

Leave of Absence

Tuesday, February 22, 1994

SENATE

Tuesday, February 22, 1994

The Senate met at 1.30 p.m.

PRAYERS

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

LEAVE OF ABSENCE

Mr. Vice-President: Hon. Senators, I have granted leave to Sen. Joan Yuille-Williams and Sen. John Rooks to be absent from today's sitting.

SENATORS' APPOINTMENT

Mr. Vice-President: I have received three letters from His Excellency the President, one appointing Mr. Robert Bermudez to be a temporary Senator with effect from February 22, 1994 and continuing during the period of illness of Sen. J. E. Carter.

The next appointing Mr. Rick Goutam Ramparas to be temporarily a Senator with effect from February 21, 1994 and continuing during the absence from Trinidad and Tobago of Sen. Dr. L. Saith.

And, the third appointing Mrs. Norma Lewis-Phillip to be temporarily a Senator with effect from February 22, 1994 and continuing during the absence from Trinidad and Tobago of Sen. Joan Yuille-Williams.

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law: Robert Bermudez, Rick G. Ramparas, and Norma Lewis-Phillip.

ORAL ANSWERS TO QUESTIONS

MTBE Plants

18. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

Could the hon. Minister indicate to the Senate what is the present status of the plans announced a year ago to build two MTBE plants which are designed to remove dangerous lead being used in our gasoline?

The Minister of Energy and Energy Industries (Sen. The Hon. Barry Barnes): Mr. Vice-President, the Government has approved the construction of a small-scale MTBE plant of 38,000 tonnes per annum at Pointe-a-Pierre at an estimated cost of US \$12.3 million.

Construction is expected to commence in the fourth quarter of 1994 with the plant on stream in early 1996. This plant will assist the refinery production of unleaded and re-formulated gasolines.

A detailed feasibility study showed that a 50,000 tonne per annum MTBE plant proposed by the Trinidad and Tobago Methanol Company based on locally available butane was not a viable project.

The current volume of butane available locally, is not sufficient to support a world-scale 400,000 tonnes per annum MTBE plant.

Sen. W. Mark: Could the hon. Minister indicate how the proposed plant construction at the Pointe-a-Pierre refinery would assist in the overall elimination of leaded gasoline in Trinidad and Tobago? Would it be able to eliminate that aspect partially or completely?

Sen. The Hon. B. Barnes: The MTBE plant at Pointe-a-Pierre in conjunction with the rest of the upgrading project would have the effect of eliminating the need for lead totally. The plant by itself, without the rest of the upgrading, is not of sufficient size to completely eliminate the requirement. The fundamental of the plant is that it is going to be based on the butane that is available ex the refinery, so that part of the construction is already there. What is needed is merely to bring in the methanol and put in the small MTBE plant. It reduces the operating cost; and gives an opportunity advantage. That is the basis on which we are proceeding.

Sen. W. Mark: Could the hon. Minister indicate what is the time frame envisaged for the completion of this exercise and for us to enjoy unleaded gasoline in Trinidad and Tobago?

Sen. The Hon. B. Barnes: As indicated before, there is a programmed lead phased down. There has in fact been a reduction in the lead content this year, and it will progressively be phased down as additional refinery plants come on stream. The total elimination of lead from the refinery stream will not in fact occur until March 1996, when the upgraded refinery is finally in place.

Crude Production

19. Sen. Wade Mark asked the Minister of Energy and Energy Industries:

Could the hon. Minister state:

- (a) the quantum and value of crude produced for the years 1989, 1990, 1991, 1992 and 1993 to date, under the farm and lease operatorships, as well as the number of leases and oil wells farmed out during the same period?

- (b) Could the Minister also state the average production per well and to whom this production is sold?

The Minister of Energy and Energy Industries (Sen. The Hon. Barry Barnes: Mr. Vice-President, I have placed with the Clerk of the Senate a detailed, comprehensive tabulation of the required information, but let me just highlight this.

In terms of lease operatorships over the period 1989 to the end of October 1993, the total production was 1,305,999 barrels; total value was TT \$79,555,476.

In respect of the farmouts which started in 1991 to the end of October 1993 the total volume of production was 263,329 barrels; the total value was TT \$15,932,424.

In terms of the lease operatorships there were 1,018 wells that were leased, out of which 333 have been brought back into production.

In respect of the farmouts, there are 27 wells which were farmed out of which 10 are currently in operation.

In respect of lease operatorships, 14 were originally granted; 12 are now still in effect of which 11 are active.

In respect of farmouts three were originally granted; two are currently still in place and one is inactive.

The average production per well is five barrels per day in respect of the lease operatorship wells and 29 barrels per day in respect of the farmouts. The production was originally sold to the companies that granted the leases and the farmouts; that is to say Trintoc and Trintopec and is now all being sold to Petrotrin.

Sen. W. Mark: Could the hon. Minister indicate to this Senate whether he is satisfied, as the Minister of Energy, with this programme of farmouts and lease operatorships? Whether he is aware of any corrupt practices involved in that arrangement; and if he is aware what steps are being taken by the Government to eliminate those corrupt practices?

Sen. The Hon. B. Barnes: Mr. Vice-President, as a general comment this operation started, in fact, virtually as a pilot programme. There was clearly the need for tightening up and improvement as they went along. We have learnt something from it. A comprehensive programme of administration is being set in place and in fact the intention of Petrotrin, once that is in place, is to further

expand the Lease Operatorship Farmout Programme. We have roughly 12,000 wells that are idle; and there is a very strong feeling that we should do rather more to try to bring them back into production.

I am not aware in the sense of which the Senator speaks of corruption. There have been a number of incidents, not a large number. As I have indicated some of the original leases are no longer part of the operation because either they lacked the technical skill or people were dissatisfied with how it was being operated. That is as far as I can go at this time.

Sen. W. Mark: Could the Minister indicate whether there have been instances of malpractice in that particular aspect of the operatorship and farmout programme? Is he aware of instances of this particular development?

Sen. The Hon. B. Barnes: There have been reports of incorrect practice. One or two of them have led to the termination of operatorships in terms of tightening the operation. As I said, the whole operation has been audited on at least two occasions that I am aware of. More than that, there is a comprehensive attempt to put in place a tighter control. I think Sen. Wade Mark knows the area of the fields and how they are scattered in several different occasions. In my opinion, it does require a better supervisory arrangement.

Vide end of sitting for written part of the answer.

Natural Gas Contract (Royalties)

20. Sen. Wade Mark asked the Minister of Energy and Energy Industries:

Could the hon. Minister provide the Senate with an estimate of the total royalty expected over the life of the current National Gas Company/Amoco twenty-year natural gas contract?

The Minister of Energy and Energy Industries (Sen. The Hon. Barry Barnes): Mr. Vice-President, under the terms of the exploration and production licences granted to Amoco in the early 1970s for a specified period of 30 years, the natural gas royalty rate is stipulated at 1.5 cents per mcf.

Accordingly, on the basis of the daily contract quantity of natural gas to be supplied under the 20-year National Gas Company/Amoco contract of 1991, the cumulative natural gas royalty payable to Government will amount to TT \$37 million over the 20-year period. Additionally, the estimated petroleum profits tax payable to Government on natural gas supplied under this contract would be of the order of US \$769 million, over the 20-year period.

Sen. W. Mark: Could the hon. Minister indicate to this Senate what is the gross revenue expected to be earned by Amoco during that period?

Secondly, is the contract in question going to be another roll-over contract after its expiration?

Sen. The Hon. B. Barnes: In terms of the first part of the question, if the Senator requires, I can make that information available to him on some other occasion.

In respect of the 20-year contract which was signed in 1991 and which presumably would go on to 2011, I have said before that for me there is not much future in prophecy. One thing that I am certain about is that when it comes to be rolled over I would not be here. I really cannot say that the circumstances at the time are going to suggest that it should be rolled over. From where I stand, I would think that because of the other things that we have done in terms of bringing in other producers, by that time there would be no necessity for such a roll-on.

1.50 p.m

**Children's Foster Care
(Pilot Programme)**

39. Sen. Diana Mahabir-Wyatt asked the Minister of Social Development:

Could the hon. Minister inform this House how far the pilot programme for placing children in foster care has progressed? How much has been allocated for its implementation?

The Minister of Social Development (Dr. The Hon. Linda Baboolal): Mr. Vice-President, a pilot programme for placing children in foster care has not yet been implemented. There are, however, interim measures for the fostering of children which are funded by Government and which will continue pending the formal establishment of a foster care system.

These are:

- (1) The grant of an annual subvention amounting to \$40,000 to the South Social Workers Task Force, which organization identifies homes and places children for care on a fee basis. Some monitoring of the children's progress is done; and
- (2) The placement of children in temporary care for a fee pending adoption investigations and enquiries.

The implementation of a formal system has been engaging the attention of an in-house project management team within the Ministry of Social Development. The team is close to completion of its study.

Even before the team has reported, the ministry is cognizant of the fact that formal establishment of a foster care system, even on a pilot basis will require restriction of fostering through the grant of Fit Persons Orders by the court, as is required by the existing Orders Act, the screening of prospective foster parents, the development of a register of foster parents, provisions for counselling, supervision, monitoring and so forth. These requirements will necessitate the strengthening of the National Family Services Division and this is being addressed.

A sum of \$149,000 has been provided in the 1994 Budget to facilitate the implementation of a foster care system.

Sen. Mahabir-Wyatt: The Minister has outlined two separate measures, could she please indicate how many children have been affected by these measures?

Dr. The Hon. L. Baboolal: So far, 147 children have been placed in foster care through this agency over the last 12-year period.

Sen. Mahabir-Wyatt: Does the Minister have any idea of how many are presently in foster care? Over a 12-year period is taking us very far back.

Could the Minister also let us know how many social workers are monitoring the progress of these children?

Dr. The Hon. L. Baboolal: Mr. Vice-President, I do not have those figures with me but I will certainly get them if the Senator wishes.

Mr. Vice-President: Do you have another question, Sen. Mahabir-Wyatt where you can get that information?

Sen Mahabir-Wyatt: That will be fine. Thank you, Minister of Social Development.

Succession Act

The following question stood on the Order Paper in the name of Sen. Diana Mahabir-Wyatt:

40. Could the hon. Attorney General and Minister of Legal Affairs state:

- (a) Why only one section of the Succession Act, passed in 1991, has ever been proclaimed?

- (b) When will the sections dealing with provisions for dependants be proclaimed?

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. Vice-President, I have been asked by the Attorney General to request of the Senate a two-week deferral of this question, please.

Question, by leave, deferred.

**Ombudsman's Special Report
(Mr. Newlyn John)**

The following question stood on the Order Paper in the name of Sen. Everard Dean.

- 41.** Can the hon. Prime Minister state what action, if any, has been taken by the Tobago House of Assembly, or what action the Assembly intends to take, to address the predicament of Mr. Newlyn John, mentioned in the Special Report No. 1/94 of the Ombudsman, as a result of the lack of remedial work to buttress the property damaged as a result of land slippage which developed along the Zion Hill Road since 1973, due to road works carried out by the Ministry of Works, Tobago?

The Minister in the Office of the Prime Minister responsible for Public Administration and Public Information (Sen. The Hon. Gordon Draper): Mr. Vice-President, I have discussed the matter with Sen. Dean and I am asking for a deferral of two weeks for the answer to this question.

Question, by leave, deferred.

LAND ACQUISITION BILL

Bill to govern the acquisition of land for public purposes [*The Minister of Planning and Development*]; read the first time.

Motion made, That the next stage be taken at the next regular sitting of the Senate.

Question put and agreed to.

ORDER OF BUSINESS

The Minister in the Office of the Prime Minister responsible for Public Administration and Public Information (Sen. The Hon. Gordon Draper): Mr. Vice-President, following discussions with all parties and in accordance with provisions of amended Senate Standing Order No. 24, I beg to move that the

Order of Business
[HON. G. DRAPER]

Tuesday, February 22, 1994

Senate proceed with a debate on the second reading of the Bill to amend the Dangerous Drugs Act, 1991, listed under "Government Business" on the Order Paper at this stage.

Sen. Wade Mark: Mr. Vice-President, in agreement with that proposal, we would also like to have the clear undertaking by the Leader of Government Business that on Tuesday of next week, Private Member's Day which is being given up by agreement, will in fact resume. That is the understanding that we came to with the then Leader of Government Business, who is now in India. I hope that the Acting Leader is aware of this arrangement.

Hon. G. Draper: Mr. Vice-President, we are a team here, I am aware of that agreement and I can give that undertaking.

DANGEROUS DRUGS (AMDT.) BILL

[SECOND DAY]

Order read for resuming adjourned debate on question [February 8, 1994]:

That the Bill be now read a second time.

Question again proposed.

Sen. Martin Daly: Mr. Vice-President, I noticed with interest, and I congratulate the Minister of National Security on his opening statement when he introduced this Bill, that the Government recognized that there is a spate of crime. He also indicated that he recognized that much of it is related to the drug trade.

I think it necessary at the start of my contribution to congratulate the Minister on recognizing that there is a spate of crime, because sometimes it seems to me that there is some confusion in the ranks of the Government as to whether we are suffering from a spate of crime.

In one of his most eloquent contributions, last week Sen. Capildeo described for us what—as clear as I could make out—was a state of siege, but I would be satisfied to accept the Minister's laudatory admission that we are suffering from a spate of crime.

2.00 p.m.

I make this observation at the outset because the confusion in the ranks of the Government, to which I have alluded, takes different forms. Sometimes they recognize that we are all suffering from a spate of crime; but at other times they try to provide us with various forms of comfort. Sometimes the comfort is in the form of handsome soldiers carrying impressive-looking arms all over the streets

of Trinidad and Tobago, including during the carnival celebrations. That, of course, is not going to do anything about the spate of crime. Again, the Minister has been laudably honest in describing it as "comfort". It is a placebo for our nerves but it will achieve nothing.

At other times the Government seeks to comfort us by saying, "well, you know, this large number of murders is related to the drug trade, so you do not need to worry about it, because it is a specialist kind of murder. So do not be worried about it, do not be alarmed, that is not really part of the spate of crime affecting the ordinary citizen."

Last but by no means least, there have been a series of persistent attacks on the media in the course of the Government's so-called campaign against crime. These forms of attack on the media are also not going to solve the problem. This is apparently going to be a momentous week in the Senate, but I want to sound a warning to the Government, that these persistent attacks on the media are not going to get us anywhere. There is no way that is going to solve the crime problem and the sooner we recognize that persons who sometimes, in the best sense of the word, oppose the Government, whether they be members of the media or Senators of these Benches, have a job to do, the faster we would get along with the business of this Senate.

Of course, we know from experience, that there are little men in the Information Division who are well skilled at making these types of attacks on citizens, including Senators on the Independent Benches. But if and when we get to the debate to amend the Constitution, I would return to this theme.

So here we are, confronted with a debate on one of the Government's main measures in the attack against crime. We know it is one of the main measures because they have been advertising it in advance for well over six months in various statements they have been making courtesy the media which they are attacking. For example, a statement was made in Parliament by the Attorney General on July 2, 1993, which received prominent coverage in the daily press the following Saturday, the headline was: "Sobion—We are moving to defeat criminals." In the course of describing the legislative measures which the Government was bringing, he alluded to this Bill which we are debating today. So that I think it is important to locate this Bill in a certain context.

I also congratulate the Government on dealing with the huge loophole that obtains in our extradition laws by the provisions made in this Bill in relation to extradition. I regard that as progressive and forward-looking law reform for which

Dangerous Drugs (Amdt.) Bill
[SEN. DALY]

Tuesday, February 22, 1994

the Government is to be complimented. Perhaps if it would stick to these nuts-and-bolts tasks and forget about "jumbies" in the media, we would get along much faster.

Indeed, the Minister has offered a reasoned case for the support of this Bill, and apart from misgivings about the confusion with which the Government is tackling the crime situation, and apart from the proposed clause 35E and the provisions to transfer proceedings at the behest of the DPP, I probably would have simply given an "aye" in this debate. But I think it is very important to remind the Government in the course of this debate that so far as its legislation is concerned, it is a nuts-and-bolts task which must be advanced by solid, hard work, for example, tidying up that loophole in the extradition laws. But all these antics to which I have referred will not take us any further and indeed, will not comfort the citizenry.

So I take this opportunity to suggest to the Minister that he prevail upon his colleagues to stick to the course that he is on, which is a reasoned support for the Government's measures. My reasons for taking this line will become obvious a little later.

As I said, much of my contribution will centre on the very questionable provisions contained in clause 35E and the transfer of proceedings at the behest of the DPP.

Before I deal with that, I am also bound to say, as others have done before me, that we do have much scepticism as to whether or not when we pass this legislation we have the ability to implement it. Some people seem to take offence at that and the Attorney General—who I am sorry is not here today because I have some remarks to direct to him. But I think the Minister was described as his copilot, so he will no doubt navigate the remarks to the right quarters. Several persons who have spoken before me have lamented the fact that time after time in this Parliament we pass legislation and we are unable to implement it. The Attorney General rushed into the fray and he rushed in so successfully—no doubt with the help of the little men in the Information Division—and he gets the quote of the day, that, "it is time for action so do not complain about our inability to implement. This is action time."

It is unfortunate that it is in this context that we should be talking about this legislation as though it represented meaningful action against crime. Because I raised with the Attorney General—and he had to confront it in the end—that the Bill which we are debating today is a supplement to the principal Act, Act No. 38

of 1991, and as the Attorney General has confessed, we have not had one single confiscation order, one single forfeiture order, one single restraint order. Not one single reported success under Act 38 of 1991!

So I beg to differ with the Attorney General and suggest that there is good reason to believe that this Bill we are debating, necessary though it is, does not represent the action that the Government pretends it does, because nothing has been achieved under the principal Act. Ton loads of paper have been written and lawyers have been asked to study this Act and advise; about the effect on mortgages and debentures; about these confiscation and detention orders and there has been not one single success under this Act. I say that is a sufficient reason for questioning whether, after we pass this Bill, we will have taken any meaningful action against crime.

So that in the context of this particular legislation I do not accept that implementation is a separate matter. I think it is very relevant for us to question the poor track record in this country of the enforcement of legislation. I also question it because of the public relations antics to which I have referred before.

On a previous occasion in this Senate while I myself was speaking and in passing was suggesting that the vendors' matter should be settled, there was a great flurry of activity, and while the Senate was going on an attempt—which of course failed miserably—to settle the vendors' matter at the behest of the little men in the Information Division, while we were debating the issue in here so little respect did they have for the debate that was going on in here, that they were busy in another room announcing that tomorrow morning they would be putting up pretty little yellow and white tents in a car park, where nobody goes, not even to relieve themselves. So that is the type of "action" that this Government is taking.

Now we have very serious concerns about clause 35E which have been articulated by Sen. Capildeo, and I dare say, at the behest of the little men in the Information Division, we are going to be told that we are obstructionists.

2.10 p.m.

Well, I am going to try very patiently to explain what our misgivings are about 35E and why they are relevant in this country and why we will not be deflected by public relations antics with which I, for one, am becoming thoroughly fed up as I have to drive home at nights looking in my rear-view mirror instead of my front windscreen. No number of press conferences will change the way I feel about driving home at night. No number of press conferences will change the fact that this was the most subdued carnival we have

Dangerous Drugs (Amdt.) Bill
[SEN. DALY]

Tuesday, February 22, 1994

ever had in Trinidad and Tobago in my lifetime. People were terrified to come out on the streets. Everywhere one went on *J'ouvert* morning, in the clubs, wherever one went, one had to ask oneself: Where have all the people gone?

Hon. Senator: Home!

Sen. M. Daly: On *J'ouvert* morning I was able to drive round and round any street I chose in Port of Spain and there was no real activity on the streets in the upper part of Port of Spain where there is usually a traffic jam until about 3.30 o'clock in the morning. People came out and peeped to see whether there were other people on the streets so that it was safe for them to come out too. Let us be very clear about what action is and what mirages are—and perhaps mirages is an unfortunate word having regard to the season. It is no good making beguiling statements.

What is the problem with proposed clause 35E? The problem is that it will permit an ordinary policeman and an ordinary customs officer, the track records of whom at law enforcement are poor, on reasonable suspicion of an intention, to put it colloquially, to dig up in my wife's handbag and in my wallet and so forth. That is not satisfactory at this stage of our development. We are not law enforcement efficient, and we have to become so. Therefore, I believe that there is a crying need, as Sen. Capildeo has said before me, to insist on certain safeguards in relation to clause 35E

It is very interesting to note that even in the Explanatory Note of the Bill there is no reference to clause 35E. This Bill clearly has an important purpose, that is, to supplement the principal Act to carry out certain convention obligations, but an attempt is now being made to slip it in—and I am told by some of my colleagues who were here before me that clause 35E has been the subject of contention before.

I am not prepared to support this Bill with clause 35E in it without what I regard as the appropriate safeguards. First, I too—and I am not afraid to say—lack confidence in our law enforcement agencies. No amount of pleading on the part of the Attorney General that this is the time for action and we must not worry about these things and we must have faith and so forth is going to persuade me differently.

Let me summarize some practical reasons based on recent events why I do not feel able to place this unbridled power in the hands of our law enforcement agencies. None of these are my ideas; they are either things I have heard said or events which have taken place in this country. When cash is seized under clause

35E, one can ask the question: Will that cash be placed in a rat-free environment? Or will it suffer the same fate as the cocaine that was eaten by the rats in the police station? That is my first misgiving.

My second question is: Is the cash that is seized going to be placed in the equivalent of the Marabella jail, where it will pass through iron bars, through lighted courtyards and over walls? Is that where the cash will be placed? Are those the agencies that I must entrust with the power, on suspicion of intention, to dig up in my wife's handbag or in my luggage? No, Mr. Vice-President.

Then there is the example which was given by Sen. Barrack, and sad to say it is not the only example. He spoke very eloquently about—I assume he was talking about the retail drug trade taking place—and notoriously so—within a certain radius of Police Headquarters and this Parliament. While he was talking about it, we saw other Senators shaking their heads.

I know from things that have been reported to me, that the retail drug trade in Port of Spain certainly used to take place, and probably still does, in other suburbs of Port of Spain within an equal radius, as that described by Sen. Barrack, of certain police stations. The word used to be reported to me by someone who had a business in one of these areas—and of course I am changing the names to protect me, never mind the guilty. My friend who had a business in this environment used to come to the club which I used to frequent and say to me, "Boy, do you know who went by 'Squeezy' today?" Always he will call the son or daughter of a prominent person. One only had to crack the louvres in the police station to see where "Squeezy" was operating. The Attorney General comes here and talks about time for action.

Sen. Barrack: Wasting time.

Sen. M. Daly: Then, of course, we had the admission by the Minister that he had made certain reports to the Inland Revenue Department and they ignored him. This is not an easy Minister to ignore, but they have ignored him. The Inland Revenue Department is taking no interest in this. I will remind the Senate on every occasion that I speak here that Al Capone went to jail for tax fraud. They were never able to jail him for murder or anything else. He went to jail for tax fraud. No doubt, Mr. Vice-President, if you ever leave the exalted place where you now sit this is a matter that I can pursue with you, having regard to your considerable knowledge of forensic accounting.

Here we have a situation where the retail drug trade is going on in the sight of the police; the Inland Revenue Department ignores the Minister of National

Dangerous Drugs (Amdt.) Bill
[SEN. DALY]

Tuesday, February 22, 1994

Security who brings certain information to their attention; rats eat cocaine exhibits and human beings get through bars, across lighted courtyards and over walls. That is the environment in which we are taking this action and those are the types of persons that you are offering this unrestricted power in clause 35E

Then, sad to say, we had the example of poor former Sen. Kuei Tung. Here is a man who goes to work at his desk in a government office. A tax demand which should have been mailed to him arrives at his home for personal service by two officers of the Inland Revenue Department, accompanied by a tip-off to the press. That is the Government's version of what took place with former Sen. Kuei Tung. He was sitting in his office at Riverside Plaza while all of this was going on.

