

## HOUSE OF REPRESENTATIVES

Friday, May 01, 2015

The House met at 1.30 p.m.

**The Clerk:** Hon. Members, the Speaker of the House is out of the country, unavoidably absent to today's sitting, so in this regard the Deputy Speaker shall be presiding.

**Dr. Rowley:** Madam Clerk, where is the Speaker?

## PRAYERS

[MADAM DEPUTY SPEAKER *in the Chair*]

## PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Children's Authority of Trinidad and Tobago, Children Authority Fund for the year ended September 30, 2013. [*The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the Airports Authority of Trinidad and Tobago for the year ended December 31, 2006. [*Hon. R. Indarsingh*]  
*Papers 1 and 2 to be referred to the Public Accounts Committee.*
3. Financial statements of Palo Seco Agricultural Enterprises Limited for the year ended September 30, 2014. [*Hon. R. Indarsingh*]  
*To be referred to the Public Accounts (Enterprises) Committee.*
4. Report of the Auditor General of the Republic of Trinidad and Tobago on the Public Accounts of the Republic of Trinidad and Tobago for the financial year ended September 30, 2014 [*Hon. R. Indarsingh*]
5. Public Accounts of the Republic of Trinidad and Tobago for the financial year 2014 [*Hon. R. Indarsingh*]  
*Papers 4 and 5 to be referred to the Public Accounts Committee.*
6. Freedom of Information (Exemption) Order, 2015. [*The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal)*]

7. Delegation Report on the Inter-Parliamentary Meeting on Transparency, Summit of the Americas 2015 on April 09 to 10, 2015 and the 36<sup>th</sup> Meeting of the Board of Directors of ParlAmericas on April 11, 2015 held in Panama City, Panama. [*Hon. Dr. R. Moonilal*]

#### ORAL ANSWERS TO QUESTIONS

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, the Government is in a position to answer Questions Nos. 110, 143, 116, 117 and 118, all the questions for oral answer on the Order Paper today.

#### Construction of the Vessigny Community Centre (Details of)

- 110. Mr. Fitzgerald Jeffrey (*La Brea*)** asked the hon. Minister of Community Development:

Could the Minister state:

- (a) the cost of construction for the Vessigny Community Centre;
- (b) the original budgeted cost for the construction of the Vessigny Community Centre;
- (c) the total amount of money outstanding to the contractor who built the Vessigny Community Centre; and
- (d) when will the contractor be paid in full for the construction of the Vessigny Community Centre?

**The Minister of Community Development (Hon. Winston Peters):** Thank you very much. [*Desk thumping*] Madam Deputy Speaker, the answer to question No. 110, part (a) of the question: the total cost of construction of the Vessigny Community Centre amounted to \$9,946,524.42 VAT inclusive. The variation sum is \$2,499,407.36.

Part (b) of the question: the original budgeted cost for the construction of the Vessigny Community Centre is \$7,447,117.06. Part (c) of the question: currently, the sum outstanding to the contractor is \$2,308,228.51. Part (d), the Ministry of Community Development is in the process of preparing a Note to Cabinet seeking approval for the variation sum.

**Mr. Jeffrey:** Supplemental. Mr. Minister, since 2010 when the PNM demitted office, that community centre was 85 per cent completed. We would like to find

out why it is that after five years, the contractor, having used up his money to complete the centre, that he cannot get his money. I think at the opening you had given the assurance that you would settle the outstanding amount. How do you explain that?

**Hon. W. Peters:** Thank you, Member. I think that part (c) or (d) of the answer explains exactly what happened there. We did have variations and part (d) of the question says that the Ministry of Community Development is in the process of preparing a Note to take to Cabinet that would cover the variation cost and that would include the contractor's fee.

**Mr. Jeffrey:** A further supplemental. Minister, at this point in time, it is little comfort for the contractor who has bills to pay. Could you give us an approximate time when he would be able to get the outstanding amount due?

**Hon. W. Peters:** As soon as the variation cost is approved by Cabinet, he would get his money.

**Mr. Jeffrey:** Minister, I am thinking in terms of months. Could you give us an approximate time in terms of when you could settle?

**Hon. W. Peters:** You know, Madam Deputy Speaker, I am tempted to tell my colleague on the other side of the aisle that this is not a personal thing where I could go and borrow the money and pay the contractor. I would have to wait until the variation cost is approved by Cabinet and I will ensure that he gets his money at that point in time. I cannot give you a day, a month or any time, but what I can tell you is, within my ambit and within my responsibility, I am taking a Note to Cabinet to have the variation sum and as soon as that is finalized, he would get it.

I thank you.

### **Unemployment Relief Programme (Details of)**

**143. Mr. NiLeung Hypolite** (*Laventille West*) asked the hon. Minister of Finance and the Economy:

- A. Can the Minister state whether an audit was conducted by the Central Audit Committee on the Unemployment Relief Programme during the period June to September 2013?
- B. If yes to part (A), can the Minister state whether the recommendations included payment to twenty five (25) plus contractors?
- C. If yes to part (B), has the approval been granted for payment?

D. If yes to part (C), when will payments be made to these contractors?

**The Minister of State in the Ministry of Finance and the Economy (Hon. Rudranath Indarsingh):** Thank you, Madam Deputy Speaker, on behalf of the Minister of Finance and the Economy. In relation to part A of the question, according to the Central Audit Committee, there was no audit done on the Unemployment Relief Programme during the period June to September 2013.

There was, however, an audit that was done with regard to the Unemployment Relief Agriculture Programme for works done over the period March 2013 to September 2013—a total of 289 projects by 57 contractors.

With respect to part B, according to the Central Audit Committee Report 2014, there was a recommendation to make payments to the 25-plus contractors, except two. And with respect to part C, approval for payment was granted and in June 2014, \$54 million was released from the Ministry of Finance and the Economy to accommodate payments. And in relation to part D of the question, according to the information from the Unemployment Relief Programme, the agricultural section or division at the Ministry of Works and Infrastructure, a total of \$11,665,154.46 was paid to 20 contractors for a total of 59 contracts, with 45 contracts paid in 2013 to 2014 and 14 contracts paid in 2014 to 2015. These are based on information that has been submitted as at April 2015. Thank you.

**Petrotrin Pension Plan  
(Details of Merger)**

**116. Mr. Fitzgerald Jeffrey (*La Brea*)** asked the hon. Minister of Energy and Energy Affairs:

- A. What was the actual value of the Petrotrin Pension Plan for the period 2010 to 2013?
- B. What was the actual value of the merger of the pension plans of Petrotrin, Trintopec, Trinidad Tesoro and Trintoc?
- C. What is the reason for the non-payment of the improved pension benefits to all retirees as enshrined in the five collective agreements 2010 to 2013 and 2007 to 2010 given by Petrotrin?
- D. Can you provide the House with the date of the minutes of the meeting at which the management committee approved the letters informing pensioners of the non-payment?

**The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine):** Thank you very much, Madam Deputy Speaker. The answer to question 116 from the Member for La Brea reads as follows:

Part A: Based on the actuarial valuation of the pension plan as at September 2013, relative to the triennial period October 01, 2010 to October 30, 2013, the net value of the plan was \$586.7 million, which is a difference between the value of the assets amounting to \$8,718.1 million or roughly \$8.7 billion, and past service liability of \$8,131.4 million or roughly \$8.1 billion.

With regard to part B of the question, the value of the pension plan at the time of the merger was \$481.5 million which represented the difference between the value of the assets in the sum of \$7,522.6 million and past service liability of \$7,041.1 million.

With regard to part C, pension improvements were granted on three previous occasions; effective October 01, 2002; October 01, 2005; and October 01, 2008. The actuary provided a costing for pension improvements effective October 01, 2011 relative to the triennial period, October 01, 2007 to September 30, 2010, and advised by its letter dated August 16, 2012 that another round of increases will remove the plan's surplus and push the plan into deficit.

As a result, Petrotrin would have been required to pay additional monthly contributions to the plan, of \$5.1 million per month over a five-year period commencing October 2012. Therefore, the conditions outlined in the terms of agreement dated December 17, 2003 and January 12, 2005 among Petrotrin and the respective trade unions were not met and consequently Petrotrin was unable to grant any pension improvements due to RPI (Retail Price Index) increases over the period October 01, 2007 to September 30, 2010. That treats with the issue of that triennial period, 2007 to 2010.

**1.45 p.m.**

Madam Deputy Speaker, in response to a House of Representatives question No. 12 from the hon. Member for La Brea, which was answered on January 09, 2015, I advised the Parliament that the costing regarding pension increases for the triennial period October 01, 2010 to September 30, 2013 was being conducted by the actuary, and on completion the relevant parties would be advised. The actuarial valuation of the plan as at September 30, 2013, which covers the period October 01, 2010 to September 30, 2013, has been completed by the actuary, Bacon Woodrow and de Souza, and the actuary has submitted its

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recommendations. These recommendations are being reviewed by Petrotrin and the trustees of the pension plan, and will be sent to the management committee for consideration.

The two-year term of the management committee expired April 30, 2015, or yesterday. A new committee is to be constituted shortly and will be responsible for determining pension improvements for the triennial period October 2010 to September 30, 2013.

In response to part (d) of the question, I am advised by Petrotrin that there were numerous enquiries from pensioners concerning another round of pension adjustments for the period October 2007 to September 2010. However, the costing from the actuary confirmed that the conditions of the December 17, 2003 and January 12, 2005 agreements were not satisfied, and therefore, Petrotrin was unable to grant adjustments to pension.

I have been further advised by Petrotrin that given that there was no pension improvements for that period, 2007 to 2010, it was not necessary to engage management committee in the process. Hence, there are no management committee minutes with respect to the notification of pensioners on the nonpayment of pension increases for that period 2007 to 2010. The notification to pensioners of the outcome of the valuation falls within the remit of Petrotrin's management.

On the direction of the human resources department of the company, a letter informing pensioners that pension adjustments were not forthcoming for the triennial period October 2007 to September 2010 was prepared. Pensioners were advised by letter dated August 25, 2014, that pension increases were not being granted for that period as the conditions outlined in the terms of agreement among Petrotrin and the respective trade unions were not met. That concludes the answer to part D and thank you were much.

**Mr. Jeffrey:** Supplemental. Hon. Minister, do you not think that if you have a management committee and you are going to take a decision in terms of the nonpayment to the pensioners, it will be a wise thing for the committee to meet so that they will be au courant with the decision that was taken?

**Sen. The Hon. K. Ramnarine:** As I mentioned, the life of the committee expired yesterday and I am advised that the committee will be reappointed or reconstituted shortly so that they could receive the advice of the actuary which has

been completed and submitted to Petrotrin, and they will deliberate on whether there is to be an increase in the pensions of the pensioners. I think that is what you are asking.

**Mr. Jeffrey:** Hon. Minister, could you tell us if and when the Tesoro staff pension plan will be merged with the rest of the pension plan?

**Sen. The Hon. K. Ramnarine:** Thank you very much, Member. I am advised by Petrotrin that in order for that to happen the consent of the representative union is required and in the case of that pension plan the representative union is the National Petroleum Staff Association. So Petrotrin is still in dialogue with them with regard to that issue you raised.

**Agricultural Development Bank  
(Loans written off)**

**117. Mr. Fitzgerald Jeffrey (La Brea)** asked the hon. Minister of Food Production:

How many loans were written off by the Agricultural Development Bank for the years 2010, 2011, 2012, 2013 and 2014?

**The Minister of Food Production (Sen. The Hon. Devant Maharaj):** Thank you very much, Madam Deputy Speaker. In order to put this in historical context, we need to have a sense of appreciation of what the People's Partnership Government inherited in 2010 in terms of write off of agricultural loans at the ADB. During the period, only, between March 2005 and September 2010, the ADB under—*[Interruption]*

**Miss Mc Donald:** Madam Deputy Speaker—*[Interruption]*

**Sen. The Hon. D. Maharaj:** I am on my legs, Madam Deputy Speaker.

**Miss Mc Donald:** I am standing—48(1). The question was specific about the years 2010—2014.

**Madam Deputy Speaker:** Member, the Minister of Food Production has just stood up for five seconds to answer the question and you have not allowed him a chance to answer the question, so I want to ask the Minister of Food Production to continue with your answers. *[Desk thumping]*

**Sen. The Hon. D. Maharaj:** Thank you very much, Madam Deputy Speaker. To put it into context, what we inherited between the period March 2005 to September 2010, the Agricultural Development Bank (ADB) wrote off, under the former administration, 279 loans for a value of \$6,039,276.53. Specifically

regarding the question, for the period October 2010 to September 2011, nine loans were written off; October 2011 to September 2012, 27 loans were written off; October 2012 to September 2013, two loans were written off; and October 2013 to December 2014, two loans were written off. So the entire period being questioned, a total of 40 loans were written off from the period 2010 to December 2014, as compared to 279 under the previous administration.

The value of those 40 loans amounted to \$969,000,289.63 as compared to \$6,039,276.53 under the previous administration. [*Desk thumping*]

**Mr. Jeffrey:** Supplemental. Hon. Minister, in the period 2010—2014, the loans that were written off, was there any collateral that was used for the securing of those loans?

**Sen. The Hon. D. Maharaj:** All loans by the ADB, collateral was obtained under the normal criteria of lending.

**Mr. Jeffrey:** Further supplemental. In fact, before writing off those loans, what happened to those collateral? Were they disposed of to make good the outstanding balances?

**Sen. The Hon. D. Maharaj:** Well it all depends on the type of collateral being utilized, and unless the Member has a specific example I do not want to engage in speculation and opinion and hypotheses at this point in time. So I would appreciate if you could file a specific question, I will be more than happy to come back to answer.

### **Point Fortin Food Production Outlet (Termination of)**

**118. Mr. Fitzgerald Jeffrey (*La Brea*)** asked the hon. Minister of Food Production:

What are the reasons for the termination of the sale of citrus and avocado plants as well as other similar plants at the Point Fortin outlet of the Ministry of Food Production?

**The Minister of Food Production (Sen. The Hon. Devant Maharaj):** Madam Deputy Speaker, this question baffles me to no end because at no point in time has it been the practice of the Ministry of Food Production to produce or sell plants at the Point Fortin outlet at all. However, I think the hon. Member may not be familiar with the details of his constituency, because during the period 2008 and 2012 the Point Fortin office of the Ministry supported a four-year agricultural



project funded by Atlantic LNG and schools 4-H by providing the venue from which plants sales were an end product. It should be noted, that the plants produced by the Ministry of Food Production are sold through its Cedros office, Rio Claro and Penal stations and not through the Point Fortin office in an effort to facilitate farmers in those areas.

In the case of citrus and avocado, the demand has been high and ever increasing. Therefore farmers are given first opportunity for its purchase.

**Mr. Jeffrey:** Supplemental. Hon. Minister, are you saying that at the Point Fortin unit the Ministry of Food Production did not use to sell any citrus and agricultural products?

**Sen. The Hon. D. Maharaj:** Madam Deputy Speaker, the information before me by the technocrats at the Ministry of Food Production indicates, unambiguously, that the Point Fortin outlet has never been a distribution point for plants on behalf of the Ministry of Food Production. The distribution points remain Cedros, Rio Claro and Penal stations, in particular. That is what they tell me.

**Mr. Jeffrey:** Further supplemental. Taking your word for it in terms of the plants that is by 4-H, what is the reason then for the termination of the programme because for the past two or three years no citrus nor avocado plants were sold there? Whereas before the incoming of your Government, that was a regular feature, what is the reason since 2010 for this to stop?

**Sen. The Hon. D. Maharaj:** Madam Deputy Speaker, again for the Member for La Brea who apparently did not hear the answer given, that particular project was being funded by Atlantic LNG, a private entity that utilized only the venue of the Point Fortin office. So as to why it stopped or not, his question perhaps should be directed to Atlantic LNG instead of the Ministry of Food Production.

**Mr. Jeffrey:** Further supplemental. Hon. Minister, we have outstations at Cedros and other areas, is it possible for Point Fortin to be factored in for the sale of citrus and avocado plants?

**Sen. The Hon. D. Maharaj:** If we were to get a request from the Member of Parliament in writing for an establishment of plants being sold at the Point Fortin outlet, the Ministry will gladly—as we strive towards developing the agricultural sector throughout Trinidad and Tobago—entertain it and in fact try to encourage it. Unfortunately, since I have been Minister of Food Production I have never

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once received a letter from the Member of Parliament for La Brea asking for any sort of assistance in the agricultural sector in the La Brea areas. So I look forward to that correspondence.

#### WRITTEN ANSWERS TO QUESTIONS

**Miss Mc Donald:** Madam Deputy Speaker, questions for written answer. I rise on question No. 135 which qualified for response on April 17. No. 135, question to the Minister of Energy and Energy Affairs standing in the name of the Member for Port of Spain South.

**Madam Deputy Speaker:** Leader of the House.

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, question No. 135 due by 17th—it was due about 10, 13 days ago. For the benefit of colleagues opposite, for written answers we are prepared today to circulate the answers to question No. 108 from the Ministry of Housing and Urban Development, question No. 123 from the Ministry of Finance and the Economy and question—that is it. The rest of questions we will ask to be deferred for two weeks.

Madam Deputy Speaker, may I also say that some of these questions as we can glean from them they call for extensive research and a voluminous amount of material, and in the interest of ensuring accuracy in the presentation of information, there are some questions here for written answers that really require, you know, a lot of preparation and we would ask that those questions—Madam Deputy Speaker, we do not want to run any risk at all that the information provided is not as accurate and precise as we can get. So we will answer the couple questions today for written answers and ask for the rest be deferred for two weeks.

**Dr. Rowley:** Madam Deputy Speaker, with respect to question No. 128 to the Minister of Energy and Energy Affairs and question No. 130 to the said Minister of Energy and Energy Affairs standing in my name, I rise under Standing Order 29(13) and invoke 29(13).

**Madam Deputy Speaker:** Okay.

**Mrs. Mc Intosh:** Madam Deputy Speaker—[*Interruption*]

**Madam Deputy Speaker:** Hold on. Member for Chaguanas West.

**Mr. Warner:** Thank you, Madam Deputy Speaker. Am I to be guided by the advice of the Leader of Government Business, the Member for Oropouche East, that the written question to the AG, No. 98, that was due on March 21, today is May 01, am I to be guided that that also has to do a lot of research?

**Hon. Dr. R. Moonilal:** The question No. 98 filed by the Member for Chaguanas West, as the Member knows, the Member is asking for information from May 2010 in terms of contracts, long-term, short-term, medium term, quasi, legal, paralegal, hired from 2010 to 2015.

And the Member is asking for contracts; positions; terms of reference; remuneration package paid; when advertised; which newspaper; academic qualification; experience required for post; academic qualifications; experience of persons hired.

### 2.00 p.m.

Madam Deputy Speaker, we need to do background checks on people for every single job they had since they became an adult to answer this question. This requires some preparation and I would like to ask the Member to give us a couple more weeks that the relevant Minister, the Attorney General in this case, can again—because to trace people at this level, to find every job they had since they were 18 years old, and academic qualification, is taking some time and we ask that if you could just be patient a bit and give us two weeks so we will see if we can prepare the answer. But it requires some extensive work because it is not only for today, it is from May 2010 that the question is being asked.

**Madam Deputy Speaker:** Member for Port of Spain North/St. Ann's West.

**Mrs. Patricia Mc Intosh** (*Port of Spain North/St. Ann's West*): Madam Deputy Speaker, I rise to invoke Standing Order 29(13) in respect to Question No. 133 to the Minister of Energy and Energy Affairs standing in my name. This question requires simple figures for the National Gas Company in respect of moneys that were given to my constituency. Simple figures and I do not understand why it is taking so long.

**Madam Deputy Speaker:** Member for Laventille East/Morvant.

**Miss Donna Cox** (*Laventille East/Morvant*): Thank you very much, Madam Deputy Speaker. I would like to invoke Standing Order 29(13) for Question No. 146 standing in my name to the Minister of Finance and the Economy.

