

Papers Laid

Tuesday, March 20, 2012

SENATE

Tuesday, March 20, 2012

The Senate met at 1.30 p.m.

PRAYERS

[MADAM VICE-PRESIDENT *in the Chair*]

VISITORS IN PUBLIC GALLERY

(WELCOME)

Madam Vice-President: Hon. Senators, if you look to the visitor's gallery you would see—and we would like to welcome on your behalf—the Form 4 students of Diego Martin Central Government School. We welcome you to the Parliament today. [*Desk thumping*] As an aside, you may have noticed that Sen. Basharat Ali has been absent for some time, and we would like to wish him a speedy recovery and a healthy journey back to the Senate. [*Desk thumping*]

PAPERS LAID

1. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the National Library and Information System Authority for the year ended September 30, 2008. [*The Minister of Public Utilities (Sen. The Hon. Emmanuel George)*]
2. Report of the Auditor General of the Republic of Trinidad and Tobago on the financial statements of the National Library and Information System Authority for the year ended September 30, 2009. [*Sen. The Hon. E. George*]
3. Administrative Report of the Princes Town Regional Corporation for the period 2010-2011. [*Sen. The Hon. E. George*]

ORAL ANSWERS TO QUESTIONS

**Commissioner and Deputy Commissioner of Police
(Terms and Conditions of Employment)**

51. Sen. Penelope Beckles asked the hon. Minister of National Security:

Could the Minister indicate:

- (a) the terms and conditions of employment of the Commissioner of Police and Deputy Commissioner of Police including salary pension, gratuity, bonus et cetera; and

(b) whether the Commissioner and Deputy Commissioner of Police are expected to meet any deliverables or targets in keeping with their contract of employment?

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Madam Vice-President, before I respond to this question, I would join you, as well, in welcoming our students from Diego Martin. [*Desk thumping*]

Hon. Senators are advised that upon assuming office in May 2010, the People's Partnership Government was faced with the long-standing issue of the non-appointment of a Commissioner of Police. Notwithstanding this, pursuant to the selection criteria set out, and after careful deliberation of the nominations presented, Cabinet agreed with the decision to appoint, on contract, two Canadian nationals to the positions of Commissioner of Police and Deputy Commissioner of Police, respectively. Additionally, two local senior officers were appointed Deputy Commissioners of Police on the establishment.

In response to the question posed, the terms and conditions for the positions of Commissioner of Police and Deputy Commissioner of Police, on contract, will be addressed. The preparation of terms and conditions for the offices of Commissioner of Police and Deputy Commissioner of Police falls within the purview of the Salaries Review Commission. After discussions with the prospective employees, and having regard to the fact that the selected officials were required to relocate to a foreign jurisdiction, it was considered prudent that the parties receive a remuneration package commensurate with the compensation received in the country of origin.

After careful deliberation, the total annual compensation packages agreed upon were: Commissioner of Police, \$1,307,900 per annum; Deputy Commissioner of Police, \$1,248,000 per annum. The monthly compensation packages offered to the both parties are also follows:

Remuneration—Commissioner of Police:

Salary	\$25,000
Duty allowance	\$2,650
Transport allowance	\$3,250
Telephone allowance	\$500
Inducement allowance	\$72,592
Travel grant	\$5,000
Total	\$108,992 per month

Remuneration—Deputy Commissioner of Police:

Salary	\$21,700
Duty allowance	\$2,200
Transport allowance	\$3,250
Telephone allowance	\$400
Inducement allowance	\$52,950
Travel grant	\$5,000
Housing allowance	\$3,850
Housing supplement	\$14,650
Total	\$104,000 per month

The terms and conditions of each contract provided for the payment of a signing bonus to both officers:

- (a) For the person engaged as Commissioner of Police, a signing bonus of \$60,000, payable 50 per cent in the sum of \$30,000 upon signing the contract and 25 per cent in the sum of \$15,000 at the end of year one and year two, respectively, separate from gross income.
- (b) For the person engaged as Deputy Commissioner of Police on contract, a signing bonus of \$50,000, payable 50 per cent in the sum of \$25,000 upon signing the contract, and 25 per cent in the sum of \$12,500 at the end of year one and year two, respectively, separate from gross income.

Apart from their basic salaries and allowances, other entitlements granted to both the Commissioner of Police and Deputy Commissioner of Police are as follows:

1. official car fully maintained;
2. official driver;
3. official residence fully maintained and furnished by the State;
4. uniforms free of charge;
5. thirty days' vacation leave;
6. medical benefits;
7. entertainment—actual expenses incurred;

Oral Answers to Questions
[SEN. THE HON. BRIG. J. SANDY]

Tuesday, March 20, 2012

8. loan of \$200,000 towards the purchase of a vehicle and to cover insurance premium;
9. excess baggage allowance; and
10. upon the successful completion of the term of engagement each officer is entitled to a gratuity which is 20 per cent of the gross salary earned over the period of employment, excluding allowances.

The Police Service Commission (PSC) has established specific performance standards and the attainment of which the Trinidad and Tobago Police Service Executive is required to ensure. They are listed as follows:

1. A greater level of cooperation in the service.
2. Completed plans of all operations and measurable targets.
3. Detailed and timely responses to requests and queries made by the PSC.
4. Improved detection rates and use of resources.
5. Increased visibility of police officers and patrols on the streets and highways.
6. Improved efficiency of response to citizen reports and requests for assistance.
7. Improved performance of the emergency rapid response unit (E99).
8. Increased court attendance by officers required to be present.
9. Improved organization of the public education and information programme.
10. Improved manpower development mechanisms.
11. Enhanced discipline among the ranks and improvements in the integrity of the service.
12. Self-appraisals to be conducted by each member of the TTPS executive.
13. Display of a higher level of strategic leadership by the executive.
14. Detailed strategies for succession planning and career management.

Taking into consideration the key roles the Commissioner and Deputy Commissioners of Police play in the Trinidad and Tobago Police Service, their involvement in ensuring that the objectives are attained is pivotal to its success.

Sen. Beckles: Madam Vice-President, may I ask the hon. Minister of National Security whether he is provided with any data on a monthly, quarterly or yearly basis, in relation to the Commissioner of Police's performance of those targets?

Sen. The Hon. Brig. J. Sandy: Madam Vice-President, this remains the purview of the PSC and I am not so informed.

Sen. Hinds: Thank you, Madam Vice-President, a supplemental to the hon. Minister. The question dealt with Commissioner of Police and Deputy Commissioner of Police. Are the two local Deputy Commissioners of Police enjoying the benefit of the inducement allowances as you described, and if not, why not?

Sen. The Hon. Brig. J. Sandy: No, Madam Vice-President, they are not. The inducement allowance was primarily because of the fact that they have removed themselves from their jurisdiction to Trinidad and Tobago. I might add that sometime ago we had a situation with SAUTT officers here in Trinidad and Tobago. The Deputy Director's monthly salary was \$115,829.97. We also had a senior investigating officer—*[Interruption]*

Sen. Hinds: 35(1)—rambling.

Sen. The Hon. Brig. J. Sandy:—senior investigating officer, \$98,734.18 for the same inducement; the programme manager, \$89,125, same inducement. And what was quite strange, media—and I might add, SAUTT carried a national media person, well known to Trinidad and Tobago, who had to assist this media person in getting the job done. That media person was paid \$85,897.03, nothing near to what that local person who—she had to show him the ropes, so to speak, and this was the salary that he got—a media person, because of the same inducement. *[Desk thumping]*

Sen. Hinds: A further supplemental. Since the hon. Minister was so keen to speak about inducements, can you recall what inducement Reshmi Ramnarine got when she was head of the SIA?

Sen. The Hon. Brig. J. Sandy: No! *[Laughter and desk thumping]*

1.45 p.m.

Sen. Baptiste-Mc Knight: Supplemental, Madam Vice-President. Can the Minister of National Security say whether the two local deputies are required to fulfil the 14 conditions expected of the others? Thank you.

Sen. The Hon. Brig. J. Sandy: Yes, they do. As I indicated in my answer, I spoke of the fact that this is something that the executive of the police service, the executive meaning the other two Deputy Commissioners of Police; their appraisal follows the same route.

Sen. Dr. Armstrong: Further supplemental. Could the Minister kindly indicate whether the performance standards were known to the employees—to the Commissioner and Deputy Commissioner of Police before they got here as part of their terms of reference or was this something prepared after they arrived here?

Sen. The Hon. Brig. J. Sandy: This would be again the purview of the PSA. I cannot say whether they were advised prior to assuming duty or whether they were advised subsequent to that.

Sen. Al-Rawi: Further supplemental. Thank you, hon. Minister. I actually have two questions. The first question is—and perhaps the hon. Minister has said it but I did not catch it—what is the period of the contract? And the bifurcation to that—not the second question, part (b) would be the review and gratuity which is payable after the period of contract and assessment is in reference to—is it the time period? So is that gratuity payable relative to the actual term of the contract? What is the period first and whether the gratuity is there? Aand then there is a further supplemental.

Sen. The Hon. Brig. J. Sandy: Madam Vice-President, the period of the contract is three years on completion of which there is a 20 per cent gratuity at the end of that three-year period.

Sen. Al Rawi: Much obliged. The second question to the hon. Minister: relates hon. Minister to part (b) and I thank you for the 14 items that you have delineated for us. Relative to the deliverables and targets, I listened carefully, hon. Minister spoke quickly, but I was wondering whether the crime plan—the Government plan that the Government said is the purview of the Commissioner of Police now, whether that crime plan is something to be associated with those 14 targets. So the 14 targets as deliverables, has the Government crime plan been included in that?

Sen. The Hon. Brig. J. Sandy: I am advised that the police themselves would have their strategic plan. It lends itself to the Government's crime reduction operation procedures and operation plan. So, I do not know if you mean that if those 14 elements are aligned to the plan or whether—I think they are general, they are more from an HR perspective.

Sen. Al Rawi: If I could perhaps assist by way of clarification to the hon. Minister. Hon Minister of National Security, I was driving really at the apparent disjunct that there is between a national crime plan versus the Commissioner of Police crime plan because there has been some public debate there. So, I wondered simply whether a crime plan by the Commissioner of Police was

included in those 14 deliverables and whether that was in fact the Government's articulation. Before the hon. Minister clarifies and I thank him in advance, could he also contemplate and perhaps tell us what the degree of interarticulation with the National Security Council is with the Commissioner of Police in terms of those deliverables?

Sen. The Hon. Brig. J. Sandy: In all fairness to you, Senator, I think that second question is one that you would probably want to bring and I would deal with it subsequently.

Sen. Hinds: Finally, does the Government have any contingency plan to deal with the situation where the Commissioner of Police, as he has threatened so to do, takes the question of his assessment by the PSC to court and that gets tied in there for a year and a half or two? Does the Government have any contingency plan to have an effective and efficient Commissioner of Police while all that confusion is taking place?

Sen. The Hon. Brig. J. Sandy: If, as you said, dear Senator, that the matter is being taken to court there is no way I should pronounce on it and further to—

Sen. Hinds: No, I would not ask you to pronounce on it.

Sen. The Hon. Brig. J. Sandy: And further to that—*[Interruption]*

Sen. The Hon. Ramlogan SC: That is a matter for the commission to make an acting appointment. *[Crosstalk]* *[Interruption]*

Sen. Hinds:—for the Government.

Sen. The Hon. Brig. J. Sandy: If—I am answering my question please be quiet.

Sen. Hinds: We want the Attorney General to stay out.

Sen. The Hon. Ramlogan SC: You would wish for that.

Sen. The Hon. Brig. J. Sandy: If, Senator, there is a situation where the PSC feels that they ought to take certain actions that is up to them. I have absolutely nothing to do with that.

Sen. The Hon. Ramlogan SC: “If the man dead in the morning they make an acting appointment.”

Sen. Hinds: I asks: the Government appointed the Commissioner of Police, does the Government have any plan or contingency plan to deal with this unholy state of affairs? *[Crosstalk]*

Sen. The Hon. Brig. J. Sandy: It is the prerogative of the PSC. And the Government did appoint a Commissioner of Police, something that the last administration failed to do. [*Desk thumping*]

Sen. The Hon. Ramlogan SC: An acting government, an acting commissioner of police and now an acting Opposition—all this theatre and drama. [*Crosstalk and laughter*]

State of Emergency (Details of)

52. Sen. Penelope Beckles asked the hon. Minister of National Security:

With regard to the State of Emergency could the Minister provide the Senate with:

- (a) the number of persons arrested during the state of emergency in 2011;
- (b) the number of persons charged;
- (c) the categories of offences; and
- (d) the number of convictions during the above-mentioned period?

The Minister of National Security (Sen. The Hon. Brig. John Sandy): Madam Vice-President, question 52:

- (a) Hon. Members are advised that during the period of the imposition of the state of emergency from August 21, 2011 to December 5, 2011 the number of person arrested was 8,178.
- (b) The number of persons charged was 7,044.
- (c) The categories of offences for which persons were charged are as follows: serious crimes, minor crimes, minor offences, the Anti-Gang Act, 2011; breach of curfew, outstanding warrants; homicides investigations; enquiries.
- d) The number of convictions during the above-mentioned period was 1,075.
[*Desk thumping*]

Sen. Hinds: Just for clarification, is the hon. Minister saying that of the 8,178 people arrested during the state of emergency 7,000 plus the figure you gave were charged upon arrest?

Sen. The Hon. Brig. J. Sandy: I say again, Madam Vice-President, the number of persons charged was 7,044.

Sen. Hinds: That cannot be right.

Sen. Deyalsingh: Yes, Madam Vice-President. Thank you for the answer. Could the hon. Minister indicate to the Senate, how many people are currently incarcerated at the prison that we are renting from Wala Wala Ltd for \$90,000 a month please?

Sen. The Hon. Brig. J. Sandy: Madam Vice-President, I cannot say at this point, but on the last occasion I checked there were 97 inmates at the location.

Sen. Al-Rawi: Further supplemental, Madam Vice-President. Thank you, hon. Minister. By way of clarification under your response to part (a) of the question, of the 8,178 persons arrested during the state of emergency does that number also include those persons who were detained as distinct from arrested?

Sen. The Hon. Brig. J. Sandy: Towards the end of the state of emergency there were 16 detainees.

Sen. Deyalsingh: Further supplemental. Hon. Minister, under part (c) you mentioned outstanding warrants as one of the categories of offences. My question is, did we need a state of emergency to detain people on outstanding warrants or could that have been done on regular policing?

Sen. The Hon. Ramlogan SC: “That is a private motion [*Inaudible*] oh God, do not abuse the questions. Al yuh never used to answer questions.”

Sen. The Hon. Brig. J. Sandy: Madam Vice-President, I did not say that.

Sen. Al-Rawi: Further supplemental. Hon. Minister, thank you for your responses relative to the categories of offences and I do not know if I am over stretching here, but of the 1,075 persons convicted—and forgive me if I got the number wrong, I am not sure—is the hon. Minister able today to assist us with the application of that number against the categories in part (c)?

Sen. The Hon. Brig. J. Sandy: Unfortunately, I cannot.

Sen. Deyalsingh: Further supplemental. Could the hon. Minister indicate in the period of the state of emergency August 21 to December 5, 2011, the 17 detainees held for the alleged assassination plot on the Prime Minister and two Cabinet Members, have they been included in these figures or are those separate figures?

Madam Vice-President: Senator, before you answer that Standing Order 18(2) identifies that you ought not to really introduce new issues on your questions. This is not really a question on the state of emergency. The questions

Oral Answers to Questions
[MADAM VICE-PRESIDENT]

Tuesday, March 20, 2012

as identified (a), (b), (c) and (d), the supplementary questions will deal specifically with these and not introduce new matters. Please refer to Standing Order 18(2).

Sen. Deyalsingh: Madam Vice-President, could I rephrase the question? The hon. Minister said during the state of emergency from August 21 to December 5—it is my understanding that there was an assassination during plot during that period and people were detained during that period—16 or 17 people he said. So my question is, were those figures included in the figures that he has just given us?

Sen. The Hon. Brig. J. Sandy: Madam Vice-President, this is a new question I will answer it sometime later on when he brings it officially.

Sen. Beckles: Question No. 53 to the hon. Minister of Food Production, Land and Marine Affairs:

**Request of Compensation
(Details of)**

53. Sen. Penelope Beckles asked the hon. Minister of Food Production, Land and Marine Affairs:

With regard to requests for compensation between June 2010 and January 2012, could the Minister indicate:

- (a) the number of persons requesting compensation from his Ministry;
- (b) the number of successful applicants;
- (c) the number of rejected applicants;
- (d) the number of pending applications; and
- (e) what was the total value of the compensation for all categories of compensation?

The Minister of Food Production, Land and Marine Affairs (Sen. The Hon. Vasant Bharath): Madam Vice-President, the only compensation paid by the Ministry of Food Production, Land and Marine Affairs relates to farmers who have been affected by flooding and as a direct result their crops have been damaged or destroyed. The flood relief information for the period June 2010 to January 2012 is as follows:

- (a) 4,208 persons
- (b) 3,423 persons
- (c) 603 persons

(d) 182 persons

(e) The total value of claims in all categories is \$24, 057,342.75.

And I want to add that most of these claims have been paid within a time frame of between 30 and 60 days, as opposed to what was the norm of between 12 and 18 months previously. Thank you very much.

**BACTERIOLOGICAL (BIOLOGICAL)
AND TOXIN WEAPONS BILL, 2011**

[Third Day]

Order read for resuming adjourned debate on question [March 06, 2012]:

That the Bill be now read a second time.

Question again proposed.

Madam Vice-President: Hon. Senators, the debate on the following Bill, which was in progress when the Senate adjourned on Tuesday, March 13, 2012, will be resumed. An Act to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons Bill, 2011.

The list of those who spoke on Tuesday, March 06, 2012: Hon. Dr. Surujrattan Rambachan, the Minister of Foreign Affairs and Communications, the mover of the Motion. On Tuesday, March 13, 2012; Sen. Faris Al-Rawi; Sen. Prof. Harold Ramkissoon; the Hon. Sen. Brig. John Sandy; Sen. Terrance Deyalsingh; Sen. Dr. Victor Wheeler; Sen. Danny Maharaj; Sen. Shamfa Cudjoe; Sen. Subhas Ramkhelawan; Sen. Terrance Baynes; Sen. Dr. Rolph Balgobin and Sen. The Hon. Fazal Karim. Any Senator wishing to join the debate may do so.

2.00 p.m.

Sen. The Hon. F. Karim: Thank you very much, Madam Vice-President, for allowing me to continue where I left off on the last occasion. Before I continue my contribution let me take this opportunity to join with you in welcoming our students and teachers from the Diego Martin Central Secondary School [*Desk thumping*] and also to join with you in wishing our senatorial colleague, Sen. Basharat Ali, full and speedy recovery and to return to us in these hallowed halls very shortly.

