

Timothy Hamel-Smith

Tuesday, January 20, 2015

SENATE

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The Senate met at 1.30 p.m.

PRAYERS

[MR. VICE-PRESIDENT *in the Chair*]

**TIMOTHY HAMEL-SMITH
(ACTING PRESIDENT)**

Mr. Vice-President: Hon. Senators, I wish to inform you that the President of the Senate, Sen. The Hon. Timothy Hamel-Smith, is currently acting as President of the Republic of Trinidad and Tobago.

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave of absence to Sen. The Hon. Raziah Ahmed and Sen. The Hon. Gary Griffith, who are both out of the country.

SENATORS' APPOINTMENT

Mr. Vice-President: Hon. Senators, I have received the following correspondence from His Excellency the Acting President, Timothy Hamel-Smith:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH,
Acting President and Commander-in-Chief
of the Armed Forces of the Republic of
Trinidad and Tobago.

/s/ Timothy Hamel-Smith
Acting President.

TO: MS. KEITHA SMITH

WHEREAS Senator the Honourable Raziah Ahmed is incapable of performing her duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, KEITHA SMITH, to be temporarily a member of the Senate with effect from 20th January, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Raziah Ahmed.

Senators' Appointment

Tuesday, January 20, 2015

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 20th day of January, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH,
Acting President and Commander-in-Chief
of the Armed Forces of the Republic of
Trinidad and Tobago.

/s/ Timothy Hamel-Smith
Acting President.

TO: MS. ASHAKI SCOTT

WHEREAS Senator the Honourable Gary Griffith is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, ASHAKI SCOTT, to be temporarily a member of the Senate with effect from 20th January, 2015 and continuing during the absence from Trinidad and Tobago of the said Senator the Honourable Gary Griffith.

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 20th day of January, 2015."

"THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By His Excellency TIMOTHY HAMEL-SMITH,
Acting President and Commander-in-Chief
of the Armed Forces of the Republic of
Trinidad and Tobago.

/s/ Timothy Hamel-Smith
Acting President.

TO: MR. DANIEL P. SOLOMON

WHEREAS Senator Timothy Hamel-Smith, the President of the Senate has temporarily vacated his office of Senator to act as President of the republic of Trinidad and Tobago:

NOW, THEREFORE, I, TIMOTHY HAMEL-SMITH, Acting 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, DANIEL P. SOLOMON, to be temporarily a member of the Senate with effect from 20th January, 2015 and continuing during which period Senator Timothy Hamel-Smith has temporarily vacated his office as President of the Senate to act as President of the Republic of Trinidad and Tobago.

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 20th day of January, 2015."

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Keitha Smith, Ashaki Scott and Daniel P. Solomon.

PAPERS LAID

1. Annual Audited Financial Statements of the Youth Training and Employment Partnership Programme Limited (YTEPP) for the financial year ended September 30, 2012. [*The Minister of Finance and the Economy (Sen. The Hon. Larry Howai)*]
2. Annual Audited Financial Statements of the National Helicopter Services Limited for the year ended September 30, 2013. [*Sen. The Hon. L. Howai*]

ORAL ANSWERS TO QUESTIONS

Mr. Vice-President: Minister of Environment and Water Resources.

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you very much, Mr. Vice-President. Mr. Vice-President, the Government is in a position to answer questions 7, 11, 17, 21, 22, 25, 59 and 60. We ask for a deferral for the rest of the questions for two weeks.

The following questions stood on the Order Paper:

**Housing Development Corporation
(Details of Houses)**

16. With respect to the Housing Development Corporation (HDC), could the hon. Minister of Housing and Urban Development inform this Senate of:
- (a) the number of houses constructed throughout Trinidad and Tobago for the period May 2010 to August 2014;
 - (b) the specific number of houses constructed in each Housing Development; and
 - (c) the total cost to build and outfit these houses? [*Sen. C. Robinson-Regis*]

**“New Flying Squad”
(Status of)**

23. Would the hon. Minister of National Security provide the status of the investigation into the re-establishment of a “New Flying Squad”? [*Sen. C. Robinson-Regis*]

**National Commission for Self-Help
(Details of)**

24. Would the hon. Minister of Community Development inform this Senate on:
- (a) the number of projects that were approved by the National Commission for Self-Help (NCSH) for the period June 2010 to November 2014;
 - (b) the nature and location of each project; and
 - (c) the cost of each project? [*Sen. C. Robinson-Regis*]

**Government Borrowing
(Total Amount of)**

62. Could the hon. Minister of Finance and the Economy indicate the total amount of government borrowing for the period January 2013 to present? [*Sen. Dr. L. Henry*]

**Caribbean Airlines Limited
(Status of)**

63. With regard to the operations of Caribbean Airlines Limited, could the hon. Minister of Finance and the Economy indicate:
- (a) what was the profit or loss for the calendar year 2014;
 - (b) whether the company has been transformed in any way since the installation of its new Board in 2013; and
 - (c) if the answer to (b) is in the affirmative, in what way? [*Sen. Dr. L. Henry*]

**Revised Estimates of Economic Growth
(Reasons for)**

- 64.** Could the hon. Minister of Finance and the Economy explain the main reasons for the revised estimates of economic growth for 2014, from a predicted 2.5% to 0.5%, as announced by the Central Bank in December 2014? [*Sen. Dr. L. Henry*]

Questions, by leave, deferred.

**San Juan Terminal Mall
(Details of Contract)**

- 7. Sen. Faris Al-Rawi** on behalf of Sen. Camille Robinson-Regis asked the Hon. Minister of Transport:

With respect to the contract with RK2 Engineering for certain works at the San Juan Terminal Mall, would the hon. Minister of Transport indicate:

- (a) whether the contract works have now been completed;
- (b) if not, the reason for the delay and when are these works to be completed;
- (c) if completed, would the Minister state on what date;
- (d) the original contract price and what sum has already been paid to the contractor;
- (e) whether the said sum is VAT inclusive; and
- (f) whether RK2 Engineering has been contracted/engaged to perform any other work(s) for the PTSC, since May 2010, and if so, would the Minister kindly indicate the site(s) and amount payable under each such engagement?

Mr. Vice-President: The Minister of Transport. [*Desk thumping*]

The Minister of Transport (Hon. Stephen Cadiz): Thank you, Mr. Vice-President. In answering question No. 7(a), the contract works were completed; (b) would not be applicable as the works have, in fact, been completed; (c), the works were completed on November 28, 2014; (d), the original contract price was \$1,437,500. The payment to the contractor: the sum of \$1,055,103 was actually paid to the contractor; (e), the sum paid was, in fact VAT inclusive, and (f), there were 10 other contracts of various sizes for different works that were given to RK2 Engineering Limited. Mr. Vice-President, do you want me to read out each one?

Mr. Vice-President: Yes, if you so desire.

Hon. S. Cadiz: The development of the Rio Claro Transit Facility, \$1.5 million; materials and labour cost for the upgrade of the security facility at Point Fortin, \$97,750; materials and labour for major repair work to washrooms at Point Fortin, \$126,500; painting of access corridors in the maxi-taxi loading bay at City Gate, Port of Spain, \$94,300; to supply and install vertical tile sheeting with angle iron and screws for the Port of Spain terminal, \$55,775; roof repairs at the Port of Spain terminal—to remove roof sheeting, repair purlins and replace, \$89,500; roofing repair work to the western terminal roof at Port of Spain, \$80,040; roofing repair work to the eastern terminal roof at Port of Spain, \$86,250; roofing repair work to guttering of the terminal roof at Port of Spain, \$40,250; roofing repair works to internal guttering at Port of Spain terminal roof, \$51,750.

Thank you, Mr. Vice-President.

Sen. Al-Rawi: Supplemental question to the hon. Minister. Thank you, hon. Minister. With respect to the works at the Port of Spain terminal particularly, insofar as there appear to be five separate contracts for sums under \$100,000, is the hon. Minister in a position to advise us as to why these contracts were broken up?

Hon. S. Cadiz: Knowing the terminal layout at South Quay, it would probably be advisable that, depending on the cash flows, et cetera, that different roofs—because these roofs are all separate roofs. They are not on the same building. They are separate roofs, and therefore, at that time—I cannot speak for the PTSC now, but I would assume at that time it was felt that it would be better to break the contracts up into different contracts which would facilitate cash flow, et cetera.

1.45 p.m.

Sen. Al-Rawi: Thank you, hon. Minister. Further supplemental, Mr. Vice-President. Hon. Minister, are you in a position to inform us as to the method of procurement that was utilized in this particular instance and, in particular which agency conducted that?

Hon. S. Cadiz: I am not too sure what the Member is speaking of, whether it is these other contracts or the first contract that was being asked about.

Sen. Al-Rawi: Both, hon. Minister. I appreciate that you may or may not be in a position to answer.

Hon. S. Cadiz: In May of 2011, the Board of Directors at the PTSC approved nine pre-qualified contractors, which is standard practice for the organization. In the case of the San Juan Terminal Mall, all pre-qualified contractors were invited to submit bids for the physical infrastructure refurbishment to the San Juan Mall and I guess that is part and parcel of the PTSC procurement and contract award process.

Sen. Al-Rawi: Thank you, hon. Minister. Are you able to elucidate on the subsequent contracts, those identified as 10 other contracts?

Hon. S. Cadiz: I think I have given the Senate that information. If there is anything further that will be required, I will have to ask the PTSC to provide that.

Sen. Al-Rawi: Thank you, hon. Minister. Perhaps just the last question. With respect to the pre-qualification of contractors for the San Juan Mall, in particular, is the hon. Minister in a position to tell us whether after pre-qualification this was done by an RFP method?

Hon. S. Cadiz: I cannot answer that as to whether after the pre-qualification, but I can only assume when you go out for pre-qualification, that determines the type of contracts that you will be eligible to quote for and depending on the type of contract it falls within the pre-qualification guidelines. Therefore, I am not too sure if an RFP, especially depending on the sum, whether or not an RFP would be required. For building works like this one, pre-qualified for building works, I will assume that would stand, and therefore, you would be invited to tender directly for the works.

Sen. Al-Rawi: Thank you.

Memorandum of Agreement (Government of Trinidad and Tobago and the Government of India)

11. Sen. Faris Al-Rawi on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of Trade, Industry, Investment and Communications:

With regard to the Memorandum of Agreement (MOA) between the Government of Trinidad and Tobago and the Government of India which was settled and executed during the visit by the Prime Minister to India in 2012, would the Minister indicate:

- (a) whether the Government has published the MOA;
- (b) briefly describe or identify the projects in Trinidad and Tobago that have actually been initiated or have gone beyond mere planning to the point of implementation, arising out of this MOA;
- (c) the gross monetary value of the investments in these projects?

The Minister of Trade, Industry, Investment and Communications (Sen. The Hon. Vasant Bharath): Thank you, Mr. Vice-President. A number of agreements were signed during the Prime Minister's visit to India in January 2012 and these are as follows:

- bilateral air services agreement signed by hon. Surujrattan Rambachan, then Minister of Foreign Affairs and Communications;
- a programme of cultural exchanges signed by hon. Dr. Surujrattan Rambachan, then Minister of Foreign Affairs and Communications;
- memorandum of understanding for cooperation in the field of traditional systems of medicine, also signed by the hon. Minister of Foreign Affairs and Communications; and
- a technical cooperation agreement signed by on. Fazal Karim, then Minister of Science, Technology and Tertiary Education.

However, no memorandum of agreement between the Government of Trinidad and Tobago and the Government of India, to which the hon. Senator refers, was either signed, settled or executed during the visit of the Prime Minister to India in 2012. As such, questions (b) and (c) are not applicable. Thank you.

Sen. Al-Rawi: Supplemental, hon. Vice-President. Thank you, hon. Minister, for your answer. Hon. Minister, would you mind repeating the date on which the four MOUs listed previously were in fact executed?

Sen. The Hon. V. Bharath: Well I do not have the exact date during the visit, but it was during the Prime Minister's visit to India in January 2012.

Sen. Al-Rawi: Further supplemental, perhaps by way of clarification. Thank you, hon. Minister. Perhaps I have got it wrong, and I am asking for your elucidation. Is it that these four agreements, MOUs, intention is to create legal relationships? Is it that these four are the only MOUs that were signed for that particular period?

Sen. The Hon. V. Bharath: The information that we have from the Ministry of Foreign Affairs is that these are the only ones that were signed between the Government of Trinidad and Tobago and the Government of India.

Sen. Al-Rawi: Further supplemental. Hon. Minister, are you in a position to advise as to whether any economic reality has been borne as a result of the progress of these four particular agreements?

Sen. The Hon. V. Bharath: I am not in a position to speak of any economic realities with regard to these memoranda, simply because in each instances, as I said—one is for a bilateral air services agreement, the other was for cultural, the other was for a cooperation

in the field of traditional systems in medicine and the other for technical cooperation. And if posed as another question, I could possibly get the answer for you to deliver to the honourable Senate in future.

Sen. Al-Rawi: Further supplemental. Hon, Minister, are you in a position to advise whether these particular MOUs were published?

Sen. The Hon. V. Bharath: My information from the Ministry of Foreign Affairs, it is not normal for these memorandums of agreement or understandings to be published, but they are available if necessary.

Sen. Al-Rawi: Much obliged, hon. Minister. By way of further supplemental, where would one access these in terms of public consumption, these particular MOAs?

Sen. The Hon. V. Bharath: I suspect a written enquiry to the Ministry of Foreign Affairs or possibly on their website would be the appropriate place.

Sen. Al-Rawi: Much obliged.

Children's Life Fund (Details of)

17. Sen. Faris Al-Rawi on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of Health:

With reference to the Children's Life Fund, could the Minister of Health indicate to the Senate:

- (a) the current total of the fund;
- (b) the mechanism of its funding;
- (c) the amount of moneys spent from the fund since its inception to August 2014;
- (d) the process to access the fund;
- (e) the age limit to access the fund; and
- (f) the number of children that have benefited from the Fund?

The Minister of Health (Hon. Dr. Fuad Khan): Thank you, Mr. Vice-President. The hon. Prime Minister began the Children's Life Fund on the Cabinet Note No. 1 in early 2010. As a result of the hon. Prime Minister starting this fund for children who need medical treatment and medical care that is not attainable in Trinidad and Tobago, we are able to boast of a current total of the fund of

Oral Answers to Questions
[HON. DR. F. KHAN]

Tuesday, January 20, 2015

\$44,786,955.90. [*Desk thumping*] Had it not been for that gesture by the hon. Prime Minister and Cabinet Note No. 1, that sum would not have been realized for us to put it in a fund which has in it \$3,404,302.71. There is also investment in the form of the Abercrombie account which is \$41,018,123.44 and the Paria Fund which boasts of \$364,529.75.

The other part of the question indicates the mechanism of the funding and I am proud to say, Mr. Vice-President, that the hon. Prime Minister contributes quite a tidy sum of her salary towards that fund, so too do the MPs and Ministers of the Government Bench. There are private contributions to the life fund and the income that was earned from the above-mentioned investments also accounts for part of the funding. May I say that contributions from the Members on the Opposition Benches have not been seen?

Mr. Vice-President, the amount of money spent from the fund since its inception to August 2014 is \$36,211,575.48 and the process to access the fund—Mr. Vice-President, in order to access the fund the child must be eligible for funding. The eligibility criteria require the child has to be a citizen of Trinidad and Tobago and resides in Trinidad and Tobago. The child must be unmarried and under the age of 18; has been referred to the Children's Life Fund by a medical specialist; requires treatment that is not available in the public or private health care system; and has been diagnosed with a life-threatening illness. A parent/guardian/medical social worker must apply on the child's behalf—although we have not had any case of a medical social worker applying on the child's behalf—and two, the foreign medical cost of care must exceed 25 per cent of the family's income.

