

SENATE

Tuesday, May 19, 2020

The Senate met at 10.00 a.m.

PRAYERS

[MADAM PRESIDENT *in the Chair*]

**LEAVE OF ABSENCE**

Madam President: Hon. Senators, I have granted leave of absence to Sen. Anita Haynes who is ill.

VACANT SEAT

Madam President: Hon. Senators, I have received the following correspondence from Her Excellency the President, Paula-Mae Weekes, ORTT:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,
O.R.T.T., President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Paula-Mae Weekes
President.

TO: MR. ROBERT LE HUNTE

WHEREAS by the provisions of sections 3(9) and 43(2)(e) of the Constitution of the Republic of Trinidad and Tobago, the President, in exercise of the power vested in her, and acting in accordance with the advice of the Prime Minister is empowered to declare the seat of a Senator to be vacant:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the

UNREVISED

power vested in me by the said section 43(2)(e) of the Constitution of the Republic of Trinidad and Tobago, do hereby declare the seat of you ROBERT LE HUNTE, to be vacant, with effect from 18th May, 2020.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 18th day of May, 2020."

SENATOR'S APPOINTMENT

Madam President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES, O.R.T.T., President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. JASON WILLIAMS

In exercise of the power vested in me by section 40(2)(a) of the Constitution of the Republic of Trinidad and Tobago, and in accordance with the advice of the Prime Minister, I, PAULA-MAE WEEKES, President as aforesaid, do hereby appoint you, JASON WILLIAMS, a Senator with effect from 18th May, 2020.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 18th day of May, 2020."

UNREVISED

OATH OF ALLEGIANCE

Senator Jason Williams took and subscribed the Oath of Allegiance as required by law.

ARRANGEMENT OF BUSINESS

Madam President: Hon. Senators, I am awaiting an instrument from Her Excellency, so that with your leave, we will revert to this item on the Order Paper once I am in receipt of same.

CONGRATULATIONS

(SEN. JASON WILLIAMS)

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President, and I am so happy to be back in the Chamber today. [*Desk thumping*] Before I start, I think it may be opportune if I—stepping out of my crease a little to congratulate our new Senator, Sen. Jason Williams. [*Desk thumping*]

PAPER LAID

Ministerial Response of the Ministry of Health to the Fifteenth Report of the Joint Select Committee on Human Rights, Equality and Diversity on the Current Provisions for the Education of Children who require Special Education Programmes and Services in Public Primary and Secondary Schools

[*The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan)*]

URGENT QUESTIONS

Madam President: Leader of Government Business.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, I crave your indulgence to ask that questions 1 and 2 to

the Minister of Finance be deferred. He will be personally coming here to answer them and we will be obviously answering question No. 3 at this point in time.

Madam President: So questions 1 and 2 are deferred until later in the proceedings. Sen. Mark.

**Assembly of Southern Lawyers
(Reopening of Courts of T&T)**

Sen. Wade Mark: Thank you, Madam President. To the Attorney General: In light of a request to the Chief Justice by the Assembly of Southern Lawyers, can the Attorney General advise as to the time frame for the reopening of the courts of Trinidad and Tobago?

Madam President: Attorney General.

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President. [*Desk thumping*] First of all, the question as posed is entirely wrong and a misrepresentation of the letter from the southern assembly of—the Assembly of Southern Lawyers, which I have in my possession. They have never asked as to the reopening of courts because the courts are in fact open. In fact, I can tell you, Madam President, we have had over 5,832 matters heard in court in the period March 16th to May 13th, including 1,450 matters heard directly at the prisons as a result of virtual hearings courtesy of this Government's drive to open courts in the prisons. I reject Sen. Mark's attempt to misconstrue the letter written by the Assembly of Southern Lawyers because it is, in fact, not correct.

Madam President: Sen. Mark.

Sen. Mark: Can the Attorney General now indicate to this honourable Senate, when will the courts of the Trinidad and Tobago be officially reopened for the public lawyers and accused to go directly before judges, and not virtually?

Madam President: Attorney General.

Hon. F. Al-Rawi: Madam President, I am again astounded at the misrepresentation by Sen. Mark. The courts are open. They could not be open and have 5,832 matters passing through them. This is just a gross misrepresentation of the position and I want to reject out of hand the attempt to make false allegations, not only of the Assembly of Southern Lawyers, but that the courts are closed. That is just not true. [*Desk thumping*]

Madam President: Sen. Mark.