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**STATEMENT BY MINISTER**

**“Workers’ Labour Agenda” Update**

**The Minister of Labour and Small and Micro Enterprise Development (Hon. Errol Mc Leod):** Thank you very much, Madam Deputy Speaker. I am grateful for the opportunity to make this statement as authorized by the Cabinet. It is reported that this Government has been disregarding an agenda dubbed the “Workers’ Labour Agenda” and which includes matters extraneous to the portfolio of labour. Some of these matters are the call for:

- Constitutional and local government reform;
- Public procurement legislation;
- Forensic audit of state enterprises and agencies;
- A fixed date for general elections;
- A two-term limit on the Office of Prime Minister;
- Development of a gender policy among numerous other issues.

The agenda which this Government has been pursuing, however, for the past five years in the portfolio of labour, represents the sum total of detailed discussions and collaboration which included input from representatives of the then labour faction represented by the Movement for Social Justice. This labour agenda, therefore, was adopted in the People’s Partnership Manifesto which later became Government policy.

Madam Deputy Speaker, the labour agenda to which I am now referring includes:

- Amendments to the Industrial Relations Act;
- Removal of the process of decertification of trade unions;
- Tenure for judges of the Industrial Court;
- Maternity and paternity protection;
- Repeal of the Masters and Servants Ordinance;
- Repeal of the Workmen’s Compensation Act;
- Increase minimum wage;
- Addressing the issue of migrant labour.

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To date, this Government has:

- Amended the Maternity Protection Act to provide paid maternity leave from 13 to 14 weeks [*Desk thumping*] in accordance with international standards.
- This Government increased the minimum wage, not once but on two occasions. On January 01, 2011, the minimum wage was increased from \$9 to \$12.50 per hour; the second increase from \$12.50 to \$15 per hour took effect on January 01, 2015. [*Desk thumping*]
- The establishment of the decent work policy as prescribed by the International Labour Organization.
- This Government repealed the Masters and Servants Ordinance.
- In terms of migrant labour, in 2013, the Ministry of Labour and Small and Micro Enterprise Development was the beneficiary of a technical cooperation facility from the African, Caribbean and Pacific International Observatory on Migration for the development of a labour migration policy for Trinidad and Tobago. The issue of migrant labour is still a work in progress.
- This Government ensured that the employees' injuries benefit Bill which will repeal and replace the Workmen's Compensation Act, Chapter 88:05, is currently before the Legislative Review Committee.

Since coming into office, this Government has worked steadfastly to address issues on its labour agenda. The Government set the environment which facilitated the settlement of 97 state and public sector collective agreements [*Desk thumping*] during the period May 2010 to April 29, 2015. Twenty-seven negotiations have been settled for a second round and there are three that have been settled for a third round. [*Desk thumping*] The first round being 2007, 2009, 2008, 2010; the second round being 2012, 2014 and we have entered into negotiations and we have so far settled three of them for the third round, 2014 to 2016. We append a comprehensive list of all collective agreements settled with this Government since our coming into office in May of 2010. These efforts underscore the Government's commitment to protecting the rights of workers and improving working conditions and we are not done yet.

Today, May 1st, is a very significant day. May 1st, which is also referred to as May Day, is celebrated annually as a day which signifies international workers'

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solidarity and struggle for decent working conditions. The genesis of this celebration began over 130 years ago where on May 01, 1884, the US Federation of Organized Trade and Labour Unions declared that from May 01, 1886, an eight hour workday shall constitute a full and legal workday for all US workers.

Many employers, at that time, did not comply and what followed were some clashes in Chicago now known as the Haymarket affair or Haymarket riot not dissimilar to what occurred in Fyzabad in our Butler riots. Since then, workers throughout the world began to celebrate May 01 as May Day or International Workers' Day. We, in Trinidad and Tobago, celebrate Butler's Day which is also referred to as Labour Day, on June 19, every year to commemorate the labour movement's years of struggle for decent pensions, safer working conditions, workmen's compensation, among other issues.

The Industrial Relations (Amdt.) Bill, 2015, which will be laid today in this honourable House, is also representative of this Government's commitment to modernizing industrial relations and employment rights in Trinidad and Tobago. [*Desk thumping*] The objective is to build industry and all of the services which contribute to sustainable growth and economic development.

This Government came into office with a belief that when the tripartite partners of Government, workers and employers' organizations collaborate, the whole is greater than the sum of its parts. The social dialogue process for the country, established under the Ministry of Labour and Small and Micro Enterprise Development, is the foundation through which an unprecedented level of unity among national stakeholders can be achieved. The social dialogue process serves as a catalyst to advance our country's labour environment to strengthen and promote economic and social prosperity. We are committed to maintaining a stable and collaborative industrial relations climate and where partners in labour see themselves as concomitant contributors.

This Government remains resolute in its commitment to improving working conditions and the welfare of workers as we believe that steadily improving working terms and conditions and improved levels of productivity go hand in hand with long-term viability and sustainability of enterprises. It is against this background that I lay the Industrial Relations (Amdt.) Bill, 2015 and the Constitution (Amdt.) Bill, 2015.

We have reached this far, notwithstanding attacks by detractors and ones whose activities have been counter to the overall and longer-term benefit of their union members. As we recognize May Day, let us show our appreciation to one

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another as workers, employers and Government and let us commit to strive to do better as partners for a more productive and resilient workforce and a more competitive, sustainable and inclusive economy. This Government will strive to bring and establish workers at the centre as we continue in our efforts to build a productive nation.

I wish to thank you, Madam Deputy Speaker. [*Desk thumping*]

#### ARRANGEMENT OF BUSINESS

**Madam Deputy Speaker:** Hon. Members, the Leader of the House has advised me that there is another ministerial statement to be made today by the Minister of Finance and the Economy. Do I have your agreement to return to this item later in the proceedings?

*Assent indicated.*

#### PERSONAL EXPLANATION

##### **Apology (Re: Question No. 103)**

**The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine):** Madam Deputy Speaker, at a sitting of the House of Representatives on April 17, 2015, while answering Question No. 103 on the Order Paper, I said that the basic salary of former Executive Chairman of Petrotrin, Malcolm Jones, was \$162,500 per month. Madam Deputy Speaker, I will now clarify that number. Petrotrin has advised that the basic salary of Mr. Jones, effective January 01, 2007, was \$125,000 per month. In addition to this, he received a 30 per cent gratuity of his gross salary which was paid monthly. When the 30 per cent gratuity is added to the basic salary of \$125,000, one gets the figure of \$162,500 per month.

Madam Deputy Speaker, I apologize for any lack of clarity in this matter and it was never my intention to mislead the House. Thank you very much. [*Desk thumping*]

**2.15 p.m.**

#### INDUSTRIAL RELATIONS (AMDT.) BILL, 2015

Bill to amend the Industrial Relations Act, Chap. 88:01 [*The Minister of Labour and Small and Micro Enterprise Development*]; read the first time.

**CONSTITUTION (AMDT.) BILL, 2015**

Bill to amend the Constitution of the Republic of Trinidad and Tobago [*The Minister of Labour and Small and Micro Enterprise Development*]; read the first time.

**CYBERCRIME BILL, 2015**

Bill to provide for the creation of offences related to cybercrime and related matters [*The Minister of National Security*]; read the first time.

**TRINIDAD AND TOBAGO  
CYBER SECURITY AGENCY BILL, 2015**

Bill to provide for the establishment of the Trinidad and Tobago Cyber Security Agency and for matters relating thereto [*The Minister of National Security*]; read the first time.

**LEADER OF THE OPPOSITION  
(LACK OF CONFIDENCE IN)**

[Fourth Day]

*Order read for resuming adjourned debate on question* [April 17, 2015]: *Be it resolved* that this Honourable House censure and condemn the conduct of the Leader of the Opposition and Member of Parliament for Diego Martin West;

*And be it further resolved* that this Honourable House express its lack of confidence in Dr. Keith Rowley as the Leader of the Opposition and Member of Parliament for Diego Martin West.

*Question again proposed.*

*[Members of the Opposition leave the Chamber]*

**The Minister of Health (Hon. Dr. Fuad Khan):** Madam Deputy Speaker, before the Opposition walks out, I would like them to just stay and defend their leader. It is a debate on a Motion for and against. The Government has brought the Motion for and I cannot understand why the Opposition is not staying to defend their leader. I call upon them to defend your leader, rather than walking out. Madam Deputy Speaker, this is not a Motion about an attack on the Opposition Leader, as he has perceived it to be. This is a Motion about scrutinizing somebody who aspires to be in the highest office in the land.

Madam Deputy Speaker—Amery I think you should stay—I would like the Member for Diego Martin Central to stay and defend his leader.



**Dr. Browne:** I will be back.

**Hon. Dr. F. Khan:** He is coming back. The Member for Diego Martin Central has indicated that he will be back and the last person to say that was the Terminator. I wonder if this is what he means when he said he will be back. This is a Motion that is being taken wrongly by the Leader of the Opposition and he has said so, as an attack by the Government on the Leader of the Opposition.

Nothing could be further from the truth, and I am going to show why this is not so. This is a Motion about scrutiny, scrutinizing somebody who aspires to be leader of this country, when one sees that present behaviour is usually an indication of future behaviour.

I would like to start by saying that in this honourable House there was a Motion of No Confidence against the hon. Prime Minister and we all remember that. What occurred in that Motion, the Opposition was for the Motion and the Government made sure that we were against that Motion of No Confidence against the Prime Minister. I think the Member for Oropouche East would remind me that we sat here until we ate doubles at six o'clock in the morning defending our Prime Minister. So when I asked the Opposition to stand and defend the name of the Leader of the Opposition, the Members, it is frightening to see that there is absolutely no one on that side who has the determination to defend the Leader of the Opposition, not even himself.

I go further. Not only was the hon. Prime Minister the subject of a no confidence Motion, which we had to defend, the hon. Speaker was a recipient of a no confidence Motion by the Opposition. The Opposition brought a Motion against the Speaker and the Government had to defend the Speaker. It took up quite a long time but, at the end of the day, the public had seen what was the story on both sides and at the end of the day, they are going to make their determination. If that was not enough, you had a Motion—and it is still ongoing—of No Confidence against the Minister of Finance and the Economy. So we are at present defending that Motion.

You see, Madam Deputy Speaker, this Government, the Government of hon. Prime Minister Kamla Persad-Bissessar SC and the People's Partnership, has been scrutinized for over the five years that we have been staying here. Not only have we been scrutinized on our behaviour, we have been scrutinized on every single aspect of our existence. The hon. Prime Minister has been scrutinized on shoes that she wears and it has gone to that level. So when we stand in this honourable House and we ask the population that very soon there will be a general election

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and in a general election, as I have said before, there is a choice that is handed to the people of Trinidad and Tobago and as we evolve along our political landscape, what is the best way to do things? Scrutinize those who are determining to be the leaders on the next election and the leaders of our country.

Madam Deputy Speaker, I want to bring forth just one corollary. I am going to indicate that years ago there was a person who was aspiring to be the President of the United States of America and he was a frontrunner. He was squeaky clean and everything that he said was good and proper. But then they found out that he was supporting a mistress on the outside and the American people did not forgive him and he had to step out of the presidential race. That person was none other than Mr. Gary Hart. If you look at it you will see the story of Gary Hart, frontrunner and he was found not to be who he says he was, based on the scrutinization of the American system and he had to, as they say, withdraw from the presidential race.

We have had in this honourable House, and this Motion speaks to quite a few things against the Leader of the Opposition's behaviour and unfortunately they have taken the decision to walk out and not defend the Leader of the Opposition in such a manner to indicate that his behaviour and what they see as his behaviour has some merits and good points. We have brought some behaviour patterns of the Leader of the Opposition that will show to the general public the scrutinization that will occur and for them to make their minds up: Is he the person that they would like to choose as the next Prime Minister of this country? We can only bring forth what we know.

Madam Deputy Speaker, the first part of the Motion speaks to the reckless conduct. What reckless conduct are we speaking about? Are we speaking about behaviour patterns in the recent past, or are we speaking about behaviour patterns that have the possibility of being subjected to future actions?

Now, did this give rise to serious concerns? Was the population taken for a— as they say not a ride, I would not say a ride. Was the population ready to accept what the Leader of the Opposition's behaviour brought forth? I make no apologies for saying that the Leader of the Opposition, the hon. Prime Minister had mentioned it, brought some emails to this House, read those emails that accused senior Members on this side of the House about certain serious allegations, indicating that he had those in his possession for six months. Now if you have that kind of information and you had it for six months, you would have ample time to scrutinize them and see whether or not you can bring those emails to a house or that information to a house and at the end of the day whether it was credible. It is now being shown by means of information that has arrived, that that seems almost

a 99 per cent improbability that it did not occur. We are just waiting for 1 per cent of it to make sure that we are 100 per cent certain that it did not occur. Was that the behaviour of someone that we expect to be in office? The question I am asking is for the population of Trinidad and Tobago.

Madam Deputy Speaker, as the Member of Parliament for Barataria in this House since 1995, the Member of Parliament for Diego Martin West has been my colleague and I do not take any joy in doing this. However, the responsibility and the onus on me, I was put here by my constituents who voted for me, to bring about these matters to make sure that the country moves in a proper direction as we move into the future. So it is my responsibility to indicate to the population that you do have a choice. Which choice do you want to make? We can only bring certain facts that we know and, as I have said before, it is up to the Opposition Members to say that they disagree with our facts and by disagreeing with our facts, the Leader of the Opposition is a good person for the next Prime Minister.

That is their job. Our job is not to do that. Our job is to show the population that he is not. So when they walk out like this, what they are saying to the general public is what we call in medicine a passive aggression approach that they do not believe he is the person that could be defended. Had he been the person that they could defend, they would have stayed here, brought facts forward on a defence of that Leader of the Opposition and they have not.

Madam Deputy Speaker, when I say past behaviour is an indication of future behaviour do not think that they do not know that. They may be very quiet. But when you stand in a Parliament, you speak about emails, you stand on a political platform and you start to indicate—it may be political rhetoric but you are the Leader of the Opposition—about cat and insinuations to that order, one must feel a bit perturbed: how can I support this type of behaviour? Is it statesman-like? Is it leadership-like? Do leaders speak like this? Have I heard Obama say that on a platform? Have I heard the hon. Prime Minister say that on a platform? No. That is a no no. Other people might say it but not the person aspiring for leadership. So when I look at the other side and I see it empty I ask myself a simple question and I am going to say the question I am asking myself: are they on the other side happy with the Leader of the Opposition?

Recently, in the Senate, there was a Senator called Penelope Beckles. Penelope Beckles had the misfortune of indicating that she is going up for leadership and she is no longer there. She is gone. So too others have gone, who have expressed certain reservations.

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Now, Madam Deputy Speaker, I must applaud the United National Congress because I belong to that party, for the manner in which they do things. Never in my existence since 1995, were we ever subjected to the indecency of sitting in a Parliament knowing full well that you are not going back for the next election three or four months' time—how long it would be. And if somebody could sit there and do you that, that goes to show that you have absolutely no emotional feelings for the people who surround you and who have supported you.

It is not hard to put in representatives for the other seats that you do not have, but when you take it on yourself—I do not mean to jump into the PNM business, I am jumping into behaviour patterns—you have taken people on that side and you have indicated to them, in no uncertain terms, you are not going back for elections but still sit in the House and support me. Human behaviour is such a thing that you may say verbally that you support but deep down inside, it is a sense of what we call in parlance shame. He has actually shamed “the whole set” of them who are not going back.

**2.30 p.m.**

Of course, the Member for Port of Spain South is going back. So she is okay—the Member for St. Joseph, but when you speak to the Member for Laventille East/Morvant, and what she had to undergo as a strong representative in that party, the Leader of the Opposition did not assist her. You go down the line the Members for Laventille West, Port of Spain North/St. Ann's West, she decided to leave on her own. But my medical colleague, the Member for Diego Martin Central, subjected to the most vile type of—not parliamentary—party activity, and the Leader of the Opposition said nothing.

So, Madam Deputy Speaker, what I am saying, past behaviour is going to be shown as future behaviour. So when you look at it, I expect the people of Trinidad and Tobago to look at that behaviour and see who stood up for their own colleagues, why and whatnot, and the way they were treated. So when you look at it, are we going to vote that in, onto ourselves at the next election? Yes or no?

So, when you look—if the Opposition was here to defend that statement, and make me refute what I just said, and said no, they are happy with what has been done to them, and they are happy with the way it was done, and how it was done, then I would then—the people of Trinidad and Tobago will see that that is the Opposition Leader that they want.

So, Madam Deputy Speaker, we have gone into behavioural patterns and the way things are conducted. I am also going to mention another conduct that has been brought forward in this debate. In political life, when there is an appointment of a presidential office, the President asks the Leader, the Prime Minister—in consultation with the Prime Minister and the Leader of the Opposition. I think the President when he does that, or when the Constitution was written, the President—the Constitution was written so that the President would ask the two leaders of the country—because one could transpose into each other at any time after election—kindly tell me which person or this person would make a good—in this case, Director of the PCA, which is a very high office in the land. My good friend, now Justice Gillian Lucky, sat there for quite a while. So I was privy to the kind of—the need for somebody at that level.

Madam Deputy Speaker, the hon. Prime Minister, it was indicated in this debate, asked the Leader of the Opposition about a name to become the head of the PCA. The Leader of the Opposition had no objections. Now, the Prime Minister would not have known it is a witness in a case on his side. It is not to say it is a witness in a case on somebody else's side, or somebody somewhere else. It is a witness in a case of the person you are asking whether it is good or bad; consulted.

So, the hon. Prime Minister, when he said no objection, decided well, okay, there is no objection, everything is hunky-dory and gave it to the President and said, yes, we approve, only to find out, because of information that went to the media, that that gentleman was a witness in a case for the Leader of the Opposition, and a Senator was also a witness, and also not only a witness, but an instructing attorney.

Madam Deputy Speaker, when it is put like that, rather than looking at it broadside, you ask yourself, was that not reckless behaviour? Was it not? I think the population would have to decide on whether that was a—if there was any bias—did he, while exercising the power, whether it could be perceived as abusing an office for a conflict of interest and code of conduct of the Integrity in Public Life Act, whether it is that? Or whether by that act and the act of the emailgate, whether the Leader of the Opposition brought the office into disrepute? Did he do that?

Now, I would have liked somebody on that side to be there to refute what I am saying, and say that it is not so, because every Motion, Madam Deputy Speaker, has two parts; for and against. We are for this Motion, and they are against this Motion. So at the end of the day, if you are for a Motion or you are against a

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Motion, you have to be here to debate it. I think walking out is what they call the coward's way out. It is a coward's way out, because at the end of the day, you do not run the risk of speaking how you feel, and people understanding what you believe in. So that is why I think they left, you see?

Madam Deputy Speaker, when I talk about scrutiny, accusations, whether it be reckless behaviour, whether it was approached in such a manner, these are the things that leaders are made of, undergoing serious scrutiny for the population to see for the future. I do believe this is a good thing because anybody who is aspiring to be Prime Minister, should be scrutinized—I mean, a way to scrutinize behaviour, by a Motion in a Parliament for scrutiny.

You see, Trinidad and Tobago is a country that is oil rich, has a very good GDP. We have in the last five years brought it to a level that is internationally reputed. Our hon. Prime Minister has been off in different parts of the world, and has brought back into Trinidad and Tobago, a sense of leadership. We do not want to lose that right now. I do not think we want to lose that right now. So, scrutinizing anyone else, as the hon. Prime Minister has been scrutinized, is a recipe to determine the leadership quality of the future. So, Madam Deputy Speaker, I think a Motion like this should be done in such a manner that continues, where the leadership movement is concerned.

We passed a law, together with the—in the last term, about scrutinizing the Commissioner of Police, the method of approach for the Commissioner of Police, that is what we did. So the Commissioner of Police, whoever are the applicants, are brought to Parliament, and they are scrutinized, how we are going to do it? What is the process—and the process is scrutinized. So, I do not know why the Members of the Opposition have chosen not to, as they say, work with the Leader of the Opposition to show that he is the best man for the job, or the best person for the job. I know we have the best woman for the job, but I wonder if he has the best person.