The only part of the Government's version which I do not accept is that the Opposition inspired it. I do not accept that. I think Sen. Kuei Tung would have been well advised—and I told him so—to look over his shoulder on his own side in relation to the events of that day. It is inconceivable that we could live in a country where a man can go to his job at a desk in a government office, two Inland Revenue officers go to his home, accompanied by the press who had been tipped off, to serve a demand which should have been sent by mail—the embarrassment that took place.

2.20 p.m.

Now to speak colloquially, if it is "tesses" like that you are sending to exercise their powers under 35E, well, then, I would have to consider very seriously what my future existence is in that kind of environment. None of these things I have made up, Mr. Vice-President; these are things that have happened and, therefore, I am proposing certain amendments to 35E which have been circulated.

First of all, in relation to the customs officer, I am proposing that the 35E power be exercised by a senior customs officer on duty at the port at the time. I claim no credit for this expression, or this safeguard, because if the pilot and the co-pilot look at section 64 of the Customs Act, they will see that safeguard exists in relation to personal searches. If a customs officer seeks to search you, you are entitled—and section 64 says so—to demand to see the senior customs officer on duty at the port at the time, and he must confirm that the search is to take place. So I say, what is the difference between a body search and this search for cash? Therefore, it seems to me that that amendment is irresistible.

Likewise in relation to a police officer, I have been very conservative, and ask that it be the rank of sergeant, or above. I have done that, Mr. Vice-President, on the advice of some of my colleagues, who have reminded me that it is the

intention of the Minister to reduce, if not to phase out, the number of corporals. So that we will have a situation where the next most likely rank after constable will be sergeant. I say if a body search has to be authorized by a senior customs officer, the same should apply to the search for cash on suspicion, given the environment which I have described and, therefore, in relation to a police officer a similar safeguard in terms of rank ought to be introduced.

Then, in relation to the amount of cash that can be seized. Here again, I think of the experience of former Sen. Kuei Tung and, therefore, I want some safeguard that some crazy "tess" is not going to come digging up in my wife's handbag for US \$5.00 to say that represents the proceeds of drug trafficking, particularly after the way I have spoken in the Senate today. So I want some safeguards.

I want to suggest, the sum of US \$3,000, and I did not make up that figure. What I did, with the aid of the little men from the Information Division, was to cut out from the newspaper a little form—you see, I choose my words very carefully. It is a big advertisement but a little form. So hear the public relations language. "A little form that reduces a lot of hassle. The Customs & Excise Division ..." and so forth. Anyway, the point is, that with the aid of this flow of information I see that—I have not travelled since—on this customs form, one of the things which one is being asked to declare is arms and ammunition, and various things.

Then there is 16B, similar to what is on the US customs form, "Are you or anyone in your party carrying any currency in excess of US \$5,000 or its equivalent?" So I ask, why do we have to have this unrestricted power? Your own customs "little form that reduces a lot of hassle"—your own brand new customs form—in my haste I did not get the date on which this advertisement appeared, but it is a brand new customs form. It came out this year in time for the Carnival. So a brand new customs form is asking you about currency in excess of US \$5,000—I am sorry, Mr. Vice-President, 16A asks you whether you or anyone in your party is carrying TT currency in excess of TT \$20,000.

I do maths in very round figures, so I thought that despite what the pundits say—some say \$6.60 to US \$1.00; some say \$5.57 and some say when it is \$5.97 that was just a temporary aberration, and so on. I said, you see me, let me just kind of divide by 6, and get something rough, so I arrived at US \$3,000 cash. I say, if that is the extent of your enquiry on the customs form, then you must have reasonable suspicion that the persons are carrying more than US \$3,000 cash representing the proceeds of drug trafficking.

Dangerous Drugs (Amdt.) Bill
[SEN. DALY]

Tuesday, February 22, 1994

So that is the extent of the amendments which I am proposing and which have been circulated in relation to 35E, which has been slipped into this Bill, and forms no part of its original purpose. I emphasize that I am putting in these safeguards because of the type of questionable and inefficient law enforcement environment in which we are operating, in which these types of rats and iron files, are in circulation and no one is ever punished and no proper explanation is ever given.

Indeed, someone with engineering qualifications pointed out, in a rather amusing letter to one of the daily newspapers, that having sawed the bar with a file which could conceivably have been concealed in the anatomy, the bar, or the crowbar, with which he would then be required to bend the bar that he had filed, could not conceivably fit in the anatomy of a human being—an average human being at any rate. Although, I suppose, in relation to that part of the anatomy there are people who are above average. And nobody is taking this on!

This is a man who, when he came out of the Marabella jail it was alleged at the time—he has since been convicted—cut out someone's tongue. So, I do not know, I suppose he felt hungry for tongue that night, and he "fly out de Marabella jail" through these bars, across a lighted courtyard and over a wall, and "he decide to start snapping up tongue in San Fernando." And we are here discussing the Dangerous Drugs (Amdt.) Bill and Psychotropic Substances (Amdt.) Bill and we are being told that this is part of an action plan? Ridiculous! in my respectful submission, Mr. Vice-President! And I am speaking harshly, because I think it ill behoves the Government to be talking about this kind of sophisticated legislation as part of its crime fighting plan, when the ordinary retention of exhibits in safe custody, retention of prisoners in safe custody, cannot be achieved in the present environment. So that is my suggestion with regard to those amendments.

Now, Mr. Vice-President, I am also unhappy, as Sen. Capildeo was, if I can turn my attention, first of all, to the clause which gives protection to police officers being guilty of an offence in connection with the activities under the new clause 47. It is a very confusing Bill; it is to be found at page 20. What I have done there, is again, to curb the exculpation of persons enforcing this Act as it is far too wide. It is my contention, and the history of law enforcement shows it, that there is an element of malice and harassment in law enforcement here, with which we should be concerned. Therefore this is far too wide.

All I have done is suggest that the person must, at least, satisfy the court that he acted in good faith in order to have the exculpation and, in fact, that good faith provision I have simply borrowed from clause 8 of the Fifth Schedule, at page 29;

and I see no reason, in principle, why the exculpation on page 20, subclause 12 of the proposed 47, should not be drafted in the same terms, so that the person, at least, has to satisfy the court that they acted in good faith and did not act in a "Kuei Tungian" sort of manner. You see, we keep coming back to this question of "tongues".

Then, Sen. Capildeo expressed some misgivings about the ability of the Director of Public Prosecutions to order a transfer of proceedings; and the Attorney General, again—I welcome him—told us, "Don't be so suspicious" and, "Why are you making all these assumptions that people are going to do things that are wrong?", and so forth.

2.30 p.m.

Well, I, Mr. Vice-President, have said the things that concern me and the basis on which I am making my assumptions is that we need these safeguards and those of us who are asking for them are not being paranoid. I think we are making perfectly reasonable assumptions based on the climate in the country.

When one looks at the clause, it is not even as simple as Sen. Capildeo pointed out:

"Notwithstanding any enactment to the contrary, the Director of Public Prosecutions whenever he considers the interests of justice so require, or that having regard to all the circumstances it is desirable to do so in the interests of securing the more expeditious hearing and determination of cases, may, in any case transfer proceedings from a summary court to any other summary court."

Well, I would be prepared to consider a transfer in a situation where it is desirable to do so in the interest of securing a more expeditious hearing, because some ground is stated, and if the DPP transferred a matter for some reason, other than to secure a more expeditious hearing, his order could be quashed, his decision could be quashed by the court. I do not like this wide phrase:

"—whenever he considers the interests of justice so require,"

It is far too wide and I cannot bite on it. It is like this crazy proposal for a state of emergency to go and round up those people we think, in the interest of justice, should be behind bars. It is woolly; it is vague; I cannot bite on it and I object to it. I am prepared to consider in committee as an alternative to its deletion, restricting it to securing a more expeditious hearing and determination of cases.

Dangerous Drugs (Amdt.) Bill
[SEN. DALY]

Tuesday, February 22, 1994

[Noise in Public Gallery]

Sen. M. Daly: Mr. Vice-President, as I say, I have spoken harshly about these matters, and, indeed, look at the atmosphere in the Parliament.

Mr. Sobion: What does that have to do with this?

Sen. M. Daly: I have spoken harshly about these matters, because, as I have indicated, we are not law enforcement efficient. We have had a series of scandals in the administration of justice in the broad sense of the term—including police work—which are cause for great disquiet. There is a funny trend in much of the debate that is going on in the country about crime now, and the talk is: "The Constitution is not serving us. Rip it up! Bus' it up!" And that is the very time when people are so worried, that is the very time when the Constitution must be examined carefully to see whether it should be ripped up. Well, of course, apparently we are going to have an occasion where we are going to be able to discuss that in much greater detail.

So I am recommending a much more nuts-and-bolts approach. We have a problem with money laundering that requires us to re-look at this question of searching for cash. Okay, let us look at it but let us not get carried away and take out a similar type safeguard that is contained in the United Kingdom Act to which Sen. Capildeo referred. That is hysterical action. It is incautious action. It is at the very time when people feel, whether Ministers accept it or not, that they are under siege. It is a time when, as frightened as I am when I drive home in the evening, I understand that one cannot just rip up the Constitution or have a state of emergency and start picking up people left right and centre.

Mr. Sobion: Mr. Vice-President, I wonder if the hon. Senator would indicate from which source the question of ripping up the Constitution or declaring a state of emergency has come, whether it has come from Members on this side, specifically.

Sen. M. Daly: Mr. Vice-President, as I was saying, it is at the very time when the public debate is marked by calls for states of emergency and for talk about the Constitution not serving us that one needs to be careful with the legislation. So far as I am concerned, this 35E in its present form has the same pitfalls as a state of emergency.

Nothing that I have suggested, nothing in my contribution, has attributed a call for a state of emergency to the Government. As the Attorney General well knows, it has been reported that two prominent lawyers have recommended a state of

emergency. It is reported that one of them is a member of the ruling party. That is the source. There have been many discussions in the course of the heated arguments between the Commissioner of Police, the Minister of National Security and the Chairman of the Police Service Commission about the Constitution not serving the country.

I mean, I ask this rhetorically. I do not refer to the Attorney General in particular, but anyone who has not heard these arguments has had his radio stolen by a bandit who has walked into his house in broad daylight and is therefore unable to listen to these strident debates that are on the radio every day. I can only conclude his radio has been stolen, because the stealing of radios, motor cars and TVs is an everyday occurrence in this country, so it is reasonable to assume there is a large number of people whose radios have been stolen and have not heard that debate going on. Therefore, Mr. Vice-President, it is against this background that I support Sen. Capildeo's approach and have sought to propose these amendments.

The rest of the Bill, as far as I am concerned, is perfectly in order. It carries out the international obligations of the Government, and I will repeat it, perhaps for the cooler bearing of the Attorney General, that I congratulate the Government on tidying up the loophole in relation to the extradition laws.

There is much good work in this Bill, but that does not mean that this or any bill is just going to get *carte blanche* passage because part of it is good while other parts of it are marked by an excess of zeal to get hold of money launderers and, in that quest cause great embarrassment to other people such as was caused to former Sen. Kuei Tung. We have not as yet heard the results of that investigation, how come these two revenue officers went to his property to serve personally—accompanied by the press—a demand which normally should not have been made. We did not hear what happened with the investigation, any more than we heard anything about the Marabella jail, or the rats eating the cocaine exhibits.

That is the problem we have, and that is the environment in which we are operating, and that is why many good citizens of this country are alarmed today about the state of crime in the country. By all means, let us pass this Bill with the appropriate safeguards, but let us understand that it does not represent very much action in the real world of the stealing of radios, motor vehicles, televisions and personal attacks on persons.

Thank you, Mr. Vice-President.

Sen. Prof. John Spence: Mr. Vice-President, I shall be very brief, and in order not to get carried away—since I am willing to suggest that a state of emergency might be a good thing—I am going to crave your indulgence to read my brief contribution.

While I have some reservations on certain aspects of this Bill, I personally am so appalled by the consequences of the drug trade that I would be prepared to shelve these reservations and, in this instance, give the Government the tools which it says it needs to attack this problem. For my part, I would prefer the declaration of a state of emergency which would be an activity that would have a finite time. It would be of fixed duration, and I prefer that to the enacting of legislation which might be abused. However, it is likely that the drug trade would be with us for rather a long time and so I concede that a short-term state of emergency would not, by itself, be effective. But I want to state that if a state of emergency becomes necessary, I, for one, would give it my support.

My brief contribution would be really to point out that in both the short term and the long term, we need to do other things to address the problem of crime and the drug trade, and that is, we need to address the social problems. We cannot succeed in our fight against the drug trade if we do not address these social ills. So, very briefly, I want to make this point again.

I have repeatedly made the point that if we allow our rural sector to collapse then there will be a drift from the rural areas to the towns. The problem of urban poverty will become greater, and it is in that environment that we get the problem of the drug trade and crime particularly thriving. I have pointed to what is happening in the Cedros peninsula with the collapse of the coconut industry and the attractiveness of these former coconut estates for money laundering and for the importation of drugs from neighbouring Venezuela. Since I will return to the agriculture issue next week in the Private Member's Motion, I will not say any more on that particular issue at the moment.

2.40 p.m.

I should like to call attention to a more general issue with respect to our thrust in the social sector which seems to me to have come to a halt. Information appearing in the press indicated that a team led by Sir Allistair Mc Intyre produced a report entitled, *Building National Consensus on Social Policy for Trinidad and Tobago*. This report particularly addressed the deteriorating social atmosphere and the economic situation. It addressed, we are also told in the reports in the press, the pervasive drug trade and the attendant social ills and the breakdown of law and order in the country.

It is further stated that the report suggested an action plan to alleviate these problems. The centrepiece of this was an employment package and an institutional strengthening programme. The programme for institutional strengthening, particularly, suggested major changes in the balance between Government activity and private sector activity, especially the activities of non-governmental organizations. So the responsibility for delivering some of these social actions, which formerly rested with the Government, would be transferred to the NGOs, but facilitated by the Government.

This action plan, as reported in the press suggested that there should be an initial three-year thrust with the creation of a community development fund, 75 per cent of which would be funded from external sources, the total fund to be \$400 million. The sectors targeted for primary action in that thrust were tourism, services, non-traditional agricultural and export manufacturing which was to be buttressed by a re-employment insurance programme.

What has happened to these recommendations? Indeed, what has happened to the report? In short, judging from the report in the media, the Mc Intyre study saw the potential solution for the weakening social position as lying in community-based action, action of non-governmental organizations at community level; yet the report is not available to us because, I understand, the Government has not yet authorized its publication.

Perhaps the Minister would indicate in his response—unfortunately, he is not here, but perhaps his colleague would convey that message to him—the reasons for the delay in the publication of this report and when we may expect it to be available. More than that, could he also indicate whether the Government would make the thrusts recommended in this report because it is here, in the final analysis, we will solve the problem. Sure, we can create laws which will allow us to address the criminal activities more actively and more effectively, but if we do not address the background social issues, then we really would be letting ourselves in for a never-ending war, not just a war for the time being.

I am pleased to see that the Chamber of Industry and Commerce has declared war on crime. In the course of appeals to date, I invited the private sector to declare clearly and without ambiguity that they were willing to take up those economic issues which the Government is now saying it no longer has prime responsibility for—that is economic development and job creation. I am yet to hear a response to that call.

Dangerous Drugs (Amdt.) Bill
[SEN. PROF. SPENCE]

Tuesday, February 22, 1994

On this occasion, I would invite the Trinidad and Tobago Chamber of Industry and Commerce to call, not only for a war on crime, but also war on poverty. You see, when we ourselves find our possessions, or indeed our lives or our persons, threatened, then we are quick to respond to a call for a war on crime. What about the position of our fellow country-men whose possessions are threatened when they lose their jobs; whose persons and lives are threatened when they cannot afford to pay medical bills that they may incur if they fall ill? Will we then also answer a call in that regard? Let us hope that we can get from the Chamber of Industry and Commerce a twin declaration, a twin clarion call, both a call for a war on crime and a call for war on poverty. Let us hope that all the communities, along with the thrust which is outlined in the Mc Intyre Report, will respond to that call.

I am willing to support this Bill, particularly if some of the modifications suggested by Sen. Daly are accepted, because on a previous occasion, when the previous Bill was being debated, these same issues were the ones which gave us the most difficulty.

As I say, in the final analysis, if this is absolutely necessary for the thrust that we have to make, I feel that we would have to accept some of the adverse effects if we are to achieve the major goal of successful activities against the drug trade and crime.

Let us not forget that the final answer in the long term, even in the short-term, is an aggressive attack on the social ills which prepare and provide the breeding ground for the drug trade and for crime.

I thank you.

The Minister of Consumer Affairs and Minister in the Office of the Prime Minister (Sen. The Hon. Camille Robinson-Regis): Mr. Vice-President, I rise to give unqualified support to this Bill which is before this Senate today. Not careful, calculated, measured and questioning support as Sen. Capildeo has suggested, but wholehearted support; not only because the Bill is being piloted by the Government side, but moreso because it is a Bill which seeks to deal with one aspect of the crime problem which faces us.

It is unfortunate that Sen. Daly appears to be really nervous about the crime situation and, consequently, seems to be acting a little out of character. Clearly, he does not anticipate that this Bill was laid before us to deal with more than has been put before us. It is not here to deal with all the issues of crime that we have had to face; it is here for specific purposes. Surely, he does not expect that we

would wait until everything is perfect before we brought this Bill to the Senate and asked for the support of Members of this Senate to ensure that we have international support in eradicating a scourge that is not only touching Trinidad and Tobago, but also is touching the entire world community.

Indeed, the future of our nation depends to some extent on what happens with regard to the support of this Bill, so I am requesting, indeed I am petitioning my fellow Senators to give this Bill their wholehearted support.

The Bill before us seeks to achieve three main goals:

- (1) the ratification of the 1988 UN Vienna Convention;
- (2) the removal of existing impediments to effective prosecution of drug offenders now being experienced by the office of the Director of Public Prosecutions; and,
- (3) the elimination or avoidance of problems, or the remedying of deficiencies in the existing law relating to confiscation or forfeiture of the proceeds of drug trafficking.

2.50 p.m.

Having noted this, in my contribution I intend to deal with two aspects of the Bill; the aspect that deals with the money laundering offence and that which deals with offences relating to precursor chemicals, or the chemicals that can be mixed together to form the substances that become the dangerous drugs. In effect, what I will seek to do is show that this Bill seeks to deal with the beginning and the end result of the drug trafficking trade.

In 1991, when this country enacted the Dangerous Drugs Act with a view to ratifying the convention, several key legislative requirements agreed to by the parties to the convention were enacted, thus providing a basic machinery for control of the trafficking of drugs here and internationally. After the Act was passed, indications were that there were two major loopholes in the Act and as a consequence, these loopholes needed to be dealt with in order for us to ratify the convention and obtain the international assistance that we do need in dealing with this problem. By amending the 1991 Act in the form of the Bill before us, we would be complying more fully with the articles of it and we can, in fact, ratify the convention and consequently we can deal more effectively with the drug problem, which is definitely a menace to our society.

Dangerous Drugs (Amdt.) Bill
[HON. C. ROBINSON-REGIS]

Tuesday, February 22, 1994

The Fourth Schedule of the Bill lists what are called the precursor chemicals to which I have referred earlier. It is clear that the regulation of these chemicals used to prepare the dangerous drugs is essential to the effective control of the secret production of drugs. Prior even to the parent Act being enacted, several chemicals which were not then on the market, are now on the market and have clearly been shown to be necessary to produce these drugs synthetically. During the 1980s there was an unprecedented surge, especially in the United States, in the clandestine production of controlled substances and similarly, a dramatic increase in the existence of laboratories set up solely for the purpose of producing these dangerous drugs.

Clearly, stringent measures were and are needed to ensure that these chemicals which, in some cases, are the base chemicals for these drugs to be produced synthetically—and I stress this, because the drugs, in many instances, are obtained from certain plants and they become more dangerous when mixed with these chemicals. These drugs can be produced synthetically by combining the two, the naturally obtained drug and the synthetic chemicals.

Trinidad and Tobago has, because of its geographic location, become a transshipment point for cocaine and for marijuana. We are aware of this. We are located at a point where drugs are received from one of the major drug-producing areas of the world, South America, and shipped to North America and Europe. Geographic location, human greed and human weakness, have conspired to make Trinidad and Tobago a transit country in the world scale of drug trafficking.

This Government does not intend to allow geographic location, human weakness, human greed, to have us continue to preside over a country where drug trafficking can, no doubt, lead to the demise of each one of us. We are not going to sit here and wait until everything has been cleared up before we deal with this type of legislation. We must take progressive steps towards effectively dealing, not only with the crime situation, but where there are instances where we can deal with specific issues, we are going to take those steps.

By enacting legislation which makes it an offence for any person to manufacture, process, transport or in any way deal with these precursor chemicals, knowing that they are going to be used for the production of dangerous drugs and leaving this possibility of using these chemicals unchecked, it is clear that the availability of these substances must be prevented. Indeed, such unchecked availability has led to their diversion for illicit purposes.

What is clearly very saddening is the fact that most, if not all of these chemicals occur in everyday life and are being used in various industries in various ways to assist mankind. But like a bomb, mixing these chemicals with other substances can cause the death, not only, as the hydrogen bomb or the atomic bomb has done, of many people in the society, but of this particular society, the society to which we belong.

I will give some examples of how these chemicals occur quite naturally and are innocent if they are left—if I may use this word—alone. We have acetic acid which, when mixed with water, produces vinegar. All of us use vinegar, but it is a precursor chemical which can be used to create heroin. Additionally, we have hydrochloric acid which is used for the production of various chlorides which, when mixed with other chemicals and with the base drug, is used for producing cocaine. It is clear that if we do not deal with this source of production of synthetic drugs, that we would not have gone anywhere in dealing with the drug trade.

Clause 9 of the Bill, which amends section 47 of the Act, relates specifically to the proceeds of drug trafficking. Essentially, this is called the money laundering provision and it makes the laundering of a trafficker's own proceeds by himself an offence. What occurred prior to this proposed amendment was that money laundering was an offence only in relation to a third party. Thus, if a drug trafficker deposited money into a bank and the bank received this money, knowing it was the proceeds of drug trafficking, the bank could be accused of money laundering.

I think it is necessary for us to understand these issues, because, we go about saying that drugs are a scourge and drug trafficking should be stopped, but we must understand that there are certain intricacies which, if not dealt with, would carry us no further in dealing with the drug problem.

The amendment that is required by this Bill covers all the possible ways in which the money laundering act can take place when it is related to drug trafficking. The proposed amendment requires voluntary, and not mandatory disclosure, of suspicious transactions, and states further that such disclosures will not be treated as a breach of any contractual relationship as exists between customer and banker.

The amendment, consequently, expands on the 1991 Act, as it covers all ways in which exemption from liability for disclosures may occur. The ultimate object of crime or of a criminal is economic gain. Consequently, there is a growing

Dangerous Drugs (Amdt.) Bill
[HON. C. ROBINSON-REGIS]

Tuesday, February 22, 1994

emphasis to ensure that laws establish the machinery necessary to stem the tide so that crime does not pay.

The provision against money laundering, therefore, is necessary to remove the incentive for acquiring ill-gotten gains. Banks and other financial institutions may, unsuspectingly, be used for the transfer or deposit of funds derived from criminal activity. Because of the lack of legislation, criminals have been able to make payments into financial houses or banks; transfer money and use the banking system in such a way as to "clean" their money; so that they could deposit into certain accounts and withdraw that money without any questions being asked.

Efforts had been made, prior to this Bill, and prior even to the 1991 Act, to ensure that the banking system was sealed off from the money laundering offence. However, after the 1991 Act, and indeed, in December, 1992, the banking system in accordance with the provisions of the 1991 Act, ensured that customers had to sign a disclosure form, indicating the source of their money, especially in situations where it seemed a little strange; in that very large sums of money were being deposited into accounts that were previously dormant, and suspicions were being aroused. In 1991 with the Bill being passed, the banks took it upon themselves to ensure that disclosure forms were part of the banking system.

