HOUSE OF REPRESENTATIVES

Monday, June 05, 2000

The House met at 1.30 p.m.

PRAYERS

[MR. SPEAKER *in the Chair*]

LEAVE OF ABSENCE

Mr. Speaker: Hon. Members, I wish to advise that I have received communication from some Members of the House who have asked to be excused from today's sitting. They are: the Members for Arouca North, Port of Spain South and Nariva. The Member for Ortoire/Mayaro called to indicate that he was on his way to get medical attention and he may not be here today. The leave of absence which they seek is granted.

Additionally, Members I wish, for the avoidance of any doubt, to make it quite clear that if in this House, while I am Speaker, there is any repetition of any behaviour which I regard as obnoxious, and inconsistent with the Standing Orders of this House, I will identify the people responsible and I will be prepared to take strong measures against them.

I indicate that for the benefit of all Members of the House.

ORAL ANSWER TO QUESTION

National Gas Company
(Name and number of companies indebted to)

The following question stood on the Order Paper in the name of Mr. Barendra Sinanan. (San Fernando West):

70. Would the Minster state:

(a) the number of companies that are indebted to the National Gas Company for gas supplied to them?

(b) the names of the companies and the respective outstanding amounts owed?

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the Government be given until Friday to answer question No. 70.

Question, by leave, deferred.

REPRESENTATION OF THE PEOPLE (AMDT.) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move,

> That a Bill to amend the Representation of the People Act, Chap. 2:01, be now read a second time.

Mr. Speaker, the Bill before this House seeks to amend the Representation of the People Act. I would like to make it abundantly clear that these amendments, which are contained in this Bill, are based on the recommendations and request of the Elections and Boundaries Commission.

The Chairman of the Elections and Boundaries Commission, sometime in early 1998, intimated to me that the Representation of the People Act needed to be updated generally, in the light of the changes in the commission's operations as a result of computerization, and also to make other consequential changes to the Act. He also informed me that the updating of the Act is not to change the substantive law but to improve the administration of the Act.

Mr. Speaker, the Chairman of the Elections and Boundaries Commission did send me a letter on my request. He sent me a letter dated May 19, 1998. I read the letter, Mr. Speaker:

> "To the Attorney General
>
> Dear Attorney General
>
> <u>Representation of the People Act, Chap. 2:01</u>
>
> As promised I now send you three copies of the recommendations compiled by the Elections and Boundaries Commission to amend, consolidate and improve the Representation of the People Act, Chap. 2:01 first enacted on December 21, 1967 and the multitudinous rules made hereunder.
>
> I should be obliged if you would make it possible, through the Chairman of the Law Commission, for Mr. Deo Bhagowtee, Advisor to the Law Commission to execute the task under reference, with expedition and, subject to your convenience, to do so on an exclusive basis until completed.
>
> With best wishes.
>
> Yours sincerely
> Isaac Hyatali"

Mr. Speaker, based on the request I got, I got Mr. Bhagowtee, who was Chairman of the Law Revision Commission, to work with the Chairman of the Elections and Boundaries Commission. On July 07, 1998, I wrote to the Chairman of the Elections and Boundaries Commission informing him that I had passed on the recommendations of the Elections and Boundaries Commission to Mr. Bhagowtee and instructed him to prepare a draft Bill to give effect to the recommendations of the Elections and Boundaries Commission.

Mr. Speaker, when the Bill was drafted, I instructed Mr. Bhagowtee to send a copy of the draft Bill to the Chairman of the Elections and Boundaries Commission for vetting, to ensure that the Bill contained only the recommendations submitted by the Elections and Boundaries Commission, and not any substantive changes to the law. That was done, and the Bill was taken to Cabinet after it was vetted by the Chief Parliamentary Counsel's Department, and the Cabinet approved the Bill.

I am making this clear because I want it to be clearly understood that this is not an initiative of the Government; it is an initiative from the Elections and Boundaries Commission, and the Government has facilitated what has occurred. I do that because, as you know, the Elections and Boundaries Commission is an independent commission, which is mandated to deal with these matters, and we decided, as the Government, to facilitate what the Elections and Boundaries Commission wanted to improve the administration of the Act.

For the information of the House, I wish to quote the preface of the recommendations of the Elections and Boundaries Commission because I think that would give a good idea as to what these recommendations were all about. Its preface reads as follows:

> "The Commission is seeking approval to have the Representation of the People Act, (Ch. 2:01) (hereinafter referred to as 'the Act'), and the Regulations made thereunder, (namely the Registration Rules, the Election Rules and the Prescribed Forms Rules] amended in order to provide for the changes that have occurred within the structure of the Commission's operations).
>
> During the period since 1967, several amendments have been made to the Act, the Registration Rules, the Election Rules and the Prescribed Forms Rules, to reflect the current situation.

Moreover, with the continuing advances in technology and the use of 'state-of-the-art' equipment,(for example computer, *et cetera),* the administrative structure of the Department has undergone a transformation, since its inception in 1961. Most noteworthy are the computerization of the Commission's operations [especially its registration activities] which brought into effect a new Register of Electors [that is the Commission's data base] and the introduction of a new type of identification card. These measures required procedures for implementation quite different from those provided for in the Representation of the People Act; it also required the re-assignment of duties and staff to effect the procedures efficiently. In essence, the computerization of the operations resulted in significant changes to the structure of the Department."

1.40 p.m.

For a brief overview of the core of the amendments being sought and the reasons for same, stated in the recommendation, the reasons are:

"(1) to provide for the changes in the structure resulting from the computerization of the Commission's operations

(2) to delete those provisions that are no longer applicable

(3) to further clarify any ambiguities in the provisions

(4) to consolidate the Representation of the People Act."

Mr. Speaker, it will be noted that the amendments recommended by the commission are not substantive changes in the law, but designed to bring the Act in conformity with the changes in the commission's operation, as a result of computerization; also in respect of some of the implied amendments made to the Act by the Municipal Corporations Act 1990, Act No. 21 of 1990; to delete existing provisions which are no longer applicable and to clarify ambiguities; and to increase the fees and fines in order to accord with the changes which have taken place in the value of money since 1967, when the Act came into operation.

Mr. Speaker, it should be noted that as a result of the computerization of the commission's entire central office operations and the enactment of the Municipal Corporations Act, the administrative procedures in the production of the list of electors and the new identification cards have to be changed. Also, because of the

enactment of the said Municipal Corporations Act, the administrative structure of the registration areas which formerly obtained under the County Councils Act and the other written laws referred to had to be changed in the polling division in order to bring these areas in conformity with the said Act.

Mr. Speaker, in clause 3 of the Bill one would see:

> "The Act is amended by deleting the words 'registration record card' and 'registration record cards' wherever they occur and substituting the words 'registration record' and 'registration records' respectively."

This would have been on the basis of the computerization.

Mr. Speaker, the amendments as you would see contained in this Bill are not substantive or changing the substantive law. You would see, for example, that in clause 4 the definition of "counting agent" and "special ballot paper" would change. The reason for this change is that the expression "special ballot paper" is no longer applicable, as the ballot papers for ordinary electors and special electors are the same in format and colour, for the particular elections.

Mr. Speaker, the changes in the county councils in respect of the Law Revision Act would automatically take place. Regarding the recommendations in respect of clause 4, section 2 of the Act gives effect to what I have just said about "special ballot paper" and the fact about the "counting agent".

In clause 5 it states:

> "'(3A) There shall be a Deputy Chief Election Officer who shall be subject to the authority, direction and control of the Commission, and who shall perform such of the functions and exercise such of the powers of the Chief Election Officer as may be assigned to him by the Commission.
>
> (3B) In the absence of the Chief Election Officer or where the office is vacant, the Deputy Chief Election Officer may act in his place and while so acting, shall exercise the like powers and perform the like duties as a Chief Election Officer.'"

Mr. Speaker, the Representation of the People (Amdt.) Act 1987 provided for a Deputy Chief Election Officer but omitted the office of Assistant Chief Election Officer. This omission could have been taken care of by amending section 3 of the 1967 Act. The reason for recommending this change was that with the creation of the post of Deputy Chief Election Officer, mention of the post of

Assistant Chief Election Officer was overlooked. The recommendation of the Elections and Boundaries Commission was to correct an oversight in the Representation of the People Act of 1987 which was supposed to replace the two Chief Election Officers with one Deputy Chief Election Officer and one Chief Election Officer as obtained in the establishment. So it is really to give effect to something from an administrative point of view. It is what is required.

Mr. Speaker, clause 6 of the Bill would amend section 4 by making it discretionary for the Chief Election Officer to assign assistant registration officers to one or more polling divisions. This would amend section (3)(2)(b) by widening the scope of it.

Clause 7 of the Bill would amend section 6 by implementing a training course which a returning officer may be required to complete in relation to his office. Clause 8 would amend section 12 by placing a burden of proof upon the person seeking to qualify as an elector. Clause 9 would amend section 13 by placing a burden of proof upon a Commonwealth citizen seeking to qualify as an elector in Trinidad and Tobago.

Clause 10 would amend section 18 by including the computerized database as an official means of keeping the registration record. Clause 11 would amend section 25 by granting to an authorized registering officer the authority to object or to allow the registration of any person as an elector. This clause goes further in subsection (3) to allow a person, where his or her registration has been disallowed, to appeal to the Chief Election Officer.

Mr. Speaker, clause 13 would amend section 27 by inserting the requirement of the registration officer to notify in writing anyone affected by changes made in the register. The purpose of that is to ensure that the registrants are notified of changes in the number of the boundaries of registration units. Clause 14 would amend section 29 by deleting the provisions made for municipal council and county council elections in 1980 and the Tobago House of Assembly elections in 1980.

Clause 15 would amend section 30 by no longer restricting electoral registration to the district in which the election is to be held. Clause 16 would amend section 31 by including the new Deputy Chief Election Officer among those to be disqualified from membership of the House of Representatives, municipals and county councils.

Mr. Imbert: Would the Attorney General give way, please?.

Hon. R. L. Maharaj: Mr. Speaker, clause 17 would amend section 33— [*Interruption*]

Mr. Imbert: I thank the Attorney General for giving way. Could you just explain the rationale behind clause 15?

Hon. R. L. Maharaj: Mr. Speaker, clause 15 states:

> "Section 30 of the Act is amended in subsection (1), by deleting the words 'conducted in' and substituting the words 'conducted for'."

This is to allow the commission greater flexibility in its administrative operations during the conduct of electoral registration. For example, to allow the commission to use its registration area offices as temporary registration offices during the period of electoral registration. That is the rationale given by the Elections and Boundaries Commission.

Mr. Imbert: I thank the Attorney General for giving way. Does this mean that an elector from St. Joseph could be registered in an area office in Tunapuna?

Hon. R. L. Maharaj: It seems to me that it gives the commission the power to do that on an administrative basis, in order to prevent people from having to go to the other area to register. They can register, but it would be transferred to that particular area. That is how I see it.

As a matter of fact, if I may read exactly the rationale given by the Elections and Boundaries Commission: To allow the commission greater flexibility in its administrative operation during the conduct of electoral registration. For example, to allow the commission to use its registration area offices as temporary registration offices during the electoral registration. So it is not that a person would be able to vote twice, in two areas. It is, administratively, using the office to do the registration but it would be recorded for the other area.

Mr. Speaker, clause 17 would amend section 33 by no longer requiring the day for the nomination of candidates and the day for the taking of the poll to be the same. It will also increase the number of days required for the nomination of candidates in subsection (3)(a) from not less than seven days to not less than 14 days after the issue of the writ. It goes further in subsection (3)(b) to increase the number of days for the poll from not less than seven days to not less than 21 days after the day of nomination.

Clause 18 would amend section 40 by establishing a five-day time limit for the naming of a candidate's election agent. Clauses 19—25 would amend sections 45, 47, 48, 55, 59, 62 and 63 by instituting a tenfold increase—ten times increase—in election expenses contained within these sections. Clause 26 would amend section 64 by removing the word "special" in terms of "special ballot box"; and I have said that already.

Clauses 27—44 all propose tenfold increases in fees and fines. Clause 45 would repeal and replace the Third Schedule of the Act to accommodate the changes which have been made as a result of the coming into force of the Municipal Councils Act and the Tobago House of Assembly Act.

1.55 p.m.

Mr. Speaker, there has been a request to the Government for these changes to be made as quickly as possible because one knows that according to the Constitution, election would be due and the Elections and Boundaries Commission obviously is preparing for that, and the request has been made to the Government that these measures be considered by Parliament as quickly as possible and it is in that setting that we have brought this Bill here.

Mr. Speaker, I beg to move.

Question proposed.

Mr. Patrick Manning *(San Fernando East):* Mr. Speaker, I rise to make a brief, but very important intervention in this debate on a Bill entitled Representation of the People (Amdt.) Bill. This Bill is important because it fundamentally changes the rules by which elections are conducted in this country and by which a government is brought to office.

Mr. Speaker, I do not know how well you remember the events of the 1960s in relation to the voting machine, but as a schoolboy at that time, I well remember that when the government of the day tried to modernize, as it saw it, the arrangements by which elections were conducted, and to minimize, as the government of the day saw it at that time, instances of spoiled ballots, it introduced the voting machine. Very logical, but which led to major confrontation between the political parties in the country because they felt that not only were the rules of the game being interfered with, but it was in a way that lent itself to manipulation.

The argument was at the time that voting machines could be rigged. Those who argued the point never said that they would be rigged, they never said that it was the intention of the authority to rig the voting machines, but since the voting machine could be rigged, it raised a question about the integrity of the entire process and, therefore, a major campaign was waged against the voting machine. I suspect that the campaign was raised by persons who, in principle, agreed with the approach.

Mr. Speaker, the point is when we are making changes like that, there must be agreement on the changes. We got this Bill last week and as we went through it we saw some very significant things in it, and the hon. Attorney General himself says that it is the view of the Elections and Boundaries Commission that these changes be made. How do we know that the Attorney General is not doing it himself? We do not know. In fact, because of the nature of the changes that are involved, we as the oldest political party in this country would certainly have wanted an opportunity to speak with the Elections and Boundaries Commission itself *[Desk thumping]* because there are views that we hold about the conduct of elections in this country from which the Elections and Boundaries Commission might well benefit. Surely we wanted an opportunity to do so.

We wrote the Elections and Boundaries Commission last week seeking an appointment on another matter and when we got this Bill it was our intention—as we got to the commission and we propose to do so later in the week, or early next week—to raise the issues involved in this Bill. We did not expect that it would have been before the House as quickly as it has come, especially as it interferes with the rules of the game. If there is not agreement on the rules, then there is going to be a nasty situation developing.

Take clause 15 for instance. The Attorney General in his presentation made it quite clear—and there was doubt in our minds as to which it was—that in respect of electoral registration one can now register in an area outside the electoral district in respect of which electoral registration is being conducted. That is something that ought to be the subject of discussion and agreement before it comes to Parliament to be approved. *[Desk thumping]* We have to be very clear that the system as it is now introduced into the society is not one that lends itself to manipulation, and on the face of it, I am sure that lawyer that you are, you will agree that there ought to be some discussion on this matter because there is doubt about it. We are even more fearful over the indecent haste in which this is brought here. It was laid last week and now we are being asked to deal with it at a sitting of the Parliament outside the normal sitting. This sitting is being held four days earlier than the normal sitting of Parliament. The mere approach of the Government on this matter lends itself to suspicion. *[Desk thumping]*

Mr. Speaker, how do we know that lengthening the term, giving more time between the declaration of an election, the dissolving of Parliament, the identification of nomination day and all that—I think the timeframe now moves from 21 to 35 days—is in the best interest of the democracy of Trinidad and Tobago as we understand it? It might well be, but we are saying that we are in no position to say that it is, especially in circumstances where we have not had a chance to discuss it with the Elections and Boundaries Commission.

In fact, my approach on legislation like this would have been that all the political parties in the country should have a chance first to discuss with the Elections and Boundaries Commission to see whether a consensus is arrived at because if no consensus is arrived at, and it is introduced as the Government is now seeking to do, it would have a sequel in the society outside.

Do you remember the turbulent days of the voting machine? We should have learnt from that. We could excuse the government of the day for doing that, but we have learnt from that experience that when there is no agreement it leads to conflict and it upsets the integrity of the entire process. We are saying that our experiences dictate, and prudence certainly will dictate that we take a different approach on legislation of this nature and it would have been better if individual political parties had had a chance to speak with the Elections and Boundaries Commission on the matter. Certainly, we in the People's National Movement would welcome such an opportunity and we would have great difficulty—not that we are casting aspersions on anybody, but our record would show that in terms of our attitude to independent commissions we take a hands-off approach, we try never to politicize them. In fact, that is what the Attorney General called a conduit in respect of the Judicial and Legal Service Commission. He saw it as that, but it was a conduit in a certain context. Our attitude to independent commissions is, if they raise issues of a nature, we do not touch it—we bring it as it is and so forth, but certainly we would want to talk with the Elections and Boundaries Commission to satisfy ourselves that all is well.

Mr. Speaker, since we are talking about the Representation of the People Bill, there might also very well be other areas of the Act that need amendment and if we were consulted on the matter, there is one we would have raised with the Elections and Boundaries Commission even though, at this stage I give no view on the matter, but we certainly would have raised it. That is whether persons who hold dual citizenship should not be allowed to be Members of the House of Representatives. As it now stands, anybody who is a citizen of a state other than Trinidad and Tobago is not eligible to be a Member of the House of Representatives according to the Act. It means therefore, that if I am a citizen of Trinidad and Tobago and also a citizen of another country—and there may well be persons on that side who fall into that category at this time—I understand that they have been trying to get citizenship at a rate that suggests a very expeditious exit at the appropriate time. We certainly would need to examine that.

We have not examined it fully and, therefore, express no view on the matter at this time, but we certainly need to examine it and if we are to amend the Representation of the People Act, that would have been an issue which we would have considered. It may well be that the Elections and Boundaries Commission has done that, but we do not know, and all we are saying is that consultation, discussion and dialogue is democracy. That is the democracy that the People's National Movement foresaw when in 1962, in gaining independence for the country, we committed ourselves to a democratic system. *[Desk thumping]*

Without going into the actual clauses of the Bill, there are other things which have been raised and I make one other point, and I have to be very careful how I make it. I know a gentleman who has convinced me that in the last general elections he voted twice. Let me repeat that statement. I know a gentleman, Mr. Speaker, who has convinced me that in the last general elections he voted twice and I have tried to go into the circumstances of that to see how such a thing could take place and certainly, as we talk about amending the laws by which we elect government in this country, I would have wanted to raise some aspects of that with the Elections and Boundaries Commission, the matter only recently coming to my attention. Do you understand the point I am making? If the Act is on the table—and I make one final point on the matter and it raises much suspicion when a Government that has had four and a half years to make amendments to the Representation of the People Act decides to do so months before a general election. In fact, it might be weeks before a general election—on the doorstep of an election. The minute that happens, it gives rise to suspicion. *[Desk thumping]*

This Government is conducting its business in a manner that is not only giving rise to suspicion, but it is undermining confidence in our democratic electoral process. *[Desk thumping]* That is what is happening. I do not know if hon. Members opposite care about these things. The attitude of the Government is that it has the votes and it will do what it likes. The Prime Minister says it from time to time. "If you do not like it you could do what you want." He says that all the time.