You see, Madam Deputy Speaker, I would not be long because I am not a person who speaks very long, but at the end of the day, I try to get the points across that I feel should be brought across. Looking at this Motion and the method of approach that has—that we have debated over the last three or four sessions, I would like to say that the resolution of this Motion:

“...that this Honourable House censure and condemn the conduct of the Leader of the Opposition and Member of Parliament for Diego Martin West;

...that this Honourable House express its lack of confidence in...the Leader of the Opposition and Member of Parliament for Diego Martin West.”

should be placed on the Table for a vote as we move forward. Madam Deputy Speaker, I want to say thank you very much for allowing me at this time to indicate this, and I would like to say, I give it to the House. Thank you very much. [*Desk thumping*]

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Thank you. [*Desk thumping*] Thank you very much, Madam Deputy Speaker. We have come to an end to certainly one of the most interesting parliamentary debates in recent memory, on a Motion which seeks for the:

“...House express its lack of confidence in Dr. Keith Rowley as the Leader of the Opposition and Member of Parliament for Diego Martin West.”

Madam Deputy Speaker, I want to thank all Members who have spoken on this matter, and to remind the Parliament and the national community that we did have interventions from the Member for Diego Martin North/East and the Member for Chaguanas West. The Member for Chaguanas West is present in the House now to listen to the wind up of this debate and, of course, to the Member for Barataria/San Juan. We also had contributions from the Member for Chaguanas East, the Member for Arima, the Member for Lopinot/Bon Air. I believe we had a contribution—was it from the Member for Caroni East?—and the Member for St. Augustine as well, the Member for Pointe-a-Pierre, and the Member for Tabaquite. Madam Deputy Speaker, we have had several contributions from Members across the floor, including the Members for Diego Martin North/East and Chaguanas West. I want to thank all Members for their participation, and particularly Members who spoke in support of the Motion from the Government.

Madam Deputy Speaker, when this Motion was filed—[*Interruption*]

**Madam Deputy Speaker:** Member for Oropouche East, please?

**Hon. Dr. R. Moonilal:** Sure.

**Madam Deputy Speaker:** I am hearing a mobile phone somewhere. It is somewhere in the backbench. I want to ask you to put your phone on vibration, please. You may continue, Member for Oropouche East.

**Hon. Dr. R. Moonilal:** Thank you. Madam Deputy Speaker, when this Motion was filed in early March, I recall a statement in the press, where the Leader of the Opposition said in response to the filing of this Motion, “Bring it

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on. We are ready”. When we assembled on that fateful day, to debate this Motion on March 25, 2015, having shouted from the rooftops, “Bring it on. We are ready”, they then packed their bags and left.

So, there was, to remind you, a walkout of the Opposition, when the Member for Diego Martin North/East, I believe, ended his contribution.

**Mrs. Persad-Bissessar SC:** Made his rap contribution.

**Hon. Dr. R. Moonilal:** He ended with quite a fanfare.

**Mrs. Persad-Bissessar SC:** “Ah rap! Rap contribution.”

**Hon. Dr. R. Moonilal:** I think some of his lines have been captured for a rap song. Those of us who know him, we were convinced that one day he would have a rap sheet as he ended with. [*Laughter*] He has now, his rap sheet.

Madam Deputy Speaker, the bravado was there, “bring it on”. As indeed the bravado is there now for another Motion that may come sometime, but when the time came to stand in the Parliament and defend yourself, faced with this Motion, several arguments were raised by the Member for Diego Martin North/East, and it is to that I will turn now.

The first veil that they sought to pull was the constitutional veil, to indicate to the national community that a Motion such as this, filed against the Leader of the Opposition, is null and void, because there is no constitutional consequence of it, in that there is a consequence of a Motion of no confidence in the Leader of Government, the Prime Minister, but there is no constitutional consequence for the Leader of the Opposition.

The very Leader of the Opposition filed a Motion of no confidence in the Minister of Finance and the Economy for which there is also no constitutional consequence. When he stood in this House to explain that, and other Motions as well—a Motion on the former Attorney General, I believe—he said that regardless of the Constitution, it was important to debate specific issues for the national community to be informed, to be alert, to make their own decisions outside of the Constitution, on such important office holders, as the Attorney General and the Minister of Finance and the Economy. But, when it came to him, it was not important to have a debate, to participate in a debate, claiming it was—there was no constitutional import. But the Leader of the Opposition carries with him a very, very important constitutional role recognized since 1962, but enhanced in the last 10 to 20 years, as to his role or her role as the case may be, in constitutional matters, that has been enhanced, Madam Deputy Speaker.



So, the Leader of the Opposition sought to hide behind the Constitution and therefore left, but this is an important moment in our history because it was an accountability test. It was a moment for an accountability test which is an acid test, which is an indicator of the capacity of someone in national leadership, because the Member for Diego Martin West is already in national leadership by virtue of his constitutional office. He is now an applicant for a higher position. He is an applicant for a higher position, that of Leader of Government, and this was the accountability test, an acid test somewhat, to tell us how you would stand in the face of criticism, in the face of an argument against you on specific matters.

**2.45 p.m.**

And what did he do? He chose to run, Madam Deputy Speaker, and conducted his debate in the public, not in the Parliament, and that I believe is a fundamental issue today, that the Leader of the Opposition chose to walk out on the Parliament and then propose himself as a victim—that the Government was against him; that Government speakers were against him, that he was a victim— while all we did was place on the Table a Motion and say: “Listen, could you explain yourself?”

So, there was no regard, no respect for the integrity of the Parliament by defending his name as the Minister of Finance and the Economy did mere days ago, as the former Attorney General did, a year or two ago and as the Prime Minister did for 27 unbroken hours—[*Desk thumping*] sat in this Chamber to listen to criticisms from every single Member of the Opposition for 27 long hours before the Prime Minister rose herself and came to explain on that Motion of no confidence in the Prime Minister. So, the Prime Minister took 27 unbroken hours to listen to criticisms and respond. The Leader of the Opposition could not stay for one hour, for one minute, to listen and respond, and that is a fundamental issue.

So, God forbid one day you are Prime Minister, civil society, the national community or maybe the international community raised critical issues that are critical of your conduct, of your judgment, of your policy; is it your record, is it your conduct that you will say: well, forget them—I do not want to use bad language here—but forget them and walk out of a meeting of Caricom, walk out of a meeting in the Parliament and walk out of a Motion? This was a litmus test that the Member for Diego Martin West has failed. [*Desk thumping*] He has failed the litmus test of leadership which is the accountability test.

You see, it is not whether you are right or wrong in this matter as well, you know. We are clear, we are right, but the Leader of the Opposition could have

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come and raise his defence, maybe even seek to convince Members of the Government that he is correct or not as wrong as we portray him to be.

You see, Madam Deputy Speaker, an article was written in the newspaper a few weeks after we began debate, and the article headline was: “Get back in there, PNM”. It was written on April 13, 2015, by a former Minister of Government—one of the longest serving Ministers of Foreign Affairs in the Commonwealth, former Cabinet and parliamentary colleague of the Member for Diego Martin West, Mr. Ralph Maraj, and Mr. Maraj says:

“The Government’s motion is not ‘vacuous and a violation of parliamentary procedure’. Democracy is give and take and if the Opposition can bring a motion of no-confidence in the Prime Minister, why can’t the ‘Government do the same to the Leader of the Opposition?’ ...Walking out achieves nothing.”

This is Mr. Maraj. He goes on to say had you been in the Parliament, you:

“...would have shown the Opposition as a united force. There is talk of disarray, especially”—among certain MPs who are not going back and so on—“Think of the impression if all those who have been disallowed were to stand up and despite their hurt, defend the leader to the utmost. Think of the dramatic impact...”

—it would have had. You could have stayed and proposed your policy. Let your Members speak of your great work and your track record. We did not hear anything about that. [*Crosstalk*]

**Mrs. Persad-Bissessar SC:** Not even the Member for Diego Martin North/East.

**Hon. Dr. R. Moonilal:** Not even the Member for Diego Martin North/East, and I am coming to Mr. Higgs in a moment.

Madam Deputy Speaker, Mr. Maraj goes on:

“And Dr Rowley, you stand accused of many things by all Government speakers...”

You should have seized the opportunity to defend your good name.

“Now, with credibility...”

You could have stood tall and conveyed your policies. This is a gentleman who, even today, there are articles and editorials in the newspapers calling on him to speak to policy issues. Madam Deputy Speaker, he ends by saying:

“Tell the country what you will do in light of the significant economic challenges.”—use the Parliament—“Let us know your plans for national security, education, health, agriculture...”—et cetera.

“With”—this—“approach, you gain the high moral ground. You lift the discourse to a higher level. You win the debate. It’s not too late. Get back in there, PNM.”

Madam Deputy Speaker, it is too late now, I am sad to say. It is too late now, because they have gone.

On two previous occasions they got up and walked out on a debate that would have allowed every Member to speak of the achievement of their leader, to speak of the policy and vision of their leader. Where are they now? They went outside and cry and groan and froth at the mouth that they are a victim of all sorts of things, the Government—in fact, quite a couple days ago, the Leader of the Opposition said in a speech, I think somewhere in south, that he feels threatened, unsafe, because Government Members are attacking him. Madam Deputy Speaker, from what I have seen in the press he should be unsafe and feel unsafe at Balisier House where the Members for Chaguanas East walked out on him and Laventille East and others. He should be unsafe there.

You see, Madam Deputy Speaker, the Leader of the Opposition took the coward way out of this debate and “grand charge” before, “bring it on” and then left the Parliament, and could not stand and defend his name on a very serious issue which I am coming to now.

He has failed the accountability test. Had he been here he would have been able to respond to the Member for Pointe-a-Pierre. The Member for Pointe-a-Pierre told us a horrid story of the Member for Diego Martin West going to his home—I think it was the home of the President General of the OWTU—in 2007, taking Barabbas. Is it Barabbas?

**Mr. McLeod:** No, Lazarus.

**Hon. Dr. R. Moonilal:** Lazarus. Taking Lazarus with him, where in 2007, the Member for Diego Martin West was organizing a coup—went to the Member for Pointe-a-Pierre and sought to engage the Member for Pointe-a-Pierre in an attempt to knife his leader. In 2007, he sought to knife his leader by organizing a coup, and sought to enlist the President General then of the OWTU. To this day, the Member has not denied that, which means it stands for the public record and it stands as the truth. He sought to knife his leader in 2007 who went on to become Prime Minister—again, the Member for San Fernando East—and went on to go in the Cabinet of that particular Member. He went on to sit and serve in the Cabinet

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of the Member for San Fernando East while he tried to knife him in 2007, enlisting the Member for Pointe-a-Pierre, but he was not here to defend. He did not say anything about that.

But the Member for Diego Martin North/East, in a most macabre contribution stood in the House—and I have the contribution in my hand—and took us back to 1912 to an Australian Member of Parliament by the name of Mr. Higgs. Madam Deputy Speaker, for all we tried on that day, we could not understand what Mr. Higgs had to do with this Motion. It involved the Governor General in Australia and Mr. Higgs on a Motion against the Prime Minister. No time did the Member for Diego Martin North/East seek to defend the Member for Diego Martin West, but he told us all about Mr. Higgs.

I want to come back to his speech because it was very interesting. In my contribution, Madam Deputy Speaker, I raised the matter where the Member for Diego Martin North/East went to the Uff Commission, and at the Uff Commission he gave evidence there which undermined the integrity of the Member for Diego Martin West. He gave evidence there which spoke to the lack of trust and integrity in the work and in the statements of the Member for Diego Martin West. He said to the effect that the Member for Diego Martin West had misled the nation on a matter involving a Cabinet decision.

But then he stood here, the Member for Diego Martin North/East. First, he denied that he ever said that. I had to read from his words from the record of the Uff Commission. Then he sat and he said—Madam Deputy Speaker, on that day, you would think that seat that the Member for Diego Martin North/East “had pin, thumbtack, nail” on it. He could not sit down for 10 seconds. He kept jumping up, jumping up like a Muppet. He was there like a Muppet jumping up to say: “I did not say this, I did not say that.” When I quoted his words, he came with a remarkable conclusion. He said: “Well, the Uff Commission did not exonerate the Member for Diego Martin West.” So, was he saying that the Uff Commission did not believe him? The Uff Commission took him as a joker? Is he saying that the Uff Commission, in exonerating, if they did, the Member for Diego Martin West, took him for a joker? Madam Deputy Speaker, that was the sum total of the Member for Diego Martin North/East.

The Member for Diego Martin North/East’s position was that the Uff Commission did not make a finding on it when he spoke at the Uff Commission and condemned—I do not want to read again from my speech in the beginning—the Member for Diego Martin West. They had no defence to the substantive issue in the Motion. You see, the Motion was very clear, properly worded, precise and

concise. All the Motion sought to do was to highlight that the Leader of the Opposition failed, at all material times, to indicate to the leader of Government, the Prime Minister and/or the President, that David West was his private witness when he supported the nomination.

And you know, they tried to fight me with words—“the Prime Minister nominate, I did not nominate. I support, and it was her decision it was not mine.” Do you understand what they were trying to do? “It was not my decision, it was the Prime Minister, so I went along with it, but it was not mine.” But you knew and the information came out from his fired attorney—the one with the towel in his pocket—that the Leader of the Opposition knew that David West was his witness.

He knew that.

**Dr. Gopeesingh:** He said it on TV.

**Hon. Dr. R. Moonilal:** He said it on television. The fired attorney said it on television that the Leader of the Opposition knew that David West was his private witness, voluntary; a voluntary witness, I keep saying. He was not the DMO coming to pronounce somebody dead. He was a voluntary witness of fact, and the Leader of the Opposition knew that and sought to hoodwink the Prime Minister, the President and the people of Trinidad and Tobago. They did not at one moment defend that issue. They did not rise and say yes, they did not rise and say no.

They left it to Mr. Higgs 1912 in Australia. That is the argument.

Madam Deputy Speaker, and today I would like to place on record in closing this Motion that no Member of the Opposition to this moment, no member has led an argument or has stated categorically that the Leader of the Opposition did not know that David West was his witness in a private matter involving the former Attorney General. They did not and the record will so stand.

You see, Madam Deputy Speaker, this is what we call into account, your knowledge that David West was your witness. You failed to comply with the code of conduct set out in the Integrity in Public Life Act. You failed to comply with that code, and we read that code in detail, several speakers. I do not want to repeat that now—I want to get to another matter—and in failing to do that you breached the law. So the Member for Diego Martin West breached the law of Trinidad and Tobago as it relates to the code of conduct by failing to declare that David West

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was his private witness in a private matter on a voluntary basis, and could not stand the test. That is an accountability test.

Madam Deputy Speaker, I want to tell the nation today if in Opposition someone raised a question of your conduct and raised an accusation that you may have breached the laws of Trinidad and Tobago and this is the contempt you show for the Parliament, what will you show, God forbid, you have power and authority as Prime Minister of the Republic of Trinidad and Tobago? If as Opposition Leader you could not come to the Parliament and explain yourself to the country—not to the Government, to the country—and you lead your forces, your divided team, you lead them out of the Parliament—took a decision with this divided Opposition that no one will speak—and they leave and the Government came here and spoke to the Motion. This Motion, of course, took a dramatic turn with explosive statements by Members and so on, but the Leader of the Opposition became a victim. He sought to portray himself as a victim.

### **3.00 p.m.**

This had a consequence, Madam Deputy Speaker. As soon as the debate started and information got out in the public domain, the Leader of the Opposition then started to portray himself as a family man. Suddenly, you started seeing pictures of the family man; “my dear family”. Then I think there was a picture where the Leader of the Opposition took 150 young students to see a movie at MovieTowne. So 150 young students, boys, benefited from this Motion. They got to see a movie, a picture at MovieTowne free of charge. As if carrying 150 young boys to see a movie at MovieTowne in some way compensated for not carrying one boy to see 150 movies—as if that compensates. It does not work like that. [Laughter] It does not compensate, when you could have carried one boy to see 150 movies.

I want to ask those children and their parents today—thank you for the movie experience there. The Member for Diego Martin West, I think “he buy tickets for dem”, but would this Member for Diego Martin West give you a laptop computer, as the Member for Siparia and Prime Minister of Trinidad and Tobago, where you can watch all the movies? You can learn, you can educate, you can open your life, you can graduate, a tool for learning. You could learn to make a movie.

The Leader of the Opposition does not support giving laptops to the children he carried to watch the movie, because his handlers tell him, “Listen, you under some stress here with family matters. Buy ticket and carry children to see pictures quick.” Teaching them to leave their school and go cinema. We did that when we

were children, and we got some whip for that, Madam Deputy Speaker. That is the Leader of the Opposition trying to see if he could cover, but the substantive issue is David West, and David West and this matter will not go away. It will not go away.

We asked David West to state who in the public interest, given the gravity of this matter, approached him to be a witness. “Yuh cyar find west, yuh cyar find east, yuh cyar find north, yuh cyar find south; he disappeared.” He will not say who approached him. He will not say when he was approached and by whom, in such a matter of grave interest to the public. But that is the contempt they hold for the people of Trinidad and Tobago.

What is the big secret? If you are a witness, you are a witness. There are many witnesses in the court. This matter is of public interest, but David West will not come out and say who approached him, when. And clearly he has evidence which he believes is useful for the Leader of the Opposition. That is why he is there. If the evidence he believes is useless, why is he a witness? Why? So office holders are called to question in this matter, high office holders, and you expect a higher standard from persons who hold high office and offices under the Constitution.

When you are a witness for the Leader of the Opposition, and you yourself do not come out and say that—Madam Deputy Speaker, I am a witness for nobody in this country, nobody—but had I been, and it is somebody of some import and so on—the Leader of the Opposition knows. His name is now in the American court documents in the State of California, where they condemn him on a next matter. In fact, he cannot even be a witness in America. If he witnesses a traffic accident in America, they may not take his word there too, because he has no credibility.

And when the time comes for you to stand up and be counted, tell us your credibility, he hides. He says the Government is against him; we are plotting against him. This morning at the Chamber of Commerce meeting—I think there was a Chamber meeting where the Leader of the Opposition spoke—he came with the same nonsense, begging for sympathy, “I am a victim. They are out to get me”. That was his tone. “They are out to get me.”

The Leader of the Opposition—a lot of issues have been raised here on issues of management, governance, accountability; you are accountable when you are leader, a national leader. You are accountable. The Leader of the Opposition is giving several speeches now and talking about if you vote for him he will have a lean government, a clean government and they will deal with governance and corruption and so on, as if this Member dropped from the sky. He just arrived

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from Mars, was never in politics before, was never in Cabinet, was never in public office.

Madam Deputy Speaker, this is a gentleman who betrayed the trust of his own Prime Minister and colleagues. He stood in Parliament and said that the PNM Government was 10 times worse than the UNC. After they fired him he discovered that. He accused his own colleagues of bid rigging and encouraging corruption. The very colleagues who are standing with him today and campaigning, he accused them of bid rigging and encouraging corruption. He only made these utterances after he was fired. He never raised those matters at his party forum; never raised those matters before his colleagues. He came to Parliament and said, “All ah dem corrupt”. This is the test, to betray his own party, his own leader, for selfish political ends, and that is all of the issues that came.

Now he is saying that if you vote for him—clean government, mean government, small Cabinet. He told his Members when they were screening, “Listen, we screening you, but you are not in de Cabinet eh”. So who will be in this Cabinet, God forbid? Franklin Khan, Jennifer Baptiste? They are waiting at the side to come in there. Who else, Andre Monteil, who had this Stone Street capital business? Joan Yuille-Williams? Who will be in this Cabinet? It will not be elected people, because he said elected people will not be in Cabinet. That is what he said. The old brigade—with him it is back to the future. They will bring this old brigade, dust them out, exhume some of them and bring them for Cabinet authority. And telling us about corruption?