Sen. Mark: Thank you for guiding us. Madam President, I think the two other questions are going to be deferred?

Madam President: Yes, you have no further supplemental.

Sen. Mark: Okay.

ORAL ANSWERS TO QUESTIONS

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, the Government will be answering questions 72, 94 and 95, and we ask for a deferral of two weeks for question No. 96.

Madam President: Question No. 96 is deferred for two weeks.

The following question stood on the Order Paper in the name of Sen. Wade Mark:

Subventions Provided to Petrotrin

(Details of)

96. Can the hon. Minister of Finance advise as to what were the direct subventions provided to Petrotrin by the central government in each fiscal for the period 2016 to 2019?

Question, by leave, deferred.

Delta Security Services

(Outstanding Payments)

72. Sen. Wade Mark asked the hon. Prime Minister:

Can the Prime Minister advise as to the reasons for the increase in the cost of repairs to the Prime Minister's Tobago residence?

Madam President: Leader of Government Business.

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, this question is based on a false premise. The official residence of the Prime Minister in Tobago was not repaired. The old building on the site was not maintained, in particular, over the 2010 to 2015 period, and was in such a state of disrepair that it had to be demolished and rebuilt. The question of an increase in cost of repairs therefore does not arise. The scope of works related to the project involved the following:

- Demolition of the existing structure;
- Design and build of the Prime Minister's residence;
- Addition of a visitor's car park;
- Restoration and upgrade of the access road with improved drainage; and
- The demolition of the existing security building on approach to the residence.

Madam President: Sen. Mark.

Sen. Mark: Can I ask the hon. Leader of Government Business, given all the areas outlined, can he indicate to the Senate what was the cost of the original, estimated cost rather, that is, for this whole renovation, literally rebuilding of the Prime Minister's residence in Tobago?

Madam President: Minister.

Sen. The Hon. F. Khan: Well, I am glad he corrected himself. It was not a renovation, it was the construction of an entire new building and residence with all

the related infrastructure. The actual cost was \$17.5 million.

Sen. Mark: Can the hon. Minister indicate what was the original cost of that project? Well, when we talk about the actual cost.

Sen. The Hon. F. Khan: The information before me is the actual cost and this is what I shared with the Parliament.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate what was the period of time it took for this project to be completed? Can you share that with the

Parliament? **Madam President:** Sen. Mark, that question does not arise. Next question.

Sen Mark: Can I go on?

Madam President: Yes.

Paria Fuel Trading Limited

(Shortfall of Foreign Currency)

94. Sen. Wade Mark asked the hon. Minister of Finance:

Can the Minister indicate the total amount of money, in US dollars, the Government has had to provide to Paria Fuel Trading Limited to cover its shortfall in foreign currency needed for the procurement of all fuel supplies from December 2018 to January 31, 2020?

The Minister in the Ministry of Finance and Minister of Public Administration (Sen. The Hon. Allyson West): Thank you, Madam President.

Madam President, for the period December 2018 to May 2019, Paria Fuel Trading Limited sourced its forex internally or through the commercial banks. As Paria was experiencing difficulties in obtaining the volumes of foreign exchange required for its operations, the Government granted Paria access to the US dollar foreign exchange facility at the Central Bank of Trinidad and Tobago. For the period June

2019 to January 2020, Paria used the facility to access US \$69 million to cover the shortfall in foreign exchange needed for the procurement of fuel supplies for the local fuel market. Thank you, Madam President.

Madam President: Sen. Mark.

Sen. Mark: Madam President, can the Minister indicate whether Paria is literally dependent on the Treasury, through the Central Bank I should say, for support as it relates to foreign exchange? Is that what Paria is now using, exchange, US dollars, at the Central Bank to make up for its shortfall?

Madam President: Minister.

Sen. The Hon. A. West: Madam President, as I indicated, during the initial portion of Paria's operations, they were self-sufficient in respect of foreign exchange but from May of 2019, they had a difficulty sourcing the foreign exchange and this is why the Minister of Finance gave them access to the facility at the Central Bank.

Madam President: Sen. Mark.

Sen. Mark: Can the hon. Minister, through you, Madam President, indicate whether Paria is in a position now to generate its own foreign exchange?

Madam President: Minister.

Sen. The Hon. A. West: Madam President, as we know Paria is in the business of trading in energy products and its foreign exchange needs vary depending on the price of energy products at any particular time. So at some point it will be self-sufficient and at other times it may need the support of Government to access foreign exchange.