Mr. Panday. Eric Williams said that, not me.

Mr. P. Manning: Mr. Speaker, he says it to me across the floor all the time, there is no point in him trying to back out now.

The attitude of the Government that is reflected in that statement: "If you do not like it, you could do what you want," is the same attitude we are now seeing in bringing changes as significant and as fundamental as these months before a general election. We have not had time to study it properly, we have had no opportunity to speak with the Elections and Boundaries Commission, and it is coming days before a general election.

Mr. Speaker, I want, with respect, to suggest to hon. Members opposite that we just delay consideration of this Bill to allow the People's National Movement to consult with the Elections and Boundaries Commission.

Thank you.

2.10 p.m.

The Prime Minister (Hon. Basdeo Panday): Mr. Speaker, as the hon. Attorney General said, this is a Bill that was required by the Elections and Boundaries Commission. My information is, that this Bill was laid in this honourable House on May 26, 2000. If the Opposition wanted dialogue with the Elections and Boundaries Commission, what efforts have they made to do so? Have they called the Chairman? Have they called the Elections and Boundaries Commission saying that they wanted to have dialogue? Why did the Chief Whip not—*[Interruption]*

Mr. Manning: Mr. Speaker, I thank the hon. Prime Minister for being so gentlemanly and for giving way. I have said in my contribution a few minutes ago, that the hon. Member for St. Ann's East and General Secretary of the People's National Movement, recently wrote the Chairman of the Elections and Boundaries Commission asking for a meeting which was granted late this week or early next week. They gave us two days, and when we got to the commission it was our intention to raise the issues in this Bill. *[Desk thumping]*

Hon. B. Panday: Mr. Speaker, so it was not on this Bill, then? What I am trying to say is, would it have been so hard for the Chief Whip to call the Attorney General—they still speak, I mean, whether they were suspended for one or two days they still speak—and say, "Would you agree to have this Bill postponed so that we may keep our meeting with the Elections and Boundaries Commission?" *[Interruption]* It may be because they left early on the last day that Parliament met, and that may have interfered with their programme. Mr. Speaker, we want to demonstrate to the hon. Leader of the Opposition, that this Government has nothing to hide; it does not interfere with the Elections and Boundaries Commission. Therefore, I am suggesting, with your leave and the leave of the Leader of Government Business that this Bill be postponed as of now, to give the Leader of the Opposition and his team an opportunity to dialogue with the Elections and Boundaries Commission. *[Desk thumping]*

Hon. R. L. Maharaj: Mr. Speaker, I beg to move that the debate on this Bill be adjourned until Friday in the first place or—*[Interruption]*

Mr. Manning: A date to be fixed.

Hon. R. L. Maharaj: No, no, not at all. *[Interruption]*

Mr. Manning: Please, please, please, let me say why. Because we cannot say when the Elections and Boundaries Commission would be prepared to discuss this matter with us. In fact, when we asked the Elections and Boundaries Commission, verbally, for a meeting some time ago they said, "Put it in writing." When we did so, they came back and said, "Okay, we can meet with you on either this date or that date." That is the reason we said a date to be fixed. Mr. Speaker, I assure you and Members opposite that it is not our intention to delay. At the earliest opportunity we will talk with the Elections and Boundaries Commission.

Hon. R. L. Maharaj: Mr. Speaker, we will adjourn this debate for Friday 09, 2000 and see what happens. I am doing this because the Chairman of the Elections and Boundaries Commission spoke to me and indicated that they would like to have this matter, if possible, expedited. We will put it for Friday, and if the commission does not see you by then, we will—

Question put and agreed to.

Debate, by leave, deferred.

DANGEROUS DRUGS (AMDT.) BILL

Order for second reading read.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence-Maharaj): Mr. Speaker, I beg to move,

> That a Bill to amend the Dangerous Drugs Act, 1991, be read a second time.

Mr. Speaker, in 1991, with the enactment of the Dangerous Drugs Act, Trinidad and Tobago took the first step towards the domestic implementation of the provisions of the protocols of the 1988 United Nations Convention against Illicit Traffic in Narcotics and Psychotropic Substances known as the Vienna Convention of 1988. By that Act, provision was made by the Parliament of Trinidad and Tobago, not only for the control of narcotic drugs and psychotropic substances, but for the confiscation of the proceeds of drug trafficking, on conviction for a drug trafficking offence. Ancillary provisions included the vesting in the High Court of the power to restrain assets pending trial for drug trafficking offences.

In 1994, with the Dangerous Drugs (Amdt.) Act, further steps were taken by the Parliament of Trinidad and Tobago towards the implementation of the provisions of the 1988 United Nations Convention. Amendments to the principal Act included the creation of the offences relating to the proceeds of drug trafficking or drug money laundering offences as they are more properly called. New sections were also added which dealt with the recognition and enforcement of confiscation and forfeiture orders made by foreign states or external confiscation and external forfeiture orders as they are identified in the Act.

The Dangerous Drugs (Amdt.) Bill, 2000 which is now before the Parliament, is the final phase in Trinidad and Tobago's implementation of the obligations imposed by the 1988 United Nations Convention. I propose to deal with the clauses of this Bill under the following headings:

1. Interpretation
2. Offences dealing with possession
3. Precursor chemicals
4. Supply of dangerous drugs
5. Burden of proof and presumptions
6. The high seas
7. Miscellaneous matters

Mr. Speaker, with respect to interpretation, clause 4 of the Bill proposes to amend section 3 of the Act with the inclusion of the definitions of "Director of Public Prosecutions" and 'life." Under the Act, it is the Director of Public Prosecutions who is vested *inter alia* with the authority, to bring proceedings, under Part IV of the Act, to restrain the accused drug traffickers from dealing with their assets.

The inclusion of this definition merely serves to make it clear that the Director of Public Prosecutions must be taken to include any person assigned by him for the purposes of the Act.

2.20 p.m.

It is also intended to give clear recognition, however superfluous it may appear, to the powers of the Director of Public Prosecutions under section 90 of the Constitution of the Republic of Trinidad and Tobago.

Mr. Speaker, with the ingenuity of counsel appearing in cases before the court and who appear for persons charged for drug trafficking, they have taken the point that the Director of Public Prosecutions must appear in person in connection with matters under the Act, notwithstanding the provisions of section 90 of the Constitution. Therefore, this definition is to make it quite clear that the Director of Public Prosecutions need not appear in person in the court and that there can be anyone assigned by him for the purposes of the Act.

The definition of "life" in the Act means the natural life of the person. It relates to the introduction of stiffer penalties for offences relating to the possession of dangerous drugs. This is to make it quite clear that anyone sentenced to life imprisonment, it would be life imprisonment for the natural life of the person and that is obviously notwithstanding the powers under the Constitution of the Minister of National Security to make recommendation to the President in cases of mercy.

The new section (2A) broadens the legal term of the word "possession". The current state of the law is that, when there is the question of possession, there can be a loophole in the law. For persons who are concerned in the possession or trafficking of dangerous drugs, it will be now legally permissible to charge a person with possession of a dangerous drug which, although in the physical custody of another, is under his or her control. So possession of a thing shall include control of a thing which is in the custody of another. So that if one person is controlling another person on the street but the first person may be the major offender and he is in control of the thing, directing what is happening, that person who is controlling the operations can be held to be in possession of drugs.

Mr. Speaker, the complaint has often been made for prosecutions under the Dangerous Drugs Act that they deal only with the small fry and that the big fish escape the penalties of the law, for example, by the use of couriers. This definition would obviously be able to get hold of the big fish. So if they are directing the show, although they are not physically in possession, the fact that they are in control of the drug through the individual ensures that they can also be held to be in possession of the drug. This is in keeping with what the Vienna Convention has said and what other countries have had to do with this kind of legislation. Mr. Speaker, that deals with the first point. I am dealing with interpretation.

The second heading is offences dealing with possession. The new clauses 5(3) and (3A) of the Bill separate the offences of cultivating with respect to marijuana on the one hand, from that of coca and opium on the other. The intention is that

offences concerning the cultivation of coca and opium, from which the more immediately harmful and more valuable narcotic substances of cocaine and heroin are derived, will attract the more serious penalties set out in clause 5(3)(a). The current penalties for cultivating marijuana will remain unchanged. If one looks at the clause, one would see that:

> "A person who cultivates, gathers or produces any opium poppy, or coca plant, except where he does so under a licence granted under section 4 or where he is acting under the supervision of a person having such a licence, commits an offence and is liable upon conviction on indictment to a fine of one hundred thousand dollars or, where there is evidence of the street value of the dangerous drug, three times the street value of the dangerous drug, whichever is greater, and to imprisonment for a term of twenty-five years to life."

The current provisions of the Dangerous Drugs Act created hybrids for the following offences: one, trafficking in dangerous drugs; two, trafficking in a substance other than a dangerous drug which is represented as or held out to be a dangerous drug; and, three, possession of a dangerous drug on any school premises or within 100 metres thereof. The current state of the law, therefore, is that prosecutions for any of the offences which I have just mentioned can be taken either summarily, which is in the Magistrates' Court, or by trial on indictment in the High Court after committal proceedings in the Magistrates' Court.

The amendments proposed in clause 6 to section 5 subsections (5), (6) and (7) and the inclusion of the new section (7B) are at the election of the Director of Public Prosecutions and the consent of the accused. In addition to this, the offences attract greater penalties except where proceedings are taken summarily in the Magistrates' Court. So that the amendments dictate that proceedings for any offence under clause 5 of the Bill are done indictably. Summary trial as provided for in the proposed section 5 (7B) is at the election of the Director of Public Prosecutions and the consent of the accused. The proposed section 5(5) will now read:

> "(5) Subject to subsection (7), a person who commits the offence of trafficking in a dangerous drug or of being in possession of a dangerous drug for the purpose of trafficking is liable upon conviction on indictment to a fine of one hundred thousand dollars or, where there is evidence of the street value of the dangerous drug, three times the street value of the dangerous drug, whichever is greater, and to imprisonment for a term of twenty-five years to life."

Mr. Speaker, the reason one is obviously dealing with the matter on an indictable basis is because it is recognized that these are very serious offences and they would normally have to be done indictably unless the Director of Public Prosecutions thinks otherwise and the accused consents. It is proposed under the new subclause 5(9) of the Bill to increase the threshold quantities in excess of which the law would deem that a person is in possession of a dangerous drug for the purposes of trafficking and within which a person could be charged with possession *simpliciter*. Would you give me one minute, please, Sir?

The new clause 5(9) would read:

"(9) A person other than a person referred to in subsection (2) found in possession of more than—

(a) twenty grams of…heroin;

(b) ten grams of cocaine;

(c) five hundred grams of opium;

(d) thirty grams of morphine; or

(e) one kilogram of cannabis or cannabis resin,

is deemed to have the dangerous drug for the purpose of trafficking unless the contrary is proved, the burden of proof being on the accused."

What we have done here is recognized that under the current formula, where the threshold quantities were at a minimum, persons who had no financial interest and were in possession of the dangerous drug—that person who was not a trafficker—could have been caught by the deeming provision and be found guilty of possession for the purposes of trafficking. So persons caught in possession of dangerous drugs who are not legally authorized to possess such substances can only be either traffickers or addicts.

It would be a continuing defect in our law if persons who are faced with the serious problem of drug addiction continue to be treated by the law in the same way as persons whose only interest in drugs is financial. So therefore the new proposals by the Government in this Bill related to putting in this threshold so that, having regard to the quantity, if the person is found in possession of these amounts they would be deemed to be in possession for the purposes of trafficking.

Mr. Sinanan: Thank you, hon. Attorney General. Just for my edification, the converse then would be true, that if one is found in possession of less than the stated amounts here one cannot be charged for trafficking but instead could be charged for the use of, like an addict? In other words, if one has more than these amounts one could be charged for trafficking. If one is in possession of less than these amounts, is it that one can still be charged for the use of?

Hon. R. L. Maharaj: Yes. If one is in possession of less than this amount. However, if there is evidence that one is in possession for the purposes of trafficking, one can be prosecuted for that. If there is no evidence that one is in possession for the purposes of trafficking, one would be charged for possession. If one is in possession of this amount and more it will be deemed that one is in possession for the purposes of trafficking and the onus would be on the person to show that he/she is not in possession for the purposes of trafficking.

For example, there may be a person in possession of less than this amount but the person would probably actually be caught selling it, then, although he is in possession of less than that amount, he/she can be prosecuted for possession for the purposes of trafficking. However, there may be a person with less than this amount and he/she is an addict and has to take this as part of their prescription. They are breaking the law but, having to take it for their own purposes and they are not really trafficking, then they would just be charged for possession.

Mr. Speaker, I then go to the third heading, "precursor chemicals". In amending this section it is proposed to increase the penalties for offences concerned with the manufacture, possession and transport of precursor chemicals. In addition to this, the offences under the section for hybrid offences which could be proceeded with either summarily in the Magistrates' Court or by trial on indictment in the High Court after committal proceedings before a Magistrate, it is now proposed to make these offences indictable subject to the election of the Director of Public Prosecutions under the new clause 5 (7A) proposed by this Bill.

We are doing this because precursor chemicals are substances which are instrumental in the manufacture of narcotics and other psychotropic substances. I understand that they are used to manufacture cocaine, heroin and some of the new drugs. The Government's policy is that persons who are concerned with such precursor chemicals are important players in the trade in narcotics and psychotropic substances and must be penalized accordingly. So if one looks at clause 8 of the Bill, one would see that:

"'6A. A person who—

(a) manufactures or is in possession of a substance referred to in the Fourth Schedule; or

(b) transports such a substance or supplies it to another person, knowing or having reasonable grounds to suspect that the substance is to be used in or for the unlawful production of a dangerous drug commits an offence and is liable upon conviction on indictment to a fine of one hundred thousand dollars or, where there is evidence of the street value of the dangerous drug, three times the street value of the dangerous drug, whichever is greater, and to imprisonment for a term which shall be not less than twenty-five years.'."

2.35 p.m.

Mr. Speaker, we now come to supply of dangerous drugs. Remember, I am trying to do this Bill under the different headings: interpretation, offences dealing with possession, precursor chemicals and now supply of dangerous drugs.

The simple consequence of this amendment in clause 9 is twofold. Firstly, proceedings for an offence under any of the sections mentioned in section 10 shall be taken indictably subject to section 5(7A) and the second consequence is that of increased penalties for persons who supply dangerous drugs in contravention of licences issued to them by the Minister of Health under section 4 of the Dangerous Drugs Act. One would see throughout the Bill that we have made some of the offences as offences which could only be done indictably, and summarily with the application of the Director of Public Prosecutions and, obviously, the accused must consent to those matters.

Mr. Speaker, the Government has taken the view that persons to whom licences in respect of the supply of narcotics have been issued by the Minister of Health under section 4 of the Act have been entrusted with special responsibilities. It is our view, therefore, that any breach of these responsibilities or the doing of anything which is inconsistent with these responsibilities should attract greater penalties provided for in the new section 10. For the reasons which I have just mentioned in respect of persons licensed by the Minister under section 4 of the Act, medical practitioners, dentists and vets shall also face stiffer penalties under the law.

Mr. Speaker, the Government is of the view that such conduct would be inconsistent with the responsibility that these professionals bear towards society. One would see that the fines are very heavy—$100,000 and three times the street value and the term of imprisonment is not less than 25 years.

The current section 17 of the Act concerns the use of mail or courier services for the transport of dangerous drugs. We propose to introduce the *scienter* requirement to this section by providing that a person who knowingly enclosed a dangerous drug or sends such a substance in any letter, packet or other matter by post or courier—in addition to this, these greater penalties are to be imposed on the person.

The new clause (c) provides for a greater term of imprisonment for default in paying the fine imposed in addition to a term of imprisonment under the Act. The policy is entirely that there should be greater penalties and that any failure to pay monetary penalties for such offences should attract greater terms of imprisonment.

Mr. Speaker, the next part of the Act that we are dealing with is the Burden of Proof and Presumptions and that is Part IVA *[Interruption]* sorry. Thank you. Mr. Speaker, the new section 29A would provide for the defence—that is the accused person who raises that defence—where the issue is raised as a defence to a charge under the Act to provide evidence in proof of any licence, authorization or authority without the need for the prosecution to negative such evidence. For example, in the prosecution of an offence, under either the current or the proposed amended section 6A of the Act, it would be for the accused person to prove, in order to secure an acquittal, that although a precursor chemical was in his possession, he did not know or have any reasonable grounds to suspect that it was a precursor chemical. So that it would not be for the prosecution to prove that. It would be for the defence to disprove that.

Mr. Speaker, as one knows, normally in criminal law it is the obligation of the prosecution to prove every essential ingredient of the offence, but to that rule there have been some exceptions where the onus shifts upon the accused person. What has happened in relation to dangerous drugs prosecution, the international community has decided that in order for legislation to be more effective in some of these matters, the onus should shift to the accused. What we are doing here is putting in our law some of the international norms in respect of this kind of legislation.

What has happened in section 29(b)—which is an entirely new section—it seeks to make provision for the general application of a series of presumptions for offences relating to the possession and supply of dangerous drugs. I think I should deal with each of these presumptions individually.

> "In all proceedings under this Act or any Regulations made thereunder—
>
> (a) premises shall be deemed to be used for a purpose even if they are used for that purpose on one occasion only;"

So that if the drug has been found in premises which—I had better read section 53 of the Act so that one could understand it. Section 53 of the Act states:

> "Where a persons is convicted of a drug trafficking offence and the court by or before which he is convicted is satisfied that any property which was in his possession or under his control at the time of his apprehension—
>
> (a) has been used for the purpose of committing a drug trafficking offence;…
>
> the court may make an order for forfeiture for that property under this section."

Mr. Speaker, so under the parent Act, the court is given the power that if the court is of the view that the property which was in the possession of the accused person, and if that property has been used for committing the offence, the court quite apart from the fines and the jail terms can order the forfeiture of the property to the state. What we are saying in these presumptions is:

> "premises shall be deemed to be used for that purpose even if they are used for that purpose on one occasion only;"

That is putting the onus upon the accused person to show that it was not used for that purpose.

Mr. Speaker, so that if the person convicted of a drug trafficking offence was found in a house in which 10 kilograms of cocaine was stored, it would be open to the court before which such a person was convicted to make an order, if that presumption is not rebutted in respect of the house, because it would be on the basis that the house was being used for the purpose of committing the drug trafficking offence.

Mr. Speaker, currently in section 21(1) of the Act it provides—and so far it is relevant for these purposes—

> "Without limiting the generality of section 5(1) or (4) any person who occupies…any building, room,…or place in or upon which a dangerous drug is found shall be deemed to be in possession thereof unless he proves that the dangerous drug was there without his knowledge and consent."

So with the aid of the next presumption which is (b):

> "a person, until the contrary is proven, shall be deemed to be the occupier of premises, if he has, or appears to have, the care, control or management of such premises;"

So with the aid of that presumption any person found in a place in which dangerous drugs are found or who has "…or appears to have the care, control or management…" of any such place would be presumed to be the occupier. The burden of proof in accordance with the terms of the proposed section 29(A) would be on the accused to disprove his or her status as an occupier.