But the Member had an opportunity to prove himself. You know, there is an institution in this country under the complete control of the PNM—complete control, that is the THA. In the Auditor General’s Report of 2006, an institution that is under total PNM control—the Auditor General’s statements of 2006 speak to insufficient documentation regarding explanations for over \$1 billion. The Auditor General says:

“I have not been able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion.”

They condemn the lack of urgency of the THA to provide for new financial rules. Failure to follow rules laid down in 1990 which state that:

“...the THA’s expenditure for any financial year is less than the amount...”—shown in the final statements.

This causes serious issues with their contingency account. They raised an issue of \$10.5 million transferred to a contingency account for a quarter in 2006 prior to



the determination of the use of that money. Possible misappropriation of the Contingency Fund to the tune of \$12.3 million.

Madam Deputy Speaker, Reginald Dumas, in an article on April 14, “Another audit of the THA” speak to the mismanagement, abuse and violation of the financial rules at the THA. He cites Rule 36; again, they have failed to account for 2003, 2004, 2005. They have failed to account for Milshirv. They have failed to account to the Auditor General for the expenditure of the public purse. They cannot account for surplus moneys at the THA to the tune of hundreds of millions of dollars. He said that he has been asking for the Auditor General to undertake “a comprehensive audit” of these finances.

So the point I am making is that the PNM—*[Interruption]*—Madam Deputy Speaker, the point I am making is that the THA is under the control of the PNM. This is the leader of the PNM, Leader of the Opposition, and the Auditor General has condemned the financial accountability of the THA. So this is your test. If you are talking about governance and good governance, and cleaning up corruption, what are you doing with the one entity that is under your total control at this time?

This Government under the Member of Parliament for Siparia brought legislation to deal with procurement, to deal with issues of accountability, responsibility, corruption. The Leader of the Opposition led his team out of the procurement subcommittee, but when it came for a vote—*[Interruption]*

**Madam Deputy Speaker:** Your speaking time has expired. Would you be interested in an extension?

**Hon. Dr. R. Moonilal:** Yes, Ma’am.

**Madam Deputy Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for Oropouche East and Minister of Housing and Urban Development be extended by 15 minutes.

*Question put and agreed to.*

**Hon. Dr. R. Moonilal:** Thank you, Madam Deputy Speaker.

When the biggest issue facing this country from a governance perspective came to the fore, it was the issue of procurement. The Leader of the Opposition led his team in this debate in Parliament, and on December 05, 2014, when a vote was taken on Public Procurement and the Disposal of Public Property Bill, those who were against that Bill, who failed to support that Bill included: Miss M. McDonald; Dr. K. Rowley; Miss D. Cox; N. Hypolite; C. Imbert; F. Jeffery; Dr. A. Browne; Mrs J. Thomas; Miss A. Hospedales; Mrs. P. Gopee-Scoon. So against procurement—they failed to support the procurement laws.

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This morning, the Leader of the Opposition changed his tune. He told the business community, “I support procurement legislation”,—this morning. But on December 05, 2012, when a vote was taken after a debate, the PNM and the Leader of the Opposition failed to support procurement legislation. Today, they tell the business community, “We support procurement legislation”. Which one is true? So they could not support procurement legislation.

It is this Government, led by the Member of Parliament for Siparia, that brought historic procurement legislation and passed. [*Desk thumping*] It is this Government, led by the Member for Siparia, that reformed this colonial parliamentary Standing Orders for the first time in 50 years, to bring greater accountability to the Parliament. [*Desk thumping*] Today it is the Prime Minister and Member for Siparia who every single month—and some of us feel this month “does fly, de time does fly”—the second sitting of every month the Prime Minister comes here and stands in the Parliament and takes question after question from every Member opposite. In fact, we sometimes extend the time for questions.

What would he do? If he is Prime Minister, God forbid, and somebody asks him an inconvenient question, what would he do, steups, get up steups, dust yourself up, go out and leave the Parliament, because you do not like the question? But we are asking you a question today. The Member for Diego Martin West, suppose somebody gets up and ask him a question about David West, and he is the Prime Minister, what would he do, get up and walk out, because this could be the subject of 20 parliamentary questions to a Prime Minister? No, no, no. “You ever see de Member for Siparia come and walk out because yuh doh like de question from the Member for Point Fortin or from the Member for Diego Martin North/East?” This is a test, this is an accountability test.

What did he promise the Chamber this morning? He promised to bring back “de racket rail”; he promised a rapid pay increase, because that is what they are looking for. The moment they get into office, they will increase their salary by 300 per cent, because that is what they propose, a 300 per cent salary increase, while our policy, as directed by the hon. Prime Minister, has always been that Members of Parliament, Ministers may be deserving of an increase in salary, but it cannot be over and above what is granted to the wider public service. It cannot be. [*Desk thumping*] His approach is “racket rail” and rapid pay increase; close down the Ministry of Local Government; close down the Ministry of Tobago Development; fire the people. That is their approach.

His approach: no baby grant, no laptops for children—”buy cinema ticket for dem”; that might be Government policy, a cinema ticket for every child—close down the Life Fund. He promised this morning—I want to get to those promises—”racket rail”, pay increase, vote for him to deal with governance—did not support the procurement legislation—that is it. And then another dastardly plan that we must alert the country to: in an unforeseen moment, a nightmarish morning appears, and this gentleman becomes Prime Minister of this country, they will move by midnight of the same day to get rid of the Privy Council. The same day, they will move to get rid of the Privy Council.

The Member for Diego Martin West has already indicated in articles:

“Rowley: clean break from Privy Council”

Rowley again in August 2013 and in May 2012:

“Do away with the Privy Council”

While I understand the Member for Chaguanas West and former Members, some of them with a bucket list, met I think sometime earlier this week and they raised the issue of the Privy Council. Our position has always been—in fact, the Prime Minister proposed that we will move to the direction with first removing the Privy Council over particular matters, their jurisdiction, and then move forward.

### **3.15 p.m.**

Our position has always been that you need to consult the people via a referendum, that you consult the people on this critical decision of removing the Privy Council which speaks to their fundamental rights, their access to justice, to freedom, their human rights, apart from being enshrined in the Constitution. Our position had been to consult the people, Madam Deputy Speaker. His position is, “do away”.

There was a report—I want to alert you, Madam Deputy Speaker—a few weeks ago where the Leader of the Opposition said to the effect of a British delegation came to see him, to pay a courtesy call. Now this is a courtesy call on the Leader of the Opposition, eh. What did he do? A British delegation came to see him. He told the British delegation, go back to London and tell them throw out Trinidad and Tobago from the Privy Council. Could you imagine the temerity, the effrontery, of the Leader of the Opposition—I hope I pronounced that right. Could you imagine that? Telling a British delegation paying a courtesy call on him—go back to London and tell them throw out Trinidad and Tobago from the Privy Council; as if he has the authority to do that.

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Now, if you do that as Leader of the Opposition at Charles Street, wherever, what are you likely to do as Prime Minister? They will throw out the Privy Council the night he takes his oath and leave thousands of citizens unprotected and leave this country without the benefit of the final court of appeal. Madam Deputy Speaker, he will not allow for the people to decide—because the people’s view is irrelevant. The people’s view is irrelevant to the Leader of the Opposition. At the stroke of midnight, God forbid, he takes an oath of office as Prime Minister, they will kick out London. It might be five o’clock London time in the morning, they will kick out the Privy Council. At the Privy Council, Madam Deputy Speaker, this is a danger that the Leader of the Opposition poses to this country. He poses a danger that there will be no consultation, no participation, no discussion with the people of Trinidad and Tobago; if Lord and Mighty believes that this is right, so be it. That is the Lord and Mighty.

**Hon. Member:** Not a dog bark.

**Hon. Dr. R. Moonilal:** That is going back to the culture of “not a dog bark”. Because today, they will not stay in the Parliament to listen to any critical view. They will not listen to a critical view from the Parliament, eh, far less a critical view from people on the street. [*Crosstalk*]

The Prime Minister in La Brea a few days ago came to open the La Brea Police Station—beautiful, beautiful station [*Desk thumping*] built by the People’s Partnership after decades. Madam Deputy Speaker, they promised police stations. They built one and a half in 10 years. We have built eight in four years. [*Desk thumping*] We opened La Brea, some protestors came there. They had some matters—health and safety. The Prime Minister did not pass “voosh” past the protestors. The Prime Minister stopped before the function, came out, met, chatted with the persons protesting, committed to help, given their grievance. The Minister of Labour and Small and Micro Enterprise Development was directed to meet those workers to discuss their problems to see how best we can assist. That is the access. The Prime Minister did not come down there and say—protest? We are opening a police station. What is wrong with them? And pass them or send the police to move them with their placards and so on. They were so honoured, so pleased, so charmed, they joined the Prime Minister and walked to the function. [*Laughter*] And as if that was not good enough, they sang happy birthday to the Prime Minister. [*Desk thumping*]

They are in the Parliament today—today, today, today to meet the Minister of Labour and Small and Micro Enterprise Development to discuss their problems and their issues in the Parliament. That is the Government that we practise,

Madam Deputy Speaker. But the Leader of the Opposition will not even hear a criticism from a Member of Parliament. You think he will hear a criticism from a worker? No. We will go back to being jailed and harassed and sending the police to harass Members of Parliament in Opposition to a prime minister of government.

Madam Deputy Speaker, in winding up this debate, I want to indicate that this was an accountability test, an acid test to the Leader of the Opposition, which he has failed miserably. And, you see, he does not care. A few days ago, brought a letter purporting from a Queen's Counsel in Barbados, when the Leader of the Opposition himself could have taken the opportunity to cross-check. We get so many letters, Madam Deputy Speaker, we call, we follow up—please check to make sure this is authentic. Who is the writer? Who is the author? He did not do it because he did not want to do it. Because had he done that, he would have known that the letter was false, was fabricated.

**Mrs. Persad-Bissessar SC:** Same thing with the emails.

**Hon. Dr. R. Moonilal:** Same thing with the emails, Madam Deputy Speaker—came to the Parliament with emails. When he stood there he did not say that those were anonymous letters. He did not say it was a love letter; did not say it was a transcript of two parrots talking, and this is what the two parrots said to each other.

He said they were emails. Google International said they are false—and that is all that matters. [*Crosstalk*] Accused a Prime Minister, Members of her Government, of plotting to murder a journalist—a journalist. Google International said those emails are false. This is the Leader of the Opposition, and you could have checked things like those. You can check before making those grave allegations. Notwithstanding the fact that he had it for six months, where he alleged that they were plotting to murder a journalist who could have been dead 100 times in six months. This is the level of responsibility that we are seeing. Madam Deputy Speaker, how many more minutes?

**Madam Deputy Speaker:** You have until 3.24.

**Hon. Dr. R. Moonilal:** Madam Deputy Speaker, in conclusion, we can look at the Leader of the Opposition. There are several fundamental qualities that make up a Leader of the Opposition and a Prime Minister and leaders—integrity, trust, compassion, a positive attitude, ability to inspire, vision, courage, honesty, consistency. It is by no means an exhaustive list. If, Madam Deputy Speaker, the Member failed to show up on this Motion and to account for his actions, it was a

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dereliction of duty. It was to short-change the nation. It was to bring this country under the microscope for national, regional and international examination and fail a test in the Parliament of Trinidad and Tobago.

Madam Deputy Speaker, politicians and governments for a long time to come, for the next generation, will reflect on what we do today; and when history is written, the history will be of the one Leader of the Opposition who ran from a substantive Motion on his conduct and his behaviour, ran from the Parliament. It is not an easy history. It is a weight that the Member for Diego Martin West will carry on his back. He will carry that weight that he became the first Opposition leader to flee from a Motion of no confidence on his conduct on a critical matter of constitutional import.

There have been other matters and they were raised in the debate. Landate, where a sitting judge, where a judge ruled that he was less than honest in that matter, and recommended that that matter, the Scarborough hospital, go to the police for further investigation. A procedural matter, I think, saved him there. There was another matter where his former leader asked questions of him concerning a housing site. I raised two matters which he did not respond to, Madam Deputy Speaker. I said there were documentations that came to us where he is the part owner of a property at One Woodbrook Place. We had the deed. He said he owned no such property. When we checked at the Integrity Commission and his Form B, he does not declare that property at One Woodbrook Place.

Madam Deputy Speaker, an appropriate letter has been written to the Integrity Commission calling for an investigation into the Member for Diego Martin West as to whether he failed to disclose a property owned by him and his spouse at One Woodbrook Place, when eye witnesses tell us, they have been in the elevator in that building already and spotted him and other members of his family in the elevator moving to and from. He did not come to the Parliament and defend that. He did not.

We raised the issue of Las Alturas, talking about dealing with corruption and mismanagement of funds. Fifty million dollars gone at a housing site at Laventille like biscuit crumbs, like biscuit, flaking off like biscuit. I brought letters to this House where the Member for Diego Martin West demanded and directed HDC to build and build quickly—I want those houses at Laventille, Las Alturas. I read into the record the letters. The Member for Diego Martin West says nothing. He says nothing of Las Alturas; said nothing of One Woodbrook Place, the property that he failed to declare. I have no difficulty if the Member owns property. He is working. His family and so on they are working. I have no difficulty with that.

Failed to declare. Says nothing for Pointe-a-Pierre who accused him of seeking to knife his leader and organize a coup against his leader in 2007, and these are the charges that stand today.

So, Madam Deputy Speaker, having said that, returning to my Motion, I believe that we have made a strong case. Our case stands, and on the basis of that, Madam Deputy Speaker, I call upon this House to resolve that the honourable House express its lack of confidence in Dr. Keith Rowley as Leader of the Opposition and as a Member of Parliament for Diego Martin West, and we censure and condemn the conduct of the Leader of the Opposition and the Member of Diego Martin West. Madam Deputy Speaker, I beg to move. [*Desk thumping*]

*Question put.*

**Mr. Warner:** Division.

*The House divided: Ayes 23 Noes 1*

AYES

Moonilal, Hon. Dr. R.

Persad-Bissessar SC, Hon. K.

Mc Leod, Hon. E.

Dookeran, Hon. W.

Ramadhar, Hon. P.

Gopeesingh, Hon. Dr. T.

Peters, Hon. W.

Rambachan, Hon. Dr. S.

Seemungal, Hon. J.

De Coteau, Hon. C.

Cadiz, Hon. S.

Baksh, Hon. N.

Griffith, Hon. Dr. R.

Baker, Hon. Dr. D.

Khan, Hon. Dr. F.

Douglas, Hon. Dr. L.

Samuel, Hon. R.

Indarsingh, Hon. R.

Roopnarine, Hon. S.

Ramdial, Hon. R.

Partap, C.

Sharma, C.

Ramadharsingh, Dr. G.

NOES

Warner, J.

*Question agreed to.*

*Resolved:*

That this Honourable House censure and condemn the conduct of the Leader of the Opposition and Member of Parliament for Diego Martin West;

*Further resolved:*

That this Honourable House express its lack of confidence in Dr. Keith Rowley as the Leader of the Opposition and Member of Parliament for Diego Martin West.

#### **PRECURSOR CHEMICALS (NO. 2) BILL, 2014**

*Order for second reading read.*

**The Attorney General (Sen. The Hon. Garvin Nicholas):** Thank you, Madam Deputy Speaker. I beg to move:

That a Bill to provide for the monitoring of prescribed activities and the prevention of the diversion of precursor chemicals and other chemical substances used, or capable of being used, in any type of illicit transaction involving narcotic drugs, psychotropic substances and other drugs or substances having a similar effect and for purposes connected therewith, be read a second time.

Madam Deputy Speaker, global successes in monitoring and tracking both listed chemicals and non-scheduled chemicals used in illegal production have led to significant changes in the illicit production of drugs. Organized drug groups



continue to develop new methods and trafficking procedures to stay ahead of enforcement agencies.

**3.30 p.m.**

It is in response to these developments that this Government seeks to enact comprehensive legislation that will focus on, inter alia, the close monitoring of the use of possible substitute precursor chemicals, initiates to track, seize and safely dispose of diverted chemicals and criminalized diversion or attempts at diversion of these chemicals.

Madam Deputy Speaker, this Bill is not only about organized illicit drug manufacturing. It directly covers the next door neighbour who decides to cook up methamphetamine on a Sunday afternoon, using precursor chemicals. Madam Deputy Speaker, the Bill was first introduced in the other place on December 9, 2014 by the then Attorney General, Mr. Anand Ramlogan SC. This Bill was later debated at length on April 21, 2015, it was passed with amendments and supported unanimously by the Opposition and Independent Benches.

During the course of the debate a number of suggestions were put forward in an effort to improve the Bill and ensure that it is indeed fit for purpose. I can assure you, Madam Deputy Speaker, that the ethos of the Bill has been further strengthened to ensure that the diversion of precursor chemicals and other chemical substances into illicit drugs will be carefully monitored, and anyone caught contravening this legislation will be dealt with appropriately. Madam Deputy Speaker, it is for these reasons that I now ask all Members of this Chamber to approve this Bill in its current form. There are 28 clauses and four Schedules in this Bill. I suspect that time only allows me to touch upon the main clauses such as the Precursor Chemical Unit, the consequential amendments, the central authority created, the enforcement details and the offences. The Bill seeks to create a unit that will have responsibility for:

- monitoring any prescribed activity as it relates to specified chemical substances with a view to detecting and preventing their diversion for the illicit manufacture of narcotic drugs, psychotropic substances and other drugs and substances having a similar effect;
- identifying and reporting to the relevant authority any suspected cases of diversion of specified chemical substances;
- collecting, analysing and managing information relating to specified chemical substances;

- administering the National Drug Control System, the Pre-Export Notification System and other information sharing systems relating to specified chemical substances;
- liaising with and providing assistance to bodies outside of Trinidad and Tobago which perform similar functions;
- promoting public awareness of the potential illicit use of specified chemical substances;
- promoting, facilitating and conducting capacity building among stakeholders;
- coordinating activities among stakeholders;
- establishing and maintaining a register of specified chemical substances;
- inspecting or causing to be inspected all registers, books, records and all other documents relating to specified chemical substances;
- developing a policy related to specified chemical substances; and
- doing all such things as are incidental or conducive to the purpose and intent of this Act.

In so doing, existing laws have been harmonized. For example:

- the Strategic Services Agency Act, Chap. 15:06 is being amended to include the definition of “precursor chemicals” as it is defined in this Bill;
- the Customs Act, Chap. 78:01 is being amended in section 279 to ensure that the Director of the Strategic Services Agency is one of the persons with whom the department of Customs and Excise can share information;

The sharing of information between relevant agencies is paramount to the effective organization and enforcement of the provisions within this Bill. It was therefore necessary to provide the legal infrastructure within this Bill for intelligence sharing between agencies, and to mandate that such information be shared for the purpose of monitoring the imported precursor chemicals and barring their unauthorized illicit use.

- The Pesticides and Toxic Chemicals Act, Chap. 30:03 is being amended to include “the Head of the Precursor Chemicals Unit of the Strategic Services Agency” as a member of the Pesticides Control Board;

- the Dangerous Drugs Act, Chap. 11:25; and
- the Food and Drugs Act, Chap. 30:01 are also being amended to ensure that they are in harmony with this Bill.

This Bill is seen as the umbrella legislation for precursor chemicals.

In addition, the following new obligations have been created such as: Under Part III, the Competent Authority for Trinidad and Tobago is the Chief Medical Officer. Article 12 of the United Nations Convention requires that the competent authority be appointed in order to implement and enforce a system to monitor and control precursor chemicals. And it was felt that the Chief Medical Officer would possess the required expertise to hold this important and critical office.

Part IV provides for the contents of the commercial documents relating to prescribed activity, and the detention of a consignment by the Comptroller of Customs and Excise. These documents should be kept for six years, which is in keeping with other legislation.

Part V deals with enforcement, where a designated officer on the authority of a warrant can enter premises to inspect any specified chemical substance. He can inspect any documents and make such investigations and enquiries to ascertain whether this Act is being complied with.