Madam President: Sen. Mark.

Sen. Mark: So, Madam President, can the Minister indicate whether Paria, essentially, is a loss-making entity at this point in time in its ability and capacity to

earn foreign exchange for the people of Trinidad and Tobago? Can the hon. Minister clear the air on that?

Madam President: Sen. Mark, I would not allow that question. Next question. Next question, Sen. Mark.

Pointe-a-Pierre NiQuan Plant

(Details of)

- 95. Sen. Wade Mark** asked the hon. Minister of Energy and Energy Industries: With respect to the proposed NiQuan plant in Pointe-a-Pierre, can the Minister indicate the following:
- (i) the amount of natural gas (expressed in a daily rate) that will be supplied to the plant in Pointe-a Pierre;
 - (ii) the terms of the contract in relation to the supply of natural gas referred to in (i) above; and
 - (iii) when is this plant expected to be completed and put into full operation?

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Thank you very much, Madam President. Madam President, in response to (i), the amount of natural gas that is expected to be supplied to the plant in Pointe-a-Pierre is approximately 31 million standard cubic feet per day. Question (ii), the Trinidad and Tobago Upstream Downstream Energy Operations Company Limited is bound by confidentiality provisions in its gas sales contract with NiQuan, which precludes the disclosure of the commercial terms of these contracts, and that has been an ongoing exercise. Questions come to give us the commercial details and obviously, we cannot. And in response to (iii), the estimated date of commencement of commercial operations at this point in time is 30th of August, 2020.

Madam President: Sen. Mark.

Sen. Mark: Madam President, given the prices on the estate with new prices for the supply of natural gas, can the Minister indicate whether NiQuan, as a new entity, would be in a position to sustain those new increases?

Madam President: Minister.

Sen. The Hon. F. Khan: A gas sales contract was concluded between Trinidad and Tobago Upstream Downstream Energy Operations Company Limited and NiQuan. At this point in time, that question is more appropriately put to NiQuan.

Sen. Mark: Can you hon. Minister indicate to us, Madam President, whether he can share with us the period of this contract?

Madam President: Minister.

Sen. The Hon. F. Khan: I cannot recall here, but it is a—I do not want to be quoted, but I can get that information, but it is well beyond 10 years.

Madam President: Sen. Mark, that is it? Okay.

ANIMALS (DISEASES AND IMPORTATION) (AMDT.) BILL, 2020

Order for second reading read.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. Madam President, I beg to move:

That Bill to amend the Animals (Diseases and Importation) Act, Chap. 67:02, be now read a second time.

Madam President, we have in this House dealt with a number of Bills related to crime and crime fighting, and a number of Bills related to financial measures, including compliance with CFATF and FATF and other global requirements. Madam President, this Bill seeks to ensure that our 65-year-old Animal (Diseases and Importation) Act is updated in accordance with what is expected of Trinidad and Tobago trading in the global environment in meat, meat products and animals.

Madam President, this is an important time for a debate like this. As I get into the Bill itself, I will point out some of the language and how it relates to what is happening in our environment to date.

Madam President, this Bill is 37 clauses and the architecture of the Bill is that there are 19 existing sections of the legislation which we seek to amend. So there are 19 proposals for amending existing sections of the existing law. There are nine new sections being proposed and towards the end of the Bill, from clauses 33 to 37, there are some other amendments that are proposed. In relation to the nine new sections, Madam President, I want to point out right away that these new nine sections are as follows: it is proposed via clause 8 that new sections 3A to 3F be introduced and those deal with the powers of the inspector under the current legislation and the expansion of those powers.

Clause 11 proposes the introduction of new sections 5A to 5I and those deal at the heart of what is proposed in this Bill with the introduction of an animal disease surveillance system. Clause 15 proposes the introduction of a new section 8A and that deals with control measures. Clause 21 proposes the introduction of a section 15A and that deals with international transport facility. Five, clause 23 proposes the introduction of new sections 16A to 16F and very importantly, those deal with import restrictions.

Sixth, insertion that is proposed via clause 26, very, very important and very topical in our country. That, Madam President, represents the most significant effort in the last 65 years to amend our legislation dealing with the issue of animal welfare. So clause 26 proposes the insertion of new sections 18A to 18L. The seventh new section that is proposed is via clause 27 with the introduction of 20A and 20B to deal with the treatment of seized animals. The eighth proposal for the

insertion of new section is found via clause 29 and it is proposed to insert new sections 21A to 21H. And very importantly, Madam President, those deal with offences, including offences relating to the mistreatment, cruelty to animals.