Madam Vice-President, I was really wondering how quickly I would start my contribution, but I want to say that I am really very impressed with that rest that my colleagues in the Front Bench took when they opted to leave very early last week. That rest must have impacted on the level of energy and the number of supplemental questions that you asked this afternoon. [*Desk thumping*] I am not suggesting that you take an early rest this afternoon as well.

Bacteriological and Toxic Weapons Bill, 2011
[SEN. THE HON. F. KARIM]

Tuesday, March 20, 2012

I want to say that as in good style as I continue my contribution on the Bill to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological and Toxin Weapons and on their Destruction, and in the interest of the fact because of my good relation with my friends to the front from the Opposition and the fact that they left a little early, and since we have students and teachers here, I may want to recap for you very briefly what I said earlier. *[Interruption]*

Sen. Beckles: I was listening upstairs, you know, do not forget.

Sen. The Hon. F. Karim: But we missed your presence. *[Interruption]*

Sen. Hinds: We do not have a problem with you.

Sen. The Hon. F. Karim: Madam Vice-President, I started my contribution at the last sitting by quoting the contribution of the hon. Prime Minister of the Republic of Trinidad and Tobago at the General Assembly of the United Nations in New York and I quote:

“No nation will be the safe, no democracy will prevail if there is not mutual cooperation towards global stability...fashioned by, opportunity for all, equity and the ability to feed, provide health care, clothing, housing and education for people everywhere.”

I made it very clear as well in starting that opening statement that our hon. Prime Minister is a peace champion, one who is resolved to perpetuating peace within our country, with our neighbours and peace with all citizens around the world.

I also gave a very brief history of the international convention and reminded those present that since April 10, 1972 when the convention was opened for signature, there were seven review conferences aimed at monitoring the adoption and implementation of the convention. Mention was also made of the fact that our regional counterparts have already enacted similar legislation and, therefore, the need for this legislation in Trinidad and Tobago is very evident. Finally, I outlined some of the possible consequences that we could be exposed to as a nation if we did not protect ourselves from the threat of biological and toxin warfare.

Let me move on to a number of other areas with respect to the Bill and say, for the benefit of those students who are joining us and again as a reminder to some of us here, why it is important. What is the importance of this legislative framework that we are debating here this afternoon? The passage of this legislation before us today will give legal effect to the convention as was stated in

terms of the Bill. This convention which has been in existence, as I indicated, since 1972, has been ventilated across the region in many jurisdictions and that its inactivity in the past cannot be allowed to continue in the future.

In addition, the passage of this legislation and subsequent implementation of countermeasures against bioterrorism will install confidence, and instill confidence as well, amongst the international community, thereby demonstrating that Trinidad and Tobago is truly an advocate of multicultural cooperation and is a sustainable partner in the fight against transnational crime and terrorism.

In implementing this legislation, Trinidad and Tobago will be able to tap into resources that can provide institutional support to national implementing agencies. In other words, we can learn substantially from those who have gone ahead with us in this regard. The Implementation Support Unit established by the convention through the United Nations was set up as a means of providing technical assistance to signatories of the convention.

Madam Vice-President, with your permission I would like to enumerate some of these benefits and the functions of this unit so that we can all be convinced as to what we might be able to acquire out of this convention. Their functions include: serving as an information exchange point for national implementation and collating details of national measures to implement all aspects of the convention. They will also be assisting states parties in meeting the obligations to translate the convention into domestic measures.

I indicated before that the CBMs or the confidence building measures, will be able to reduce the occurrence of ambiguities, doubts and suspicions and facilitate the exchange of data on research centres and laboratories. This will also facilitate the exchange of information on national biological defence research and developmental programmes. It will also provide for the exchanging of information on outbreaks of infectious diseases and similar occurrences caused by toxins. It will encourage the publication of results and the promotion and use of knowledge.

I came across a magazine yesterday evening and thought that I would share this because it was very instructive for me, and that is talking about knowledge. It says that knowledge is what you know. It made a distinction between wisdom and knowledge and said that wisdom is acknowledging what you do not know. [*Desk thumping*] I say this in no deference to my colleagues opposite. I know that they are both knowledgeable and wise, and I know that wisdom will perpetuate for the rest of the sitting here this afternoon so that they will be with us to contribute.

Madam Vice-President, I also want to say that this declaration of legislation,

Bacteriological and Toxic Weapons Bill, 2011
[SEN. THE HON. F. KARIM]

Tuesday, March 20, 2012

regulations and other measures serve us in good stead and the declaration of activities in offensive and/or defensive biological research and development programmes will benefit us tremendously. Finally, within the remit of that unit, the declaration of vaccine production facilities is also very informative and useful for us in this fight against biological and toxin warfare.

I would like to highlight—dear colleague on the other side—some comments that were made or a comment that was made by one of my very close friends and colleagues on the other side, Sen. Faris Al-Rawi. I know that he is engaged in some discussions now having had that renewed energy, but I wish to remind the Senate of the following: Sen. Al-Rawi indicated that on four occasions since 2007 there were attempts to bring this legislation forward, twice by the then administration and twice by the present administration. He further indicated that on all prior occasions the Bills were allowed to lapse. For the benefit of all of us, this is the sequence of events relating to the legislative framework which I think we should all take notice of.

The Bacteriological (Biological) and Toxin Weapons Bill, 2009 was brought by Sen. Martin Joseph on September 11, 2009. On January 08, 2010 the Bill lapsed.

2.10 p.m.

The Bacteriological (biological) and Toxin Weapons Bill, 2010, was brought again by Sen. Martin Joseph on January 13, 2010; on April 08, 2010, the Bill lapsed. I think soon afterwards or not too far from that date, an entire administration lapsed. [*Interruption*]

Hon. Senator: The Government lapsed.

Hon. Senator: Relaxed!

Sen. The Hon. F. Karim: Well, I do not know if to say relaxed or lapsed. The Bill came back on November 16, 2010 and was brought by our very distinguished colleague, the Minister of National Security, Sen. Brig. John Sandy, and that lapsed on June 17, 2011. That Bill was brought back again by our very distinguished colleague today, whom we compliment for bringing it, on November 15, 2011 by Dr. Surujrattan Rambachan; and last week and today, we continue to debate this Bill.

Madam Vice-President, one of the things that we would recall, and the national community would recall, is that there was a premature ending to our colleagues' presence here by their choice when they walked out of the last sitting.

That was most unfortunate, but it was not the first time. [*Interruption*]

Sen. Hinds: We were thrown out.

Sen. The Hon. F. Karim: I want to tell you that there were previous occasions that that exercised event was taken by choice. One was the anti-gang legislation—[*Interruption*]

Sen. Beckles: I hope when we respond, it would be a long one.

Sen. The Hon. F. Karim: —and the other one was the Electronic Transactions Bill and the Data Protection Bill.

Madam Vice-President, I want to tell you that, in terms of what is before us, there are a number of modern bioweapons that reference has been made to and they include anthrax, smallpox, Ebola virus, the foot and mouth disease that some people seem to be believe—[*Interruption*]

Sen. Al-Rawi: Otherwise known as “PP-itis”.

Sen. The Hon. F. Karim:—that politicians are victims of, and other forms of biological and toxin diseases. But, I think what I want to get to quite apart from the fact, and we would have heard some of the events, for example, such as what happened in the United States in 1984, notable cases of biowarfare by one of the groups there in terms of, as I may have indicated last week—I am sure one of my colleagues would have made reference to it—a religious cult in 1984 infected salad bars in the United States with salmonella poisoning. In Japan, in 1995, we would have heard about another serious occurrence there since World War II, with another doomsday cult that utilized and released sarin—a deadly nerve agent. In addition to that, in 2001 we had the situation, in the US, and subsequent to that, what was referred to as “Amerithrax” where anthrax was being used in terms of disposing of and using letters for transmission to affect innocent persons.

Madam Vice-President, I think what I will want to spend the next few moments doing is making reference to some complementary activities against biowarfare. We have seen some of these activities in terms of the USAID—the US Agency for International Development—and the National Science Foundation. They have commenced research activities to allow scientists to develop capacity in relevant research areas. Some of these include ecology of infectious diseases, biomedical engineering, natural/human system interactions, climate change impacts on water sustainability, hydrology and ocean acidification, among other areas of critical importance.

Madam Vice-President, at the University of Trinidad and Tobago, research has been undertaken in the areas of plant and animal sciences—and I am sure that Sen. Prof. Ramkissoon will agree, and this type of research has been ongoing for a number of years too at the University of the West Indies—genetics and other related fields. So, at the University of the West Indies, the research focus centres around renewable energy, agriculture and food security, biotechnology, biodiversity, natural products and unique genetic resources, and environmental management and education, among other key areas.

The areas of biological and toxin weapons, however, are relatively novel to Trinidad and Tobago. In 2011, the Public Health Agency of Canada and the University of Bradford partnered to launch a university-level accredited pilot course on applied dual-use biosecurity, biosafety and bioethics for life scientists. Upon successful completion of the programme of study, and I am sure likewise is being pursued in our higher education institutions in Trinidad and Tobago, graduates will receive a 30-credit certificate at the UK master's level.

Whilst, Madam Vice-President, the Ministry of National Security had engaged in capacity building initiatives such as the sub-regional crisis management simulation exercise on bioterrorism back in 2010, the possibility exists to expand further capacity in this area through similar joint curricula with international bodies, and higher education institutions are very relevant as we continue to build further capacity in this sector.

The question will always be asked as we pilot this Bill here today: what are the domestic implication measures for Trinidad and Tobago? I would like to refer to a few of them.

No 1 in the area of detection: while the method or methods of detection available are not optimal—and we underscore that they are not optimal, they are a continued work in progress—some advances have materialize in the field of detectors for both chemical and biological agents. Capacity building in the mobilization of emergency personnel therefore becomes critical once the detectors have been alerted.

In addition, doctors and medical practitioners have not—what we are advised—been trained to recognize early symptoms of the main biological weapons. The early symptoms of anthrax, for example, can appear as a simple flu, and hence the reason I was saying, previous to now, that doctors and medical practitioners find it difficult to detect these early symptoms. The training of our medical personnel in the detection and treatment of a biological weapons' attack is therefore very important and critical as we progress towards the establishment and the enactment of this important legislative framework.

In the area of protection and decontamination, in terms of protection against attacks of biological and toxin agents, it is imperative that public information become available, and we cannot really overemphasize the importance of public education. That is, the knowledge of the wider public about treatment procedures, and about how to protect those in their immediate surroundings from contamination. Similarly, the decontamination process has to be widely ventilated through public information, and in addition to that, bearing in mind the deficiency that we have just recognized, it goes hand in hand with the training of our medical personnel to handle decontamination exercises.

Medication, Madam Vice-President—the question of this is a very complex one. Vaccinations currently exist for anthrax, botulism toxin, different types of Q fever and smallpox. In the United States of America, for example, the Department of Defense has started vaccinating some members of the military against some of these adverse effects of toxins. Similarly, vaccination against smallpox ended, as we have recognized, since the 1980s, but it continues to be very important in terms of it addressing some of the key remedies to what we are discussing here today.

In conclusion, I wish to state that with the increased threat of biological and toxin weapons, Trinidad and Tobago requires increased efforts to safeguard the population from these dangers. The fact remains that no effective treatment exists against some of those biological agents. Furthermore, even if treatments are spawned in the future, there is an increasing likelihood that new strains of biological agents will be developed given advancements in biotechnology, genetics and genomics. As a matter of fact, given the overarching and the pervading importance, and the ubiquitous use of the Internet, anyone, practically anyone, can dabble in terms of engaging in these types of developments.

Madam Vice-President, this leads to one simple conclusion, and that is, collaborative and preventative measures to minimize the risk of biological and toxin agents, provide the best protection against biowarfare. The proposed Bill will achieve such an objective, and it is critical for the peace and security of Trinidad and Tobago. I commend my colleague, hon. Minister of Foreign Affairs and Communications, and we support this Bill on this side. I thank you very much. [*Desk thumping*]

Sen. Fitzgerald Hinds: Thank you very much colleagues for the opportunity to make a short contribution on this very important matter. My colleague on the other side, Sen. The Hon. Fazal Karim, made a very inaccurate comment in the early part of his contribution today when he said that we merely walked out. I had

to point out to him, colleagues, that we did not simply walk out; we were viciously thrown out, elbowed out, because of a certain set of toxic circumstances. We found it dangerous enough to protect ourselves therefrom. “But, we doh run”. We are here to defend the interest of the people of Trinidad and Tobago. [*Desk thumping*] And I might tell you in advance, in consonance with what my colleagues who spoke before me on this side indicated, that you are very unlikely to gain our support on this one for the reasons that have already been made clear, and others that I should clarify as I proceed.

This Government is truly lost! It does not realize it, but it is lost. It is much like a drunken blind man, looking in a dark room at midnight, for a black cat that does not exist; completely and totally lost—this Government. The conduct of our citizens in south and central Trinidad for the last three weeks, particularly in Siparia and Penal, is testimony to the fact that this Government is lost. The people are very mindful of the fact that they take their position in the Prime Minister’s constituency of Siparia. I have to wonder, because they use flambeaux and they use old material and light fires, if they had access to bacteriological and toxin weapons, what would have been the state of affairs in Trinidad and Tobago today. Sen. The Hon. Karim pointed out that the people of Trinidad and Tobago deserve protection from bacteriological weapons and toxin agents and I agree with him. But what protection do we have from the toxicity of the UNC vicious Government as it imposes its terror on the people of Trinidad and Tobago?

Madam Vice-President, the pleasure is mine, if permitted, to make a contribution on the Bill “An Act to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.” The first position I want to make clear, for the benefit of the citizens of Trinidad and Tobago, is, just like guns and drugs—cocaine in particular and other such drugs—we do not have a history of producing these here, and certainly there is no record of Trinidad and Tobago or any elements in Trinidad and Tobago, manufacturing the weapons that we are dealing with and the kinds of agents that we are dealing with today.

But we are part of the global international community and, therefore, we recognize clearly that whatever happens there affects us here and we can easily be victims.

2.25 p.m.

Not too long ago, there was the meltdown of some nuclear plants in Japan, thinking people in the region surmised that Venezuela was about to construct some nuclear power plants, and if there was a meltdown in Venezuela, quite naturally, it could have afflicted and would afflict Trinidad and Tobago and other countries of this

region, and as such concerns developed as to the wisdom of that. But that is an ongoing matter. So, I only said that to demonstrate how what happens in one country naturally affects us, for example, the AIDS virus.

I remember looking on the television in 1988 or so, and at that time the World Health Organization was making some money available to researchers in the AIDS epidemic, as it was even at that time, and America was led by Prof. Robert Gallo and France by Prof. Montanior. They were vying for this sum from the World Health Organization, so they were making their proposals trying to get it to further the research. There was a lot of discussion about the causes of AIDS in those days. I remember distinctly, towards the end of the interview with both personalities, Montanior of France and Robert Gallo of the United States, the question was asked: if the AIDS virus did not exist, whether it could be created, and the answer was yes! That, of course, gave rise to the speculation that it was manufactured, so to speak, in a laboratory somewhere in this world.

In that debate, at that time, they debunked altogether, the very erroneous view that AIDS had spread from some green monkey in Africa into the human strain in Africa. You know Africa was always the buttress of the blame. They debunked that theory once and for all. So I think it is very clear that the thing was manufactured and it has now gotten out of hand and it is where it stands today, millions of people around the world are afflicted with this virus. There are, of course, as you know, you are politicians, there are political viruses as well, and some mutate. We have a Senator here who mutated from PNM to UNC back to COP.

This is very relevant. You will agree with me colleagues, because the local government bodies are the first responders, if we have any outbreak or disasters, based on the plans that we have, for dealing with them. What happens in local government is very, very important. I am concerned if there were some bacteriological or some toxic outbreak or attack in San Fernando, what would happen right now, as San Fernando, the city, is in turmoil, political mutation of viruses is taking place. The COP is heartbroken—PNM, COP, UNC for the last year, the COP just discovered. And that kind of mutation, happens in the world of bacteria and viruses; dangerous, very, very dangerous.

Poaching is dangerous. When you poach animals, you import viruses too.
[*Interruption*]

Sen. George: “Poaching in de neighbour land too ah part ah it yuh know.”

Sen. F. Hinds: Madam Vice-President, I feel very sorry for his lost Government. It is a really—all the changes taking place inside the PP now, they are afraid and so on—like rearranging deck chairs on the *Titanic*; it is sinking anyway. [*Desk*

Bacteriological and Toxic Weapons Bill, 2011
[SEN. HINDS]

Tuesday, March 20, 2012

thumping] I am very worried. But, we look on as we always do. [*Interruption*] My friend over there is talking about Standing Orders. When your colleague over there was rambling, there was no mention of Standing Orders, but you have support for your thoughts, but that is all right, I am waiting.

Sen. Moonan: For what?

Sen. F. Hinds: For it. I am waiting.

Sen. Moonan: You want to be a junior Minister again?

Sen. F. Hinds: Today we are here, attempting to incorporate an international convention, which we signed on to, into domestic law. As we indicated earlier, it is designed to prohibit the development, production and stockpiling of these weapons and also to provide for their destruction and also, of course, weapons of mass destruction, a concept that the world has become very, very familiar with, particularly over the last five or 10 years.

I had some research done in preparation for speaking on this matter and I am given to believe that what we have before us for consideration today is largely a rehash of the United Kingdom's 1974 legislation; largely so. I took the time to look at it and I see great similarities, except, of course, I have to say to my friends on the other side, particularly the mover, that their position has evolved, mutated, moved on since then, and we seem stuck there in it. This is a rehash of an old Act with a few elements from other places, it is obvious, but there is where we are.

With respect to our 2005 Anti-Terrorism Act, I had the opportunity to pilot in 2005, and to see successfully through, something that the hon. Minister may not enjoy attempting this clumsy Bill. But, we are of the view that some of the matters that the Minister is attempting to pass here today could have easily been incorporated into the existing legislation, our anti-terrorism legislation. Sen. Al-Rawi pointed out the rationale for that earlier. However, this legislation is geared to prevent the acquisition, transfer, retention, stockpiling and use. State parties are mandated to destroy and divest those stockpiles, if they have them—that does not apply to Trinidad because I do not think we have too much of that here; the Brigadier should know so—to destroy these and to divert them to peaceful purposes. Those, of course, are the bacteriological agents and toxins that countries would have in their possession.

Our Anti-Terrorism Act was largely designed to deal with individuals and groups of individuals acting as terrorists and not necessarily state parties. In a little while from now, I will demonstrate the difference with what we proposed when we got to dealing with some of the matters that affected people's constitutional rights and the way this Government is attempting to deal with them.