Part VI creates a number of offences and provides for strict penalties. In particular, the Bill creates the offence of diversion. This offence is where a person unlawfully uses or causes another person to use a specified chemical substance for the purpose of manufacturing illicit drugs and will be liable on summary conviction to a fine of one million dollars and to imprisonment for three years, or on conviction on indictment to a fine of three million dollars and to imprisonment for five years. Where a person engages in any act knowing or suspecting that the specified chemical substance is to be used in the unlawful manufacture of drugs, that person also commits an offence and is liable to the same penalties as just mentioned.

Where a person who engages in any prescribed activity without an appropriate licence, he is liable on summary conviction to a fine of one hundred thousand dollars and imprisonment for one year, on conviction on indictment he will be liable to a fine of two hundred and fifty thousand dollars and to imprisonment for two years.

Madam Deputy Speaker, these offences carry tough penalties and heavy financial fines to reflect the seriousness upon which the Government holds these offences. Madam Deputy Speaker, I would also like to mention clause 25 which states that where a sample is taken from any specified substance it shall be presumed, until the contrary is proven, that the whole of the substance possesses the same properties.

Section 5(2)(f)(i) of the Constitution of Trinidad and Tobago provides certain constitutional guarantees to a person charged with an offence, and these are:

- the presumption of innocence;
- the right to a fair trial; and
- the right to bail.

Notwithstanding the presumption of innocence, Madam Deputy Speaker, the Constitution allows for the enactment of legislation to impose on the accused the burden of proof, to prove particular facts. This section shows that clause 25 is not unconstitutional. In considering suggestions from Members in the other place, I will speak only to those clauses with significant agreed amendments to the original Bill so that this House is able to understand why we came to this particular place in the legislation.

Clause 4 which deals with the detention of consignment by the Comptroller of Customs and Excise—clause 14 which was amended to ensure that exported goods would also be inspected for specified chemical substances. Prior to this amendment, the clause only referred to imported goods. This amendment therefore covers both imported and exported specified chemical substances, providing for situations where information received shows that the importation and/or exportation is for the purpose of contravening this Act.

It was agreed that the rights of individuals to be protected from arbitrary invasion of their private property should be preserved, and as such the following amendment was made to ensure that any search of premises has to be done on the authority of a warrant. The person conducting the search must therefore be a police officer, a customs officer or a designated officer. That person must have the warrant in his/her possession, and must be able to produce the warrant when required, and whenever requested. To ensure timeliness and accountability, we agreed that the person conducting the search must, no later than seven days after something was seized after the search, give a written notice to the owner or occupier of the place of things searched, or to a person claiming an interest in the

things searched, this notice should state the date and time of the execution of the warrant, the identity of the person who executed the warrant, and specify the items seized under the warrant.

In clause 18(2), a period of one month was amended from one week for the analyst to produce a certificate or report setting forth the results of his examination and analysis within one month of the submission of the sample. This is to ensure timeliness with regard to the analysis of the sample and also allow the analyst a reasonable time in which to submit his report.

Madam Deputy Speaker, it is noted that you will see one week in the Bill as is currently drafted. This should actually be one month, and as per the amendment in the other place, I hope this can easily be corrected, as the paper trail would show that it is indeed meant to have been one month.

Clause 18(3) inserted a new subclause to ensure that where the analysis does not reveal specified chemical substances, the person from whom the chemical substances have been seized is deemed not to have committed the offence. The equipment and chemicals are to be returned to that person within one month of the submission of the report and the analysis.

Clause 19 relates to the bringing of the equipment before a magistrate “as soon as is practicable”. This was inserted, because it may be that the equipment is of a particular size, and it may take time to bring it before a magistrate. The best evidence rule states that original evidence is always the best evidence, although in many cases courts will allow the use of photographic evidence where it is practicable to do so.

The mental element of knowingly was added to clause 20(2), so that it would not be a strict liability offence. Similarly, clause 20(4) was amended so that the notice is given to any person, to his knowledge “has a claim thereto” at the time of the seizure. The original wording included the words “employee or agent of the owner”. This has now been deleted so that an employer is not vicariously liable for his employee’s actions in these circumstances.

### **3.45 p.m.**

Clause 20(10), Madam Deputy Speaker, is the previous clause 19(2) which speaks about forfeiture and disposal of specified chemical equipment and substances. As clause 20 generally concerns forfeiture, clause 19(2) was moved to this section as it sits better there.

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In clause 23(1)(b), the term of imprisonment on indictment was increased to two years. This was originally set at one year which was the same as the summary conviction.

Clause 23(2) has been amended to provide an opportunity for the persons to state that they had a lawful reason for engaging in the prescribed activity. Clause 23(2) now reads:

“A person who has a licence to engage in any prescribed activity and who without lawful authority or reasonable excuse breaches any condition of the licence commits an offence...”

Clause 24 concerns the making of false or misleading statements for the purpose of obtaining the issue or grant of a licence. The mental element of knowing has been added to ensure that there must be some prior knowledge of the act. So this clause now reads:

“A person who knowingly—”

Clause 27(2) was amended so that any:

“Regulations made under this Act shall be subject to the negative resolution of Parliament.”

This will allow for the regulations to have parliamentary oversight, Madam Deputy Speaker.

Clause 27(3) was amended to provide a maximum penalty for the contravention of the regulations. This clause now reads:

“Regulations...under this Act may provide for offences and penalties to a maximum of fifty thousand dollars.”

It was agreed in the other place that \$50,000 is a good starting measure due to the business in hand.

Madam Deputy Speaker, as I indicated earlier, this Bill will effect consequential amendments to a number of existing laws. However, I really want to highlight that Schedule 4, item 2 amends section 2 of the Strategic Services Agency Act, Chap. 15:06, by substituting the definition of “precursor chemicals” as it is set out in this Bill. This is to ensure that the definition of precursor chemicals is the same across various pieces of legislation.

Furthermore, item 5 amends the Customs Act to add “the Director of Strategic Services Agency” as one of the persons with whom the department of customs

and excise can share information. This is in keeping with section 279 of the Customs Act, Chap. 78:01 and also clause 9 of this Bill where it lists a number of agencies for sharing information within 48 hours of the receipt of the request for that information.

Madam Deputy Speaker, we have tried to ensure that there is a cross-fertilization of information sharing. The data set out to be shared is listed in Schedule 2 in some detail.

Madam Deputy Speaker, at this stage I would like to address the constitutionality of the Bill which is currently before this honourable House. This Bill is a special majority Bill, in that it may be viewed as infringing upon certain fundamental rights and freedoms as stipulated in our Constitution.

Madam Deputy Speaker, the Constitution under section 4(a) guarantees:

“the right of”—a—“person”—to enjoy his private—“property and the right not to be deprived thereof except by due process of law.”

Section 4(c) guarantees:

“the right of the individual to respect for his private and family life;”

This Bill, by clause 15, is empowering a police officer, a customs officer and a designated officer to enter private premises and to conduct an investigation or inspection in relation to specified chemical substances.

The clause further confers on these three categories of officers, the power to seize any specified chemical substances or specified chemical equipment, electronic device, register, record or other documents, however stored. Undoubtedly, these powers can be interpreted as an incursion into our right to the enjoyment of private property.

Clause 15(5) provides these three categories of officers with the power, confers on these three categories the power to:

“require any information contained in a computer and accessible from that place to be produced in a form in which it is visible and legible...”

The exercise of this power, Madam Deputy Speaker, by such officers can be also interpreted as an infringement of the right to privacy.

Madam Deputy Speaker, as you are aware, a standard feature of our Constitution is that there is a list of rights and freedoms which are recognized and expressly declared. These rights and freedoms are usually considered to be part and parcel of a democracy and include familiar rights and freedoms, such as the right of the individual to equality before the law and the protection of the law.

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These rights and freedoms essentially determine and define the limits of how the State may or may not treat with its citizens.

Madam Deputy Speaker, as you are also aware, the supremacy of the law is clearly defined in section 2 of our Constitution which explicitly states:

“This Constitution is the supreme law of Trinidad and Tobago, and any other law that is inconsistent with this Constitution is void to the extent of the inconsistency.”

Madam Deputy Speaker, Parliament cannot by simple majority legislate in a manner which is inconsistent with the Constitution. This is why this Bill requires a special majority vote of three-fifths of the Members of each House. Where an Act is passed by the necessary special majority in both Houses it shall have effect and it shall be valid by virtue of section 13(1) of the Constitution:

“...unless...it is shown not to be reasonably justifiable in a society that has a proper respect for the rights and freedoms of the individual.”

Madam Deputy Speaker, any enactment which seeks to deprive an individual of an entrenched right must be carefully weighed. Rights are not absolute. It requires a balancing exercise between the rights of the few against the rights of the many.

Madam Deputy Speaker, in determining what is meant by the term “reasonably justifiable” in a society that has a proper respect for the rights and freedoms of the individual, we are guided by the decision by the Privy Council in the case, *de Freitas v Permanent Secretary*, (1998), 53 WIR 131 at 144. The Board expressed the view that when deciding whether a limitation is arbitrarily excessive, a court should consider the following three factors, whether:

- “1. the legislative objective which is sufficiently important to justify limiting a fundamental right;
2. the measures designed to meet the legislative objective are rationally connected to it; and
3. the means used to impair the right or freedom are no more than is necessary to accomplish the objective.”

Government therefore must balance the rights of the general public who expect to continue to enjoy their fundamental rights, including the right to property, against the rights of a few members whose very actions threaten public health and safety. I am of the view, Madam Deputy Speaker, that the Bill is reasonably justifiable in promoting and protecting the public good.



Madam Deputy Speaker, this Government intends to accord with both its international and national obligations. It has ensured a legislative schedule meant to meet the current and future needs of the country and its citizens. This Bill is part of that legislative schedule proposed by the Government within the last five years. This Bill is of paramount importance. Dedicated legislation is needed to address the real and emerging threats of illicit drug manufacturing. We are a country with a highly industrious petrochemicals sector and there are many companies which import these chemicals as part of their daily business. We have to monitor and carefully police this area so that it is not being diverted into something illegal and detrimental to society at large.

This Bill before the House has already been analyzed and debated in detail in the other place. It is my sincere hope that Members opposite—in this case, Member opposite—will fully support this Bill. All crime has a harsh effect on society. What distinguishes illicit drug use and manufacture is its hidden, repetitive character and its immeasurable ripple effects in our society. It cuts across class, race, culture and geography.

Madam Deputy Speaker, with these few words, I thank you and I beg to move. [*Desk thumping*]

*Question proposed.*

**Madam Deputy Speaker:** I call on the Member for Barataria/San Juan, the Minister of Health.

**Mr. Warner:** Madam Deputy Speaker—[*Interruption*]

**Madam Deputy Speaker:** Sorry.

**Mr. Warner:** I had my hand in the air.

**Madam Deputy Speaker:** I am sorry, do you want to give way to the Member for Chaguanas West.

**Dr. Khan:** Yes, I give way to the Member for Chaguanas West.

**Madam Deputy Speaker:** Member for Chaguanas West, I apologize. You may contribute.

**Mr. Jack Warner** (*Chaguanas West*): Thank you, Madam Deputy Speaker, apology accepted. I want to begin by saying to the AG and his team that I am no chemist, never was and never will be. I am also no expert in the manufacture of illicit drugs, and therefore my contribution will be kept very simple so that the

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ordinary citizen in the street could understand what is happening here today and could have a say as well.

I looked at the schedule of chemicals and I want to say again, I am no expert in what and how those chemicals can be combined to create a product, but that kind of knowledge is not necessary to speak on this topic. In fact, I remember when I was the Minister of National Security—an age gone by—I sat down twice with the present Minister of Health, going through this Bill, and even the drugs that have been referred to here today, and we even left that session with some disagreement by the technical people over the Bill and its intention.

**4.00 p.m.**

I want to say also, Madam Deputy Speaker, that this Bill was first piloted in the other place by one who is no longer a Member of Government. In other words, I am saying that this Bill was introduced by the former Attorney General, Anand Ramlogan, whose appointment as Senator was revoked and, as such, he is not here to do the needful on this Bill. Those duties have now been passed on to Sen. Garvin Nicholas who may have had nothing at all to do with the Bill or with the work that went before, into this Bill's preparation.

Nevertheless, he is here today to lead off the debate as a consequence of the continuity of the AG's office, and that is only clear for us to understand. In fact, as I speak, I checked the records all of yesterday and day before, looking to see if there is any example, if there is any historic, peculiar situation where one Attorney General initiated a Bill and another Attorney General wound up the debate. I have found none. So I want to possibly commend you, Mr. AG, for creating history, for having a situation where one former AG introduced a Bill and another AG concluded it. It has been unprecedented in Trinidad and Tobago.

Madam Deputy Speaker, when I reviewed the *Hansard* of the progress of this Bill in the other place, the former Attorney General tried to make a big deal about this piece of legislation and, especially the Precursor Chemicals Unit which it would create. And after I read his contribution, and after having listened now to the new Attorney General, all I could say is, "Thank God Resmi Ramnarine is not the person who would have been in charge of the SSA (Strategic Services Agency)".

In spite of what some may say, and what some may even comment on this Bill, I think it is very important—let me say very early—for us to have a Precursor Chemicals Regulation and Monitory Unit. So I "eh stand here to fight yuh or to oppose yuh" or to even say "against". I merely want to clarify some of

the issues you have raised. So do not believe that because you are Opposition, you oppose. I want to say very early that this is a Bill I will support. [*Desk thumping*] I should say it twice, then. [*Laughter and interruption*] “Boy, I tell yuh, Chaguanas West again. All ah all yuh against me alone.”

I want to say again that of course, I support this Bill and I, of course, want to merely outline some of the elements that we have to look for. You see, very early I want to say, Mr. AG, Madam Deputy Speaker, that whatever obstacles we can place in the path of those who would destroy our society through the illicit drug trade and all the other criminal activities, must be commended, and this is one such obstacle, but I want to take a different slant on it in a while. I want to point out that to herald this Bill as some kind of major remedy, some kind of magic wand, that will solve our current nation’s drug problem, is fallacious. This Bill is not a magic wand to solve this country’s illicit drug problem.

**Hon. Member:** We know that.

**Mr. J. Warner:** It is not that. It is intended to be an obstacle, but even then, I will tell you why the obstacle is a bit, of course, flawed somewhat. I am saying too, Madam Deputy Speaker, that the Bill will not have any major impact on the country’s narcotic supply. It will have no major impact on the criminal activity that swirls around it. The intent of the Bill has its merits but the Bill will not deal with the major issues which are currently plaguing our society. The Bill will not deal with the issues that are plaguing this country up to today.

Therefore, while in some ways we are all happy that this draft is before us—and I am quite sure by the end of today the Bill will be passed by the House—I am suggesting, very early, that the Government and the people of this country must not be too carried away into believing that this Bill will cause any major dent in the drug trade. It is safe to say, without challenge, or even without dispute, that this country is a transshipment point for the more commonly known and more commonly used illicit drugs. We are close to Venezuela. Everybody agrees to that.

It is to be established, however, that other drugs, such as cocaine and heroin, and even marijuana, are manufactured, or grown and processed in other countries, such as South America, Central America, and they pass through this country en route to other countries in Europe and North America and, to a lesser extent, throughout the Caribbean.

But these drugs are not precursor chemicals. The drugs that pass here are not precursor chemicals. Marijuana is not a precursor chemical. Why? Because it is a

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plant which, from beginning to end, is, more or less, in its raw form. So this Bill, therefore, does not apply to marijuana. This Bill applies to chemicals which, by themselves, when contained in certain products, are legal to possess, but which can be combined to create illicit drugs and substances.

And this was the nature of the discussion between the present Minister of Health and the then Minister of National Security in those two meetings I referred to earlier. We went downstairs at the bottom of the Ministry, had two early breakfasts—or “breakfases”, [*Laughter*] as people are wont to say—and we could not, of course, get our technocrats to agree on this particular area. So I am saying, therefore, that these precursor chemicals, whether they are imported or manufactured locally, are legal to possess. It is only when they are combined, they turn into illegal drugs. This is the point I want to make. When these chemicals are combined, then they are turned into illegal drugs.

So I am saying, therefore, to narcotics, as mentioned previously, this Bill does not apply; to marijuana, this Bill does not apply. And why? Because this country is not known to be a place where cocaine is manufactured or where heroin is manufactured. And, of course, I said before, marijuana is a plant substance.

Now, I will accept the fact that a drug like cocaine can be cooked to make crack. I accept that. Therefore, in terms of any kind of manufacturing or processing where chemicals and compounds can be combined—although already illegal drugs—the concept of precursor chemicals and compounds can be extended to this discussion. But this country is not known to be a place where the narcotics and psychotropic drugs are manufactured. They “doh” manufacture it here. And if the AG, new in office, is aware of contrary information on this matter, I believe he would have said so in his presentation. He did not say so.

The previous AG, in the other place, did cite—in fact, he too, did not cite any cases of where drugs are manufactured in Trinidad and Tobago. He did not give one example. He cited the Report of the International Narcotics Control Board for 2014 on the implementation of Article 12 of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. And even then, that report did not make any mention of this country registering any seizures of precursor chemicals in this country. That report did not give one example of any seizure where these precursor chemicals have been seized in this country.

That report said—[*Interruption*] “Ah comin tuh yuh just now, Tim. Doh worry.” That report said, Belize, yes; Dominican Republic, yes, and so on, but not Trinidad and Tobago. I checked the list again up to this morning to confirm and

we are not on that list. Also, too, if you even dare, knowing the former AG, he would have mentioned it in his contribution in the other place. He did not even do that.

Therefore, if you want to talk about making an impact on the drug problem in this country and beat our chest and to say how, of course, we are fighting them on all sides, I am saying to you, this is not the Bill to do it. This is not the Bill to do it! This Bill will not give you a reason to beat your chest—Guaico on Monday, or whenever that is. Let us get that clear in our minds, this Bill will not deter or fight the present drug trade.

Precursor chemical control legislation is important, but in terms of our problems with illegal drugs, I want to repeat again, this Bill will have no impact. When you check the newspapers in this country, including *Sunshine*, you get reports of persons being held with cocaine, crack and marijuana. Occasionally, you get a report about heroin. But we do not see many reports published about drug overdose deaths or even about meth labs being found or exploding.

Therefore, on a statistical level, considering the trends in other countries, if we had a proliferation of other drugs or certain manufacturing activities in this country, we ought to get even the occasional report emanating. That is not the case.

In 2013—Tim—International Narcotics Control Statutory Report (INCSR), I want to refer you, Madam Deputy Speaker, and my colleague from Caroni East, to that report dated March 05, 2013. It was produced by the Bureau of International Narcotics and Law Enforcement Affairs of the US Department of State. With respect to Trinidad and Tobago, here is what that report said—2013. I quote.

“Trinidad and Tobago’s location, porous borders and direct transportation routes to Europe, West Africa, Canada, and the US, make it an ideal location for cocaine and marijuana transshipment.”

I continue quoting:

“Drug production and use in Trinidad and Tobago (TT) centers on marijuana, but other drugs, including cocaine, heroin, solvents, pharmaceuticals, and ecstasy, are also available.”

Available, not manufactured. So, therefore, I am saying again, this is 2013. In other words, I am saying, it says that those drugs are here, as we know also about marijuana, but again I want to say marijuana is produced here; these drugs are not.

That same report I referred to, I quote. The report says:

“Marijuana is the only known locally produced illicit narcotic. Producers are small farmers, often families seeking additional income. Crop production may be interspersed among other crops or planted intermittently among dense

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vegetation in the mountainous regions. There is no average field size or large controlling syndicate, but local producers compete with imports from St. Vincent and the Grenadines, Jamaica, Grenada, and Guyana.”

I continue quoting:

“Other illicit substance operations—primarily cocaine, but also small amounts of heroin and ecstasy—are trafficked through the country by international organized crime groups operating in Trinidad and Tobago, exploiting its close proximity to Venezuela and weaknesses at ports of entry.”

**4.15 p.m.**

The report says—my last line—that:

“The main destination for these”—drugs—“is the European market.” So I continue.

