues, I would merely say to you that neither Scotiabank, nor any other financial institution, nor any other company has been engaged to auction or dispose of the non-core assets for Petrotrin. I thank you, Mr. Vice-President. [Desk thumping and crosstalk]

**ADJOURNMENT**

**Mr. Vice-President:** Acting Leader of Government Business.

**The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat):** Mr. Vice-President—[Continuous crosstalk] Mr. Vice-President—

**Mr. Vice-President:** Acting Leader of Government Business.

**Sen. The Hon. C. Rambharat:**—I crave your indulgence to—[Crosstalk]

**Mr. Vice-President:** Senator, please. We are trying to actually adjourn the House, but like, you all want to stay until one o’clock in the morning. I would like to call on the Acting Leader of Government Business so he can do his procedural. Acting Leader of Government Business.

**Sen. The Hon. C. Rambharat:** Thank you, Mr. Vice-President. Mr. Vice-President, I crave your indulgence to amend the Motion I moved earlier. I must confess that I underestimated the appreciation that my colleagues on the Opposition Bench have for the work conducted by UDeCOTT and the contractors in a project led by the Prime Minister to restore—

**Sen. Mark:** So you changed your mind.
Sen. The Hon. C. Rambharat:—President’s House. I underestimated their appreciation for the work and their desire to be there on Tuesday at 6.30 p.m., and I wish to modify my Motion to the extent that I beg to move that this Senate do now adjourn to Wednesday, December 18th, at 10.00 a.m., and on that day the Government proposes to debate the Bill which is before the House on Monday, and that is the Administration of Justice (Indictable Proceedings) (Amdt.) (No. 3) Bill, 2019. I thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 11.01 p.m.