The convention that we are dealing with today, of course, prevents the use of these agents and it encourages use for peaceful purposes, recognizing that some of these have been used for warlike purposes in the past. I remember, not too long ago—and I would listen to the news every day when I went home at lunchtime, reports coming in from Vietnam—the United States using Agent Orange in Vietnam to defoliate the environment so that they could deal with the enemy who seemed to be ever absent, and then they would discover that the enemy was even going underground, so they used to burn out all the trees, burn the environment so that they could treat with them. Napalm—I remember those very, very clearly.

About a month ago, on the basis of my chairmanship of the PA(E)C, I went to Australia on a programme and I met a number of other parliamentarians from around the world, three of whom were from Vietnam, so I took the occasion to speak with them, of course, and it was interesting to note that one of them is the son of a famous General Tran who led the resistance against the encroaching army during the Vietnam years. I had read about General Tran. It was just very coincidental to have met his son. Of course, they all told me that they were still suffering the effects of Agent Orange and napalm used in Vietnam since 1967, because that war ended in 1973. It is very, very serious.

As we know, it is alleged, and I think demonstrably proven, that Saddam Hussein had used some chemical weapons against the Kurds in Iraq. It is a very, very serious situation and we understand that. This is why, when we come to this Senate to debate these measures, we take them very seriously and in the spirit of that seriousness, we are duty-bound from this side, to point out issues that may not be very helpful to the people of Trinidad and Tobago, and that we must do.

These agents can affect plant life, as we have said, food, water and medicine. Again, in Australia, I would learn, as recently as 1838, 1850, the Aboriginal people were under serious attack from the Europeans who had come to their country and met them there; the indigenous people. Among the means that they used to kill them out and commit genocide against them—this is a blot against the record of the human family—they actually poisoned a lot of fruits and these people would go and pick and they suffered death as a result of poisoning. That happened. Man can be very, very brutal to man, as they are now seeing with each other. “Look how they treating the former Minister of Works and Transport.” Man can be very brutal to man. You are seeing it right now. He is out there crying in the wilderness, having invested.

Madam Vice-President, we are here debating the Bacteriological (Biological) and Toxin Weapons Bill. It is very, very important. It will go to the Lower House. We will hope—because it requires a three-fifths majority of all the Members—that all

Members are present there. We are not sure if Mr. Jack Warner, Minister of Works, would be there. He is being brutally handled now. He told us in a recent debate that he made an investment in the Prime Minister and now he is being treated the way that they treat him, but I wish him well. *[Interruption]* Yes, he is being met with Agent Orange. He did not understand it, and yellow too! He is getting it. *[Interruption]* Madam Vice-President, I am being distracted and I do not wish to be. *[Crosstalk]* Mine is always red, PNM red with pride. *[Desk thumping]* You know that. Unlike Sen. Moonan, I did not mutate, “I stayed red from start and remained red.” I did not run anywhere.

Sen. Beckles: “Very soon he coming back red, you know.”

Sen. F. Hinds: Madam Vice-President, recently the Prime Minister told us that she was in fear for her life, she and a couple other Cabinet Ministers. She was in fear, and she said there was a plot to kill her. The Minister told us today, in answer to a question, that as a result he went out there, on advice from his colleagues in the Cabinet, and picked up 17 persons in Trinidad and Tobago, making all manner of allegations against them. But, of course, nothing was proved. They were all released.

But the upshot of this is, we do not know what the Prime Minister was afraid of, whether it was bacteriological agents and toxic weapons and so on. We do not know, and we are yet to find out. What we know is that since then she refuses to travel by motor car anymore, she travels constantly in the SAUTT people airplane. And I understand they have now air conditioned and have what they call iceboxes—well, I am not so sophisticated, I will say a bar—on the aircraft, specially built in.

2.40 p.m.

She travels from her home to office and all other manner of excursions, social and otherwise, in these helicopters, and we do not know—*[Interruption]* oh yes, oh yes. So we do not know what she is so afraid of. I will tell you something, she played mas on Carnival Monday in All Stars perhaps for the first time in her life. Well, you know it is a champion band, so she showed up looking for photographs and so on. I was in the band as I have been for the last 10—12 years, and I saw her there, pretending “she playing pan” and wondered if that was the same Prime Minister who told us that she was so afraid for her life a few months ago, but she was there. But worse, Madam Vice-President, I saw the Prime Minister in the band and there were—I counted them—15 Prados lined up behind her, all with a driver and nothing else or no one else. Fifteen Prados!

Today, I was outside the court and the Attorney General showed up and he had four Prados behind him. I want to know, what are they so afraid of? Security like rain—a Government which came to office with such a broad mandate and all these votes, and suddenly the Prime Minister “cyah go” anywhere without 14 Prados of police. And the Attorney General, I told you I saw him today, four Prados. Maybe they are afraid of bacteriological and toxin agents, or maybe they are concerned about other things.

The Minister, Sen. The Hon. Karim said that we have to be concerned about the safety of the people of Trinidad and Tobago. Once the Prime Minister and her entourage are in that mode, travelling around with security and flying around in aircraft, would not travel on the ground again, anyone in her company is equally at risk. We understand that these measures here are very serious indeed and I want to analyze a couple of the clauses as I go on.

Clause 2 of the Bill deals with proclamation thereof. In other words the law will take effect after it has been passed—if it was passed in both Houses—on a date appointed for its proclamation by the Cabinet and then it would become law. Why is this so? I understand it is because the Minister who presented it said that under clause 6 the Minister of National Security has the power to set up a committee. That committee will consist of a chairman, a deputy chairman and other persons suitably qualified in order to advise the Minister of National Security, and to carry out inspections in relation to our obligations under the convention.

Madam Vice-President, that is a problem in itself, a serious problem too for us, because I listened to a debate in the other place recently where my colleagues in that other place expressed absolutely no—they expressed—the position that they had absolutely no confidence in the Prime Minister, and in the Government of Trinidad and Tobago and for good reasons. The reason this measure is to be proclaimed is that under clause 6, the Minister, as I said, has to appoint a committee which will be called the Bacteriological and Toxin Weapons Committee.

Madam Vice-President, I myself have no confidence in this Government and I cannot trust them. We know there will be a deputy chairman and a chairman, but we know nothing else. This Government is known with great humility, for telling lies without apology. This Government is known, to Tom, Dick and Harry and every child in this country. I listen to the talk radio, call in programmes and I am amazed at the ease with which citizens are now calling the Prime Minister a liar, that is the reality in Trinidad and Tobago today. Sometimes I feel a little

Bacteriological and Toxic Weapons Bill, 2011
[SEN. HINDS]

Tuesday, March 20, 2012

embarrassed even though I know sometimes it is true, but we have no regulations before us today. These regulations—another one of the reasons proclamation will have to be set back—are yet to be designed. I do not trust this Government. I do not know what you will put in there. I cannot support this legislation today, signing a blank cheque as it were, because later you will produce regulations. I do not know what you will do; and you will create offences in those regulations. How can you get our support after what you have done to us?

We gave you full support in the anti-gang legislation. We went to a number of Joint Select Committees, Sen. Corinne Baptiste-Mc Knight, independent and brilliant as she is, she participated; Sen. Elton Prescott SC, wholeheartedly, we worked long, we worked hard. Little did we know that you were going to use that legislation in the brutal and vicious manner in which you did, and impose your force, your will, illegal as it was, on some 466 persons in this country; just locked them up. When they told us after they were released without charge and those who were charged, the Director of Public Prosecutions and the courts released them under the anti-gang effort—wanton as it was by your Government—the Attorney General came out again to tell them they have no legal right, and he will use all the resources at his disposal to make sure that citizens, who were abused under your watch, enjoy no rights even in the court. But I will tell you something they are all in a line going to court, suing this Government, costing the taxpayers a lot of money for the recklessness that you put on them during the state of emergency.

Madam Vice-President, this Bacteriological and Toxin Committee to be appointed by the Minister of National Security—what if Minister Volney is acting? “I already doh have no confidence in dem”, but Minister Volney has made it very clear, quite wildly, that during the state of emergency “doh come out yuh house de police will shoot you on sight”. To me that was an encouragement to police officers to do it. And when a little debate about hanging came up, he opined that they should hang persons in Woodford Square in public like in the 16 and 17 Centuries. That is a Minister of Justice speaking, safely in the embrace of the Prime Minister and the Cabinet of Trinidad and Tobago, and he will be responsible—yes, I am being reminded—*[Interruption]* for drafting the regulations that I must sign on to like a blank cheque here today. We cannot support that! We cannot support that! Government is a serious business and as I said, I have no confidence. *[Desk thumping]*

They also talked about—the persons on this so-called committee must be suitably qualified to advise the Minister, “oh gosh”, and then they will form this committee. Suppose they make a man like Barrington “Skippy” Thomas deputy chairman, someone who was discredited in a commission of enquiry as an inveterate liar?

Suppose they take Resmi Ramnarine, now Shashi Rekha, and make her chairman of this committee? What are we to do? And it is possible that they will put her on the Bacteriological and Toxin Weapons Committee. I see you [*Refers to Madam Vice-President*] shaking your head in absolute agreement, I am happy, but you see, elections are coming, so do not nod too energetically. [*Laughter*] Careful! There is a scramble taking place in the UNC right now, so be careful.

Suppose they do it, and they are very capable. She was low, low, low down on the line, a typist, filing clerk in the SIA, and among Sen. Brig. John Sandy, Minister of National Security, the Minister of Legal Affairs, the Attorney General and the Prime Minister, they elevated her to the top position of the highest national security organization in Trinidad and Tobago, to date inexplicably, and we must ask the question again, my Leader asked and I have to ask my senatorial colleagues, what hold does Reshmi Ramnarine, have on this Government? She so may wind up on the Bacteriological and Toxin Weapons Committee, and when the matter came up recently all the Cabinet members jumped to her defence again. And I contrast that with the attitude of the Attorney General, when a young 13 year old girl from Cocorite in the personification of Granny Quila, she said a few things and they were down her back, “Give up yuhself, hand yuhself in to the police.” But when it comes to their friends, whether it is Sasha Mohammed or Shashi Rekha, it is comfortable protection and defence.

So this committee that will cause the delay of the implementation of the legislation troubles me. “Suitably qualified” the Minister told us—these persons—suppose they made Omar Khan and Pastor Cuffie members? And I remember those two as we spoke about “suitably qualified,” there is a big question mark as to whether Mr. Omar Khan, the chairperson of the Board at Trinidad and Tobago Electricity Commission (T&TEC) is possessed with adequate, appropriate, proper, healthy qualification; big question mark! The Minister of Public Utilities, his boss, the Minister with the responsibility, when the matter broke, told this country: “I will investigate the matter and come back to you”, that is almost six months now, he has not come back to tell us a word, and Omar Khan remains there in T&TEC with a doubtful degree. “Suitably qualified?” Bacteriological and Toxin Weapons Committee? I am afraid of you. You are capable of doing anything. “I cyah trust you, and for my part, our part, we not supporting dat!” “Not supporting dat!” [*Desk thumping*]

I am not even questioning the qualification of the Minister of Foreign Affairs and Communications, because he is already a Minister. [*Desk thumping and laughter*] I am not even doing that. [*Interruption*] Madam Vice-President, I am being distracted. I am being distracted. In this Government under its own supervision, in front of it—and it is fully aware you know.

We have two companies Vasha Foods and DV Marketing doing millions of dollars of work in the Education Facilities Company Limited, millions, owned by the same man, some Mr. Sirju, millions of dollars, Vasha Foods and DV Marketing. I understand he is a very good friend of the Minister of Community Development and the Minister of Education, very, very good friend, making millions of dollars in situations that are now under investigation, according to the Minister of Education, and we may wind up with him on the Bacteriological and Toxin Weapons Committee. Dangerous!

And finally, by way of my concerns about that committee, we may wind up, who knows with the very eccentric George Nicholas, who is now the chairman of Caribbean Airlines (CAL). You never know. They may make him the chairman of that committee as well, and then he, with the little resources available to the Bacteriological and Toxin Weapons Committee, may very well pledge another US \$5million to the Prime Minister's Children's Life Fund and then find that they have no money to pay it. [*Desk thumping*] Well, according to the calypso: "Dis is not a fete again, all yuh mad!"

2.55 p.m.

Political bacteria! That is why I stay clear and I stay on this side. I do not want the thing to affect me. We have to stay wholesome, ready to take the reins of government to steer this country sensibly again. [*Desk thumping*] As a matter of fact, we have to be inoculated. Looking at them, I almost said intoxicated, you know. Every time I look at them, that word comes to me. I almost said intoxicated.

I want to continue. [*Interruption*] Clause 7 of the Bill—I am being distracted by the Minister who came to this Senate as a stranger to pilot the Bill. I want to get on with it.

Sen. F. Hinds: Clause 7 of the Bill—

Hon. Dr. Rambachan: How did I distract you?

Sen. F. Hinds: Madam Vice-President—Do you want to say something? You had your time.

Hon. Dr. Rambachan: Why did I distract you?

Sen. F. Hinds: Clause 7, Madam Vice-President, deals with the— [*Interruption*] Madam Vice-President, I crave your protection.

Hon. Dr. Rambachan: You need protection?

Sen. F. Hinds: According to clause 7:

“(1) The functions of the Committee shall be—

- (a) to advise the Minister on matters relevant to the making of regulations under the Act;
- (b) to advise on and monitor the implementation of regulations made under the Act;
- (c) to coordinate the activities of all agencies involved in the implementation and enforcement of the requirements under the Act or Regulations made thereunder; and
- (d) such other functions as are from time to time conferred on the Committee by virtue of this Act or any other written law.”

These are very wide powers and because of the lack of confidence I hold in that Government, I am very concerned; and for those reasons, hardly would want to support this, by signing, as I have put it in metaphor, a blank cheque, especially to that Government. I cannot do that.

There was a time when you could trust Government Ministers; when you deferred to them purely on the basis of a good name and honour. You cannot do that again today. I want to put the country on notice.

Hon. Dr. Rambachan: Calder Hart.

Sen. F. Hinds: He was not a Government Minister. Do not let me call the names of Government Ministers who were akin to him. Madam Vice-President, I am being severely tested.

Madam Vice-President: Senators, please allow Sen. Hinds—in protection, give him the chance to speak.

Sen. F. Hinds: I thank you very, very much. It is not often that I get this Senate’s protection, so I enjoy it. [*Laughter*] Sometimes I feel more like I am under attack here, so the protection is a rarity I thoroughly enjoy.

The Minister, in his presentation of this Bill, said:

“Madam Vice-President, there is a penalty provision in clause 8, section (4),”—he says section, but I know he means subclause (4)—which makes it an indictable offence to fail to give persons authorized by the search warrant all reasonable assistance required in executing the warrant.”

He is saying to us that it is indictable, meaning a very serious offence on the penalty of serious pain, loss of liberty, if you fail to give persons authorized by the search warrant all reasonable assistance required in executing the warrant.

Now that may seem innocuous enough, but recently a major issue around the abuse of a Government credit card flared up in this country, raised by the Leader of the Opposition; a serious matter. When the Minister involved was challenged, the Prime Minister told us that she would address the country in that “No Confidence Motion” debate. She never did, so the fact stood unchallenged.

Later on, outside of the Parliament, the Minister was heard to thank all her colleagues for giving her support. Today, she apologizes for her wrongdoing, so now we know, from the record, that the Government Members, her Cabinet colleagues, gave her support for doing wrong. [*Desk thumping*] They closed ranks and she thanked them. That is what gangsters do. They do wrong and they close ranks and defend one another. I am not saying that you all are like that. I am not saying that at all. Although I am tempted, I would not. I should not. I am just saying that the behaviour displayed—the closing of ranks to defend someone for doing wrong—is the behaviour that you would find among gangsters and nobody here can argue with that. [*Interruption*]

Sen. George: You must look in the mirror, “eh”. I will always remind you about that. Look in the mirror.

Sen. F. Hinds: Madam Vice-President, I am being distracted by my friend opposite.

“Secondly, where they also obstruct those authorized persons in carrying out their duties;

Thirdly,”—very importantly—“where they knowingly make any false or misleading statement.”

The concept of “knowingly” is, as every lawyer knows, about mens rea. It is the mental state that is required to be proved in order to substantiate a charge, to found a charge and successfully prosecute a charge against an individual.

This question of “knowingly”, as lawyers know, is very difficult to grapple with. It has troubled the courts for centuries. It has troubled governments, too. How do you prove mens rea? By the actions and surrounding circumstances. I was about to field a certain example, but I shall restrain myself on this occasion. Just to say, for the time being, that it is difficult; and press on.

The Minister also told us that:

“Persons found guilty of committing any of these offences shall be liable to a monetary fine of \$100,000 or to an imprisonment sentence of 10 years or to both.”

Very draconian—these are very severe penalties and here I want to take the opportunity to demonstrate that when, in 2005, I piloted and we passed the Anti-Terrorism Bill, No. 26 of 2005, we were very mindful because it also required a special majority of three-fifths. We were also mindful of section 13 of our Constitution, which really says that, notwithstanding the formalities, the law must meet that test—the law must not be disproportional—in essence, in a society that has regard or respect for the rights and freedoms of the individual. We were very mindful of that.

These very draconian measures allow a police constable, if he suspects that you have some bacteriological or toxin weapon in your place, on your vessel, in your home, on your person, they can come there; the police can issue a warrant upon oath to a magistrate. But listen to what we said, in 2005, when it came to these kinds of measures.

Listen to what we said in section 23:

“(1) Subject to subsection (2), a police officer may, for the purpose of preventing the commission of an offence under this Act”—and this is the Anti-Terrorism Act—“or preventing interference in the investigation of an offence under this Act, apply *ex parte*, to a Judge in Chambers for a detention order.”

So we went to a judge.

“(2) A police officer may make an application under subsection (1) only with the prior written consent of the Director of Public Prosecutions.”

Another tier of protection for the citizen.

“(3) A judge may make an order under subsection (1) for the detention of the person named in the application if he is satisfied that there are reasonable grounds to believe that the person is—

- (a) interfering or is likely to interfere with an investigation of;
- (b) preparing to commit; or
- (c) facilitating the commission of, an offence under this Act.”

I quoted that section only to demonstrate to you the kind of—

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

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Sen. P. Beckles*]

Question put and agreed to.

Sen. F. Hinds: Madam Vice-President, I thank you very much. I read that from the Anti-Terrorism Act only to demonstrate the painstaking measures we put in place to ensure that we met the standards of a society that has the proper respect and regard for the freedom of the individual.

In clause 9, in this Bill before us, the Minister has power to seize and dispose of agents or toxins. This is all well and good in a normal state of affairs, but under this Government things are not normal. You just have to ask the 17 persons who were detained by the Minister and by the Attorney General. You just have to ask those 466 persons. You just have to ask persons like John Gill who, one o'clock in the morning saw four police vehicles—now it may not happen because the Attorney General has the four of them now—"buss down the man door" because he had an outstanding petty maintenance warrant. They can say what they want, but the people of this country understand that they are very dangerous.