2.45 p.m.

Mr. Speaker, I think all lawyers who are familiar with these matters will know that sometimes it is easy for an accused person to show that he did not have any knowledge that the premises were being used for these purposes. What these presumptions are doing is really to assist the criminal justice system in preventing loopholes to occur without being unfair to an accused person, because the fact that

there are these presumptions does not mean that the presumptions are irrebuttable. If the presumptions are rebutted and the court is of the view that the rebutting of those presumptions casts reasonable doubt in the minds of the prosecution's case, as a matter of law, it will be for the court to discharge the accused persons.

Mr. Speaker, several offences are created by clause 13 of the Bill, and there are the other presumptions:

> "29B(c) if a dangerous drug or device, article or apparatus designed or generally used for the administration or consumption of a dangerous drug, is found in any premises, those premises shall be presumed, until the contrary is proven, to be used for the purpose of the administration of a dangerous drug to, or consumption of a dangerous drug by a person and the occupier shall be presumed to permit such premises to be used for such purpose;"

The presumptions go on until subclause (j).

Several offences are created by section 15 of the Act with respect to the devices used for the consumption of dangerous drugs. The conjoined effect of sections 15 and 21(2) of the Act, with the aid of this presumption, is to make occupiers of premises in which such devices are used criminally liable for such users of the premises. Persons who are presumed to be occupiers under section 29B, of crack houses, will not, therefore, be able to escape liability.

Mr. Speaker, this presumption is designed to broaden the legal concept of possession. The current state of the law in line with which such cases are decided—just for the purposes of the record, the case of the *Director of Public Prosecutions v. Brookes* reported in 1974: *21 West Indian Reports* at page 411, and *Warner v. Metropolitan Police Commissioner* in 1969 (2) Appeal Cases at page 256—is that a person cannot possess that which he does not have any knowledge of. Once this presumption takes effect, the accused will have the burden of proving that he did not have possession of a dangerous drug and he did not know the nature of such a drug if an acquittal is to be secured.

By example, the effect of this presumption is that if a person is found in possession of a prescription for a prescribed drug, he will be deemed to know that such a drug is cocaine, if it is cocaine. Under section 8 of the Act, therefore, a pharmacist who receives a prescription for the supply of it on one occasion and supplies it on more than one occasion would be deemed to know that that prescription was for cocaine, and would accordingly be guilty of an offence by virtue of section 10.

The simple effect of this presumption is to cast an evidentiary burden on those who are recognized in law of having control of things like aircraft and sea vessels in which dangerous drugs are found. The master of a ship and the pilot of an airplane in which dangerous drugs are found hidden must, therefore, prove either that they did not know the drug was concealed in the vessel and that it was not imported or exported with their knowledge.

Mr. Speaker, this provision is intended to target particularly sea vessels and aircraft which play such an important role in the transportation of dangerous drugs. Small aircraft operators for lawful commercial operations are said to be using some of these vessels for illegal purposes. It is hoped that with this law, it will be easier not only to detect, but to prosecute and convict.

It is well known in the Caribbean—and this has been supported by all the reports from the international agencies—that a lot of the drugs which come to the Caribbean, and particularly which come to Trinidad and Tobago, are drugs from aircraft to certain points offshore and that the aircraft are not located. At times, even if aircraft and vessels are got, the fact that at the time they did not have the drugs in them, has been used to frustrate law enforcement officers.

It has also been known that there are aircraft and, in particular, vessels in which drugs have been found, but because the captain would say that he did not know they were there and there is the absence of these deeming provisions to actually cast an onus and a responsibility on him, the authorities in Trinidad and Tobago had to release many of these vessels and they were not able to prosecute these persons. It is one of the easiest ways for a captain to say that it was there in the ship but he did not know about it. What this would do is ensure that captains and airline companies and companies which own sea vessels take great responsibility in ensuring that proper checks are made in order to prevent these things from being concealed.

Mr. Speaker, I am saying this because these are not amendments which Trinidad and Tobago alone is doing without any support or any precedent. As a matter of fact, as I mentioned, this has been a three-pronged approach in that initially, in 1991, the administration at the time passed an Act which could not have included all the provisions of the Vienna Convention. In 1994, it went another distance, and now we are going the other distance in order to complete our obligations under the Vienna Convention.

It is now that, as with occupiers of premises, the owners and users of vehicles in which dangerous drugs are found concealed can also escape liability by merely stating that they did not know. As I said, the purpose of this is to provide not only

a greater sense of responsibility, but they will ensure that steps are taken so that if these things are concealed, there will be checks and balances to ensure they are aware of it. These presumptions are intended merely to facilitate proof of matters which are set out in them.

Mr. Speaker, this presumption also introduces the concept of representative analysis to the laws of Trinidad and Tobago. This is an entirely new one to Trinidad and Tobago and is an eminently convenient solution to what has been a longstanding problem with the custody and production of exhibits in court. It is the current practice, for reasons which appear to defy common sense and logic, that an exhibit of marijuana weighing 2,000 pounds and contained in 2,000 one-pound packages must be brought to the court and produced in its entirety by the complainant. With representative analysis, this would no longer be necessary as a sample can be taken, there can be a video recording of it, and that can be produced. It is another case of trying to improve the criminal justice system in the prosecution process.

Mr. Speaker, the next heading under which the Bill is being presented to the Parliament comes now: it is the high seas. Under the Archipelagic Waters and Exclusive Economic Zone Act, 1986, the term "Archipelagic waters" is defined by reference to the following terms: It means the political entity of Trinidad and Tobago comprising that group of islands including parts of islands, interconnecting waters and other natural features which are so closely interrelated that they form an intrinsic geographical and economic entity. It means those waters enclosed by the Archipelagic baselines, as drawn in accordance with section 6.

Section 6 states:

> "The…baselines…shall consist of straight baselines joining the outermost points of the outermost islands and drying reefs of archipelago."

By including this definition in section 53A of the Act, Part VIII(a) of the Act which deals with offences on the high seas would have application to ships within these waters of Trinidad and Tobago. The amendment to section 53(C)(2) of the Act is consequential. Therefore, it widens the area in which the Government of Trinidad and Tobago can take steps. So, the Government, therefore, is amending section 53(B)(4) of the Act by increasing the penalties that may be imposed for an offence under section 53(B) and for providing that proceedings for such an offence must be taken indictably. Under the present set-up, if this Bill is passed, it would therefore mean that there would be a greater area around Trinidad and Tobago in which the Government of Trinidad and Tobago can have control in respect of detection and prosecution.

Mr. Speaker, the next heading is miscellaneous. Section 53(E) is entirely a new section and it intends to give recognition to the important role that persons involved in drug trafficking can play in drug interdiction. The best evidence of who is involved in drug trafficking usually comes from a co-conspirator. The case involving a convicted person by the name of Zimmern Beharry is one such example. It was only because of the evidence provided by persons who had conspired with Beharry and who were involved in his network that sufficient evidence was gathered to sustain his extradition to the United States and his conviction before a court there for these serious offences.

It is not inappropriate that some recognition be given to the contributions made by such persons without expunging their liability for any drug trafficking offence or offences which they have committed. So, notwithstanding section 53(E), notwithstanding any sentence of imprisonment prescribed under this Act, the court may, on the application of the Director of Public Prosecutions, impose a lesser sentence upon a defendant who, at any time prior to conviction, co-operates in the investigation or prosecution of a drug trafficking offence.

Mr. Speaker, section 54 is designed to address another problem associated with the production of exhibits in court. It has been the case that members of juries complain about the smell of cocaine and marijuana, particularly in large quantities. This has had an adverse effect on juries and witnesses when they have to endure the scent of these things. This section provides that if a picture or video of the exhibit is available, then the exhibit could be destroyed, but only in special circumstances and with the necessary protection.

3.00 p.m.

Mr. Speaker, section 68(2) and (3) of the Interpretation Act provides:

> "(2) Where in any Act or statutory instrument provision is made for any minimum penalty or fine, or for any fixed penalty or fine, as a punishment for a criminal offence, such Act or statutory instrument shall have effect as though no such minimum penalty or fine had been provided, or as though the fixed penalty or fine was the maximum penalty or fine, as the case may be.
>
> (3) Where in any written law more than one penalty linked by the word ‘and’ is prescribed for an offence, this shall be construed to mean that the penalties may be imposed alternatively or cumulatively."

The inclusion of a new section 61 serves merely to clarify the powers of a court on sentencing for a drug trafficking offence. It merely wants to make it quite clear that the provisions of section 68(2) and (3) of the Interpretation Act shall not apply.

The amendment to the Fifth Schedule of the Act is necessary because not all members of the Trinidad and Tobago Coast Guard are designated to hold the rank of commissioned officers. The effect of this amendment, therefore, is to broaden the persons in the Coast Guard who act as enforcement officers under the Act.

The Second Schedule to the Summary Courts Act concerns indictable offences for which adults may be tried by consent by a summary court. There is a deletion of Item 12 from the Schedule consequent upon the amendment to section 5 of the Act.

Mr. Speaker, these amendments, really, are amendments which have been outstanding and which, as far as the Vienna Convention is concerned, what the Government did was, it took into account what has happened over the years in other countries and blended that with what was required under the Vienna Convention. This has taken a long time because this Bill, together with the Proceeds of Crime Bill, have been subjected to advertisement, public consultation and very extensive discussions with the business community and that is why the Bill has taken some time. Over a period of two to three years, there has been consultation and discussion.

I should mention that this Bill cannot be passed with an ordinary majority. The Bill needs the support of the Opposition for it to become law. One would see that from the Preamble to the Bill. One would see that it falls under section 13 and it needs the support of the Opposition.

In 1997, there was the initial preparation of a Dangerous Drugs (Amdt.) Bill. That Bill was prepared and, after its preparation, there were representatives from the Office of the Director of Public Prosecutions, the Law Commission, the Law Revision Commission and the Chief Parliamentary Counsel's Department. The Bill was subjected to a detailed examination by examining it with the Commonwealth legislation and there was also consultation with the Financial Action Task Force and the Caribbean Financial Action Task Force, with the business community, with the police service and a new Bill was drafted following those consultations. This Bill was introduced in the House of Representatives on March 20, 1998. Even though it was introduced, there were still requests for further consultation and the Bill went through another process of consultation, was again examined by the different players; amendments were made and we now have this Bill before us.

This Bill is really to strengthen the criminal justice system and to give the police the necessary legal framework in order to effectively detect drug trafficking, money laundering and for there to be effective prosecution of these matters in order that the court would be able to punish the guilty and free the innocent. What this Bill will do, when it is considered with other measures, obviously, is to provide a modern piece of legislation in order to attack the drug trade.

Thank you very much. Mr. Speaker, I beg to move.

Question proposed.

Mr. Fitzgerald Hinds (*Laventille East/Morvant*): Mr. Speaker, before I proceed, Attorney General, I would like to know: the Bill we are debating, is it Vol. 39 or Vol. 37? Because we have had different copies.

I think it is Vol. 39. It has to be that because we got a Vol. 37 which was much thicker.

Mr. Maharaj: I do not have the printed one. One second, please.

Mr. Speaker, I have the cyclostyled copy and I have not examined this printed one. I know there was a previous Bill, but I do not know if this is the previous Bill. I have not examined it to see. I am using the cyclostyled one, but if you give me a minute, I could check it.

Mr. Speaker: What I have before me is No. 34 of 1999.

Mr. F. Hinds: Okay. No. 34 of 1999.

Mr. Speaker: There was one before which had lapsed and this is the one that we are on.

Mr. Maharaj: I note, you would see at the top: *Legal Supplement Part C to the "Trinidad and Tobago Gazette," Vol. 39, No. 56, 27th March, 2000*. So, this is it.

Mr. Speaker: Indeed.

Mr. F. Hinds: Much obliged. Thank you very much, hon. Attorney General.

First of all, I want to indicate, on behalf of the Members on this side of the House, that we support the measures in the Bill before the House and that we will always lend our support to measures that are, like this one, designed to make Trinidad and Tobago a better place for us all to live. Everyone understands the serious implications of the existence of drugs and psychotropic substances to our nation and we will support this. There are a few issues, however, that I would like to bring to the attention of the Attorney General and Members of this House.

Clause 18 of the Bill inserts a new section 54A which says:

> "(1) Where, under this Act, a person has been charged with an offence and a substance which is believed to be a dangerous drug has been seized as evidence of the offence—
>
> (a) if photographic or video evidence exists which illustrates the nature, quantity, size, packaging and location of the drug; and
>
> (b) the defendant fails to show reasonable cause why the substance should not be destroyed,
>
> the Court may order the destruction of the substance before the completion of legal proceedings against the defendant."

I took note of the point the Attorney General made because it is a fact that police officers, members of the jury, judges—persons in the court—must sometimes tolerate the smell and the possible harmful effects of being around certain drugs in the courtroom.

[MR. DEPUTY SPEAKER *in the Chair*]

It therefore means that sometimes it is more convenient, because of the bulk, that photographs and a small sample of the material is good enough as the proceedings in the court are conducted. But, when I saw use of the phrase "video evidence" here, I was attracted to it until I read the clause and realized that it had not been used sufficiently to the effect that it could be used to make some impact on the drug trade.

The Attorney General would know that in the United Kingdom, by way of one criminal justice act, I think in 1988, it was made law that video-recorded evidence could be used against drug dealers. That was necessary to be put in law to defeat the hearsay rule so that legislation defeated the hearsay rule in respect of the use of photographic or video-recorded evidence in those circumstances.

It is often the case that police officers are aware of who drug dealers are but, as the Attorney General alluded to in his opening remarks, oftentimes the drug dealers never get close to the substance themselves; it is only the middlemen and their minions who are caught in actual possession sometimes of the substance and the big fishes remain stashed away in their high towers, unaffected by all that is going on, except for a bit of economic loss which they will quickly recover through the next shipment or shipments.

In the United Kingdom, they instituted the use of video-recorded evidence and I know of a particular case, Mr. Deputy Speaker, where police officers spent as much as six months—I followed the case when I was a student in London—on the 41st floor of a multi-storeyed building, of course, and video-recorded certain activities for that period. They noted those videos, gave names and identification numbers and so forth to the players in the drug trade and, because of the fact that they were able to do that from a concealed location, when they came down from that 41st storey six months later, they were able to use that evidence in the court and secure convictions.

Short of that facility in Trinidad and Tobago, the amendment that the Attorney General put in place here today, having to do with control and possession, will not, I submit, make any great impact. Let me try to explain why.

In terms of the current law—and the Attorney General was quite right—*Warner v The Metropolitan Police Commissioner*, a case which dealt with possession and other issues, recognized the difficulty of a situation where a person may have control of something, but not actual possession of it.

3.15 p.m.

As I say actual possession, it is well known to lawyers that possession could be actual or constructive. A person may actually have possession of something in his hand or on his person, and he may be constructively in possession of it. If, for example, he rents a room in an apartment or a garage or something like that, he has control of the key, and the substance is found in there, a person could be 10 miles away but could be deemed and found to be in control of something because, as the law suggests, he has control, in that sense, over it.

Mr. Deputy Speaker, there are many instances—and I cast no aspersions on anyone, but as a practitioner in the courts myself—of persons coming to me indicating that the officer or officers who charged them for possession of a narcotic, did not find it on them; did not find it in their pocket, or in their hand or stuck in their underwear or any such thing. They often indicate to me, as defence counsel, and to all lawyers, no doubt, that sometimes the substance is not found in the motor vehicle in which they may be travelling. It may be that someone is approaching a road block and, as he approaches the road block, he recognizes police officers in the distance, and it is quite possible that he may toss it out of the vehicle, that he throws the stuff outside. A police officer may be in the vicinity and observe his action, secure possession of the narcotic, and the gentleman is charged for possession of the narcotic. Because the police are aware of what the

law requires, because of the difficulty in the current law of demonstrating that that person was in control of the substance, the persons who are charged often complain—one never knows, because one is not present when these instances take place. In fact, the police officer sometimes gives evidence in the court that he found it in the motor vehicle, or in the left or right pocket of the individual, the accused or the defendant in the court.

As defence counsel, one would not have been present when the issues transpired, so that your client is telling you that the officer did not find it on him, and the police officer is saying, in evidence: "I found it on him", both cannot be correct. It is perhaps the case, Mr. Deputy Speaker if—and I only suppose—assuming that the word of the defendant is correct; that it was found not in his pocket, or in his hand, it means that the police officer who charged, recognizing the difficulty of the present law, may be tempted to say he actually found it on him, in order to secure his conviction. Because the police officer may have seen him throw it out of the car, so he knows in his own human judgment and good sense that the fellow is in possession of the thing but, recognizing the difficulties of the law, he may be tempted to take the other way out. I do not know if it is the truth in all cases. I do not know if it is the truth in any case, but this is a situation that we confront on a daily basis.

The Attorney General is therefore telling us today that he has improved that aspect of the law, by causing the person who is in control, even though he is miles away, to still be convicted for the offence of possession: whether it is for trafficking or possession *simpliciter*. He said that it works like this; a person may be on the street corner selling the drug, but while he has it "in his possession"—notwithstanding the difficulties I have just pointed out—the person who gave it to him to sell would really be the person in control. Therefore, the present proposal before this House is designed to be able to embrace, capture, or secure a conviction against that person who is not on the street corner.

But we already have the difficulty of actual and constructive possession: whether he actually has it in his possession, or whether he has it in his control in respect of the current state of the law. Now what we are doing is adding another tier to that confusion, in my view. I do not know, but I am submitting that that will not assist us very much.

In fact, Mr. Deputy Speaker, it is well known in law—the Attorney General understands this—that the evidence of a co-accused could not be good evidence against another co-accused. If the fellow who is found on the street corner with the drug tells the police and comes to court and wants to say in evidence, either *viva voce* in the box, or by way of a statement on oath—a caution statement as we

call it—if he wants to give that evidence in the court, his evidence—if he is charged along with the other person that the Attorney General is now trying to get convicted—will not be good evidence against the co-accused. I do not know how we will get around this difficulty; it obviously requires a lot more analysis and a lot more thought. That is one matter that I am satisfied will not bring us very much relief, but that is the Attorney General's proposal and I can only wait to see how it works.

I would want to suggest that we introduce, as far as possible, the use of video-recorded evidence, to secure convictions in matters such as these. Because now one may have an opportunity to video—record a lot of activity that one may otherwise not be able to procure and tender in evidence. But in order to do that, it means one has to conduct a proper study, provide the police with the necessary training and infrastructure which, in itself, with this Government, is a serious problem.

The police will tell you that they are swamped. I heard the Prime Minister say, a few days ago, that crimes are on the decrease. If you look at it more closely, he is saying some crimes, not all crime. But a crime is a crime. A debt is a debt, and it must be paid in cash. A crime is a crime.

I was astounded to see the Prime Minister at the opening of a police station—a matter of national security, a matter of national concern, a matter of national import—present there in his usual way, statistics showing crime under the People's National Movement and crime under the United National Congress. In other words, as one of my colleagues is suggesting, like if it is political crime. I found that very obnoxious.

Mr. Panday: Be careful, you may get suspended.

Mr. F. Hinds: I would urge the Prime Minister to be a little more primeministerial in his conduct for the few months that he remains in office. *[Desk thumping]*.