The eligibility is guaranteed by proof of documentation which supports the requirement—for example, an income and expenditure statement which provides details of the family monthly expenditure. Such documentation will need additional support from bank statements or any financial institutions in which the family members hold accounts. Another example will be proof of guardianship as in the case of a guardian applying. The practical process involves the adult applicant visiting the life unit, filling an application form in writing and providing all necessary documentation to determine eligibility for the grant.

Following such, the life unit processes the application as a case for funding according to the clinical and financial requirements such as, one, the chances of survival of the applicant without this treatment abroad, the best medical care plan, the expected improvement in the quality of life and overall prognosis of that patient, and the assessment of the income and expenditure statement given. Once that case is eligible for a grant, it is then presented to the Board of Directors of the Children's Life Fund.

The other part of the question, Mr. Vice-President, is the age limit to access the fund. I have just indicated it is from birth to 18 years old, and the number of children who have benefited from the fund is 147 children so far that have been saved by the life fund, [*Desk thumping*] and with those few words, I thank you.

Sen. Al-Rawi: Supplemental question to the hon. Minister. Thank you, hon. Minister for that information. Hon. Minister, are you able to deal with the specifics of the mechanism of funding, part (b), perhaps in a little better detail? You indicated Members of Parliament salary, private contributions and investments as before identified. Does the State contribute to this fund, and of the \$44-odd million, what is the percentage of State and state enterprise contribution to that fund?

Hon. Dr. F. Khan: I do not have the exact figures, but if you consider all moneys in the country of Trinidad and Tobago to be that of state money, the State does contribute to the fund and at the end of the day I cannot give you the exact figure of exactly what is each breakdown. But at the end of the day, we have referred exactly to what I have given you, but if the Member files a question of specific funding processes I will be very happy to bring back an answer.

Sen. Al-Rawi: Further supplemental. Hon. Minister, are you able to perhaps agree or inform that the newspaper publications which indicate that over \$40 million or \$42 million came from the Government of Trinidad and Tobago, the state enterprises, as a contribution to this fund, are in a position to say whether that is correct or not?

Hon. Dr. F. Khan: No, no. Mr. Vice-President, I am not in a position to say that, but if that is so, at least they have contributed to the children's safety and it should be applauded. Thank you.

Mr. Vice-President: Any further supplemental?

Sen. Al-Rawi: No thank you, Sir.

Unitization of the Cross Border Reserves of the Loran-Manatee Gas Fields (Details of)

21. Sen. Faris Al-Rawi on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of Energy and Energy Affairs:

Could the Minister indicate the status of the agreement for the Unitization of the Cross Border Reserves of the Loran-Manatee Gas Fields that extend across the delimitation line between Trinidad and Tobago and Venezuela?

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. Vice-President. The answer to question 21 reads: the Framework Unitization Treaty that governs all cross-border deposits in Trinidad and Tobago and Venezuela was signed in 2007. The Loran-Manatee Field Specific Treaty was approved in 2009 and signed in 2010, at which time the Framework Unitization Treaty of 2007 was ratified.

In September 2013, the Government of the Republic of Trinidad and Tobago and the Government of Venezuela arrived at an agreement on a functional structure and governance for the unit operator for the Loran-Manatee Unit area. The unit operator comprises three entities:

1. the directing committee which comprises representatives of both governments and all the participating companies;
2. an investment committee which comprises representatives of the participating companies;
3. the executing entity which is to be chosen from the participating companies.

2.00 p.m.

At the latest meeting held among the parties in July 2014, it was agreed that steps be taken to conclude the unitization and unit operating agreement in respect of the Loran-Manatee field. This agreement will provide the framework for the operation of the unit operator. A draft of that agreement has been prepared and the parties are due to meet and finalize the agreement for consideration by the joint ministerial commission.

Upon completion of the agreement, the next step is the submission of the development plan by the unit operator. That development plan will include: a detailed proposal of all aspects of the proposed petroleum operations; infrastructure and facilities; the location of all proposed infrastructure and facilities; and is scheduled to be agreed by the parties for the monitoring of field performance.

It is anticipated that a development plan for the Loran-Manatee unit area may be achievable within 2015, this year. Discussions amongst the Governments, the licensees and contractors are ongoing in this regard. That concludes the answer to question 21.

Sen. Al-Rawi: Supplemental question, Mr. Vice-President. Thank you, hon. Minister for your information. Hon. Minister, you indicated that a draft agreement

has been prepared and that the parties are due to meet to finalize that agreement. Is there a time frame expectation for that finalization and meeting?

Sen. The Hon. K. Ramnarine: We are awaiting confirmation of a date from the Venezuelan companies and the Venezuelan Ministry of Petroleum and we have proposed a date sometime in the first quarter of 2015. So we await confirmation from them as to whether or not they could make that meeting or be in attendance.

Sen. Dr. Henry: Thank you, Mr. Vice-President. Hon. Minister, could you give us any information on what type of time frame? I know it sounds like the same question. But what is the time frame in terms of our expectations of something fruitful coming out of this?

Sen. The Hon. K. Ramnarine: Thank you very much, Senator, through you, Mr. Vice-President. The pace at which this entire Loran-Manatee thing is progressing at is determined by the pace at which both Governments work. So we have to work with the Venezuelan Government, we also have to work with four companies. So, in terms of a time frame, we had proposed a meeting to discuss this draft unit operator agreement by the first quarter of this year. Once that is approved, there is a 90-day window within which or at that point in time, the development plan must be submitted. So, I mean, our very broad target is to have that development plan approved within this year, 2015. Right?

Sen. Dr. Henry: Further supplemental, Mr. Vice-President. Given the turmoil in Venezuela in terms of their economic situation, especially in light of the falling oil price that they are in the same boat with us, do you see that having any effect on their ability to speed up this process or bring anything to the table?

Sen. The Hon. K. Ramnarine: Mr. Vice-President, I would not want to comment on the domestic affairs of Venezuela so I would leave it at that. I would not want to comment on what is happening in Venezuela.

Sen. Dr. Henry: No, but this is public information, Mr. Vice-President, I mean it is—
[Interruption]

Sen. Al-Rawi: Further supplemental. Hon. Minister, thank you for your response. First question to you: would you remind us who the four companies in this venture are?

Sen. The Hon. K. Ramnarine: On the Trinidadian side, it is BGTT and Chevron Trinidad and Tobago; and on the Venezuelan side, it is PDVSA, the Venezuelan state company, and Chevron Global Energy Inc. Those are the four companies.

Sen. Al-Rawi: Further supplemental. Hon. Minister, insofar as we are experiencing a serious gas shortfall in Trinidad and Tobago, does the exploitation and product of the Loran-Manatee field factor into any gas plan that Trinidad and Tobago is currently developing for implementation to meet this gas shortfall situation?

Sen. The Hon. K. Ramnarine: Well, Mr. Vice-President, we have strayed now a bit from the substantive question, and I would say—I would put on the record that the Government has started, in November 2014, work towards a gas master plan which will be finished by May of this year. I am sure all the different factors with regard to gas supply and potential supply from cross-border sources will be covered in that gas master plan.

Sen. Al-Rawi: Further supplemental. Thank you, hon. Minister. The gas master plan, in answer to this question on the Loran-Manatee, insofar as the Loran-Manatee field is proven reserves in a cross-border arrangement, and insofar as we are experiencing a serious gas shortfall, the question is: does the discussion and the answer to this question include in our current arrangements a prospect for that gas utilization in the immediate future? That is prior to the 2017 bring-on of expected gas production.

Sen. The Hon. K. Ramnarine: Mr. Vice-President, the answer to the question, I mean, I could ask the Member to file another question, but I would just give quite possibly the most honest answer I could give to that question. The answer would be, first of all, yes, of course, given the current scenario where we have a shortfall in gas supply to domestic customers, the potential of Loran-Manatee would factor into the solution to that problem.

But first of all, before we move to that point, we have to get the field developed and for that to happen—and once that happens, of course, contracts have to be in place to commercially exploit that gas, so that takes time. So I would put Loran-Manatee, more or less, as a medium to slightly long-term-ish solution to our immediate problems.

Sen. Al-Rawi: Thank you, hon. Minister. Insofar as you have informed us that the 2010 ratification of the 2007 agreement happened, and insofar as the next step was the July 2014 meeting, would the hon. Minister be able to tell us what, if anything, has taken the Government five years nearly to deal with this Loran-Manatee position particularly in view of the gas curtailment and shortage that we are experiencing? [*Crosstalk*] It is five years.

Sen. The Hon. K. Ramnarine: Thank you very much, Mr. Vice-President. Again, it is a bilateral agreement involving, as I said, two states, so, you know, we have to work together with the Venezuelan Government. This matter, as I am reminded by the AG, has been before the Government of Trinidad and Tobago since 2002, so that ends my answer to that question.

Mr. Vice-President: Is there any further supplemental? Okay.

**Compressed Natural Gas (CNG) Service Stations
(Details of Locations)**

22. Sen. Faris Al-Rawi on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of Energy and Energy Affairs:

Would the Minister state the locations and total number of Compressed Natural Gas (CNG) Service Stations in Trinidad and Tobago?

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Mr. Vice-President, question No. 22 asked for the locations and total number of CNG service stations in Trinidad and Tobago, and I will read out each station that currently exists and then I will read into the record the stations which are currently under construction.

1. NPMC, that is NP Curepe, corner of Southern Main Road and Churchill-Roosevelt Highway.
2. The Beetham Highway service station, NP, and that is a station operated by the police. I think it is the Police Sports and Youth Club.
3. The Rushworth Street NP station.
4. NPMC, NP Chaguanas, which is located on the Chaguanas Main Road, Chaguanas.
5. The NP station located at the Barataria Roundabout.
6. NP station located at Frisco Junction, Southern Main Road, Point Fortin.
7. NP station, Mon Repos Roundabout, San Fernando.
8. NP station, Eastern Main Road, Mount Lambert, also known as the Sant station.
9. Peake Petroleum Limited station located on the Eastern Main Road in Tacarigua, which is a UNIPET station.
10. The Brentwood station, which is UNIPET, located at Brentwood Avenue in Edinburgh, Chaguanas.

And the final one and that is 11:

11. The Massy Automotive Components Limited located at O'Meara Road, Arima, which is a CNG-only station.

The locations of CNG dispensing service stations that are currently under construction are as follows:

1. The NGC field office located at Point Lisas Industrial Estate, which is to supply CNG to NGC vehicles.
2. Currently at PTSC, the NGC has completed construction inside City Gate of a new CNG station that will be opened very shortly.

And this is, again, stations under construction.

3. The RAMCO station located at Orange Grove on the Churchill-Roosevelt Highway, eastbound lane. That is in the vicinity of the new Massy stores.
4. Again, with new stations, one is being currently constructed by NP at Tumpuna Road, Arima, corner of Tumpuna Road and Churchill-Roosevelt Highway, close to where Sen. Maharaj lives, so he could get his CNG.
5. NP is constructing another CNG liquid-fuel, multi-fuel station at Cyrus Trace, El Socorro, which is just off the Churchill-Roosevelt Highway, westbound lane.
6. And finally, there is the St. Christopher's Taxi Co-operative station which had been non-operational for many years. That is on Wrightson Road and it is currently under construction. That, too, will carry CNG.

And that concludes the answer to the question.

Mr. Vice-President: Is there any supplemental?

Sen. Dr. Henry: Thank you, Mr. Vice-President. Could the hon. Minister care to say how many CNG stations were promised by this Government since taking office in April 2010 as opposed to—*[Interruption]*

Sen. The Hon. K. Ramnarine: I do not have that number, hon. Senator, but in 2012, I opened the Brentwood station and it was the first new CNG station opened in Trinidad in 20 years. *[Desk thumping]* So I would think that I—I do not have the actual number that was promised but I am seeing here six new stations are under construction right now, and add to that, of course, the Peake station in Tacarigua. So I think that is a pretty good achievement.

Sen. Cudjoe: Further supplemental, *[Crosstalk]* through you, Mr. Vice-President. Yes, Tobago indeed. Can you tell me, of those six, are there any planned for Tobago, please?

Sen. The Hon. K. Ramnarine: Thank you very much. We are looking at Tobago. I know Sen. Shamfa Cudjoe is always concerned about the inclusion of Tobago in the economic space. Tobago recently, as recent as 2012, started to receive a supply of natural gas from BHP Billiton Angostura field which comes on shore in the Cove

Industrial Estate. So there is potential—and completed efficiently by this Government. So there is scope and potential for the establishment of CNG in Tobago, and I would say it is probably most feasible as close as possible to the Cove Industrial Estate or a little distance away. So that is certainly something which we will take on board as we expand the CNG initiative.

As you know, the Minister of Transport, through the PTSC, recently acquired 35 brand-new CNG buses and they will be shortly rolled out onto the roads of Trinidad and Tobago. Thank you very much. [*Desk thumping*]

Sen. Al-Rawi: Further supplemental. Thank you, hon. Minister. Of the 11 stations that are in existence, apart from the Brentwood station which you opened in 2012, which of those 11 stations did you open otherwise in the term of office that you or any other Minister of Energy and Energy Affairs may have sat in this Government?

Sen. The Hon. K. Ramnarine: Thank you very much. Mr. Vice-President, the Peake station in Tacarigua was commissioned, was opened during the term of this Government and started during the term of this Government. There was, however, no formal opening of the Peake station in Tacarigua as yet, so I would say in addition to the Brentwood station, there is also the Peake station in Tacarigua.

Sen. Al-Rawi: Further supplemental. Insofar as CNG is intended to be a method by which we reduce the subsidies on gas in particular, is the hon. Minister able to tell us how this is impacting upon the reduced subsidy which the country is enjoying right now with respect to premium gas and insofar as that price has not dropped since the subsidy dropped? [*Crosstalk*] He is the Minister of Energy and Energy Affairs, he could answer that.

Sen. The Hon. K. Ramnarine: Yeah. Mr. Vice-President, it is a totally different question, I will ask the Member to file a new question, at which time I will answer that question.

2.15 p.m.

Sen. Al-Rawi: Further supplemental, hon. Minister, as a matter of serious concern for commuters in this country, the price of premium not having dropped since the price of oil has fallen and since the Government has announced that it is enjoying \$1.5 billion worth of “savings”, is the hon. Minister of Energy and Energy Industries telling the country that he is not aware of what is holding back a reduction on the price of fuel for premium?

Sen. The Hon. K. Ramnarine: Mr. Vice-President, the Senator cannot put words in the mouth of any Minister in this Chamber. [*Desk thumping*]

Sen. Al-Rawi: I asked a question.

Sen. The Hon. K. Ramnarine: So I would ask him to file another question.

Sen. Al-Rawi: Further supplemental. A question is not putting words in your mouth, hon. Minister. With respect to the volume of consumption of CNG in this country, is the hon. Minister able to tell us, as a result of these 11 stations being in existence and six more coming on stream, whether we would have the capacity to service the CNG supply as is estimated to come in the years ahead?

Mr. Vice-President: Hon. Minister, before you answer the question, question time is completed and, therefore, there are three further questions to be answered. I am asking if the Senate would allow the three of if they would be deferred to the next sitting?

Sen. G. Singh: Let us answer the questions, Mr. Vice-President.

Mr. Vice-President: Right, we continue.