Hon. Senator: Point of order: 35(1)

Sen. F. Hinds: 35(1)? 35(1)?

Mr. Vice-President: No, no. Senator, continue. [*Desk thumping*]

Sen. F. Hinds: Thank you very much. 35(1)? They do not even know the difference between relevant and irrelevant. You see how dangerous they are. Vicious!

I was only making the point, but you see Sen. Moheni, who comes out of NJAC, a party to the coalition, does not want people to hear the truth anymore. Let me quote; very relevant to this debate. I do not always agree with all of his thoughts because he is powerfully ideological; but I read him. He has a good mind, an illuminating mind, and I read him.

He is a man called Michael Harris, writing commentary and analysis in the *Daily Express* of Monday, January 23, 2012. I will show the relevance. Generally speaking, he is saying that the country rejected the PNM and so on and that you can say what you want about the Leader of the Opposition, but the one thing he has to be respected for is that he is stood up and let his voice be heard when he perceived that things were going badly. [*Desk thumping*]

Michael Harris is asking under the rubric “The silence of the lambs”, where are their voices now? He made reference to NJAC. If I had to reply to Michael Harris, I would simply write and tell him that NJAC is following the old and golden rule: “When you are eating do not talk.” It is uncouth to talk when you are eating. [*Desk thumping*] So NJAC has gone quiet.

Madam Vice-President, hear what Michael Harris had to say. It is very relevant.

“Thus the question does have to be asked: where are their voices now? How could they see this Government pull our country down into the depths of shame and disgrace and stay silent? What possible excuse could there be for their complicity of silence?”

I conclude my quotation:

“It cannot be that these persons do not see that this government is not only visionless and bankrupt of plan and programme, but at its very core it is a vector”—vector meaning bacteriological, that pervades the thing—“of corruption and iniquity...”

Hear Michael Harris. I wish I could have put it more potently and better, but he speaks so well. He goes on to say:

but at its very core it is a vector of corruption and iniquity...”

And we have proof of that in the Education Facilities Committee. We are going to point it out again. Colm Imbert did it recently.

3.10 p.m.

He goes on to say,

“a virulence”—from the word virus—“that is attacking the country’s immune system...” as bacteriological and toxin weapons and agents can do.”

Hear the language. [*Crosstalk*] I am telling you wonderful language, so relevant to the debate. He says that it:

is attacking the country’s immune system by destroying all standards, values and principles of morality in public life.

“It cannot be that these persons”—NJAC, COP, Mr. Winston Dookeran with the new politics; those were my words not his—“that at the very pinnacle of this government there is a vacuum of responsibility as our Prime Minister prefers the pleasures of communing with her spirits and of parading in fancy dress rather than giving thought to the work of the tomorrow.”

Bacteriological and Toxic Weapons Bill, 2011
[SEN. HINDS]

Tuesday, March 20, 2012

That is Michael Harris. And I think he put it so well. It is as if he was in this House debating the Bacteriological and Toxic Weapons Bill. Virulence; destroying the country's immune system, destroying all the standards that we had known. This is not the PNM talking.

Sen. Ramlogan SC: “Yuh sure?”

Sen. F. Hinds: It is an independent commentator. So, Madam Vice-President, before I was distracted to read Michael Harris, let me again, in section 24 of the Anti-Terrorism Bill under the side note;

“Power to gather information”

It says:

“Subject to subsection (2), a police officer of the rank of Inspector or above may, for the purpose of an investigation of an offence under this Act, apply ex parte to a judge in chambers for an order for the gathering of information from named persons.”

See that?

“(2) A police officer may make an application under subsection (1) only with the prior written consent of the Director of Public Prosecutions.

(3) A judge may make an order under subsection (1) for the gathering of information if he is satisfied that the written consent of the Director of Public Prosecutions was obtained and—

(a) That there are reasonable grounds to believe that an offence under this Act has been committed...”

So, Madam Vice President, I am only saying this to demonstrate again the pain we took to show respect for the rights of people. The Bill before us has no such protection, none! [*Desk thumping*] Therefore, we want to make it clear as I conclude, we are unable even with the best efforts, to be able to support this.

Madam Vice-President, I want to take this opportunity because when we are dealing with international conventions, international law and where Acts and conventions prescribe criminal liability and criminal sanctions, recently this country woke up to discover—those of us who were not in Government would not have known, and I am very proud of this fact—that Justice Anthony Carmona, a very simply, brilliant and beautiful mind and person, he has been sworn in as an ICC judge, a judge of the International Criminal Court. I want to take this opportunity to celebrate him, and to have him know that we are quite proud as a

Parliament of his achievement in his field of law. We are confident that he will do very, very well, and when he goes out there to do his work we can be assured that he would be accorded the highest traditions and the protection, if you like, and the sanctity that the office of international court judge deserves.

But what are we meting out to the judges in Trinidad and Tobago? As I conclude, they made use—and the airport is a place where attacks from terrorists using bacteriological and toxin weapons are very likely; airports are places—and this is what my sister, Sen. Shamfa Cudjoe, was trying to say last week. She had very important things to say, but she was not given the opportunity. And if time permitted I would have taken her speech and said what she had to say. She was shot down. And she wanted to make certain points about the airport in Tobago, as I now make one about the airport in Trinidad.

The Minister of Transport, he came—before he was born the judges were using the VIP area outside of the airport to park their vehicles whenever they travelled, and he saw the wisdom in throwing them out. So while Justice Carmona will be accorded the dignity of his office internationally, here in Trinidad and Tobago the Minister of Transport threw the judges out of the VIP car park and have them struggling among other people now for a park in the main car park.

Sen. Ramlogan SC: Stop talking foolishness.

Sen. Maharaj: Point of order, Madam Vice President. That is entirely false; the judges have full access to the VIP parking area. [*Crosstalk*]

Sen. F. Hinds: Since the Minister rose to his legs and said it was entirely out of order, and said that the judges are now able to park there, would the Minister confirm that they were told that they should stop, and it is a rearguard action that they are now allowed to park there again?

Sen. Maharaj: No, Sir. There was an abuse of the VIP area. All members holding a VIP pass were asked to reapply, and the judges were allowed full parking in the new arrangement in the VIP area.

Sen. F. Hinds: I thank the Minister for his intervention. You see a new concept, reapply, that is the same thing that Wendy Fitzwilliam and many other people whom you met enjoying contracts or working under contracts in the public service—it is that same thing; reapply for the job and out they go. [*Desk thumping*] [*Crosstalk*]

So Madam Vice President, as I come to a conclusion on my short contribution to this Bill, [*Crosstalk*] I would like to say that the People's National Movement having had the benefit, the opportunity to govern this country for over 40 years, at least 78 per cent of the life of this nation as an independent nation state we have

Bacteriological and Toxic Weapons Bill, 2011
[SEN. HINDS]

Tuesday, March 20, 2012

had occasions many times to incorporate international agreements into our domestic law. I have just demonstrated by way of the Anti-Terrorism Bill that these are not matters new to us, we have been there, we have done that, and he understand what is required in order to find that balance between dealing with threats to the entire society as with terrorism bacteriological and toxin weapons, and the need to balance those with the rights and the freedoms of the citizens of Trinidad and Tobago. We have always been able to find a balance; this Bill does not find that balance.

We consider the measures proposed in this Bill to be disproportional, and as a result, we have indicated that for those reasons we are unable to support it. And having said those few words, I would like to indicate as I close, we are still open, there is time enough, if the Minister wants to reconsider some of these proposals and present more palatable proposals to us for our consideration, we would be very happy to contemplate it. But as it now stands we are unable to give support to this, not because of irresponsibility, but certainly because in the protection of the people of Trinidad and Tobago we find that this is disproportional. In our duty to protect them we will stand between you and them because we have learnt what you did during the last state of emergency, how you hurt the Muslim community, how you went up and down the corridor and picked up, some criminals, some, “bad behaved boys”, but in many cases innocent young people in this country and dumped them for 43, 53, 60 days in custody without bail. So on their behalf, I say we cannot support these measures, and we look forward to your rethinking and your re-presentation if you want to consider our support. I thank you. [*Desk thumping*]

Sen. Elton Prescott SC: Thank you very much, Madam Vice President, and senatorial colleagues. I am pleased to be given the opportunity to speak on this Bill, “An Act to give effect to the Convention on the Prohibition of the Development Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.”

My contribution would be an excursion really into the effectiveness of this piece of legislation. As it seems to me most clear that the objects of this piece of legislation have not been achieved by what we have been presented and so I trust that the hon. Minister who piloted this Bill—the hon. Minister in whose hands it is meant to take effect—and those who prepare legislation give some thought to what I say and hopefully refashion it so that it achieves its objectives.

The long title says that it is an Act to give effect to the convention and we note from the Explanatory Note to the Bill its purpose is “to give legal effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction in Trinidad and Tobago.”

If I may invite you to join with me to look at the Schedule to the Bill—the Schedule is presaged in clause 4—you would note from the terms of the convention that are set out here that, clearly, its purpose can be divined by simply reading it.

In the introductory part it says:

“The States Parties to this Convention

Determined to act with a view to achieving effective progress towards general and complete disarmament, including the prohibition and elimination of all types of weapons of mass destruction and convinced that the prohibition of the development, production and stockpiling of chemical and bacteriological (biological) weapons and their elimination, through effective measures, will facilitate the achievement of general and complete disarmament under strict and effective international control.”

If I may skip a few passages in the recital:

“Convinced of the importance and urgency of eliminating from the arsenals of States, through effective measures, such dangerous weapons of mass destruction as those using chemical or bacteriological (biological) agents.”

Further on,

“Determined for the sake of all mankind, to exclude completely the possibility of bacteriological (biological) agents and toxins being used as weapons.

Have agreed as follows:”

And then they have set out the purposes. In Article II, of the Schedule you read the following:

“1. Each State Party to this Convention undertakes to destroy, or to divert to peaceful purposes, as soon as possible but not later than nine months after entry into force of the Convention, all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, which are in its possession or under its jurisdiction or control.

2. In implementing the provisions of this Article all necessary safety precautions shall be observed to protect populations and the environment.”

I just want to quote from two more articles before I make the point.

“Article IV

Each State Party to this Convention shall, in accordance with its constitutional processes, take any necessary measures to prohibit and prevent the development, production, stockpiling...toxins, weapons, equipment and means of delivery specified...”

And finally:

“Article X

The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes. Parties to the Convention in a position to do so shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.”

I had started off by saying one can easily divine the purpose of the convention by reference to the articles and it seems to me, Madam Vice-President, that when we set out to construct this piece of legislation, granted that it is to give the effect to the convention, one ought to have looked through these articles to see whether we could have been more specific as to what steps we will take to bring it into effect.

3.25 p.m.

If, for example, we went to Article IV of the Schedule once again, we would see that our legislation could say these are the measures we propose to take to prohibit and to prevent the development, production, stockpiling, acquisition, or retention of the agents. What it appears to me that we would achieve, so far in what is proposed in the Bill, is the means for prohibiting persons from stockpiling.

If you look at clause 10 of the Bill, you will note that it speaks to development, production, stockpiling and acquisition of weapons which have a biological or toxin purpose—I trust that I have put that correctly—which can be used as weapons. I am saying that we could have created a section that says, “These are the steps we will take to prohibit development within this country.”

If we look again at the Schedule you will note that it says—I had read from the introductory part—that we were seeking to completely exclude the possibility of bacteriological agents and toxins being used as weapons. Ought the legislation not to have said that is its purpose? The purpose of the Bill is to exclude the possibility of these agents being used as weapons; it does not appear in the Bill.

It does not appear in the Bill that we note it would become necessary to define what weapons of mass destruction are. Weapons of mass destruction, it appears, is a term concocted by the media or by some international agency or state, and no doubt has its own definition in each of those places, but not here in Trinidad and Tobago. Should this Bill not have said what it regards to be weapons of mass destruction so that innocent people like myself who might accidentally have something that looks like one of them would know what to do? I say it in that fashion so that everybody would know what we are talking about, that the Bill needs to say, “You must not have, in your possession or under your control, something that is or resembles a weapon of mass destruction.” It is there that I wish to start.

The Bill, therefore, appears to have achieved only two things. It has established a committee, and I would come back to that, and it has established an offence in clause 10.

The absurdity, if I may use such a strong term, of clause 10 is that it creates these offences of stockpiling, developing, et cetera, and it says you are permitted, if I may extrapolate, to have them if you can justify that they are to be used for peaceful purposes. It does not take a greatly clever lawyer to design a peaceful purpose for any piece of material or equipment that is found on his client’s premises. Are we really seeking to, as the convention says, prohibit the development of weapons of mass destruction? And if so, could we not have said very clearly in the legislation that we shall remove weapons of mass destruction from wherever they may be found, rather than to create an offence which requires that we establish that there is a mental element in the person holding it to use the thing or things for other than peaceful purposes? I trust that I am making the point—*[Interruption]*

Hon. Senator: “Oh yeah, absolutely.”

Sen. E. Prescott SC:—because I do not propose to spend a great deal of time going into it in any greater detail if you would permit it.

It seems to me that we are wasting so much legislative time to put this together and all we are doing is creating an offence to give effect to “the purposes of the Act”, and we have not set out in the Bill what are these purposes. If you do not set them

out there then nobody knows what they are and we are just wasting time. It becomes another piece of legislation that we are going to add to the statutes and maybe someday when we are doing the inventory of legislative achievements we would hear its name called, but we would all know that it—[*Interruption*]

Sen. Al-Rawi: Wanting.

Sen. E. Prescott SC:—well, it has the effects of a dud. I forgot the word that they use in weaponry, but I think dud will do it. It will be a waste of time to have had this kind of legislation on the books. [*Interruption*]

Sen. Al-Rawi: Well said. [*Desk thumping*]

Sen. E. Prescott SC: Throughout the Bill, therefore, you would find the term “the purposes of the Act” set out, but you would not find anywhere in the Bill that says, “We have hereby given effect to the Convention on the Prohibition of the Development and Stockpiling”, et cetera, “bacteriological weapons.” I know somebody is going to get up and say—maybe the Minister in reply is going to tell me, “This is the legislative instrumentation that has been used for centuries in Trinidad and Tobago”; it does not make it right. That is just my view and I wish to have it on record.

Somebody needs to say: “In giving effect to the Convention, we shall do the following: we shall prohibit the use of weapons of mass destruction described as”; and set it out in great detail so that every Tom, Dick and Harry will know. [*Interruption*]

Hon. Senator: [*Inaudible*]

Sen. E. Prescott SC: Okay Harrilal, Mary, everybody else would know what is prohibited. I did not want to get into the mundane when I took that approach. [*Crosstalk*] I must know not to be distracted by those who prompt me.

The second point, and this is the one that irks me the most, we have created a mouse really after all this activity. We have set up a committee under the Bill, a committee that is conceived, nurtured and defined by the Minister. The committee does not have existence other than in the mind of the Minister.

Why are we going to all this trouble to create legislation to create a committee? We form committees every day. The committee has no purpose, it has no direction. Let me read to you what clause 6 says:

“The Minister may, for the purposes of this Act, appoint a Committee to be known as the Bacteriological and Toxin Weapons Committee...”

What does this committee do? Let me go to 6(3):

“The Committee...may make such Rules governing its proceedings as it may consider appropriate.”

Okay, so it is a committee that will have proceedings, and who will tell them how to proceed?—the Minister. Do I need to repeat it? The purpose of establishing the committee must be to ensure that the legislative strictures put into the piece of legislation are being observed, that people are being prohibited from doing wrong so they do not find themselves in the hands of the police.

“The Committee...may make such Rules governing its proceedings as it may consider appropriate.”

In other words, Standing Orders, who would speak first, how to bring an application before the committee—those are the things—how many meetings you must miss before you are thrown off the committee; nothing to do with the stockpiling of weapons. Is it not clear that we must take the steps to put more teeth into this if we need to make it work? It could not be that we went to all this trouble to create a committee, a committee that has no body to it. It is a disembodied institution.

The Minister, it says, may determine the terms and conditions of the appointment of the member.

It has been commented on, I think, by Sen. Al-Rawi, so one does not need to speak to it at any great length, but if it remains as it does in the hands of the Minister, it may or may not get off the ground.

Let us look at its functions. Now, it is here that we expect to see some clear reference to the convention; again, we are failing.

“The functions of the Committee shall be—

- (a) to advise the Minister on matters relevant to the making of regulations under the Act;”

Should it not be that the first thing we heard was that the functions of the committee shall be to put into effect article 4, article 10, article 2 of the convention? And I only called those three because those are the ones that jump out at me.

“The functions of the Committee shall be—

- (b) to advise on and monitor the implementation of regulations made under the Act;”

Bacteriological and Toxic Weapons Bill, 2011
[SEN. PRESCOTT SC]

Tuesday, March 20, 2012

So, you have made your regulations, you are going to sit down, advise and monitor on them, but they have nothing at all to do with the conventions, the provisions that are relevant to us.

It would “(c)...coordinate the activities of all agencies involved in the implementation and enforcement of the requirements under the Act...”

But the Bill does not have any requirements. I am sure I am not wrong about this. The Bill does not have any requirements so that they will be coordinating activities to bring about this implementation and enforcement.

Somebody seems to have missed the point here, and I am troubled that we are spending—this is the second day, maybe the third on it and we are not getting to the meat of what is meant by it. I am hearing today, I did not bother to do any research about it, but since 2009?—2005, people have been talking about this and trying to make it into law.

I come back to the point that always bothers me. This trending towards ministerial control of every institution that we seek to set up, it is repugnant to a society that feels that it is independent and that it is progressive in its thinking. It is repugnant for a Minister to be created and given all of this power—he may create a committee, determine what the committee shall do, and there is no legislative control on the Minister at all. It just does not fit into the independence that we have now come to cherish over 50 years, Madam Vice-President. [*Desk thumping*]

Then, of course, there is the ever-present provision that:

“The Committee in the performance of its functions...shall be subject to such general or special directions as the Minister may give from time to time.”

No direction for the Minister whatsoever. The Minister creates this committee, he says, “Look at the Bacteriological and Toxin Weapons Convention and see what you come up with and then I will determine whether we shall make it law or not.”

And that brings me to the next point, a point that I have heard mentioned here. By what means do we propose to give the Minister legislative power to create offences “under this Act” and place them in the regulations? And if it is permitted, why do we continue to permit it? Why do we continue to permit Ministers to say, “I am creating an offence, I will create it by way of regulations and police, and people with power would give effect to it so that persons can be indicted and put into prison for life.”