Before he leaves I want to quote him in the *1991 Drug Debate*. He is running, Mr. Deputy Speaker.

Mr. Manning: But he "cyar" hide.

Mr. F. Hinds: But he "cyar" hide. We are going to catch him in the next few months and the public will deal with them, via the voting structure, accordingly.

I found, Mr. Deputy Speaker—*[Interruption]* the Commissioner of Police, at the time, and the other senior officers may have been terribly embarrassed. They are not politicians, and they ought not to be brought into this.

It reminds me of the occasion when he distributed copybooks to the nation's children with his sly face on the front page. It reminded me of the discount card, all these very "unprimeministerial", unethical, immoral displays. We could do without it, particularly in serious matters such as crime.

People tell you, Mr. Deputy Speaker—in fact, not very far from where I grew up, someone called me this morning to tell me, home at 3 o'clock in the morning, a banging on their door, some three assailants came, "lick" down the door with a big piece of concrete, broke the door and robbed them of their possessions. Fortunately, they did not engage in sexual offences on the man's wife. But, the Prime Minister wants to tell us that crime is on the decline.

3.25 p.m.

The police will tell you, if you have an opportunity to speak with them, that more and more of these offences are detected on a daily basis. In fact, the police are hamstrung. In the station district in which I live we called on the police sergeant to institute some more patrols in a particular area where crime is rearing its ugly head, unusually. He told us that he had one vehicle; it is malfunctioning; officers oftentimes must use their own resources, dig into their pockets in order to attend to some of the matters that we raised.

They tell you that their morale is very, very low, and you could see it. The strength in the police station should be—however much it ought to be—I do not want to quote figures, I think that it is a matter of security as well. But the strength is down to one third, in some cases, and they simply cannot cope. The police have an important role to play in any question of dealing with drugs, and their well-being must be better looked after.

Mr. Deputy Speaker, I want to address this matter to the Prime Minister. When I was a police officer I trained for seven months. Our batch in 1976 trained for seven months, from January of that year; usually recruits undergo a six-month training period. I am told that Government is now overseeing a situation where police recruits train for four months. What could they learn in four months? How well-trained could they be at the end of it? What is the justification for that? A shortage of resources. How could this Government ever hope to convince anyone that it does not have money; money is not available to properly train police officers in Trinidad and Tobago?

I do not have to rehearse, I do not have to tell you of all the millions of dollars that have been misspent in this country over the last four and a half years. I can give you one example though, one that the nation knows well and ought never to

forget: the airport contract, without tender to one of its friends, moved from $400 million to $1.1 billion over the period that this Government has been in office and took over that programme. Ten schools—I am just talking about money to finance this Bill, because, as we always know, while it is good to bring a Bill and sound legalistic and good to improve the criminal justice system, there is a cost attached to it.

The Attorney General told us, in response to my question last week, how much it cost the state to pay big lawyers from England to deal with certain serious drug matters at the level of the Privy Council, extradition matters and the like, so every Bill carries an economic or financial underpinning, a cost. We are trying to find the money in order to fund this.

The Government promised us 10 new schools in September to take in some of the students who do not normally find places after the Common Entrance Examination. The original budget for those 10 schools was $100 million; six months later it went to $145 million; and a year and a half later that Government oversaw a situation where the same 10 schools are now costing this country $245 million, an increase of $145 million; 10 schools! "Where de money gone?" Kitchener gone, but I must still ask his question: "Kuei Tung, where de money gone?" [*Desk thumping*]

The Prime Minister then explains that it is because the architects increased the size of the schools. Well, even if you had 10 schools to build at a cost of $100 million, forget increase in size, if you double the amount of schools, make it 20, it should cost $200 million. But "yuh eh" double the amount of schools, "yuh eh" even build an extra one, you only increased the size of the 10 schools and you more than double the amount it cost, $245 million! I would like them to explain how come.

When the Chairman of the transition committee, Mr. Pantin, and others in frustration pack up their bags and go home, to the detriment of the people of this country, we on this side know full well why they are doing it; they could take no more.

Mr. Deputy Speaker, the police need to be better funded, and if this Government had the will—and the Prime Minister said—I heard it on the radio this morning—that CL Financial invested $66 million in the construction of two secondary schools, I think in the Trincity area. I thought that the loan for the 10 schools was secured by the People's National Movement, before we left office, from the World Bank. Where the $66 million arises? I do not know. What is the nature of the investment? I do not know? What returns will CL Financial get? I do not know, but these are questions that will come in the weeks ahead. These are questions that will arise.

I would like, as I indicated, to see the police service trained and given the necessary equipment so they could conduct video recording and surveillance, in that sense, to assist us with the problem of catching the big fish, who otherwise, perhaps, would not be caught. That was done in England since 1988, and I look forward to it being done here, because no one disputes that drugs are having a nasty, adverse effect on our society and we are trying to grapple with it.

Let me come to the Attorney General now, Mr. Deputy Speaker. The Attorney General got here today and was totally legalistic in his presentation of this Bill. He analyzed the existing law and the terms or provisions in the proposals before us, and in a very legalistic way he tried to resolve the problems of Trinidad and Tobago, not for one moment trying to assist this House with the social circumstances, presenting to this country a better idea of where we are, in terms of drug problems. Coming here and talking law does not help; everyone understands that.

As a matter of fact on Friday, October 18, 1991, when the existing legislation was put in place, the hon. Member for Couva North, the Prime Minister, then in Opposition, in speaking on the Dangerous Drugs Bill was actually criticizing the then Attorney General for not saying enough. He said, and I quote:

> "The Minister in presenting this Bill seemed to want to get off his feet as quickly as possible and he is not even here to hear what other Members have to say."

Just like him, he left, and he is the Prime Minister; just like him.

> "He got up, presented the bill and took off…"

Just like him. Well, he did not present the Bill, his Attorney General did. His sidekick did it on this occasion or, at least, who used to be his sidekick; we have other information. [*Interruption*]

Mr. Assam: I thought you said psychic.

Mr. F. Hinds: Sidekick; although one is jet black and one is jet white, like ebony and ivory, still good friends. [*Laughter*] But I am quoting:

> "He got up, presented the bill and took off and one would not have thought that a bill of such significance to this country's population, especially the youths of this country as has been indicated by the two previous speakers, would have received such scant courtesy from him. But this bill has been debated in the Upper House so there is not much for me to say. He did not even examine the problem of drugs and what he ought to do with it and I thought at least he owed this House that."

So when his team met in caucus to deliberate on this Bill, did he not tell his Attorney General that, at least, he should come here and tell us a bit more, than to sound as legalistic as he did? It appears as though what was good for him then is not good for him today. Everybody is busy now earning their well-being, their livelihood and serving the country as they do.

Mr. Deputy Speaker, we want to take a look at some of these issues, because we are submitting that it is simply not enough to make the law much more severe. Take for example a provision: if a person is convicted of trafficking, the sentence according to this Bill, moves from a minimum of 25 years to life; and the Bill says that "life" means "natural life". So if a person is convicted for an offence under this Bill, the Government is proposing that that person be sent to prison for life; his natural life, so the law says. If the law says natural life and a court convicts that man and sentences him to prison for life, it means that the court's jurisdiction is then over.

We are aware of the committee headed by a chairman, the Minister of National Security, for pardon and all of that, and we are aware that petitions could be made to him, but if the court says the man is convicted and sentenced to life, he goes before the committee for a pardon and he does not get it, then the sentence stands.

Mr. Assam: So you are sorry for drug dealers.

Mr. F. Hinds: I am not sorry for drug dealers. What folly is this? I am simply wanting to take note of a fact, and I will come to it; be patient. I am sorry for you, you squandered $81 million in a night.

Mr. Deputy Speaker: Will the Member speak to me, please.

Mr. F. Hinds: I will do that. I am sorry for our country for that. Mr. Deputy Speaker, the Attorney General said here today that they are prepared, according to this Bill, to deal with the person who has a certain amount of narcotics in his possession and there is no evidence to suggest that he has it for the purpose of trafficking. So that the person then has it in his possession for the purpose of consumption, presumably, because he is an addict.

The Attorney General said it, that he is differentiating, in that regard, between the person who has it, because he is an addict, and they are going to take a different approach to him as opposed to the person who has the same amount, but for the purpose of trafficking. Let us examine that very closely. On the one hand the first judge is the police officer. It is the police officer who must first decide whether he charges for trafficking or for possession; even if the person he finds with the drugs is a tattered, dirty and unkempt individual, looking like a vagrant in other words; looking like your typical drug addict.

If the police officer assesses that this person looking that way has the drugs for trafficking, he charges for trafficking and the matter gets to court as a trafficking matter.

Mr. Maharaj: If he has a certain quantity which is less than is prescribed by the Bill, then they would not be able to charge him with possession for the purposes of trafficking; assuming all things being equal. If he has less than the minimum quantity mentioned, even if he looks like a trafficker, the police would not be able to charge him for the purposes of trafficking. [*Interruption*] With less than the prescribed amount he can be charged for possession, but if there is evidence that even though he has less than the amount there is evidence that he was selling it, then he could be charged for possession for the purposes of trafficking.

So the fact that one has less than that amount does not mean that he cannot be charged with possession for the purposes of trafficking. But there would be persons with that amount or less than that amount, so you have to put a ceiling as to whether they have it as addicts or for the purposes of trafficking. You would want to put a different compartment of punishment for persons who have it for themselves and persons who have it for the purpose of trafficking.

Mr. F. Hinds: I am most sincerely grateful for your exposé on the matter. I understood you as saying earlier that even if a person has above the amount, once there is no evidence that he had it for the purpose of trafficking and because he was an addict then he would be convicted for possession *simpliciter*. That is how I understood you earlier.

Mr. Maharaj: As I explained it, if he had less than the amount, the person would normally be charged for possession, but if there is evidence that he is trafficking he could be charged for possession for the purposes of trafficking. But if he has more than the amount, he is deemed to be in possession for the purposes of trafficking, but he can rebut that presumption by evidence to show that he did not have it for the purpose of trafficking. So there is a presumption against him, but he can rebut that presumption; but the onus is on him.

3.40 p.m.

Mr. F. Hinds: We will accept that. We hope it works well.

Mr. Deputy Speaker, obviously the Government is taking a certain approach to the addict that presumably would raise questions in the court as to who is an addict. I may be wearing terribly nasty clothes, I may be a street dweller but I may not be an addict and I can come to court looking like that and easily escape the more serious consequences of my action, because I can say I am an addict.

If we are going to deal with the question of addict as opposed to the non-addict who uses it to sell, then it means we are probably approaching a situation where addicts in the society must be known to the society. Maybe there should be a process of registration. *[Interruption]* I am not raising the question of the addict, it is the Government who raised it, and I am saying that lawyers—as the Attorney General knows better than all—are very ingenious creatures, fascinatingly ingenious. If the Government is saying on *Hansard*, and we know that *Hansard*—according to the authority of Pepper and Hart of 1992 in a House of Lords decision said that *Hansard* could be used by the court to interpret what the law means. What the Attorney General has done today is differentiate between the addict and the non-addict and the Government is saying that it wants to treat the addict in a certain way, and the non-addict in another way.

Mr. Maharaj: I thank the hon. Member for giving way. The expression "addict" was used as an example, but the yardstick really is, are you possessed of the drug? Possession, or possession for the purposes of trafficking. In other words, if the person who is in possession of the drug wants to say that he did not have it for the purpose of trafficking, he would have to adduce evidence why. Assuming his defence is that he admits possession of the drug, he may say he had it, because he is an addict, or he may say he had it to give to a friend. I am just giving an example, but it is not for an addict or not. The fact of the matter is: are you in possession *simpliciter*, or are you in possession for the purposes of trafficking? There are two offences; possession *simpliciter*, and possession for the purposes of trafficking and the main reason for putting a different emphasis on possession for the purposes of trafficking is because when you are trafficking you are affecting the lives of other persons, that is why there is a different yardstick to that. It is not possession for an addict, it is just possession *simpliciter*. You may say in evidence that you have been on drugs, you are getting treatment and using it for yourself, but there may be other reasons you have it in your possession and it is not in possession for the purposes of trafficking.

Under the existing law, there is that distinction. It is just that there is an unrealistic amount in which persons who are not trafficking can be held in the possession for the purposes of trafficking and they are deemed to be in possession and an onus is put on them. What we have done is increase that threshold, so for the greater quantity, there would be a rebuttable presumption, but for the lesser quantity, the person would not have to go through that kind of proof.

Mr. F. Hinds: I accept the explanation yet again, but this is a matter of national concern. We are not taking an adversarial approach on this, we want to improve the circumstances in the country.

I ask the Attorney General, does this Government, as a matter of policy, recognize that there are addicts who need to be treated in a certain way as opposed to the force of the criminal law?

Mr. Maharaj: I think that the Minister of Social Development has said, time and time again, that the Government recognizes that it cannot deal with the drug problem merely by arresting persons, prosecuting them, and sending them to jail. The persons who are addicted have to be found and ways and means found whereby they would get out of this addiction. There are many programmes in place like the community policing and drug programmes and so forth and in a short while there are going to be rehabilitation centres set up in Piparo to reform the addicts.

In addition to that, we are to come to Parliament with a Drug Court Bill in which the court, a tribunal, would be able to monitor rehabilitation and this is a Drug Court concept used in the United States of America which was devised by the present Attorney General when she was in Miami. That concept in which rehabilitation is monitored by the court, where persons who are amenable to rehabilitation would have experts making reports on them. The court would examine the reports and if the persons are responding to treatment, they would be released with the right to monitor that treatment out of jail. There is a problem now where there are many drug addicts who are in prison and if they are not properly rehabilitated, at a certain stage, they will have to go out in society and it would be worse.

So to answer the Member's question, yes, there would be a holistic approach and one has to find innovative means, and one of the ways to do it is take that concept of the Drug Court Bill of the United States of America which is now being followed in Europe and said to have the greatest success in the rehabilitation of addicts.

Mr. F. Hinds: I am grateful. I want to quote the Prime Minister again as he spoke in that debate. He said:

> "If people do not demand drugs, there will be no supply. People are not going to make money from something that people do not want so that it is extremely important for this House to consider and debate whether we ought not to adopt a system that has been tried or is being tried in the United Kingdom, and that is to develop a system where drugs can be supplied legally to addicts."

The Prime Minister, no doubt, would have sat in caucus on the Bill that is before us and I would like to know, therefore, whether that continues to be the view of those on that side, whether the Government is contemplating at all, of supplying drugs to addicts as the Prime Minister had said in 1991. In those days he was wont to say anything.

Mr. Deputy Speaker: Hon. Members, the speaking time of the Member for Laventille East/Morvant has expired.

Motion made, That the hon. Member's speaking time be extended by 30 minutes. *[Dr. K. Rowley]*

Mr. F. Hinds: Thank you, Mr. Deputy Speaker. I have been generous enough to allow the Government to explain its position for the benefit of the debate and I will secure injury time.

Mr. Maharaj: Mr. Deputy Speaker, as I understand it, there has been an existing practice in Trinidad and Tobago in order to rehabilitate persons; it is the practice to prescribe some form of illegal drugs. I have been told that, and I have also been told that is the practice which exists in several countries. I have been told also that if you are going to have a rehabilitation programme, it cannot be suddenly taken away from individuals, it has to be monitored. It would seem to me if we are going to have a rehabilitation programme monitored by the court, it must be supervised and there would have to be some prescription regulated over a period of time.

Mr. F. Hinds: It is noteworthy in this Bill, as in the existing legislation, that cocaine is treated more severely than marijuana and other drugs as opposed to marijuana. The legislation provides more severe sentences for offences dealing with cocaine and other drugs as opposed to marijuana. To my mind, that reflects a policy position that marijuana is to be seen and treated differently.

Mr. Deputy Speaker, we are making law in this Parliament and I have had the opportunity to speak with groups of young persons throughout this country and they have raised questions about drugs. It is a fact that there are a number of songs, well-enjoyed and loved by young persons in our society that encourage the use of marijuana. I want to say from my own observations that in the communities in this country and perhaps around the world, the use of marijuana as opposed to cocaine is not seen as something illegal. The people know it is illegal and it is indeed illegal and I, or no one should encourage it because it is illegal. Even as defence counsel when anyone comes to me I advise them that it is illegal and it is therefore wrong and ought not to be encouraged. But the sense one gets is that it is not seen as something immoral in the community and, therefore, rather than take a strictly legalistic approach in dealing with some of these matters and this is very important, there has been produced not one, but several books on it.

There is a book, *The Making of a Drug-Free America* written by Mathea Falco who was one of President Reagan's top advisers in respect of the drug problem in the United States of America and she has come out of that experience saying that the approach of the United States which has proliferated around the world, is a rigorous approach to interdiction as opposed to dealing with the demand side. America deals with and tackles the drug problem from the supply side so interdiction is the key. Radar systems, speed boats, army helicopters—we saw some of them in Trinidad and Tobago recently. The point in issue is, she, as a person who ought to know, is saying that billions and billions of dollars spent by the United States of America on interdiction to attend to the drug problem has not paid off. It is not working. Common sense tells me if we legalize drugs, that will worsen the situation. There are those who feel it might be improved, but it is my own judgment it will not, because the law has a way of sending a signal to the community the way the bulk of the community views the particular activity.

If you make drug use legal, then you are sending a signal to the population that the society does not view it in a certain kind of way. To my mind, that is dangerous. If you decide that some people recommend it—because the debate has been raging for many years, and the Attorney General speaks in a legalistic manner with no concern for these matters. Like cigarettes, nicotine is a drug, alcohol is a drug and that raises the point of a kind of hypocrisy in our society. The whole issue with drugs is very hypocritical. There are those who are involved in illegal drugs who say they are hypocrites because they are selling alcohol that drunkens people, when they go home drunk they beat their wives, their children and make disruption at the work place and they want to interfere with other things.

There are those who argue that like cigarettes and alcohol you can make it illegal for those below a certain age group, but available to adults. That too would not work in my view because young persons being what they are may want to play they are big. Do you know some people smoke cigarettes to play big when they are teenagers? He smokes a cigarette by the shop so that the girls can see him smoking cigarettes and he feels he is a man and, therefore, the same thing may happen in respect of that. I am saying, in my view, it would not work but these are issues that we need to be contemplating.

3.55 p.m.

I want to suggest to the Minister of Social and Community Development who, I am sure, should join this debate. I am quoting Mathea Falco, bearing in mind that many young people in the society do not see the use of marijuana as something immoral. That is a fact. When someone gets arrested in their district

for rape; they frown on him; for stealing in some cases, they frown on him—they say, "that he get ketch with a little thing." That is no big thing among them. That is the reality out there. And if we want to put our heads in the clouds as Parliamentarians—*[Interruption]* I know it is; nobody is disputing that; but I am telling you the attitude of the mind of many of them and it is a question that needs to be addressed. *[Interruption]* I am addressing the Minister of Social and Community Development. *[Interruption]* The Chair, of course, through you. He is on his way out. The only thing he could give us in this House now is a dying declaration. *[Laughter]*

Mr. Deputy Speaker, I quote from Mathea Falco.