And finally, Madam President, the new insertions being proposed, the ninth one, is via clause 31 with the proposal to insert a new section 23A, which gives the Minister the important power to amend Schedules as required. And a critical part of that power, Madam President, you would see in the Bill itself, proposal to amend the existing Schedules. And when you deal, Madam President, with this issue of animal diseases, for example, you would see that the governing body, the WHO for animals is called the OIE, the International Organisation for Animal Health, and there are many references in the Bill to that. And the OIE, the same way WHO does in relation to human health, the OIE is constantly taking note of what is happening in the world and, in particular, updating this list of infectious diseases relating to animals, and the proposal to give the Minister the power via the new section 23A that is proposed, is simply a proposal to allow the Minister to amend the Schedule from time to time.

Madam President, I would take the House through the Act by highlighting 10 critical areas of the Bill, starting with what appears to be a very innocuous provision, which is at clause 1 and 2. And that is, Madam President— so I would identify 10 areas starting with number one, the long and short title of the Act, the proposal is to amend that. And as simple as it is, Madam President— and I am referring to clauses 4 and 5 of the Bill— as simple as it is it seeks to introduce the words “animal health and welfare” in the existing legislation. And that is important because, as I have said, in the 65-year history of this legislation. it is the first time we are making a significant attempt to deal with the issue of animal

welfare. And, Madam President, we do that in two ways and I will highlight them later on. Suffice it to say, at this stage, we do it by introducing new animal welfare provisions and secondly, we do it by expanding the powers of the Minister to make regulations, and by specifying in those powers, the Minister may make regulations dealing with animal health and welfare standards. And that is how we expand this existing legislation to cover the important area of animal health and welfare standards.

The second part of the Bill, and it is very critical, Madam President, seeks to amend the legislation, section 2 of the existing Act, that is the definition section. And, Madam President, we have been immersed in some language over the last few months. In fact, yesterday marked our 50th day in Trinidad and Tobago with stay at home. And when you go through the definitions that are proposed, you would see this language: containment and containment zone, traceability, quarantine and quarantine station contingency plans, emergency plan, early detection system, emergence of diseases, bio-security management, sanitary measures and surveillance, and it sounds almost as though it is COVID-19 we are dealing with.

But, Madam President, that is terminology that will dominate our lives for some time to come. And I would say in the context of this legislation that this was really born out of SARS, and the recognition by the OIE and by countries that responded to SARS of the need to modernize legislation. And out of SARS the OIE commissioned a review of what we do here in Trinidad and Tobago in relation to importation, our permitting requirements, our management of the sale of meat and meat products, the importation of meat products, the standards, the markets. A very comprehensive report was rendered by the OIE in March 2013 in relation to

this matter of animal and animal products in Trinidad and Tobago. And out of that, Madam President, my predecessors had the good sense to commission work to review the legislation via the engagement of ECA who engaged a consultant, and when I came in as Minister, I met a certain amount of work done via the consultant. We have continued that work and made significant changes to it as we went along and what we have here is a product that we believe deals with what needs to be done now and what would assist us going into the future, removing the reliance we have had on this 65-year-old legislation.

10.30 a.m.

So the second area I would point to, Madam President, is the introduction of these new definitions which cover some of the things that are required in our environment now. And they relate to animal disease emergency plans, animal health para-professionals, for example, containment zones, references to the OIE Code. I would say, Madam President, you would see the introduction of this expression, “animal health para-professional” and towards the end of the Bill, you would see the introduction of an offence for persons who offer the services of veterinary services without being qualified to do so.

Madam President, I will tell you, growing up in a rural community, we really relied heavily on the Ministry of Agriculture people, animal health assistance and so on, to do a lot of the work with the livestock farmers. We did not have as many vets as we do now in Trinidad, we did not have as many. And in fact, the experience of the farmers is that some of these animal health people, some of the “stockmen” as they called them, offer excellent services. But having said that, Madam President, the vet profession is a regulated profession, it needs to be further regulated and we are working on legislation to govern that particular

profession. But we recognized in the Bill that animal health para-professionals will continue to provide some support, but we also balanced that with the introduction of an offence specifically dealing with those persons who charge for those services and style themselves as a vet without having the capacity or the power in law to do that.