Sen. The Hon. K. Ramnarine: Again, if the Senator would file a new question because we are going down into a—I would like to be in a position to give as accurate as possible a reply to the Senate.

Sen. Al-Rawi: Further supplemental. Hon. Minister, with respect to the Massy Automotive station at Arima, is the hon. Minister in a position to tell us whether steps have been taken to remedy the public complaint made about the smells emanating from that station? There was serious public complaint made. If you are not, then so be it. [*Crosstalk*]

Sen. The Hon. K. Ramnarine: No, I have not received such complaints.

Mr. Vice-President: Please, please hon. Senators. Sen. Al-Rawi, the question that is being posed on the document, we would like you to stick to the questions that you are asking, please.

Sen. Al-Rawi: Thank you, Mr. Vice-President, I have, Sir. Number 11 identified in the answer of the hon. Minister was with respect to this particular station. I have just simply asked a question emanating from his answer. If the hon. Minister is not able, with your guidance, to answer, then so be it. He seems to not be able to answer many questions this afternoon. So, perhaps, he is in that state.

Mr. Vice-President: There are no further supplementals?

Sen. Al-Rawi: I do not know if he is answering or not.

Sen. The Hon. K. Ramnarine: I have received no such complaints, and the answer that one provides to a question is a function of the logic of the question being asked. [*Desk thumping and laughter*]

Sen. Al-Rawi: Further supplemental.

Mr. Vice-President: I would allow you two, please.

Sen. Al-Rawi: I am compelled to ask this question now, in light of the answer just provided. Is the hon. Minister of Energy and Energy Affairs telling this honourable Senate that there is no logic in asking about the reduction in the price of premium fuel to the citizens of Trinidad and Tobago? Let me hear your logic on that. [*Crosstalk*]

Sen. The Hon. K. Ramnarine: Mr. Vice-President, the Senator is getting emotional. I want to say that question time is not a time for emotion and speeches, and so on. If the Senator has deep concerns about the price of fuel and the smells emanating from a gas station somewhere in O'Meara Road, he is free to file as many questions as possible.

Sen. Al-Rawi: Further supplemental. Hon. Minister, are you saying that— [*Interruption*] Sen. Hadeed being concerned about slips.

Mr. Vice-President: Hon. Senators, please the Senator is on his feet, allow him to ask the question.

Sen. Al-Rawi: Thank you, Mr. Vice-President. Hon. Minister, Sen. Hadeed's concern for slips aside, may I ask hon. Minister, are you saying that it is an emotional situation that concerns the citizens of this country as to the price of fuel?

Mr. Vice-President: Sen. Al-Rawi, please, please, please. I assume there is no further supplemental. Okay, could we now go?

50th Anniversary Song (Details of)

25. Sen. Faris Al-Rawi on behalf of Sen. Camille Robinson-Regis asked the hon. Minister of Planning and Sustainable Development:

Could the Minister indicate whether Mr. Machel Montano, has yet produced the 50th Anniversary Song and how much he was paid to do same?

The Minister of Planning and Sustainable Development (Sen. The Hon. Dr. Bhoendradatt Tewarie): Thank you very much, Mr. Vice-President. Thank you very much for the question, hon. Senator.

On July 18, 2012, the Government of the Republic of Trinidad and Tobago entered into a contract with Going For Gold Limited of 39 Gordon Street, Port of Spain. The contract was signed by the following persons on behalf of the Government, the Permanent Secretary of the Ministry of Planning and Sustainable Development, Mrs. Arlene Mac Comie and on behalf of The Company Mr. Machel Montano and Mrs. Elizabeth Montano.

The obligations (in part) of The Company were as follows:

- (a) The Company shall create an album for the agreed delivery date;
- (b) The Company shall secure the commitment of local writers, producers, artistes, recording engineers and creative collaborators necessary to create the album;
- (c) The Company shall create a video entitled Going for Gold Video Documentary, which highlights the processes involved in the creation of the album;
- (d) The Company shall perform at agreed dates outlined in Appendix B of the contract for a performance time of no less than 45 minutes per performance.

The single Going for Gold was launched on July 31, 2012 at the Hyatt Regency Hotel and the Going for Gold album was released on November 22, 2012 as a two-disc set consisting of a compact disc with 12 songs and two bonus tracks, a DVD documentary and a collector's booklet. This is what has been distributed to every Member of the Senate here today.

The album contains the following songs:

- 1. Going for Gold by Machel Montano.
- 2. Wonders of this the World—Neval Chatelal and Machel Montano.
- 3. Champion—Machel Montano, featuring Beenie Man.
- 4. Love Army involving Machel Montano, KI, Benjai, Patrice Roberts, Isaac Blackman, Kimba Sorzano, Fya Empress, Kerwin Du Bois, Farmer Nappy and Iwer George.
- 5. I Cyah with Isaac Blackman.

6. Bear with Me—Chucky.
7. I Love My Country—Aaron Duncan, Jeromy Rodriguez, She-Ann Cunningham, Devyn Tyson, Timel Rivas and Pranava Maharaj.
8. Lighting the Way—Machel Montano and Pitbull.
9. Gold—Exodus Steel Orchestra with Machel Montano, Samraj “Rikki Jai” Jaimungal, Karene Asche, Duane O’Connor.
10. Mother Trinbago—Rikki Jai.
11. Represent, Machel Montano with Freetown Collective.
12. So on Fire—Machel Montano with Chaka Khan and Shermanology.

There were bonus tracks called Love Army, which featured KI, Benjai, Patrice Roberts, Isaac Blackman, Kimba Sorzano, Fya Empress, Kerwin Du Bois, Farmer Nappy and Iwer George with Machel Montano; So on Fire, Machel Montano with Chaka Khan and Shermanology.

Machel Montano carried out the following performances in fulfilment of his contractual obligations:

London Olympics, August 07, 08, 09,10, 11, 2012;
 Woodford Square, August 30, 2012;
 Port of Spain, Queens’ Hall, September 24, 2012;
 Miami, Sun Life Stadium, October 07, 2012; and
 GFG Launching on November22, 2012, at the Central Bank.

The value of the contract entered into between the Government of Trinidad and Tobago and the Going for Gold Limited was TT \$5 million. The amount has been paid in full as the company has met all of its contractual obligations to the Government of the Republic of Trinidad and Tobago. [*Desk thumping*]

Each Member of this honourable Senate is now in possession of a copy of the Going for Gold album and can listen to some of the exceptionally talented artistes who represent this country and our culture at the highest level.

The accounts show that as of 2013, \$4,762,925.31 were spent on expenses to develop the project. These expenses included band fees; fees of professional producers, global and national; subsistence; purchasing of merchandise administrative fees; performers; dancers; costumes, et cetera, all related to the production of a 12-track music CD album, one documentary DVD, eight music videos, promotion of the album through launches and live performances in London, Miami and Trinidad.

Oral Answers to Questions
[SEN. THE HON. DR. B. TEWARIE]

Tuesday, January 20, 2015

The balance, at the end of June 2013 period was \$308,000. There are outstanding expenses to be met from this, which include corporate taxes and VAT and there are also moneys to be received, in terms of earnings, which, at the present time, amounts to \$175,000.

The profits from this exercise are to be divided equally between the Children's Life Fund and the Music Development Fund, which has been established in Trinidad and Tobago. [*Desk thumping*]

Mr. Vice-President: Is there any supplemental?

Sen. Dr. Henry: Thank you, Mr. Vice-President. The hon. Minister just mentioned how the profits would be divided, could he enlighten the Senate, has there been any profits so far?

Sen. The Hon. Dr. B. Tewarie: Based on the fact that the \$5 million will have been expended minus the \$308,000 that remain and based on the fact that you now have incoming revenues beyond that, yes, there will be a profit. I cannot say at this time. There have been over 1,000 albums sold so far and that continues.

Sen. Dr. Henry: So the Minister is acknowledging that there is no profit so far? So saying how it is divided up does not make any—[*Continued interruption and crosstalk*] You said the profits would be divided up and the Attorney General is saying there will be no profits.

Mr. Vice-President: Please, Senator, allow the Minister to answer. Hon. Minister, are you in a position to answer the question?

Sen. The Hon. Dr. B. Tewarie: Yes, I can.

Mr. Vice-President: Please do.

Sen. The Hon. Dr. B. Tewarie: I am surprised the hon. Senator is an economist teaching at the University and asking me that question. The \$5 million was expended to make this possible, all the contractual obligations have been fulfilled. Any earnings will represent what we call profits. They are really net proceeds that are coming out after the investment has been made. [*Desk thumping*] The artiste involved, Machel Montano, agreed that the entire proceeds that come out of these albums will in fact be given in the way that I mentioned.

Mr. Vice-President: Further supplemental?

Sen. Dr. Henry: Yes. Thank you again, Mr. Vice-President. Does the hon. Minister know at what point such a significant investment would be recovered, in terms of generating any kind of revenue or profit?

Sen. The Hon. Dr. B. Tewarie: No, I do not know. But just as you did not think there was an album and there is one, just so everything will come to pass. [*Desk thumping*]

Sen. Dr. Henry: We have a box here. Anyhow let us follow. Could the Minister enlighten us as to the marketing plan to sell this album?

Sen. The Hon. Dr. B. Tewarie: No, I cannot enlighten you.

Mr. Vice-President: Any further supplemental? Sen. Dr. Lester Henry.

2.30 p.m.

**Petrotrin
(Details of Oil Spills)**

59. Sen. Dr. Lester Henry asked the hon. Minister of Energy and Energy Affairs:

- A. Could the Minister indicate whether there were any Petrotrin-related oil spills during the last quarter of 2014?
- B. If the answer to (A) is in the affirmative, could the Minister indicate:
 - (i) the number of oil spills;
 - (ii) the impact of these oil spills; and
 - (iii) the extent they have added to the liabilities of Petrotrin?

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. Vice-President. The answer to the first part of question No. 59 is yes, there were Petrotrin related oil spills in the last quarter of 2014.

Part B, part (i), there were 12 recorded oil spills during the period October to December 2014. One spill occurred in the Refining and Marketing Division, while 11 spills occurred in the Exploration and Production Division.

With regard to part (ii), which reads: the impact of these oil spills—seven of these spills were less than one barrel in terms of volume, and five of those spills were greater than one barrel. Of the 12 spills, the total volume leaked was 16.15 barrels.

With regard to B, part (iii), the extent to which they have added to the liabilities of Petrotrin: Petrotrin incurred no third-party liabilities as a result of these spills of the fourth quarter of 2014.

Thank you very much. [*Desk thumping*]

Mr. Vice-President: Any supplemental?

Sen. Dr. Henry: Supplemental, Mr. Vice-President. Could the Minister tell us if any of these spills were actually publicized or made known to the public—of the 12 spills by the company?

Sen. The Hon. K. Ramnarine: Seven of these spills were less than one barrel. Some of them were a couple gallons of oil actually. One barrel of oil is 42 imperial gallons. So with regard to those types of spills, you know, there is no need to make a report publicly, but reports are made to the Environmental Management Authority, the EMA and the OSH agency.

Sen. Dr. Henry: Further supplemental, Mr. Vice-President. I could point the Minister to a story that appeared recently, well, probably about a couple weeks ago, where there was confusion over a particular reported spill. Could the Minister clarify what the case was in that regard?

Sen. The Hon. K. Ramnarine: I think you are referring to the Christmas Day spill. The one where there was an alleged oil spill in the Otaheite area, that matter is under investigation. As you know, Petrotrin has publicly stated that they have evidence that it was a deliberate attempt to put oil into the water. That matter is engaging the attention of the Trinidad and Tobago Police Service for their investigation. That would have been the Christmas Day Otaheite spill. The EMA has also come out and has said that from what they have gathered, when they looked at the scene and so on, it looked like a deliberate spill.

Sen. Dr. Henry: Further supplemental, Mr. Vice-President. Does the Minister rely on any independent source to confirm any of these oil spills, or just takes the word of the Petrotrin employees directly?

Sen. The Hon. K. Ramnarine: No, no, no. The Minister of Energy and Energy Affairs has at his disposal a very competent HSC Department, located at the Maska Building in San Fernando, staffed with some of the best public servants in the public service, who I have great faith and confidence in. So I rely on those persons who are independent of Petrotrin.

Sen. Dr. Henry: But they are not independent of your Ministry?

Sen. The Hon. K. Ramnarine: Well, they are a part of the Ministry, and Petrotrin is not part of the Ministry.

Sen. Al-Rawi: Further supplemental. Hon. Minister, of these 12 or 16?

Sen. Dr. Henry: Twelve.

Sen. Al-Rawi: Twelve spills, are any of these to your knowledge associated with the reports of failure to maintain the plant and equipment at Petrotrin, which have been widely publicized in the *Express* newspaper in particular?

Sen. The Hon. K. Ramnarine: Mr. Vice-President, the lack of maintenance of facilities at the refinery is something which was very, very prevalent under the tenure of the PNM, between 2002 and 2010. If anything, in the last four and a half years, there has been a heightened degree of turnaround and maintenance at the refinery. I mean, I have all the numbers to prove this. I do not have those numbers at my disposal at this point in time, but there has been an increase in the amount of maintenance work and turnaround work, taking place on the various plans at the Pointe-a-Pierre refinery.

Sen. Al-Rawi: Further supplemental. Hon. Minister, I am referring specifically to the reports in the newspapers and by the union, as to failures to maintain in this current term, and in particular the last two years. Is the hon. Minister in a position to say whether these 12 oil leaks which are unprecedented thus far in our history, are associated with those failures on behalf of Petrotrin?

Sen. The Hon. K. Ramnarine: Well, first of all, I want to say that seven of those 12 oil leaks were less than one barrel, which is a couple gallons of oil in some cases. That to my professional recollection, based on my association with Petrotrin going back many years to a post-graduate student and so on, is something that happens on a frequent basis, where we are running a company with some 12,000 wells on land and so on, you must expect these kinds of things to happen. That, of course, is something which we are working towards moving away from.

With regard to the question raised by our colleague on the opposite side, we have engaged the services of—we are about to engage the services of another international consultancy, to conduct a national facilities audit of the entire energy sector. We will start of course—probably start and place a lot of emphasis on the ageing infrastructure at Petrotrin.

Sen. Al-Rawi: Further supplemental. Hon. Minister, are you in a position to tell us whether there is any civil action being contemplated against the members of the Board of Directors of Petrotrin, in respect of apparent breaches on their part with respect to issues of oil spills as identified by you? [*Laughter and crosstalk*]

Sen. The Hon. K. Ramnarine: No, I am not aware, Mr. Vice-President. I am not aware of any civil action being contemplated. I cannot be aware of things that are being contemplated.

Sen. Al-Rawi: Further supplemental. Hon. Minister, have you referred anything to the hon. Attorney General for progress by the “A-team” in respect of suits against the Board of Directors of Petrotrin in similar fashion to that recommend previously?

Sen. The Hon. K. Ramnarine: Mr. Vice-President, I think that requires the filing of a new question.

Mr. Vice-President: Is there any further supplemental? Since there is none—Sen. Sen. Dr. Henry.

Natural Gas Exports (Details of)

60. Sen. Dr. Lester Henry asked the hon. Minister of Energy and Energy Affairs:

- A. Could the Minister please indicate what proportion of our total natural gas exports can be diverted to higher price markets other than the US market, given previous contractual arrangements?
- B. Could the Minister explain how Trinidad and Tobago benefits from divergences to higher price markets, and who gets the major share?

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you very much, Mr. Vice-President. Question 60, the answer to part A: currently, approximately 93 to 95 per cent of total natural gas exports as LNG, Liquefied Natural Gas can be diverted to higher price markets other than the United States. For the fiscal year ended September 30, 2014, the largest market for diverted cargoes was South America with 46.61 per cent of all cargoes being diverted to South America.