> "The 'social influences' approach to teaching prevention is very different from earlier efforts. Information about alcohol, drugs, and tobacco is still provided, but in ways young adolescents will react to more directly. Emphasis now is on short-term negative effects, rather than on more abstract long-term dangers. For eleven-and twelve-year-olds the fact that smoking makes their breath smell bad is a more powerful deterrent than the fear of lung cancer. As one drug-prevention teacher in a San Francisco elementary school said, 'It's often hard for us to remember that at that age, you think you really would rather die than have the other kids laugh at you. Social rejection is much more frightening than the seemingly remote possibility of death."

I have quoted that passage to demonstrate what those who are "in the know" feel, in terms of the way we need to be looking at the issues.

The people of Biche hog-tied a man a few days ago and, apparently, called the police, who caught the man and found marijuana scattered around the man. A fellow was shot in the bushes and one was shot to death. In fact, it may be that they did that because those fellows were acting in a manner inimical to their cause. Apparently, from the reports, the fellow had come to steal the marijuana. The issue was not that the marijuana was being planted. This is the point about the moral approach; the way people see the drug or the thing, because there are those who say it is not a drug. The point is, the fellows were shot, not because they were dealing with marijuana but because they were stealing the marijuana. That is the point.

So that what we need to understand is that the growth, for example, of marijuana, in particular, and in South America, Colombia, Peru and Bolivia and those countries is for economic reasons. Any attempt to deal with that must address the question of what do you replace it with. I have an article written again

by one, Jorge G. Castañeda. He teaches political science at New York University. He is depicting a situation in a place where I have a friend living; I met him at a conference in Washington some time ago. He is a lawyer, as well. He says that in Chihuahua, Mexico, farmers could grow corn and other legal crops on the hillsides but they will earn next to nothing for it.

[MR. SPEAKER *in the Chair*]

If, on the other hand, the farmers decided to grow marijuana or to grow the coca plant they will make substantially more money. So he is saying:

> "Still, marijuana is more profitable than any legal crop in a countryside that is breathtaking in its beauty but not really meant for men and women to live on…There are dozens of 200 or 300-meter strips in the area, and the planes fly so low that they cannot be picked up by radar, balloons or any other surveillance mechanism."

The point really being made in this article is, are we losing the fight against drugs? It is just that. It is an economic situation. So that, Mr. Speaker, these are matters that a Government must address if it wants to make Trinidad and Tobago a better place and it has to recognize that coming to talk about making laws more stringent simply would not fit. It would not work. You have to deal with the entire arrangement.

We spent much time today talking about trafficking, and we know people get caught in gunfire between drug dealers; drug dealers kill each other for turf and for all kinds of things. These are some of the issues that I would have expected the Government to address in an important matter—to quote the Prime Minister and the Opposition Member at the time, Mr. Basdeo Panday—but they do not have time for these things. The Government is responding to calls from outside Trinidad and Tobago, and Mathea Falco is saying that all the billions of dollars that the United States spends on attempting to deal with the problem, by way of interdiction, it appears not to be paying off. We are running headlong into the realm of interdiction. We are continuing and probably not giving serious thought to some of the other very important and relevant issues.

Drug dealing, Mr. Speaker, has been described—and while I was on the very course in Washington, one of our lecturers pointed out—and I have never forgotten it. Drug dealing is probably the best example of free- marketing forces that you could ever find. There would be no advertisements—you would not see any billboard on any highway; you would not see advertisements in any newspaper, but yet wherever it is available, those who want it, will find it. In fact, in any corner of the world you go, drugs would reach people who demand it. It is the best example of free marketing. Notwithstanding some hostility from state agencies—and I say, "some hostility".

Up to about a year ago, there was a big inquiry taking place in Los Angeles in the United States of America. They were looking at some of the activities that took place in the late 80s/early 90s in that city, where it was being argued by some of the protagonists that agencies in the United States—this was debated, I saw it on the television here. It was being suggested that in order to fund certain military operations in certain parts of the world, the drug trade was facilitating the money, and a blind eye was being turned in some parts so that it could be distributed. That is what was being argued.

In Trinidad and Tobago here, I can tell you, people are living in absolute fear. This question of drugs is no joke. There are people who are living in communities and are seeing drug dealing taking place on their doorsteps, as it were, and they are afraid to do anything about it. There are probably police officers who are afraid to do anything about it, because the scourge is so deep and so all-embracing. In some parts of the world the Judiciary has been corrupted by it; in some parts of the world the lawyers have been corrupted by it; in some parts of the world the police, the customs, the army and the coast guard.

It is a serious situation, Mr. Speaker, and people at the community level are living in fear. There are children who cannot go in the streets to run around as they ought to in their development. They cannot even play on the lawns at the front of their yard where they have them, because any minute now anything could happen. People are living under siege and the Government talks about crime reducing and that they have the thing under control.

I submit that this Government has made absolutely no impact on crime and, in particular, drug dealing in this country for the four and a half years it has been in office. None! Because cocaine is still available on all the dark, dirty, dank corners that exist at two and three dollars, I am told, for some. [*Interruption*] I mean, I am a man of the world. I know. I am a lawyer. I live in a society. I am a Member of Parliament. My constituents come to me. Constituents of the Member for St. Joseph do not come to him so he would not know. They have already abandoned him.

4.05 p.m.

Mr. Speaker, this is no fun, you know. This is a serious situation. I am challenging the Attorney General. As a matter of fact, two years ago I made a tour of the Attorney General's constituency. I was invited there by some of his constituents who told me that his seat is not unwinnable to the PNM. [*Desk thumping*] They brought me there for me to take a survey of the terrain because they said, as noisy as he might be, he is not the best representative they could have. They showed me clogged drains and they showed me unkept grass around the streets.

Mr. Speaker: I suggest you get back to the Bill. [*Interruption*] Order please, order please.

Mr. F. Hinds: Right in the Attorney General's constituency.

Hon. Member: When?

Mr. F. Hinds: I do not know. That was two years ago. I do not know if it still exists, but I told him about it in this House in another debate. They showed me a house with a tall wall, barbed wire all around the front, and they said, "Mr. Hinds, drug dealing still taking place right in there under his nose". So I submit and I challenge the Attorney General, he has not had, for all that he has done, any impact on the illicit and nasty drug trade in this country. In that regard he and his Government are failing and failing palpably. If they came on a platform of crime they will go on a platform of crime.

So, Mr. Speaker, the point here is that we support the main thrust of this legislation. I make one recommendation for the Attorney General. It was done in the United Kingdom. In order to deal with the question of possession and control, we need to give serious consideration to the institution and to give the police the authority, the legal framework and the equipment to conduct serious surveillance exercises, recording whatever they get. They do it now with infrared cameras at night, you know. They film, and by the time they come out of there and present the evidence in court, they have everything well sewn up and the dealers and all concerned were well secured, convicted and sent to the place where they ought to have been sent. Short of that we will continue to have problems.

So we support the measures in the Bill, subject to what I have told the Attorney General. Some of my constituents, as I prepared to speak in this debate, I consulted with. Some of them feel that to send a man to prison for the rest of his natural life, probably for his first conviction, is too severe. You see, Mr. Speaker, if a person is found with 15 grams of marijuana or less, he will be charged for possession *simpliciter*. If he is found with 16 grams—anything above 15 grams—he is going to be charged for trafficking. The sentences vary. When you talk about trafficking you are talking about sentences upwards of five years. This Bill now says, if one is convicted for trafficking the sentence is 25 years minimum to life.

Twenty-five years is a long time. One's natural life could be longer. I want us to consider an 18-year-old boy, Mr. Speaker, impoverished, a boy like Sinclair—what was the name of the little boy the Prime Minister found somewhere? Sean Sinclair. May his soul rest in peace. Fortunately for him he did not go the way of dealing with drugs. He sought to make his living in that place by the Churchill Roosevelt Highway and he lost his life there, after his hopes were lifted up by the Member for Couva North, who promised him goodies, who told him, "The PNM

did nothing for you. Call me Daddy". At the boy's funeral, one of his friends cryptically put it, and I shall attempt to quote—I want to remember. He said it is better to—anyway, I cannot remember the quotation but he poured scorn on those who mocked the little boy and fooled him and did nothing for him.

Consider the scenario of an 18-year-old impoverished East Indian boy from Couva North. He is seeing the drug dealers, in some cases, operating quite openly on the street corners. He is seeing their fancy cars. He is seeing all the gold and their conspicuous consumption of that kind of wealth. He is seeing them with wads of money in hand, and what is obviously very ugly and hideous to people like me he finds looks pretty and attractive as a young and inexperienced boy. Somebody persuades him, "Look, you could make a fast dollar if you push this thing here for me". So he takes it and he decides to take a chance. His mother and father would never be aware.

He comes down the street with his bag of cocaine or marijuana, or whatever he has. Constable Brown happens to be going by and captures this 18-year-old boy with 17 or 16 grams. He is convicted and the magistrate or the court—it does not always happen because pleas in mitigation are often made. However, if the magistrate decides this is a case that warrants a sentence of 25 years, he spends the next 25 years of his life in the prison. If the magistrate or the judge feels that he should spend his life there and they pass the sentence of natural life, that young man, who has never had a previous adverse contact with the law, it is open to the court to sentence him to life imprisonment.

I personally find that that could be a bit severe: overdone. It is inconsistent with the dictates of the Qur'an; it is inconsistent with the dictates of the Bhagavad Gita; it is inconsistent with the dictates of the Torah and certainly the Christian Bible. We must be merciful. "Blessed are the merciful for they shall obtain mercy". [*Desk thumping*] Is the Member for St. Joseph asking me about justice? He spent $81 million of our money and has not accounted for it. What is the justice? Mr. Speaker, we find that proposed sentence severe indeed and I think that the Attorney General ought to stop, go on pause for a moment and give thought to this thing. We probably need to consider some kind of age threshold. Something ought to be done about that because it can be very, very harsh indeed.

As I speak about the Christian Bible, if the Christians decided to say now, on the basis of that kind of policy from the Government, not the least as well—as some have said about clause 7 of another Bill that is causing troubles in this country—that this kind of behaviour is wrong, it is immoral, would they be offending, intimidating or insulting the Government? Would they be punishable under the Bill that is engaging the attention of the Parliament, the Equal Opportunity Bill?

Mr. Speaker, the New Testament, I discovered this morning in a bit of reading, describes in one part of it, any religion other than those that come through Christ to God for salvation as false. It says so in bold terms. We must be careful in this legislation and in others that we do not render the New Testament almost a seditious document. So I say, using the Bible and all the other holy books in support, we have the right to criticize. Criticism of a government about a Bill like this or of a religion or of another group, or anything, is quite legitimate. In fact, it is to be encouraged. It is so we grow.

In conclusion, Mr. Speaker, we on this side are supporting the Bill. The Attorney General announced, and we could read it, that this Bill requires a special majority. He can be assured he would have it but we would like him to give thought to some of the issues that we propose to raise in this debate and we offer them for the Government's due consideration. Mr. Speaker, I thank you. [*Desk thumping*]

Mr. Barendra Sinanan (*San Fernando West*)**:** [*Interruption*] Sorry, Mr. Speaker. I thought the hon. Member for Chaguanas was about to make an intervention. I rise to make a brief contribution and to support the legislation before us.

In this country we have seen an increase in drug trafficking and in the drug trade, and any measure the Government would bring to the Parliament to curb that is welcome. However, in saying that, I must then lend support to my colleague, the Member for Laventille East/Morvant, when he indicated that perhaps some consideration should be given in terms of young offenders. He cited an example of an 18-year-old child or boy, but that child could be 12 years old, and we have to look more at rehabilitating than punishing a young offender. I put to the Attorney General that somewhere in the legislation we can look at rehabilitating a young offender instead of sentencing that young offender to even 25 years or life imprisonment.

What we will be doing there is destroying a person's life. People do change. Somebody is guilty, they make a mistake and that person can repent and see the way through the assistance of some social or rehabilitation programme. That person can turn out eventually to be a very good citizen. Mr. Speaker, I have said this time and time again in this House and, in particular, this is a classic example here. Here we have good and warranted legislation, but who enforces this amendment to the Dangerous Drugs Act? It is the magistrates and the judges. In order to assist them in carrying out their function of presiding over their courts and implementing the law, it is absolutely necessary that we give the Judiciary all the support that it requires, [*Desk thumping*] in order to carry out the intent and the will of the people, so to speak.

In doing so, Mr. Speaker, I must remind you and the House that there still are, in the Judiciary, very archaic systems and these systems are very well known to the Attorney General and to you too, Mr. Speaker. There still exists a system in the Magistrates' Court and in the High Court where a magistrate or a judge has to take down in long hand every single thing that is said. Now, obviously, this creates a problem for the magistrate because he has to concentrate for perhaps three and four hours. After that time his memory goes, his capacity to concentrate weakens. When we see, in this country, money being spent the way this Government is spending, I am really disappointed that the hon. Attorney General, whilst he is facilitating the passing of good laws, has not seen it fit to finance the administration of justice with respect to finding the tools by which the Judiciary can function in a speedier and better way.

4.20 p.m.

Mr. Speaker, I am told that in the High Court—and when I say the High Court, I am including the Appeal Court—there are only two palantypists for that whole court. Now, I may be wrong, that is my information.

Mr. Hinds: That is true.

Mr. B. Sinanan: Again**,** here it is that the whole High Court including the Appeal Court has two palantypists. We need to find the money to train more palantypists and to equip each court with a palantypist. Additionally, judges and magistrates should have legal assistants. In other words, judges must have a qualified lawyer and that was started off, I think, sometime in the reign of this Government, but again I think it is just about two or three people. So judges must have legal assistants to help them and magistrates must also have the same facility. There should be research officers to assist judges and magistrates and it is only then when the Judiciary is fully empowered that one can see that these laws can be implemented and implemented successfully.

Again, here we are debating drug laws and there is a situation where at the Forensic Science Centre there is a lack of staff. I see here the Attorney General has attempted to—I think it is in section 29—take a practical approach and this is good. There is the narcotics film or videotape and that is a good step but yet still, there is a lack of people at the Forensic Science Centre. Again, I do not know what is the reason people are not attracted there, but we need to have people there because it is the forensic scientist who would determine whether a substance is cocaine, flour, marijuana, green tea or whatever it is, so that we must see an institution like the Forensic Science Centre being properly staffed.

Mr. Speaker, again, in that same vein of enforcing the legislation, I think the Attorney General himself has admitted that in his department, the professional staff—not in his department sorry—in the department of the Director of Public Prosecutions—there is a very high turnover of staff. There are lawyers there and they go chiefly for the experience and they are badly paid. I think I have made that point before and I think the Attorney General has recognized that we need to pay professional people in the Solicitor General's Department and in the Director of Public Prosecutions Office a proper salary in order to attract and encourage them to stay because these are the lawyers who have to prosecute in the courts.

Mr. Speaker, when some of these lawyers are very inexperienced—because they are just out of law school, maybe two or three years into practice—they cannot come up against the likes of the more senior members of the criminal Bar. So there is an injustice in that sense, where there is somebody who may very well be guilty, caught red handed as it were, but because that person has the money to hire an experienced criminal lawyer who will tie up a junior person in the Director of Public Prosecutions Department, that person who is charged for some major drug offence gets off. It is in cases like that where there is a serious drug offence that the Director of Public Prosecutions could give a fiat to some other private attorney to prosecute.

Indeed, I recall the hon. Prime Minister saying when the hon. Attorney General was appointed that in his private practice, the Attorney General defended these criminals so that he is the person best suited now to pass the laws. *[Interruption]* I am suggesting to the Attorney General—in the dying stages of this Government—perhaps, he may wish—as it is his right—to prosecute in the courts of this country. That is something, I do not know, I think the last time that we have seen that done was with the President of the Bar Association, Mr. Hudson-Phillips in the Malick case. Perhaps, the Attorney General, meaning to go back into private practice, I am suggesting to him that this is a good opportunity for him to sharpen his skills, so that when he gets back there in the space of two or three months he would not be green.

Mr. Speaker, sometimes a good defender does not make a good prosecutor and a good Attorney General would not necessarily make a good defence lawyer. So, for four and one half years here, I am suggesting to the Attorney General that perhaps his prosecution or defence skills may be severely weakened. So the Attorney General could take the opportunity to certainly sharpen his skills by prosecuting in the courts of the country.

Mr. Hinds: No, he wants to pay foreigners.

Mr. B. Sinanan: Mr. Speaker, as I said before, my input into this legislation is simply to say, yes, we support the Bill, but I want the Attorney General and the Government to put the courts in a position whereby they can certainly implement this legislation. It is good legislation. In this country we have seen the scourge of the drug pushers and those who peddle drugs for money. It is something we must abhor as a society but it makes no sense passing this legislation if the people who have to implement it, that is to say, the police, magistrates and judges do not have the wherewithal to carry out their functions under the law. As I said before, the Government must look at certainly attracting good quality legal people in the several different departments by paying them properly, so that by doing that it makes the legislation implementable. It is no good passing legislation and because of some defect in the process, the legislation does not have the effect that one hopes for.

Mr. Speaker, I always wondered something—and, perhaps, the Attorney General in winding up can address it. Recently, I read in the newspapers—I think it was yesterday—where it was one year since Dole Chadee and others were hanged. I see we have a Bill coming up here which deals with confiscation. But I have always been told—and I think the Attorney General has mentioned it—that Dole Chadee, for example, amassed quite a large fortune from the proceeds of his activities in the drug trade. He was not convicted and my understanding is that if you are not convicted of an offence under the relevant drug trafficking laws, one cannot go after the property gotten from the proceeds of the drug trade.

Here it is, I think in that particular case of Dole Chadee, he was hanged without being convicted of a drug trafficking offence, hence the state was not in a position to go after all his illicit gains and proceeds from the drug trade. I would imagine the same thing would have applied to all those 10 others who were convicted. I think the only person who that legislation went after was some chap called Manthur I think it is, or Ramdhanie or something like that.

4.30 p.m.

Again, what I am saying is that yes, with respect to the people who benefit from this drug trade, one should certainly go after the property that they get from this illicit trade, and whatever they amass from that trade should be used to rehabilitate, as, indeed, the estate at Piparo is being used to rehabilitate drug offenders.

Mr. Speaker, we on this side support the legislation. We ask just two questions. First, that the Attorney General give some consideration to the effect of this piece of legislation on the young offenders, because I think it is an injustice to them and the society to punish young offenders in such a way. Secondly, that the Government empower the Judiciary in order to fulfil this legislation.

I thank you very much.

Mr. Speaker: Hon. Members, the sitting is suspended for half an hour.

4.32 p.m.: *Sitting suspended.*

5. 03 p.m.:*Sitting resumed.*

Mr. Roger Boynes *(Toco/Manzanilla)***:** Mr. Speaker, I rise simply to make a few observations on this very important piece of legislation that is before us. We all in this House appreciate the need for this piece of legislation. We are all united as to the effect and impact that illicit drugs have on our society. That is why the two speakers before me indicated that we on this side are in support of any measure that will go towards curbing and eradicating this menace, this epidemic that is plaguing our beautiful twin-island state of Trinidad and Tobago. We recognize that this is an epidemic.