Money laundering is one activity in which drug traffickers must engage. This is so because it is the only way in which they would be able to enjoy the benefits of their crime; maintain control of their assets and at the same time, limit the risk of being successfully linked to the illicit drug trade. This, therefore, is the Achilles heel of the drug trafficker. This, therefore, is the reason for the focus on ensuring that money laundering is stopped. It extends beyond the opportunities it provides for identification and prosecution of drug traffickers, to what may be called the crippling effects it can have on honest business pursuits leading to grave and irreparable damage, not only to the economy, but also to the integrity of any country's financial system.

One of the visions this Government has for Trinidad and Tobago is to ensure that it becomes the financial capital of this region, and we are not going to sit idly by and allow a system of money laundering to develop and, consequently, to allow the crippling effect that money laundering can have on any financial system, to take hold of this system.

The amendments are imperative, not only because they widen the scope of the former Act, also but because they add tremendous weight to other procedures

being developed in the financial system to stem this tide. The legislation will lead to the ratification of the convention and pave the way for co-operation among nations. In Trinidad and Tobago and in the Caribbean region, the programme against money laundering is being developed around several legislative measures, administrative control mechanisms, investigative capabilities and the development of working relationships with the commercial banks and the entire financial sector.

In May, 1992, the Caribbean Financial Action Task Force held a technical workshop to collect data and examine action—legal, financial and technical—that could be taken to deal with the problem. Trinidad and Tobago is the location of that secretariat whose function is overseeing the implementation of the recommendations of the Caribbean Financial Action Task Force.

3.10 p.m.

Mr. Vice-President, we have distributed booklets on the money laundering issue; I implore my fellow Senators to read that information. It is very important to know what the situation is with regard to money laundering, because, it has found its way into our society. If this Bill does not pass this Senate, money laundering will continue.

The People's National Movement Government of Trinidad and Tobago is well aware of the concerns that have been expressed by several Senators with regard to crime. We are doing all in our power to deal with that situation, and when we continue to come to this Senate to deal with various aspects of this legislation we expect that because of the fact that crime and drugs affect all of us we will get the support of Members of this Senate. I repeat, “we expect that we would get the support of Members of this Senate” because crime does not affect only the PNM. Crime affects everybody in Trinidad and Tobago.

It is unfortunate that we have come to this stage but this does not mean *[Interruption]* it is unfortunate that Sen. Merritt thinks that we have bodyguards; we do not have bodyguards. Even though crime is existing in Trinidad and Tobago we are not living in a state of fear that is going to paralyze us or prevent us from doing what the people have elected us to do.

Sen. M. Hosein: What is that?

Sen. The Hon. C. Robinson-Regis: We are here to deal with a transition existing in Trinidad and Tobago, a transition that will affect all of us, but we know exactly where we are going; we are quite clear in our minds what needs to

Dangerous Drugs (Amdt.) Bill
[HON. C. ROBINSON-REGIS]

Tuesday, February 22, 1994

be done; we have a vision of where we intend to take this nation; we are quite clear in our minds that we are the only people who can effectively take this nation forward.

When the Israelites left Egypt to cross over into the Promised Land—*[Interruption]* and he will continue to be the Shepherd of all of us who believe strongly in what we are doing.

Mr. Vice-President, as the Israelites moved into the Promised Land there were those who remained disbelieving. However, there were those like Caleb who remained with a vision, who were the only ones who actually saw the Promised Land and moved from Egypt into the land that was provided for them by their God. That is exactly where we will take this nation—into the Promised Land provided for by God.

We have heard from the United National Congress that they are very concerned about the drug situation in the country. Because of the fact that I take people at their word, I thought initially I did not need to check what they had said. Unfortunately, when I looked at the UNC manifesto I found seven lines dealing with drugs. They are as follows:

"The solution to the drug problem seems to have eluded the Government thus far."

They were referring to the NAR Government.

"Neither the past nor the present Government seem to think that crime is a national problem."

You would notice that they have said "the solution to the drug problem; that is the reference to drugs. I turn to the other reference to drugs.

"The problem of vagrancy will only be solved when rehabilitation centers are provided for the victims of drugs and homelessness."

That is four lines.

Sen. S. Capildeo: I quoted the whole Convention on that.

Sen. The Hon. C. Robinson-Regis: Mr. Vice-President, the youth, as a result, have fallen prey to the abuse of drugs and criminal activity. Opposition Senators sit there and state that they have the solutions to several problems which this country is facing, yet, the manifesto on which they expected they could be elected to run this country had seven or maybe six lines on the drug situation which they are saying is the major scourge of Trinidad and Tobago. They stood and said that

on the last occasion. However, they had nothing to say about moving to a solution to the drug situation.

The People's National Movement Manifesto—and it is clear why we are the party elected to Government from the content of this manifesto, has a section under the heading "Special Concerns" dealing specifically with drugs. We stated:

"This plague, if not dealt with effectively, can eventually destroy our nation."

We recognized this even when we were in Opposition. We recognized this and we knew that it was one of the initial things that we would have to deal with. *[Interruption]* Sen. Wade Mark, if you would like to make those allegations at a courthouse, we would be quite happy to take you up on that. We would also be able to take you to a court of law. Do not use the Parliament.

Mr. Vice-President: Sen. Robinson-Regis, continue your contribution.

Sen. The Hon. C. Robinson-Regis: Mr. Vice-President, I apologize. As I was stating, we are not afraid to face what we know are problems in our country. It is clear that the population was not afraid to put us here to deal with those problems, because they are quite clear in their minds that we of the People's National Movement, who form this Government today, are the only ones who can deal with the problems, who can take this nation forward and who can provide for the best Trinidad and Tobago that we can ever have.

Thank you, Mr. Vice-President.

3.20 p.m.

Sen. Muntaz Hosein: Mr. Vice-President, I rise to give censorious support to this Bill. This Bill comes to Parliament at a time when our country is fast becoming the Colombia of the Caribbean.

Let us see how Trinidad and Tobago is affected by the drug trade. We are witnessing drug crimes of the most unimaginable magnitude. If we look we would see. The *Newsday* dated Tuesday, February 1, 1994 states:

"Jehovah preacher Chopped To Death

A Jehovah Witness preacher was chopped to death, his Bible soaked in blood, when he went to spread the word in El Socorro, on Sunday.

72 year old Shadrach Taylor died yesterday morning on the operating table at the Port of Spain General Hospital after waiting eight hours before he was wheeled into the surgical theatre.

Dangerous Drugs (Amdt.) Bill
[SEN. M. HOSEIN]

Tuesday, February 22, 1994

Armed with his Bible, Watch Tower and Awake magazines, Taylor was a regular visitor to Boundary Road Extension but had previously been warned by an El Socorro resident that they didn't want Jehovah Witnesses there."

Here is a man of God going about his Father's business and in the course of which he was savagely chopped to death.

If we look at the *Newsday* dated Monday, February 7, 1994 the headline states: "Schools Panic Over LSD Scare" The innocent in this country are not secure, not even in the schools. The article states:

"Young school children are being lured to use Lysergic Acid diethylamide, commonly called LSD. Reacting to the threat that the children could be innocently hooked, on the hallucinogen, several schools have circulated letters to parents warning of the danger."

Apparently, the LSD is laced on these transfers; the children are encouraged to buy them, and when they put them on their skin, the LSD is absorbed through the pores and they become hooked on this drug. Can you imagine the kind of people we are dealing with in Trinidad and Tobago today? These wicked, terrible human beings, beasts in human form, are not sufficiently satisfied with corrupting the adults of our country; they are not satisfied to kill a preacher; they have gone further to kill young, innocent children.

This is a matter that came forward in the newspapers of our country. I do not recall any investigation by the protective services with regard to this. Therefore, I am a bit worried. If they have investigated the matter, perhaps they can tell us the extent of the investigation; whether they have gotten rid of it now, or what is the problem or plan that the Minister of National Security has in order to deal with matters of this nature.

I believe the public is entitled to know, to ask, nay, to demand that the Minister of National Security do something about this matter dealing with these little children. These drug barons in Trinidad and Tobago are still not satisfied. They are now prepared to get involved with the bastion of democracy in Trinidad and Tobago, the press. Perhaps, some say, it is the last bastion of democracy left in Trinidad and Tobago.

The *Mirror* dated February 18, 1994, headlined; "Guard beaten, bid to burn building—Grenade Attack On Mirror—Cops look at drug barons, other threats". Apparently, the guard at the *Mirror* was beaten and they threw some petrol in the area of the press room, and threw in some grenade in an effort to burn down the

building. Do you see how dangerous this is? Every facet of our democracy and our life in Trinidad and Tobago is threatened by the drug barons in this country. The drug offenders go scot-free; witnesses cannot be found; they are gunned down Colombian style.

The editorial in the *Trinidad Guardian* dated Wednesday, January 12, 1994 is headlined "Grisly start to 1994". In part it states:

"It is a frightening prospect, made all the more horrifying by the incapacity of law enforcement agencies to curb the operations of drug traffickers who have spawned a new and vicious breed of killers in our society. The Police have rejected the Scotland Yard investigation and seem to be content with business as usual while on the other hand, the drug trade flourishes, "executions" are carried out with cold-blooded efficiency by gangs of hitmen, and key witnesses are routinely liquidated to stop them from testifying.

The latest assassination of this kind of blood-curdling episode in which four members of a family, mother and father, son and daughter, were murdered at their Williamsville home, each with a bullet through the head. The slaughter was carried out by a gang of four men, armed and masked, who smashed into the Baboolal's home in the wee hours of Monday morning and did their dreadful thing.

The tragic aspect of these killings is that innocent lives were apparently taken in the quest for one individual—26-year-old Hamilton Baboolal who was the target of the gunmen. It seems that Baboolal became enmeshed in the drug underworld and, after some criminal activity, he eventually ran afoul of one or more of the overlords. In seeking shelter within his family, he also placed the lives of his beloved ones in perilous jeopardy.

The killers took no chance of being identified. When one of their masks fell off, they unhesitatingly "silenced" Baboolal's mother, his sister and his father.

The appalling evidence mounts that the criminal is in ascendancy. Star witnesses are gunned down and accused persons go free because there is no one willing or able to give evidence. A terrifying feeling of helplessness now pervades the society as armed bandits and killer squads strike with increasing frequency while the authorities continue to fiddle around and the Police Service, unprepared to clean up the corruption within, remains woefully inadequate to deal with the escalating problem.

Dangerous Drugs (Amdt.) Bill
[SEN. M. HOSEIN]

Tuesday, February 22, 1994

3.30 p.m.

"The year 1994 has started on a blood-spattered note. Maybe this is the inevitable result of our failure to deal with the menace of crime. How will the year end? Will anarchy descend upon us as has been predicted? Or will the authorities finally wake up to the peril which threatens our society?"

Never before have I seen an editorial which has hit as hard, as straight and to the point. It has addressed the issue very well indeed. I congratulate the *Guardian*.

Mr. Vice-President, our very democracy is seriously threatened by drug barons who infiltrate every stratum of our society. From captain to cook is now working for the drug baron.

I have been besieged, and I am sure that you, too, must have been hearing the kind of talk that is going on. Senators opposite cannot understand why some provision in bills which come before this House are met with the kind of opposition both from this Bench and the Bench directly at the back of me. The simple reason is that the public at large does not have confidence in the people they have elected to represent them. That is the straightforward answer. Had there been confidence, there would not have been the need to be so careful about every clause that comes before us in the form of a bill. I think that the Senators opposite ought to take that into consideration if they have not already done so.

There are many questionable deals which go on, which involve Senators opposite, which are not transparent. The Senators opposite would do well to address those problems and clarify them so that—

Sen. Robinson-Regis: Would the Senator like to refer to these questionable deals? Is he imputing improper motives to this side?

Sen. M. Hosein: Mr. Vice-President, do not kill the messenger if the message is not good. I am simply indicating to the people opposite what the perception out there is. and I hope that my language is clear enough that you will understand.

I am sorry that the Attorney General is not here, but I know that his co-pilot, so to speak, will tell him. I should like the Attorney General to tell the Senate what is his relationship with the late, infamous, Elephant Walk, Mr. Stewart. That is a problem we have been hearing.

Sen. Robinson-Regis: Mr. Vice-President, does this have any relationship to the Bill? Is the Senator opposite seeking some kind of information that he would like us to give him? Is this part of the Bill before us today?

Mr. Vice-President: Sen. Hosein, I was listening to your contribution and I got the impression that you are setting the frame. The Bill before us seeks to treat with three specific things, which are set out in the second paragraph of the Explanatory Note. While I was permitting you to set that general tone, I would suggest very strongly that you get back to the substance of the Bill before us.

Sen. M. Hosein: Thank you, Mr. Vice-President, I bow to your ruling.

You see, Mr. Vice-President, zombies walk the streets of Trinidad and Tobago. Lucifer seems to be in charge of our nation today. Thank God for Ramadan and Lent. It is only during this period that Lucifer is chained and cannot run rampant over us. The present drop in serious crime during this period is as a result of the chaining of Lucifer by the faithful.

The hon. Minister of Consumer Affairs and Minister in the Office of the Prime Minister, in her contribution, pointed out that crime does not pay. That phrase is very good indeed. I like it very much. It is a pity that she had not directed that phrase to some of her former colleagues, like the late John O'Halloran, for example.

Money laundering and its effects on legitimate business in Trinidad and Tobago is quite strong. It pushes out legitimate business people. The people who do this type of laundering are in a position to underprice legitimate people in business, and many people who are not aware of the money laundering racket in Trinidad and Tobago are not aware why certain business people—and my mind goes right back to the late Naim Naya, who was known as the "fruit king". It was public knowledge that grapes were being sold at cost price, or thereabouts. This gentleman was convicted of drug crimes. It just gives you an idea. I remember that legitimate fruit vendors and merchants had a hard time trying to keep up with this Naim Naya. They simply could not. Obviously, there were other areas where this particular gentleman was making his profits. This is rampant in our society today, especially in the food business. This question of money laundering is a very good part of the Bill that I want to support wholeheartedly. I believe that if we do not put a check on money laundering in Trinidad and Tobago, we would be in a worse position than we are today.

I am told that 1994 is the Year of the Family. I am sure that you read it yourself. In our nation today, drug barons have reduced our families to pipers, beggars, thieves and murderers. I do not know if you know that because of the drug trade, mothers with babies and young children sell their babies' milk and other food items to sustain their drug habit. Such is the problem in our country.

Dangerous Drugs (Amdt.) Bill
[SEN. M. HOSEIN]

Tuesday, February 22, 1994

Children steal from parents. Some homes are bare—no furniture—because the kids have sold everything to sustain their drug habit. Our Government seems too paralyzed to deal with this problem. We must make this absolutely clear that this piece of legislation will not by itself make any dent on the serious “coke” trade. We must give support to the Government for there should be no excuse. We do not wish to give them any excuse for their inaction.

The Minister of National Security has over 100 names of policemen who are implicated in serious crime, including drug-related crimes, as a result of the Scotland Yard investigation into a drug cartel in the police service. I ask, why is the Minister holding on to these names? Why has he not given these names to the Police Commissioner or the Director of Public Prosecutions for action? Why has he not suspended these policemen? Can these policemen not frustrate the drug efforts of the Minister?

3.40 p.m.

Let me now turn to the contribution of the Minister of National Security, Mr. Vice-President, and I quote from *Hansard* of February 08, 1994, Sir.

"The Convention itself in formulating its objectives recognized that the illicit traffic in narcotics has become a pervasive international industry generating huge financial profits and wealth, one whose principles could infiltrate, contaminate and corrupt legitimate financial and commercial activity and is also capable of destabilizing the structures of government and society at all levels."

I want to repeat that, Sir.

"... is also capable of destabilizing the structures of government and society at all levels."

Let me now quote from the *Daily Express* of Saturday February 19, 1994:

"The Manning car-sale controversy. PM: Plot by Drug Lords"

I will read from it so you will understand what is happening here.

"Describing himself as a target of ‘orchestrated conspiracies,’ Prime Minister Patrick Manning yesterday told Parliament of a plot by drug lords to ‘destabilize the country’."

Seems familiar, Mr. Vice-President? Very familiar. A week before the National Security Minister comes to the Parliament and tells us that and I agree with him.

One week after that, the Prime Minister says that there is a plot to destabilize the country.

I continue to quote:

"...evidence of more attacks to come against other members of the Government."

This is what the Prime Minister is saying.

"Manning said his 'personal explanation' to the House was made in light of the publication of a number of carefully crafted newspaper articles relating to my private transactions (which) have been appearing in the media.

These articles involved the sale of his Marabella house and his Toyota Royal Saloon car, PAN 1010."

These are very serious allegations indeed. If it is that the drug lords are now trying to destabilize the elected representative of the people, it seems to me, Sir, that the least we could do is to have an independent commission of inquiry to look into this matter so that we could clear it up once and for all. Because I do not feel happy to hear the kinds of things being said about the Prime Minister of my beloved country. It is not right. It is not fair, therefore I believe it is important that the Prime Minister put together a commission of inquiry to clear up this matter once and for all.

I continue to quote from The Minister or National Security's contribution in this debate.

"The purpose of this amendment, Mr. Vice-President, is simply to increase the penalty on the drug traffickers and thereby, hopefully, deter would-be drug traffickers."

Well, this is a section that I have had the privilege of discussing with those people whom I meet on a day-to-day basis, and I will tell you, Mr. Vice-President, they are totally unhappy with the penalties for drug trafficking. You will be surprised to know that the vast majority of the people with whom I am able to discuss this matter—and long before this came to the House—this bill matter was being discussed over the last few years. Do you know. Sir, that people are saying, it is about time that the Government started considering the death penalty for drug trafficking. That is what the people are saying.

Sen. Huggins: Will you support it?

Sen. M. Hosein: I would recommend that they give consideration to that.

Sen. Huggins: Will you support it?

Sen. M. Hosein: In time to come, all your questions will be answered. I am only stating what the people are saying [*Interruption*]

Mr. Vice-President: Would the Senator please continue his contribution.

Sen. M. Hosein: I continue to go further into this memorable speech by the smiling Minister of National Security. Never mind, that he has been somewhat demoted. Sen. The Hon. Gordon Draper has now overtaken him and I should like him to watch his back, since he is overtaking a man who does not like to be overtaken [*Interruption*]

Sen. Daly: Mr. Vice-President, I am curious. Would the hon. Senator indicate whether it is the policy of the Opposition to support the death penalty either for drug trafficking or other offences?

Sen. M. Hosein: Mr. Vice-President, I was simply bringing a message from the people. And for the record, my party has not taken a position on any of these subjects. As soon as we do, I will let the hon. Senator know.

Mr. Vice-President, listen to what the goodly Minister is saying here in his contribution:

"...the purpose of this proposed amendment is to impose some form of control over the transfer of large sums of money..."

This is an area, which was so well done by both Senators Capildeo and Daly, and I want to support their position on this. I want to support Sen Daly's position, I had down \$20,000 as the minimum figure, but I believe his US \$3,000 makes more sense, since we are not too sure of whether the dollar will go further down.

This is a very important part of the Bill. We have to take cognizance of what Sen. Daly said here today regarding the capricious behaviour of the police service. I do not say this with any pride nor do I say this to put a blanket over anybody, but these are the facts of the day; this is the kind of land in which we live, and until such time as the alternative government takes over we shall be saddled with it.

3.50 p.m.

Mr. Vice-President, let me again quote Sen. Huggins. In answer to Sen. Daly he said—and this is what Sen. Daly said, I just want to refresh hon. Senators' memories:

Sen. Daly: I wonder if I could ask the Minister whether, in the case of local residents any report is made to the Board of Inland Revenue about the possession of this cash by the persons taking it out?"

Sen. Huggins replied:

Sen. Huggins: I am not aware of reports being made to the Board of Inland Revenue. I have had discussions with the Board of Inland Revenue and have indicated to them certain persons in this country who seem to be enjoying some rather high life-styles and who seem to be travelling up and down; and I know for a fact that they have never filed a tax return."

Let me just repeat that last part:

"And I know for a fact that they have never filed a tax return."

And he goes on:

"But I am only the Minister of National Security and I have no control whatever over the Board of Inland Revenue."

Well, Mr. Vice-President, I want to know from the Minister how he gained such information; that private citizens of this country have not filed income tax returns. My understanding is, Sir—and I know in your profession you would have come up with this—that the people at Inland Revenue swear to secrecy. Am I to believe now that the information regarding peoples' tax returns is now leaked to the Minister or his colleagues? That needs to be cleared up because it is a dangerous thing. I would hate to know that somebody is leaking Sen. Mansoor's private tax records; or for that matter, Sen. Baksh's private tax records. If anything has to be settled here today in this debate, when the Minister replies I would like him to tell this Senate how he came by such information.

Sen. Huggins: Mr. Vice-President, let me clear up certain information. There are many ways one can find out whether tax returns are filed, and the instances to which I referred related to persons who were travelling out of Trinidad—and it is a system we are seeking to clear up—where they did not have their tax exit certificates but seemed to be getting permission to leave the country without these certificates. In a couple of cases when further investigations were done, it was in fact found out that they did not have tax certificates because there were no records in the Inland Revenue on the basis of which such certificates can be given. So far from what the Senator is saying, no one leaked information or anything like that.

Also, in terms of carrying out investigations it is quite proper for authorities to seek information from certain sources when trying to get to the bottom of things.

Sen. M. Hosein: Mr. Vice-President, it has become even worse. What the Minister is now telling us, as if that was not bad enough, is that Immigration is now letting them go without tax clearance. If that is happening, I cannot feel very happy about the efforts of the Minister of National Security at all; as a matter of fact, I think he ought to resign if he cannot do the job. If he is admitting now that this is happening in the bosom of his ministry, what does that say for this country? The Minister is talking about people travelling up and down.

Sen. Huggins: Mr. Vice-President, let me clear up this again. I said these are situations which I found in existence which we have now put systems in place to clear up. When I went into the ministry I found that there were a lot of irregularities with immigration which we are seeking to clear up.

Sen. M. Hosein: This begs another question, Mr. Vice-President. What has happened to those officers, have they been suspended or fired for being part of a racket?

Sen. Huggins: Talk to the Public Service Commission, not me.

Sen. M. Hosein: The Minister tells me to talk to the Public Service Commission. I thought he would say to me that "I have recommended to the Public Service Commission that six people are to be moved".

Sen. Huggins: Could I suggest that the hon. Senator familiarize himself with the Public Service Commission Regulations and see that there is no provision for the Minister to recommend anything to the Public Service Commission?

Sen. M. Hosein: Mr. Vice-President, if that is the case, the Minister ought to find the persons who have to do the recommending, that is why we put him there. We put him there to do the job, not to come and cry that he cannot do it, that is not what he has been put there for. If the Minister has to come and cry that he cannot do the job, he simply must resign, it is as simple as that. The people of Trinidad and Tobago—

Mr. Vice-President: Would you continue with your contribution, but on the Bill, Sen. Hosein.

Sen. M. Hosein: Thank you, Sir. Mr. Vice-President, I must ask who is in charge in this country. This matter of tax evasion is a serious one, and you will recall, because I believe you were in the Parliament some time ago in 1992 when I raised this matter in the Senate. It was December 15, 1992 and I want to quote from *Hansard* to refresh your memory. In the debate on the Income Tax (Amdt.) Bill, on December 15, 1992, this is what I had to say in part:

"But we have a situation, and I think Minister Valley made reference to it earlier on, where people do not pay taxes but visibly show signs of wealth and improvement. Several buildings are going up and yet no taxes are being collected. Mr. President, I know that is one of the ways in which the drug lords all over the world operate. But the IRS in the United States have a method which, perhaps, we might want to use in Trinidad and Tobago.

If you do not pay taxes, but you are driving a Mercedes and you have a house that is valued at a million dollars and another business, they put the onus on you. They call in the IRS who come to you and say okay, tell us how you got this money to build this house, buy this car, and these other things. The onus is now on you. You must tell them and if you cannot, they grab you on tax evasion. If they cannot hold you as a drug dealer, then they grab you on tax evasion and the penalties are not easy in the United States."