While the law—which is the Bill we are discussing today—would have some application to Trinidad and Tobago, I will say, Madam Deputy Speaker, that it would not affect us in the way in which our AG has suggested. Before I leave this point, I think it might be useful to consider that there must be some reason why that industry has not started here in the first place. Why has it not begun here? We are bright people. At least we boast to ourselves about that. Why is it we never had that industry of precursor chemicals in this country, I am saying? Also I should say, our laws are still weak, our justice system still, of course, takes a long time, why is it we do not have them; and then also too, why not manufacture for export? Is it because the industry has no place here and it is small? Then also, how is it we have never seen, or read, or heard about any seizures of these drugs, even in large quantities or small quantities, whether inbound or outbound? How have we not heard about that?

The point I am making, therefore, is that these drugs as dangerous as they are, are not part of the demographic of this country’s drug problem. Those drugs as bad as they are, are not of the demographic of this country’s drug problem. I move on. I will take one more paragraph from the part I just read:

2013, the INCSR Report. One more paragraph. I quote:

“...narcotics prosecutions, convictions, and extraditions continued to remain low relative to the scale of drug trafficking in Trinidad and Tobago. While 4,027 people were arrested for possession...another 468 for trafficking, only 58 small scale traffickers were convicted during the year.”

2013. This is US Department of State, 2013, and I am saying, therefore, the comment speaks for itself.

Bomb-making chemicals, Madam Deputy Speaker, is a point that underscores what I am saying here today because that is the combination of chemicals and substances to create dangerous products, bomb-making chemicals, and while this Bill—from the Explanatory Note and from the Attorney General’s presentation and from, of course, I guess other speakers to follow—deals with the chemicals for creating, I quote:

“...narcotic drugs and psychotropic substances or other substances having a similar effect and for purposes connected therewith.”

Mention is made of the chemicals that are manufactured in our industrial estates which are used in industries, and the question arises: what about the precursor chemicals for making bombs? What about precursor chemicals for making bombs and for other explosive devices? Would that not be more relevant for us today?

In fact, let me remind you of something, Mr. AG. Between July and October 2005, four bombs exploded in Port of Spain and St. James injuring a number of persons. The Member for San Fernando East had said there is a “Mr. Big” in the country and that “Mr. Big” was behind the bombings. A man by the name of Small was detained and then released. Yeah! “Mr. Big” became “Mr. Small”, he was detained and then released, and to date nobody has been arrested with regard to these bombings which had caused the US State Department to issue a warning to persons to avoid downtown Port of Spain for several days in October of that year.

Madam Deputy Speaker, 10 years later—that was 2005 to 2015, “Mr. Big” is still at large and we have no answers—[*Interruption*]

#### ARRANGEMENT OF BUSINESS

**Madam Deputy Speaker:** Hon. Member, you may sit. Allow us to return to your contribution just after the tea break, please. Hon. Members, you would appreciate earlier in the proceeding under item Statement by Ministers that I indicated to this House, with your approval, of a ministerial statement by the Minister of Finance and the Economy. I now call on the Minister of Finance and the Economy. [*Desk thumping*]

**STATEMENT BY MINISTER****Downgrade of Trinidad and Tobago Bond Rating**

**The Minister of Finance and the Economy (Sen. The Hon. Larry Howai):** Madam Deputy Speaker, in the context of continuing depressed prices for oil, gas and related commodities, Moody's Investors Service has taken a decision to adjust Trinidad and Tobago's Government bond rating from Baa1 to Baa2. This is the first rating that Moody's has done on Trinidad and Tobago since oil prices began to fall in late 2014. Over the past few months, Moody's has also taken similar rating actions against a number of countries including South Africa which was downgraded from Baa1 to Baa2, Russia from Baa3 to Ba1, Bahrain from Baa2 to Baa3, Japan from Aa3 to A1 and Costa Rica from Baa3 to Ba1 among others.

Moody's also made mention of other issues in their rating, but the key one regarding Trinidad and Tobago has been the decline in commodity prices as the other issues raised are not new. Government is of the view that this rating action does not truly reflect the country's macro-economic fundamentals as our financial metrics remain strong.

Our nation's Heritage and Stabilisation Fund stands at US \$5.6 billion, official reserves at the end of the first quarter stood at US \$10.8 billion. The country's external debt service ratio remains manageable at approximately 9 per cent, our debt to GDP ratio is 43 per cent, inflation remains in single digits and unemployment remains at an historic low of 3.6 per cent.

The Government understands the implications of the fiscal deficits as enunciated by Moody's, and itself has enunciated a clear programme for reducing these deficits over the medium term. The Government also recognized the importance of moving the economy out of the slump which it had inherited. At the time, this required an expansionary fiscal framework which even the International Monetary Fund had agreed was appropriate in the circumstances.

The 2013 Article IV Consultation has this to say regarding the Government's approach to the deficit, and I quote from the IMF Consultative document:

“The overall fiscal deficit is expected to grow to 2.5 per cent of GDP in fiscal year 2012-13, ‘which provides broadly appropriate support for growth, along with still-accommodative monetary policy, ’...”

The Government had established a programme to reduce the deficit by 1 per cent of GDP per annum and has maintained this fiscal programme over the past three years. The fiscal deficit is projected to be reduced to 2.3 per cent of GDP this year



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and to achieve a close to balanced status by 2017. The reduction in oil prices has challenged the achievement of this target, but the results for the first half of this fiscal year showed a marked improvement over budget with a fiscal out-turn at the end of March of a surplus of \$47 million as compared to a budget deficit, using the original budget at US \$80 a barrel price for oil of TT \$3.9 billion—a budget deficit of \$3.9 billion. The Government actually showed a surplus of \$47 million at the end of March. [*Desk thumping*]

Moody's has identified that the Government has not used the Heritage and Stabilisation Fund as a counter-cyclical policy tool and that this limits Government's ability to compensate for the negative impact of adverse shocks to the economy. Government has, however, been mindful of the concerns expressed by the public regarding the use of the Heritage and Stabilisation Fund to meet recurrent expenditure and has no intention of making any changes to this policy, notwithstanding the comments made by Moody's.

A further point raised by Moody's related to the decline in oil prices and the diversification of the economy: It is interesting to note that revenues for the first half of the current fiscal year were just 5 per cent below the original budgeted target. This occurred because gas prices continued to average better than budget. The energy sector has seen an upsurge in the level of activity. Investments in the energy sector continue to be strong. The Juniper platform, a US \$2 billion investment by bp is being constructed as we speak. Mitsubishi has committed to a US \$1 billion investment and new rigs are in the country drilling for new reserves of oil and gas. There are now seven offshore rigs here compared to just one in mid-2010. We have signed 21 production sharing contracts and licences in the last five years. This will mean a high level of activity in drilling for the rest of the decade. Drilling measured by rig day is twice what it was in 2010. [*Desk thumping*]

It is useful to note that WTI increased from a low of US \$43.39 per barrel on March 17, 2015, to \$59 this week. This strengthening of energy prices suggests that with continued tight control over expenditure, Government will be able to improve its fiscal performance in the coming quarter.

The final issue raised by Moody's was the question of the medium-term fiscal strategy and the provision of macro-economic data. Government has already developed a macro-economic fiscal policy designed to meet the country's

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requirements over the medium term. This policy framework is still to be approved by Cabinet, but is already being used as a guide to achieve the fiscal targets which have been identified.

Moody's comments regarding the Central Statistical Office appear to be based on incomplete information in light of the progress made by the CSO in improving the quality, timeliness and production of critical economic statistics over the past year. The Central Bank has advised that it has provided 19 statistical officers to the CSO to support the production of national accounts, international trade and labour force statistics. The Central Bank has further advised that in the past year, the CSO revised GDP data spanning 2010—2013 and completed GDP fieldwork for 2014.

Government has always been mindful of the need to find the right balance between maintaining strong financial fundamentals and a strong rating, while at the same time making the necessary investments to develop physical infrastructure, to foster long-term growth, facilitate economic development and stimulate income generation. Over the past three years, Government has been able to deliver a considerable level of improvement in goods and services to the nation as a whole.

The last four years have seen the completion of the Chancery Lane Teaching Hospital and the Scarborough Hospital. Increased water is now available on a 24/7 basis for 70 per cent of the population as compared to 18 per cent in 2010. Ninety-three schools have been completed and a further 91 are under construction. The Carenage Fishing Depot has been completed and 105 health centres have been refurbished. Eight new police stations have been built and another three are under construction. Six thousand, nine hundred and ninety-nine homes have been delivered over the period 2010—2014, and 8,112 are now under construction.

The construction of the Point Fortin, Arima and Couva Hospitals have commenced and the cycling complex and swimming complex are close to completion. The Diego Martin Highway and the Valencia Bypass have been completed and over 75 bridges have been built or repaired. The new Point Fortin highway is well advanced, 1,709 kilometres of roadway throughout the country have been paved and 889 kilometres of drainage infrastructure have been put in place. Customs & Excise has been relocated to the Government Campus Plaza and Government has commenced extensive work on the improvement of Government offices throughout the nation.

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The Government remains committed to improving the quality of life of citizens, transforming the economy, creating new jobs and providing improved services without deteriorating the country's fiscal metrics.

In closing, it is important to note Moody's evaluation that Trinidad & Tobago's Baa2 rating remains comfortably within investment grade. The sovereign credit profile is supported by a strong balance sheet underpinned by the country's Heritage and Stabilisation Fund and also benefits from a moderate and affordable debt burden and a strong external position. Madam Deputy Speaker, I thank you. [*Desk thumping*]

**Mr. Warner:** Am I allowed a question, Madam Deputy Speaker?

**Madam Deputy Speaker:** A question?

**Mr. Warner:** A question according to the Standing Orders?

**Madam Deputy Speaker:** Yes.

**Mr. Warner:** Mr. Minister, when you were speaking just now I was going through what Moody's was saying about us, and I want to find out if Moody's criticisms are valid or not?

I want just to know, is the criticism, he said, because of our deficit spending over the years and kneejerk policies, those are the major criticisms why we are where we are? Are those criticisms valid or not, Minister?

**4.30 p.m.**

**Sen. The Hon. L. Howai:** Madam Deputy Speaker, I believe I answered that question during the course of my presentation and in fact, I did so also by quoting the International Monetary Fund. And the International Monetary Fund, in its 2013 Article IV Consultation says that the Government's approach to the deficit was broadly appropriate to support growth along with the accommodative monetary policy which we had adopted. So that the IMF itself had actually underscored the importance of running a fiscal deficit in order to continue to grow the economy having inherited an economy which had contracted by 4.4 per cent the year before this administration came into office, and which itself had contracted by 1 per cent in the year in which this Government came into office.

It was, therefore, important, that we implement a policy that would have reversed that contraction and led to the continuing—to growth and expansion of the economy. In fact, Madam Deputy Speaker, we have been successful in that in

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the last two and a half years, there has been consistent growth in the economy as a result of the policies of the Government. [*Desk thumping*]

**Madam Deputy Speaker:** Hon. Members, it is 4.31 p.m. and it is an appropriate time for us to have some tea. This House is now suspended to 5.15 p.m.

**4.32 p.m.:** *Sitting suspended.*

**5.15 p.m.:** Sitting resumed.

#### **PRECURSOR CHEMICALS (NO. 2) BILL, 2014**

**Mr. J. Warner:** Thank you, Madam Deputy Speaker. When we took the break, I was lamenting the fact that the precursor chemicals referred to in this Bill, did nothing, said nothing, about making bombs and other explosive devices. I made the point in passing to show that while we seem to lack the experience, the manufacture of illegal drugs and narcotics, we do seem to have some experience in making bombs. And I referred to that fact in 2005, July and October, when four bombs exploded in Port of Spain and St. James and there was a lot of activity in Trinidad and concern, and the then Prime Minister, the Member for San Fernando East, he said “Mr. Big” was behind it and I am saying, too, that 10 years later, we have not gotten “Mr. Big” as yet. Ah fella called Mr. Small was held and then later released. So we moved from “Big” to “Small” to freedom.

The point, therefore, is that, as far as I am concerned, this Bill should have considered that particular aspect. And before I forget, in the next few days, two days at most, will be one year since Dana Seetahal has died. As far as the records go, that murder also remains unsolved. This one does not have “Mr. Big” but this one has “ah big fish”, and the “big fish” has been referred to by the police. We had all kinds of bravado promises; no stone shall be left unturned, and so on, but one year later, nothing. Just as, of course, Selwyn Richardson, a former AG.

I am saying these things, Madam Deputy Speaker, to make the point and to make another point that we have reached the stage where, now, the crime statistics of the police are now being hidden. I know the Prime Minister and the Acting Commissioner of Police have both been saying that crime is decreasing. I know also, too, that this is being said because it would sound good to the public and they would not have any evidence to determine the efficacy of the statements and advice given by the Prime Minister and the Acting Commissioner of Police. The fact is, they removed the crime statistics, the police that is, removed the crime statistics from their website. I mean, that, for me, is unpardonable.

In fact, before I say that, let me make the point that last week, they added a new feature on their website which, of course, is only available from 2013 to the present. So therefore, for the previous years on the police website, you have no statistics about crime. I ask the question: why? Is it because the Government does not want anyone to compare crime in their term of office with a previous government? I hope not. Is it because the Government does not want people to know the tally of murders? I, again, hope not.

Madam Deputy Speaker, you would recall, for nine months, I was this country's Minister of National Security. I used to quarrel at the newspapers for putting the murders; how many murders and so forth on the front page. And I said to them that this is wrong because the fact is, guys in the underworld who are doing all these killings and so on, they like to know how many notches they have in their guns and so on and look at the numbers. And I was vilified by my colleagues then for saying that the stats should not be put on the front page of the newspapers. I said look at Jamaica, for example, you do not see it on *The Gleaner*, on *The Observer*. I was chastised, puréed for saying so. Today, however, they have gone beyond that and the very same information now has been taken out from the website. I guess "Gopaul luck eh Seepaul luck and what good for the goose eh good for the gander" because, now, it is acceptable to hide the crime stats from 2012 and after, going backwards.

But then, again, anybody who believes that could be hidden, for me, has to be silly, because at the end of the day, all it would take is a Member from this side, once a month, to raise a question on the Order Paper and therefore, the stats will have to be given. So I do not understand the rationale, in the first case, behind that measure.

Then, of course, I want to record that this Bill is not the creation of the Government's innovation or activity in fighting crime. I know they—I have said before, they would love to feel so. They would love to feel so. They love to go on a platform, I know on Monday, and say "they pass this Bill" and they want to take full credit for another, of course, effort in fighting crime. Another effort in fighting crime and that, of course, is based on this Bill, which was passed today, abracadabra, crime will drop. But let me make the public aware and this House aware that this Bill was not a Government's creation or innovation, it was a Government's obligation. They were obliged to pass this Bill and I was there at the time this was made.

In fact, if I were to quote the former Attorney General, Anand Ramlogan, speaking in the other place, December 09, 2014, hear what he said. And I would like the present AG to listen because—hear what he said, the former AG:

“Mr. President, in 1995, the Government of Trinidad and Tobago ratified the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Article 12 of that convention establishes the international standard for the control of precursor chemicals and requires that all member states”—and we are a member—“implement measures to control and monitor the legitimate trade in precursor drugs to prevent the diversion of these chemicals.”

So therefore, I am saying, the initiative came from outside, not from inside, and, therefore, let us not take any false credit as it were because this Bill is an obligation of this country because we signed the UN Agreement, 1988.

And unregretfully, I heard the AG talk about naval vessels and while I sat here, I was hoping to God he did not go there. Naval vessels, AG?

**Hon. Nicholas:** I did not speak of naval vessels.

**Mr. J. Warner:** Was not you?

**Hon. Nicholas:** No.

**Mr. J. Warner:** Oh, sorry, sorry, I think it was the one who came after you and made a speech so I will spare you. I would not go down there because I was going to go down there, I mean, brutally this afternoon because I thought I heard naval vessels, and I was saying to myself: why should he go there, is the one area you should avoid going. So since it was not you, I have nothing to say about that, nothing to say. All right.

**Hon. Nicholas:** We will deal with that at another time.

**Mr. J. Warner:** Nothing to say. Another time, another place, we will deal with that and sooner rather than later.

So, therefore, let me say that we are talking about denting the prevailing drug problem in this country; we are talking, of course, about how we should prevent these drugs busts and so on, and I am making the point, therefore, that one of the issues that we have to tackle is border protection, because we can do what we want, until our borders remain porous, we will always have this problem. We have to stop drugs from entering our borders because, as I said before, this country is a trans-shipment point and the drugs come here to go on to other countries. And the

drugs come with guns and the drugs come through all our ports, whether it is Chaguaramas, whether it is Point Lisas, wherever you call them, they come through our seaports and our airports, particularly seaports, and we have to find the means and the measure to stop it.

I read where we have some 12 naval vessels coming into the country, all the dimensions have been given and so on. I am saying to myself, when these 12 naval vessels come into the country, how many months from now it will take before they arrive here and the trouble is, when they arrive here, my colleagues on the other side would not be there. That is the point. [*Crosstalk*] Okay, okay, time longer than twine. Right! They would not be there.

**5.25 p.m.**

I am saying, therefore, that that is an area that I am not worried about. My worry, however, Mr. AG, is about those judicial centres which you promised to build and have not. The forensic science lab at Cumuto has not been touched. We, of course, have not put any courts in the Remand Yard. We are begging for that in the Remand Yard and, therefore, I am saying side by side with this Bill you have to beef up your justice system. There are people, of course who are, and we would come to that another time, in Remand Yard for over seven, eight, nine, 10 years.

Therefore, in conclusion, let me say that—and I am talking here now both to the House and outside—we must not fall for the public relations ventures or gimmicks. We must not believe that this Bill, overnight, will solve our drug problem. We must not give the public the impression that this Bill will deliver the hopes and aspirations which we were not able to achieve before. And we must not make this part of the flavour of the week by the PR that we are giving. When I say flavour of the week, like the causeway, and so on. We must go beyond that and let the public know that this Bill will have little or no impact on the fight against crime, and though I would support it in principle, I want to make it quite clear to the public it would not achieve what has been suggested by the first speaker.

Madam Deputy Speaker, I thank you.

**The Minister of Health (Hon. Dr. Fuad Khan):** Thank you, Madam Deputy Speaker. First, let me indicate to my honourable colleague, the Member for Chaguana West, we are very thankful that he is supporting the Bill since he was part and parcel of the discussions about two years ago, prior to forming the ILP. He was Minister of National Security and I, Minister of Health and we discussed this Bill and worked on it together.

But, I want to differ with my colleague on the other side by indicating that this Bill will not make a dent in the fight against crime. That is somewhat incorrect. What are precursor chemicals? Precursor chemicals are chemicals which are listed chemicals utilized for illicit purposes. Now, in the fight against crime, one of the most common problems and common social problems in crime has been that of the utilization of drugs, as is said psychotropic substances and narcotic substances, which give the person and the individuals an abnormal sense of being, be it euphoric as well as aggressiveness and different stages of human behaviour. So, in order to fight the drug trade, or fight the crime that is going on, part and parcel of the crime problems we have in Trinidad and Tobago are social problems, as well as the drug trade that causes exactly these things that I have just mentioned.

Precursor chemicals, and there are chemicals, I am going to call a couple of names, one of them being phenylephrine. Phenylephrine is a compound that is found in the common cough and cold mixtures. Normally you have phenylephrine 30 milligrammes in the day, which are the ones that are non-drowsy, and you have phenylephrine 60 milligrammes in the ones that are night. Phenylephrine, together with ephedrine, are both compounds that are utilized to clear your sinuses, they are utilized to clear your lungs, they decrease the itching in your eyes—and I see the Member for Tobago West is nodding his head with approval. Madam Deputy Speaker, ephedrine and phenylephrine are two of the compounds that are found in common cough and cold medicine.

Let us go to another part of it. Recently there were reports in the United States of America where approximately, I think it was about, 3,000 grammes of that substance was hijacked and taken by people.