Trinidad and Tobago, in our opinion, is one of the most blessed nations in the world. We exist in a plural society where every creed and race finds an equal place. We exist in a society where even a hurricane passes between Trinidad and Tobago without a dent or a scratch to either Trinidad or Tobago. We know the importance of the blessed nature of our society. We no doubt appreciate that we need to use everything in our power to protect our twin-island state. We all need to come together, Mr. Speaker, and join in the fight to eradicate this menace called drugs, because what this menace is, in fact doing, is poisoning the minds of our young people. It is taking out the creative fire from the young man!

Regardless of the fact that our country is blessed with many natural resources, be it methanol, the Pitch Lake, oil, natural gas, ammonia, steelband, calypso, chutney, beautiful women—and I no doubt appreciate that the Member for St. Joseph will agree with me—we are blessed with a lot of natural resources, but our greatest resource in Trinidad and Tobago is our youth; the young men and women. We have to be in a position to save the minds of the young men and women from this illicit drug so that we can be able to shape the talent and the energy of the youth using the wisdom and experience of the old to make Trinidad and Tobago a better place for the good of all.

Mr. Speaker, how do we do that? We do that by passing legislation as one aspect of it, but do you know what the young men and women are saying? They are saying that we will pass the legislation today in Port of Spain, but when it comes to the actual implementation of the legislation, like this one here; when it comes to the actual implementation of it, they are saying that there are laws for the rich and then there is a separate law for the poor.

That is what the youth of our nation are saying, Mr. Speaker, when they see a matter that appears before the court where a man is charged with possession of marijuana *simpliciter*—simple possession—and he is found guilty at the magisterial level, the matter is appealed and it goes up before the Court of Appeal where all sorts of legal gymnastics take place so that they could reprimand and discharge, under section 71, that man who was found guilty at the magisterial court level, so that there is no conviction recorded against this man. That is what the youth are seeing.

When a young man from the hills of Laventille or from the plains of Caroni goes before that very same magisterial court, he is found guilty. He is fined or he is imprisoned and that is the end of that. So, he feels now that there is a separate law with respect to the application, the implementation, for the rich, and there is a separate one for the poor.

Just a few days ago, I happened to be in a particular court in this country, and I observed while sitting at the Bar table, that two young men came before the court and they were charged with trafficking two pounds of marijuana. They were both given a hefty fine and ordered to pay forthwith. Needless to say, these two young men were taken away and had to spend several years incarcerated.

5.10 p.m.

Five minutes after, I observed two young men from Westmoorings come to that very same court. They were charged with possession of seven pounds of marijuana for the purpose of trafficking. Do you know what happened, Mr. Speaker? They were reprimanded and discharged; no conviction registered against them. That is what the youth are seeing. That happened a few days ago.

Mr. Assam: So there is need for inquiry into the administration of justice.

Mr. R. Boynes: I am giving facts. These are facts. I am saying that the young men are seeing these things and it is not right. We all have to join in the fight against illegal drugs and justice must not only be done, but it must manifestly be seen to be done fairly and squarely, Mr. Speaker.

I am simply suggesting that when we look at this, when this is brought to the attention of the state, the right thing should be done and it should be sent to the Court of Appeal to be dealt with: that justice is not only done, but is also seen to be done.

There are other matters. A lawyer was charged with possession of marijuana.

Mr. Bereaux: He is a Queen's Counsel today.

Mr. R. Boynes: When the matter was appealed by the state, what did the magistrate do? Well, the magistrate died before giving reasons and the Court of Appeal decided to dismiss the matter.

There is another matter where another lawyer was charged with possession of marijuana and upon a no-case submission being put forward on his behalf, the no-case submission was upheld. The state appealed. It went to the Court of Appeal, they reversed the decision and ordered a retrial.

I am saying simply that when you look at what the young men are seeing, we have to be careful in the actual implementation of justice in Trinidad and Tobago. These are facts. It is nothing to be playing political games about. These are facts.

Mr. Speaker, we on this side wish to commend the police on their recent two major busts on illicit drugs—two major, successful raids that they conducted whereby they seized foreigners and placed a dent, to an extent, in the drug trade in Trinidad and Tobago. I wish to commend the police for so doing. That is very good because what that shows is that Trinidad and Tobago is a major transshipment point.

When you look at the kinds of narcotics that the police have seized, this place is a major transshipment point. When you look at all the various points at which these persons in the drug trade can end up on our shores, at all different points, are we really doing enough to curb the illicit sale and distribution of drugs in Trinidad and Tobago? I contend, Mr. Speaker, that we need to do more. There are whispers all over the country that there are speedboats, a dark one, a black one and a grey one, that outrun the Coast Guard boats.

Mr. Ramsaran: You are now hearing that!

Mr. R. Boynes: Well, I say there are whispers all over the country and the Member for Chaguanas knows that and he knows it very well.

Mr. D. Singh: You have to get a faster boat.

Mr. R. Boynes: What are we doing in order to deal with that? Since the Member for Chaguanas knows about it fully well. Are we getting a faster boat? We need to be able to focus on some of these things in order to curb them from a practical perspective.

I wish also to commend Miss Annette Lewis formally. She is the officer at the Forensic Science Centre who analyzes the illicit drugs, cannabis or cocaine, as the case may be.

Mrs. Robinson-Regis: Arlette.

Mr. R. Boynes: Arlette Lewis, I am guided. She analyzes all the various drugs at the Forensic Science Centre. It is one person assigned to this so she needs some more assistance in that department, Member for Couva South, because there are many matters that can be dealt with more expeditiously at the various courts in Trinidad and Tobago, but because the exhibits always seem to be at the Forensic Science Centre, the matters drag on and on in the various courts. So, we really and truly need—and I tend to agree with my colleague, the Member for San Fernando West—to look at the staffing of these various departments in our fight to deal, from a practical perspective, with the illicit drug trade.

Mr. Speaker, in our fight against crime, we also need to look at the whole aspect of how we deal with the whole situation of crime. In the town of Valencia, for instance, much more could be done, but one of the problems with that police post situated in Valencia is the fact that there is a lack of vehicles there. So, persons who would be peddling or plying in this illicit trade could do so freely without the fear that a police officer, upon being called, could then reach immediately because he knows there are no police vehicles at the police station. I am saying, if we are serious, Valencia Police Post needs a vehicle, or needs some vehicles. There is one vehicle that is supposed to be located permanently at the Valencia Police Post, but that vehicle is used to transport prisoners so it is hardly ever at the police post. We are asking, through you, Mr. Speaker, if we are serious about dealing with this illicit drug trade from a practical perspective, we need vehicles there.

While I am on that, Mr. Speaker, the police in Valencia do, in fact, need to be serviced with vehicles. Recently, about two weeks ago, neighbours saw masked men waiting for the councillor for the area. The policemen had to actually walk very, very far to go to his place to chase these would-be assassins. I wish also to commend the police officers, but had the councillor been living further from the police station than where he is presently residing, then Lord knows we may have been having a by-election in the Valencia area.

I also indicate if we are serious about dealing with this drug problem that is plaguing our nation, we need to look at the police and the accommodation for the police, because from Matelot to Matura and then to Manzanilla, the police stations are in very, very dilapidated conditions. I am using my parliamentary time at this moment here to indicate that if we are serious about dealing with crime, we should look at where these police officers are housed and ensure that they are given the right resources, the tools of the trade and the right equipment so that they can perform their jobs efficiently and effectively.

There is also need for proper management in the various stations. Gone are the days when one will call the police station to say, "Look, there is a bandit in my house", because the police will say, "We cannot come at the moment because we do not have any vehicles." We really need to deal with these problems because today they exist and we have to stop playing games. Gone are the days when someone goes into a police station to report a crime. We have to ensure that the whole internal structure is such that when somebody goes into a police station, he must feel that he is in a professional institution; he must feel that is the best friend he has had in a long time; he must feel comfortable to give information to the police so they will in turn be able to know which block to raid, to know where to solve crime. These are the things we need to be focussing on if we are to deal with the whole situation of crime in a very serious manner.

These are just a few of the points that I wish to raise at this point in time, but our position is quite clear, we know that this is a menace. We are indicating to the other side that we are giving our full support to Trinidad and Tobago, because this is a menace. Illicit drugs are a menace to the well-being of our society. It erodes the moral fibre that holds the society together. We on this side will definitely give our fullest support to this piece of legislation.

Mr. Speaker, I thank you.

Mr. Hedwige Bereaux (*La Brea*): Mr. Speaker, I wish to join this debate to make a very brief contribution on the Bill to amend the Dangerous Drugs Act, 1991.

It has been said on this side that we will definitely support this Bill, however, the hon. Member for Laventille East/Morvant indicated there were certain reservations, notwithstanding our general support to the intention of this Bill and I just want to deal with some of those.

I want to go back a bit in history. Mr. Speaker, you will recall—I think all students of law learnt of the constitutional matter—the case called Lord Haw Haw, where he was tried for treason. He had obtained a British passport illegally, by fraud, and during the war, he broadcast propaganda to the British on behalf of the Germans. When he was tried in England for treason, he was found guilty, but we all know in legal and jurisprudential principles that if you did obtain a passport illegally, you could not be tried for treason because you were not really a citizen of that country, but the judges at that time, coming right after the world war and the rigours and all the acrimony that went with the second world war, found a way to do it and said that he had clothed himself with the Union Jack. Later on, when the legal professors tried to explain that, they said that in times of great stress, lawyers, the courts and the judges sometimes make serious jurisprudential errors.

We in this country today are facing a similar time of stress, a time of stress in respect of the drug trade and the drug menace. They say serious problems require serious measures, but whenever we take serious measures, we must always look at the jurisprudential basis of what we are doing.That is why they make it obligatory for lawyers to do jurisprudence, because law must have a philosophical underpinning, and we have to be extremely careful as to what we do.

5.25 p.m.

You hear people talk about Singapore and what they do, they kill, and in some of the Islamic countries they kill people for drugs, and they do a number of things. Those are interesting and sometimes attractive options when faced with the harm that the drug trade and the drug menace does. I think we need to look at this thing carefully.

Firstly I want to look at some of the examples. Here we have in the new section 5, I quote:

> "A person who cultivates, gathers or produces any marijuana, except where he does so under a licence granted under section 4 or where he is acting under the supervision of a person having such a licence, commits an offence and is liable—
>
> (a) upon summary conviction to a fine of twenty-five thousand dollars and to imprisonment…"

Mr. Speaker: Excuse me, Members for Tobago East and St. Joseph, could you speak a little softer please.

Mr. H. Bereaux: "…and to imprisonment for five years; or

(b) upon conviction on indictment to a fine of fifty thousand dollars and to imprisonment for a term which shall not exceed ten years but which shall not be less than five years."

So we have, Mr. Speaker, if one plants an acre of marijuana, regardless of the value of that marijuana, you have it there and they catch you planting it, or in the field after having reaped it, one either pays five thousand dollars or serves five years or both or however it is. And, if one plants two or three acres and it seems to be a very serious crime, on indictment, one pays fifty thousand dollars or serves ten years. That is what one would pay.

Then there is another situation, I know there is "pot" planting and so on, but I am going to leave that out because, although the possibility is that it can happen here, I do not know that we do have a situation where people are planting "pot".

We go now to trafficking. Clause 7 states:

"Subsection 5(9) of the Act is repealed…

(9) A person, other than a person referred to in subsection (2) found in possession of more than—

(a) twenty grams of diacetylmorphine (heroin);

(b) ten grams of cocaine;

(c) five hundred grams of opium;

(d) thirty grams of morphine; or

(e) one kilogram…"

which I think is two and one-third pounds.

"…of cannabis or cannabis resin,

is deemed to have the dangerous drug for the purpose of trafficking unless the contrary is proved, the burden of proof being on the accused."

In that instance—let us deal with the one kilogram of cannabis—clause 6 states:

"(5) Subject to subsection (7), a person who commits the offence of trafficking in a dangerous drug or of being in possession of a dangerous drug for the purpose of trafficking is liable upon conviction on indictment to a fine of one hundred thousand dollars or, where there is evidence of the street value of the dangerous drug, three times the street value of the dangerous drug, whichever is greater, and to imprisonment for a term of twenty-five years to life."

There must be some sort of disparity here. A man plants acres and he has pounds of it, maybe a bag full, and he is liable to be charged five thousand dollars and serve five years, or he is likely to be charged fifty thousand dollars and serve ten years, and you have a man, another person, who may have two pounds. He is deemed, unless the burden of proof is upon him, to have had it for the purpose of trafficking, yet that person has to pay one hundred thousand dollars and is imprisoned for a term of twenty-five years to life. I am going to deal with life itself in another point, but I just want to get that comparison down pat. It appears that there is a serious disparity there. If it is the hon. Attorney General tells me that this Bill is intended to discriminate or to lean against the planter because it is agriculture, well then I could take that. I take it, but I do not agree, but I say I will take it.

We go down and we see twenty-five years. Further on we see crime. The only one I tend to be a little—although I realize I am going to be off course, to some extent—is where one is near a school. I do not have children going to school anymore, but I am seriously concerned about that. We have a situation where you have twenty-five years to life, and we have terms of not less than twenty-five years and another, one hundred and fifty thousand dollars or a term of thirty-five years to life. Mr. Speaker, that in itself, there is, as I said, some serious concern about why is it we need to have this disparity.

I want to go on to the definition of "life". Now that I have looked and I have pointed out the disparity, I want to leave that. I want to go to the definition of "life". Clause 4(a)(ii) states:

> "by inserting after the definition of the word 'import' the following:
>
> '"life"' means the natural life of a person'"

It means, Mr. Speaker, when you have life, it means for the rest of your natural life.

The hon. Member for Laventille East/Morvant indicated, to some extent, the harshness of an 18-year-old getting life, meaning "natural life." I want to go even further than that, notwithstanding the comments made by the hon. Member for Toco/Manzanilla, I want to say that it is standard jurisprudence that you do not take away, as far as possible, the discretion of the judge or the judicial officer. First, the concept of minimum sentences, although we could have some leeway, is in itself, bad. Secondly, we are saying life and natural life. Life means for the rest of one's natural life.

Let us look at another heinous crime. A crime of murder or manslaughter—it is said that murder is the unlawful killing of a human being with malice aforethought. With the *Pratt and Morgan* decisions, it is well known and has happened in this country, that persons have had their conviction for murder commuted to life, because of the time delay and so on. It has happened before; it is likely to happen again.

5.35 p.m.

But life in that sense, I understand—and I stand corrected if somebody can tell me differently—is 20 years, and even if on some occasion where another person kills, sometimes voluntarily, and claims there is some diminished responsibility, or involuntarily, but he is still convicted of manslaughter, a life has been lost. I know some people are going to tell me that a number of lives are lost as a result of the drug trade and that a number of things happen, but can we here as legislators—notwithstanding the great pressure that is brought on us, the hurt and the tremendous trauma that we see with the drug trade—really be looking at going that extra distance introducing into our jurisprudence the concept of minimum sentences, which I have spoken of again and the concept of life meaning natural life?

I want us to be careful and let us not say in times of great stress and trauma—What we are doing here today, if we pass this Bill in its present form without certain changes to soften what we are doing, I seriously believe that we, maybe not we, but our children, will be seriously embarrassed by what we are going to do. I am always dealing with and looking at posterity and trying to see how posterity is likely to view us when we deal with matters of this kind.

I have no doubt that some people who are going to be convicted as a result of the stiffer fines and penalties for drug trafficking and so on, deserve it, but I believe that what we need to do is to put into the legislation some mechanism. There is always the principle. If we want to hamstring or in some way circumscribe judicial officers, let us do it with a degree of certainty. I am the first to recognize that the law, like the rich, is open to all men who could pay.

I know, in this same country here, as late as this morning I was in court and I saw a poor young woman from Cumuto or wherever it was, who had stood bail for a person for $10,000, the person absconded and the magistrate was threatening to take that bond. I had to speak on that person's behalf. The reason I did it was because I recall that in this very country the Chief Magistrate—and I make no bones about, if I could recall, when lawyer Jagdeo Singh absconded—did not take Senior Counsel Jairam’s $250,000. He did not do it. [*Interruption*] Whatever it was, $150,000 or $250,000 or whatever, I am using that figure. I am aware that that can happen.

I really do not care whether or not the man loses his money or anything like that, I am just saying that I am aware that there are different strokes for different folks sometimes. But more importantly, [*Crosstalk*] I believe that whereas I do not want a big drug dealer—[*Interruption*]—gentlemen, I will vote alone against this if you keep disturbing me. I am making a serious point and—[*Interruption*]—you shut up.

Yes, Mr. Speaker, the point I am making is that I do not want a big drug dealer to escape because he is able to manoeuvre and manipulate the system. That is why I am saying, let us look at the convictions, the quantity of the drugs involved, put something to deal with that, put something to deal with the prevalence, the second offence, or the age of the offender. We can think of a number of ways. I see the learned parliamentary counsel there. I am certain they could look at a number of ways, with the learned Attorney General. They could look at things like the quantity of the drug in excess, the age of the offender, the circumstances and what not, and see if there is not a way to graduate this so that we do not run into it.

What we are doing is importing a foreign—I do not know in the English system whether there is any situation of a life sentence for the rest of your natural life. I do not know that there is any such; I stand guided. I know in the American system you have it, but you have many sorts of things in the American system.

What we need to do is look at this sentence and determine how we could try to circumscribe certain offences like in the Bail Act where, if it is your second offence in certain heinous crimes you would not get bail or you would have some difficulty; you may have to go before a judge in chambers. Maybe we could do some little thing like that. Maybe in the committee stage we could look at it, but this Bill, the way it is, I think we have got to definitely look at it again.

Mr. Speaker, I want to continue. I have great respect for the police in this country. If the police were not good, generally, most of them, we would not be able to stand around here; we would be subject to the law of the jungle, but the police are only human. I have had—without proof, without evidence—too many people going into the box and swearing—not saying that they did not have it, but that the quantities they were allegedly given—I have no proof of it—are way in excess of the quantities that they had. Some would lie and say that they had none, but whatever is the case, the law says it is better that a number of guilty people escape than one innocent man be convicted.

I think here today, we have got to get over the rhetoric, the trauma and sit in discussion on this matter in a way that would redound to the benefit of Trinidad and Tobago and in a way that we can all feel proud when we leave here. There is no need for the Bill to fail, because we want to pass it but, definitely, to pass it in its present form with the way the sentences are arranged, is totally, totally, out of sync.

I want to point out again that the constituency in which the largest amount of marijuana is planted—I see the Member of Parliament for that place is not here—but do not believe that what I have said will escape the view of the public at large and it will not. I do not believe that it is the intention of the Attorney General or anybody to ease up any one area, but it clearly looks here as though you are easing up the planters at the expense—or should I say—while penalizing other people.

I want us to look at it. I am going to leave it there and maybe we can deal with it in the committee stage, but the Bill in its present form, the penalties are jurisprudentially unsound.

Thank you.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I thank the Opposition Members for their support for the principles contained in the Bill and I have noted their concerns.

If I may deal first with the comments the hon. Member for La Brea has made, he referred to clause 5(3) which deals with the cultivation of marijuana. When I was making my presentation on this Bill I indicated that we left untouched clause 5(3) which was in the parent Act. In the parent Act there is the situation where the fact that you cultivate is what is regarded, it did not relate to acreage. The parent Act has that the person who cultivates—it is the same thing. With what has been done with this kind of legislation, it would be very difficult to say, well, if you cultivate one, two, three, four or five acres—that is why the court is liable for either fine and imprisonment or fine or imprisonment.