But for some strange reason the Government failed to take action, even as far back as December 15, 1992. In this debate the Minister is telling us about the same matter. We cannot win this war against the drug barons unless we pool our resources and fight together. The Government must listen and take action. But there is an unfortunate problem with this Government: no matter how good, if a suggestion comes from this side of the Senate they ignore it; and they ignore it at their own peril. Because this was December, 1992, and they ignored it, they did nothing about it, but in this debate they are now coming to it. They take a long time but they do come around eventually.

The hon. Minister went on again to tell us:

"I have made several reports to the Board of Inland Revenue. I have gotten back responses to the effect that investigations are going on. I have mentioned this to my colleague the Minister of Finance who I know has pursued some of these, but (*gesture of futility*) that is where they are."

So I ask, if that is the case, who is in charge of Trinidad and Tobago? I think it is relevant that we clear that up. Because it seems to me that those whom we have elected to run the affairs of Trinidad and Tobago are abdicating their responsibility and all they are doing is throwing their hands up in the air and saying, "I cannot do any more. I did a little bit but the fellas are not listening to me", and all sorts of things.

In conclusion, Mr. Vice-President, the alternative government stands ready to support any reasonable legislation which we feel is in the best interest of the

Dangerous Drugs (Amdt.) Bill
[SEN. M. HOSEIN]

Tuesday, February 22, 1994

people of Trinidad and Tobago. But let me warn the Government, what goes around comes around and you shall reap what you sow.

Thank you.

4.00 p.m.

Sen. Carol Mahadeo: Mr. Vice-President, our twin-island state is now being held in the firm grip of fear, regardless of what my dear friend on the Government Bench, Hon. Camille Robinson-Regis, has just said. It is almost like a lasso, which is increasingly being tightened with every passing moment to suffocate our jugular. This fear for the safety of our lives and our property is like a veritable cancer eating away at the mental, physical and emotional capacities of our bodies while bandits and other criminals continue to laugh and have a field day and the drug barons and traffickers clap their hands in glee.

We are debating a most important Bill here with proposed amendments. While, as I say, I consider it a very important piece of legislation, which touches the very fabric of the life of every individual in our country, I think the provisions have not gone far enough.

Previous speakers have all alluded to most of the things that I shall say here. Every day murders, armed robberies and mayhem with loss of property come before our eyes in the print media and on the TV screens; most of those are drug-related. Even as I wrote my thoughts, I saw on my TV screen, a young lady—and those of you who looked at it a few days ago would remember—relating her horrible experience of being robbed of her car on Fisher Avenue, St. Anns, by three bandits with, of all things, big stones in their hands. This is the stage we have reached. We citizens have now become helpless and succumb to even this type of banditry—bandits with big stones in their hands who ran a car into the river.

Here we may have many raised eyebrows. Why do we not introduce measures that are applied in countries like Malaysia and Thailand? I am referring to the death penalty for those found guilty of trafficking in drugs and narcotics. It may seem a harsh measure, yes, but if we are really serious about getting rid of this serious menace, then we should use serious measures. We need them! Yes, we are saying that it is a serious menace which is destroying the youth of our nation and we need to deal with it because it is making our twin-island state, a state of zombies. Just look at Woodford Square and the lovely walkway that the Prime Minister has built along Independence Square North and see how many zombies

have occupied those beautiful little stretches and the clean benches. If we are really serious about that then we have got to do something serious about it.

Even the Middle East countries have certain serious measures to deal with certain sexual crimes, larceny and the use of alcohol which is a no-no in those parts. I recommend, cut off a limb or two from first offenders. They have put the three of them who cut off the tongue of a man, in jail. Let us start cutting off a tongue, gouge an eye and let them remain for all to see, as in the Middle East countries. Why have you lost your limb? You did something. Why have you lost an eye—you did something. Why can you not speak? You have lost your tongue—you have done something. I am looking at the Minister of National Security and he is answering me, but I am not speaking to him, I am speaking to the Senate as a whole, Sir.

Mr. Vice-President: Continue, Sen. Mahadeo.

Sen. C. Mahadeo: It sounds extreme, but these are the laws of certain countries and they are effective in eradicating this menace in those countries. Why can we not start doing something like that here, extreme as it is?

Sen. Huggins: Would the Senator's colleagues support it?

Sen. C. Mahadeo: The example set could be a deterrent for life to those who see the law of Moses. We have been overly saturated in our present civilization in Trinidad and Tobago with crime. We have reverted to the law of the jungle. Our bandits have taken us down that road too, so we cannot afford to use too much of the rehabilitative touch for those seasoned drug barons and traffickers who control our shores, air space, country and lives.

Let us analyze clauses of the actual Bill. Where do we begin? I see in the Explanatory Note that we are proposing certain impediments to the effective prosecution of drug offenders. Where do we begin then? Let us start in our schools—our primary schools, our secondary schools and our tertiary level education institutions. We could have our specialists among the police service—I speak to my dear friend, the Minister of National Security—have certain policemen specially trained to get into the schools and deal with this crime. It does not take much money. I know he will tell me that funding is his problem. Psychiatrists, medical social workers and their own teachers can all be in that grouping, starting with the schools because our problem lies in the schools.

If we look at the newspapers we would see that there are so many children who have not yet entered their teens who have lost their lives in and around the

schoolroom, and children who are not yet in their teens have been charged with murder. Our ministers of religion must not be forgotten—this is where they also come in—and they have got to go into the schoolrooms as well, straight out from the primary school level because these are the persons who can impress the young minds of those in their charge and let them know the detrimental effects of the consumption of alcohol.

4.10 p.m.

Yes, they do that.

They sniff glue, ordinary glue, not the one with which you seal your envelopes, but there is a sort of adhesive glue that is used for bonding surfaces. The children sniff that. It has something that gives them a head—it gives them a "high" and it is the cheaper way of being able to get this in little tubes. Yes! Is it something strange I have been saying? No, this is true. It begins there. Then they go on to the marijuana when they can get the little "change". They steal from home and go and buy the marijuana and then they move on to a little piece of cocaine. So this is where they start.

Let us not fool ourselves, Mr. Vice-President, we have youngsters not yet in their teens who are committing these serious crimes and, as I said, some of them are drug related. So we must not fool ourselves into believing that these youngsters are not "doing their own thing" there. In this context, I must point out that our social services—and I am sorry that our Minister of Social Services is not here—are just not doing enough; and we must not moan and sigh and sing the old familiar song that we do not have enough money to fund this area. Much more money was allocated in this year's budget, but have we started to use the funds to set up our social structures?

Sen. Diana Mahabir-Wyatt asked a question here earlier this afternoon of that very Minister, as to the foster homes, how many children have been taken into them, how many of the structures have been put up, and things like that. I think the reply was that none has yet been put up—funding is still a problem.

The proposed section 35E—and my colleague Sen. Daly flogged it quite a bit, so did Sen. Capildeo on the previous occasion—I will not go into it in detail, but I will say that I, too, am in favour of getting this section straightened out. I am not too pleased with what is happening in it. Section 29 of the UK Act, from which we seem to have borrowed wholesale, transcription and everything put together, has a prescribed amount indicated in it. Our local legislation, which was borrowed wholesale—lock, stock and barrel—has omitted a prescribed amount, and this is a

dangerous trend, because if we do not indicate a prescribed amount, much abuse can follow from the enforcement officers that were alluded to previously—our customs officers, police officers, and the like.

Under Part VII of the principal Act of 1991, investigations into drug trafficking, section 49 (7)(a), "where an order is made under subsection 2(a) to produce the material..." that is a very vital aspect. As our hon. Minister of Consumer Affairs pointed out—and she went into very great detail—this Bill deals with the precursor chemicals. At one time I was wondering whether she is also a pharmacist. If she is, congratulations to her, I learnt quite a bit from her this afternoon as to the mixture of chemicals.

Then, as to the money laundering offences, the little booklet provided by my good friend the hon. Minister of National Security is of great help. But Part VIII, "Offences on the high seas"—this is what tickled me pink and made me become a little more fearful. It also made me wonder because I remembered the big fiasco at the Point Lisas Port with the *Harold La Borde* vessel.

Clause 10, which deals with remedying problems relating to confiscation and forfeiture—that is a huge basket in which to lump these two things; and those who are legal persons will agree with me that it is going to take—

Sen. Huggins: Could the hon. Senator indicate to me why the high seas tickled her pink?

Sen. C. Mahadeo: Mr. Vice-President, it seems that my friend is at it again. He will not disturb me, nor take away the trend of my thoughts, Sir.

Mr. Vice-President: Continue your contribution.

Sen. C. Mahadeo: Mr. Vice-President, I think these two—confiscation and forfeiture—are very commendable provisions, because of the commission of these offences on the high seas. For instance, as I said, the *Harold La Borde* vessel fiasco—loaded with narcotics at Point Lisas. That would have been avoided and we would have been able to prosecute and bring to justice those who were responsible for it, if such a provision were, indeed, in our laws.

The recent find of arms and ammunition on the seafront in sleepy little Claxton Bay, bearing Spanish writings and inscriptions, ought to make us take a hard and urgent look at the proper guarding of our coastlines. Again, funding—where are we going to get boats—those fast moving vessels—to do the job? We must not only guard the populated areas, but from what I hear, we must also guard those little coves around the Five Islands, our north and east coasts and our river

Dangerous Drugs (Amdt.) Bill
[SEN. MAHADEO]

Tuesday, February 22, 1994

waterways entering the seas around us—entering the sea or coming out from the sea, where under the cover of darkness, a lot of mischief is being done by the mighty local importers and the underworld exporters.

Mr. Vice-President, I again reiterate my objection to the proposed section 13A of the Summary Courts Act, Chap. 4:20 which seeks to facilitate the transfer of cases between magistrates' courts. I said it here previously and I, again, reiterate my strong objection to that. This I consider to be a highly dangerous provision.

The DPP, God bless his soul, is a good friend of mine. I know him very well. He is already endowed with powers to do certain things under the relevant section of the Constitution. Why ought we now to give this power of interference—yes, I say it seems to me to be interference—with what is basically the administrative functions of the Chief Justice to delegate to his Chief Magistrate? These are purely administrative functions. From time immemorial, since all of us were lawyers practising in the courts, and have been before, we have known the Chief Justice to have these powers administratively to delegate to his Chief Magistrate to pass on as between courts.

4.20 p.m.

Mind you, as I said, I have the greatest respect for the DPP, but we are not here dealing with personalities, Sir, but with the post of the DPP. This latter proposal will cause chaos in the district courts. Those of us who practise in the district courts will understand what I am speaking of. It can be done in Port of Spain where several magistrates sit in one building at NIPDEC House, and in one jurisdiction, St. George West, where there can be an interchange of courts, and an interchange of magistrates, to do the job. But magistrates appointed to special districts can hear only matters which have occurred in the district to which they are assigned and have to transfer matters which do not belong to that particular jurisdiction to the jurisdiction where they properly belong.

Of course, the Chief Magistrate can use his delegated powers from the Chief Justice to assign a particular magistrate from one district to preside in another for a particular case under special circumstances. That is so and I stand uncontradicted until I can get a clear view from somebody else as I see someone here sitting and shaking his head. Yes!

Why do we have to take away those functions which are already imbedded in the Chief Justice and the Chief Magistrate and throw them on the shoulders of a man who is already overburdened with countless other functions? I say here, leave well alone.

Mr. Vice-President, have we had the recommendations of the report of the legal working group into drug trafficking legislation made public? I ask the question because I have not yet had an answer. On the last occasion that question was put, I did not have an answer from the relevant—

Sen. Huggins: The answer is no.

Sen. C. Mahadeo: I beg your pardon, Sir.

Hon. Senator: He said no, the answer is no.

Sen. C. Mahadeo: I wish he would stand and say it aloud so that we would get it into *Hansard*.

Sen. Huggins: The answer is no.

Sen. C. Mahadeo: Yes. Thank you.

Sen. Huggins: Mr. Vice-President, that group was one which was put together to make certain recommendations to the Minister so that he could be properly informed in making proposals to the Attorney General for the preparation of the amendments. It was not intended to be a document to be laid in Parliament or a public document. It was a team put together by the Minister to inform him so that he could prepare a proper brief for the Attorney General to prepare the amendments.

Sen. C. Mahadeo: Thank you very much for the enlightenment, Mr. Minister.

Sen. Huggins: My pleasure.

Sen. C. Mahadeo: And apart from that enlightenment, I still make my plea, would that report be made available to us at the Senate then? If not made public, to the Members of the Senate. Could it be given to the Minister's colleagues here? At least we are entitled to that aspect of it. *[Interruption]* Did I hear him say Randy Burroughs? Did I?

With this last question, Mr. Vice-President, I add that I do give my support to this effort on the part of Government—

Sen. Huggins: I thank you.

Sen. C. Mahadeo: —with the reservations and the comments which I have made here.

I thank you, Sir.

Mr. Vice-President: The sitting of the Senate is suspended for 30 minutes until five minutes before five.

4.25 p.m.: *Sitting suspended.*

4.55 p.m.: *Sitting resumed.*

Sen. Everard Dean: Mr. Vice-President, I should really like to support this Bill, but I also want to express my support of the amendments proposed by Sen. Daly. There are a few concerns that I want to express. I would support this Bill because I feel that the whole question of drug trafficking is, to use the term, the present "scourge of the earth" and has become one of the chief reasons for crime in this country.

When you have 31 murders in 46 days and most of them are reported to be drug-related, I feel that provisions for punishment for this illegal activity is not harsh enough. I go with those Senators who are calling for corporal punishment. Perhaps the Mighty Sparrow had it right, and what is needed is cowboy justice I do not believe that in any civilized society we would want to administer this type of justice. But surely we can do something a little stronger for these drug-related crimes, and we must hand down the stiffest penalties to all those perpetrators found guilty of this heinous activity when the only purpose is a quick dollar.

I believe, like Sen. Carol Mahadeo, that we should be looking at the laws in Malaysia and Thailand with a view to copying or extracting certain sections from them that would be best suited for our purpose. The whole question of economic activity, I think, is also hindered by these drug criminals. I refuse to attach any regal title to them. They are drug criminals and nothing more. We should clear the stables and move on to orderly economic growth with minimum social dislocation.

I say this, bearing in mind that at a meeting of the heads of national agencies responsible for drug law enforcement held in Vienna from September 11 to 15, 1989, it was agreed, and I quote from the third paragraph on page 1463 of Volume 15, No. 4 of October, 1989. This is in the *Commonwealth Law Bulletin*, published, of course, by the Commonwealth Secretariat and is available at the Parliament library:

"By a recommendation on the introduction of more severe and effective penalties and other measures against drug trafficking and related offences, adopted as orally amended, HONLEA recommended that states introduce penalties and measures to give maximum efficacy to detection and

enforcement, taking into account the need to exercise a deterrent effect, and also bearing in mind the gravity of such offences when contemplating the possibility of early release or probation to persons who have been judged guilty of any of these offences."

I know we do not have the question of probation in our system as yet, but I recall under the previous administration, there were some releases. I do not know if they were related to drug-related crimes.

HONLEA is the acronym given to the meeting of the Heads of National Law Enforcement Agencies organized by the United Nations Division of Narcotic Drugs and attended by over 100 countries.

"...the meeting recommended that each country give serious consideration to creating a formal and well-structured programme for the protection of informants and witnesses in order to ensure their safety and to promote their co-operation as to maximize prosecutorial success aimed at the upper echelon of the illicit drug trade".

That recommendation can also be found on page 1463 of the quoted document.

I know that the Minister of National Security is attending to these matters concerning a witness protection programme, but he, in fact, also stated there were problems being encountered in this regard. I do hope that we can find a way to deal with this witness protection programme.

Again, permit me to quote from Volume 15 No. 3 of July 3, 1989 of the very *Commonwealth Law Bulletin*. You will find it on page 1007 as item No. 8:

"We also draw the attention of governments to the need for them to keep their legislative and administrative arrangements in this area under regular review, and contribute to developing a coherent regional approach."

This statement came out of a Commonwealth Caribbean Conference on International Drug Conventions and Drug Abuses held right here in Port of Spain from April 3—6 in 1989. That conference also urged Ministers, where they have not already done so, to establish some kind of multi-disciplinary co-ordinating drug councils which should include non-governmental organizations to oversee the further implementation and expansion of preventative strategies.

5.05 p.m.

You will note that there is even a call to the non governmental organizations to fight the drug-related crimes, where it is hoped that being closer to the people

Dangerous Drugs (Amdt.) Bill
[SEN. DEAN]

Tuesday, February 22, 1994

they would be the kind of organizations to oversee some kind of implementation and expansion with preventative strategies. It seems to me that there is a need in the society to more and more use the abilities of the NGOs to deal with a number of matters, and, of course, drug-related offences could be one of those.

It is also said that the sales of cocaine, heroin and cannabis amount to approximately US \$122 billion per year in the United States and Europe of which 50 to 70 per cent, or as much as US \$85 billion, could be made available for laundering, and so-called investment purposes.

I am pleased to see that the Ministry of National Security has put out some literature on money laundering, and although it may be a few years late, I think it could be useful if circulated widely in our country.

The 1988 UN Convention on money laundering, Article 3(1)(b) advances the process by requiring criminalization of drug-related money laundering by each state party, and each is required to establish certain types of transactions as criminal offences; which are spelt out on page 1131 of that very document.

Again, the *Commonwealth Law Bulletin, Volume 18(1)* of January 19, 1992, page 296, outlined some areas where it is recommended that banking secrecy should not interfere with criminal investigation in the fight against money laundering. I want to relate that to income tax secrecy. I think, in the same way that we should not have secrecy in banking, we should not have secrecy in the income tax situation as far as money laundering is concerned. Hard as it might be, I think it is the only way one can follow this. I do not know why the Minister of National Security was making excuses for that; I think he had good reason to follow up if that has happened.

The UN Convention against illicit drug trafficking in narcotic drugs and psychotropic substance 1989 described as 14CLB818 was adopted on December 19, 1988 by the Plenipotentiary Conference held in Vienna in November to December of 1989. There is a series of recommendations that one can find on page 251; I am not going to detail these recommendations, but these books are all available in the Parliament library, and I want to take the opportunity to acknowledge the assistance given by the librarian and her staff in getting these materials for me to look at in the course of my research.

Mr. Vice-President, probably you can forgive me for continuing like this, but I think it is a very important piece of legislation. While I said earlier that I had a few concerns, I know I have not reached them, but I am coming to them in one moment. I just want to indicate, however, that in those concerns, I am not offering

any amendments, but I should like the Government, the Minister of National Security and, possibly, the Attorney General to look at these concerns.

One of my concerns is with the Fourth Schedule, (i) and (ii) with a view to adding after the words "five years and ten years" the words "both fine and imprisonment". What the Schedule is saying is that it should be a jail term or a sentence. I am suggesting that we make a provision for both fine and imprisonment.

My other concern is with the "Regulations" indicated in 6C. While there is provision for imposing requirements as to the documentation of transactions involving substances referred to in paragraphs (b), (c), (d) and (e), provision for keeping records, the labelling of consignments and the transportation of such substances—there is no provision for storage and retrieval. And in these days of cocaine rats and what have you eating up the evidence, I suggest that provision be made for adequate and secure storage of the evidence so that when those bits of evidence are needed, we can be almost sure they will be retrieved to secure a conviction; if they are not, the person or persons responsible for the custody of this evidence will be held accountable and be jailed if it becomes necessary.

Regulations 4(a) and (b), fine or imprisonment. Again, I suggest that it should read both "fine and imprisonment" and not "fine or imprisonment". I noticed that in certain sections of the principal Act that provision is there. Just let me put my hand on it and I would quote where I got that from as far as Act 38 is concerned. Part II section 5(1)(a):

"upon summary conviction to a fine of twenty-five thousand dollars and imprisonment for five years"

And this runs through the principal Act in many places. So, I am suggesting that we look at putting in the word "and" rather than "or".

My fourth concern is that 35B be looked at with a view to using the same words in clause 2 of 35E by providing for the restoration of anything forfeited within a specified time frame. At the present time it is open and while the provision is made in clause 2 of 35E, I see it is also open in the other clauses.

My other concern is with respect to clause 8, 47(12). To me, that is a licence for police harassment and I should like to see the same intent as provided for in clause 8 of the Fifth Schedule; that is, if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it.

Dangerous Drugs (Amdt.) Bill
[SEN. DEAN]

Tuesday, February 22, 1994

I have been toying with this question in my mind: When is drug money clean? I was speaking to a friend who said it becomes clean when you have to pay a defence attorney.

5.15 p.m.

With all due respect to the attorneys present, it is the same money that you pay the attorneys with. I am not challenging any attorney on this but it can be done. I can overpay you to defend me and you can give me back my money or bank it somewhere else when the time comes. I am not saying that it happens but the possibility exists and that is the method by which drug money can become clean.

I have one question for the Minister to answer. As you know, I am in the Credit Union Movement. When I look at the definition in the principal Act, Part I, 3 defines the bank as: "'Bank' means the bank licensed under the Banking Act, or an institution carrying on the business of banking under a written law." I am sure that the Credit Union Movement, to which I have the honour to belong, would welcome some kind of definition placed here. I know it could be said that a credit union fall under an institution carrying on the business of banking under written law.

The big time drug criminals can shift their money from the commercial banks into the credit unions. I do not think that the Credit Union Movement has addressed that at all. It may be necessary to have some kind of definition or dialogue with the same kind of form for the credit union that Sen. Robinson-Regis indicated banks used. It seems to me that the entire country is aware of what is taking place and one may merely reflect on three calypsos for this year and other calypsos from the kiddies calypso competition. When you listen to Sparrow and "Cowboy Justice" and you listen to Sugar Aloes and Bally, you can see they are forcefully commenting on the people's concern. This is the way people are thinking and this, to my mind, is one of the sources that we should listen to, notwithstanding there are calypsonians people may want to ridicule. They have a vision and they really speak the conscience of the people.

With these few words Mr. Vice-President, I thank you very much for listening to me.

Sen. Wade Mark: Mr. Vice-President, let me take this opportunity to welcome the three new Senators on the PNM Benches and, particularly, to welcome an old war horse and stalwart of the old PNM, Sen. Norma Lewis-Phillip. I do not know for instance, if her presence today signifies a compromise between the old and the new PNM, I can only speculate on this matter.

Calypsonian Baron said in his 1994 calypso, "We have to find ourselves." A professor of literature at the University of the West Indies spoke about moving from a state of indifference and moving beyond terminality.

Today we are addressing a very important piece of legislation, to the Dangerous Drugs Bill. Before I get into the meat of this particular Bill, let me say that when reasoned, rational, sensible and highly intelligent men and women begin to spew language of an extremist nature, it is time that we take stock of ourselves. We must never allow our faculties of reasoning to take flight in this period of instability and orchestrated destabilization by forces opposite and their friends in high places. Well orchestrated and well thought-out public relations campaigns aimed at creating mass hysteria have been launched by this Government and its influential forces in key areas of our society. The objective behind these campaigns is to force the people of this country to actually call or seek to embrace a dictator—that is the young "Baby Doc", Patrick Manning.

We in the Opposition will continue to carry the torch of our democracy. We will continue to be the vanguard of our democracy and we will stand even against the wind to safeguard the rights and freedoms of our people. We have to recognize that this period that we are going through is a very testing one. We are dealing with a Bill at a time when critical forces in our country are under scrutiny. We are not living for today. We have to live for tomorrow and we have to bequeath a future to the generation that is here and the generation to come.

The stated purposes of this Bill are essentially two-fold; to bring the country in line with the United Nations Convention against the illicit traffic in narcotic drugs and psychotropic substances so as to remove existing impediments to the effective prosecution of drug offenders, and to extend the existing provisions on forfeiture and confiscation orders to those made externally by foreign governments.