With regard to part, B: by diverting to higher price markets than the base market, Trinidad and Tobago benefits from higher FOB prices realized. In at least nine of the 14 main contracts, there is a 50/50 share of the upside gain as a result of the diversion between the seller, which is a local entity and the marketer, a foreign entity.

In two of the other contracts, while there is no sharing, Trinidad and Tobago benefits from the netbacks, where cargoes are sold in the higher price markets. In three remaining contracts, there is no sharing of the upside. That concludes the answer to question No. 60.

Sen. Dr. Henry: Hon. Minister, would you be able to say how is that 93 per cent that you claim can be diverted possible, given the different trains and the previous arrangements that a lot of gas supply was on contracts which were fixed over many, many years? So could you explain the mechanism as to how we could have such a large proportion being able to be diverted, and what is our stake in it?

Sen. The Hon. K. Ramnarine: Mr. Vice-President, the Member is asking a very technical commercial question, for which I would be, you know, I would really want to provide an answer to that for him, but I do not want to give any misleading information to the House. What I would say though, is that over time as the United States market became less and less attractive, the companies began to divert cargoes naturally away from the United States. But the US remained the base market for which those contracts were pegged to. So that there is flexibility in the contract that allows for that diversion, with the US remaining the base on which the contract is founded. I am being honest, if you file another question, I will give a more detailed answer to that, because that requires some commercial and technical research.

PRECURSOR CHEMICALS (NO. 2) BILL, 2014

[Second Day]

Order read for resuming adjourned debate on question [December 09, 2014]:

That the Bill be now read a second time.

Question again proposed.

Mr. Vice-President: A list of those who spoke were: the mover of the Motion, Sen. The Hon. Anand Ramlogan SC, Sen. Faris Al-Rawi and Sen. Dr. Dhanayshar Mahabir. All Senators wishing to join the debate could do so now.

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): [*Desk thumping*] Thank you very much, Mr. Vice-President. I rise in support of this Bill, to provide for the monitoring of prescribed activities and the prevention of the diversion of precursor chemicals and other chemical substances used, or capable of being used, in any type of illicit transaction involving narcotic drugs, psychotropic substances and other drugs or substances having a similar effect and for purposes connected therewith.

Mr. Vice-President, I want to congratulate the hon. Attorney General in his piloting of this Bill, in the absence of the Minister of National Security, [*Desk thumping*] and also the contribution of the hon. Sen. Faris Al-Rawi and the contribution of Sen. Dr. Dhanayshar Mahabir.

This Bill has been in gestation for several years. It has traversed several political administrations. So this is a Bill that really ought to get support in this House, notwithstanding the fact that it is inconsistent with sections 4 and 5 of the Constitution. It is necessary for us to give a sense of the genesis of the Bill, the impact of this Bill. Mr. Vice-President, I have a most recent report entitled

Precursor Chemicals (No.2) Bill, 2014
[SEN. THE HON. G. SINGH]

Tuesday, January 20, 2015

Precursor Control in Trinidad and Tobago, a report done and dated November 2014, under a UNDP contract, a United Nations Developmental Programme contract. The author of that report, I will come to subsequently, because it encapsulates what is the current situation in Trinidad and Tobago and the necessity for this Precursor Chemicals (No. 2) Bill, 2014.

Mr. Vice-President, in the early 1980s after decades of efforts to implement the 1961 and 1971 Conventions, trends in drug abuse and illicit trafficking were rapidly escalating worldwide. The UN General Assembly in its resolution 39/141 of December 14, 1984, voiced concern, and I quote:

“...at the increasing damage which illicit drug traffic causes to public health, the economic and social development of peoples, and the young people in particular.”

2.45 p.m.

Indeed, the international community came to realize that the existing drug control instruments were inadequate to counter widespread and highly organized clandestine production and illicit traffic in drugs. It was also clear to all concerned that tackling this global phenomenon was beyond the reach of individual states and that a new initiative was required to complement existing conventions.

This new initiative, the 1988 Convention, targeted illicit traffic in all of its dimensions such as forfeiture of proceeds of drug crimes—legislation which you already have; extradition procedures—legislation we already have; mutual legal assistance—legislation we have; control deliveries, drug smuggling in aircraft and vessels and monitoring and control of chemicals considered essential in the manufacture and processing of illicit drugs. So we understand the context in which this piece of legislation is located.

“One of the fundamental components of the 1988 Convention is the monitoring and control of precursors. The Chemical Action Task Force 1, in its final report to the G7 Economic Summit in 1992, stated”—and I quote:

‘The procurement of chemicals necessary to manufacture drugs is one of the few points where...drug trafficking intersects with legitimate commerce. Regulation of legitimate commerce to deny traffickers the chemicals they need is one of our most valuable tools in the battle against drug criminals.’ Precursor control is viewed by developing and traditional producing countries as a clear indication of countries’ resolve to tackle the global drug phenomenon. Thus, the full implementation of Article 12 of the 1988 Convention is seen by all Parties as critical to the success of the 1988 Convention and the global effort against illicit drugs.”

I might remark, as an aside at this point, Mr. Vice-President, that in the multilateral evaluation of Trinidad and Tobago, in 2008, the then administration undertook to bring the Precursor Chemical Control Bill, which is the same legislation as this one, to the House in 2009.

The diversion of precursor chemicals and other substances frequently used in the clandestine production of illicit drugs is a worldwide problem and that requires a global solution and that is why the 1988 Convention came into being.

So the United Nations addressed this problem in 1988 by adopting provisions dealing with precursor chemicals within the bounds of the Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, which we will call from now on the 1988 Convention.

Trinidad and Tobago became a signatory to this UN Convention on December 07, 1989 and ratified that convention on February 17, 1995. The Bill before us seeks to implement that Article 12 of the Convention. I might add that Trinidad and Tobago at that time was among 87 signatories and 189 parties to that Convention.

What are these precursor chemicals? Drug precursors are chemicals used in the illicit manufacture of drugs such as cocaine, heroin, ecstasy and methamphetamines. However, these chemicals have primarily large and varied legitimate use, for example they are used in the synthesis of plastics, pharmaceuticals, cosmetics, perfumes, detergents, aromatic flavourings and so on.

So it is necessary to recognize and protect the legal trade in these substances, whilst at the same time discouraging their diversion for illicit purposes. The objective therefore is to strike a balance, avoiding the restriction of illegitimate trade and actions taken to prevent the illicit manufacture of drugs. That is the balance we have to seek and find in this piece of legislation and this legislation is reflective of that balance.

Mr. Vice-President, for example, the precursor drug piperonal is a substance used in the manufacture of perfumes, flavourings and anti-mosquito products in the context of dengue and chikungunya. There is a lot of anti-mosquito products being sold in Trinidad.

I recently had the chikungunya and I had to buy a lot of mosquito sprays. There is one particular brand that I bought and I told my wife: but this thing is like perfume for mosquitoes. Little did I know that this piperonal is a substance also used in perfume manufacture. So that, therefore, it is one that is highly flavoured with piperonal. I thought the mosquito was flying about perfumed. Nevertheless, it tells you. However, piperonal can also be used in the illicit production of synthetic drugs such as ecstasy and methamphetamines.

Secondly, Mr. Vice-President, acetic anhydride is used in the chemical photographic and pharmaceutical industries, but it is also used as an agent in the production of heroin. So that you have multiple uses and the question is that: how do you strike a balance between the legitimate use and the illicit uses for drug production and manufacture purposes?

Trinidad and Tobago's petrochemical industry utilizes and produces precursor chemicals and, given our geographic location, in close proximity to the major cocaine producers in South America, we have a responsibility to ensure that chemicals passing through or being utilized locally within our borders is not diverted to illegal use.

How widespread is the utilization of precursor chemicals? According to the UN Comtrade data, legal exports of precursor chemicals amounted to more than \$8 billion in 2012, equivalent to around 0.5 per cent of all chemical exports. Around 7 per cent of all precursor exports and 93 per cent are—7 per cent is Table I exports and 93 per cent Table II. The Table II exports, which are used generally for manufacturing purposes, increased three and a half times over the Table I exports.

Mr. Vice-President, where do these precursor chemicals come from? Some 77 countries, accounting for over 77 per cent of the world's total population, produced precursor chemicals over the 2010—2012 period. Production takes place in Europe, Asia, the Americas, the Oceania region and, to a lesser extent, Africa. In the past, most chemicals, including precursor chemicals, were produced in North America and Europe.

Where do those precursor chemicals go? The analysis of confiscation shows that the overall largest precursor seizures in volume over the 2000—2012 period were reported by countries in North America—59 per cent of the total; followed by South America, 12 per cent of the total; Europe, 4 per cent; and Asia, 3 per cent. Africa accounted for 0.5 per cent and the Oceania region for 0.2 per cent of the total. If the analysis is restricted for the more recent years, 2007—2012, the largest seizures were made in South America, 60 per cent of the total; followed by North America, 17 per cent; Asia 15 per cent; and Europe, 8 per cent.

Mr. Vice-President, it is clear, therefore that—what is our situation in Trinidad and Tobago? I will take, subject to your permission, Mr. Vice-President, to read from the report done by the Ministry of National Security under contract with the United Nations Development Programme, a report submitted on November 2014, very recently, by Mr. Hakan Demirbukan.

In this report, which is one of the three deliverables of the UNDP contract—one was a report on the extent of trade and utilization of precursors, chemicals and review of control and monitoring process, a situational analysis in Trinidad and Tobago; and deliverable two, recommendations on how to improve the control and monitoring of the import, export, transshipment through and use of precursor chemicals in Trinidad and Tobago with special emphasis on employing protocols between stakeholders, inclusive of standardized reporting measures; and the third deliverable was a proposal for robust online data collection and sharing platform.

So when you read the Bill and you understand the role of the various Ministries, you understand what is the Ministry of National Security doing with the Strategic Services Agency. They are anticipating the Bill, but even before the Bill becomes law, they are putting in place the administrative mechanism to deal with the control of precursor chemicals.

What is the situational analysis done by this independent consultant for the UNDP and the Government of Trinidad and Tobago? I read from the report. It makes very interesting reading.

“Trinidad and Tobago has a wide and important chemical sector and lies in close geographical proximity to important drug production centers. The country, situated seven miles off the coast of Venezuela, is assessed to be a potential transshipment point for precursors and illicit drugs, primarily cocaine and marijuana but also heroin. According to the latest UNODC estimates, more than 1000 tons of cocaine are estimated to be produced annually, the overwhelming majority in South America. This requires some hundreds of tons of the precursor chemicals, such as potassium permanganate annually to be diverted and smuggled into drug-producing regions (Bolivia, Colombia and Peru). There is also heroin and methamphetamine production in the region, notably in Mexico and Colombia, which requires the use of numerous controlled and uncontrolled chemicals.”

The report continues:

“The majority of the precursor chemicals that can be used in the illicit manufacture of the above drugs have widespread licit use in the chemical and pharmaceutical industries. As such, their diversion from licit trade by drug trafficking organizations is the primary source of precursor chemicals used in the illicit manufacture of drugs. The 1988 United Nations Convention provides measures to assist Member States in preventing the diversion of these chemicals and the International Narcotics Control Board (INCB) has a number of resources to monitor the licit/illicit trade in precursor chemicals and developments/trends in the use of existing and novel precursor chemicals.”

3.00 p.m.

“Out of 23 precursor chemicals listed in the”—1988—“Convention, at least 11 are imported into Trinidad by different industrial and pharmaceutical companies for use in registered products. Strictly speaking, all these substances are not ‘true’ precursors. They include essential chemicals, reagents, solvents and catalysts. There is some cross-pollination as many chemicals have multiple-drug uses.”

The report ask the question:

“Which precursors are required for the production of drugs produced in the region?

With regard to drug precursors, the trafficking suppression activities of Trinidad and Tobago are likely to be aimed mostly at the diversion of cocaine precursors. This is due to its proximity to South America’s production centres. There is some production of heroin”—methamphetamine—“in Central America (Mexico)/Columbia as well. It should be noted that the expansion of global trade (particularly maritime) means that precursor traffickers may source their precursors anywhere in the world. This means that Trinidad and Tobago’s chemical sector may also be targeted for the production of drugs in far-off Afghanistan, Myanmar and South-East Asia and West Africa.”

The report goes on to list the various lists of the main precursors used in the production of these drugs which are the main precursor chemicals used in cocaine production:

“- Sulfuric Acid

- Potassium Permanganate

- Acetone/Ethyl ether

- Methyl Ethane Ketone

- Toluene

- Hydrochloric acid

Main precursor chemicals used in Methamphetamine and Amphetamine production

- Ephedrine

- Pseudoephedrine

- Thionic Chloride
- Phosphorous pentachloride
- Red Phosphorous
- Palladium Chloride
- Acetone
- Ether
- Chloroform
- Hydrochloric acid
- Sulphuric Acid

Main precursors chemicals used in Heroin production

- Hydrochloric Acid
- Acetic Anhydride
- Acetone/Ethyl Ether”

The report goes on to state—the very recent report, Mr. Vice-President:

“...that precursor control is efficiently addressed in the proposed legislation (Precursor Chemical Bill)...”—which is before us.

So it points to an effective mechanism of control. The report continues to ask the question.

“Are these above precursors being licitly traded in T&T?”—and I quote at page 7:

“Many of the precursors used in illicit drug production are traded in T&T. Based on information provided by local authorities, some of them are imported, as recorded in PEN online systems.”—and the legislation speaks about that—“However, it remains unclear whether some of these chemicals are produced in the country or not. There are also information gaps regarding the number of volumes of controlled chemicals that maybe exported.”

It is important to note at this point, Mr. Vice-President that:

“There are almost 250 companies producing or trading chemicals based in Trinidad and Tobago...and the authorities do not have the capacity to inspect and monitor all of them.

Trinidad and Tobago has a large and varied chemical sector and perceives it as potentially under threat of diversion. Its sanctions against trafficking in precursor chemicals are strict and it is defined in the Dangerous Drugs Act and Pesticides and Toxic Chemical Acts of the country.”

The report goes on to ask the question:

“What are the Statistics of Imports and Exports of Controlled Precursors in T&T?

There is not as yet a centralized system recording the chemicals and precursors being traded in the country. There are information gaps on which controlled precursors are produced (if any) or exported in/from country.”

The writer of this report:

“...is not aware of any instance where Trinidad and Tobago issued a Pre-Export Notification (PEN). However, it is clear that the country imports several controlled precursors. The received data on PENs identified the trade of several controlled precursors in the country.”

And data as of 2009 to 2014, you have hydrochloric acid, in terms of the pre-export notification, 7 per cent; toluene, 42 per cent; acetone, 42 per cent and the others 9 per cent.

“Based on a review of available open source information...several controlled chemicals are imported/exported into Trinidad and Tobago. Sulphuric acid (one of 23 chemicals controlled by the convention) appears to be an important chemical traded in T&T. T&T sulphuric acid exports are minimal but its imports appear more important. It also imports Hydrochloric acid although not in significant amounts.”

Mr. Vice-President, the report goes on to state:

“The largest international trade in precursor chemicals was reported”—in the—“substance toluene...This is the case in Trinidad and Tobago trade but with Methyl Ethyl Ketone and Hydrochloric acid also being widely traded. At the other end of the scale, diethyl ether (ethyl ether) exports appear to be negligible while imports are not far behind. Data on exports in Trinidad was gleaned from the United Nations Commodity Trade Statistics...”