It is there, that a man can be found guilty of an offence, clause 11, contrary to the regulations made “under this Act”. The regulations are going to be made by the committee. The committee is the child of the Minister. The Minister’s mind is not guided by this “Act” whatsoever. There are no prescriptions on the Minister. Madam Vice-President, I am very much opposed to this trending towards ministerial dicta determining how we live and move in this society. [*Desk thumping*]

Sen. Al-Rawi: Well said. [*Inaudible*] offences under subsidiary legislation.

Sen. E. Prescott SC: That is the word I was looking for—subsidiary. Permit me, I am just about to move on to one other thing.

I noted that the Minister of Foreign Affairs piloted this piece of legislation and I rationalized that it is because it has to do with a treaty that the Minister of Foreign Affairs is piloting it—[*Interruption*]

Sen. Al-Rawi: Responsible for it.

Sen. E. Prescott SC:—is responsible for it. Okay, I am reminded. Clause 14 of the Bill says:

“Where an amendment to the Convention including any Protocol thereto, is accepted by Trinidad and Tobago, the Minister with responsibility for foreign affairs may by Order, amend the Schedule for the purpose of including therein such amendment.”

So it would seem that this is what was behind the selection, if you like, of the Minister of Foreign Affairs to present it. And he presented it with his usual verve and as convincing as one would have expected. But the truth is that the Minister whose responsibility this Bill is, the Minister of National Security.

It is clear that what is intended here is that there shall be a body of laws, criminal laws, laws that are capable of being enforced, monitored and implemented through the national security authorities in our society. So one has to be very careful with it because it impacts upon the liberties of the citizens, the legislation does not give with any degree of clarity, guidance to the citizens on how to avoid, for themselves, putting the society in danger of destruction by bacteriological and toxin weapons.

They may come into their hands innocently, and they may well find that when they get to court the prosecution cannot prove that they do not have them for a peaceful purpose. I am assuming that the prosecution must prove it, but in any event they may well be able to justify their having them, because they came into their hands accidentally.

3.40 p.m.

I am urging that we look at this piece of legislation again, and seek to determine whether there is not language which allows us to give effect to the legislation.

When I was studying international law, we were told that you do not just simply take up the convention wholesale and put it into your municipal law. You must think it through and determine what aspects of it you could give effect to. I imagine that is why we have taken all these years to seek to give effect to this one, but let us go back to the drawing board and look at it again.

Madam Vice-President, may I finally ask you to look at Article X. This is a part of the convention which should have prompted us to act with great speed and with great pride. Article X says, and I think I have read it before:

“1. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of equipment, materials and scientific and technological information for the use of bacteriological (biological) agents and toxins for peaceful purposes.”

Trinidad and Tobago, it is said, can participate in the:

“exchange of equipment, materials and scientific and technological information for peaceful purposes.”

We have the capacity to do it. We have scientists in this country who are on the world stage, and there is no reason to think that we are so limited that this Article X does not mean anything to us. It says:

“Parties to the Convention in a position to do so”—and I am saying that we are—“shall also cooperate in contributing individually or together with other States or international organizations to the further development and application of scientific discoveries in the field of bacteriology (biology) for prevention of disease, or for other peaceful purposes.”

Could we not imagine what a Trinidadian could do with this? Give him the power to do it, to go out there and spearhead Trinidad and Tobago’s contribution to bringing about, by peaceful purposes, the eradication of weapons of mass destruction. There is no reason why we could not be thinking so broadly of ourselves; so put it in the legislation.

Give the committee those guidelines to go out there and create the room, the space for our scientists to begin contributing to the further development and application of scientific discoveries in the field of bacteriology. It is very easy to do. If you

direct the committee what to do, then the Minister would have an easy task. He simply has to point them to the legislation and say: “Get on with the functions of your committee,” rather than himself seeking to create, out of his own mind, a series of purposes and then give them regulations and tell them to do it.

So, Madam, I trust I have caused the Minister to think again, and hopefully someone would take the responsibility for taking this Bill back from where it came and putting some meat on the bones.

Thank you very much.

The Minister of Energy and Energy Affairs (Sen. The Hon. Kevin Ramnarine): Thank you, Madam Vice-President. First of all let me congratulate the Minister of Foreign Affairs and Communications for bringing this Bill to the Senate. It is a very important piece of legislation that speaks to Trinidad and Tobago’s commitment to the international community by way of the United Nations. Trinidad and Tobago is a country that respects the international institutions such as the UN, the IMF, the World Bank, and we are a member of all those international institutions. This Bill before us is entitled the Bacteriological (Biological) and Toxins Weapons Bill. The Bill has as its purpose:

“...to give legal effect to the Convention on the Prohibition of the Development...”—which is a repeat of the title of the Bill actually.

So this is why we are here today.

I was not present at the last sitting, because as you know, I was in Panama on a State visit to that country. I understand that there was quite a lot of interesting activity taking place in the Senate. I hope that my presence here today would bring some sort of calming effect back to the Senate. [*Desk thumping*]

When I studied the Bill, and I am not an expert in this area of course, but it is quite simple to understand what the United Nations is trying to achieve and what Trinidad and Tobago is trying to achieve by this Bill. We live in a very fragile world, Madam Vice-President. We live in a world where there is fragility everywhere. I see my friends on the other side smiling; there might even be fragility in the Opposition. [*Desk thumping*]

Sen. Ramlogan SC: “Yeah.”

Sen. Hinds: And fluidity in the Partnership.

Sen. The Hon. K. Ramnarine: The Government is very strong. [*Crosstalk and laughter*] There is fragility in the global economic system. There is fragility in the global political order, and that fragility is amplified by the interconnectivity of the

Bacteriological and Toxic Weapons Bill, 2011
[SEN. THE HON. K. RAMNARINE]

Tuesday, March 20, 2012

world. So as the world becomes more interconnected—[*Interruption*] truth is the highest principle—we have more and more potential for fragility. A bank failure in the United States in the year 2008, Lehman Brothers, Bear Stearns and so on, could have been felt all the way immediately, in Thailand, Beijing and so on. That was not possible 200 years ago.

In 1998, the economic crisis in Thailand regarding the stability of the Thai Bat, which is the currency in that country, rippled all the way around the world and sparked what was called the “Asian flu”.

Sen. Deyalsingh: The butterfly effect.

Sen. The Hon. K. Ramnarine: The butterfly effect.

[SEN. DR. JAMES ARMSTRONG *in the Chair*]

So we live in a world, Mr. Presiding Officer, where somebody could post a video on YouTube and it could go viral and receive 60 million hits in a couple of hours. That is the sort of world we live in.

Looking at the historical context of this Bill, because it deals with weapons of mass destruction, not weapons of mass distraction—I know that is a term we use in the politics of Trinidad and Tobago quite often—I wanted to give a historical context as to how we as a people—and when I speak about “as a people” I speak about the human race—the world that we live, has arrived at this point where we have to take action to dismantle weapons of mass destruction.

I go back to the 19th Century. In the late 19th Century there was the invention of the internal combustion engine, and it is not very clear as to who actually invented that. I see I have sparked the interest of Dr. Ramkissoon; I know he is interested in these things. A number of people have laid claim to variations of the internal combustion engine, one of them being Carl Benz, another one being Dr. Rudolph Diesel. Those names are now very popular in our world. That invention and the confluence of science with warfare led to the events of the most devastating war of its times, which was the First World War, 1914—1918. The First World War was really when we saw the effects of amplified warfare through the use of automobiles, airplanes and tanks. The tank appeared on the scene for the first time in 1917.

What also appeared in the First World War was the use of mustard gas. That had a tremendous debilitating effect on people who came into contact with it, in places like Flanders in Belgium, where the French were fighting the Germans. What was happening in the world at that time was also mirrored with what was happening in Trinidad and Tobago. We must always realize that our country, though small, has always been a central player in the world.

In 1908 we started commercial oil production in Trinidad and Tobago, and that I think is a point which is now well beaten. But we also need to know that in 1911 we had our first shipment of crude oil from Trinidad and Tobago to the United Kingdom, to England. In 1912, Mr. Presiding Officer, right before World War I started, this country set up its first refinery. So this year, 2012, is the 100th anniversary of refining in Trinidad and Tobago. *[Interruption]*

[MADAM VICE-PRESIDENT *in the Chair*]

I would also add that this year is the 75th anniversary of the Oilfield Workers Trade Union. *[Desk thumping]* We congratulate them on that achievement. They have made a tremendous contribution to the evolution of the socio-economic fabric of Trinidad and Tobago. They have made a contribution to the attainment of social justice in this country, and that is a contribution of which we must take note. *[Interruption]*

Mr. Hinds: *[Inaudible]*

Sen. The Hon. K. Ramnarine: He is a part of the Partnership.

Madam Vice-President, in 1912 we had the refining industry set up in Trinidad, in 1914 World War I starts, and Trinidad and Tobago's oil from its refinery in Trinidad began to supply the fuel for the dreadnoughts of World War I; such was the role that we played in the First World War. I am reminded too that there was something called the West India Regiment. I was not alive at the time, but I read history. The West India Regiment was led by persons like Captain Cipriani, who went to fight on behalf of the British Empire in Africa, more specifically in places like Egypt and so on. This is the contribution our country has been playing to the world.

Coming out of the end of World War I, as mankind surveyed the disaster that was the First World War, then President Woodrow Wilson of the United States conceptualized something called the League of Nations. This was supposed to bring about peace in the world, so that there would not be a recurrence of the First World War, which as I said was very devastating with the use of mustard gas and tanks. The League of Nations, as I would show later on, was the precursor to what is today the United Nations.

In the aftermath of World War I, this led to the Geneva Protocol of 1925, prohibiting the use of wood poison gas and bacteriological methods of warfare. Biological and chemical weapons generally come together in the public mind, and its extensive use in World War I, as I said, led to over one million casualties and 100,000 deaths. So the world community has come together through the United Nations to stamp out biological weapons and so on.

Then we come to World War II, and the use of biological weapons in that war. I have not seen many references to it, but World War II was even more devastating, because the world was even more mechanized. At that time, the largest oil refinery in the world, in the British Empire, was located in Pointe-a-Pierre in Trinidad and Tobago. Again we were a major supplier of fuel to that war effort. So we have been always central to the world and its activities.

World War II as you know ended in 1945, and it ended with a very devastated event, which was the detonation of two nuclear bombs over two Japanese cities. In reading the biography of Julius Oppenheimer, he was the father of the nuclear bomb, of the atomic bomb, and he gave a famous quotation—[*Interruption*]

Sen. Deyalsingh: The Manhattan Project.

Sen. The Hon. K. Ramnarine: The Manhattan Project. There was a famous quotation he gave when the bomb was detonated. I am sure Dr. Ramkissoon knows the quotation. He quoted from the Bhagavad Gita and said:

“...I am become Death, the destroyer of worlds.”

He was quoting Lord Krishna from the Bhagavad Gita.

Sen. Ramlogan SC: “Yuh know dat one?”

Mr. Hinds: [*Inaudible*] [*Crosstalk and laughter*]

Sen. The Hon. K. Ramnarine: So the end of World War II led to the birth of the nuclear age, and nuclear weapons are another form of weapons of mass destruction.

After the end of World War II, we had a proliferation of the nuclear arms race, where the Soviet Union and the United States were competing with each other to see who could have more nuclear warheads and outdo the other country.

3.55 p.m.

So that is a bit of a backdrop of the 20th Century, and I am reminded that there is an author who is very popular now, his name is Eckhart Tolle, some of you all may have read his books, they were number one and two on the *New York Times* best seller’s list. He said that when one looks back at the 20th Century, man will say that the history of the 20th Century was the history of madness, where you had a tremendous amount of loss of human life as a result of that confluence between science and the military.

As an enlightened people at the beginning of the 20th Century, as an enlightened country that we are here, Trinidad and Tobago is a peaceful country; we do not wage war with any other country, and we have excellent relationships with all our neighbours. I, myself, have been to Venezuela—three or four months ago—and I have seen the extent to which they consider us to be their brothers, and we are deeply appreciative of the love that the Venezuelans have for us, and we feel the same about them. We played a role too in the Bolivarian Revolution. I had to point that out to Minister Rafael Ramirez, the Minister of Energy. One of the flanks of the Bolivarian Revolution originated in Trinidad and Tobago and they met with Bolivarian to help defeat the Spanish rule in Venezuela. So they know that history. As an enlightened people we support the eradication of bacteriological and toxin type weapons, which is what this Bill is trying to achieve.

This contribution is intended to be rather brief. I will now turn to the Ministry of Energy and Energy Affairs, and you may ask, what is the relevance of the Ministry in a debate like this? Well the Ministry of Energy and Energy Affairs is very relevant to a debate like this, because the largest consumer in Trinidad and Tobago of explosives is the energy sector, and the mining sector. In the oil and gas business we use a tremendous amount of explosives for the perforating of oil wells. So when one drills a well, one has to perforate the casing of the well to allow the oil to flow into the well, and for that explosives are used.

We also use explosives in the energy sector for seismic work, because the seismic shock wave has to be generated by a detonation, which is usually a small hole, three to four inches in diameter, drilled about 60 feet into the earth, and we detonate a small charge which gives a sound wave which is then received by a receiver and interpreted. So the energy sector uses explosives.

In the quarrying industry of course, which is very popular and in the news of late, the Ministry of Energy and Energy Affairs is responsible for issuing quarry licences for hard rock quarries that require the use of explosives for the material to be extracted, and in collaboration with the OSHA Agency, the Occupational Safety and Health Authority Agency, and the Ministry of National Security, we give approvals for quarries to blast.

There are a lot of explosives being used in the country, and the Ministry, under various regulations in the law, regulates the use of those explosives. There are bunkers at Chaguaramas which are maintained by the Ministry of National Security that store those explosives. So we do have a lot of explosives moving around in the country. Quarrying, which has been very topical and in the news, requires explosives for purposes of breaking up rock and so on.

We had an incident on March 09, 2012. I visited the Asa Wright Nature Centre, for the first time in the my life, and I must say that I am very encouraged to go back, having been there. It is one of most beautiful places in Trinidad and Tobago, the Asa Wright Nature Centre.

Sen. Deyalsingh: You must spend a weekend.

Sen. The Hon. K. Ramnarine: And we congratulate those citizens of Trinidad and Tobago who have dedicated their life to preserving that place, and we well support them as a Government. One of the things that they brought to my attention was the fact that the quarry operated by National Quarries and the operator of the quarry is Sunway, which is a very popular and famous name in Trinidad and Tobago—[*Interruption*]

Hon. Senator: I see he got two Malaysian accounts.

Sen. The Hon. K. Ramnarine:—Yes. A Malaysian company called Sunway, we may have heard of them; that quarry was beginning to encroach—very close to the Asa Wright Nature Centre, and you may have seen me in the newspaper looking through the telescope. And what we did, Madam Vice-President, was to immediately issue from the Ministry of Energy and Energy Affairs a directive to National Quarries to cease quarrying in the vicinity of the Asa Wright Nature Centre, and that is a decision which I stand by, and think we have been congratulated—the Government—by many citizens of this country for taking that action.

Yesterday was a very historic day. Yesterday the Minister of the Environment who is also the Minister of Housing—Minister of Housing and the Environment, Dr. Roodal Moonilal—[*Interruption*]

Sen. Hinds: Send him to Penal fire .

Sen. The Hon. K. Ramnarine: Dr. Roodal Moonilal signed the ministerial order yesterday for the reversion of the CEC rules to where they were in 2007 and 2008. What happened in 2007 and 2008, is that activities 8 and 23 of the CEC rules were amended by the previous Government, our friends opposite, to exempt quarries that are less than 150 acres from the CEC process. What that meant, is that almost 95, 96, 97 per cent there of your quarries in Trinidad, became exempted from the purview and the supervision of the Environmental Management Authority.

What we have had happening in Trinidad and Tobago is largely a quarrying sector which was not properly regulated, and the only regulation that was applied to the quarrying industry came from the Ministry of Energy and Energy Affairs, and the Minerals Division of the Ministry of Energy and Energy Affairs was not properly resourced to have oversight of the sector it was charged to manage. So we are now resourcing that sector of the Ministry of Energy and Energy Affairs.

Madam Vice-President, those are some of the points I wanted to raise. As I have said, we live in an enlightened world; we are moving towards renewable energy; we are moving towards greater trends in human rights; we respect human rights in Trinidad and Tobago. We respect our commitment to international agencies, the IMF, which I know Sen. Dr. Henry is not very fond of, at least the team that came from the former mission. We respect our commitment to the United Nations as regards reporting and so on. *[Interruption]*

Sen. Hinds: Which clause is that linked to in the Bill?

Sen. The Hon. K. Ramnarine: As a result of that respect for that commitment, and our role as a distinguished member of the international community, on behalf of the Government, I humbly support this Bill.

Sen. Penelope Beckles: Thank you very much.

Sen. Hinds: Now you would get relevance.

Sen. P. Beckles: Thank you very much, Madam Vice-President.

Hon. Senator: You know relevance?

Sen. Hinds: What?

Sen. P. Beckles: I would like to make a brief contribution on this Bill, the Act to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction.

I must confess that when the Bill first appeared on the Order Paper, and having regard to a point that Sen. Al-Rawi normally raises in this Senate, and that is the whole issue of the legislative agenda, I wondered what was the urgency of this Bill. Not that a Bill only comes to the Senate because it is urgent, but I gather from the way and manner in which most Bills have been brought to the House, whether it is the Lower or the Upper House, one can normally detect, as we have been able to over the last almost 22 to 23 months, that there is some relation either to what is happening in the order of the day, something that relates to what might have happened before, or some Bill that may have been languishing but is in some way relevant to some sort of activities of the day.

So I cast my mind back to the state of emergency, and matters incidental thereto, and wondered whether activities that took place during that time may have, in some way, influenced the introduction and the actual debate of this Bill. But of course having perused the Bill, and having done research myself, I have

not been able to come to that conclusion. Having heard the last speaker who spent the majority of his time talking about quarrying, it has convinced me even more that the Government is not absolutely certain why this Bill has been brought. I am happy to know that the Minister visited the Asa Wright Nature Centre which is not very far actually from where he lives—[*Interruption*]

Sen. Hinds: And he has never been there?

Sen. P. Beckles: I am surprised that he has never been there.

Sen. Hinds: Jesus Christ.

Sen. P. Beckles: I am being blasphemous, Sen. Hinds? But anyway, I am hoping that he would not only visit again, but he would take some of his colleagues there, and I want to say—[*Interruption*]

Sen. Hinds: Take Sen. George.

Sen. P. Beckles: —in terms of what has been taking place in Asa Wrights Nature Centre, I am still happy that he has brought the Senate up to date on what has happened, and I am sure that the board and members of Asa Wright Nature Centre are quite happy with the decision that the Government has taken.

Having said that, there are just two areas of the Bill that I am concerned with, and again it has to do with clauses 6 and 7, which are the two initial clauses of the Bill after the short title, the commencement. That again, has to do with the establishment of the committee.