What I think we can do, if I take what the hon. Member for La Brea or the Member for Laventille East/Morvant said, it may be that in order to protect the young offenders we can put a special clause that if one is 18 years or under, the court could have the discretion not to impose the penalty contained in the Bill.

Mr. Bereaux: I would say 21 years.

Hon. R. L. Maharaj: Twenty one years; so we could work out something like that.

Mr. Bereaux: I am sure we could.

Hon. R. L. Maharaj: In respect of the minimum sentences, I take the hon. Member's point, but in many of these laws now you have these minimum sentences. I, therefore, decided to look into it. What I can tell the hon. Member is that in countries which have written constitutions, like the United States, they have held that minimum sentencing is not unconstitutional. I will give you the references.

Mr. Speaker, there is extensive authority from the United States of America to support arguments upholding statutory minimum sentences; for example, the United States and Brockston, 926 Federal 2D. 1180, District Circuit Court 1971; the United States and Hoyte, 879 F. 2D. 9 Circuit Court 1989. The United States Supreme Court has held that the Constitution does not guarantee individualized sentences, except in capital cases. In a case there is Locket and Ohio, 438 United States Report 586, 1978. So that from a constitutional point of view—I am just talking from the legal point of view—minimum sentencing is not unconstitutional. But I take the point that in relation to young people that, probably, we should put a safeguard. The young person, as we said, should be under 21 years or whatever we want to do.

Mr. Speaker, I think the hon. Member for Laventille East/Morvant—[*Interruption*]

Mr. Hinds: It just occurred to me that maybe the Attorney General could consider, on that point, establishing—although the argument was not that minimum sentencing was unconstitutional, that was not the argument—but rather it was a suggestion that it would have been Parliament intruding on the realm of the Judiciary, in that context. But in respect of the young offender maybe the Attorney General may want to consider a minimum sentence, but not the 25 years or life, in the circumstances.

5.50 p.m.

Hon. R. L. Maharaj: Mr. Speaker, we will think about it, but it may be—and I will ask him to reconsider this—that in respect of that you could probably give the court the total discretion and see how it works, because the court could then look at the antecedents, the background, the circumstances and all sorts of matters.

Mr. Bereaux: As much as I have great confidence in the court, I believe we have to show that we mean what we are doing. I definitely think that a man who is picked up with $1 million worth of cocaine and gets away with a little sentence because he cried to some judge should not happen, not that I am saying it would

happen. That is why I am saying we could look at—just as you look at repeat offenders—the quantity of the drugs with which a man is found. If here is made a transshipment port and he is found with $2 million in cocaine, it should be life for him. That is how I see it. We do not necessarily have to do it here.

Hon. R. L. Maharaj: Mr. Speaker, we should consider that, and maybe do it for a first-time offender, but if the person is a second-time offender, there may be different considerations.

Mr. Imbert: Could I ask the Attorney General, firstly, if it is his intention to come back with amendments? Secondly, if not, if he wants to deal with it today, the sentence for trafficking now, I believe is 10 years and, therefore, could you not make a minimum of 10 and up to 25 years? That is a proposal I have.

Hon. R. L. Maharaj: Mr. Speaker, I was hoping that we would have been able to sort it out today, but I want to say that one of the reasons this has been on the cards is that there have been many cases in which the courts have given very lenient sentences. In convictions where there has been a large turnover of drugs, one would see the comments made by the public and the editorial about these matters. Having said that, we still do not want to take away a discretion of the court in respect of young offenders.

Mr. Speaker, the other point made was with respect to “life means life”. What has happened in respect of the death penalty matters, there has been in Trinidad and Tobago as I mentioned in another debate, that some sort of practice was developed that when someone is sentenced to life imprisonment, the prison authority, without reference to anybody, developed a practice that after 10, 15, or 20 years the person is released. I met that there and what has happened in order to beat that practice, when the sentence is commuted for a period of years which would be in excess of a person’s life, that was done on the basis of advice I got in order to deal with that, and the policy is where you say life to mean life.

The court would sentence you to life if it is life. If you do not mean life, you put in the legislation, from so and so years to life imprisonment, but as you know, the state always has a discretion after the person is convicted to free a person after a certain number of years after viewing that person’s behaviour—whether it is 25 or 30 years. There is a procedure in the prison that there is a report every five or ten years when the prisoner is monitored and that is submitted automatically to the Mercy Committee under any particular administration and that is what happens. So that is the context in which life imprisonment has been put in order to mean life.

Mr. Speaker, I think I owe a duty to say that one of the things that has been found to really encourage the drug trade—if I may use that expression—is that if the sentencing is very low, it would mean that people could decide, "I will take the risk, spend ten years in jail, still probably operate while in jail, or other persons could operate", so therefore it is not really having a deterrent effect. Even if the maximum imprisonment is there, and even if it is not used on occasions for young persons, but if it is there, it would mean that the state always has the option in respect of persons who are not seasoned criminals or repeat offenders to decide whether this person should be freed.

As a matter of fact, I have seen it happen; when one of these reports comes it is based on much investigation. The probation officers visit the department and the whole village or community comes into play and all these factors are to be determined, apart from the outside perception of the gentleman, as to what kind of prisoner he is. The executive then considers the matter and determines whether to release the person. Having said that, it is a matter for the Parliament because this is a matter in which the Opposition would have a say, because as I have said, we cannot pass this Bill without the support of the Opposition. What I want to say from the Government's perspective is that you have to understand that very severe penalties would go a very long way in preventing people from taking risks. There have been instances of young persons under 21 years who are used by the drug people and therefore, you have to take that into consideration and find a way of punishing the older persons with heavier sentencing, so even if they are using the younger persons, with this amendment you could get at them. Those are the matters which have influenced some of these changes.

Mr. Speaker, the Member for Laventille East/Morvant raised some of the points relating to the kind of success that you have in the drug trade. I want to say—and one has to be very honest about this—that no government around the world can claim that the drug trade is under control. As a matter of fact, I have been reading the *1999 International Narcotics Control Strategy Report*. It is a summary of the report which has been issued by the US Department of State and on page 3 of the report under the heading The Drug Trade, a Formidable Opponent it says:

> "Though we can take pride in our progress at the end of the century we are still a long way from putting the drug trade out of business as one of the pillars of international organised crime, it remains a formidable enemy. It has access to financial resources available to few national governments without formal restraints on how they can be used. The drug syndicates

> also have the advantage of experience. Long before transnational crime had become recognized as a genuine threat to international stability the Colombian and Mexican syndicates already had in place an impressive network of supply centres distribution network, foreign bases and reliable entry into government of source and transit countries. They pioneered many of today's advanced money laundering techniques hiring first-rate accountants and investing in state-of-the-art technology. Even after suffering considerable losses, the drug trade's wealth, power and organization equal or even exceed the resources of many governments.
>
> International drug trafficking becomes more sophisticated every year as it adapts to counter narcotics offences and although collective efforts to cut drug trafficking in 1999 have kept out traffickers, on the defensive, they were still able to move hundreds of tonnes of cocaine not only to the United States of America and Western Europe, but to markets in Latin America, Asia, Africa.
>
> The major drug trafficking syndicates are the criminal equivalent of large multinational organizations with drug distribution centres and money laundering on every continent. But they are not alone as…Italian, Albanian, Turkish, Russian, Nigerian and South East Asian crime syndicates to name but a few."

So it is not a problem that governments can say they have under control. What it has to do is try to put more and more measures in place in order to control the drug trade and as the hon. Members of this House would know, Trinidad and Tobago is really a transshipment point, but apart from being a transshipment point, it has over the years become a consumer country because any country which has become a transshipment point ultimately becomes a consumer country. It is estimated that approximately 2,000 kilos of cocaine transit the boundaries of Trinidad and Tobago on a monthly basis *en route* to countries of North America and the continent of Europe and out of that 2,000 kilos, obviously some remain in Trinidad and Tobago. What has been happening is that over the years governments have been trying to put more and more machinery in place to try to prevent the drugs from coming in and if they do come in, to try to interdict and catch the persons who are involved in it.

Quite recently in Trinidad and Tobago, we have been able to put these radar systems at a point where you can see the entire coastline of Trinidad and Tobago and you are able to see the ships, boats and planes. But even with that, there can still be situations where you can have boats coming into Trinidad and Tobago; and if they do not come through the airlift or vessels, they can come through couriers. I can produce some figures for you from drug seizures in Trinidad and Tobago.

In 1996, 179 kilos of cocaine were seized and there were 799 arrests. There were 719 grammes of heroin seized and two arrests. Marijuana, there were 11,886 kilos seized and 1,895 persons were arrested. The amount of marijuana trees which were destroyed were 2,710,000 and 2,488,999 seedlings.

In respect of 1997, there were 32 kilos of cocaine seized and 808 persons arrested. Marijuana, 3,119 kilograms were seized and 1,524 persons were arrested. The amount of marijuana trees destroyed were 3,013,000 and there was one arrest, and 1,237,000 seedlings were destroyed.

In 1998 there were 25 kilograms of cocaine seized, and 135 arrests. Marijuana, 2,444,000 kilograms were seized and there were 322 arrests and the number of marijuana trees destroyed were 395,000 and there were two arrests in that process and the marijuana seedlings destroyed were 1,032,000.

In 1999, there were 137.11 kilograms of cocaine seized, 1,137 persons arrested for possession. Marijuana, 1,554.47 kilograms were seized, 2,458 persons were arrested. The number of marijuana trees destroyed were 2.1 million, 11 persons were arrested in that process, and the marijuana seedlings destroyed were 1.9 million.

Mr. Speaker, I am told that there has been an increase in the seizure of drugs at the airport and I will give the figures which have been supplied to me.

In 1997 there were 11.29 kilos of cocaine seized at Piarco International Airport, and 23.2 kilos of marijuana.

In 1998, 13.129 kilos of cocaine and 12.475 kilos of marijuana were seized.

In 1999, 15.897 kilos of cocaine and 0.695 grammes of marijuana were seized and in the year 2000, 6.339 kilos of cocaine and 63.065 kilos of marijuana were seized.

6.05 p.m.

Mr. Speaker, I think for completeness I should give the figures for Tobago. Tobago, in 1997, 1.5 kilos of cocaine, 18.5 kilos of marijuana; in 1998, 19.25 kilos of cocaine, 3.75 kilos of marijuana; in 1999, 27.5 kilos of cocaine, marijuana 22 kilos; in the year 2000 so far, 11 kilos of cocaine, 9.5 kilos of marijuana. One of the things that Trinidad and Tobago has done over the last few years, is to really assist in co-operation, in getting these drugs, cocaine, which was either shipped through Trinidad and Tobago, or which Trinidad and Tobago intelligence knew about, so that they could assist the other countries in getting at the source of the supply.

What happens sometimes is that when the police do not take a boat here, it is not because they do not want to take it, but for many reasons, because of a whole network, it would mean that Trinidad and Tobago is involved in the operation with other countries, but the boat is probably taken at another point. *[Interruption]*

Mr. Hinds: Firstly, I would like to know, and I am confident that he would accede to the request—that those figures be made available to all Members.

Secondly, I am aware that—at least I seem to recall that he had said earlier in this Parliament—from the studies, there is an understanding or an estimate of the amount of drugs that either pass through Trinidad and Tobago as a transshipment point. Or, the amounts that would remain here. I would like to know whether those figures are available and how do the detection rates he has just highlighted square with those, if he has them at all, or any idea?

Hon. R. L. Maharaj: Mr. Speaker, I do not have an idea of how much remained in Trinidad and Tobago and I do not think anybody would have an idea. The way that would be done is to take the statistics of who have been arrested, and what percentage you have got and probably leave a certain amount as to what would remain.

Mr. Speaker, what Trinidad and Tobago has been very successful in, is that in recent years, it has been found that the best way to deal with the drug trade is, apart from concentrating on measures locally, that the country should try and promote—at the maximum—co-operation. Trinidad and Tobago has participated in many international drug seizures. For example, in 1997, because of the local law enforcement agencies in the spirit of international co-operation, Trinidad and Tobago assisted in getting nine persons arrested, involving 40 kilos of cocaine with a street value of TT $20 million.

In 1998, 16 persons were arrested with a seizure of 3,023 kilos of cocaine with a street value of TT $1.5 billion. In 1999, 42 persons were arrested—because of Trinidad and Tobago's input—with 3,077 kilos of cocaine, with a street value of TT $1.53 billion. So far in the year 2000, three persons were arrested with 16 kilos of cocaine with a street value of TT $8 million.

What has happened is that in order to get at the drug trade every country is supposed to try to get at the persons who are financing the trade, and it was found that the traditional machinery, which has been used to deal with this, has not really worked in several countries. That is why the Government of Trinidad and Tobago decided to experiment with a task force, which would have the major

players under one roof. It was because of that task force that, although there was some confiscation of assets, there is a situation where—I cannot remember exactly how much, but several matters are before the courts now—persons have been charged for drug trafficking. There are restraint orders so their properties cannot be transferred. When those matters are determined then there will be a situation where the court would go into the question as to whether their properties can be confiscated. What has been holding back some of these matters is that the matters in the courts are taking some time to be determined.

The fact of the matter is, much work has been done—I am saying this because the hon. Member for San Fernando West said that, in respect of Mr. Mantoor Ramdhanie, that was one case; but there are a lot of restraint orders which have been made—and if I could hazard a guess I think it is over 40. What happens now is that anyone who is charged for drug trafficking, there is a financial investigation unit which investigates that person. So within four weeks, six weeks or two months, the assets of that person are determined and an application is made to the court to restrain that person's assets. The person can then make an application for moneys for lawyers and things like that, but that is the process.

So there is a financial investigation unit in which persons from Trinidad and Tobago in the police service were trained, and there were experts from the United States of America and England coming and working in that department with them so that they would know how to investigate these matters. As a matter of fact, I should tell you that Trinidad and Tobago has taken a lead position. In most of the international conferences on drug trafficking and money laundering—even up to last week the United States Attorney General praised Trinidad and Tobago as a country which has taken that lead in the reform matters. *[Desk thumping]*

Mr. Speaker, I can tell you that next week, around this time, the United States Attorney General will be in Trinidad and Tobago to attend a major regional law Ministers conference along with Ministers of National Security from the English-speaking, French-speaking and Dutch-speaking Caribbean, in which the American Government is using Trinidad and Tobago as the model which countries in the region should use in trying to deal with the drug trade. *[Desk thumping]*

Mr. Speaker, I take the point, however, that there is never sufficient done in order to deal with this problem and it has to be a continuing exercise. I also agree that there is a responsibility for the Governments of the region and for a Government to give to the Judiciary and the magistracy whatever resources they need. All that I can say, the records would show that, obviously, there are resources which you can give, and there are other things which you cannot give.

Right now, for example, our records would show that we have given the maximum that any Government has ever given, but there are certain things that, probably, one has to look at the whole infrastructure of the set- up, and it may be that one needs specially-trained magistrates to deal with some of these matters; and it may be that one needs specially-trained prosecutors to prosecute in these matters.

6.15 p.m.

What has happened is that with the whole system we have taken a justice sector, which existed in colonial times, and tried to adapt and mould it in order to face the problems of the 21st Century. We have taken judicial officers who catered for a particular kind of situation and tried to adapt them to situations they never anticipated. So therefore it probably needs much more than material resources and, Mr. Speaker—[*Interruption*]

Mr. Hinds: That is a matter for the Judiciary.

Hon. R. L. Maharaj: Mr. Speaker, I do not take the position that this is entirely a matter for the Judiciary. I take the position that governments have a responsibility because members of the Judiciary do not face the electorate. The elected representatives are answerable to the population. For example, when people who are apparently guilty get off, it is the politicians to whom they look to ask, "What are you going to do to stop that?" So it seems to me that some of the matters which have been spoken about really give support for looking at the justice system. I am of the view that whatever the reasons may be, the fact that we are having an analysis of the justice sector in some way means that we may be able to get some sort of recommendations which may help us to determine how to deal with these new kinds of arrangements.

For example, a law ministry in the Caribbean is not a law ministry geared really to deal with what is happening now in Trinidad and Tobago with, for example, the drug trade, money laundering, intellectual property and all these new laws. We have a system in which there are lawyers who are not paid, who are not given sufficient for them to really feel that they can compete. There is a situation in which the state is recruiting lawyers for the prosecuting department, not by anyone who is accountable to the Parliament, and over which we have no say. They are recruited and after two or three years they leave.

So that we have a situation where, Mr. Speaker, really, the institutions have lagged behind and we have to find a way for them to be reformed in order to meet our present challenges. So, Mr. Speaker, notwithstanding all those matters, the

fact of the matter is that a government has to do the best it can in the circumstances. It may be that we have not been perfect, but all I can say is that we have tried and are still trying to grapple with this problem. We have had some success.

The hon. Member for San Fernando West has mentioned the Dole Chadee matter. Well, it is true, he was not convicted of a drug trafficking offence therefore his assets could not have been seized by the court. The fact of the matter is that there were charges pending and he was not tried for them. I think the people of Trinidad and Tobago can say they still got some justice in that some of the assets he took have been given back to the people in order for rehabilitation. There are many instances, however, in which people can get away with it if we do not put the necessary machinery in place. I take the point that although some reforms have taken place, there is still much more to be done in order to deal with this problem.

Mr. Speaker, I hope that Members would not mind if I do not go into all the points that they have raised. I think that I have sufficiently dealt with the matters on a general basis to indicate to them that we are thankful for the support of the Opposition. I think that this is a matter that, no matter how we look at other issues, is really poisoning the lives of our people, of our children. It is something which, whatever legal framework we can put in place to make prosecutions easier, we must have safeguards to ensure that the guilty person is convicted and the innocent is acquitted, and that the fruits of the drug trade are taken and that these drug people feel it in their pockets. Mr. Speaker, I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole House.

House in committee.

Clauses 1 to 3.

Question proposed, That clauses 1 to 3 stand part of the Bill.

Mr. Hinds: In the Definition section, Mr. Chairman, I expect that we will, at this point, address the matter that the Attorney General said we should be addressing in respect of the definition of “natural life”.

Mr. Assam: Clauses 1 to 3 do not deal with that.

Mr. Hinds: Oh, 1 to 3? Sorry. I thought he said 1 to 4.

Clauses 1 to 3 ordered to stand part of the Bill.

Clauses 4 to 6.

Question proposed, That clauses 4 to 6 stand part of the Bill.

Mr. Maharaj: I thought I was going to put a new section stating that anyone under the age of 21—[*Interruption*]

Mr. Hinds: All right, okay, it could be done that way.

Mr. Bereaux: We are concerned about planting, clause 5.

Mr. Maharaj: I intend to put a separate clause to this effect, where a person under the age of 21 years—[*Interruption*]

Mr. G. Singh: Why age 21? Why not age 18? I think the age of majority is 18.

Mr. Bereaux: Yes, I know that, but we are talking about young people, not necessarily people under the age of 18.