**Dr. Gopeesingh:** Smurfers.

**Hon. Dr. F. Khan:** Whatever. Thanks, Member for Caroni East. These drugs were destined to make tablets, pills, liquids for cough and cold formula. These drugs, the phenylephrine and ephedrine, are utilized to make a compound called methamphetamine. The methamphetamine is a narcotic and an illicit drug in the United States of America. It is utilized together with other substances and the compound, I think it is the acid/alcohol compound, is that of the methamphetamine and the amphetamine groups of drugs. What do these amphetamine drugs do? First, they stimulate the brain to form a compound called dopamine, which is a neuro-transmit in the brain and that compound causes euphoria, elatedness and a feeling of being in sort of feeling of well-being.



However, overuse of that drugs causes serious psychological and physical dependence on the drug and, as a result of it, erratic and abnormal behaviour. So I think it is called crystal meth and a couple other names that are given to it on the streets. This drug, methamphetamine, is responsible for a lot of abnormal behaviour patterns in teenagers, young adults and even older people. It is utilized for generally drug use and narcotic and psychotropic drug use behaviour patterns. By stopping the precursor chemical or trying our best to regulate, not stop, the utilization or the entry or wherever that precursor chemical goes to, one could determine who or where might be manufacturing these precursor chemicals and the amphetamines, et cetera.

There is another one—and we talk about heroin. Heroin can be made from cocaine. Cocaine is formed from the poppy plant. Apparently you cut the poppy seed, let it drip and when it dries you scrape off the cocaine. But you could make a much more potent type of cocaine, which is heroin, if you mix it with something called acetic anhydride. Now, that drug, when mixed together, could form heroin and compounds of heroin such as LSD, et cetera, and, in other words, bring about the same sort of effects that we are trying to prevent with the use of narcotics and psychotropic substances. So those two main precursors of the illicit drugs is the reason for us standing here today, Madam Deputy Speaker.

I want to talk a little bit about the utilization of drug use in this country. Drug use in this country, which is psychotropic and narcotic drug use, has been increasing among teenagers. They are utilizing something called liquid cocaine soaked in marijuana. It is liquid cocaine which comes from the precursors. As the Member for Chaguanas West said, they enter into Trinidad and Tobago by the drug traders. It is soaked in marijuana and rolled in the cigarettes and smoked. The level of addiction is so great that it is no longer like the normal marijuana that people smoke that has an addiction process that could be easily weaned off. The liquid cocaine is soaked in marijuana. They have a whole host of other types of substances like that. It causes teenagers to become severely addicted, so much that they cannot function, they get erratic, there is social degradation and they go into behaviour patterns that are such that it is brought about by these highly physical dependence and psychological dependence of addiction.

What does addiction do? Addiction causes people to behave abnormally. Yes. It causes people to sleep, or you may have them bringing about different types of behaviour patterns such as that of the borderline personality disorder, the bipolar disorder. They have different disorders and multiple personality disorders. In the

areas where we have the mixture with alcohol and drug use, you end up with the teenager and the young person as well as the older person, highly addicted and may kill for those drugs. They may kill for it. They may rob people. They may commit petty crimes or major crimes just to get that high. It is so highly addictive that, when someone starts on this group of drugs the addiction is so bad that, in order to experience the same level of highness you have to take more and more of the drug and that is called the physical dependence.

What happens in a case like that? That is what we call the demand side of the drug, as compared to the supply side of the drug. These young people find it difficult. By that time they have destroyed their family. They have destroyed their connection and relationships with their family, their friends, siblings and everyone else. They eventually end up either on the street, in jail or dead. It is either you die or the drug eventually kills you. So at the end of the day, this is what we are trying to prevent.

So, when we speak about precursor chemicals we are not just speaking about precursor chemicals as ephedrine, phenylephrine, acetic anhydride and the whole host of others, we are speaking of the addiction problem in Trinidad and Tobago and the social diseases that it causes in Trinidad and Tobago.

We have increased the amount of rehabilitation centres. In NADAPP, we have a number of persons who were once addicts being trained to counsel and rehabilitate the young addict or addicts who go into the system. The United States CICAD agency has realized that for years they have been attacking the supply side. Now they are attacking the demand side. Attacking the demand side is an easier method of approach but you are dealing with people. So if you have to attack the demand side, you have to make sure that the penalty for utilization of these drugs would be rehabilitation but the penalties for manufacturing these drugs and selling these drugs is pretty high. And according to the Act, you see the stringent, serious penalties such as we developed in this Act for that.

Now, the Ministry of Health has worked alongside the Ministry of National Security in order to decrease that precursor chemical movement in Trinidad and Tobago. Granted, we may not have been able to make a dent, or we may have made a dent on addiction, what we are trying to make a dent on is the utilization of these drugs such as psychotropic and other narcotics by our population.

The Member for Chaguanas West made a very salient point. We are speaking about precursor chemical, marijuana is not a precursor chemical and there is a certain mushroom derivative, which is not a precursor chemical. They are natural-

occurring narcotics and psychotropics. Marijuana, which is cannabis, is a drug that is used for the same level of getting high and causing serious severe mental and emotional problems and addiction which is psychological and physical addiction.

Marijuana is now being touted as a very good use for medicine. There are uses such as the canasol and the tetrahydrocarbon which is used for glaucoma but those are compounds that are extracted from the marijuana plant. It is not free medicinal marijuana as people think it is. They are compounds that are extracted and utilized for things like glaucoma, et cetera. There has been a lot of debate on the utilization of these drugs and medical marijuana. We have not started that. The Government has not taken any decision on that, although the Jamaican Government has.

Madam Deputy Speaker, when we look at the whole aspect of precursor chemicals, how do we go about dealing with the problems of this precursor chemical? How did it come in? Now, I am standing here and saying that a lot of these chemicals are utilized for legal purposes and I would tell you some. They are utilized for chemical manufacture, such as fertilizers. You have potassium and nitrogen nitrates. You have paints. You have nitrates and toluene. You have dyes toluene. You have perfumes which you have the same. You have cosmetics. You have medicines. You even have explosives. You could make plastics out of them, rubber and agriculture. So when you look at these precursor chemicals they are utilized for the development of substances used to develop the economy. So somebody could be importing these substances for development of those compounds which I have just said.

**5.40 p.m.**

However, sometimes they are sidetracked or taken to develop the narcotic and psychotropic type of drug or explosives. If you take toluene, toluene is used for dyes, but if you take toluene and nitrate which is used for fertilizer, you will end up with trinitrotoluene, and that is called TNT. TNT is a highly flammable explosive—a bomb. People have been mixing these things; and the Member of Parliament for Chaguanas West has said about the bombs that occurred in Trinidad, they were obviously—I do not know for a fact, but most likely—fertilizer, common household chemicals, toluene dyes, et cetera, mixed in a sort of a glycerine, and it does, and it is utilized as bombs. So, one has to be very careful how we are utilizing these chemicals, in a licit manner, which is a legal manner, and they are not going to be put for illicit use.

Another thing, Madam Deputy Speaker, when you look at this, how do we monitor it? The Ministry of Health is responsible for the drugs in Trinidad and Tobago. Before this amendment, the word “drug” in Trinidad and Tobago, could mean anything. It could mean cornflakes, believe it or not, because there is no set pattern of definition. In Schedule 4 in the Bill, it says:

“in the definition ‘advertisement’, by...‘drug’ includes any substance or mixture of substances in a synthetic or natural form manufactured, sold or represented for use in—

(a) the diagnosis, treatment...or prevention of disease, disorder, abnormal physical state...” et cetera.

It goes on. The reason I mention this, Madam Deputy Speaker, this is what the drugs are used for. There are counterfeit drugs, and it goes on to label the counterfeit drugs, but I want to say something here, while I was reading—and I never thought about it before—the herbal health care industry is a herbal industry that has a lot of substances in herbs that are utilized by a lot of the population in the form of herbal medicine. It has been shown that a lot of these precursors and precursor chemicals are found in the herbal health care products.

So, although we may be looking at raw products of ephedrine, phenylephedrine, toluene, et cetera, they are compounds that could be coming into this country, and they have to be assessed properly by the Food and Drugs Department, for the herbal industry. A lot of herbal medication, believe it or not, does not indicate exactly what is there. If you use something called chromatography, you see a lot of spikes that you cannot determine exactly what these compounds are.

Now, the law speaks to people who engage in the manufacture, people who engage in the supply, people who engage in every single aspect of these precursor chemicals. I just want to read something—okay, it is important that we have a combination of Ministries in this, and there is the combination in this case, and there are other Ministries—the Ministry of Health and the Ministry of National Security.

The Ministry of National Security has the SSA agency. The SSA agency has the Unit, which is the Unit to monitor these precursor chemicals, and the function of the Unit says it is:

to monitor the prescribed activity, as it relates to specified chemical substances, with a view to detect and prevent their diversion for the illicit

manufacture of narcotic drugs, psychotropic substances and other drugs that have a similar effect; they have to identify and report to the relevant authorities any suspected case of diversion of these same drugs;

they have to collect, analyze, manage information, administer the Drug Council, et cetera;

they also liaise and provide assistance to bodies outside of Trinidad and Tobago; promote public awareness, promote and facilitate and conduct capacity building among stakeholders, coordinate activities among stakeholders, establish and maintain a register of specified chemical substances, inspect books, et cetera.

Now, they do that together, in collaboration with the competent authority. The competent authority, Madam Deputy Speaker, is the authority which is a chief medical officer; well, that person shall be the competent authority of Trinidad and Tobago. What does the competent authority do?— notifies the SSA Unit about the granting of any licence in relation to a specified chemical substance—which is a precursor chemical—of any suspicious activity in relation to a specified chemical substance.

If somebody is importing tons or let us say, pounds, of phenylephrine or ephedrine or nitrates, magnesium, toluene, without the proper import documents or addresses where it is going to, that has to be flagged—this is like the FIU of the precursor chemicals—and sent to the Unit, for the Unit now to investigate exactly what is occurring here.

The competent authority, Madam Deputy Speaker, would provide assistance to the Unit when it conducts investigation. it would work in conjunction with the Unit to promote the same public awareness with respect to illicit use of specified chemical substances, the same input in data. It would report to the International Narcotics Control Board and provide special assistance by liaising with competent authorities in Trinidad and Tobago.

Together with these two Units, one will be able to, hopefully, decrease the utilization of precursor chemicals for illicit purposes; well, according to Part IV, looking at commercial documents, security, names of the exporters, importers, country of origin, port of landing, country of consignment, et cetera.

Sometimes, Madam Deputy Speaker, you find that these drug traffickers, what they will tend to do is start the process in one country, order in one country, bring

it from another country, ship it in a roundabout manner to another country. So, it moves around the place, rather than in a direct approach; by doing that, they basically would have thrown it off the trail.

One has to be very aware of how these things are approached in a country. What is the specified amount, whether the address that it is going to is a bona fide address, whether the person who would be consigning it, is going to be a bona fide consignee and a consigner. These are things you have to look at because every step of the way—and the Member of Parliament for Chaguanas West, when he was in National Security, and also our Minister of National Security now, and the Attorney General, they ask every day—drug traffickers utilize any specific system to hide under the radar.

There have been instances where people have imported perfumes. Sometimes somebody may import a batch of perfumes; if it is above a specific volume, that person is flagged, and the authorities of the country, maybe the importing and the exporting country, that substance is flagged, because perfumes can be utilized as precursor chemicals, for making explosives, et cetera, and psychotropic substances. This is what the Unit of the SSA will be looking at and flagging.

You see, the Member of Parliament for Chaguanas West indicated that this Bill will not dent crime, but it will, because if people have to end up being investigated for substances that are considered legal, they have to explain why they are importing such a large amount. What are they doing with it? Where is it going? Show us facts and show us values of what is happening, and if they cannot do that, well then they are subjected to proper search and continuous investigation, Madam Deputy Speaker.

So, the authority, a warrant can be given by a magistrate, and a designated officer can at any time enter any premises, inspect any specified chemical substance, labelling and the storage of the substance, to check the register, the book and any document, licence, certificate, record or electronic device or anything found thereon.

They could also ask the product—to check the production of, and inspect and examine and to copy registers, books as keeping with this Act, make examination, inspection, investigation, et cetera.

However, this is on the authority of a magistrate, designated officer. A police officer or customs officer who has reasonable cause to suspect that the premises are being used for any prescribed activity without a required licence, any vehicle, aircraft, vessel, enclosure, et cetera, if it is being used in contravention of this Act,

with the specified chemical substance, et cetera, they could enter the premises and deal with the problem, by day or night, on the authority of a warrant, application by a magistrate, et cetera. So, what we are seeing here is that we are giving some sort of strength to the police, customs and the designated officer to enter premises which they suspect to have the illegal manufacture or substances; precursor chemicals.

Now, Madam Deputy Speaker, when we look at the holistic aspect of this Bill, together with the numerous anti-crime legislations that the Government has passed, this should form a dent in the crime levels, based on decreasing, hopefully, the manufacture of various drugs.

The Member of Parliament for Chaguanas West raised a point that not much is manufactured in Trinidad, and this is part and parcel of a designated agreement between the Commonwealth and the different countries, member countries; that is so. We have as “dey say” done exactly what we are supposed to do. The majority of drugs really and truly they indicate that they do come in to Trinidad and Tobago as trans-shipment point, that has been shown by the American Drug Enforcement Agency. However, that does not preclude the fact that if you have the ability to make narcotics and psychotropic substances in Trinidad and Tobago, that it would not be done.

We have seen pictures of houses that look normal in the front, and when you go to the back of the houses, they are on a hill, and the hill, on the inside of the hill, there is a whole manufacturing concern bringing out these substances, because at the end of the day, this is lucrative business. Any drug trafficker or any manufacturer will utilize that type of manufacturing process.

Now, Madam Deputy Speaker, I just want to speak a bit about chemistry. There is something called clandestine chemistry, and it could be—large labs are run by gangs or organized crime. However, sometimes you have these local mom-and-pop operations with the illegal drug labs. These illegally synthesized drugs are found on the black market, and they involve the production of, as I said, illicit drugs.

Now, in 1919 to 1933, the United States had prohibition in those days. They stopped the sale of alcohol through the system. What occurred? The majority of moonshine countries and illegal operations started until they made it legal. There is the precursor chemical that we spoke about—there is something called, Madam Deputy Speaker, MDMA; that is a drug that is utilized as a date-rape drug. It is a sort of an amphetamine and it is manufactured in these illegal labs. It is called—

one of those drugs, I think it is called Rohypnol, if I am not mistaken. The MDMA is an amphetamine-type drug. Sorry, it is not Rohypnol. Rohypnol is a benzodiazepine; anyway, Ecstasy, that is what it is. MDMA is Ecstasy. You have heard about Ecstasy. Ecstasy is a drug that is utilized the same way as that of amphetamines and the methamphetamine; crystal meth. This is made also by the amphetamine group of drugs, and also by the ephedrine and phenylephedrine.

Now, MDMA/Ecstasy is a drug that is used as a date-rape drug, placed into drinks of unsuspecting individuals. By doing that, Madam Deputy Speaker, the person “drinks these drinks with these substances internally”, and ends up in the same position, where I indicated about methamphetamine, et cetera. They are on a high. They feel as though they are floating and they exhibit behaviours that are not in keeping with the norm of somebody who is socially conscious.

**5.55 p.m.**

Now, Ecstasy is a drug that has been known to create a lot of addicted problems in young people and other people. Now, the Rohypnol group of drugs, Madam Deputy Speaker, are the benzodiazepine group of drugs, and that is another date-rape drug and it could be made from precursor chemicals. We looked at and I spoke about potassium permanganate, acetic anhydride and other drugs that are considered precursors to narcotics and illegal drugs.

So, Madam Deputy Speaker, when we look at the whole picture—looking at the Bill and looking at the amendment about samples submitted—the amendment indicates when an officer submits to an analyst any sample or thing obtained in accordance with subsection (1), the analyst shall examine and analyse anything or samples submitted to him and produce a certificate or report setting forth—  
[*Interruption*]

**Madam Deputy Speaker:** Hon. Member, your speaking time has expired. Are you interested in an extension?

**Hon. Dr. F. Khan:** Yes, Madam Deputy Speaker.

**Madam Deputy Speaker:** Hon. Members, the question is that the speaking time of the hon. Member for San Juan/Barataria, the Minister of Health, be extended by 15 minutes.

*Question put and agreed to.*

**Madam Deputy Speaker:** You may continue, hon. Member.



**Hon. Dr. F. Khan:** Thank you very much, Madam Deputy Speaker. [*Desk thumping*] It indicates the sample should be submitted to him under subsection (1) and produce a certificate or report setting forth the results of his examination and analysis within one month of the submission of the sample.

It is not open-ended. So, if one submits a sample, no one could say that we are still waiting on the sample to be analysed. This would allow rapid action of charges and also legal approaches towards people manufacturing these substances from the precursor chemicals. If somebody cannot indicate why and when and wherefore they have that, then they would face the courts and a fine.

Now, what I would like to say here, the data to be shared, Madam Deputy Speaker, would be the exporter and the consignee number, the items, the total packages, the commercial reference number, the country of first destination, the transit countries, the trading countries, the value details, country of export, country of origin, the country of destination, the container number, the delivery terms, shipment itinerary, exchange rate, nature of transaction, mode of transport at the border, inland mode of transport, a port of exit and it goes right down, Madam Deputy Speaker, to exactly the commercial invoice, et cetera, the manufacturer. We do need these precursor chemicals to produce licit goods, and I have outlined a numerous amount of them.

So, like everything else, people utilize legal action for illegal activity, and this Bill is a Bill that will hopefully start the process of decreasing the amount, as I say, of illicit drugs manufactured in Trinidad and Tobago. Now, imagine if it goes—this is a worldwide approach, this is not just a Trinidad and Tobago approach, this is worldwide. All member state countries are subscribing to this. What is really happening is that it is squeezing out these people who are utilizing precursor chemicals for narcotic and psychotropic drugs. The Member for Chaguanas West made a very good point about utilizing for explosives and, as they say, mass destruction methods, and we have outlined the different types of fertilizers and chemicals used to do that.

So, Madam Deputy Speaker, crime and criminal activity is something that is ongoing. It is deceptive; it is cunning and it is baffling sometimes. The most we could do for the people of Trinidad and Tobago is put systems in place where we could take care of our population in this manner and, at the same time, try to decrease the addiction that these substances cause because addiction is a disease, Madam Deputy Speaker, that destroys families; it destroys relationships, et cetera. Anybody who has had an addict in their family—I would call it an addict—would

understand what I am speaking about. It does not only affect the person, it affects everything around it and, hopefully, such as these laws and more to come, we will be able to decrease the addiction in Trinidad and Tobago utilizing the decrease on the demand side, and also attacking the supply side.

So, Madam Deputy Speaker, I want to thank you very much for allowing me to make this contribution. [*Desk thumping*]

**The Minister of Education (Hon. Dr. Tim Gopeesingh):** Thank you, Madam Deputy Speaker. I just rise to say a few additional words on this Bill, the Precursor Chemicals Bill issue and to, of course, congratulate my colleague, the Senator, the Attorney General, and, of course, my distinguished colleague, the hon. Minister of Health, for bringing more light to this Bill.

In effect, what we are saying is that this Bill is critically important for Trinidad and Tobago at this time. We signed the convention a number of years ago and it had not been national law, so it is important to bring this in national law. To some extent, we know that the drug trade is big and wide, but if we have to move to control crime, we need to do a lot of things at a macro level. But, at this level, as my colleague indicated, we need to put this into legislation so that we can prevent abuse of these precursor chemicals for the use of illicit drugs. So what has been happening worldwide in a number of countries, the use of these precursor chemicals has moved on to produce, what my colleague said, the methamphetamines and the Ecstasy drugs. In China, China is one of the countries close to Afghanistan and when Afghanistan produces a lot of the opium, the precursor chemical is used there with the opium to produce mass quantities of heroin. So heroin now, beside the opium, heroin is produced in those countries by illicit production and shipped to the rest of the world.