Madam Vice-President, if you read the clause 6(2) of the Bill which says:

“The terms and conditions of the appointment of a member of the Committee and the period of tenure of office shall be such as the Minister may set out in the instrument of appointment.”

Now, that in itself is a very vague and general section because I would have expected that that would be a lot more specific. Clause 6(3) says:

“The Committee, with the approval of the Minister, may make such Rules governing its proceedings as it may consider appropriate.”

That, I do not have too much difficulty with, but it is clause 7(1) and 7(2); 7(2) in particular says:

“The Committee in the performance of its functions under the Act shall be subject to such general or special directions as the Minister may give from time to time.”

Madam Vice-President, that is a clause that you find in a number of pieces of legislation which a lot of board members sometimes have difficulty with, because a lot of them are of the view that the Minister ought not to have such powers. I think that clause needs a little tightening up, and it may be that one would want to restrict those directions specifically to the intentions of the piece of legislation.

The other issue is the issue that was raised by Sen. Hinds which speaks specifically to the issue of the making of regulations. This is not the first piece of legislation that would come before the Parliament that would stipulate that the Minister may make regulations prescribing, as is the case in clause 13(1) which specifies that:

“The Minister may make Regulations prescribing—

- (a) measures required to ensure the security of any biological agent or toxin manufactured, stored or used in any building, place, vessel, aircraft, carriage, box, motor vehicle, or any other conveyance; or
- (b) any matter that is required or permitted by this Act to be prescribed or is necessary or convenient to be prescribed for carrying out or giving effect to the purpose of this Act.”

Clause 13(2) which normally causes the controversy is:

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

Now, as I said earlier, the particular clause 13(1) (a) and (b) and 13(2), it is not unusual that pieces of legislation would have these two sections listed.

4.10 p.m.

The difficulty I have is that the hon. Minister has not at least given us the reason as to why regulations cannot come together with this piece of legislation and/or, to indicate whether there is any particular time frame within which the regulations would be laid, so at least the Senate could have some measure of comfort, that it is not one of those situations where the regulations would come at any time.

So if it is, for example, the Minister says, “Well, instructions have been given to draft the regulations, they are going to come within a period of six months, or the Government has targeted that the regulations would come in a period of one year”, at least we have some measure of comfort that it is something that is under active consideration. But I do think that it is not good enough to simply put this clause in the legislation and not give us the benefit of the Government’s thinking as to when the regulations would be implemented. [*Desk thumping*]

Now, there are some pieces of legislation that come before the Parliament where the regulations are not really going to make a substantial difference to the actual functioning of the legislation. There are several pieces of legislation, as I said, that have come where the regulations would have not made a difference one way or the other. I want to suggest to the hon. Minister that this particular legislation is not like other pieces of legislation that have come before the Parliament. As a matter of fact, Madam Vice-President, this particular Bill actually allows for the creation of certain types of offences. And if you look at, for example, clause 10, without reading all of it, if you go to—probably 10(d) might be the best one. It says:

“10. A person who—

- (d) fails to ensure that adequate measures are taken for the safety and security of any biological agents or toxins manufactured, stored, kept or used in any building, place, vessel, aircraft, carriage, box, motor vehicle, or any other conveyance in accordance with Regulations made under section 13(1), commits an offence and shall on conviction on indictment, be liable—
 - (i) in the case of an individual, to a fine of one hundred thousand dollars and imprisonment for ten years; or
 - (ii) in the case of a body corporate, to a fine of two hundred and fifty thousand dollars.”

So, what I am drawing to the attention of the Government is that, I want to suggest that you look again closely at the issue of the regulations because of the fact that offences can be created via the regulations under clause 10(d).

Madam Vice-President, if I could go a little further. Clause 11 says:

“Where an offence is committed under this Act or Regulations made thereunder and is proved to have been done with the consent, connivance or acquiescence of a director, manager, corporate secretary or other similar officer of the body corporate or any other person purporting to operate in such capacity, that person shall on conviction on indictment, be liable to a fine of one hundred and fifty thousand dollars and imprisonment for ten years.”

In other words, just the first line alone, “Where an offence is committed under this Act or Regulations.”—I am saying that in passing the Bill, the Bill itself allows, in relation to the regulations, for offences to be made. So we want to submit, therefore, that this ought not to be one of the pieces of legislation that should be passed without the regulations being brought before the Senate. [*Desk thumping*]

I hope that the hon. Minister would take the suggestion in the way in which it is submitted. Because here it is, as my colleague is reminding me, you have a question where subsidiary legislation—and subsidiary meaning the regulations—is actually creating very, very serious criminal offences and I do not know if that is actually permissible where the regulations can create the offences. But more importantly the regulations in creating the offences, we are being asked to vote on the Bill, where the regulations are creating the offences, but the regulations are not before the Senate for consideration. So I do hope that that would be given some further consideration.

Now, I do recall that when the hon. Minister spoke and he piloted the Bill, you would remember that he did say that in drafting this legislation he had access to a number of attorneys, doctors and persons who were very qualified and who would have assisted in ensuring that this Bill was very airtight.

Madam Vice-President, it is clear that clauses 10, 11, 12 and 13—well not so much 12, but 10, 11 and 13 are serious cause for concern and I think that those attorneys and doctors who advised the hon. Minister in relation to these clauses need to revisit the Bill, again—and clearly did not do all that was necessary to ensure that the Bill should be passed. I cannot see how, as Members of Parliament, we can be asked to support a Bill which has made such a fundamental flaw.

The last thing I want to endorse again is in relation to what my colleague raised, and that is in relation to Sen. Hinds. Now, very often when committees are set up, a Minister genuinely expects that when he or she appoints a committee that that committee is clothed not just with the responsibility but the type of persons who can do the job. Let us put it very bluntly. Even though the Minister under the Bill could give specific and general directions, one wants to ensure especially a matter that is as complex as this and as technical as this, that those persons are properly qualified. Now, there are certain—whether it be State bodies, whether it be agencies, when you look at the legislation they do not only say suitably qualified, but they also then go on to say what ought to be the qualifications of the persons to sit on that committee. So that when it is said for example:

“6. (1) The Minister may, for the purposes of this Act, appoint a Committee...consisting of a Chairman and a Deputy Chairman and such members as the Minister may from time to time appoint in writing under his hand.

And then it goes on to say that:

- (2) The terms and conditions of the appointment of a member of the Committee and the period of tenure of office shall be such as the Minister may set out in the instrument...”

Now, I know for example that the hon. Minister of Public Utilities who has—let us say, for example, T&TEC and WASA. If you look at those two pieces of legislation you would see that the legislation specifies that you should have somebody who is an engineer, somebody who is an accountant, somebody who is a lawyer. And the reason the Act specifies that is to ensure that in those particular disciplines—would be disciplines, that certain members of the board are expected to have to ensure that issues of governance and issues of management of those utilities, that the Government or the Minister has a certain level of comfort that those persons are duly qualified.

So when you set up a committee as this, which deals with “The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction”, you just cannot assume that whilst you talk about suitably qualified, the idea really ought to be that they should probably look at the legislation specifying at least certain qualifications for maybe two or three members of the board. [*Desk thumping*] It does not have to be the entire board but at least you have two or three persons who are particularly versed in these areas, people who have done research, people who are knowledgeable, so that when the Minister appoints those persons he does not have to be concerned that they are competent or that they are suitably qualified, but they can do the job.

Whilst one could argue that because you have a degree in a specialist area, it does not necessarily mean you are going to be a good manager or a good chairman, but one can be reasonably comfortable that if you have those skills that at least you should be able to bring the kind of governance and to make the kind of decisions that we know the country would be comfortable with. [*Desk thumping*]

Madam Chairman, we have seen [*Interruption*]

Sen. George: Madam Vice-President.

Sen. P. Beckles: Oh sorry. I am so talking about Chairman. Madam Vice-President—I may be thinking about elections right, because I know the President is going up for Deputy Chairman.

Sen. Hinds: “Aaah, mouth open boy, tory jump out.”

Sen. P. Beckles: I hope it would not be unparliamentary or irrelevant, Madam Vice-President, to wish you the best in the upcoming election—[*Desk thumping*] and of course the Minister of Foreign Affairs and Communications who is piloting this Bill is also contesting the post of Deputy Political Leader.

Sen. Hinds: That is the Prime Minister's slate.

Hon. Rambachan: You wish you had a good leader like that, "eh"? [*Laughter*]

Sen. Hinds: Marlene Coudray was also a Deputy Political Leadership, boy.

Sen. P. Beckles: Let me also wish him the best.

So those are really the two areas that I wish to express my concern about. They are only two areas, but they are two very, very important areas that I think would make an absolutely substantial difference to us voting for the Bill, and I think that our objections particularly as they relate to the issues of the regulations are extremely valid and worthwhile objections, and also the issue of the committees. I do hope that the hon. Minister and the Government would give consideration to our objections.

Thank you.

4.25 p.m.

Sen. Corinne Baptiste-Mc Knight: Madam Vice-President, I thank you for the opportunity to intervene in this debate. I think that my whole career life prepared me to realize the importance of a Bill like this, because we belong to an international community; we sign on; we adhere to conventions and then they seem to drop off radar.

But, Madam Vice-President, I have to admit that the Bill in its current form causes me serious concern. I think, fortunately, I waited to be one of the last speakers and the real reason for this is that the fundamental problems that I had with the Bill I thought would have been, probably, completely dealt with, making my intervention irrelevant, and for that I must thank my colleague—he is not here at the moment—Sen. Prescott SC, for actually expressing, very eloquently, most of my fears. [*Desk thumping*]

I think it is obvious that if we are putting into our national laws the elements of a convention to which we have become a party, we have to look very carefully at the convention and identify those areas which are critical to our implementation. And, sadly, I do not get the impression that the crafters of this

Bill did an in-depth investigation of this convention, because it is not only the convention as included in the Schedule. This convention was agreed to in 1972, but up until the time that we adhered to this convention, there were, in addition, six review conventions and the results of those review conventions ought to have, in some way, influenced the fashion in which we have to implement the legislation, and it does not seem to me that any of this has been really, adequately, taken into account in this Bill as it stands.

As has been said before, it occurs to me that the only concern here was to establish a committee which does not, according to the Bill as it stands, really represent what is of importance to us as a party to this convention. I would not belabour what has been said before, but is anybody aware that the Implementation Support Unit receives certain information from the states parties to this convention that is part of the review for each review conference?

Now, I would have thought that it would be essential that one of the functions of this committee would have been to liaise with this unit and be responsible for whatever reporting has to be done. I look at the Bill—silence. Now, I might be wrong, but I feel that this is important. If we are to be in a position to take advantage of article 10 of the convention, we have to be in close touch with the movers and shakers. If we are to be able to participate and derive some benefit from the research that is being done as a part of this convention, who in Trinidad and Tobago is going to be responsible for that? I would have thought it would have been the committee. And I do not expect the Minister to have to tell the committee, in secret, that this is what they are supposed to be doing. You have functions for them in the Bill; it must be part of their functions.

Now, they are to coordinate the activities of the agencies involved.

Madam Vice-President: Hon. Senators, it is 4.30 p.m. We will take the tea break and Sen. Baptiste-Mc Knight will continue when we resume. This sitting is now suspended until 5.00 p.m.

4.30 p.m.: *Sitting suspended.*

5.00p.m.: *Sitting resumed.*

Madam Vice-President: Hon. Senators, Sen. Baptiste-Mc Knight was on her legs. You have completed seven minutes and you have a remaining 38 minutes in your contribution. [*Desk thumping*]

Sen. C. Baptiste-Mc Knight: Thank you, Madam Vice-President. Thanks to those who preceded me I doubt I would need 38 minutes, but here goes.

I think where we left off I was concerned about who exactly was going to be implementing the provisions of the convention. There is nothing in the Bill that gives you a clue to that. The nearest you come to it is in clause 7(c) where it talks about coordinating “the activities of all agencies involved”.

Now, this is general, but I do not think it is precise enough, because I can think off the top of my head of at least four different Ministries, not to mention agencies like CARIRI, institutions like UTT, UWI, that would be interested in the implementation of this convention.

Clause 7(2) has been adequately dealt with. Let me spend a moment on clause 8. A magistrate has to be satisfied by proof upon oath of certain things, but there is no provision for a certified analyst to certify that the substances being dealt with fall under the ambit of the convention. I think that that is a serious gap in the legislation. There must be some provision for an analyst. It could be the director of the forensic centre, or somebody, who can certify that the materials involved fall under this Bill.

Again, there is a lot of mention of, “for the purposes of this Act”. For which purposes of the Act? Now, in clause 8(1)(g) it says:

“seize and retain for such time as may be necessary...”

Now, who is to determine such time as is necessary? Are the courts involved in determining the time that is necessary, or is it the poor Minister again who has to determine such time as is necessary?

We keep talking in vague terms about the biological agents and toxins that are being manufactured or stored. But any agent, or most agents that would be covered by this have to be brought into the country, because I do not think we are talking about “cow itch”, which you might laugh at, but it could be a pretty toxic agent. There is no provision that I can recognize to deal with these substances being introduced into the country.

I cannot understand how under this Bill, a customs officer who gets information by virtue of the pre-arrival information that comes with passengers that there is something in the pocket of one of the passengers—I cannot see how under this Bill, as it stands, that agent has the authority to deal with that situation.

Then we talk about the warrant that the magistrate issues being able to cover a suitably qualified person. Now, if elsewhere one had determined what the core specialties that were required under this Bill were, then “suitably qualified” would have a meaning. As it stands there, it means nothing.

And here again, at clause 8(5), we have to talk in terms of time frames for these agents that are seized, and reading this Bill, one does not get the impression that these toxins are things that you just do not—if you know it is in a building, you just leave it in the building and you tell the owner of the building to keep it there; you cannot move it for any period of time. These things have to be secured. This Bill does not drill down into enough detail to cover the protection of the community in case there is a breach.

At clause 9:

“The Minister, may upon the recommendation of the Committee, give directions in writing—

(a) for the immediate seizure and disposal...”

Now, sense alone says that there is a time frame between the committee making a recommendation and the Minister, if even the direction in writing comes immediately, “immediate seizure and disposal”, these are not agents that you can dispose of like that. And when these agents are seized and disposed of immediately, is there the possibility of taking action against the persons who might otherwise have been guilty of an offence under this Act? It does not seem like it.

The Minister gives instructions under this section. Is there any reference to—I do not know whether it is the DPP or some court agent, that might be involved in the prosecution of this offence? And then when you come to the offence itself, somebody has to determine whether the agents and toxins are in sufficient quantity. Now, who is going to determine that? A police sergeant? It does not seem likely. Who is going to determine whether it is “for hostile purposes”?

It seems as if there is a conspiracy here to put money in the pockets of lawyers, because they are the only people who are going to profit from this legislation as it stands. When you see the number of lawyers in both Houses, people like me who have to pay lawyers get very worried when they see legislation like this. [*Interruption*] You would be surprised. As a youngster, I put enough “cow itch” on people’s benches. Anybody doing that now could get hung up under this legislation, you know. [*Laughter*] Okay.

Clause 10(d) states:

“fails to ensure that adequate measures are taken...”

Nowhere do they refer you to where you will find what these adequate measures are. Not good enough. I just want to reiterate that with respect to the regulations, there is no way—and let me repeat for emphasis—no way that given what I understand this convention to entail, I am going to be agreeing to a Bill without seeing the recommendations. [*Desk thumping*]

5.10 p.m.

Hon. Senator: “Cat in bag.”

Sen. C. Baptiste-McKnight: “Dat eh cat in bag, dat is lion in ah bag.” [*Desk thumping*] And further, I feel that these regulations ought to be subject to the positive resolution, affirmative resolution of Parliament. This is too far-reaching.

Now, clause 14, I really find this should be part of the big comedy shows that they have. Because it says, whenever there is an amendment including any protocol—and you have to understand that the discussions and agreements arrived at in the review conferences literally have the effect of amending the convention because they de facto amend the understanding and interpretation of the convention. And you are just going to say off the cuff, sort of—Any protocol or amendment that is accepted by Trinidad and Tobago, the Foreign Minister will amend the schedule for the purposes of including it. So that this Bill could be changed profoundly with no further reference to the people who have agreed to the Bill. Madam Vice-President, I cannot agree to that.

These are just a few additional reasons, largely additional to what Sen. Prescott SC, Sen. Al-Rawi and Sen. Beckles have explained why I would not find it difficult, I would find it impossible to support this Bill as it stands. Thank you. [*Desk thumping*]

The Attorney General (Sen. The Hon. Anand Ramlogan SC): Thank you very much, Madam Vice-President. This is a Bill that relates to our treaty obligations. We have to align ourselves with our international obligations and comply with our treaty, the conventions to which Trinidad and Tobago is a signatory. This Bill seeks: “to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction”, which Trinidad and Tobago acceded to on July 9, 2007.

More importantly, through this Bill we are attempting to take a proactive step rather than a reactive one, having regard to the fact that this matter has been around for quite some time and many other countries have in fact incorporated into their domestic law, the treaty obligations to which I refer.

It is also a matter since 9/11 and since the release of nerve gas in various public places over the world. And, in light of the rather illuminating contribution by Sen. Ramnarine, which detailed the development and chronicled the dangerous use of these kinds of biological and toxic weapons that can cause mass destruction, it is a timely matter. We cannot wait for someone with a blend, a cocktail of biological weaponry and gas to be released and then we come haphazardly to make laws. So with some degree of foresight, we are proactively seeking to do that which no other Government has done, notwithstanding the passage of almost two decades.

I have listened with great interest to some of the comments made. I think that I remain receptive to some of what has been said but not all of what has been said. I think some of the criticisms are valid and legitimate and we are prepared to listen to those criticisms and take a second look where there is need to pause for a cause. In other areas, we would unfortunately have to agree to disagree. I would perhaps take you through those areas of the Bill that have been the subject of some comment or criticism.

The first issue raised with the Bill had to do with—I think, Sen. Prescott SC had raised the issue of whether the Bill adequately describes and reflects what it is meant to do sufficiently. The first point I wish to make is that the long title to a Bill really does not form part of the substantive law in the Bill. And, insofar as the title reads: “An Act to give effect to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxic Weapons and on their Destruction.” I think that is sufficiently clear, it is concise, succinct and to the point.

Now one may arguably go on to say a lot more in drafting. But, given the fact that the articles to which we refer are expressly incorporated as part of the Schedule to the Bill, I think there can be no room for doubt and that, I think, would be sufficient to deal with the matter. Where the draftsman, quite commendably focused the spotlight is on the fact that the Bill requires a special majority and its goes on to make the relevant recitals in the preamble to the Bill and that is set out at page 1.