Mr. G. Singh: No but at age 18 they are considered adults; they are treated in every other way as adults so that therefore you do not want to create a gap because you would create the opportunity then for it to be exploited.

Mr. Bereaux: But they are not saying the judge has to, you know. The judge has the option to do it. All we are doing is, if you are 35 years—in fact, 21 years of age is young. One's natural life from between the ages of 16 and 18 is a long time. So—[*Interruption*]

Mr. Assam: We will go with 21. We are satisfied with the Member for La Brea, on this point at any rate.

Mr. Maharaj: I was saying that later on we will do that amendment, where a person under the age of 21 years appears before a court and is found guilty of an offence under this Act, the judge or magistrate may impose a lesser penalty on the person than that specified for the offence in this Act, which will cover all persons as an overriding clause.

Mr. Bereaux: So it would not deal with "natural life" at all?

Mr. Maharaj: No, because the judge will be able to—[*Interruption*]

Mr. Sinanan: He has a discretion.

Mr. Maharaj: He has a discretion.

Mr. Bereaux: I do not like "natural life" but let us look at it.

Mr. Hinds: Mr. Chairman, in respect of possession, we have the threshold of 15 grammes in respect of marijuana and one gramme in respect of cocaine, for example—the existing law that takes you from *simpliciter* possession to the offence of "for the purpose of trafficking". In respect of cultivation, a person can have two marijuana plants at home in the backyard or in the bedroom, but it could also mean five acres. If a fellow is caught with two plants at home, he can run into a sentence of five years' imprisonment or $25,000 and if it is an indictment—or if it is two plants they could probably do it summarily and if it is five acres they would probably do it on indictment and there, at worst, he goes to $50,000 or 10 years' imprisonment. Of course—[*Interruption*]

Mr. Assam: No, no, no, "shall not exceed 10 years".

Mr. Hinds: Not to exceed, maximum.

Mr. Assam: So there is a discretion there.

Mr. Hinds: Well, no, you see, but the point I am making is, a man can go on indictment for two plants just as well as he could be tried summarily because there is no threshold as exists with possession *simpliciter* and trafficking and we are suggesting that perhaps when we consider cultivation we may wish to consider a threshold, failing which, we might want to increase the sentence. If a fellow is found with five acres under cultivation and he gets a sentence not to exceed 10 years—this is the point the Member for La Brea was making—as opposed to the fellow who can get—the adult—notwithstanding the amendment you are—[*Interruption*]

Dr. Job: Mr. Chairman—[*Interruption*]

Mr. Hinds: Just a moment, I am speaking. But go ahead.

Dr. Job: Mr. Chairman, I do not know if the Member for Laventille East/Morvant is suggesting that we should provide an incentive for people to plant one or two trees of marijuana.

Mr. Hinds: No, no, no. That is not what I am saying.

Mr. Bereaux: We are saying we should carry it to 25 years or possibly life. If you have a charge at present of being in possession of one kilogram of cannabis or in excess of, and that charge is being in possession for the purpose of trafficking, when one is planting in excess of a certain amount one is planting to sell for somebody to traffic. So we are stopping it from the plant stage.

Mr. Hinds: It seems rather strange and inequitable for a sentence of a maximum of—[*Interruption*]

Mr. Assam: You are talking of possession and trafficking on the one hand and cultivating for your own personal use and for trafficking on the other hand. I see the point you are making.

Mr. Hinds: It really is inequitable.

Mr. Assam: I see the point you are making. I do not know what the Attorney General would decide, but I see the point.

Dr. Job: Is it not possible that one could have two plants in a pot here, two plants in a pot there, two plants and—[*Interruption*]

Mr. Assam: Yes, but he is making the distinction that, if one has two plants it may be for oneself, but if it is five acres one is certainly going to sell it. That is the point he is making. I think it is a valid distinction.

[*Crosstalk*]

Mr. Maharaj: Mr. Chairman, I just want Members to know that clause 5(3) is copied from the old law. That is not being amended.

Mr. Bereaux: Well, I want to amend it.

Mr. Maharaj: I am not saying we cannot amend it but cultivation has been interpreted all the time not to mean that one is planting one plant in one's house, because that is possession. Cultivation is, really—in the ordinary sense of the word that is cultivating for the purpose of growing and—[*Interruption*]

Mr. Bereaux: The point I am making is, if nobody cultivates the trafficker cannot get it to sell. So when we are stopping the trafficker we are stopping the planter.

Mr. Maharaj: But what do you recommend?

Mr. Bereaux: Same thing.

Mr. Hinds: I think you should make the sentence much more severe for the cultivator.

Mr. Imbert: But, what is cultivation?

Mr. Hinds: Because the fellow who cultivates, he has his—[*Interruption*]

Mr. Maharaj: We made a distinction between cultivating marijuana and cultivating opium poppy or coca plant.

Mr. Hinds: We do not have too much of that in Trinidad so you must concentrate—[*Interruption*]

Mr. Maharaj: No , no, no, the opium poppy or coca plant is what you have now and they are taking that to make cocaine and all kinds of things.

Mr. Bereaux: We have made no distinction.

Mr. Maharaj: But what do you recommend?

Mr. Bereaux: I am recommending a term of 25 years to life on indictment for planting marijuana.

Mr. Imbert: For planting how much?

Mr. Bereaux: They will decide on indictment.

Mr. Imbert: No, but you see, in trafficking an amount is stated, a kilogram and so forth.

Mr. Sinanan: No, but the point about it is this. If you stop the fellow who cultivates it and you stop him there in his tracks, then the trafficker has nothing to traffic unless he gets it from abroad.

6.30 p.m.

Mr Bereaux: That is the point I am making with respect to indictment and summary trial. Presumably, the Director of Public Prosecutions and the magistrate and so on will determine based on the quantum, who will be tried on indictment as opposed to who will be tried on summary trial, but that is clear, that is where the planter cannot get away.

Mr. Maharaj: All right. So you recommend that "upon summary conviction…"—to what?

Mr. Assam: Do you want to increase the fine and the conviction?

Mr. Maharaj: Upon summary conviction to a fine of how much?

Mr. Imbert: Let me ask the Attorney General: what is the policy that informed the legislative drafting in this manner?

Mr. Maharaj: Of the cultivation?

Mr. Imbert: Yes.

Mr. Maharaj: We decided to leave this as it is because we wanted to make a distinction between cultivating marijuana and opium poppy. It is from opium poppy that heroin and cocaine are manufactured. We decided that since marijuana is the least of the offences of the dangerous drugs, we left it like that.

Mr. Imbert: That is why you left it as it currently is in the legislation.

Mr. Bereaux: I wonder, Mr. Attorney General, if we could get 10 minutes to look at it.

Mr. Imbert: So long?

Mr. Bereaux: Five minutes.

Mr. Maharaj: "...and twenty-five thousand dollars." In the case of indictment $50,000.00.

Mr. Bereaux: How could you explain to me that a young man or somebody on the street has two pounds of cannabis; you put him in jail for 25 years or life and another man has even one lot of cannabis growing and you give him 10 years. That man has in his possession more than two pounds. Why are you treating him differently?

Mr. Maharaj: In the case of marijuana possession for trafficking it is one kilogram, not so?

Mr. Bereaux: That is two and one half pounds. That is the point.

Mr. Assam: And it is no less than 25 years.

Mr. Bereaux: Yes.

Mr. Maharaj: I think he has a point there.

Mr. Assam: And in order to get one kilogram you must have a planter, a cultivator.

Mr. Sinanan: Exactly, this is the point. If you are looking at source, attract the thing at source.

Mr. Maharaj: I think I see the point.

Mr. Assam: Because that is the supply side and if you kill the supply side you are likely to dampen the other side.

Hon. Member: Raise the price? *[Laughter]*

Mr. Maharaj: I think that is a plausible point. *[Interruption]* We could go through and see what needs to be done, but if I get your suggestion.

Mr. Imbert: What is that?

Mr. Maharaj: What do you recommend?

Mr. Bereaux: We are not completely sure.

Mr. Imbert: We are trying to understand the policy. We are looking at the policy on this particular clause with regard to 5(3)(a) and (b). We are looking at the policy in terms of cultivation as it compares to possession for the purpose of trafficking. The point the Member for La Brea is making is that if there is one kilogram—

Mr. Maharaj: I take the point. That is a strong argument.

Mr. Imbert: But I think we need to look at it a bit. I do not think we could make that decision now.

Mr. Assam: Can we not go ahead while your officers think about it?

Mr. Maharaj: What I was thinking is that we can go forward and come back to it. I could just tell you that in all of the principles of the legislation, the trafficker seems to get more than the planter because what the trafficker is doing is actually peddling and selling it, but it may be that one has to look at the man who is cultivating and producing it.

Mr. Assam: He is the facilitator.

Mr. Maharaj: He is the facilitator. *[Interruption]*

Mr. Sinanan: I think if we can get to the supplier it would certainly help solve the problem.

Mr. Maharaj: So why do we not put the same penalty as the trafficker? *[Interruption]*

Mr. Imbert: Would you need a definition of cultivation if you are going to do that?

Mr. Maharaj: No. It has never worked that way so far—

Mr. Bereaux: What we are trying to do is—

Mr. Maharaj: —because this has worked well. I mean the courts do not use a plant in your house as cultivation. Cultivation takes the ordinary English meaning. *[Interruption]*

Mr. Sinanan: The minimum should be the same for trafficking. *[Interruption]*

Mr. Maharaj: We will come back to it and ask him to look at it for the same as trafficking.

Mr. Chairman: I take it that you want to come back to clause 5.

Mr. Maharaj: Yes.

Mr. Chairman: Are clauses 4 and 6 all right?

Mr. Maharaj: Yes, I think so.

Mr. Chairman: Okay, well we will come back to clause five.

Question put and agreed to.

Clause 4 ordered to stand part of the Bill.

Clause 5, by leave, deferred.

Clauses 6 to 17 ordered to stand part of the Bill.

6.40 p.m.

Clause 18.

Question proposed, That clause 18 stand part of the Bill.

Mr. Hinds: Mr. Chairman, at clause 18(1), I rather suspect that "a" has to be inserted before "dangerous drug".

Mr. Maharaj: It is just a typographical error. An amendment is made:

> "In section (1) of the proposed new section 54A, insert the word "a" after the word "be" appearing in line three.

Question put and agreed to.

Clause 18 ordered to stand part of the Bill.

Clauses 19 to 21 ordered to stand part of the Bill.

Mr. Maharaj: Mr. Chairman, before we go to the new clause that I have to amend, could we go back to clause 5?

Clause 5 reintroduced.

Question proposed, That clause 5 stand part of the Bill.

Mr. Maharaj: Mr. Chairman, I propose the following amendment to clause 5:

A. In sub-clause (3):

(i) In paragraph (a), delete the words "twenty-five" appearing after the word "of" in line two and substitute the word "fifty" and delete the word "five" appearing after the word "for" in line three and substitute the word "ten".

(ii) In paragraph (b), delete the words appearing after the word "of" in line two and substitute the following "one hundred thousand dollars or where there is evidence of the street value of the marijuana, ten times the street value of the marijuana, whichever is greater or to imprisonment for twenty-five years to life".

B. In sub-clause (3A) delete the word "one" appearing after the word "of' in line seven and substitute the word "two" and delete the word "three" appearing after the word "drug", in line ten and substitute the word "fifteen".

In respect of the opium poppy and coca plant, we will have to amend it and put 15 times, if we are going 10 times for cultivating. Opium is more dangerous, because it is from that we make cocaine and heroin.

Mr. Assam: If this is more dangerous than marijuana, the fine cannot be the same. It should be $200,000.

Question put and agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Mr. Bereaux: At subclause (6), a person who commits the offence of trafficking in a substance other than a dangerous drug which he represents or holds out to be a dangerous drug is liable on conviction and indictment to a fine of $100,000 where there is evidence of a street value, and so forth, but if a man has flour and tries to pass it off as cocaine, it is not an offence to possess flour. How are we going to rationalize that, even if it may have been in the other Act?

Mr. Maharaj: It is one of these things that if one does not have dangerous drugs but one represents it to be a dangerous drug, one is getting money for it and one is trafficking, in all of these legislations one will be punished for representing that dangerous drug.

Mr. Bereaux: Is that in our previous Act?

Mr. Maharaj: Yes.

Mr. Bereaux: Why then do they require forensic tests? Suppose I am found with marijuana or what they think is marijuana and it turns out to be hemp, what happens?

Mr. Maharaj: If it does not fall within the dangerous drug matter and they are representing this to be a dangerous drug and getting money for it, they are, in effect, trafficking what is being held out to be dangerous drugs.

Mr. Bereaux: The burden of proof then comes. One is doing no harm to anybody. *[Interruption]* Let us think about what we are doing.

Mr. Maharaj: The person who is taking that will think that he is still taking the drug.

Mr. Bereaux: Yes, but it will do him nothing.

Mr. Assam: He is extracting money too.

Mr. Bereaux: One is committing an offence in that one is obtaining money by false pretences, but one is not trafficking in dangerous drugs. This is the Dangerous Drugs Act.

Mr. Maharaj: It is in the existing law.

Mr. Bereaux: The existing law is wrong.

Mr. Assam: It may be a mixture of flour and sugar with a little bit of the dangerous drug, but one is purporting it to be pure.

Mr. Bereaux: Then it is the dangerous drug. It is an offence.

Mr. Maharaj: It may be possible to consider reducing the punishment, but people could pass off things.

Mr. Bereaux: It is passing off or whatever, but one is not committing a crime. It is fraud. So, then deal with the fraud. It is not drugs. I am not saying it was not in the Act, but that has to be wrong. It is flour! A dangerous substance is a dangerous substance. Therefore, we deal with the person under the dangerous substance.

Mr. Maharaj: It may fall short of what is a dangerous drug, but it may still be a toxic substance.

Mr. Bereaux: Well, a toxic substance, even though falling short of a dangerous drug but is passed off as a dangerous drug, that is fine, but if it is not at all, it is something else.

Mr. Sinanan: I have a different view on that. The thing about it is, whether the drug is dangerous or not, or whether it is flour or cocaine, the point about it is that the fellow is involved in an act that is intended for commercial gain.

Mr. Assam: Under the pretext that it is a dangerous drug.

Mr. Bereaux: He is obtaining money by false pretences. That is why there are different legislations. It is fraud, or whatever it is. If it is toxic and not a dangerous drug, then one can say "Wait, it is toxic", because there are cases where people have toxic substances purporting to be dangerous drugs and killed people.

Mr. Maharaj: Let me give an example. Let us say that there is a drug dealer and he is of the view that this fellow could supply him with the drugs. He is supplying this man with what the man thinks are dangerous drugs.

6.55 p.m.

So he supplies this man with this dangerous drug, then this man goes and supplies it to people who think it is a dangerous drug, so the persons who are getting it might even believe that it is a dangerous drug, but it is all part and parcel of being involved in an illegal drug trade activity. The only difference is that what is being got is not drugs.

Mr. Bereaux: You see, I am not saying you go and get some toxic substance. You get "dathur", for instance, and somehow you grind it up and make flour. It may not be an illegal drug, but I can see it is a toxic substance. In the United States and elsewhere, people have certain levels of drugs.

Mr. Maharaj: Would you take my undertaking that I will look at it?

Mr. Bereaux: Please look at it, because it flies in the face of reason.

Mr. Maharaj: I promise you I will look at it for the other place and, if necessary, when it comes back here.

Mr. Bereaux: All right. Yes.

New Clause 18A.

Mr. Maharaj: There is a new clause I have based on the Opposition's request. Instead of 18, we will change it to—

Mr. Assam: What is that about?

Mr. Maharaj: The lesser penalty for a young offender.

Insert after clause 18 the following new clause:

"Section 56A inserted	18A The Act is amended by inserting after section 56A the following new section:
"lesser penalty for young offender	56B Where a person under the age of twenty-one years appears before a court and is found guilty of an offence under this Act, the judge or magistrate may impose a lesser penalty on the person—

Instead of "young person".

—than that specified for the offence in this Act."

So that on the draft you have, Mr. Chairman, could we change "eighteen years" to "twenty-one years" and could we delete the word "young"? It will be a new procedure for this. It is a new clause.

> Where a person under the age of twenty-one years appears before a court and is found guilty of an offence under this Act, the judge or magistrate may impose a lesser penalty on the person than that specified for the offence in this Act.

New clause 18A read the first time.

Question proposed, That the new clause be read a second time.

Mr. Imbert: Or, "on such a person". I do not know.

Mr. Maharaj: It is not sounding right.

—on such a person than that specified for the offence in this Act.

Let me read it over again for the record.

> Where a person under the age of twenty-one years appears before a court and is found guilty of an offence under this Act, the judge or magistrate may impose a lesser penalty on such a person than that specified for the offence in this Act.

Mr. Valley: A first offence.

Mr. Maharaj: I did not specify. Put "may".

Mr. Sinanan: The magistrate will have a discretion.

Mr. Maharaj: I think sometimes there are young people who are really depending on their circumstances.

Question put and agreed to.

Question proposed, That new clause 18A be added to the Bill.

Question put and agreed to.

New clause 18A added to the Bill.

Preamble ordered to stand part of the Bill.

House resumed.

Bill reported, with amendment.

Question put, That the Bill be now read the third time.

The House voted: Ayes 26

Maharaj, Hon. R. L.

Lasse, Dr. The Hon. V.

Griffith, Dr. The Hon. R.

Humphrey, Hon. J.

Sudama, Hon. T.

Maraj, Hon. R.

Khan, Dr. F.

Assam, Hon. M.

Job, Dr. The Hon. M.

Singh, Hon. G.

Nanan, Dr. The Hon. A.

Rafeeq, Dr. The Hon. H.

Persad-Bissessar, Hon. K.

Singh, Hon. D.

Mohammed, Dr. The Hon. R.

Sharma, C.

Ramsaran, Hon. M.

Valley, K.

Imbert, C.

Joseph, M.

Sinanan, B.

Boynes, R.

Hinds, F.

James, Mrs. E.

Bereaux, H.

Hart, E.

Question agreed to.

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I beg to move that the House do now stand adjourned to Thursday, June 8, at 1.30 p.m. Sorry.

Bill accordingly read the third time and passed.

ADJOURNMENT

The Attorney General and Minister of Legal Affairs (Hon. Ramesh Lawrence Maharaj): Mr. Speaker, I do apologize to the Clerk, I was probably too anxious to move the adjournment of the House. I beg to move that the House do now adjourn to Thursday, June 8, 2000 at 1.30 p.m.

On that date, there will be a Finance Committee meeting. I understand Members were circulated and we wanted to do, on that day, a series of short Bills relating to finance. On the Order Paper, we have a Bill to amend the Miscellaneous Taxes Act; a Bill to amend the Stamp Duty Act; a Bill to provide for the payment of certain stamp duties and fees by money; a Bill to amend the Corporation Tax Act and a Bill to amend the Income Tax Act. If it is possible, they are very short Bills, we will do those and we will leave the judicial review Bill for Friday.

Mr. Valley: Can we do them together?

Hon. R. L. Maharaj: Mr. Speaker, I do not mind if the Opposition wants to do them together. We can look at them to see if we can do them together.

Question put and agreed to.

House adjourned accordingly.

Adjourned at 7.07 p.m.