Mr. Vice-President, the report goes on to state at page 13:

“There is less evidence of potassium permanganate trade in T&T although there are reports claiming that it is taking place. A review of PEN data turned up a total of 80kg of potassium permanganate imported into T&T in the last 5 years. It is important to”—note—“that total legal imports into South America, Central

America and the Caribbean amounted to some 1,500 tons per year over the 2007-2012 period. For comparison, the annual amounts of potassium permanganate needed in the illegal cocaine manufacturing sector amounts to some 385 tons annually...Significant amounts of the potassium permanganate needed in the manufacture of cocaine are apparently diverted in overseas countries and then smuggled into the region. Moreover, significant amounts of the potassium permanganate are nowadays locally manufactured in clandestine laboratories within the Andean region...This local production reduces the likelihood that T&T would be targeted for diversion of potassium permanganate.”

The report then asks the question and responds:

“What is the level annual licit demand for Controlled Precursors in T&T?”

What is the demand for legitimate trade of what would be regarded as controlled precursors chemical substances in Trinidad and Tobago?

“Understanding licit requirements for most precursors is voluntary and confidential information shared by parties. According to INCB data...Trinidad and Tobago has reported information on licit trade in, uses of and requirements for substances”—in accordance with the Convention.

This information is provided to the UN for the years 2007 to 2011.

“The only licit requirement data that is mandated by INCB...is data for a subset of ATS precursors (ephedrine, pseudoephedrine...)”—and all those other chemicals associated with that which are tongue twisters for me. [Laughter]—“It is noteworthy that T&T has apparently not reported any licit requirements for those chemicals.”

Mr. Vice-President, the author then proceeds to deal with the question of the illicit trade of controlled precursors in Trinidad and Tobago. He states at page 17:

“No seizures of precursors in T&T have been reported....Moreover, there were no countries which reported seizures of the 23 chemicals which could be backtracked to T&T in recent years. This has not always been the case, in 2006-2007, precursor chemicals originating from Trinidad and Tobago had been found in illegal drug labs in Colombia. Notwithstanding this finding, since then no identification of routes and methods for smuggling in Trinidad and Tobago is detected, if indeed this is occurring.”

In reviewing the literature, the author indicated that:

“...one source which discusses the vulnerability of the chemical sector...”

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This data is perhaps more than a decade old as he indicated, and I quote:

“The trade in illicit precursor chemicals is divided into precursor chemicals manufactured in Trinidad such as ammonia and urea and precursor chemicals that are imported into Trinidad and diverted into the illicit precursor chemical trade such as sulphuric acid and potassium permanganate.”

This data quotes from Daurius Figueira. [Crosstalk] Now, I have his book, I would check that. Now, although the author is quoting from his book—I read these two books some time ago, and whilst I do not know about the academic robustness of the content of the book, I want to say it gave a good picture of what was happening in Trinidad and Tobago, Jamaica and Guyana and the Haitian and the Dominican Republic and Venezuela.

Mr. Vice-President, for purposes of the record, it is *Cocaine and Heroin Trafficking in the Caribbean: The Case of Trinidad and Tobago, Jamaica and Guyana* and similarly *Cocaine and Heroin Trafficking in the Caribbean, Vol. 2: The Case of Haiti, the Dominican Republic and Venezuela* and it is written by Daurius Figueira—F-I-G-U-E-I-R-A, and it is dated 2004 and it is printed by Universe Inc.

3.15 p.m.

Mr. Vice-President, so that is the data. That is the data that we have, and in this most recent, November 2014 publication, by this report by the UNDP, this is what is quoted. The report goes on to state that:

“There are no indications that drugs such as”—amphetamines or methamphetamines—“or cocaine are produced in T&T. There have been no labs dismantled and drug seizure data provided consist of pharmaceutical compounds including psychotropic, Viagra, steroids and several counterfeits.”

So, the drug seizure data points to a more pharmaceutical arena; you have Viagra for its purposes, steroids, and several other counterfeits.

According to this report, Mr. Vice-President:

“...law enforcement entities in Trinidad and Tobago seized 146.3 kilograms of cocaine and 2.26 metric tons of marijuana in 2012 and made five major seizures at seaports during 2012. In 2013, 53,771”—kilos of—“(marijuana) and 173”—kilograms of—“(cocaine) were seized while in 2014 (up to October), 653”—kilograms of—“(marijuana) and 127”—kilos—“of cocaine were confiscated.”

[SEN. DR. ROLPH BALGOBIN *in the Chair*]

But the report also points to an emerging trend in the fact that there is an information gap with respect to the synthetic drugs arena, such as methamphetamine. So that it appears that there is a gap in our law enforcement system with respect to the detection of precursors, primary ephedrine and pseudoephedrine.

The report goes on to state:

While “T&T inhabits a region that is heavily oriented towards the threat of cocaine production and trafficking.”

The UN-“...reports highlights that South America is experiencing an increase in methamphetamine-related activity. This ranges from the huge and established demand and production in Mexico, through the early development and consumption markets in Central America. Given these trends in Trinidad and Tobago’s neighbourhood, it is striking that there is little official information from Trinidad and Tobago on synthetic drug use.”

It is pointing to an area in which the whole question of methamphetamines and ephedrine and pseudoephedrine, and that, therefore, he recommends that a drug survey will be useful in terms of the recommendation moving forward.

Now, the report also raises a question of the level of coordination and cooperation between stakeholders, and the legislation before us points to that. The requirement in making it mandatory for there to be that kind of level of cooperation between the various elements of the public service system.

“Precursor control falls into the responsibility of a number of Government”—agencies—“in the country. These are:

- SSA under Ministry of National Security.
- Ministry of Health,
- Ministry of Trade and Industry,
- Ministry of Energy and Energy Industries,
- Customs and Excise,
- Trinidad and Tobago Manufacturers Association,
- The Chamber of Industry and Commerce

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The SSA—that is the Strategic Services Agency—is the national coordinating entity to suppress the illicit supply of drugs in Trinidad and Tobago. In this capacity it interacts with various stakeholders (e.g. Ministry of Health and the Customs and Excise Division) in promoting precursor chemical monitoring and control. The Ministry of Energy and Energy Affairs also oversees companies which trade in chemicals in the energy sector.

One of the main functions of the SSA is to act as an office for centralizing information that could facilitate the detection and prevention of illicit traffic in narcotic drugs, psychotropic substances and precursor chemicals as indicated in the—founding legislation, the Strategic Services Act.

[MR. VICE-PRESIDENT *in the Chair*]

The report indicates that the SSA has already established a precursor control team of two officers at this point in time.

Mr. Vice-President, the report also points—and that is why the legislation is necessary—to the need for that level of cooperation to take place between the various entities in order to ensure that you have that sharing of information. At page 23, the consultant indicated that:

“During the meetings with the relevant stakeholders each of them mentioned”—a—“lack of cooperation, communication and information sharing. In the meeting with Customs, officials clearly and openly mentioned that they cannot share any information as there is no legal framework. However, they also mentioned that as soon as the Precursor Bill passes in the Parliament, this”—lack of sharing of information will no longer be an issue.

So, it is your classic situation where you require the public servant, acting within the boundaries of the law, in accordance with Government being—has to act within the rule of law, they are saying, once the precursor Bill is passed they would be in a position because the relevant clause points to the need for them to, mandatory, share information with the SSA and other elements.

The report goes on to point out the role of the Customs Department, the role in detecting mislabelled shipments or transiting Trinidad ports.

“Customs can also identify unusual patterns of imports—for example by comparing importers and their consignments—which may indicate precursor trafficking or diversion from licit shipments. Interviews with Customs suggested deficiencies in export control as well as a lack of training and equipment...”

That would be dealt with by the Ministry of National Security, post the precursor Bill. Then the report dealt with the whole question of the lack of scanners, and scanners now have been installed in the various ports, both at Point Lisas and in Port of Spain, allowing for containers to be checked.

Similarly, the role of the Ministry of Health, the Pesticides and Toxic Chemicals Inspectorate, the Drug Inspectorate, the Food and Drugs Inspectorate, and, of course, the whole question of the role of the Ministry of Energy and Energy Affairs.

Mr. Vice-President, the report also points to the necessity for coordination with the private sector.

“Interviews with stakeholders indicated that many companies were long established in the country and thus pose less danger when it came to diversion. One risk scenario in T&T is the setting up of front companies or the use of existing companies operating in industries in which there is a well-established licit demand for the required chemicals.”

So that, therefore, you have that kind of situation.

This is the summary of the situation analysis and the observations, Mr. Vice-President, and I quote from page 25:

“Although there is no evidence of illicit trade of precursors in the country, Trinidad and Tobago is vulnerable, due in part to the close proximity to the illicit drug trading regions and internal dysfunctions such as a lack of inter-agency cooperation. There are also anecdotal reports of increasing synthetic drug use and as the section on ephedrine developments indicated, inertia may inhibit pre-emption of an imminent threat. The country imports at least 11 different controlled precursors from different parts of the world but...there is a lot that”—is not known—“about current developments in precursor demand, trafficking and supply methods...The Government of Trinidad and Tobago therefore faces a challenge in allocating resources and giving...direction”—tactically—“to law enforcement”—and—“regulatory agencies.”

Mr. Vice-President: Hon. Senators, the speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator’s speaking time be extended by 15 minutes. [*Sen. F. Al-Rawi*]

Question put and agreed to.

Mr. Vice-President: Hon. Minister, please continue. [*Desk thumping*]

Sen. The Hon. G. Singh: The first observation made by the UNDP:

“It is a very encouraging step to know that The Precursor Chemical”—Bill will be before Parliament, subject to its approval. “The SSA and other stakeholders will need to increase their capacity in order to be better prepared for the implementation of roles and responsibilities under this proposed law.

The level of legitimate need for controlled precursors is not known. Without this knowledge, adequate precursor control in the country becomes more challenging.”

The report goes on to point out the need for precursors to be controlled in this country, and it anticipates the impending threat from new sources.

So, Mr. Vice-President, the hon. Attorney General went through, in detail, the various elements of the Bill, but we see from the report, that various parts of the Bill, that there is need for that kind and level of cooperation that is required as in clause 9, points to the various Ministries and information-sharing schedule.

And it makes it mandatory for the information to be shared with the Ministry responsible for health, the Ministry with responsibility for energy, the Ministry with responsibility for foreign affairs, the Ministry with responsibility for trade, the Department of Customs and Excise, the Pesticides and Toxic Chemicals Control Board, Food and Drugs Division, and such other Ministry, department or statutory body as a Minister may order, subject to the negative resolution of Parliament.

Clause 5 deals with the establishment of the Precursor Chemicals Unit under the SSA, and that is where the focus will be, that you have the nature of the head, the link, the data collection, the analysis.

3.30 p.m.

That is where you have the heart of the agency going to deal with the whole question of the importation, exportation and the linkages and cooperation and collaboration between the various agencies in dealing with these precursor chemicals.

Mr. Vice-President, when you look down the road, you already see that the drug cartel, the billion-dollar drug industry, the trillion-dollar drug industry—if you were to believe our friend, Mr. Figueira—they are already anticipating. These 23 controlled substances have been increased by one because of the involvement

by the Chinese mafia in the drug. They have a new involvement, a new drug called “Apaan”, A-P-A-A-N; so that you now have, instead of 23, 24. Clause 26 provides the Minister with the flexibility to add new drugs to the schedule list.

The road ahead is not only for notification, but certainly we would not want to see a blossoming in the market: Ecstasy, methamphetamines and so on, in Trinidad and Tobago. We have seen what is happening at the university and their proximity to high grade marijuana. Some of our best minds would be required to be utilized to create that kind of high grade drug.

We know for a fact that there is one situation where there was a link to a South American cartel, and you had a tragedy occurring as a result of that because of the precursor chemicals moving from this country through a manufacturing process.

Our geographical proximity, located between the producers and the customers of the products in North America, provides that we need to put our house in order. This is a fulfilment and crystallization in local law of an international obligation that we entered into in late 1995, and there has been significant delay. *[Interruption]* February 17, 1995, I think—a very significant delay. We are now at the threshold where there are new threats, where we anticipate threats and, therefore, this Bill ought to be commended as a Bill in the interest of the people of this country.

Therefore, Mr. Vice-President, I commend this Bill, in order for us to deal with the impending threats, which are real threats, notwithstanding that we have not been an exporter of precursor chemicals, but we can be assured we are in a dangerous location in terms of what is going to happen in the world and what is happening in the world already, in the context of the drug trade.

Mr. Vice-President, with these few words, I totally support this Bill. Thank you.

Sen. Shamfa Cudjoe: Thank you, Mr. Vice-President, I want to thank you for the opportunity to join this debate on this Bill. This Bill known to us as the Precursor Chemical (No. 2) Bill of 2014:

“An Act to provide for the monitoring of prescribed activities and the prevention of the diversion of precursor chemicals and other chemical substances used, or capable of being used, in any type of illicit transaction involving narcotic drugs, psychotropic substances and other drugs or substances having similar effects and for purposes connected therewith.”

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The main purpose of this piece of legislation is to help us to move one step closer in clamping down on the illicit drug trade, and in dismantling the international cartel network. The matter before us is a very sensitive one, because we wish to control, or get some kind of handle, on the trade of precursor chemicals. These chemicals are, in simple terms, products illegally diverted from legitimate substances.

This industry has been growing and is quite profitable. It is a very sophisticated industry and it is very difficult to monitor and manage, because at the end of the day, in essence I should say, we are dealing with substances and products that are used in everyday life. For instance, we are talking about paints, we are talking about paint thinners, we are talking about acetone that is used by nail technicians. We are talking about baking soda that the regular housewife would use or the homemaker would use or bakeries. So we are dealing with the trade of substances or products that are legitimately used for legitimate purposes or everyday uses. We are also talking about medicines that are used for basic sicknesses like asthma and so on, so it is a very difficult kind of trading practice to get a handle of and to monitor and manage in an effective way.

The Government of Trinidad and Tobago, along with other Caribbean countries, have signed on to several international conventions with the United Nations to lend our support and to commit to the fight against this type of illicit drug trade. So today, as we enter this debate or as we conduct this debate, we are fulfilling our part of this promise.

This legislation is particularly important to us in Trinidad and Tobago because we have a very robust petrochemical industry, and our petrochemical industry imports and exports chemicals that can be used in the illicit drug trade. More importantly, our geographical location—we are located in the middle or directly between the drug producing south: Brazil and Colombia and Venezuela, and the drug consuming north: the European countries and the Americas. So we are a very critical transshipment point for illicit drugs, but it is important to note that we are primarily known for the consumption of marijuana and not so much the consumption of hard drugs like cocaine or these other sophisticated, fancy drugs like meth and heroin. I think it is also important to continue to highlight the fact that we are easily accessible and very, very convenient to drug traffickers in the south, based on our location and our strategic position.

Mr. Vice-President, I had the chance over the last couple days to follow up on a report that has been aired on YouTube. It is called “Cracks in Our Borders”, and it is a brilliant piece of work that was reported by a young lady by the name of

Urvashi Tiwari-Roopnarine. She was able to bring home or to present in the most basic, yet thorough manner, the whole workings of the drug cartels and the drug trade in Trinidad and Tobago.

I am highly appreciative of the work that this young woman has done, and I am sure that there are many who would have gotten the chance to see the report on CNC3, and if you have not seen it yet, please take the opportunity to look at this on YouTube.

She highlighted some very critical statistics in her report. It was very well supported by reports from the United States Department of State and the International Security Councils, so it was a very well researched and comprehensive study.