Now, the interpretation section, biological agent, and of course, not many of us can profess to have a working knowledge of something that is by its very nature and definition perhaps a very esoteric niche area and field of study. But, I believe it was Sen. Deyalsingh who made the point that perhaps the definition could be opened up as wide as possible. I think that is a useful suggestion, to have

it opened up so that in the future any developments that occur in this particular field can be captured by the Bill. It would therefore be a useful suggestion to include the words, “whatever its origin or method of production” which, I believe the learned Senator had suggested. Perhaps we may be favourably disposed to such a suggestion at the appropriate stage.

I think the next problem identified had to do with the appointment of the committee and its composition. The first point I wish to make is that having listened to the contributions of my learned colleagues in this Chamber, I think that the committee perhaps should be increased in size having regard to the basket of competencies and the blend of expertise that one may want on a committee such as this. And, having regard to the subject matter and the nature of this Bill, we may be favourably disposed to consider at least seven but no more than 11 in terms of forming this committee.

In terms of the identification of the skill sets, that is a matter that has posed some challenge. But, I am happy to say that we have been able to set out at least four of the core areas which we can include in the Bill which would not cause us any trouble and would not interfere with the Government’s policy in this regard. So, I propose at the appropriate stage of course, to suggest for the consideration of this Senate that we include a medical doctor, a toxicologist, a geneticist, and a microbiologist and the others can perhaps come from the relevant disciplines that can meaningfully contribute. *[Interruption]* Sorry?

Sen. Deyalsingh: You would need an epidemiologist.

Sen. The Hon. A. Ramlogan SC: It does not matter. If there are any other core competencies that Senators feel we can perhaps include in the Bill, that is fine. But, in any event, the catch-all phrase, would be, “Other persons who by virtue of their skill or experience or on qualifications can contribute meaningfully to the committee.” So whether it is an epidemiologist or anyone else, they can perhaps come into that committee, bearing in mind as well, the development in academia with respect to new courses being offered at universities and new types of qualifications and expertise that emerge out of that, one may want to leave it a little loose to include others.

Sen. Hinds: *[Inaudible]*

Sen. The Hon. A. Ramlogan SC: “You sounding like a real Opposition Senator.” *[Laughter]* Now with respect to the functions of the committee, I have listened very carefully to what has been said and I think that there is merit in saying that look, perhaps the functions of the committee could be beefed up a

little and it could be more specific and perhaps one could define. What the team that worked on this Bill explained is that because of the incorporation of the specific articles that are incorporated in the Schedule and it being such a short Bill they did not perhaps condescend to go into as many particulars and details. But, in light of the concerns expressed, I am happy to include and recommend for consideration the inclusion of perhaps some of the core functions, which have in fact been identified in the articles which are incorporated into the Bill itself.

In that regard, I would propose that the functions of the committee not “shall be” but “shall include.” So that it would not be an exhaustive list of the functions of the committee. I believe, Sen. Prof. Harold Ramkissoon had made the point during his contribution, that perhaps one may wish to consider whether a contingency plan in the event of some major event occurring, that that might be a function that the committee should have or the kind of work that one may want the committee to embark upon. So that is something I am favourably disposed to and we would look at that and we are drafting some changes to that.

With respect to clause 8, the search warrant, there are several issues raised there: a magistrate, why not a judge? A police officer, why not someone above a certain rank? And, of course, the issue of why not involve the DPP in the matter? And a lot of heavy weather was made about that.

Now, the analogy that was made really had to do with the Anti-Terrorism Act. There was much chest-beating and chest-thumping about the fact that when the Opposition was in Government they passed the Anti-Terrorism Act and they inserted provisions which had to deal with the DPP having a role and going to a judge in chambers.

The first point I want to make and want to record is that when they passed the Anti-Terrorism Bill in Parliament it was done by a simple majority. So all of the incursions which they proudly said they made in the Anti-Terrorism Act that included a judge and a DPP, those came after. The first port of call in a constitutional, sovereign, democratic society is that the sacrosanct Parliament was not involved, because that Anti-Terrorism Bill was passed with a simple not a constitutional majority. That is the first point that has to be made. That is a fact. So that the inclusion of anybody, DPP, judge or anybody else, it may be a convenient plaster to cover up the democratic sore created by virtue of the fact that you have circumvented the Parliament of the country by not seeking a constitutional majority, which we are seeking to do in this Bill.

Sen. George: You cannot trust them.

Sen. The Hon. A. Ramlogan SC: We have not gone with a simple majority. That is the first point.

The second point is, of course, the nature and function of the anti-terrorism law are quite different from this law. And, when they make the point, that you know, coming down the road—I believe, Sen. Al-Rawi made the point—that this should have been done as part—it could have been by way of an amendment to the anti-terrorism law and you did not have to bring a fresh Bill to deal with this.

5.25 p.m.

You know, the Anti-Terrorism Act was passed in 2005 and this convention has been around for a long time. In fact, the United Kingdom legislation is the Biological Weapons Act, 1974, that was two years after I was born. Since 1974, the United Kingdom has their legislation, and this is the extent of the legislation. It is page 1, page 2, and not even back and front. There are seven sections in the United Kingdom legislation, and it has been there since 1974.

In light of the fact that these international treaty obligations have been around since that time, and my learned friends who are criticizing the Government now for bringing this as a separate Act of Parliament, what they could have done or what they should have done if they felt so strongly about it, which you have eschewed dealing with and not confronted is this, if you think that this should have been done by way of an amendment to the Anti-Terrorism Act, why it is that when you were bringing the Anti-Terrorism Bill to Parliament, you did not simply sign on to the treaty and deal with it in the Anti-Terrorism Bill yourself? Why did you deal with the Anti-Terrorism Bill by itself and ignored these treaty obligations which have been around since the 1970s? You brought the Anti-Terrorism Bill; ignored the fact; oblivious to the fact, that these provisions exist and you did not bring them as part of the Anti-Terrorism Bill but now the Government has to come to fill the void—*[Interruption]* My learned friend, Sen. Al-Rawi, said he does not know. He cannot answer that, and they come—*[Interruption]*

Sen. Al-Rawi: 2007 versus 2005. “Get yuh maths right!”

Sen. George: You had your chance.

Sen. The Hon. A. Ramlogan SC: My point is that you could have acceded. You could have signed on at any time. So you could have simply signed on to the treaty. It has been there since the 1970s and you simply sign on and you bring it as a part of the terrorism law. It is very, very easy to do. *[Crosstalk]* My learned friend, in his usual nature, protesting the chronology.

Sen. Al-Rawi: If you give way, I will answer.

Sen. The Hon. A. Ramlogan SC: The point is that this treaty has been around since the 1970s. Becoming a signatory to it is a simple matter that can be done at any point in time. [*Crosstalk*] So that when they were in Government—I will pretend I did not hear that rather rude remark from Sen. Al-Rawi whose vocabulary/lexicon, perhaps, is a little more expansive. So I will leave him with that. [*Crosstalk*] He withdraws and I acknowledge the withdrawal.

But the short point is this, the Government of the day could have simply become a signatory to this convention, and when they were bringing the Anti-Terrorism Bill, because of what they claimed is the obvious and distinct correlation between the two, you incorporate it and bring it as one, but they did not do that. [*Desk thumping*]

Sen. Hinds: What happened to the UNC in 2005?

Sen. The Hon. A. Ramlogan SC: I dare say the reason they did not do that is because they had recognized that you are dealing with two different kettles of fish and that is why we have come separately. Now, to illustrate—[*Interruption*]

Sen. Hinds: Are you COP or UNC?

Sen. The Hon. A. Ramlogan SC: I am not PNM! [*Desk thumping*] That is what everyone in the People’s Partnership is unified about. One thing we are clear in our minds about is that we are not PNM. [*Desk thumping*] The Anti-Terrorism Act creates offences that are different in nature. The regime that it sets out is quite different. Perhaps, I should take us to the section that has been cited ad nauseam by my learned friends on the Opposition—section 23 and 24.

Section 23 of the Anti-Terrorism Act states that:

- “(1) Subject to subsection (2), a police officer may, for the purpose of preventing the commission of an offence under this Act or preventing interference in the investigation of an offence apply *ex parte*, to a Judge in Chambers for a detention order.
- (2) A police officer may”—only—“make”—such—“an application...with the prior written consent of the...”—DPP.
- (3) A judge may”—then—“...order...the detention of the person...if he is satisfied that there are...grounds...”—for so doing and the judge can order that detention for a period not exceeding 14 days.

Amongst the bundle of our fundamental human rights, at the very top of the ladder is the right to liberty. Whenever you interfere with a man's physical liberty, it is well established that you would have to have procedural safeguards that are different in nature. That is why they are not dealing with—[*Interruption*]

Sen. Al-Rawi: Read section 24.

Sen. The Hon. A. Ramlogan SC: I will come to that. The first section they cited—and I want to distinguish it by pointing out that it deals with an infringement of the person's liberty—is that you are detaining the person. But, more than that, what they do not say is that they were creating, for the first time in legal history, a concept, not before known to our law and that concept was the right to deprive a man of his liberty without him being charged. It is called pre-charge detention.

For the first time in the law, when they were in office, the Anti-Terrorism Bill that they passed, they were authorizing up to a period of 14 days pre-charge detention. In other words, you “eh” charge the man for no offence but you could detain him for up to 14 days. That was the law that they passed. One could well understand in those circumstances, why you would need to have: (a) an application before a judge in chambers; (b) the consent of the DPP, because you are not charging the man with anything, it is pre-charge detention.

Sen. George: “Cyah trust dem boy!”

Sen. The Hon. A. Ramlogan SC: That is the marked distinction. But the second point is that whilst they beat their chest and highlight that provision as something so glorious that they did—do you know what the word “ex parte” means? The procedure that they put in law in the Anti-Terrorism Act is that you can go to a judge in chambers ex parte, and you could get this order—to deprive a man of his liberty for up to 14 days. Ex parte means in the absence of the other side and without notifying the other side. [*Interruption and crosstalk*]

Sen. George: “Ooooooh! I see. We cyah trust all yuh, Al-Rawi. We cyah trust all yuh legislation.”

Sen. The Hon. A. Ramlogan SC: So when they champion the cause of due process and I heard the anti-terrorism law being cited, I said, “But what nonsense is this.” The anti-terrorism law—it is the subject nature. Its function is different, and that provision they cited in section 23 is about authorizing pre-charge detention, a concept not known to our laws before, and that is why they put that in place.

Furthermore, there has been much disquiet about the fact that they were going to do it *ex parte*, and that they passed a law with a right to do it *ex parte*. You could go to a judge in chambers. In chambers means it is not an open court hearing. It means you could go in the judge's office, sit and have this conversation in chambers or in a court where the media and members of the public are not allowed access. So you simply go, the judge is there and you are there, you get your order for up to 14 days. That is why there were those additional safeguards put in and even then they fell far short of the mark because it is an *ex parte* procedure. That is the first point.

Hon. Senator: "Dats seagullism!"

Sen. Hinds: Would the AG give way?

Sen. George: You had your say.

Sen. The Hon. A. Ramlogan SC: You have had your say. [*Sen. Hinds remains standing*] [*Crosstalk*] "Leh meh hear yuh."

Sen. Hinds: I mean you have just called on—is it correct to say that the first time that we have had pre-charge detention was in that Bill? From time immemorial, we have been arresting people for 48 hours without charge, the police can arrest you. In that particular case, because of the nature of the activity, we thought that it required some more time in detention to allow the investigators time to do their work. Simple!

Sen. The Hon. A. Ramlogan SC: Sure. I stand by what I say for this reason. When the police arrest a man without charging him and they conduct their enquiries, the judicial arm of the State which carries the full panoply and the full coercive power of the State in the embodiment of a judge is not there. In this Anti-Terrorism Act that was passed, the fundamental difference is that it is not the police detaining a man before charging him. A judge of the Supreme Court of Justice was, for the first time, being authorized by Parliament to make a judicial order without a man being charged, and that is something that was unknown to our law. It is not the same thing as the police detaining a man. [*Crosstalk*] Listen, when the police detain a man, he could challenge that. When the judge orders the detention of the man, it is a different kettle of fish.

Sen. Hinds: For his own protection.

Sen. The Hon. A. Ramlogan SC: So that is not a distinction. So when properly analysed, the sections to which they have adverted, that does not stand up. [*Crosstalk*] You are right, Sen. Prescott SC; I think you have got it right. The

point that I am making is when properly analysed, when properly dissected, the analogy does not stand up to scrutiny. There is absolutely no correlation between the section they have cited in the anti-terrorism law and this here. [*Desk thumping*] None whatsoever!

Sen. Hinds: Would the AG give way?

Sen. The Hon. A. Ramlogan SC: No, no, the last time I gave way, you did not make any point of substance. [*Desk thumping*]

Now, section 24 says:

“...a police officer of the rank of Inspector or above may, for the purpose of an investigation”

I have dealt with the issue—[*Interruption*]

Madam Vice-President: Hon. Senators, we all seek protection when we are on our legs, and I would ask that all Senators give protection when another Senator is on his or her legs, Sen. Hinds in particular. AG, continue please.

Sen. The Hon. A. Ramlogan SC: I am deeply obliged. So the first section cited really dealt with pre-charge detention pursuant to a judge’s order which is a completely different thing because you are depriving a man of his liberty, that is why there were some safeguards but nevertheless it was *ex parte*. The second section they cited was section 24 and said that that is the search warrant section which is on par with this, but section 24 deals with the following:

“...a police officer of the rank of Inspector or above may, for the purpose of an investigation...under the Act, apply *ex parte*”—again—“to a judge in chambers for an order for the gathering of information from named persons.”

And you have to do with the consent of the DPP.

Let us look at what this section is about. An order may be made under subsection (3), and may include the terms and conditions the judge considers reasonable; order the examination on oath of the person named in the order ; order the person to attend at a time and place fixed by the judge to be so examined, and order the person to bring and produce any document or thing in his control or possession. That is not a search warrant; that is, again, a unique legal creature created for the first time in law where before a man is charged with any offence—normally, it is the fact that you lay or prefer a criminal charge that triggers that jurisdiction of the court unless you are challenging, you know, the fact of the detention itself. But what this section is about is that it is inquisitorial in nature.

Bacteriological and Toxic Weapons Bill, 2011
[SEN. THE HON. A. RAMLOGAN SC]

Tuesday, March 20, 2012

What it does? It is not a search warrant. It allows the court to summon Mr. X, bring him before the judge and the judge examines him under oath. He is interrogated before a judge who then makes an order for him to produce X, Y or Z. That is not a search warrant; it is not on par. The search warrant concept is completely different. So, again, to have referred us to that section in the anti-terrorism law is to have completely, with the greatest of respect, misunderstood the nature, intent and purpose of the provision in the anti-terrorism law. [*Desk thumping*]

We are not asking for anyone to be examined.

Hon. Hinds: That is so wrong. “Why you doh repeal it?”

Sen. The Hon. A. Ramlogan SC: My learned friend, Sen. Hinds, has asked a very good question: “If that is so, why we don’t repeal the Anti-Terrorism Act?” I want to answer that. The reason we will not repeal the Anti-Terrorism Act is because— [*Interruption*]

Sen. Al-Rawi: Because you voted for it.

Sen. The Hon. A. Ramlogan SC: No, no—the subject of a constitutional motion that I had filed, and that matter is the subject of a judgment that is being awaited from the Court of Appeal.

Sen. Hinds: When you lose, you will tell us.

Sen. The Hon. A. Ramlogan SC: When I win, I shall tell you. [*Laughter*] It does not matter. [*Crosstalk*] “I notice you doh publish none—either winning or losing.” [*Desk thumping*]

5.40 p.m.

Anyway, to take us back to clause 8 of this Bill and to ignore the toxic nature of that distraction, the search warrant here is a simple search warrant that exists in laws, across the laws of Trinidad and Tobago. It is a simple thing, the police officer goes, and the concept, which is important in this Bill, is one that was adverted to by judges time and again, as being within the realm of constitutional validity and it has to do with when the concept of reasonableness is contained in the law.

The entire legal system and laws are predicated on the concept of reasonableness, and time and again, challenges to the constitutional validity of legislation, they have failed and fallen at the first hurdle because the Parliament included the concept of reasonableness. As we sit here, a police officer can get a search warrant from a JP and search anybody’s house if they suspect you have arms or if your neighbour reported you.

In fact, amongst the most frequently litigated matters are the execution of search warrants against the State. But, the most successful matters from the State's perspective are those very cases, because the law has traditionally allowed that as a tool for police officers to use, and the officer is not obliged to disclose the source. So whether it is—neighbour who says “dey see yuh son firing a gun for ah birthday” and that is what prompted the search warrant, it does not matter. People invariably come and would say: “But dey eh find notten. Ah doh know who do dis to me.” The courts will say: “Well, you know, that is beside the point, the question is whether the officer had reasonable grounds in the first place, and once that is there, that is all well and good.” That concept is very much present in clause 8(1), where we say:

“A Magistrate who is satisfied,”—not the police officer—“by proof upon oath, that there is reasonable ground for believing that there is in any building, place, vessel, aircraft, carriage, box, motor vehicle, or any other conveyance any biological agent or toxin, which is being stored or utilized...”

So that the concept of reasonableness is very much present in that section. The other problem that one encounters in trying to look at the anti-terrorism law and say this could be piggybacked onto that is, unlike the anti-terrorism law, there is no concept in the Anti-Terrorism Act that deals with legitimate and justified usage or legitimate and justified storage or anything. There is no concept of lawful justification in the Anti-Terrorism Act. You cannot lawfully or justifiably be a terrorist under any circumstance. But, in this Act, which is why it has come, perhaps, as a separate thing, there is the concept of lawful and justifiable use and storage of some of the biological toxins, because they may be used in the pharmaceutical industry, by doctors and, perhaps, in the chemical industry. That is why we have the concept of the prophylactic measures and that exception. That is why, I think, Sen. Al-Rawi, that criticism or that observation that, perhaps, this should come as part of the anti-terrorism law is, perhaps, ill-conceived, because this, by its very nature, is a different kettle of fish.

Whilst I make the observation that when the Opposition was in Government, they had the opportunity to sign on to this treaty which has been around since the 1970s, and bring it as part of the anti-terrorism law, I make the observation equally that I do not criticize him too strongly for that because I agree that this should be a separate piece of legislation. [*Desk thumping*]

I listened very attentively and carefully to the contribution of my learned friend, Sen. Prescott SC, and I noticed that on this with respect to this particular provision, no criticism was voiced. Am I correct, Senator? [*Interruption*]

Sen. Prescott SC: Yes.

Sen. The Hon. A. Ramlogan SC: I think that is because of the understanding of the search warrant procedure and what function it plays in the criminal justice system.

At section 8(2), it is said that:

“A search warrant issued under subsection (1) may authorize any suitably qualified person named in the search warrant to accompany the police officer and assist him in taking any of those steps specified in the warrant.”