In Trinidad and Tobago, there is an inescapable link between the escalating crime wave in our country and the well-organized mafia drug trade. One is hopeful that with these new provisions the big drug barons would be further hunted down and brought to the bar of justice. What is absolutely clear is that our country, Trinidad and Tobago, has assumed a status of major transshipment point. We have become a major transshipment point, and our law enforcement agencies are extremely weak in capability in confronting this sophisticated craft that has developed.

Dangerous Drugs (Amdt.) Bill
[SEN. W. MARK]

Tuesday, February 22, 1994

5.25 p.m.

The UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances does not merely deal with the legal aspect of the drug trade, but more importantly and critically is the administrative aspect of the trade. This is clearly spelt out in the UN Convention on Illicit Traffic in Narcotic Drugs.

If we look at Article 3 of the Convention, it makes it very clear that apart from putting into effect legislation or laws on our statute books, we have to focus on what is called the demand side. This is a demand and supply problem, and we have to ensure that those persons who are involved or are victims of this trade are in fact given the proper treatment, care, education, rehabilitation that we work towards their reintegration as outlined in the Convention. Laws are necessary, but they are not sufficient to address and seriously deal with this plague that is called the drug trade.

If we are to address this issue of the drug trade, we have to fight on all fronts. We have to provide the necessary resources to the security forces that are involved in dealing with and confronting this particular matter. They must be provided with the equipment. The security forces must have the personnel; they must be provided with the necessary training and critically they must be given the necessary fire power to deal with this scourge.

Honest and patriotic soldiers and police officers are required to confront this scourge. On our side we ask: How can we launch a serious assault on the drug trade when our coast guard is not equipped with sufficient working vessels to control our coastlines in an effort to stem the flow of drugs?

In spite of all the assistance that the American Government has given to this Government and the past government, we have been unable to deal with that question. Our information is that the coast guard is now limping along with less than 25 per cent of its operational strength; whilst less than 30 per cent of the police vehicles are operational. How can we be serious in addressing this drug problem and the crime problem in 1994, when our police service does not have a single computer? We have a police service today that operates manually; it does not have a network.

Recently, we were fortunate to be in the office of the Police Commissioner—

Sen. Huggins: Mr. Vice-President, let me just correct the Senator. My ministry spent over \$2.5 million just last year to provide the police service with computers. I do not know from where he gets his information.

Sen. W. Mark: Maybe, his ministry spent \$2.5 million, but the equipment apparently has not been delivered. Our information is that the police service is without computers, today, as we speak. The Minister is supposed to know better.

The point that we are making is that we are for confronting the drug trade. I want to leave a word of wisdom with my colleague, Sen. The Hon. Camille Robinson-Regis. Sometimes, people are very long on words as the PNM manifesto is, but very short on principle; and sometimes people are very short on words, but very powerful on principle.

I want to make it very clear that the United National Congress is not afraid of launching an independent commission of inquiry into the car salesman operation. On our side, we have made it very clear that we have nothing to hide. We say that if there are drug people in our party we would expose them. Let us have an independent commission of enquiry. As I said, the PNM is long on words, but very short on principle.

When we look at this Bill here, we recognize that it took this Government—this Convention was signed in 1988. It is the American Ambassador, Miss Sally Cowal, who pressurized this regime to bring this Bill before Parliament. They have done that. The lady has made it very clear in public statements that she is not satisfied with this Government's attempts at dealing with the drug trade.

We have evidence from the US Embassy detailing the hundreds of thousands of US dollars that they have allocated and provided to this Government and the last one in all kinds of equipment, training and materials. This Government has not been able to engage in one major case of confiscation; nor forfeited the properties of any single person whom all of us are aware is involved in the drug trade. It gives cause for alarm.

I am advancing that this Bill before us did not come accidentally. What the Minister of National Security probably failed to tell us is how long ago this so-called task force was established. When was this task force that he spoke about earlier in his presentation established? Was it established this year with an English expert to advise this Government? Was it established last year? When was it established and on whose insistence?

The Government is not levelling with the Senate and the population, but it comes to rush through this Bill. As I said, the Government even sought to mislead the person who came from the DEA recently, by telling that person that the Opposition is not in support of the legislation before Parliament. So wicked are these people! It is an organized kind of wickedness on the part of the

Dangerous Drugs (Amdt.) Bill
[SEN. W. MARK]

Tuesday, February 22, 1994

Government, when this party and Opposition has been in the forefront of speaking out on the drug trade. Do they remember in 1990, when they were in opposition and supporting the UNC to remove the NAR? It was a convenience at that time.

5.35 p.m.

We were in Diego Martin and we carried our campaign on the issue of drugs. I do not understand my friend who has not been involved in politics and maybe she just passed through the PNM accidentally. Where was the Hon. Camille Robinson-Regis at that time? I do not know. The fact of the matter is that I can tell her where the UNC was. We were on the campaign trail. Arising out of that there was that admission in the *Mirror* of Friday, December 7, 1991, where Herbert Atwell explained the controversial party funds, and the headline was: "Clive was following instructions".

The point I am making, based on the intervention by Sen. Camille Robinson-Regis is that the UNC has not been short on the issue of advancing our position on the drug menace in this country. We have been consistent in advancing our position. When we come to the issue of money laundering, we have to deal with it in relation to political parties in Trinidad and Tobago.

Here was a party chairman admitting that Clive Pantin was only following instructions when he deposited \$1 million in cheques from an alleged international drug trafficker into his personal bank account. This is in black and white.

Sen. Robinson-Regis: Mr. Vice-President, would the Senator be able to tell us on what date that information came out?

Sen. W. Mark: This is the *TNT Mirror* dated Friday, December 7, 1990, the same *Mirror*, with Ashton Ford, that you all want to control. They want to burn it down, too. They cannot control it, so they want to burn it down.

Sen. Robinson-Regis: Was the leader of the UNC a part of the NAR at the time it was alleged that drug money funded the campaign? So, your leader, therefore, had inside information? He was aware of that.

Sen. W. Mark: As I said earlier, the Senator was in deep slumber. She was not around. She was in dreamland. She is a youth in politics. It was the Leader of the Opposition who brought out this matter.

Mr. Vice-President: Sen. Wade Mark, will you please continue your contribution.

Sen. W. Mark: We will come back to this subject of money laundering, political parties and their funding activities. We will deal with that, and you know we have an open Bible.

Clause 6, Part IIA, of this Bill provides for stiff penalties. We have no problem here. We are for strengthening legislation. I want to make this abundantly clear. We are for strengthening drug legislation to get at the criminals who are perpetuating criminal activity against our people. We are very clear on that. We have no compromise on that. Whether they come from the PNM, UNC or the NAR, we are rooting them out. We are getting at them. We want to make it very clear that the Opposition United National Congress is not on any compromise mission when it comes to drugs. We are very clear on that matter.

We are happy to see that, in clause 6A, Part IIA of the Bill, they have imposed heavy fines for persons engaged in the manufacture and transportation of substances, all these precursor drugs that were mentioned. We have no problem with that. What we find a bit strange is that when we go back to section 4, Part II, of the Act of 1991, we see where, for instance, some people involved in dangerous drugs are fined \$25,000. In other words, someone who is in possession is fined \$25,000, and upon conviction, he or she is fined \$50,000. I find they should go back to this Act and increase the fines and prison terms because this must be severely punitive until we can agree, collectively, on the death penalty.

Hon Senator: Look, Russell is smiling.

Sen. W. Mark: Well, I know Russell is a Fascist. I know that Rambo fellow will 'lick' up anything. He likes to play mas. I watched him. He likes mas, but he does not jump alone. Forty in front and forty behind. He is a Frenchman.

Let us get on with the Bill. When we look at clause 9, we see that it repeals section 47 of the Act to make it a criminal offence to conceal or disguise any property in part or in whole. We have no problems with that. Even when one goes to Article 3(b)(i) and (ii) of the Convention, the Government is on target in that area. This is why we said that we would offer the Government critical support on this matter. We do not want this Government ever to take this party for granted. The UNC must never be taken for granted. We have no difficulty with this particular clause.

However, when we look at the question of money laundering or the issue of forfeiture and confiscation, in the United States of America there is a situation in which if you are talking about serious attempts at attacking the drug trade, the confiscation of property for 1992 alone netted for the Federal Government,

Dangerous Drugs (Amdt.) Bill
[SEN. W. MARK]

Tuesday, February 22, 1994

\$557.7 million, and they used that same money to fight the illicit drug trade. Why is it that in Trinidad and Tobago, when we are conscious of the extent of money laundering in this country, we do not really bring legislation to this Parliament to deal with this sector of the financial community, which in this document that was circulated a short while ago, indicates that the drug trade corrupts financial institutions?

On page 6—I believe this is misinformation because I do not believe that they published this in 1992 or 1993, I think it was published in 1994—they talk about eight commercial banks; we have five now. There is a merger, so that is wrong information. Secondly, I want to indicate that one cannot depend on any private agreement among five commercial banks to deal with money laundering in Trinidad and Tobago. I have repeatedly said in this Parliament that we have to bring serious legislation to deal with this issue. In any civilized country that is dealing seriously with the drug menace, they deal with legislative activity regarding the financial community and not leave it up to the financial community to deal with it under a gentleman's agreement. The Government must get serious on this drug question. They boast in this document about some gentleman's agreement. How can they be serious when they know that dirty money has been enveloped in the banking community in Trinidad and Tobago? Dirty money has now become clean money in this country and it is circulating.

5.45 p.m.

Mr. Vice-President, we need to deal with this matter in a more serious way and we believe that the Government needs to pay much more attention. We are happy to note that in the Minister's 1994 Budget Speech, an organization called the Caribbean Financial Action Task Force was established, with the secretariat headquartered—I understand—right here in Port of Spain. We do not know exactly where it is located but we understand it has been established. Money laundering is a very serious offence and you have to take serious actions and measures to stem it and to finally eradicate it. We do not know, but the information reaching us is that the US Government—you see we have to begin working together, because as the alternative government we need to know what is taking place. We have evidence and information—that is why my colleague in his contribution last week was able to detail to this Senate the amount of materials, equipment and money and so forth that was given to this Government over the period.

We have in fact been able to solicit information on the issue of courses that these people have gone to, I think one is your advisor, whom, I understand, you want to designate as Commissioner of Police. *[Interruption]* Your advisor apparently went on a course recently. Was it in 1992 or 1993?

Sen. Huggins: In 1994.

Sen. W. Mark: No, I have information between the 20th and the 21st he went to Nassau.

Sen. Huggins: That is old information.

Sen. W. Mark: Old information, well I am telling you what I have. You must tell me what you have new.

Sen. Huggins: The training is an ongoing exercise.

Sen. W. Mark: This is why we want to find out, if this is an ongoing exercise, why it is we have not been able to address legislative changes insofar as the financial community is concerned. Why are we continuing to depend on a gentleman's agreement? That is an area that we want the Minister to address in a very serious way.

Mr. Vice-President, let me refer briefly to some statements that were made by the Attorney General. He told this Parliament that he was concerned about what he considered to be "distorted concerns" that were becoming very common in our society. I guess he was referring to the nature and function of legislation at that time, which as he said, is to provide a framework for action and that one should not have a negative approach to this issue.

He spoke about the Government's commitment to deal with the drug trade in concert with other international forces. The question we wish to ask the hon. Attorney General is, why has it taken the Government so long to ratify this Convention? Why has it taken this Government all these years in 1988 the agreement was signed, we are in 1994—and legislation is now being brought to this Parliament *[Interruption]* You were not there; you were there 30 years before; the NAR was there.

Why did the Government of our country take so long to ratify this Convention? This Government came into power in 1991. In 1994, three years later—*[Interruption]* No, I am saying that to have this Convention ratified, this law has to be passed. *[Interruption]* To ratify it, not to sign it, it has been signed already. I am asking the question, why did your Government not bring that to this

Dangerous Drugs (Amdt.) Bill
[SEN. W. MARK]

Tuesday, February 22, 1994

Parliament in 1992, knowing full well that the NAR passed the Dangerous Drugs Bill in 1991 based on what our colleague was saying?

Sen. Robinson-Regis boasted. She read extensively from the PNM manifesto about your commitment to fight the drug trade. Why did it take this Government almost three years to have this Convention ratified? I just raised that, I am not casting aspersions.

We are saying, that is a bit strange. I ask the Attorney General, why has this Government not been able to confiscate or forfeit properties in this country, when our Prime Minister went to Washington and told the whole international community that if President Clinton does not provide him with the kind of financial assistance necessary, we would have to resort to drug pushing and drug trafficking? Imagine a Prime Minister goes to the international community and talks that nonsense to the whole world and says, that "he begging" "he begging" and, "if we do not get money we would push drugs." What sort of madness is that? That is our Prime Minister.

This aggressive Attorney General, and the Minister of National Security, who is also very aggressive—pilot and co-pilot—why have these men not been able to co-ordinate their operations in such a way that we can arrest the drug barons? Not a single arrest in Trinidad and Tobago and it is three years they are in power!

And they are saying that they want to provide the security forces with more power; and you want to declare a state of emergency [*Interruption*] Your Member of Parliament for Port of Spain North/St Ann's West, the Mr. Desmond Allum, I do not know in which capacity he was speaking at the time; whether he was speaking as a lawyer or as a party member. Well, I know they have him in cold storage, as they had Sen. Kuei Tung; well the former is dead, "he freeze to death." This is a wicked Government. This is organized wickedness on that side. [*Interruption*] But you see the truth is like cream, it always floats to the surface. It will come! We will know!

Mr. Vice-President, we ask the hon. Attorney General how can this Government be committed to the eradication of the drug trade when dark clouds hover over the heads of key Ministers of his Government? How does the Attorney General explain that? I am not casting aspersions, I am dealing with realities.

I have a *Sunday Punch*, dated August 22, 1993 [*Interruption*] This is not pornography. The headline is: "The last walk"

A picture of the Attorney General and his wife attending the funeral of a man who was reputed—may his soul rest in peace—to be a notorious drug dealer in

this country. I do not know if it was his uncle. I heard that the man was his uncle; I do not know. If it was his uncle, I could understand him going in that capacity. If the man financed his campaign—I do not know. The population needs to know why the Attorney General of this country attended this funeral. In what capacity did he attend this funeral? We are asking questions, we are not casting aspersions. We seek information and clarification on these issues. He must answer that. In 1993, what was the relationship? The Attorney General must let us know. We have been hearing all kinds of rumours but we would not repeat them here.

5.55 p.m.

The Attorney General in his contribution called upon the country to have faith in our institutions. We must have faith in our institutions. But how can we have faith in our institutions such as the police service when there is a *New Scotland Yard Report* which states in the section dealing with corruption in the police service, section 9.3.2:

"Corruption in the police service can be described as endemic."

It goes on further to say in 9.3.11:

"At the top is direct participation in crime or, more specifically, drug racketeering. Some evidence and some good intelligence suggests that police officers have been involved in the importation of cocaine, in growing marijuana, in transporting drugs, and selling them. The numbers are small."

But the Attorney General is asking us to have faith, and put more power into the hands of those people, 100 of whom exist according to the hon. Minister of National Security. We understand that promotions are taking place, and as my colleague said earlier, the Minister of National Security has refused to pass on that information to the Director of Public Prosecutions, to the Police Service Commission and to the Commissioner of Police. Why is the Minister of National Security holding the information on serious allegations involving 100 police officers who are still in the service today. And he tells this country that the Government is serious about fighting drug trafficking!

These are serious matters. We are dealing with life and death issues in this country. We are inching closer and closer to a Colombian situation, Mr. Vice-President, where you could be sitting in that chair, or I could be speaking here and people could "buss" through that door and shoot people. That is the kind of thing taking place. If this Government is serious about the drug trade it would provide the police—root out the corrupt ones, suspend them if necessary—with a clean

Dangerous Drugs (Amdt.) Bill
[SEN. W. MARK]

Tuesday, February 22, 1994

slate and get at the root of the problem. If there are 100 alleged criminals, suspend them and investigate them.

We are living in serious and dangerous times. People are losing faith in the institutions and in their leaders precisely because of these kinds of activities. When we see the Minister of National Security sitting on his rump and not taking action, and orchestrating campaigns of misinformation to mislead this country that the Opposition is now running the Government, and the reason things are not taking place is that the Opposition is not supporting the Government, when he knows that he is the administrator, he has to provide the police stations; he has to provide the equipment and whatever resources the police needs. He has to do that, that is his job; if he cannot do it, resign.

The Government has money to do all sorts of things—pay \$180 million for consultants to sell out our national patrimony; \$2 million in trips; made a deal with Algico—because the National Health Insurance Scheme is coming on stream and we will talk about that when we come to the regional health authorities.

So one asks the question: Is this Government really serious about tackling crime and the drug trade? The Government is *mamaguying* the population; making people feel that they have to pass legislation in order to tackle crime; misguiding the population; deliberately withholding resources to create a panic situation in our country and then blaming it on the Opposition and saying the Opposition is not co-operating with the Government. And there is the public relations man there, Goebbels, all the management techniques the Government has introduced have come from the Hon. Gordon Draper. I know he was a privateer at one time, so I am not surprised.

The same kind of efforts that the Government is making in another area, which we will deal with, is what was attempted just recently in London. The *Economist* of January 22, 1994, has a story titled "Police reform—Howard's end" The Howard they are talking about is Michael Howard, the current Home Secretary, coming with the same nonsense about taking control of the police service; taking charge. He wants to be in charge, he is "Rambo"; he wants to be in charge to tell people what to do—go here; come here; do this; do that, like Roy Joseph in the fifties. Roy Joseph in the Legislative Chamber, was reported to have said when a complaint was brought against a teacher: "You just go and get the name of that teacher and I will fire that teacher". That is the kind of power that man had.

The Bill went to the House of Commons where Prime Minister Major has majority, and when it was sent to the House of Lords, the Lord Chief Justice, who is the head of the House of Lords, left his Chambers, he went to the House of Lords, he denounced and castigated the government and the bill died. He was saying that Mr. Major's Government was seeking to take control of the police service and put it under the direct wings of the Home Secretary and the Bill was defeated in Britain.

The point I am making is leading up to one particular conclusion in this regard. The Attorney General was saying that when the Opposition comments on things or expresses reservations, we seem not to have confidence and faith; that we are not giving Government the benefit of the doubt in doing things. So we must give them *carte blanche* support on everything, and any time we intervene the Prime Minister says we are "obstructionists"; sweating in a press conference to tell the truth and telling this country that the Opposition is an obstructionist force.

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

Motion made, That the Senator's speaking time be extended by 15 minutes.
[*Sen. S. Capildeo*]

Question put and agreed to.

Sen. W. Mark: Mr. Vice-President, when we boil down the bhagi at the end of the day, the bottom line is this Government's misguided economic policy. This Government is creating madness in the country—[*Interruption*] No, Mr. Vice-President, we are talking about crime and drugs here; I am saying that the bottom line is the Government's misguided policy; as I call it "organized wickedness".

We advance on our side that drugs and crime are related very closely, and we are prepared to work with the Government to launch a massive assault on crime and the drug trade, but we do not want responsibility without power; we make that abundantly clear. We make that very clear to you, so you had better put that in your pipe and smoke it.

6.05 p.m.

The Minister of National Security, our good friend—

Sen. Huggins: Who says so?

Sen. W. Mark: —at the end of his term we will have to investigate. I shall set up a crime commission for him.

Sen. Huggins: Investigate whom?

Sen. W. Mark: You. To find out how you got your ill-gotten wealth.

Sen. Huggins: Mr. Vice-President, I should like the Senator to withdraw that statement. I have no ill-gotten wealth.

Mr. Vice-President: Sen. Wade Mark, would you please withdraw that statement?

Sen. W. Mark: Kindly, Sir. But we shall establish a commission.

Sen. Huggins: I have wealth but not—

Sen. W. Mark: Do not take that seriously, Russell. Why did you jump up so, the thing hurt you or what?

Mr. Vice-President, I withdraw that statement. I just wanted to alarm him. He did not take a vow of poverty, I am certain. His partner who has gone, did. Does he eat in the restaurant with him every day, still?

We wish to strengthen this legislation. That is why we said from very early that we would be offering this Government critical support on this legislation. There are matters and so forth which we separate. This matter is one which is of fundamental importance to our civilization, especially the young people of our country and we make no compromise on that issue—none whatsoever. We made it abundantly clear that we shall offer critical support, but I warn this Government that there are certain offensive clauses in this Bill that we shall not support.

Sen. Huggins: Are you supporting the Bill or not?

Sen. W. Mark: There are certain offensive clauses that we want expunged. We support Sen. Daly's amendment in this regard in terms of putting a limit on the question of cash. We have to be very careful that we do not throw out the baby with the bath water in this matter.

You see, Russell is a youth—

Sen. Huggins: Come with another statement—the same thing over and over.

Sen. W. Mark: Mr. Vice-President, I urge the Minister of National Security to expunge this particular clause and have it amended so that the lives of innocent and decent citizens can be protected. We want it amended. We want the Government to put a limit because the current clause does not have a limit *[Interruption]* We are saying to amend that clause and put a limit.

Sen. Huggins: And not expunge it.

Sen. W. Mark: No, what are you expunging it for?

Sen. Huggins: Well, make up your mind what you want.

Hon. Senator: It looks like they are ready to concede.

Sen. W. Mark: Mr. Vice-President, we are saying that we support this particular amendment as proposed, and we also propose to have the section with the Director of Public Prosecutions deleted. We also should like to have some clarification on this other person to whom the Minister wants to give unlimited authority in this Bill. We want to know who is this person. Who is this person?

Sen. Huggins: Who?

Sen. W. Mark: We are talking about the officers under the Fifth Schedule. In this Schedule, subclause 1(d) says:

"any other person of a description specified in an Order made for the purposes of this Schedule by the Minister to whom responsibility for national security is assigned."

What is meant by "any other person"? It could be a party hack. Let us be clear. Liberty is what we are talking about here. Liberty is hard to come by but it is easy to take away. We shall not sit in this Parliament and allow this PNM Government that is on a path of dictatorship and one-party rule to compromise the independence, integrity, autonomy, rights and freedoms of our citizens. That and God's face they on that side would not see; they will see Lucifer but not God. I make that very clear to them this evening. They should put that in their pipe and smoke it. A word to the wise on those matters is enough.

We have two pages of amendments which we shall submit to strengthen the legislation. We want to see if this Government is serious about legislation to tackle drugs. We shall now table these amendments formally and the Clerk can do whatever he has to do. If this Government is serious, it would accept every single amendment that we have tabled here.

Sen. Huggins: What?

Sen. W. Mark: If it is serious about fighting the drug trade, and not sparring—we do not want any sparring here, you know; we want the knockout punch. It is the knockout punch we are going for in terms of these drug barons. So, all of you on the other side who have any link, relationship, liaison, we serve

Dangerous Drugs (Amdt.) Bill
[SEN. W. MARK]

Tuesday, February 22, 1994

notice that we shall find you, hunt you and jail you. We have no compromise on that. Whether you leave office or are in office, we are checking you out.

Hon. Senator: Make sure you talk to Ramesh.

Sen. W. Mark: It does not matter. If Ramesh is guilty, jail him. We are not compromising. We are very clear on this matter. We are not supporting drugs and drug barons. We do not care where they come from—NAR, PNM, UNC—we are dealing with them ruthlessly. We want you all to take note of that.

Sen. Huggins: They say things and then contradict them.

Sen. W. Mark: Do not worry with that, this one we will never contradict. I can give you that assurance.

Sen. Huggins: I hope so.

Sen. W. Mark: Mr. Vice-President, as I said, we should like to give this Government some degree of critical support. We know it is a very weak arrangement and we have to give them some support to prop them up. We hope, as our colleague Sen. Surendranath Capildeo said, that with this support we are providing to this Government, pending these amendments—we do not want you to take this support as being unconditional; we have amendments here and we want the Government to look at them and accept them. We should like them to look at them and see to what extent we can arrive at a compromise and, if necessary, total acceptance.