So, we here, when this type of drug comes into the country it is obviously a transshipment, but we really want to prevent people from moving the same way that other countries have moved on a mass scale and nip it in the bud very early. So, it is a fine balance, as my colleague indicated, of these issues of precursor chemicals.

My understanding is—I did a little bit of research on it and found that in Britain, the Home Office, they have what is called a precursor chemical import and export authorization wall chart, and there are three categories of the precursors. They have a category 1, 2, 3 and a category 4 as well. As my colleague indicated, there are drugs like ephedrine which is for the common cold; ergometrine which is used in obstetric cases—used in medicine for contraction of

the uterus during childbirth; ergotamine, almost similar to ergometrine; lysergic acid; phenyl-2propanone (BMK); pseudoephedrine which is in the common cold medicine and the tablets that are used for the common cold; isosafrole.

Now, piperonal: piperonal is a substance used in the manufacture of perfumes, flavourings and anti-mosquito products. However, it could also be used in illicit production of synthetic drugs like Ecstasy and methamphetamine; a simple precursor chemical of piperonal. Acetic anhydride is used in chemical, photographic and pharmaceutical industries, but it is also used as an acetylating agent in the production of heroin.

So, you see, simple little drugs, precursors, now can be used in the mass production of a number of illicit drugs. So these precursor chemicals which are listed drugs can be converted with their use to producing illicit drugs.

The categorization of these precursor chemicals—they mentioned 23—and category 1 covers the most sensitive substance, they call them the key-drug precursors; category 2 covers less sensitive substances and precursors; and, category 3 covers bulk chemicals that can have different types of uses in the manufacturing process; for example, as feedstock, solvents or impurities removers. A simple component, a substance in fertilizer and hydrosulphate is one of these that you have to have great control of and monitoring, because it is used as a precursor chemical in bomb production as well.

Now, this legislation excludes medicinal products for human use, but covers all natural products and preparations or mixtures containing at least one scheduled substance provided that they can be extracted by readily applicable or economically viable means.

The list of precursors and chemicals frequently used in the illicit manufacture of narcotic drugs and psychotropic substances under control is now defined by the United Nations International Control Board, and this wall chart that I have here is the precursor chemicals wall chart for domestic licensing.

So, you have the different categorization and we have ephedrine and pseudoephedrine in category 4; acetone, ethyl ether, toluene, sulphuric acid and hydrochloric acid in category 3; piperidine, anthranilic acid and phenylacetic acid, simple substances, in category 2 and in category 1 we have a number of other substances.

Now, what is the reason for categorizing them? They need export authorization requirements, and people who are exporting these precursors have to undergo strict requirements on pre-export notification. It is called PEN, and a PEN

takes 15 working days to clear through the Home Office, like in Britain, in addition to the current service level times. You do not need to apply separately for this, it will be processed by the Home Office in the course of your export authorization application.

So they listed chemicals 1 to 16—that is from category 1 and some in category 2—requiring pre-export notification for any quantities of chemicals to be exported to all countries outside the European Union; chemicals 17 to 18, pre-export notification is required for any quantity of chemicals to be exported to, and they have the list of countries; chemicals 19 to 22, that is about 40 countries—Trinidad and Tobago is not on that list—19 to 22, the pre-export notification is required for any quantity of chemicals to be exported to another number of countries—Trinidad and Tobago is not there as well—chemicals 23 and 24 are also required for exportation to a few countries like Bolivia, Chile, Colombia, et cetera; and chemicals 25 and 26 are required for any quantities of chemicals to be exported to all countries outside the European Union.

So the Home Office of Britain and the European Union have taken the lead in the control and the exportation of these precursor chemicals and, therefore, strict monitoring is being used in these countries for the control of these precursor chemicals.

### **6.10 p.m.**

The penalties in the United Kingdom—it is said:

“In the United Kingdom the two statutory instruments that impose licence and reporting obligations on those dealing in scheduled substances are:

Controlled Drugs (Drug Precursors) (Intra-Community Trade) Regulations 2008...

Controlled Drugs (Drug Precursors) (Community External Trade) Regulations 2008...

It is a criminal offence to fail to comply with the requirements of these regulations. The penalties for non-compliance are detailed on the Serious Organised Crime Agency (SOCA) website”

You also have to report thefts and losses of precursor chemicals. There is something called smurfing:

“Some of the common ways used to divert products containing pseudoephedrine include:

‘Smurfing’”—that is, somebody who is really about mass manufacturing, they make multiple purchases at different locations.

So some of these precursor chemicals which are under control, different teams of people go through different areas where these precursor chemicals are sold, they make multiple purchases and bring them together for the manufacture of the illicit drug. So smurfing is one. The other one is shelf-sweeping. People go to the shelves where these precursor chemicals are and they buy out the entire shelf, or sometimes they steal the contents of the entire shelf. Another area is theft from wholesalers.

So the manufactures of these illicit drugs do a lot of things with these precursor chemicals and obtain them in different manners. This is why there is strict control and monitoring now of these precursor chemicals worldwide, to prevent the mass production of these illicit drugs.

This is a document that I got on the Office of National Drug Control Policy, “Controlling Precursor Chemicals”, the White House. It goes on to speak about:

“Illegal drug makers often steal anhydrous ammonia from areas where it is stored and thefts have also occurred at such places as refrigeration systems holding ammonia...and rail cars transporting anhydrous ammonia.

Preventing the theft and diversion of precursor chemicals involves the coordination and enforcement, retailers, farmers, and others who may sell or work with these products.”

This is why it is necessary that these listed precursor chemicals, from export you have to get a pre-export licence and those who are importing these chemicals have to get an import licence. With the enactment of this Bill becoming law, anybody who is importing these precursor chemicals have to undergo rigid registration and application, before you can get these pharmaceuticals, before you can get these precursor chemicals.

In some developed countries like Britain, the Home Office, they have a precursor chemical annual return:

“The Home Office reports annually to the International Narcotics Control Board on the manufacture, supply, importation, exportation and destruction of all controlled drugs and precursor chemicals within the UK.”

So that is an annual report. This is where these countries have gone to, and we are now going to start with having this under the SSA, the Strategic Services Agency, and the responsible agency is the Chief Medical Officer. A unit will be formed within the SSA, and then they will set up their regulations and begin to register all these things that set up their licensing and so on with the Competent Authority.

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Some of these people have to set up precursor chemicals annual return forms; this is what we may have to do in terms of the regulations, when we put the regulations in.

The legal background to all of this is—I want to quote from this document too, Gov.UK, “Precursor chemicals licensing-Detailed guidance-GOV.UK”, that is from the Home Office. It says:

“The basis for precursor control is to be found in the United Nations Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances adopted in Vienna on 19 December 1988.”

So this started in 1988, 33 years ago.

**Mr. Warner:** Twenty-seven years ago.

**Hon. Dr. T. Gopeesingh:** Twenty-seven years ago.

**Mr. Warner:** I am listening.

**Hon. Dr. T. Gopeesingh:** Yes, you are listening.

“UN convention

Article 12 of the convention specifically covers ‘substances frequently used in the illicit manufacture of narcotic drugs and psychotropic substances’ and requires that countries implement measures to control and monitor the legitimate trade in drug precursors as an essential way to prevent their diversion.”

So this Bill is about preventing the diversion of precursor chemicals into the hands of illicit manufacturers for these illicit drugs like methamphetamine, Ecstasy, heroin, opium and so on.

Madam Deputy Speaker, we agree with the Member for Chaguanas West that marijuana is not considered one of these areas, and cocaine is produced in the raw form, but cocaine can move from one level to another level, but with the use of these precursor chemicals. You have a variety of these illicit drugs, and different people use different drugs to get their undesired effect. Some of them would believe that it is a desirable effect and then after a while they know they have become addicted, and then they go a downhill slide very fast and precipitously and their life ends. You will find that some of these who have addictions want to take other tablets, and the mix of the tablets that are used for certain ailments in combination with some of these drugs result in death.

Then the European Union brought on legislation. They brought on regulations in February 2004 which control and monitor intra-community trade. That is between the 28 countries of the European Union. In December 2004, they brought in the regulations between the European Union and third countries—countries outside of the European Union. A further regulation was laid down, giving the rules for the implementation of these council regulations and that established harmonized measures within the EU for controlling and monitoring certain chemical substances that are frequently used in the illicit manufacture of narcotic drugs.

This GOV.UK:

“It defines ‘scheduled substances’ in accordance with Article 12 of the United Nations Convention. For these scheduled substances, the regulation contains provisions relating to licences, customer declarations and labelling. A monitoring procedure is also put in place to prevent obstacles to the free trade in these substances between EU countries.”

So the precursor chemicals—the European Union has set up a system amongst the countries within them, intra-trade within the European Union. They have a monitoring procedure to allow the free movement of this, but at the end of it, it is still regulated.

The UK also implemented that and used the European Union regulations:

“...through two statutory instruments which came into force on 7 March 2008.”

So you see, this is evolving. It started in 1988 and it continues to move along the way with newer and newer regulations over the number of years. This regulation was brought on in March 07, 2008.

I am sure my colleague, the distinguished Attorney General, in bringing about these regulations for this Bill, when it is made into an Act—obviously we would have taken some steps in looking at what the international regulations are, in putting our regulations together.

“These give full effect to the relevant EU regulations in the UK and impose licence and reporting obligations on those dealing in scheduled substances.”

This paper, GOV.UK, went on to talk about domestic licensing and more about the regulations, and these regulations they have on their website, and show you how to make your applications and so on for it.

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There is just one more area I want to just bring to the attention in my little contribution before I conclude. It is the, “United Nations Office on Drugs and Crime”. It is a regional office for South Asia, “Standard Operating Procedures...on Precursor Chemical Control”. The United Nations is very serious on the prevention on the issue of drugs and crime, and they have set up a massive booklet here on this issue of prevention of the use of these precursor chemicals into illicit drugs.

This document has the:

“UN CONVENTIONS.

- 1.1 Criminalization of Diversion of Precursors and Equipment
- 1.2 International Cooperation and Training
- 1.3 Controlled Delivery
- 1.4 Strict Measures at Free Ports and Free Trade Zones
- 1.5 Monitoring at Domestic Level
- 1.6 Monitoring of International Trade
- 1.7 Investigation of Offences...

Article 2

INTELLIGENCE COLLECTION AND ANALYSIS

Article 3

INVESTIGATION

Article 4

DATA MANAGEMENT”

It is a very detailed description of what is required and what is entailed in the “Standard Operating Procedures...on Precursor Chemical Control”.

Madam Deputy Speaker, I will close by reading a foreword given by the representative from the United Nations Regional Office from South Asia, from the Office of Drugs and Crime. I quote—that was a foreword:

“Precursor chemical control is an integral part of drug control. Most illicit drugs cannot be prepared without precursor chemicals.



Most chemicals are widely used for a variety of licit purposes...”—and I mentioned the 26 drugs that are used for licit purposes—“and therefore cannot simply be banned. A balance needs to be struck by regulating and controlling these chemicals, both in the international and domestic trade in order to prevent their use in illicit drug production by criminal groups while ensuring their availability for licit purposes without hampering trade.

The UN Convention against Illicit Trafficking in Narcotic Drugs and Psychotropic Substances, 1988 lists 23 chemicals...”—but the new world chart has 26.

“All countries in South and South West Asia are consumers of these precursor chemicals. Some are producers as well. But the level of controls, regulations and enforcement measures remain uneven.

The proximity of South Asian countries to the largest illicit opium producing country in the world - Afghanistan - where drug traffickers require precursor chemicals in large quantities to process and convert opium to heroin, calls for immediate and concerted action in the region to prevent diversion of precursor chemicals to illicit channels.”

### **6.25 p.m.**

It goes on to speak about the formulation of standard operating procedures on precursor chemicals control and they say that provides comprehensive material on how to regulate precursor chemicals. They also guide drug law enforcement personnel on intelligence collection, investigation including special investigation techniques, inspection of companies engaged in production, et cetera.

So, Madam Deputy Speaker, this People’s Partnership Government in its thrust for moving steadfastly and swiftly in the control of the illicit drug trade whether we are a transshipment point or not, and with this attendant drug trade there is also increased criminal activity and gun trade. We are moving in a number of areas. The Minister of National Security and the National Security Council of the Government together with the other law enforcement agencies have been working steadfastly and assiduously in moving to reduce the amount of criminal activity.

As we heard from our Minister of Gender, Youth and Child Development when he was acting in the position of Minister of National Security that before 2010 there were about 22,000 serious cases of crime reported, and he was very happy to report that we have reduced that, over the number of years, by about

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8,000 less serious crimes and we are moving further and further to reduce the criminal activity more and more. Hopefully we will find that one day we will have very little, and this is what we all continue to work for as Members of a government and collectively. This Bill here brought by the hon. Attorney General and, of course, supported by the Member for Chaguanas West and I am sure if Members were present in the House which they have found wanting to be absent from this House on about three or four occasions, not doing the people's business. How can they consider themselves as legitimate Opposition Members when you have empty benches opposite you for weeks and weeks?

**Dr. Rambachan:** They did not come back for the debate.

**Hon. Dr. T. Gopeesingh:** They know that the Bill is going on and they have continued to abscond from their constitutionally enshrined responsibility which the people have elected them to do—to speak on behalf of them, and they continue to show intolerance to the work of the Parliament. Remember they are being paid for that, and this is about the fourth or fifth occasion the benches are empty. What type of responsibility are they showing? So, when we speak about it, we are now attacked, but the truth is so revealing and stark naked in front of us. [*Crosstalk*]

So, Madam Deputy Speaker, it would have been good to hear some of their views on this as well. So this is what government is about. The Opposition will speak, the Government will speak and we will both make a decision in the interest of the people and we will vote on it.

So in essence, we want to congratulate the hon. Attorney General and of course, my colleague Minister Khan and Member for Chaguanas West raised some very important points in his contribution and at least he stayed. He showed some—[*Interruption*]

**Dr. Griffith:** Character.

**Hon. Dr. T. Gopeesingh:** Yeah. To stay and give his side of it, and we listened attentively during his contribution and we took note of his contribution.

So, Madam Deputy Speaker, this is an important piece of legislation and which we hope will be passed and supported in this House. Thank you for allowing me the opportunity to make my little contribution on this matter. [*Desk thumping*]

**The Attorney General (Sen. The Hon. Garvin Nicholas):** Thank you very much, Madam Deputy Speaker. Madam Deputy Speaker, let me first of all say

thank you to my colleagues Minister Fuad Khan and Minister Tim Gopeesingh, Member for Caroni East for their contributions in support of this Bill, but more so their ability to give a medical slant—a scientific and medical slant to the debate that would have allowed the listening population to have a better appreciation, apart from just the legal slant of the Bill.

I would also like to thank the Member for Chaguanas West for staying back and actually participating in the Bill. It is indeed important that Members who are elected to represent their constituents do so regardless of the challenges that they may perceive they are being faced with. I will say, the Member for Chaguanas West, he made some good contributions with regard to how we deal with crime and drugs as a whole. I think he was a little off point with regard to this particular Bill and what it is meant to do. You see—yes we readily admit that Trinidad and Tobago is indeed a transshipment point for major drugs, but we already have laws in place to deal with that. We have laws in place to deal with whether it be trafficking of cocaine or marijuana or the use of cocaine, marijuana and those other drugs, and that has been well established in our legal framework and even in our suite of legislation that we would have introduced over the last five years.

What is indeed very disappointing, and my colleague the hon. Member for Caroni East mentioned, was the fact that the substantive Opposition Members were not here to contribute to this Bill. I say so because in the other place we had quite detailed and, I would say, important elucidating contributions from the Opposition and the Independent Benches, and it was as a result of those contributions that I think some 26 amendments were made to the original Bill that actually moved the legislation forward quite significantly. I could only imagine that the absence of the Members on the Opposition Bench today takes away significantly from the debate. They may have had additional contributions to make towards the improvement of the Bill although I really doubt that the Bill could be perfected in any significant way, having gone through the rigour of the other place. But certainly it would have been good to hear from them.

You know, on many occasions when you are in Opposition you go and you tell your constituents that you have absolutely no power to assist them. But it is actually at times like these that you have the opportunity to come and speak on behalf of your constituents to represent their interests, represent their feelings on particular pieces of legislation, and represent various interest groups that may be impacted by this kind of legislation. Therefore, I find it extremely disappointing that the Members opposite chose not to be present for the debate of this Bill.

Madam Deputy Speaker, the issue was also raised with regard to—I will tell you in a second—yes. Let me just go back to the initiatives that this Government have actually taken, because it is quite right when the Member for Chaguanas West stated that this is no magic wand. This Bill is not meant to be a magic wand. This Bill does not operate in isolation. This Bill would not solve all the crime in the country. But we understand that there are different sets of criminal activity that take place throughout the country, whether it be crimes that require the totting of a firearm which the Bail (Amdt.) Act—which was successfully passed in this place and the other—deals with in terms of getting the guns off the street; or whether, for instance, we deal with the de-clogging of the Magistrates’ Court and fast-tracking matters that are indictable matters to the High Court through the preliminary enquiry legislation; or whether, for instance, Madam Deputy Speaker, we build police stations to house the police in a proper manner that would allow them to carry out their jobs in a more efficient and effective way throughout the country by building eight police stations over the last five years.

These are the sorts of incentives, the approaches, the initiatives that this Government would have embarked upon in order to deal with the many ills that we face as a country when it comes to crime. Of course, this precursor legislation is just one limb of the many arms of crime-fighting initiatives that we have proposed to this House and to this country in order to deal with the issues.

#### ADJOURNMENT

**The Minister of Housing and Urban Development (Hon. Dr. Roodal Moonilal):** Madam Deputy Speaker, I beg to move that this House do now adjourn to Wednesday, May 06, 2015 at 1.30 p.m. and to serve notice that it is the intention of the Government to debate on that day a Motion circulated on the Second Supplemental Order Paper. The Motion:

“BE IT RESOLVED that this House censure the Member for Diego Martin West...

AND BE IT FURTHER RESOLVED that...”—this House—“suspend from the service of the House...”—the Member for Diego Martin West.

It is our intention to debate that Motion on the Second Supplemental Order Paper, in addition to completing debate on the Precursor Chemicals (No. 2) Bill; concluding debate on the Motion on the adoption of the Ombudsman Report and it is Motion No. 2, and dealing of course, Madam Deputy Speaker, time permitting, on the amendment to the Trade Marks legislation emanating from the Senate.

*Adjournment*

*Friday, May 01, 2015*

So, Madam Deputy Speaker, we will be debating the Motion on the Second Supplemental Order Paper. We will be completing debate on the Precursor Chemicals (No. 2) Bill. We will complete debate on the Motion to adopt the 36<sup>th</sup> Annual Report of the Ombudsman, and we will, time permitting, address the amendment to the Trade Marks legislation emanating from the other place.

Madam Deputy Speaker, may I also take this opportunity, again for the record, to indicate that there are about six Motions on the Adjournment filed by Members opposite [*Crosstalk*] and the Ministers have been prepared for some time now and the Members opposite are not here to debate their Motions and to be responded to. We have not had any correspondence, Madam Deputy Speaker.

Let me indicate for the Member for Chaguanas West, that the Member for Chaguanas West, while we are very aware that the Member remained, there was no Chief Whip to work with, no representative of the others opposite. [*Laughter*] The Member did not communicate—the Member is now nodding. [*Crosstalk*] He is now nodding. If it is, Madam Deputy Speaker, for the rest of the session that the Member for Chaguanas West would want me to conduct business with him as the Chief Whip of the Opposition, it is something to consider. But there is no Chief Whip present. No one on the opposite side has communicated to us their intention to do which Motion, what Motion, when, how, why.

So I just want to serve notice that, again, we will have to adjourn without the debate. So maybe the Member for Chaguanas West can indicate on the next occasion that he will be very eager to do his Motion, and we can now set for the next sitting, so we do not depend on the Member for Port of Spain South communicating to us on Motions. I will take it for granted that the Motion on the Adjournment by the Member for Chaguanas West will be presented properly at the next sitting of the House of Representatives.

Madam Deputy Speaker, I beg to move.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.41 p.m.*