This is actually a very important provision, because in the case of *Northern Construction v the Attorney General* and in many other cases, we have had a problem where police officers, when they execute a search warrant, do not really have the intellectual capital or the resident expertise to actually properly effect that search warrant, depending on what they are looking for. This, perhaps, is a classic case.

I remember in a particular case, the challenge was to the inclusion, in the party of police officers, of representatives of a forensic firm. I think it was Bob Lindquist’s forensic firm. The challenge was that they were not police officers, only police officers are authorized to execute a search warrant and, therefore the execution of the search warrant was, perhaps, bad.

I think Sen. Baptiste-Mc Knight alluded to it, but for a different reason. I think the purpose for which it is put in is to get away from that kind of criticism and that kind of legal challenge on the basis that, if you took, for example, a toxicologist or someone with specialist expertise, that they should not be part of the execution of the search warrant because they are not a police officer. It is there in clause 2. Where Sen. Baptiste-Mc Knight raised her point is who will specify the competency or the qualification or expertise of the person to accompany the police officer. [*Interruption*]

Sen. Baptiste-Mc Knight: Thank you for giving way, hon. Attorney General. The problem that I have is, at some point in the legislation you have to define what “specially qualified” means. You have to say “a person who is recognized as being able to carry out” whatever function.

Sen. The Hon. A. Ramlogan SC: Perhaps, I did not articulate it as clearly, but that is the point; the legislation does not define what qualifications would render someone suitable to satisfy subsection (2).

The point is, one may want to leave that to the police or the committee. It may be a matter for regulations. We have, perhaps, identified some by giving some legislative torchlight by identifying some of the competencies that should serve on the committee. The problem with identifying, once you start identifying, is what if some form of nerve gas or something were to be developed tomorrow and you need someone, a specialist that you did not specify, then you would run into problems.

I would have thought to myself that is a matter that ought to be dealt with properly in the regulations, having acceded to the criticism made about the composition of the committee and the need to have a basket of core competencies serving on the committee to advise the Minister. I do not think we need to specify that there. When you specify, legal challenges come in all different directions. We have had laws where you have specified and the police are caught between a rock and a hard place.

As I said, universities every day are developing new courses. They are awarding a BSc on microbiology or something else and we cannot cater for it all, but one should allow the police and trust the police. Give them the flexibility and the trust to know that they will not take someone who is not suitably qualified or who is inappropriate to what they are going to search for. They would not take a carpenter if they are going to search for nerve gas. One would hope that the person would be suitably qualified and the regulations, I think, ought properly to deal with that, Senator, because it is a valid point.

Coming now to section 9 of the Bill—may I point out, however, with respect to section 6 and the composition of the committee, it is just by way of observation, all of the legislation that we have looked at, in not a single instance have we been able to pick up a single piece of legislation where they have specified the competencies, qualifications and experience for the membership of that committee, none; in the United Kingdom, in Mauritius, in the Caribbean, nowhere. The rationale for that is precisely what I have just mentioned, that this is such an evolving and rapidly developing field that, perhaps, it is something that you would not want to specify in the law. Perhaps, it may be a matter for the regulations, or ministerial direction, whatever it is, because this kind of—the subject matter is one that really falls within the remit of national security and with grave national security implications and that is probably why one would not want to encumber the procedures to access a search warrant.

If someone reports now, or on a Carnival Sunday, that there is a guy at City Gate, in the peak rush hour with a vial saying that he is going to release a nerve gas, “yuh really think yuh have tuh track down de DPP, get written permission and do all of that? By de time you done do all ah dat he done throw down that on de ground

and it release.” What you need is some degree of flexibility and speed because this is a matter of—you are dealing with potential mass destruction. I think that is why the legislation in other countries have in fact been very, very concise and tight in giving that kind of power to the Executive and in particular the hon. Minister of National Security because it is one of those functions that falls squarely and comfortably, it is comfortably ensconced, within the remit of the Minister of National Security.

Just to give you an idea, after the last sitting I asked the team to look at various countries, in particular Canada, the United States of America and the United Kingdom and in none of those countries’ laws, have we found some of the things that have been raised here. In looking back at the debates, the rationale that has been given is in fact the very same national security implications and having regard to the subject matter of this. I am not saying that we cannot deviate, but I am highlighting it by way of a response to the criticisms that have been levelled against the Government for bringing this Bill, almost as if we were trying to circumvent something or do something different.

To have brought it by way of an amendment to the anti-terrorism law would have led to a kind of piecemeal patchwork in an area where clarity of thought is required more than ever before. If you had to amend the anti-terrorism law to do this through the back door, what you would really have is the kind of patchwork and you are creating a legal jigsaw that really is not meant—I do not think it is right. Whether it is contained there in a separate Act, the point is, it here before us now and I think quite properly so, as a separate law.

Now, the purpose of the anti-terrorism law is to deal with terrorism and terrorism financing. The purpose of this is different. The conventions which the Anti-Terrorism Act sought to give meaning and effect to are quite different to this convention. One may then say if it was so related, then perhaps the conventions that dealt with anti-terrorism internationally should have dealt with this as well. One may well say when other countries pass their law, where they also have anti-terrorism legislation, they should not have the Biological Weapons Act of the United Kingdom, Canada, USA, et cetera. I think I have adequately hammered home that point. [*Desk thumping*]

Clause 9(1) deals with:

“The Minister may, upon the recommendation of the Committee, give directions in writing—”

I have heard it said that the Minister has too much power. I think my learned friend, Sen. Beckles made that point and others had made it before. I think it is important for us to understand the Minister is acting upon the recommendation of this committee, which has the required expertise. That is why we have conceded to legislating the qualifications and the expertise that we think should in fact reside and be present on the committee. So, when the Minister receives a recommendation or an advice, the Minister will know that he is getting that from a committee that is suitably qualified and competent to deal with these matters.

5.55p.m.

Now, when one looks at 9(1)(a)(b), it speaks to seizure and disposal, and one of the things I think we should perhaps consider including, Madam Vice-President, is perhaps the issue of storage, subclause (2), and that is something we can deal with at the appropriate stage.

Subclause (2) says that: the Minister may give directions for disposal of biological agents or toxins; he may require the owner to produce same; and I think we may very well need to, as I said, deal with the concept of storage there.

Now, I come to clause 10, and my learned friend, Sen. Prescott SC and I had some lengthy discussions about this matter, and I have reached in my own mind a position which I want to advocate for consideration. I think the contention is that a Minister should not have the power through regulations, which really is subsidiary legislation, to create criminal offences; that is the objection and I will deal with it. But just by way of introduction, no one during the course of the debate clearly inadvertently, saw it fit to mention that there was ample precedent for that having been done in this Parliament before. Ministers have always been given the power through regulations and subsidiary law-making power to create offences in Trinidad and Tobago, and that has been done and there is ample precedent for it; just by way of citing a few; and these were all passed when the Opposition was in Government—the Financial Obligations Regulations 2010; Regulations 42:

“A financial institution or listed business which does not comply with these Regulations, commits an offence and is liable on summary conviction or on conviction on indictment, to the penalty prescribed in section 57 of the Act.”

The way the law has constructed and dealt with this, is once the penalty is stipulated in the parent legislation, the subsidiary law has always been allowed to create offences because the Minister is not specifying the penalty but he is regulating the conduct.

Bacteriological and Toxic Weapons Bill, 2011
[SEN. THE HON. A. RAMLOGAN SC]

Tuesday, March 20, 2012

The Police Service Regulations, a plethora of regulations which create offences that treat with the police service.

The Motor Vehicles and Road Traffic Act, we have a whole motor vehicles and road traffic scheme which creates dozens of offences and they were all created under subsidiary legislation. [*Interruption*]

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

Motion made: That the hon. Senator's speaking time be extended by 15 minutes. [*Hon. E. George*]

Question put and agreed to.

Sen. The Hon. A. Ramlogan SC: And to complete the reference, the Civil Aviation [(No. 16) Compounding of Offences] (Pecuniary Penalties) Regulations, we have five or six pages of offences that are created again through regulations, and there are many, many, many others. It is not that this is so radical a departure from what is the established norm. Having said that, however, I understand what the concern is, it is that a Minister by regulations should not be able to create a criminal offence, because the Parliament will not actually be legislating the offence itself.

Now, notwithstanding the fact that there is ample precedent for this, because of the concerns expressed primarily and particularly by our colleagues on the Independent Bench, I am prepared to look at the matter and this is what I wish to advocate. In the offences section, Sen. Prescott SC, this is my proposal, I think the draftsman has adequately tried to capture the generic nature of the offences that one can conceptualize or reasonably foresee given the subject matter of this Bill, and it reads: to produce, develop, stockpile and so forth. What I have asked them to do is to create a subsection (c) or (d) to deal with those other areas where offences and penalties may have been contemplated under the regulations.

If I take you to clause 13, the regulations contemplated—regulations would be made prescribing measures required to ensure the security of any biological agent or toxin, manufacturing, its storage or its use in any public building, et cetera.

Now, if that was within the contemplation of the regulations, *a fortiori*, that would have been within the contemplation for the offences. So what I propose to do, I have asked them actually using the language and the functions identified in 13(1)(a)—to draft something and insert it in clause 10, so that the offence itself will all be contained in clause 10. That way we can remove the two references in

the Bill to offences under the regulations, and we will leave the regulations as a law-making power to deal with the administration and the regulation of the Bacteriological (Biological) and Toxin Weapons Bill without the power to create an offence. That avoids the need to do the Schedule and it, perhaps, will satisfy the concern, and I see you nodding your head in approval [*Refers to Sen. Prescott SC*] I hope that is something—[*Interruption*]

Sen. Deyalsingh: The Opposition also asked for that. [*Interruption*]

Sen. The Hon. A. Ramlogan SC: Yes, sure.

Sen. Ramkhelawan: Thank you for giving way, hon. AG. You have spoken at length about the question of creating offences through regulations where there are penalties in the legislation. In 9(2), for example, we have situations where there are no penalties—an offence is being created, but there are no penalties. Could you address that?

Sen. The Hon. A. Ramlogan SC: Senator, it was, in fact, the next point, but I was going to come back to it. What I have proposed and am favourably disposed to consider is, in fact, when the Minister gives directions with respect to retention, disposal and storage under clause 9, breach of those directions will have to be an offence, so there will now be a subclause (3) in 9, to deal with the fact that breach of any directions given by the hon. Minister which deals with retention, disposal and storage or usage would be an offence.

Clause 10 of the Bill as I have indicated, Senator, we will include the functions under the regulation making power insofar as it impacts and impinges on the offences, we will put it in the legislation; so we will take that out. That means essentially that the two references which will be under clause 8, where we have “or regulation” and in clause 11 where we have “or regulation” that can come out; that is how I have attempted to deal with that.

The next point really is in clause 11—before I go to clause 11, in clause 10, although the point was not raised, in looking at it I thought that we did not really deal with the question of possession, and we also did not deal with the question of importation, so that in clause 10 in the offences section, I think one may have something in their possession, but possession in law is a concept quite different to developing. You may possess it, but you are not developing it as yet, and I think we ought to deal with the question of importation. So that importation and development—[*Interruption*]

Sen. Ramkhelawan: What about acquires?

Sen. The Hon. A. Ramlogan SC: Well, acquires—possession will connote that, but we can treat with that, that is fine.

Sen. Ramkhelawan: Thanks for giving way again, hon. Attorney General.

Sen. The Hon. A. Ramlogan SC: Sure.

Sen. Ramkhelawan: In clause 10 as we have had in other areas in the anti-gang legislation and so on, the question of aiding and abetting in the development of toxic materials has not been addressed, and I think you can have persons who knowingly aid and abet and conceal and it has not been addressed anywhere in the legislation. I want to bring that to your attention that it should be addressed under clause 10 or wherever else you think it is reasonable to do so.

Sen. The Hon. A. Ramlogan SC: I take that point. I will have to check and see whether or not in the other laws whether aiding and abetting may be a general offence, and I will come back to you on that, but it will be simple in defining the offences to say “a person who aids and abets” or “is in possession of,” et cetera, that is not a problem to deal with.

In clause 11, therefore, it will now read:

“Where an offence is committed under this Act...”

We could delete “or Regulations made thereunder...”

“and is proved to have been done with...”

Because we are taking away the power to make the offence under the regulations and that really ought to be done.

Now, clause 12, I think it ought to be highlighted for the record, but clause 12—this Act would apply to citizens who commit an offence under this Act even whilst they are outside of Trinidad and Tobago and that is a very important provision, but it is also a good reason as to why we should not want to involve the DPP of the country in this. Our DPP may not have constitutional and lawful jurisdiction over—*[Interruption]*

Sen. Al-Rawi: And or AG?

Sen. The Hon. A. Ramlogan SC:—well, I have never seen it before—*[Interruption]*

Sen. Al-Rawi: And or AG—*[Inaudible]*

Sen. The Hon. A. Ramlogan SC:—but that is why you ought not to involve the DPP, because the DPP would not have extraterritorial jurisdiction, because the constitutional remit of the function and jurisdiction of the DPP resides within Trinidad and Tobago. [*Interruption and crosstalk*] Yes, Sen. Al-Rawi is correct, where you go is to the Attorney General under the Mutual Legal Assistance Treaty and so on, clearly, Sen. Hinds has not read up on those laws.

Sen. George: Still backward! Still backward! “Gih him some lessons, Al-Rawi, charge him eh.” [*Laughter*]

Sen. The Hon. A. Ramlogan SC: And, of course, I think clause 14 dealt with the issue of the amendment of the Schedule, and I think Sen. Dr. Balgobin made the point that perhaps the amendment of the Schedule ought properly to be dealt with by the Minister not with responsibility for foreign affairs but the Minister of National Security. The problem there is that the protocol of governance is such that the Minister of Foreign Affairs and Communications is really the person who deals with international obligations, and insofar as that aspect goes with respect to amendment with treaty implications, it may be better and more appropriate to allow it to properly reside with the Minister of Foreign Affairs and Communications.

I will spend just two seconds on the Schedule to point out that insofar as the connectivity point was raised with respect to the parent Bill and the clauses therein having a sufficient connection with the treaty obligations, I just want to point out that the treaty obligations which are specifically connected to the Bill are, in fact, part of the Bill by virtue of it being put in a Schedule to the Bill. So the Schedule to the Bill contains all the articles so there is no need to search for a separate document to see what we are referring to. I specifically asked them to put it as a Schedule so it is there for ease of reference and it is convenient.

I mentioned that only because in some of the other countries they have not done that. As I indicated the UK Act is really just seven pages long and they have not sought to incorporate by express reference those articles and clauses. It is not just the UK Act; as I indicated, when I looked to the Caribbean, St. Christopher and Nevis, for example, it is cut and paste of the UK legislation by and large; it is seven sections. Mauritius, no better, it is 10 sections and really very, very bare; that is what the research has revealed.

With respect to the DPP as well, there is one point of historical note, but I think it sufficiently political noteworthy to mention and put on the record, and it is this. When this Bill was originally drafted there was, in fact, a provision in the Bill which included a reference to the DPP before you went to get the search warrant and so on. My instructions are that that clause—[*Interruption*]

Sen. Al-Rawi: For prosecution.

Sen. The Hon. A. Ramlogan SC:—yes, and including “for prosecution”—but my instructions are from personnel at the Ministry of National Security and the Ministry of the Attorney General that that clause was, in fact, specifically removed by the last administration. It was the last administration which specifically objected to it and took it out. So when I was doing this Bill and raised that issue with the team, they say: “Well, look, you may run into trouble with the Opposition because they were the ones who took it out.” So all this song and dance “bout de DPP, de DPP” and involving all of that, when it was there you took it out and now you come back to say beat the Government because they do not have it, when I thought I was doing them a favour and being a facilitator—
[*Interruption*]

Hon. Senator: You were wrong! You were wrong!

Sen. The Hon. A. Ramlogan SC: But that is, in fact, the reality.

Hon. Senator: “Yuh cyah trust dem!”

6.10 p.m.

Sen. The Hon. A. Ramlogan SC: The other point made by Senators had to do with the age-old debate, the recurring theme of the negative and affirmative resolution. Now that we have taken out the offences part of it, I think that should no longer really be an issue that should detain us.

We have spent two sessions of the Senate on this Bill. It has been around since the 1970s. It is an international treaty obligation; let us not blow it out of proportion. It is not that the Minister of National Security is going to lock up somebody because they have a pan of Vicks under their bed or, like Sen. Hinds, they are rubbing “Bengies” in the night or something. This is really an attempt to become compliant with an international treaty obligation that many other countries have done with far less sound and fury. I am grateful for the observations made because it means that our Parliament will be passing something better and something befitting our country, keeping apace and abreast with the times.

In closing, it would be a terrible waste of two sessions of the Senate. Parliamentary time is at a premium. It is a very precious commodity, and we must treat our time spent in this Chamber as sacred.

I have attempted to meet and incorporate those concerns that have been expressed by the other side, both the Opposition and the Independent Benches. It is my hope that we can deal with those concerns at the committee stage and that we could, hopefully, complete this debate today.

I thank you very much for giving me the opportunity.

In the absence of the hon. Minister of Foreign Affairs and Communications, I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

PROCEDURAL MOTION

The Minister of Public Utilities (Sen. The Hon. Emmanuel George): Madam Vice-President, I beg to move that this Senate continue to sit until the conclusion of the debate on this Bill.

Question put and agreed to.

BACTERIOLOGICAL (BIOLOGICAL) AND TOXIN WEAPONS BILL, 2011

Sen. The Hon. E. George: Madam Vice-President, may I request, on behalf of my colleague, the Attorney General, that we have a 10-minute break because we want to consult with the draftspeople?

Madam Vice-President: Hon. Senators, the question is that the sitting of the Senate be suspended for 15 minutes.

Question put, That the House be suspended for 15 minutes.

Question put and agreed to.

6.14 p.m.: *Sitting suspended.*

6.30 p.m.: *Sitting resumed.*

Madam Vice-President: Hon. Senators, before we went for the short break, the Attorney General had requested some time and we also had moved to resolve into committee.

Sen. The Hon. E. George: I just want to make a plea on behalf of the Attorney General. We had attempted to have the legal personnel advise us as to where we go; whether we could proceed into committee and complete the debate having accommodated all of the comments and made the amendments and adjustments to

Bacteriological and Toxic Weapons Bill, 2011
[SEN. THE HON. E. GEORGE]

Tuesday, March 20, 2012

the proposed legislation. However, the legal people have asked for some more time and, therefore, I wish to propose, at this time, that we adjourn the sitting of this Senate until next Tuesday, March 27, 2012 at 1.30 p.m., when we will have Private Member's Day and continue the debate on the Motion moved by Sen. Fitzgerald Hinds on the police operations. I beg to move.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 6.32 p.m.