All these *Mirror* stories about the Prime Minister that we have been seeing over the last weeks, we hope that, very soon, this Government would be able to deal with this matter in a very serious way. I have not dealt with it today because I did not want to stray too much from my contribution, but we shall have to deal with this one. We think that the Government of Trinidad and Tobago and the Minister of National Security in particular, owe the country an explanation.

Sen. Huggins: Me!

Sen. W. Mark: He likes power. We want him to exercise his power.

We call on the Government of Trinidad and Tobago, through the hon. Ministers who are here, to launch an independent inquiry into these dangerous allegations—they are dangerous allegations; we are not making any accusations—which are hanging over the head of our esteemed Prime Minister of Trinidad and Tobago. Recently, in America there was something called "the White Water Affair" and the President of the United States of America appointed a special

counsel to thoroughly investigate this matter and to make the information public. As I said, truth is like cream—it always surfaces—so you do not have to worry about that. I think in the interest of our country and to get rid of that shadow that is now over the head of the PNM government—and it is not only the Prime Minister who is in trouble here; it is the whole PNM Cabinet, and if you are talking about drugs and it is alleged that the Prime Minister of this country sold a car to a well-known drug dealer in this country, I am saying take stock of yourself.

6.15 p.m.

If they really were strong people we would say that the Government of this country would launch an independent commission of enquiry into all the transactions involving, not only the Prime Minister, but also a number of Ministers over whose heads dark shadows now linger.

So, Mr. Vice-President, as I said, we shall be giving critical support to this Government on this particular matter and we want this Government to consider our amendments very carefully and closely, and if it is willing to compromise we on this side are willing to compromise too. All I can say is that we want to, at least, work together; but there must be giving and taking on both sides, so that we can get not "the job done" as the Prime Minister said, but, at least, ensure that we go "up the road", as the calypsonian, Delamo, said.

Thank you very much, Mr. Vice-President.

Sen. Rev. Daniel Teelucksingh: Mr. Vice-President, it requires great courage and determination, moral and spiritual strength for any government and people to seriously challenge the well-established, undoubtedly successful, and carefully fortified and intricate, international network of those who hold interest in the illicit traffic in narcotic drugs and psychotropic substances.

Within recent times, we in Trinidad and Tobago have learnt, painfully, to understand how deadly and destructive are the powers of the drug culture if unleashed upon any civilized society. We have heard about the vicious drug cartels of Medellin and their bloody challenge to governments, to law-enforcement agencies and law-abiding citizens. We have been reminded, at least, through the Kung Fu movies, of the violent drug trade in the opium-producing countries of the Far East.

But now, Mr. Vice-President, the wolf is not only at the door—it is here among us with its restless, bloodstained fangs and claws. Let us not ignore and scoff at the hon. Prime Minister when he said there is a plot by drug lords to

Dangerous Drugs (Amdt.) Bill
[SEN. REV. TEELUCKSINGH]

Tuesday, February 22, 1994

destabilize the country. It has happened elsewhere and it can happen here. In fact, no West Indian government can consider itself so safe and secure as to think that such a thing is unrealistic or far-fetched.

The economic, the political, and even the military strength of the lords of the drug trade is not ever to be under-estimated. Therefore, today, I wish to compliment the Government and its Minister of National Security on their decisiveness, as reflected in the Bill before us to resist the drug menace that has already wrecked so many homes, destroyed so many of our sons and daughters and continues to claim several lives.

The *Trinidad Guardian* in its front page editorial of January 13, 1994, horrified at those vicious murders of the recent past said—

"That our society can produce such killers may be something to wonder at, but the main cause is certainly no mystery—it is the lucrative drug trade that now accounts for a major percentage of the mayhem occurring around the globe".

In its preparatory work which produced the UN convention against the illicit traffic in narcotic drugs and psychotropic substances, the Commission on Narcotic Drugs decided that no single aspect of the drug problem should be considered in isolation. I take this as my guide, then, as I make a contribution, bearing in mind all that has been said by previous speakers. The traditional concern, therefore, focusing on the control of the supply of narcotic drugs, can best be addressed with equal concern for the prevention of the demand for those drugs and substances.

I am particularly interested in this. I believe that if we ignore the question of demand reduction, the Bill before us will be useless. In addition to legislative and judicial considerations, as outlined in the Bill, we need to see drug demand as an inseparable concomitant of drug production and its illicit trade.

Mr. Vice-President, in a United Nations publication—sorry [*Interruption*]

Mr. Vice-President: Hon. Senators, there is need for a procedural motion at this stage.

PROCEDURAL MOTION

The Minister in the Office of the Prime Minister responsible for Public Administration and Public Information (Sen. The Hon. Gordon Draper): Mr. Vice-President, I beg to move:

That the sitting of the Senate continue up to the third reading of the Bill under consideration.

Question put and agreed to.

DANGEROUS DRUGS (AMDT.) BILL

Mr. Vice-President: Sorry, Sen. Teelucksingh, you may continue.

Sen. Rev. D. Teelucksingh: Thank you, Mr. Vice-President. I was saying that in a United Nations publication on narcotics of 1992 we are reminded that:

"There is little evidence that traditional drug-enforcement strategies used by American law-enforcement agencies have had any substantial impact on drug availability and drug abuse...it is impossible to eradicate all illicit crops, seal national borders and arrest all offenders."

Mr. Vice-President, let me further add an observation by one Professor Mishan of the London School of Economics. He said—

"...this war against drug-dealers is not being won in the United States, in the United Kingdom or in any Western country...in spite of the utmost vigilance, the mounting exertions, the employment of an array of sophisticated equipment, and the devising of stratagems, narcotics continued and still continue to flow into the country (that is, the United States) with the same ease with which the Viet Cong troops slipped down the Ho Chi Minh trail, if anything, it is becoming easier to smuggle drugs into the United States."

Mr. Vice-President, the same can be said of Trinidad and Tobago, but we cannot surrender. Our primary concern now is, and will always be, with the health and protection of every individual, and reducing the demand for illicit drugs may yet be our most successful weapon against this social evil—maybe more important than legislation itself.

I wish most respectfully, Sir, to bring to the attention of the Government certain concerns which must, of necessity, undergird the proposed legislation before us to ensure its success and effectiveness. Firstly, I think we need in Trinidad and Tobago a national drug control council, with responsibility to coordinate the existing drug awareness and rehabilitation programmes. There is need for collaboration of the various disciplines and skills engaged in demand reduction. Professional associations, the labour unions, help from media personnel, corporate management, religious organizations, medical and educational personnel initiating demand reduction strategies for the national community.

Secondly, I think we need to intensify our present demand reduction programmes to target all groups at risk. For example, the out-of-school groups, such as school drop-outs, disadvantaged persons in poverty-stricken areas and the

Dangerous Drugs (Amdt.) Bill
[SEN. REV. TEELUCKSINGH]

Tuesday, February 22, 1994

underclass of the population. Also, we must protect our children and youth at all our educational institutions. More use should be made of the Schools Broadcasting Unit and teachers must be provided with courses in preventative education.

The UWI School of Continuing Studies is at present on the right course with its first regional certificate syllabus in Addiction Studies to make leaders competent in dealing with the alcohol/drug risk within an integrated demand reduction framework.

6.25 p.m.

Thirdly, Mr. Vice-President, we must maintain a consistent, intensive, national drug awareness campaign aimed at the public at large on the dangers of drug abuse to health and happiness. Our information flow must be persistent and not seasonal in exposing the harmfulness of cocaine, crack cocaine, marijuana, tranquilizers, stimulants and other drugs.

Fourthly, any national strategy to create a drug-free environment must focus on the family. Parents and children represent that level in society, Sir, through which we have the greatest opportunity to bring about reduction in the demand for drugs.

And fifthly, it is imperative that we have closer Caricom co-operation in the war against drugs. For example, the recent link in drug trafficking between Trinidad and Grenada must be a source of great concern. Furthermore, we certainly need closer co-operation and joint effort surveillance with the Venezuelan authorities to patrol the channel and our southern coast.

The Caribbean territories are much more significant now than, as we say, being transshipment points in the south to north flow of illicit drugs. Trinidad and Tobago is much more than a gateway for drugs. It is time that we understood that within the last seven days, for example, a Colombian woman was in possession of 4.9 kilos of cocaine appearing in the Arima First Magistrates' Court, and three British citizens were also detained for possession of over 6 kilos of cocaine.

The question we need to ask ourselves is: How much did these traffickers and drug mules leave for use in Trinidad and Tobago? We may never know.

You see, there is a shift from certain saturated markets in North America towards a search for new, susceptible markets, and such new markets include the Caribbean, Africa and the Middle East. The report of the Caribbean Commission reminds West Indian governments that nothing poses greater risks and threats to

civil society in Caricom than the drug problem, and nothing exemplifies the powerlessness of regional governments more. That is the magnitude of the danger that drug abuse and drug trafficking hold for our community.

"It is known that trafficking in narcotic substances increased in the region by over 80 times within the 1984-1986 period, during which amounts involved have been estimated to have increased from 8,000 kilograms to 712,000 kilograms."

It is imperative that in Port of Spain, we maintain careful surveillance of the Caricom Jetty and the Cruise Ship Complex, as these have been known ports of entry for illicit drugs.

Let me close now with a sixth concern, namely, that magistrates must make it compulsory for persons in prison for drug abuse to receive successful treatment for rehabilitation before their release from prison.

I thank you, Mr. Vice-President.

Sen. Pundit Ramcharan Gosine: Mr. Vice-President, I rise to support the Bill before us—a Bill to amend the Dangerous Drugs Act, 1991.

Many things, good and bad, take time to permeate a society. Goodness—the training of minds into righteous behaviour, fear of God, charity and goodwill towards kith and kin, neighbours and friends—takes a lifetime and perhaps more. Such training of minds must start with and by parents, flow into the kindergarten schools, flow into our primary and secondary schools; in fact, there must be a strong education bias towards the moulding of the character of the youth, the person from conception and into the formative years. As I said, Mr. Vice-President, the development of the personality and the character of the man or woman takes time.

But how easy it is to destroy all the work that has been put in by our nation's parents, our teachers and our educators. How easy it is for grown-ups to corrupt the minds of our young ones, and, this they do with impunity. I have witnessed—we have all witnessed it—the phenomenon of corruption and the near destruction of the very fabric of our society within a few short years.

It was perhaps a mere 20 years ago that crime may be said to have been plain and simple, that is, conventional crime, the crime of theft, crime coming out of feuds, be they family or neighbours, it was much easier to detect and was efficiently and effectively dealt with by the police and our courts. The people of Trinidad and Tobago felt relatively secure. Our justice system was second to none.

But what has happened in the last 15 years, is that there developed a cancer which is growing rapidly and which will destroy us unless we, as a people, wake up to the new realities. The cancerous growth I refer to has its genesis in one word—drugs.

When I was growing up the word "drugs" to me was medicine and we referred to the pharmacy as a drugstore. The word "coke" was short for coca-cola, a refreshing soft drink to quench one's thirst on a hot, dry day.

As I see it, the problem of crime must always be the concern of the nation. No one single agency can be said to be responsible for the eradication or control of crime, and, therefore, no one single agency can be blamed for the escalation in criminal activity. We must be concerned; we must be vigilant; and we must be part of a harmonious plan for dealing with this new and horrendous wave of criminal activity, of which I am sure we are all shockingly aware. But I shall repeat for the record that within the first month of 1994, January, this tiny country of ours with a mere 1.2 million persons, witnessed 25 murders of which many were too gruesome to be retold here. For example, I shudder to imagine the scene of a head in one place and a body in another.

The time has come for all of us, regardless of our political affiliations, to be supportive of our Government in our battle against crime. Our Government is trying its best, with our limited resources, to have a holistic approach, not only to the delivery of national security services, but also the whole question of the administration of justice and the socio-economic development of our nation.

My own perception is that the level of sophistication of the drug demons and goblins cannot be dealt with by any single nation and, therefore, it is necessary to open ourselves to international support and co-operation in dealing with a menace that threatens to destroy societies everywhere.

We as a nation must support our police; we must strengthen our police force to meet this new challenge of criminal activity. Training in the areas of the enforcement of the Dangerous Drugs Act and the co-operation of the various services on land and sea must become fully operational; and of equal importance, our judicial system must become more sensitive to the cries of the nation.

I say this because the people of Trinidad and Tobago, except for a few legal luminaries, cannot understand how self-confessed traitors, known perpetrators of crime against the Government and people of this country, against property, can walk this land with their heads high, made heroes by the media and are emboldened to seek compensation from the state. It boggles my mind.

Hindu law states that God protects the rulers, the Government of that state which not only provides justice, but also protection and service—"Raksha and Sewa"—to all its citizens.

6.35 p.m.

It is further stated that protection and service are but two virtuous actions which elevate man to the realm of the Devas or Divine beings. Lord Krishna states that it is the right, the duty of a government to execute persons guilty of crimes against the state; to take the life of a person guilty of taking the life of another. The Blessed Lord emphasized that a sentence greater than death must be the penalty for those who destroy the minds of others and create zombies of our citizens through drugs. The Blessed Lord further states: those who defend or fight in the cause of the unrighteous and the wicked are even more guilty than the perpetrators themselves.

Mr. Vice-President, I am therefore very pleased with this piece of legislation before us, because it gives effect to the ratification by Trinidad and Tobago of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Of paramount importance, it seeks to remove existing impediments to the effective prosecution of drug offenders identified and it seeks to avoid problems relating to the confiscation or forfeiture of the proceeds of drug trafficking.

I consider this piece of legislation as striking a positive blow in favour of law-abiding and peace-loving citizens, living in fear for their children's lives and their own, as it is directed against the manufacturers, the transporters and those in possession of precursor chemicals.

This legislation provides for external confiscation and external forfeiture orders of the court. It allows for seizure and detention by customs officers or the police of cash suspected as being the proceeds of drug trafficking either imported into our country or being exported out of our country. Perhaps the most important amendment occurs in section 47 which deals with offences relating to the proceeds of drug trafficking. That is the concealing or disguising of property realized through the proceeds of drug trafficking; the conversion or transfer of such property to evade prosecution. Perhaps it would be good to note how it is these luminaries who defend drug lords, and so forth, how they are paid. Are they paid in cash or through cheques which can be verified as coming from a definite legal source?

Dangerous Drugs (Amdt.) Bill
[SEN. PUNDIT GOSINE]

Tuesday, February 22, 1994

I am of the view that this legislation, for the time being, captures all the relevant areas of weakness discovered in the existing Act No. 38 of 1991. These amendments, therefore, are worthy of our support in order to bring to bear the stiffest of penalties on those responsible, or those who are behind the whole business of drug trafficking.

As I have indicated before, Hindu scriptures emphasize the severest of penalties for those persons who directly or indirectly seek, through whatever means, to destroy the minds of others, to create living zombies of human beings. The state in its duty to deal with such perpetrators must never falter, must never weaken. Its resolve must be strong and firm, and therefore those Ministers of Government charged with these specific responsibilities must never falter or weaken. So long as our Ministers of National Security and Legal Affairs continue with their present determination in the eradication of the scourge of drug trafficking, they have my whole-hearted support and I am sure the support of every decent citizen.

The problems of drugs are many and varied. This legislation seeks to deal with the supply side of the problem which, when successful, will go a long way in eradicating or controlling the use of or demand for such dangerous drugs. Users of drugs destroy their minds and their lives and the lives of their families. They fall into the worst vices. They corrupt and are corruptible.

The injunction of the Vedas on drugs states that it is forbidden for man to partake of any intoxicant or substance which interferes with the proper functioning of his faculties. He must at all times be able to think clearly, discern right from wrong and act in a beneficial manner to himself and to others. He must clearly seek out and tread a virtuous path, always removing himself from those paths which lead to vice and degradation.

It is also the duty of those who tread the path of virtue and righteousness to assist those who have fallen, the victims of the wicked and the unscrupulous, in their rehabilitation towards, once again, finding a useful place within the society.

On this score, I want to congratulate and encourage all our NGOs and religious organizations which have, in the hour of our need, come to the rescue and support of all victims, be they victims of drug abuse, violence, rape and so forth, and have sought to provide for their physical resuscitation as well as spiritual upliftment and the resuscitation of self-worth in their lives.

But we need more willing and able citizens to come forward to help build character and self-worth, to teach our children to say a positive "No" to drugs. We

need parents to be vigilant and protect their children, and most important, we need institutions of the state to be functional and sensitive to the needs of every citizen.

I have absolutely no hesitation in supporting this Bill, as I am sure it will provide the means of bringing to an end the reign of the drug demons and goblins of our country and I therefore join all my colleagues, especially those opposite in supporting this Bill to amend the Dangerous Drugs Act, 1991.

I thank you, Mr. Vice-President.

Sen. Hydar Ali: Mr. Vice-President, the amendments which are being proposed to the Dangerous Drugs Act, 1991 are very significant and far-reaching. When these measures come into force, it should be possible to make inroads into the higher echelons of the drug edifice. The common complaint is that in terms of arrest and prosecution, only the small fry is involved. With the tightening up of legislation with respect to money laundering, confiscation or forfeiture of the proceeds of drug trafficking and the removal of existing impediments to the effective prosecution of drug offenders, we should be seeing a different class of criminals appearing before our courts.

In his budget contribution, the Minister of National Security alluded to, among other things, people who own prime real estate which is inconsistent with their profession, vocation and declared means of income. In this debate we have heard him expand on this by describing people who have a high style of living and have been travelling frequently but have filed no income tax return. It is my hope that it would soon be possible to investigate these inconsistencies and bring to justice those who cannot satisfactorily explain these inconsistencies. This should lead to an increase in the arrest and prosecution rates and this will help us to get rid of this scourge.

I am particularly pleased that we are ratifying the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances which was adopted on December 19, 1988 by the plenipotentiary conference held in Vienna from November 25 to December 20, 1988.

I have written here some notes to congratulate the Government on bringing this amendment rather quickly, not realizing that everybody else thinks otherwise. All the other conventions that we have ratified here have had a delay of longer than six years, more than this one, so I do not know if people have changed a bit in their thinking here, but I think this is not bad. It does indicate to me a measure of seriousness on the part of the Government in its attempt to eradicate the problem of drugs in our society. The seriousness of the drug situation was

Dangerous Drugs (Amdt.) Bill
[SEN. ALI]

Tuesday, February 22, 1994

expressed in 1990 by the former UN Secretary General, Señor Javier Pérez de Cuéllar, in the following words:

"Drug abuse is a time bomb ticking away in the heart of our civilization. We must find ways of dealing with it before it destroys us."

I wonder how successful we have been in this area.

6.45 p.m.

Mr. Vice-President, one of the areas I want to touch on is money laundering. Today, several Senators have touched on that issue, so this would make my task a bit easier.

Sen. Everard Dean has quoted US \$122 billion per year as the figure for drug sales in the United States and Europe of which 50 to 70 per cent or as much as US \$85 billion could be made available for money laundering and investment.

The techniques involved in money laundering are very diverse, and I am not going to mention them here, but these various techniques are summarized in the same paper Sen. Dean quoted from in the following words: "The techniques of money laundering are innumerable, diverse, complex, subtle and secret".

One of the difficulties in trying to make inroads into money laundering is linked to the bank secrecy laws; and this has been dealt with by Sen. Camille Robinson-Regis and Sen. Wade Mark. In spite of that being a difficulty I find it strange that there is nothing specific mentioned in the parent Act—to the best of my interpretation—and in the amendment to make specific reference to that.

Why it is so surprising to me is that if we look at Article 5, section 3 of the Convention which deals with confiscation, it states that:

"In order to carry out the measures referred to in this article, each Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or be seized. A Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy."

This type of subsection appears more than once in the Articles of the Convention, and I do not see any reference to that in the amendment or the parent Act; it seems only to be implied.

If we are to use Sen. Wade Mark's interpretation, it seems that for this to work we need to have some sort of gentlemanly agreement. I do not think that is

enough for something as serious as money laundering. Before money laundering was a criminal offence, criminals were just concerned about laundering their money simply to avoid detection and to cover their tracks. Now, because money laundering is an offence, criminals try to avoid imprisonment and also to avoid losing the proceeds of their criminal activities. This is why we see that there is so much violence connected with money laundering, and such practices could not survive without financial institutions being used.

As I mentioned before, if we look at Article 7, section 5 of the convention relating to mutual legal assistance, it says:

"A Party shall not decline to render mutual legal assistance under this article on the ground of bank secrecy."

So the question of this bank secrecy is coming up over and over again in the Convention. If one reads literature, for example the *Commonwealth Law Bulletin*, one would see this occurring over and over again. Why is it not mentioned here specifically? I have tried to find out from other people whether, in fact, it is there and I have not been able to get any positive answer as to what is the situation. The nearest I have come to an answer is in this document on money laundering produced by the Office of Strategic Services, Ministry of National Security Counter-Narcotics Public Education Programme that was passed around today, which says, as Sen. Wade Mark mentioned, there is an agreement among eight commercial banks, and it ends with the paragraph saying "this is indeed a step in the right direction and one that should be taken by all financial institutions". I do not think it should be left to them to take it; there should be legislation empowering them to do these things.

If, in fact, existing bank laws are an impediment to prosecuting people who are involved in money laundering, we should do away with such bank secrecy laws. *[Interruption]* I would talk to him when I have finished speaking and, maybe, the Minister can reply to me formally afterwards.

What about other financial institutions such as the Trinidad and Tobago Stock Exchange? I have an article that appeared on page 308 of the *Commonwealth Law Bulletin* in January 1987 in which it was stated that a letter was sent by the stock exchange in the UK to all stockbrokers indicating that they have a duty to report suspected money laundering by their clients. I wonder—and perhaps, the Minister could tell us—if this Dangerous Drugs (Amdt.) Bill 1993 overrides the stockbroker's duty to keep his clients' affairs confidential? If so, is this clear from the amendment? If not, why is this not so?

The other point I wanted to mention relates to offences on the high seas. I should not like to say what my reaction is to reading this, in case someone questions my reaction as was done by someone else who mentioned this. The statistics show that it is only with the advent of jet travel that drugs were being shipped by air; before that the high seas were used all the time for trafficking drugs. Now, it has gone back to the sea because strict security obtains at the airports. From our own experience—if one even looks at today's newspapers—most of the drug traffickers have been caught at the airports. One hardly finds anyone being caught at the seaports; there is the odd person coming off the ferry at Tobago being caught and that is about all; but there is no real inroad into people being caught on the high seas or at seaports.

6.55 p.m.

This area should not be ignored as the amount of drugs shipped via the seas is substantial. I have some data that appeared in an article in the *Bulletin of Narcotics Vol. III of (1990)*, "entitled Maritime drug trafficking an underrated problem." It says:

"According to seizure data, a substantial proportion (about 70 per cent) of the total quantity of drugs seized is confiscated either from maritime modes of conveyance or after having been transported by sea.

According to a survey of the various agencies concerned with illicit drug trafficking among members of the Organization for Economic Co-operation Development, only eight to 12 per cent of the total volume of drug trafficked is seized. "

If we are not making inroads into seizures of those drugs that come by sea, then we are not making any real headway. The majority of the drugs use that route.

When the Minister was speaking during the budget debate he mentioned that because we live on an island it is difficult to patrol our coastal areas. This *Bulletin of Narcotics* just mentioned that this is a common problem. No policing agency can really have 100 per cent surveillance of all its coastal areas. It is something we have got to live with and do the best we can. I do not see any real need for an apology there. He also mentioned that because of the amount of cargo coming in by containers this poses a problem. This is not unique to Trinidad and Tobago. This is a phenomenon that has been occurring a long time. We have to live with this and we have to adopt a method in the way customs operate when baggage comes in at the airport. If one cannot look at all the containers one has to adopt some other approach. One should be able to do some sort of random check.

Sen. Rooks talked about free trade zones and he lamented the fact that we have not really instituted many of these. He quoted a number saying that about 10,000 jobs are created here. The literature tells us that free trade zones are the areas in which there is much transshipment of drugs taking place. So that if we are ever to get the free trade zone area off the ground we should ensure that it is not used for any transshipment of drugs.