It is important to note that as a transshipment point—I am talking about the region, I am talking about Trinidad and Tobago—that 1 per cent of the drugs or of the cocaine that is transferred through the Caribbean, only 1 per cent of that cocaine is used for consumption. That is a very critical piece of information to note. So we are known for transshipment and not so much production or consumption.

Over a 12-month period, 1,128 metric tonnes of cocaine was transferred through the Caribbean seas. That is 40, 40-foot containers passing through the region. Based on our geographical location—I do not mean to be alarmist—but that kind of statistics make me very, very uncomfortable, and make me very concerned, because whether or not we are producing or consuming, there are serious implications for our position as a transshipment point.

This is all the more reason for me to highlight that the protection of our borders, the protection of our ports of entry and our people from these nefarious activities, should be the number one priority of any government, of any Member of Parliament, of any responsible citizen, who is serious about enhancing security, about promoting public safety and about advancing our nation's development.

Mr. Vice-President, Trinidad and Tobago—or should I say the Caribbean—we did not always hold this position as a transshipment point. At least we were not starring in the late 1970s, as we are starring today. We are at the forefront of the whole transshipment business.

I did some research and I was able to pull up a report done by Mr. William Brownfield of the US State Department. He is a senior anti-drugs official, and I got this report from *The Economist*. It was printed on May 24, 2014, and it is entitled, “Full circle, An old route regains popularity with drug gangs”.

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Allow me to place on the record—allow me to read this into the record please, because it speaks about the balloon effects or what I would like to call the “push and pull effect” of the whole drug trade and how we have risen to prominence again, as it relates to our position as a transshipment point.

I quote:

“The rising volume of drugs coming through the Caribbean is an example of what drugs wonks call the ‘balloon effect’, the idea that increased pressure on one drug route produces a bulge elsewhere. Until recently, the favoured northbound route for cocaine from South America—principally via Venezuela, after Colombia’s interdiction efforts in the 1990s—was by small aircraft to Honduras. Planes fly a dogleg path—first north, then west—to avoid Colombian airspace; the drugs then move by land or other means via Central America and Mexico.

Last year Honduras stepped up its counter-narcotics pressure. Drug flights to Central America dropped by a third and traffickers were pushed east to the Caribbean islands. That brings a chunk of the drug trade full circle, back to the 1980s when the likes of Pablo Escobar, a Colombian kingpin, used the islands as their route to market. It is ‘likely to get worse before it gets better’,...”

3.45 p.m.

Mr. President, I think, all in all, this goes to say that this increase in volume in trans-shipment or increase in volume of cocaine passing through our borders does no good for us here in Trinidad and Tobago or the entire Caribbean, but there ought to be—we ought to consider some other elements or some other variables that may contribute to the whole equation. Because it is clear that our geographical location is not the only or the main—what should I call it?—coefficient in the whole equation as it relates to drug shipment. There ought to be some other variables that affect, and I would highlight those later.

Now, Mr. President, in addition to Honduras stepping up on its counter-narcotic pressures, I did some research and recognized that Colombia had improved its law enforcement programme. Colombia even went as far as instituting measures such as each household is allowed only 11 pounds of baking soda per month. So, they went the extra mile as it relates to monitoring these precursor chemicals.

So, Mr. President, here we have the countries around us stepping up in their fight against the illicit drug trade, and Trinidad and Tobago, or should I say the entire Caribbean, based on the very nature for our porous borders, based on our location between the drug-producing south and the drug-consuming north, it comes with the

territory that we should be responsible enough to ensure that our borders are protected at all times, whether or not our neighbours are doing what they are supposed to do. We know, based on our location, this should be a matter of priority. But there has been major shortfalls as it relates to border protection. What Mr. William—what is his name?—William Brownfield refers to as the “balloon effect”, where when one country steps up on its protection programme, on its border protection programme, there is a bulge in another country. I refer to them simply as push and pull factors.

So, when our neighbouring countries or the other Central American countries step on their push factors—to push the drug trafficker away—very porous borders serve as pull factors, along with other elements that contribute, but the porous borderline must be highlighted.

So, Mr. President, here we are wide open, unprotected, unmanned, naked and weak, open to infiltration, open and susceptible to any attack, all for the purpose of—in my opinion—political expediency, and I like to call it “bad mind” too because all this is done or all this was done or continues to be to done at the detriment of the country’s development. [*Desk thumping*]

Now, Mr. President, I will tell you why I will place it on the record because—I am going to tell you also, why I am taking this position. I have decided to head in a different direction than the previous presenters because I feel like we have spent much time talking the fancy talk and calling the names of the different drugs and precursor chemicals and psychotropic substances. At the end of the day, Mr. President, this resorts to illicit drugs trade or substances used for illicit purposes. So, when the dust settles, we are talking about the illicit drug trade; its implications for Trinidad and Tobago. I am not concerned about the role we may play in production because it is not so much about a problem for us, but the implications of being a trans-shipment point are very, very serious, and creates very dire problems on the ground. So that is where I would like to focus my attention. So as I said, here we are, borders wide open, and this was done at the detriment of national advancement and for political expediency.

The People’s National Movement, we would have signed on to treaties, same like other governments, but we had a security policy, a security plan that consisted of the whole OPV programme, [*Desk thumping*] the helicopters programme, training, and the establishment of SAUTT, interacting and entering into negotiations and training programmes within the region and internationally, in order to step up or in order to improve our country’s capacity to fight off or to control this whole drug trade.

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When this Government came into power they dismantled SAUTT. They cancelled the OPV contract. They fired people like Nigel Clement who was one of the signatories in the same document of which Sen. G. Singh just referred. Many of these people were fired. Many of these programmes were dismantled. There were so many reasons, unjustifiable reasons for shutting down these programmes. We were told what was not expensive was not legal enough, and programmes were cancelled for simply having a PNM origin, and people were fired simply for having a PNM face. [*Desk thumping*]

So, the Prime Minister even went as far as to tell us that the war is not on the seas. The war is on the land. [*Crosstalk*] The war is not on the seas. The war is on land. You would have your chance to talk Sen. Coudray, so whisper—anyway.

Mr. President, the Minister of National Security told us that the situation will be well taken care of because the coast guard is going to be equipped to patrol our borders and so on, only to be told last week by the defence force—and even in this Parliament—that there were only three of these vessels working to patrol the borders of Trinidad and Tobago. There were only three of them working.

We were also told about this radar system or radar programme of 10 pieces of equipment established or rooted all over the country. In Miss Roopnarine's report, we got to learn that some of these radar systems are not working. Sen. Griffith, who is now the Minister of National Security, in his interviews said—he spoke very glowingly about this radar system that it can pick up vessels within 60 kilometres. Even if it is a log in the water, that it is going to be picked up and monitored and intercepted. That was the comment he used on the report.

When he speaks to the fishermen—when Miss Roopnarine speaks to the fishermen, you are getting to learn, or we are being informed, that when their vessels, the fishing vessels and boats are missing, the same equipment that is supposed to be intercepting or monitoring people who are into the illicit drug trade, cannot find fishing vessels. So are they really working or are they not?

So, Mr. President, these are some of the things that we need to take into consideration because the implications of this drug trade are very, very serious for us here in Trinidad and Tobago. So, I am not going to focus on production or consumption.

Mr. President, we were given all kinds of other programmes and projects, short-term, inefficient, ineffective to replace the whole OPV and helicopter programme, for instance, the gun amnesty. They told us that the streets are going to be cleaned after such—the same state of emergency in 2012. Nothing. Nothing.

These programmes did not bear any good fruit. But you know what is important to note? I remember when the People's National Movement was in power, we were chastised, over and over, for having different crime plans like—what is it?—"Operation Anaconda". And there was operation this and operation that, and they called us an alphabet soup. Every Monday morning it was an operation. But, Mr. President, it was several attempts to control this crime problem.

When this Government was in Opposition they had everything to say about how they were going to control crime, and they are going to bring crime down, and crime is going to be a problem of the past. They promised us an anti-crime place within 120 days of coming into office. Now, Mr. President, it is almost 120 days before they demit office and we are yet to see this anti-crime plan. [*Desk thumping*] We are still waiting.

I cringed last week when Sen. Devant Maharaj spoke about the Government's programmes to improve security within the borders especially as it relates to praedial larceny, so that the small man is protected. Fishermen from Trinidad, as we speak today, are travelling to Tobago to store their boats in Tobago waters because their boats are being stolen from them in Trinidad for the drug trade. Their engines are being dismantled from the boat by people who are involved in drugs. So, they bring their boats to Tobago and discommode the Tobago fishermen.

I know specifically on the Scarborough fishing area when you are coming from uptown, I know very, very—Mr. President, I have been following the story and they are constantly in disagreement or constantly in some kind of bickering with the fishermen from Tobago. So all this protection and all these programmes that you claim that you have are working, they are not. We are just moving the problem from one point to another.

So, Mr. President, allow me to turn my attention to some of these implications. Now, today is what?—January 20. Today is the—yes—the twentieth day of the year. We have recorded in this country—the last time I checked—22 murders, 22 murders. Twenty-two in Trinidad, zero in Tobago. Mr. President, of those 22 murders in Trinidad, 18 of those murders are gun related. Eighteen people have been shot to death for the year in a space of 20 days. I do not mean to be an alarmist, but if that does not make you uncomfortable, I do not know what else will.

Mr. President, we must admit that the proliferation of guns in our streets, there is some kind of nexus or some kind of relationship to the proliferation of

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transshipment of drugs through our borders, and all the different transactions we are hearing about in the illegal drug trade.

Now, the recent report—there have been several recent reports in the newspaper. There has been the Roopnarine report on CNC3, there has also been another report by BBC that was done along with Sergeant Alexander where a BBC reporter followed him for a couple of days.

Sen. G. Singh: “Beyond the tape”.

Sen. S. Cudjoe: No. That is not “Beyond the tape”. It is “Crime, corruption and murder in Trinidad”. So, they also have a series—[*Crosstalk*] on YouTube. So, I also had an opportunity to follow this BBC reporter. We are being highlighted in the most unsavoury ways before the international community. It is very embarrassing, but they are very informative projects, I must say. Here you get to follow or you are being educated about how there is an exchange for drugs, where drugs is being exchanged for highly-sophisticated firearms and other forms of weaponry, and these are the kinds of weapons that are proliferating our streets now.

Mr. President, we are very close, a stone’s throw away, pretty much 25 minutes by boat from Venezuela, and Venezuela is now making a modern-day reproduction of the AK-47, while Brazil next door is making another reproduction of the Beretta and the Glock. I have heard stories from a former classmate of mine who got himself tied up in the whole drugs thing, and could explain clearly how the transaction goes and this exchange of drugs for ammunition.

4.00 p.m.

When we are talking about ammunition, we are talking about guns and highly automated weaponry, they outnumber and outgun the whole police service. I remember looking at a report on TV, a news report, when the police officer was trying to explain how sophisticated the gun is by looking at the bullet shells. So, we have a serious problem on the ground. We have a very, very serious problem on the ground. So, while we may stand here and say, “oh, we are not consuming and we are not producing”, the other implications are very serious.

Mr. Vice-President, the rising or the spate in murders, especially homicide by means of firearms is becoming somewhat normal to us. It is a norm. When you hear young people and reporters talk about this murder every day, it seems normal, and that is very, very scary. I have even heard some of the reporters describe Trinidad and Tobago as a narco-state. I do not know if I want to go that far, but I know that there is much cause for concern.

We must treat with the issue that there seems to be also total disrespect for those in authority and disrespect for the rule of law. I followed the report where, I think, residents of Laventille would have taken on the Besson Street police. Besson Street police unit is known to be made up of some of the biggest and the “badest” and best police officers in the nation, I understand, and for criminals to have the gumption or the temerity to take on the Besson Street police unit—Mr. Vice-President, I am sure some of us saw what took place on the news, and there is a video of it on YouTube also, it is very scary to learn that in this day and age when we are talking about strengthening the police and so on, and that we have to experience or witness a crime of this nature.

But, Mr. Vice-President, I remember the BBC reporter asking Mr. Alexander, “How it is that people become so brave and so brazen with taking on the police?” And he explained to him that one of the reasons for the high crime in Trinidad and Tobago, and the whole drug trade, and the proliferation of arms on the streets, and the boldness, and the courage of the criminals to take on the police is mostly due to the 1990 coup. He explained that the events of the coup would have uncovered or highlighted the weakness in the police service. So, criminals felt enticed and encouraged by the new knowledge of the weaknesses within the police system, and felt, well, okay, if they could take down the country in a couple days then we could take on the police, and it seems like some of the police officers attribute to much of today’s delinquency as it relates to criminal trying to corner the country or seize the country, is due to that.

But, I have a different view. I think that there is a more critical piece of the puzzle that needs to be identified and examined, and we must direct much focus to this area. All the reports that I have read are from the US Department of State, the reports that I have read from the international security council and some of the other bodies coming out of Geneva would have one thing in common, and they spoke too, very profoundly and very prominently, about the whole problem of corruption in Trinidad and Tobago, from very high offices to the very low. These reports highlighted corruption in government bodies, different state bodies, in the police service. These reports highlighted bribery in Customs and Excise, lack of appropriate training for police officers and other law enforcement officers and, what was said in one of the US Department of State reports, is that Trinidad and Tobago prefers to rely on the United States government programmes for opportunities to improve their proficiency.

So, it shed some light on the way we do business and the way we prioritize. Because, anybody out there in the world would be reading and doing any kind of research, would find that we give away cheques, we give away grants, we give away all kinds of social assistance, all kinds of assistance in a very free-handed way. I am not saying that the unfortunate does not need to be taken care of or assisted, but I certainly think that programmes like LifeSport, where one person walked away with \$34 million, we could do a better job as it relates to that.

But when you place all your energy and your effort and your fiscal resources behind some of these programmes that we know very clearly need to be improved, and need to be monitored and managed in a more effective way, and then we beg or seem to go cap in hand for handouts or for assistance as it relates to something as important as securing our border and securing our people, that is a very, very embarrassing and a critical issue which we must treat.

Mr. Vice-President, as it relates to corruption—and when some of the people involved in the drug trade were interviewed in the BBC report, and also in the Roopnarine report, most of the people and some of the young people that I interviewed yesterday, simply working in my department, people I would have met—what do you think about the drug trade or the drug problem or the crime problem that we have in Trinidad and Tobago? Asking for recommendations on fixing the problem, and many of these young people say, it cannot be fixed because the people who are in power—the people who are at the higher offices in the country, they are heavily involved in the crime, and that is scary.

So, our young people have lost hope, our people have lost confidence in the system, and we are being told that the big fish are actually the people in power and the people of influence. There is also some of the research that went into saying that the big fish they pay for their freedom or they pay for indemnity. So, the police cannot touch them and the politicians or the people in authority, the bodies that are responsible for controlling crime and so on, are not going to touch them—and the need for us to strengthen the criminal justice system. So, all of the international reports speak to these issues.

Mr. Vice-President, on the issue of corruption and on our reluctance to invest in border protection and invest in controlling this problem, one of the issues I wanted to speak about is Customs and Excise department, because the Customs and Excise Division plays a very important role as it relates to protecting our borders. We learn that much of the illegal substances that are brought into the country are imported in containers, imported among legitimate goods, and that some of these officers are bribed to let these illicit substances through.

Now, Mr. Vice-President, Sen. G. Singh would have spoken about the Government initiative or the Government achievements by placing scanners throughout the country, and he mentioned a scanner in Point Lisas and one in Point Fortin, but he did not—

Sen. G. Singh: Port of Spain.

Sen. S. Cudjoe: Point Lisas and one in Port of Spain—mention Tobago, and I remember very clearly this scanner for Tobago at the airport and at the sea port, these scanners have been a central part of our national security discussion with the Minister of National Security, all six or five of them throughout the years, and we have not seen the fruit of these discussions as yet. So, when we talk about the country we need to ensure that we are talking about Trinidad and Tobago and not just Port of Spain and Point Lisas.

Mr. Vice-President, I am aware that one in every 10, or should I say, 10 per cent—only 10 per cent of the containers that come through our ports are checked or scanned, I am told. I understand, because one of the customs officers that was interviewed would have stated that, and as a student, as a graduate with a degree in international trade policy, I am very aware that due to globalization and the need for expedited trade among country, you cannot afford to check each and every container. It is impossible. But, I feel like we need to place some more focus, some more attention in creating some kind of—because we know what our position is. So, we have to tweak our system of inspection, of monitoring at our ports, even as it relates to ensuring that we have the necessary technical resources and the human resources to do the work. We have to make sure that we are very well complemented and our teams consist of the different people with the different competencies to make it happen.

I know last year Sen. Bharath would have been dealing with a huge matter as it relates to bribery in the division of Customs and Excise unit. There are several reports in the newspaper highlighting the problems faced by couples and faced by people who are returning home, and the way that they are being asked to pay exorbitant fees and to give gifts to customs officers, and I know the Government would have promised a piece of legislation that would increase the fines on customs officers for receiving or accepting bribes, and I hope to see that piece of legislation soon, and not just the legislation but the necessary systems for enforcement.

Mr. Vice-President, another one of our problems highlighted in these reports that I wish to speak about is this system of green clearance where some of the shippers or some of the importers are known as delivery authorized importers, or some of the containers are delivery authorized containers, and there is an explanation or reason as to how you attain this kind of status, but I hope that sometimes you can give them a spot check.

My next point is the emasculation of and the demoralization of the police service. Many of the reports point to insufficient or inappropriate training of police officers and the officers involved in law enforcement—that would include Customs and Excise Officers also—insufficient equipment. Far too often people call the police station and

you are given a stupid—I have to call it stupid—reason, like, “we doh have any vehicle, we doh have any driver”. When they do not have vehicles, they have drivers, and when they have drivers, they do not have vehicles, so if we can find a way to bring the two together. It seems quite simple to the people sitting here in this room, but it is a very, very difficult thing for the police, and they have been spending years trying to figure it out.

I hope that, probably, the Minister of National Security or somebody could help them figure that out. But, in this day and age it is humiliating, it is disrespectful. You tell any taxpayer who is having a serious problem and need the assistance of the police, “we doh have a vehicle or we doh have a driver”. Police officers, I find sometimes are in high-crime periods, are being used as escorts to accompany, Government Ministers. We have one Government Minister heading up the highway, one vehicle and about four, five, six other Prados with police officers with blue lights following them, for one Minister of Government.

Sen. G. Singh: That is not true.

4.15 p.m.

Sen. Maharaj: You are misleading the Senate.

Sen. S. Cudjoe: Mr. Vice-President, they can tell me it is not true, but the people out there know what is true. I know what I have seen on my way to the airport several times. [*Desk thumping*] Sometime last year there was an event at NAPA—and the time has already passed so I think I could say it, and my driver followed a couple of them to get me through too. And I could tell you who we followed too. “Mouth open, tory jump out. We doh wah none ah dat today.”

Mr. Vice-President, it happens. We know it happens, they know it happens. For the Tobago House of Assembly, last election, they brought them over. So, we all are very well aware, I do not have to go into details with that.

I remember not last year, but the year before, there was a rape situation in Tobago, where, when you call the police, they say, well, the police up in Dwight Yorke Stadium with the Prime Minister for the toy distribution event, and that was aired on Crime Watch too. So, if they say I do not know what I am talking about, I am reporting from what is being said out there, Mr. Vice-President, and they are very well aware. I do not need to spend any more time on that, but I think that more thought needs to be placed into how we utilize our police officers and their equipment, their vehicles and so on.

Mr. Vice-President, again on the emasculation and the demoralization of the police service, some of the officers complained about being overworked and underpaid. At the end of the day many of the public servants—many of us would say that too. I know the SRPs have a very, very serious concern of being overworked and underpaid. Many of them work very, very long hours. I can say that for the ones I know in Tobago and I think I can say so fairly for the ones that work in this Parliament. Because when we are here long hours they are here very long hours too. And they do the bull work, Mr. Vice-President, they do the majority of the work and sometimes they are paid—I understand that they are paid a basic fee. No matter how many hours they work overtime they are not paid for those overtime hours. That is my understanding of it according to what was explained to me. I have a brother-in-law who is an SRP so I think I have a fair understanding of what happened. And I must say that some of the most decent—

Mr. Vice-President: The speaking time of the hon. Senator has expired.

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. F. Al-Rawi*]

Question put and agreed to.

Sen. S. Cudjoe: [*Desk thumping*] Thank you, Mr. Vice-President, and thank you colleagues. I am a little disappointed that Sen. Maharaj did not look up and say, “aye” to the top of his voice, because every time I make sure and say “aye” for him. [*Laughter and crosstalk*]

So, Mr. Vice-President, let me continue to develop my point about the emasculation and the demoralization of the police service, and I am reporting what has been told to me and basically my understanding of what is happening. Over the years some events have occurred, something had happened, and the confidence in the police, the trust in the police is at an all-time low and you find it even among police officers who complain about what is going on in the service. Female police officers complain about having to sleep their way up and new police officers, including the SRPs, they complain about having to participate in illegal and unsavoury activities in order to gain the respect of their superior.

Then there is also a practice that is very prominent in the police service, in the Army and in the defence force too, that whenever a police officer breaks the law, breaks the rule or operates unjustly, he is transferred to another department and there is nobody left to tell the story because a batch brother would not sell out another batch brother, and that has been a part—a major part—of our problem in the police service.

Now, these are the people on whom we depend to stand guard, to protect us. They have taken an oath to protect and serve, Mr. Vice-President, and some of the things you see on the TV, take for instance, the lady who released the gentleman onto the street in his wheelchair and the one that gave him a hard box, Mr. Vice-President, how do you trust in the police after witnessing things like that nature? When you hear stories about police officers who are involved in the drug trade, it is difficult to place your trust in police officers after that.

Another problem I have with the Police Service Commission, especially in Tobago, I do not know if this is part of the pre-retirement package, but it is only when a police officer is very old and getting ready to give up or getting ready to go home they send him to Tobago to just relax and be the Commissioner of Police over there. That is my opinion. That has happened to us a number of times, and I think it is something throughout the police force, nationally—there seems to have been some kind of practice of promoting duty to seniority and not necessary by promoting by means of—due to people having the competencies and the experience and willpower—[*Interruption*]

Hon. Senator: The merit.

Sen. S. Cudjoe: The merit. So you have most times—some police officer who is getting ready to put on their straw hat and lay out somewhere on the beach and they send him to Tobago. A nice place to go and take off his phone and go on the beach. So, Mr. Vice-President, I think we need to look again, to review that.

As it relates to the—I want to place a little focus on the loss of confidence in the police service or in law enforcement. There are many who believe, some even, within the police, that the police is being controlled by the Government. Some of the public utterances of the two gentlemen that were here from Canada before, they said that in a TV report, and I went to the Dana Seetahal Symposium at UWI last year, in July, and Stephen Williams, Acting Commissioner, would have spoken about the police needing the freedom to operate without the Government breathing down its neck. And if I find my notebook I will tell you the exact words that he said that in because I was so surprised, but I was glad he said it, nonetheless.

But, Mr. Vice-President, that seems to be a problem. And I heard an old lady saying this weekend, “hmm”, the police is in bed with the Government and now I see the Judiciary raising her skirt; now beginning to raise her skirt. Now, I may not join in to say that the Judiciary has begun to raise her skirt, but based on the recent hiccups I would say that the Judiciary is having a Marilyn Monroe moment

and it is not a pretty sight. So I hope that we clean it up. Based on the hiccups this is the review of the public. If you read the newspaper on Sunday, if you read the newspapers on Sunday, if you read it yesterday, this is what is in the public domain. So I am only reporting what is said there.

The point that I am drawing home is that there has been a total breakdown in confidence, in the powers that be, confidence in the people that have taken oath or sworn to protect us, confidence and a total breakdown in our bodies and institutions on which we depend for standing the guard and protecting our democracy and advancing the country's development. There is a total breakdown of order, Mr. Vice-President, and a total loss of respect for these institutions and these people, and this trickles right down to how the criminals behave on the street.

Because for the most part, high officials, the people who influence the system, people belonging to the bodies that are responsible for maintaining order in the system when they commit crimes or they act unjustly or conduct some kind of act that would have brought an organization or even themselves to disrepute, for the most time they walk free. They are protected and the man on the ground with a little joint in his pocket, as little as it may be, he goes to jail quick and justice is served upon him very quick.

So there cannot be a law or rules and regulations for one section of the community and one for another section of the society. The people who sit in these high offices and the people who are part of these bodies that were employed or were established to stand the guard, they cannot be allowed to just sit there and allow these things to happen.

Now, as it relates to politicians, at least the country, the electorate will have a chance to deal with politicians every five years or in Tobago every four years, although I think that that is not enough. But people seem to feel well, okay, yes, we will get our chance to deal with the politician but there are people who do not believe in participating in politics. We could see that by voter turnout each year. Each and every citizen should have some kind—should be able to trust and have confidence in these bodies that are created and protected by our Constitution. As a citizen, that is your right. It is not a favour. So these people that sit in these offices are not doing us a favour. This is our constitutionally protected right. I am bothered by these developments, because it seems that there is nobody left to stand up when the others have fallen silent. Mr. Vice-President, I feel sorry for the young people of this country who are looking for guidance and looking for a role model because they are few.

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So, there are some other parts of the legislation I wanted to touch on but I am sure my colleagues, in the interest of time, will touch on that as it relates to the amount of work for the Chief Medical Officer and his ability to treat with those issues and the Food and Drug Association.

But, Mr. Vice-President, I want to start closing off my contribution by saying, what we are doing here today is pretty much tweaking legislation, working on legislation. And I support, in principle, any move by the Government, any move by any or any initiative by any organization or body to improve our crime fighting capabilities and our capacity to destabilize or dismantle the international or the regional drug trade. But I feel for the most part we come back to the Parliament and we tweak this and we tweak that, because we must admit that Dangerous Drugs Act speaks to some of the things that we are discussing.

So many of the things that we are discussing today, and Sen. Al-Rawi would have highlighted the point that we are pulling out of the Dangerous Drugs Act, Part II and creating this new legislation. And there are questions being asked, there are concerns as to why we cannot simply amend the parent legislation. I too, in reading the Dangerous Drugs Act and reading this Precursor Chemicals (No. 2) Bill, I am feeling like we are throwing away the baby with the bathwater. And I want to ensure that at least during the committee stage that we examine this Bill and examine the parent legislation to make sure that we are doing the right thing and that we are not throwing the baby away with the bathwater. [*Desk thumping*]

So it is not that we do not support the Bill or we do not support the initiative, but we want to make sure that when we develop law for the protection of our borders and for the protection of our citizens and their safety that we do so in a holistic way, because at the end of the day what use, not just—this is not just about developing the legislation because I think that we are fairly, I think that we are good at that.

4.30 p.m.

We do an excellent job of writing papers, of creating legislation, of making amendments and doing all the paperwork and all the theoretical work, but for years upon years, for decades I must say, we have been rather incompetent and ineffective as it relates to investing our resources and directing our energies towards enforcement and implementation. Because we can talk about legislation for the rest of our lives, but if we do not set up the necessary units and equip them with the human resources, the technical resources and all that is necessary to make them work, then what kind of help does this kind of Bill render to us? What

kind of help does this Bill, or any dangerous drugs legislation, do for us when we have the situation or the case of the—what is it?—US \$640 million worth in cocaine sent to the United States in juice containers; the very recent chicken situation where marijuana came in at Point Lisas and there has been no bottom line, no explanation, no resolution, no resolve, for any of these cases?

Our detection, our prosecution and conviction rates are abysmally low, so there is no fear. The drug dealer feels no fear that he is going to get caught or he is going to be prosecuted. So I recognize in Part VI we are increasing fees and prison terms and so on. You have to catch me to charge me. [*Desk thumping*] At the end of the day, that is what he or she is saying: “You have to catch us to charge us.” This is not an easy task for any of us.

Mr. Vice-President: Sen. Cudjoe, you have one minute left of your time.

Sen. S. Cudjoe: Thank you, Mr. Vice-President. This is not an easy task for any of us, but I think, as good leaders and as parliamentarians, as good citizens, it is our business to do what is right and not necessarily what is easy. We have a responsibility to lead. We have a responsibility to develop legislation and establish systems and ensure that enforcement is up to par, to give to our citizens what they expect of us, which is protected borders, safety and security.

So with those few words and in the interest of time, Mr. Vice-President, I want to thank you. [*Desk thumping*]

Mr. Vice-President: Just before Sen. Vieira makes his contribution, I just want to indicate to the House, it is 4.33, but I would delay the suspension for tea because I have been advised that we will have an early break this afternoon. So after the Senator has concluded, we will delay the tea until such time. Thank you. Sen. Vieira? [*Desk thumping*]

Sen. Anthony Vieira: Thank you. Mr. Vice-President, it is easy to take for granted the rights and freedoms granted to us under the Constitution. It is easy to take for granted the fact that our homes and businesses will not be subjected to arbitrary, capricious or mischievous searches by agencies of the State. It is easy to assume that if due process is not followed, or that searches have been conducted without reasonable cause, or where there have been lawful grounds, that the law will be there to protect you. But, Mr. Vice-President, there are aspects to this Bill which may rubbish those assumptions. [*Desk thumping*] We take for granted that where agents of the State make unwarranted, unreasonable or oppressive requests, the fundamental human rights guaranteed under the Constitution will be there as a shield we can raise in protection. This Bill may weaken, if not remove, that shield. [*Desk thumping*]

I support the fight against drug trafficking. I recognize that because of our geographical location and our porous borders there is a flourishing, illegal drug trade in this country. As we have heard, researcher Daurius Figueira, in recent television and newspaper investigative reports has pointed out, and I quote: “We are a preferred transit point for international drug cartels.” So I recognize that drug trafficking is a scourge in our society and that it fuels gang warfare and related violence. There is much in this Bill that I support. Among other things, I favour the multi-disciplinary and the multi-sectoral approach which is adopted, and I accept that there is a need for this country to meet its international obligations. I am concerned, however, that in our quest towards complying with those obligations, we do not, as Sen. Cudjoe has so aptly put it, throw out the baby with the bathwater.

When the hon. Attorney General piloted this Bill last year, he told us about 3,000 sacks of chemicals seized by customs officials in Belize in containers purportedly containing fertilizers from China. He told us that precursor chemicals originating from Trinidad and Tobago have been found in illegal drug labs in Colombia. He told us about the huge opium, heroin trade in the African continent and piracy on the high seas. He told us that more than two-thirds, almost three-quarters, of the drugs in the illegal drug trade worldwide, potentially pass through the Caribbean, which is a stepping stone to access the consumer markets.

He told us about the need for us, under UN Resolution 1540, to establish and intensify the enforcement of strict controls to prevent the proliferation of chemical, nuclear and biological weapons, some of which may require precursor chemicals. And he told us about recreational drug use gaining status in Trinidad. But, Mr. Vice-President, in my respectful view, neither the hon. Attorney General nor Sen. Singh has provided sufficient data or evidence [*Desk thumping*] showing that there are underground labs in Trinidad and Tobago; showing that in this country there is a manufacturing of meth, roofies, speed, ecstasy or any of the novelty drugs the hon. Attorney General spoke about.