What we are dealing with is matters on the high seas and there are some interesting areas. If you go through the clauses in the Bill you will see that permission has to be obtained from this government and that government to board a ship.

There is an example of an admiral from the United States Coast Guard. This is what he said before the House of Representatives Sub-Committee on crime as quoted on page 1486 of the *Commonwealth Law Bulletin*, October 1989:

"We get concerned about that because so many things can happen. The weather can turn on you. It can go from day to night while you are waiting for that time to seize. Another, it allows them the opportunity to destroy the contraband. We sit there sometimes alongside and watch plastic bags being opened up and white powder being dumped over the side...Another thing that concerns us while we are waiting is that they could run for the territorial waters of a third state which would compound our problems and so we like to see the process speeded up."

So that even though we have these laws, even for a country like the United States which can send a cutter alongside a ship it is not very easy to make an arrest on the high seas. There is another example given in which someone was about to board a ship and it took so long; they sent cables back and forth to the British Government but they were unable to get permission in time—this was a long process. I do not know whether we have ever stopped any ship on the high seas. Perhaps, this law was not in effect then. We ought to bear in mind that even if we have the capability of doing this, it can be slightly frustrating.

There are just two more points I should like to mention. When the Minister introduced this Bill he wisely prophesied that 35E was going to cause some problems. It is causing some problems. In fact, it seems that the passing of this Bill hinges on whether the amendments that are before us are going to be agreed upon. I am sure good sense will prevail in this matter. It is an amendment that is not going to affect the arrest capability of the police force. It is just going to regularize something that other people have tried before. So that I do support the

Dangerous Drugs (Amdt.) Bill
[SEN. ALI]

Tuesday, February 22, 1994

amendments by Sen. Daly with respect, particularly, to the amount that somebody ought to be suspected of having before you can think of searching.

Mr. Vice-President, my final point centres on something that Senators Wade Mark and Prof. Spence have mentioned—that there is a certain climate that prevails when incidents of drug trafficking take place. We ought to address that situation.

Sen. Dean referred to the Commonwealth Caribbean Conference on the International Drug Conventions and Drug Abuse which took place in Port of Spain from April 3 to April 6, 1989. There is Recommendation 20 which I would like to read and end my contribution with.

"While prevention of substance abuse involves both reduction of supply via law enforcement and preventive education, early case finding, treatment and rehabilitation, our focus is on demand reduction. This entails public education, especially targeted to youth in and out of the school system, training of relevant professional groups, community-generated activities, and providing alternative life-style options. Employment opportunities are essential. Research and evaluation are required in each of these areas."

Apart from instituting these laws we ought to address some of the recommendations that were made at the Conference which was held in Port of Spain.

With these few remarks, I thank you very much.

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. Vice-President, I was taken somewhat by surprise and shock after introducing this Bill. Therefore, you would understand why I have only four pages of my note pad to deal with matters to which I have to respond.

The surprise is that the Opposition Senators said that they were supporting the Bill, and most of them who remained relevant did, in fact, deal with the Bill in such a way that they really left very little for me to do but to bring an early end to today's debate.

However, let me deal with a few points raised by some of the Senators who spoke today. Sen. Hydar Ali, Sen. Dean and several other Senators made reference to the banking secrecy laws and they perceived problems as to why no provision was made in the Bill for making it mandatory for banks to report suspicious transactions.

We have almost completed the drafting of the Central Banking Act, and new stock exchange legislation. Relevant provisions will be included in those two pieces of legislation to deal with the stock exchange reporting to the Central Bank certain unusual transactions as well as commercial banks reporting to the Central Bank on suspicious transactions. Appropriate provisions will be put in those two pieces of legislation to address that problem. The Central Bank has, in fact, been playing an important part in the whole drug interdiction exercise. As a matter of fact, quite a few of the Central Bank officers have benefited from training courses in terms of the use of commercial banks by money launderers.

7.05 p.m.

It is always difficult to deal with a contribution made by Sen. Wade Mark. He tends to ramble on all sorts of issues and every so often he would become relevant and then off he goes again. He made some points. He belaboured the point about the police service and its ability to do certain things. I took most of what he said on the police service. The most that I can say is that we are in fact, working towards training as many police officers as possible, not only to be able to manage this legislation, but also to deal with other aspects of their portfolio. It has been recognized that training is one of the greatest needs in the police service. I think it is a far greater need than motor vehicles and other physical instruments, so to speak. There is, in fact, a great need for training.

As a matter of fact, just last week, I had discussions with the Canadian Ambassador requesting that his Government provide us, through their Police Training Institute, with some trainers in the field of undercover operations, as well as crime scene protection courses. This morning we had a meeting again whereby we were trying to develop how this would take place. In order that as many officers as possible from the Trinidad and Tobago Police Service as well as other interdiction organizations benefit, the request is that the Canadians come here to conduct the course, rather than our seeking to send the officers abroad. The Canadian Government has, in fact, responded favourably and we are now putting the mechanics in place. In addition, the Canadian Government would be providing the Organized Crime and Narcotics Unit with Can. \$1 million worth of communication equipment to facilitate its operations in drug investigations.

Mention has been made about not providing the police service with resources. I think it was Sen. Capildeo who alluded to the presence of a Seize Assets Fund. There is in fact a Seize Assets Fund which had a sum of US \$40,329.60 credited to it some time last year. Out of this Fund, we have already spent TT \$151,534 in

Dangerous Drugs (Amdt.) Bill
[HON. R. HUGGINS]

Tuesday, February 22, 1994

providing for the Organized Crime and Narcotics Unit. From that Fund, we have repaired 17 vehicles belonging to the Organized Crime and Narcotics Unit; they are now fully operational. In addition two new vehicles were purchased for that Unit.

Out of that Fund also, five police officers from the Unit were sent to Martinique to participate in a training course. Moneys were used by investigating officers to be present in Venezuela and North Carolina as part of the investigations when there were drug seizures in Venezuela and North Carolina. The North Carolina seizure which is better known, that being the *Harold La Borde* seizure. We have, in fact, been using the funds.

I think one of the best provided units in the police service is in fact the Organized Crime and Narcotics Unit. It would really be dispensing misinformation if one were to say that no effort is being made to provide them with all the tools of their trade. At present we are awaiting some further equipment. I heard Sen. Wade Mark say that we must give them additional fire power. I only hope that when they use this fire power effectively, he would just as eagerly stand and defend their use of it.

Mr. Sobion: I hope he does not stand in the way of the fire power.

Sen. The Hon. R. Huggins: This brings me to an unusual call emanating from the Independent Benches. I was really surprised by some of the statements of my dear friend, Sen. Mahadeo, calling for such harsh measures to deal with drug traffickers. I am happy to see that in some ways we think alike. I feel certain that it would go a long way in repairing our relationship which seemed to have been going astray.

Before I dispense with Sen. Wade Mark, let me just tell him that in terms of his information about computers in the police service, I would suggest that before he comes to the Senate and the cameras and make such wild statements, based on information which I do not know where he gets it from, he could come to talk to me.

Sen. W. Mark: I have no intention of coming to talk to the Minister.

Sen. The Hon. R. Huggins: I would tell you what we have and what we do not have, of course, within certain confines. His information is as usual, always wrong.

Sen. Prof. Spence: Could the Minister indicate what is the situation with computers in the Police Service Commission?

Sen. The Hon. R. Huggins: I am advised that there are in fact computers in the Secretariat to the Commission. That is the DPA's department. I am advised. I know Minister Draper has received a lot of computer equipment which is being sent throughout the public service. My ministry has many computers, as a matter of fact, like the police service. When they are fully installed and operational—at present we are going through the programming of fingerprinting—I would take Sen. Wade Mark on a guided tour so he can see for himself and come here and praise what he has seen and not act on misguided information.

Sen. Merritt: Would the Minister clarify? Does he intend to do a networking of the computers throughout the different divisions so that he would have information from division to division concerning particular criminals or the historical background of criminals and cases? If you do not utilize the computers for that type of historical background on criminals and their case histories, it makes no sense having the computers. Having the computers is one thing, but utilizing them to the fullest to help fight the crime situation is another thing.

7.15 p.m.

Sen. W. Mark: Could the Minister indicate to us whether the office of the Commissioner of Police has been computerized, or are his operations still on a manual basis?

Sen. The Hon. R. Huggins: I take it you went into the Commissioner's office and did not see a computer. I was of the impression that it was public information that a contract was, in fact, awarded by the Central Tenders Board to ICL to computerize the entire police service and that is what is taking place now. Phase I, as far as I know, has been completed—that is the purchase of all the equipment—and what is going on now is phase II, for which money has, in fact, been provided in the budget for training of personnel and the putting in of programmes, and other data.

To deal with Sen Merritt's point: this is one of the reasons—and I reported this to the Senate—Cabinet took the decision to employ the services of an Information Technology Manager and certain professional computer staff. Yes, it is the intention to network to a certain extent. Only to a certain extent because there will be certain information which will have to be blocked out to other departments. It is intended to do that first with the Immigration Department because there is a work relationship between Immigration and the Police Department. That will take some time to develop.

Sen. Merritt: There must be a security man for the whole system, to block out information.

Sen. The Hon. R. Huggins: Well, qualified people are doing it. I am no computer expert. If you are looking for a job, you can tell me. If you are looking for a little contract job, I can give you that *[Interruption]* That is why I am offering you the job.

Sen. Daly was the biggest proponent of this statement about rat-infested storage facilities, and he was subsequently echoed by others. The Attorney General and I are looking at a system whereby the need for keeping certain types of evidence beyond a certain time can be eliminated. In other words, we are looking at a procedure where evidence once tendered and properly documented, can be disposed of. We have a situation now which is causing a problem in the police service.

There is a large quantity of cocaine in storage—this cocaine has not been eaten by any rat—and if something is not done shortly, we may have the problem of storing it. One has to understand, too, that it is a product that can deteriorate, and I know of some skilful attorneys who can use that fact. Cocaine may weigh 200 kilograms today and the next four years it will weigh 100 kilograms? They may argue that you say you seized 200 kilograms, where is the 200 kilograms, when by virtue of its chemical nature some may disappear.

We are looking at ways and means of putting a system in place, probably by amendment to the Evidence Act. This really came about, not really so much because of the cocaine, but moreso because of stolen vehicles which were recovered and were being kept for years and the owners cannot get them back. That is what really prompted us to look at this whole system of dealing in a particular way with the evidence, so that once it is properly tendered, documented and recorded, it can be returned to its owner, in terms of stolen vehicles, or, in terms of drugs, it can be destroyed.

Sen. Dean raised the question of the credit union and consideration is, in fact, being given to that, principally for the reason that he has indicated. Information has in fact reached me that the credit union is being used for money laundering purposes. We have specific information of some transactions moving in and out of credit unions. The Senator's point is valid and it is being looked at in terms of bringing credit unions within the ambit of legislation. It may be dealt with within the Central Bank legislation. I am not certain as yet.

Sen. Diana Mahabir-Wyatt raised several concerns about appropriate provisions in the Bill, some of which will in fact be addressed by certain amendments. I think in one particular case, she was concerned about the meaning of the word "jurisdiction" in clause 9. I think she had also raised a concern, when we were dealing with precursor chemicals, of the responsibility for making the regulations, insofar as the record-keeping falling on the Minister of National Security and not on the Minister of Health. Let me assure her that there will be no problems. Principally, that function of setting up the procedures for recording will be handled by the OSS. I do not foresee any sort of ministerial bureaucracy.

Sen. Mahabir-Wyatt: Can the Minister answer another point? I could not understand why the Bill before us, in clause 13, repeats word for word section 27 of the existing Act. Section 27 of the existing Act reads:

"Without prejudice to the provisions contained in the Accessories and Abettors Act or sections 65 and 66 of the Interpretation Act..."

I was wondering why it was repeated.

Sen. The Hon. R. Huggins: I was getting to that. It is, in fact, an error and the list of amendments, which we circulated calls for the deletion of clause 13 in the Bill, which would take care of that problem.

7.25 p.m.

Mr. Vice-President, it is our intention to move certain amendments to the Bill before us and many of these amendments deal in some way with the suggested amendments raised by Sen. Daly and I think, to a lesser extent, by Sen. Wade Mark.

As I indicated when I began, because of the widespread support for this piece of legislation, there was an unusual number of positive statements being made, and praises being issued about the Bill and so forth. It therefore does not leave too much for me to address in winding up. And I want to thank all the Senators for their support.

Sen. Prof. Spence:— the Mc Intyre Report and say what happened to it?

Sen. The Hon. R. Huggins: Before I continue my expressions of thanks to the Senators—Sen. Spence raised a matter about the Mc Intyre Report, *Building National Consensus and Social Policy*. This report was in fact submitted to the Cabinet only last week Thursday and the Cabinet decided that copies of it should be sent to the relevant ministries for them to look at the recommendations and to

report back to the Cabinet with respect to the feasibility, efficacy and sustainability of some of the initiatives.

Ministries have in fact been asked to report back within two months' time to the Cabinet, so I am not in a position to say, at this point in time when the report will be made public and when it would be laid in Parliament.

Again, I want to thank the Senators for giving their wholehearted support to this Bill. I also want to give Senators the assurance that the Government is going to work assiduously towards ensuring that the legislation is given full effect; that the protective services are put in a proper physical state, proper frame of mind to manage this piece of legislation. Further, I have also had discussions with the DPP to ensure that we also get his support in managing this legislation in terms of the areas relating to confiscation and forfeiture orders.

I feel confident that not too far in the future I would be able to come back to this Parliament and report some positive aspects of the legislation. That being the case, Mr. Vice-President, I beg to move that the Dangerous Drugs (Amdt.) Bill, be now read a second time.

Question put and agreed to.

Mr. Vice-President: The sitting of the Senate is now suspended for one hour. We will resume at 8.30 p.m. at which point the committee stage will be taken.

7.30 p.m.: *Sitting suspended.*

8.42 p.m.: *Sitting resumed.*

Bill committed to a committee of the whole Senate.

Senate in committee.

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5.

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

Sen. Capildeo: Mr. Chairman, there is an amendment to clause 5, proposed section 35A(5)(c), Sir.

Mr. Chairman: Let us take these in order, Sen. Capildeo. We are looking here at the list of amendments moved by Sen. Wade Mark.

Sen. Capildeo: Mr. Chairman, there is an amendment to include the words:

"(d) Where the Court is satisfied under subsection (c) of this section that the Foreign Order is subject to appeal, sections 36-40 inclusive of the Dangerous Drugs Act, 1991 shall apply in respect of applications made by the Director of Public Prosecutions on behalf of a designated country."

We are suggesting that a new clause (d) be included to incorporate this amendment.

Mr. Sobion: Mr. Chairman, the effect of this proposed amendment would mean that a restraining order can be made in circumstances which are not permitted by sections 36 and 40, because there would be no effective proceedings commenced in Trinidad and Tobago. A restraining order could only be effected once the external confiscation order, this is a request from another country to register an order here—The effect of the proposed amendment would be to allow a restraint order to be made against someone's property where there are appeals pending in a foreign court. It would be difficult to accommodate this amendment within the legislation as it now stands.

Sen. Capildeo: Mr. Chairman, I appreciate what the Attorney General is saying, but without the amendment the position would be that the trafficker could get away scot-free by disposing of his property whilst an appeal is pending out there. I could understand the difficulty in putting in an amendment like this *simpliciter*, here because there will be a number of other consequential amendments in other pieces of legislation to take care of this.

If I have an undertaking from the Attorney General that he would keep in mind the problem that we would face: that if a foreign government applies to register an external confiscation or forfeiture order, the court in Trinidad and Tobago could not do it if the order was subjected to any kind of appeal over there—And whilst that appeal is going on over there, the trafficker here could unload the property and get off scot-free in that sense. So he should bear in mind that at some point the amendment will have to come in, together with amendments to other pieces of legislation that will block that loophole. Because once the appeal is abroad the trafficker could walk out free, so to speak, in this country.

Mr. Sobion: Mr. Chairman, I have considered the matter. There is a loophole, but it would require extensive amendments, and as Sen. Capildeo pointed out, perhaps to other bits of legislation as well. But I do take the point that it is a possibility. Insofar as is suggested here, I do not think this is the proper route to deal with the loophole.

Sen. W. Mark: Mr. Chairman, how soon can the Attorney General give us, in terms of a time-frame? Because this is a very fundamental point, and we are trying to tighten the legislation. So, if as Sen. Capildeo says, there is an appeal taking place out there and these people who are under scrutiny here could easily dispose of their properties or whatever earnings or assets, they have it would make the case all the weaker in terms of attacking this scourge.

8.50 p.m.

Mr. Chairman, what I am trying to find out from the Attorney General is how soon he would be in a position to envisage such fundamental changes being brought as consequential amendments to the various pieces of legislation that would have to be amended in an effort to plug these loopholes that we have identified.

Mr. Sobion: Mr. Chairman, the concern is noted and we would try to deal with it as soon as we can; I cannot tie myself to a time-frame on something like this.

Sen. Mahadeo: What would have happened under the appeal is that previous to that when the conviction is already done, the drug or the narcotic, whatever it is, would have already been put into evidence and been recorded and put in as a court exhibit. So that if it was dispensed with after that point, while the appeal is on in a foreign country and this man wants to get rid of it at this end, it still would not make much difference because it would have already been in by way of an exhibit, I would think, in the proceedings.

Sen. Capildeo: It is property we are speaking of.

Sen. Mahadeo: Oh, I see.

Sen. Capildeo: Mr. Chairman, I think we can move on since we have the undertaking from the Attorney General that the amendments will come in due course.

Mr. Chairman: Are you prepared to withdraw it on that undertaking?

Sen. Capildeo: Withdraw is a hard word in this case. I would not pursue it. I hope Senators opposite remember all this spirit of compromising when we are dealing blows next week.

Sen. W. Mark: Mr. Chairman, I beg to move that proposed section 35A be amended as follows:

"Insert the following new paragraph after section 35A(5)(c):

"(d) Where the Court is satisfied under subsection (c) of this section that the Foreign Order is subject to appeal, sections 36—40 inclusive of the Dangerous Drugs Act, 1991 shall apply in respect of applications made by the Director of Public Prosecutions on behalf of a designated country."

Sen. Capildeo: I had a word with the Attorney General on section 35A(7) which says

"The Court shall cancel the registration of an external confiscation order or an external forfeiture order if it appears to the court that the order has been satisfied whether by payment of the amount due under the order, by the person against whom the order is made serving imprisonment in default or otherwise."

We had a problem as to how the courts in Trinidad and Tobago would be satisfied that the external confiscation or forfeiture orders had been complied with and we wanted an amendment to say that the courts in Trinidad and Tobago would be satisfied by way of evidence provided by the designated country. We wanted to include that, but having spoken to the Attorney General what we would be doing by way of this amendment would be limiting our courts only to the evidence provided by the designated country and therefore provide additional loophole for a trafficker to get out of it. So this one we could withdraw.

Amendment [Sen. W. Mark], withdrawn.

Sen. Capildeo: Mr. Chairman, I beg to move that proposed section 35B be deleted. It says:

"The President may direct that anything forfeited under this Act, other than a dangerous drug, be restored on such terms and conditions as he thinks fit."

Having regard to our peculiar local culture and the position of the President of this country, we are suggesting that the President not be involved at all because there are other constitutional means for a person who feels oppressed, victimized, or that he has suffered some injustice, to go to the President under the Constitution. We say, remove the President from this Bill and we are asking that this clause be deleted completely.

Mr. Sobion: Mr. Chairman, there are constitutional provisions. Whilst this clause is customary in statutes which provide for forfeiture, perhaps, we can go

Dangerous Drugs (Amdt.) Bill
[MR. SOBION]

Tuesday, February 22, 1994

along with this particular amendment and delete section 35B and renumber the other subclauses appropriately.

Question, on amendment, [Sen. W. Mark] put and agreed to.

Sen. W. Mark: Mr. Chairman, I beg to move that (3) of 35D be deleted and substitute a new (3) as follows:

- "(3) where the High Court issues a Certificate following an application under subsections (1) and (2) the Court may, at the same time, in response to an application by the Director of Public Prosecutions:
- (a) substitute for that amount such amount, not exceeding the amount assessed as the value referred to in subsection (1), as appears to the Court to be appropriate having regard to the amount now shown to be realizable; and
 - (b) increase the term of imprisonment or detention fixed in respect of the confiscation order".

Sen. Capildeo: Mr. Chairman, when one looks at proposed subsection 35D(1), (2) and (3), there is really a double application that is being made here.

Subsection 35D(2) says:

"Where, on an application made in accordance with subsection (1), the High Court is satisfied that the amount that might be realized in the case of a person referred to in subsection (1) is greater than the amount taken into account in making the confiscation order, whether it was greater than was thought when the order was made or has subsequently increased, the Court shall issue a certificate to that effect giving the Court's reasons."

That is one application.

Proposed subsection 35D(3) says:

"Where a certificate has been issued under subsection (2) the Director of Public Prosecutions may apply to the Court for an increase..."

That is application No. 2. We were trying to save judicial time and cost by amalgamating both applications, but looking at it no matter how we phrase it there will be two applications, so we withdraw our proposed amendment to this subsection.

Amendment [Sen. W. Mark], withdrawn.

Mr. Sobion: Mr. Chairman, may we take Sen. Daly's amendment at this stage?

Mr. Chairman: These are (a), (b) and (c), so let us take them step by step.

Sen. Daly: Mr. Chairman, I beg to move that proposed section 35E be amended as follows:

- "(a) substitute for the words "A customs officer" appearing in line 1, the words "The senior customs officer on duty at the port at the time";
- (b) insert between the word "officer" and the word "may" in line 2, the words "of the rank of Sergeant or higher"; and
- (c) insert between the word "cash" and the word "which" in line 3, the words "in excess of US \$3,000.00."

Mr. Sobion: We accept (a) and (b) of Sen. Daly's amendments, Mr. Chairman.

In respect of (c), what we are proposing, as appears in the list of amendments which was circulated by us, is that we use the formula in the UK legislation and rather than have a fixed sum, that a sum be prescribed from time to time. It is the UK formula and we think that it gives the kind of flexibility necessary to deal with situations such as these.

Sen. Daly: Mr. Chairman, I shall not pursue (c) of my amendment to proposed section 35E(1).

Sen. Capildeo: Proposed section 35E(1) on page 14, is that the one we are dealing with?

Hon. Senator: Yes.

Sen. Capildeo: The words "A customs officer" are replaced with the words, "The senior customs officer on duty at the port at the time"?

Hon. Senator: Yes.

Sen. Capildeo: In line 2, the words "of the rank of Sergeant or higher" are inserted.

Hon. Senator: Yes.

Sen. Capildeo: With respect to (c), I understand that he is withdrawing his amendment—"in excess of US \$3,000.00"—and is in favour of the Attorney General's amendment.

Sen. W. Mark: We have a little problem with this amendment.

Mr. Chairman: To avoid all confusion, we would take them one by one.

Question, on amendments (a) and (b) [Sen. M. Daly], put and agreed to.

Amendment (c) withdrawn.

9.00 p.m.

Mr. Chairman: Can we go back to the list of amendments moved by Sen. Mark at the top of page 2 which read as follows:

"Re-number section 34E(1) as 35E(1)(a) and insert a new paragraph Section 35(1)(b) as follows:

"(b) A customs officer or police officer seizing cash under Section 35E(1)(a) must within 24 hours of the seizure deliver the cash to the care of the Comptroller of Accounts."

I ask whether or not you are going to—

Sen. Capildeo: Let me explain that, Sir, if you would allow me.

Mr. Chairman: Yes, please.

Sen. Capildeo: We had adjusted, because of—I would not say the political culture of the country—I would say the culture of the country. The police and the customs seize large amounts of cash, and having regard to past experience we wanted to have some authority to be in a position to receive the cash.