Sen. Singh quoted from the recent Ministry of National Security Report—very recent report, November last year—and that actually confirms what I am saying, that it is unclear if these chemicals are produced in this country or not. There are information gaps regarding the volume of chemicals which may be exported. Well, the potential of threat is not actual threat. I know about kids sniffing glue since the 1970s when I was a teenager. That is not new. And in any event, I have no doubt that whilst synthetic drugs are being used here, they are all imported. I am not persuaded that the Attorney General has made out a case that the problem is so serious and so extensive as to require draconian legislation. [*Desk thumping*]

Now, is this legislation being brought because we have an actual pressing problem which needs to be dealt with? Or is it being brought to satisfy obligations under the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances? If this Bill is to address an actual problem, I would like empirical data on what exactly we are seeking to address.

Sen. Al-Rawi: Thank you.

Sen. A. Vieira: If the Bill is about meeting international obligations, then I would like to believe that we are not importing and looking to implement borrowed legislation, *carte blanche*, but that we will carefully tailor this Bill towards meeting our particular needs and circumstances. [*Desk thumping*]

The fact that our Chief Medical Officer has to report to the International Narcotic Control Board under clause 12(e) suggests, to my mind, that the *raison d'être* for this legislation is about meeting international obligations. Now, in principle, I have no problem with that. International obligations abound in today's global village and one has to ante up if one is going to participate in the game of trade and whatnot. But, Mr. Vice-President, one also needs to be astute not to sign on blindly and without checking the fine print to see what is negotiable and non-negotiable.

The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which, as Sen. Singh has pointed out, we signed on December 07, 1989 and ratified on February 17, 1995, that convention specifically allows us to adjust proposed legislation so that it does not cause unnecessary violence to the Constitution. Several of the convention's provisions are prefaced with the words: "Subject to its constitutional principles and the basic concepts of its legal system, each party shall..."

So if there is a drug-manufacturing problem here, or there is potentially going to be a drug-manufacturing problem here, we need to guard against any overreaching. Notwithstanding the good intentions of the proposed legislation, balance is needed. Sen. Singh said so, and I agree with him. Precursor chemicals are essential to the production of controlled substances, but most precursor chemicals also have, as we have heard, legitimate commercial uses and they are legally used in a wide variety of industrial processes and consumer products, including medicines, fragrances, cleaning solutions, petroleum products, pharmaceuticals, flavourings and fertilizers.

Under Schedule 4, "drug" includes any substance or mixture of substances in a synthetic or natural form" used in medicine whether for man or animal. Well, that is a very, very wide definition and as we have heard, the list of chemical substances in the schedule contains items commonly found in the home, including—you have to bear with me if my pronunciation is not right; these are technical words I do not often use—

ephedrine, legitimately used in nasal decongestions; ergotamine, legitimately used in migraine treatment preparations; acetic anhydride, legitimately used in textiles, aspirin, polishing metals; acetone, legitimately used in plastics, paints, nail polish remover, varnishes, and ethyl ether, legitimately used in waxes, oils, perfumes, resins, smelling salts and dyes.

As the hon. Attorney General himself pointed out, precursor chemicals go into making everyday household products. Accordingly, we dare not lose sight of the fact that this legislation can, and will, impact the ordinary citizen, in general, and in particular a number of stakeholders, including doctors, dentists, vets, hospices, pharmacists, commercial manufacturers and those who use chemicals, pesticides and toxic chemicals.

Under clause 15(1), a warrant is needed for a designated officer who must be suitably qualified to be able to enter premises, but under clause 15(2), any police or customs officer can enter and search any place at any time on mere suspicion. Any place, any time, “I just have a suspicion”.

4.45 p.m.

Now I have a very serious problem with that. [*Desk thumping*] I see the need for continuing judicial oversight to ensure that all searches are necessary and proportionate for the purpose of legal proceedings. As a basic threshold, there must be reasonable grounds for believing that an offence has been, is being, or is about to be committed.

A person walking the streets at night with a bag in his hand or having articles which can be used for burglary, may legitimately arouse the suspicions of the police and they would have every right to ask him what he was up to. Failing to intercept then and there could put the community at risk, but a lab manufacturing illicit drugs is a very different matter. First, it is not transient and fleeting. We do not have, like you saw in “Breaking Bad”, recreational vehicles where the lab could be up and moving about. Secondly, that kind of discovery, that kind of operation, you only find out with intelligence presumably through the investigations of the Strategic Services Agency. So, why give the police power to be able to enter and search any place at any time on mere suspicion?

Now, I have no problem with vehicles, cars, boats and so on being pulled aside and searched, but a man’s home is his castle. The constitutional right of the individual to the enjoyment of his property and to respect for his private and family life should not be lightly abrogated. I insist that a warrant must first be obtained. [*Desk thumping*]

Now do not get me wrong, I have nothing against the police per se. In fact, like Sen. Cudjoe, let me hasten to acknowledge that there are excellent police around, [*Desk thumping*] a few of them standing around us in this Chamber and outside this Chamber protecting us. I have found these police very polite, helpful, attentive, professional, and I am sure that there are many others like them throughout the country. These police officers have my respect and my admiration, and I am very sure, I am quite sure it is not easy to be a police in Trinidad and Tobago.

Nonetheless, you cannot be blind to the fact that just as in the United States and elsewhere, there exists a certain level of mistrust. As President Obama is reported to have said:

“The widespread mistrust of law enforcement that was exposed by the fatal police shooting of an unarmed black man in Missouri exists in too many communities and is having a corrosive effect on the nation...

‘It makes folks who are victimized by crime and’—who may—“‘need strong policing reluctant to go to the police because they may not trust them.’...”

The fatal—“shooting of 18-year-old Michael Brown...and the raw emotion it produced has reawakened the country to the fact that ‘a gulf of mistrust’ exists between residents and police in too many communities.”

So, is it unreasonable or unfair to suggest that what President Obama has said might have parallels in Trinidad and Tobago? Is it hypocritical behaviour, as the hon. Attorney General has suggested, to raise such concerns?

In debating the passage of this Bill and the effect it may have over the long term, I think what would be really irresponsible and what would really constitute burying one’s head in the sand, would be failing to consider the current state of the relationship between police and citizens and whether there exists the widespread mistrust and cynicism. And what about the fact that criminals often pose as police and soldiers and it is not always easy for the people to tell them apart? Now, I recognize that law enforcement is doing its best under very difficult circumstances and I would like them to know that we here in this Chamber, as responsible lawmakers, we want to help and support them, but the principles I am espousing can also affect them when they cease to be in law enforcement. It can also affect their spouses and their children.

This legislation has a potential to affect all citizens, so we need to guard against capriciousness and the possibility of abuse and victimization. Mistrust of the police is rational when they treat with people in a dehumanizing way or when they make

people feel they are being targeted. Mistrust of the police is rational when they exhibit attitudes and behaviours which suggest bias or discrimination or that they are above the law, and I make no observations about what happened recently on a flight to Tobago involving a senior police officer.

The Bill does not define reasonable cause to suspect or what constitutes probable cause. Now ideally there should be some guidance as to the kind of factors which are relevant to establishing reasonable grounds of suspicion of a person's guilt for the existence of certain circumstances. As it stands, the amount of information required before a suspicion may be said to be based on reasonable cause seems to be at a fairly low level. So I think evaluation by an objective third person as to whether there are reasonable grounds for suspecting should be obtained before any action is taken.

Under the proposed law, if the owner or person in charge of a place does not provide a designated officer with all reasonable assistance or furnish him with the information he wants or is considered obstructive, that person is liable to a fine of \$50,000. Now here it is assumed that the designated officer will be reasonable and he will be responsible when treating with those who may have a legitimate reason to be in possession of the specified chemical substances. Now I am not saying that this has happened, but one could imagine a scenario where a police officer might have been attacked, or someone may have done him a civil wrong, or some other perceived wrong and he wants to get back. If this legislation is passed as is, that will be relatively easy, bearing in mind that the articles in question can be common household goods.

I keep baking soda in my fridge to keep it fresh, but we know baking soda is used for crack. Am I going to be charged for having precursor chemicals? In any event—and even if there was no gulf of mistrust existing between citizens and police, I would still object. I would still object to aspects of this Bill as a matter of principle and policy, particularly having regard to the hon. Attorney General's remarkable observation that we are trying to make sure that the criminal justice system does not waste unnecessary time to deal with arguments about the admissibility of the evidence.

Clause 15(3) also appears to detract from the constitutional right to silence in my view. While the section ends with the proviso, "that no person shall be required under this provision to answer any inquiry or to give evidence tending to incriminate himself", is it safe to assume that the police or customs officer will draw this to the person's attention along the lines like you have in the States with the Miranda, or is it more likely to assume that the police will threaten and charge

the individual for non-compliance and obstruction? A concern re-enforced by the hon. Attorney General's statement last month, that if you playing hardball or stonewalling, that is an offence. Those who lawfully handle precursor chemicals, that is, those who engage in any prescribed activity, also need to understand under this legislation that there is going to be a lot more paperwork for them to handle.

Under clause 13 the increase in administrative burden includes they having to store the information for five years. They also will need to be aware that under 23(2), a breach of any term of their licence could result in fine, imprisonment and the loss of their licence. Now, usually one faces fine and imprisonment for committing an offence; you did something wrong, you had the mind for it and you did the thing. But here the citizen is facing fine and imprisonment for not doing something, failing to maintain and retain detailed records for up to five years.

Clause 18 allows a designated officer, police officer or customs officer to seize anything or take a sample for analysis, and where the results show specified chemical substances, the sample and the certificate or report shall be taken to a magistrate. But what happens when the thing which was seized proves not to be a specified chemical substance? There is no provision in the legislation for its return or for compensation or restitution to the person whose property was mistakenly taken. There is no timeline for the testing of samples. I have heard complaints from businessmen faced with the requirement, for example, with plant quarantine, where corn seeds have been taken and they have had to wait months and months for release of their seeds because the analyst is on holiday. There should be some reasonable timetable for the testing of samples.

The authorities need to appreciate and to understand that a person's private property must be treated with respect. If there is no reason to hold on to the property it should be returned promptly, as soon as practicable and in good condition. Now, while I fully recognize the negative effects the drug trade has on our society and that we all want to fight organized crime, and while I recognize that Trinidad and Tobago must meet its international obligations, I am not persuaded we have a serious precursor chemical or drug manufacturing situation here at present.

Sen. G. Singh quoted and I just jotted down some of the things that resonated with me, but everything he said supports this. He said traffickers can source PCs anywhere in the world; it is unclear if PCs are produced in the country or not, far less evidence of potassium, per magnitude trading in Trinidad and Tobago. He talked about manufacturing labs in the Andean region, but no seizures in Trinidad and Tobago; nothing to backtrack PC to Trinidad and Tobago in recent years;

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nothing detected if indeed this is occurring; no indications that is produced in Trinidad and Tobago; information gap regarding synthetic drug arena. In the summary, he quoted at page 25, although there is no evidence of illicit trade and evidence of precursor chemicals in Trinidad and Tobago, the country is vulnerable. Why is it vulnerable? Lack of interagency cooperation and inertia may prohibit an eminent threat. A lot that is not known.

I accept that this can change. I accept that it can change having regard to the possibilities offered by our petrochemical sector and our geopolitical position, in that we even churn up precursor chemicals in the petro industry. I have no problem being proactive and, as Sen. G. Singh said, “Looking down road”, but what concerns me about this legislation is that since it involves everyday household and ordinary commercial products, it will impact legitimate business and ordinary people. And while at first glance the Bill appears benign and one may be tempted to say okay it does not involve me, I am not involved in any criminal activities, the harsh reality may well be different.

This legislation offers an arena where the fight against illegal drugs will intercept with legitimate business, legitimate commerce and the law-abiding citizen. It would be truly dreadful if that were to become a gladiatorial arena in which the weak and defenceless and the law-abiding were fed to lions and tigers. So, we need to be mindful.

We need to be mindful of the administration burden which is going to be placed on those who lawfully handle precursor chemicals.

We need to be mindful of the need to recognize and protect the legitimate use of these substances. We need to be mindful of the possibility of abuse; some cynics might say the probability of abuse by delinquent law enforcement. And we need to be mindful of the need to guard against any unnecessary watering down or abrogation of the citizens’ constitutional rights.

5.00 p.m.

The primary purpose of this legislation, as we have heard, is to establish a precursor chemical unit and to better monitor and control precursor chemicals in Trinidad and Tobago which may be used for illicit activities. I believe that this Bill can fully meet all those objectives without the wide powers proposed being given to the police and customs at clause 15(2). [*Desk thumping*] Neither the UN Convention nor the need to be proactive require us to put law-abiding citizens at risk or to unnecessarily abrogate important constitutional rights and legal procedures. The UN Convention does not requires us to relinquish respect for private and family life and the fundamental right to property.

I would encourage all Senators, when we go to committee, have a look at comparable provisions in relevant laws. Look at the Pesticides and Toxic Chemicals Act, in particular section 8 which deals with the “Powers and duties of inspectors” and about search and entry. Look at the Dangerous Drugs Act, section 23. [*Desk thumping*] Again, all the things we are talking about: they have the right to go and search, they have the right to enter, they have the right to take samples, but go and get a warrant. Look at the Environmental Management Act, “Powers of entry and inspection”, section 22. Look at the Integrity in Public Life Act. Look at the Prevention of Corruption Act. Look at the Telecommunications Act, section 50, “Entry and search”. Every one of these Acts, important, there is a check and balance provided for. [*Desk thumping*] “We letting” it go for something that is not even happening. But a perceived threat? I cannot get my mind around that.

The rule of law implies that any interference by the authorities with an individual’s rights should be assured by the Judiciary. Judicial oversight offers the best guarantee of impartiality and a proper procedure. So I will not support any provision which diminishes the need for judicial scrutiny. [*Desk thumping*] There must be a review mechanism. I strongly believe that if judicial scrutiny is not ensured from the outset, it may lead to arbitrary police action and police officers acting with impunity. Judicial oversight assures continued protection of fundamental human rights and that important procedural rights will be maintained. Judicial oversight is what will strengthen the trust of citizens in the system. But, if we can temper clauses 13, 15 and 18 with a view to addressing the concerns that I have expressed, I am happy to give this Bill my full support.

In conclusion, allow me to observe that we live in a time where a number of countries have subtly, and some not so subtly, eroded basic civil rights under the guise of fighting crime and terrorism. That is not going to happen on my watch; I am not going to follow suit. [*Desk thumping*] If we are going to whittle down the rights of law-abiding citizens, I must be convinced that the proposed measures are necessary, proportionate and appropriate. Mr. Vice-President, we need to consider the implications of this legislation very carefully and to exercise care where this Bill impacts the rights and lives of the law-abiding citizens. I thank you. [*Desk thumping*]

*Adjournment**Tuesday, January 20, 2015***ADJOURNMENT**

The Minister of the Environment and Water Resources (Sen. The Hon. Ganga Singh): Thank you, Mr. Vice-President. In accordance with the agreement we made with the various Benches, I beg to move that the Senate do now adjourn to next Tuesday, January 27, 2015, and by agreement, it is the Tuesday on which we deal with Private Members' Day and will continue the Motion on the regional health authority moved by Sen. Dr. Victor Wheeler—at 1.30 p.m.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.05 p.m.