We had suggested the Comptroller of Accounts because we could not think of anybody else, but practically speaking, after I spoke to both the Minister and the Attorney General, that was impractical, so that we would have to withdraw it. I wish there was somebody else who could have been put to receive the sums of money from the police or the customs. Because the Comptroller of Accounts' office is not open 24 hours a day and these seizures are usually made at weird hours of the morning—*J'ouvert* hours. So we can—what was the word I was told to use?

Mr. Sobion: Not pursue.

Sen. Capildeo: But you see, I have practical experience and I gave the Minister the name of one of the policemen who are now "living it up" in Miami with moneys through—

Sen. Hosein: Sen. Capildeo, is there the possibility of using a night safe?

Sen. Capildeo: Well, the police have certain regulations when they are in possession of moneys like that; there are enormous regulations that they follow. But up to now they have not been followed to the letter. So we have to do something about putting "rat poison."

Sen. Hosein: The Minister will have to take care of that.

Sen. Capildeo: So, we cannot pursue that, Sir.

Amendment withdrawn.

Mr. Chairman: Can we then continue with Sen. Wade Mark's amendment? He is proposing to—

"Delete the word "forty-eight" in line 3 of proposed section (2) and insert the word "ninety-six."

Mr. Sobion: We agree to that amendment, Sir; it is a practical amendment, because it depends on the time seizures take place. If there is a seizure on Friday night there may be a difficulty getting to a magistrate.

Sen. Capildeo: So we agree on ninety-six hours.

Question, on amendment, [Sen. W. Mark] put and agreed to.

Mr. Chairman: The next amendment by Sen. Wade Mark—clause 5—to proposed section 35E (6)(a) is as follows:

"Insert after the words "a magistrate" in line 1 of subsection (9) the words "sitting in the magistrates' court which made the original order for detention,"

Mr. Sobion: You are not going to pursue this one either—a magistrate sitting in the magistrates' court.

Sen. Capildeo: Well no, we are withdrawing this one, Sir, because the magistrates are already confined to certain districts. Is that not so, Senator Mahadeo?

Sen. Mahadeo: Yes, indeed.

Sen. Capildeo: There are districts in which they are confined, Sir. A magistrate knows where he sits, so there is no need to pursue this one. We are withdrawing this, Sir.

Amendment withdrawn.

Mr. Chairman: Let us move on to Sen. Diana Mahabir-Wyatt's proposal:

"Clause 5 —section 35E(6)(b)—delete the words "or Police Officer" in lines 3 and 4 thereof."

Sen. Mahabir-Wyatt: The reason I suggested that was that the money is going to be delivered into the care of the Comptroller of Accounts under subsection (5) and it seems, as a result, a little illogical that the police officer could release that cash when it is under the care of the Comptroller of Accounts.

Mr. Sobion: Mr. Chairman, I say that we support that amendment, but we want to add to it, by deleting the words "Comptroller of Customs" because the cash would be with the Comptroller of Accounts. So that the words "the Comptroller of Customs or police officer"—all of those words—should be deleted from that section, including the two commas.

Question, on amendment, put and agreed to.

Sen. Mahabir-Wyatt: Mr. Chairman, in my proposed amendments there was a typographical error. Under the First Column, it should be 8.

Mr. Chairman: Yes, we picked up that. We will treat with that when we get down to clause 8.

Mr. Sobion: There is a marginal note amendment to section 35C, which is a minor amendment. The marginal note reads:

"Interest on sums paid under confiscation orders."

The amendment is—insert after the word "sums" the words "to be".

Question, on amendment, [Mr. Sobion] put and agreed to.

Mr. Sobion: The following amendments are proposed:

B. In section 35E—

- (a) insert after the word "Tobago" in proposed subsection (1) the words ", if its amount is not less than the prescribed sum,".
- (b) insert after the word "or" in line 4 the word "a"

Question, on amendment (a), [Mr. Sobion] put and agreed to.

Mr. Sobion: Mr. Chairman, we are not pursuing the amendment at (b), but (a) and (c) are the ones which deal with "the prescribed sum", the UK provision.

Amendment (b) withdrawn.

9.10 p.m.

Mr. Sobion: Mr. Chairman, the amendment reads as follows:

"(c) Insert after subsection (7) the following subsections—

"(8) In this section "the prescribed sum" means such sum in Trinidad and Tobago currency as may be prescribed for the purposes of this section by an order made by the Minister to whom responsibility for National Security is assigned and in determining under this section whether an amount of currency other than Trinidad and Tobago currency is not less than the prescribed sum that amount shall be converted at the prevailing rate of exchange."

Sen. W. Mark: Mr. Chairman, we have a little difficulty with the subsection (9). I think we have all agreed—

Mr. Chairman: Let us deal with (8).

Sen. W. Mark: Oh, so sorry. Is it not (9) we are dealing with?

Mr. Chairman: No. You are dealing with (9). Let us get (8) out of the way and then we will go on to (9).

Sen. W. Mark: Very well, Sir.

Question put and agreed to.

Mr. Sobion: The other amendment reads as follows:

"(9) An order made under subsection (8) shall be subject to negative resolution of Parliament."

Mr. Chairman: Sen. Wade Mark.

Sen. W. Mark: Mr. Chairman, we have all agreed that there ought to be a prescribed sum. The issue really is that that prescribed sum would be issued by Order under the pen of the Minister of National Security, however, we are still not certain that that takes care of what we were trying to avoid in terms of abuse of innocent citizens.

For instance, we do not know what this sum is going to be and, in any event, given (9), what would be tabled in this Parliament is some sheet telling us—well the sum is \$3,000 or \$5,000 or \$10,000. We would suggest to the Attorney General or to the Minister of National Security, that in an effort to ensure that there is no abuse—I mean to say, we cannot avoid it, but we could try to reduce it

Dangerous Drugs (Amdt.) Bill
[SEN. W. MARK]

Tuesday, February 22, 1994

as much as possible—we want to suggest that we remove "negative" and put "affirmative" resolution—in an effort to ensure that there is no substantial abuse of this particular section.

I do not think that the Attorney General or the Minister of National Security would be hard on this particular matter, because I think, for instance, that even in the UK Act, it says that any order is going to be subject to annulment of Parliament and we are following the UK Act in some respects. So I think that we could go with "affirmative" to ensure that there is little or a reduced amount of abuse in this area.

Mr. Sobion: Mr. Chairman, I would not be hard on this particular one. We have followed the UK precedent which requires annulment, which is a negative resolution. This is what we have done here. If we were to come into Parliament, one requires a certain amount of flexibility in dealing with this kind of matter and if those who are involved in the drug trade are able to manipulate and order their affairs, one requires some speed in dealing with the making of orders of this kind, and I see no real difficulty.

There is a procedure for dealing with matters which are subject to negative resolutions and if one wants to debate the question of whether it should be \$20,000 or \$25,000, certainly one can bring a motion to that effect. But in the interest of speed and dealing with a difficult area, I think we need to have those orders come into effect immediately.

Sen. Capildeo: Is the procedure a Private Member's Motion?

Mr. Sobion: Yes. It is a Private Member's Motion and the one occasion when it was raised in this session, we agreed to have it brought forward and have it dealt with immediately.

Sen. Capildeo: Do we still have that agreement?

Mr. Sobion: It depends on how critical the motion is.

Sen. Capildeo: Anything to do with money is critical.

Mr. Sobion: But, certainly, I would think that if a statute provides for a negative resolution, it should be given precedence over other private motions.

Sen. W. Mark: Mr. Chairman, I understand what the argument is, but that is an area that is of concern to me and I do not know if the Attorney General is reading the same thing that I am reading.

Under the UK Criminal International Co-operation Act of 1990, tell me if I am wrong here—it said that—

Sen. Capildeo: "An order made by the secretary of state subject to annulment in pursuance of a resolution." Negative resolution.

Mr. Chairman: Are you satisfied, Sen. Wade Mark?

Sen. W. Mark: No, Sir, I am not satisfied.

Sen. Daly: Do you have a bodyguard to go home?

Sen. W. Mark: No. I can get one if you wish. The National Security Minister is here.

All right. I do not want to detain the proceedings unnecessarily.

Sen. Capildeo: We have the understanding that the Motion will take precedence.

Sen. W. Mark: You see, we are concerned about abuse. That is our real concern.

Mr. Sobion: In fact, Mr. Chairman, as I recall, there is a requirement of the Standing Orders that these resolutions be disposed of within a 30-day period, if I am not mistaken, so they would have to be given precedence above others.

Question put and agreed to.

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

Clauses 6 and 7 ordered to stand part of the Bill.

Clause 8.

Question proposed, That clause 8 stand part of the Bill.

Mr. Sobion: Sir, there is a minor amendment to clause 8 which has not been circulated. It is to 8(b) which now reads:

"by adding after subsection (2)(b), the following paragraph:

'(C) that the proceedings—"

What is necessary is to have an "and" appearing before (c), because there is already an (a) and (b) in the original Act and we are adding a new (c), so it is just to add the word "and" before (c).

Mr. Chairman: Sen. Mahabir-Wyatt has "or".

Sen. Mahabir-Wyatt: Mr. Chairman, my amendment reads as follows:

"8 Substitute for paragraph (b) the following:

"(b)(i) by adding at the end of subsection (2)(b) the word "or" and"

I think if you read it, it has to be either "and" or "or", but if you have "and" your (c) will contradict (a) [*Interruption*]

Mr. Chairman: Just a minute, Sen. Mahabir-Wyatt. We are looking at Sen. Mahabir-Wyatt's proposed amendment to clause 8.

Sen. Mahabir-Wyatt: If the hon. Minister would take a look at the original Act, he would see that (a) talks about:

"But for the default the proceedings would not have been instituted or continued."

And (c) says:

"The proceedings would have been instituted or continued."

So you cannot have "and", because if you have "and", it would mean that (a) would contradict (c). It would cancel out (c), so presumably it would have to be (a) and (b) or (c).

Mr. Sobion: We would accept the amendment proposed by Sen. Mahabir-Wyatt.

Question put and agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9.

Question proposed, That clause 9 stand part of the Bill.

Sen. W. Mark: Mr. Chairman, my amendment reads as follows:

"9 47 (5)—Delete.

Re-number sub-paragraphs (6) - (13) as sub-paragraphs (5) - (12) accordingly."

Sen. Capildeo: We have two amendments. We are dealing with 47 (5) which comes first in line.

Mr. Chairman: Okay. We are dealing with the amendments by Sen. Wade Mark.

Sen. Capildeo: 47 (5), Sir, and then we deal with 47 (13) (b).

Mr. Chairman: Okay. Let us take these one at a time—47(5).

Sen. Capildeo: We are saying that when you read 47 (4) and you read 47 (5), it seems that anybody who has a knowledge or who knows that he is dealing with a drug trafficker and the proceeds of drug trafficking, could raise a defence and walk out free, so we are saying delete that clause completely.

9.20 p.m.

Mr. Sobion: Mr. Chairman, I would think that Sen. Capildeo might want this provision. After all, this is defense lawyers provision.

Sen. Capildeo: I am asking that it be deleted.

Mr. Sobion: It is the provision whereby it is meant to deal with persons who may—

Sen. Capildeo: Innocently buy property.

Mr. Sobion: No. This is a situation where a person may provide, for example, legal services to someone who is suspected of drug trafficking and he may, in those circumstances, based on the evidence that he has available to him, know that he is a suspected drug dealer and renders his services and receives the—

Mr. Chairman, I wonder if we can leave this provision till the end. I am trying to get a copy of the Barbados legislation which this is modelled on and perhaps that may clarify the situation a bit. If we could leave this clause for the time being.

Mr. Chairman: We will defer 47(5).

Sen. Mahabir-Wyatt: Mr. Chairman, I wonder if the Attorney General would take a look at the wording of this, because it refers to acquiring the property for adequate consideration. In section (4) it talks about "money or other property." In the instance that you are referring to, I think you are referring to a lawyer providing a service for money, rather than for property. But this Bill is talking about "property for adequate consideration". I agree with Sen. Capildeo here that, it looks like an ideal way to launder money, if I were trying to launder money. We would have to reword it somewhat differently, I think.

I think 47(6) takes care of your point, Mr. Attorney General.

Mr. Sobion: I still want to defer it because in any event the definition section defines "property" as meaning any monetary instrument as well. So there is

Dangerous Drugs (Amdt.) Bill
[HON. K. SOBION]

Tuesday, February 22, 1994

something a little amiss in relation to this provision. It could be cleared up if we stand it down for a while.

Clause 9.

Sen. W. Mark: Mr. Chairman, I wish to propose the following amendment to (7):

"Insert the words "any other enforcement officer nominated by the Minister in the Fifth Schedule' after the words 'a police officer' in line two."

Mr. Chairman: So it should read:

"Where a person discloses to a police officer any other enforcement..."

That is not reading correctly. Could you help us with this, Sen. W. Mark?

Sen. W. Mark: It should be "or".

Sen. Capildeo: It should be:

"Where a person discloses to a Police Officer or any other enforcement officer nominated by the Minister..."

Mr. Sobion: Mr. Chairman, I believe the reference to other enforcement officers in the Fifth Schedule relates to the high seas provision and I do not think it is appropriate to have it included in 47(7), which deals with matters which would not be on the high seas.

Sen. W. Mark: Mr. Chairman, I wonder if the Attorney General having regard to what has been taking place with some of our police officers could ensure that people have another source to reveal that information to, this is the main thing. We wanted a second person that the person could disclose this information to, rather than to disclose it to a police officer. We know what is taking place today in the police service so we wanted a safeguard here. We submitted something that apparently does not fit into it, but we wanted a safeguard, so that the person could disclose it to some other person in authority.

Sen. Capildeo: If we delete the word—

Mr. Sobion: It is not a question of finding a word; there are certain designated authorities and the police is the designated authority.

Sen. Capildeo: I am just giving the Minister more power, you know.

Sen. Huggins: I do not want any more power; I have enough.

Mr. Sobion: Whilst I appreciate the concern, I do not think there is anything we can do immediately on this.

Sen. W. Mark: We are simply trying to safeguard, but, again, maybe we will learn from experience here. So we would not proceed.

Amendment withdrawn.

Sen. Daly: Mr. Chairman, I propose an amendment to proposed section 47(12) which reads as follows:

"In the proposed subsection 47(12), add the following words at the end thereof: ', if the court is satisfied that the act was done in good faith and there were reasonable grounds for doing it.'"

Sen. Mahabir-Wyatt: I would like to support that, in the light of the various views expressed today—I will not go through them again—but it is a perfectly reasonable addition and appears elsewhere in the Act in relation to other action for the court.

Mr. Sobion: Mr. Chairman, we really have no difficulty with this. In fact, my own view is that it is surplusage, because I think in any event, based on the common law, the court will consider that if a policeman acts in good faith he is not committing an offence. So I would agree with the amendment.

Question on amendment [Sen. Daly] put and agreed to.

Sen. W. Mark: Mr. Chairman, I intended to propose an amendment to 47 (13) which reads as follows:

"Insert the words 'at the date of conviction' in subsection (13)(b) between the words 'drug trafficking' and 'whichever is greater'."

Mr. Chairman, I wish to withdraw my amendment.

Amendment withdrawn.

Mr. Chairman: With regard to 47(5), Mr. Sobion, you still have not found the reference—

Mr. Sobion: No—if you can come back to it.

Clauses 10 to 12 ordered to stand part of the Bill.

Clause 13.

Dangerous Drugs (Amdt.) Bill
[HON. K. SOBION]

Tuesday, February 22, 1994

Question proposed, That clause 13 stand part of the Bill.

Sen. Huggins: Mr. Chairman, I beg to move that clause 13 be deleted.

We are proposing the deletion of clause 13 since it already appears in the 1991 Act as section 26.

Question put and agreed to.

Clause 14.

Question proposed, That clause 14 stand part of the Bill.

9.30 p.m.

Sen. Daly: This is for the Sixth Schedule on page 30.

Sen. Capildeo: Having regard to the lateness of the hour and the lack of bodyguards, I would not insist on the deletion of the entire 13A, but merely the words in line four "whenever he considers the interests of justice so require, or", so that the ground for the transfer would be expedition. I indicated that to the Attorney General during the break.

Mr. Chairman: How would it read, Sen. Daly?

Sen. Daly: It would read:

"Notwithstanding any enactment to the contrary, the Director of Public Prosecutions whenever he considers that having regard to all the..."

Sen. Huggins: I think what Sen. Daly was suggesting is that we delete the words "the interests of justice so require, or". So, it would read "Notwithstanding any enactment to the contrary, the Director of Public Prosecutions whenever he considers that having regard..." and continuing.

Sen. Daly: That is correct. Thank you.

Sen. Capildeo: I wanted to suggest that the entire clause be deleted, as the original amendment suggested. If the Attorney General could look at this carefully again, and leave the residual power of changing around to the Chief Magistrate and the Chief Justice.

Mr. Sobion: Mr. Chairman, this section does not take away the administrative powers of the Chief Justice and the Chief Magistrate, all it provides is—

Sen. Capildeo: I want to take away the DPP's power.

Mr. Sobion: Well, he does not have that as yet. If we accept it, then we can move to have it taken away, but at this point, we are not taking away the

administrative powers of the Chief Magistrate to organize his courts. We would support the deletion of the vague words which are included in the Schedule at the moment.

Sen. Capildeo: That is "in the interests of justice".

Mr. Sobion: Yes. "in the interests of justice" which cannot be pinned down.

Sen. Capildeo: I am very worried that at this stage of our jurisprudential development—put that power in the hands of the DPP. I want to leave it where it is right now with the Chief Justice and the Chief Magistrate.

Sen. Mahadeo: Mr. Chairman, I concur with that view.

Mr. Chairman: Hon. Senators, there are two amendments. Based on discussions, the amendment that Sen. Capildeo is proposing is the deletion of 13A of the sixth schedule in its entirety.

Question put.

The Committee divided: Ayes 7 Noes 18

AYES

Mark, W.

Capildeo, S.

Baksh, Miss S.

Merritt, Miss C.

Hosein, M.

Barrack, J.

Mahadeo, Miss C.

NOES

Huggins, Hon. R.

Barnes, Hon. B.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Callender, S.

Ojah-Maharaj, D.

Dangerous Drugs (Amdt.) Bill

Tuesday, February 22, 1994

Elder, Miss J.

Rahael, J.

Gosine, Pundit R.

Hassim, A.

Maloney, A.

Nanga, J.

Lewis-Phillip, Mrs. N.

Bermudez, R.

Ramparas, R.

Mansoor, M.

Spence, Prof. J.

Daly, M.

The following Senators abstained: Mrs. D. Mahabir-Wyatt, E. Dean and Rev. D. Teelucksingh.

Amendment negatived.

Mr. Chairman: Hon. Senators, the second amendment suggests the deletion of the words "in the interests of justice so required, or".

Question put and agreed to.

Sen. Huggins: Mr. Chairman I beg to move that clause 14 be renumbered clause 1.

Question put and agreed to.

Clause 14, as amended, (renumbered 13) ordered to stand part of the Bill.

Clause 9 recommitted.

Mr. Sobion: Mr. Chairman, there is some difficulty with this provision 47(5). It is not simply a matter of deleting proposed subsection (5). One would also have to look at the provision of proposed subsection (6) which makes reference to subsection (5). There is a valid concern and I have given the undertaking to Senators in the Opposition that we would look at it again when the matters go to the Lower House. There is some cause for concern, but it is not a simple matter of merely deleting subclause (5).

Dangerous Drugs (Amdt.) Bill

Tuesday, February 22, 1994

Question put and agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Preamble ordered to stand part of the Bill.

Question put and agreed to, That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported with amendment.

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

The Senate voted: Ayes 28

AYES

Huggins, Hon. R.

Barnes, Hon. B.

Draper, Hon. G.

Robinson-Regis, Hon. C.

Callender, S.

Ojah-Maharaj, D.

Elder, Miss J.

Rahael, J.

Gosine, Pundit R.

Hassim, A.

Maloney, A.

Nanga, J.

Lewis-Phillip, Mrs. N.

Bermudez, R.

Ramparas, R.

Mark, W.

Capildeo, S.

Baksh, Miss S.

Dangerous Drugs (Amdt.) Bill

Tuesday, February 22, 1994

Merritt, Miss C.

Hosein, M.

Barrack, J.

Mansoor, M.

Spence, Prof. J.

Mahabir-Wyatt, Mrs. D.

Daly, M.

Dean, E.

Mahadeo, Miss C.

Teelucksingh, Rev. D.

Question agreed to.

Bill accordingly read the third time and passed.

9.40 p.m.

ADJOURNMENT

The Minister in the Office of the Prime Minister with responsibility for Public Administration and Public Information (Sen. The Hon. Gordon Draper): Mr. Vice-President, following discussions with the Leader of the Opposition and the Leader of the Independent Benches, we have agreed that we will not meet tomorrow as originally scheduled, and will continue the Senate on Tuesday next when we will have Private Member's Day.

I beg to move that the Senate do now adjourn to Tuesday, March 1, 1994 at 1.30 p.m.

Mr. Vice-President: Hon. Senators, before I put the question, I just wish to announce that we expect the President, Mr. Emmanuel Carter, back in the Chair next Tuesday.

I thank you all for your co-operation and assistance in the very many sittings that I occupied the Chair, and, from the way that you comported yourselves this

Adjournment

Tuesday, February 22, 1994

time around, I am certain that, I have to sit in the Chair again your co-operation and assistance is assured.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 9.43 p.m.

WRITTEN ANSWER TO QUESTION

Crude Production & Value

Pursuant to his reply to question No. 19 earlier in the proceedings, the Minister of Energy and Energy Industries (Sen. The Hon. Barry Barnes) caused to be circulated to Members of the Senate the following statistics:

	Production Bbls	Crude Value \$TT	Overriding Royalty \$TT	Government Royalty \$TT
LEASE OPERATORSHIPS				
TRINTOC				
1991	36,217	2,464,968	371,830	240,481
1992	117,881	8,037,802	1,195,260	793,739
1993 (To end Oct.)	117,014	8,443,996	1,049,102	806,677
Sub-Total	271,112	18,946,766	2,616,192	1,840,897
TRINTOPEC				
1989	3,820	261,758	46,880	28,014
1990	125,309	9,143,942	1,430,363	1,030,423
1991	295,659	18,924,593	2,265,986	2,155,670
1992	330,777	18,602,778	2,399,123	2,004,905
1993 (To end Oct.)	295,659	18,924,593	2,265,986	2,155,670
Sub-Total	1,034,887	60,608,710	7,442,785	6,876,696
TOTAL				
1989	3,820	261,758	46,880	28,014
1990	25,309	9,143,942	1,430,363	1,03,423
1991	315,539	16,140,607	1,672,263	1,898,165

CRUDE PRODUCTION & VALUE (cont'd)

	Production Bbls	Crude Value \$TT	Overriding Royalty \$TT	Government Royalty \$TT
1992	448,658	26,640,580	3,594,383	2,798,644
1993 (To end Oct.)	412,873	27,368,589	3,315,088	2,962,347
Sub-Total	1,305,999	79,555,476	10,058,977	8,717,593

CRUDE PRODUCTION & VALUE**FARMOUTS****TRINTOPEC**

1991	34,444	1,735,591	177,511	212,322
1992	130,029	7,729,618	785,220	953,626
1993 (To end Oct)	98,856	6,458,215	653,619	808,330
	263,329	15,932,424	1,616,350	1,974,278

B. WELL STATUS AS AT OCTOBER 1993

LEASE OPERATORSHIPS	Production Bopd	No. Wells Total	Leased/Farmed* Producing	Average/Bopd Well
TRINTOC	418	215	61	7
TRINTOPEC	1,083	803	272	4
TOTAL	1,501	1,018	333	5

C. LEASE STATUS AS AT OCTOBER 1993**NO. LEASES**

	TOTAL	CURRENT	ACTIVE
LEASE OPERATORSHIPS			
TRINTOC	4	4	3
TRINTOPEC	10	8	8
TOTAL	14	12	11
FARMOUTS			
TRINTOPEC	3	2	1