The third area I want to point to, Madam President, is the structure that the Bill seeks to create. Madam President, the model Caricom legislation asked of us to create a new authority to govern this part of our operations in the Ministry. And in Trinidad and Tobago, our experience has been—it is very difficult to create these new bodies and leave the existing functions in the public service. Our many attempts to create new bodies, whilst still having public service functions existing, have not been totally successful and a lot of times they are met with resistance. So after a considerable amount of work and development of different models, we settled on the model that does not introduce a new authority but finally, Madam President, deals with this issue of a Chief Vet Officer.

It is amazing, Madam President, we have seen the Chief Medical Officer performed absolutely excellent on television and in the function of his duties and we understand the need for a Chief Medical Officer. We do in fact have somebody in the Ministry who functions as a Chief Vet Officer but that person's official title is Technical Assistant Animal Health. So that the statutory powers are not clearly defined, the role is not established in law and obviously, Madam President, in the public service, the person would not be ranked and would not be compensated in a way a Chief Vet Officer.

So what we have done in this legislation, we have treated the Inspector and the Chief Vet Officer as the same person and the powers that are carried out by the

Inspector, under the existing law, those powers have been expanded but we recognized that the word “Inspector” and “Chief Vet Officer” will be used interchangeably. And that allows us, Madam President, once the Bill is passed and becomes law, to take the next step of creating in the public service the appropriate position of Chief Vet Officer, so we are at the same level as all the other territories that we interact with around the world.

Madam President, so in dealing with powers of the Inspector and expanding it. you would see at 3A to 3F, the proposed 3A to 3F, you would see 30 new powers being identified for the Inspector. And those 30 powers relate to what a functionary—a Chief Vet Officer with the responsibility to do what has to be done in relation to the law is required to do in 2020 and beyond in Trinidad and Tobago.

The fourth area, Madam President, is a very, very important area. When we dealt with the amendment to the Summary Offences Act to increase both the term of prison and the fine for animal cruelty, I referred to work that had been commissioned by the hon. Attorney General and I, and supported by the Cabinet. And that is, Madam President, as I said before, this Bill proposes to expand the regulatory making power of the Minister and as I said, included there is the power of the Minister to make regulations dealing with animal welfare standard.

This Bill was laid in September 2019 and I made the point that at the same time that we laid the Bill we commissioned a 17-member team, representing the broad section of animal welfare and health interest in the country, to start the work on the regulations, on the standards. And I said that that report was presented to me in January as I asked, it was sent to Cabinet, it is in Cabinet awaiting the deliberations of this Bill, and we intend to have those regulations in place as soon as this piece of legislation is proclaimed into law. And the animal advisory

committee that is proposed at the new 3D deals with a small seven-member advisory committee that will assist the Minister, the Ministry and the country in creating, supervising and dealing with all the requirements under the law in relation to animal welfare and health.

Madam President, the fifth area I want to point to is to be found in the proposed amendments to Part II and they deal with control measures. And those springboard, as the Attorney General loves to say, from the proposed 3F and 3F deals with animal health measures and the factors which the Inspector should take into consideration in crafting animal health measures. And you would see from the language:

- “(a) harmonization with the international standards;
- (b) risk assessment and science-based measures;
- (c) regionalization; and
- (d) being least-trade restrictive...”— and so on.

And that is the springboard of the control measures, Madam President, which are proposed in the Bill.

And the sixth area I want to point to, Madam President, relates to the amendment to the existing section 13 of the legislation. And those amendments follow from the amendments in relation to the control measures. But this sixth area, Madam President, is the one that I considered to be the most significant because what we found is that the Minister lacks the power to make regulations.

And regulations are where we really flesh out some of the operative parts of an Act, where we flesh out some of the more detailed aspects of legislation, where we can even introduce new offences in accordance with the structure in which offences could be introduced via regulation. But regulatory powers really gives the

bureaucracy the flexibility to function outside the walls of the Parliament, recognizing, as I have always said, Madam President, in relation to points raised by my colleague, Sen. Mark, that the regulatory making power of any public authority is subject to a wide range of supervision, including the supervisory function of this Parliament and the supervisory function of the Judiciary.

So, Madam President, that sixth area proposes to expand the current regulatory making power of the Minister and proposes from letter (k) to letters (ab), which are 18 new regulatory making functions. And I want to highlight, Madam President, the letter (o) which is the:

“standards for animal welfare, in accordance with best practices including standards for animal care and treatment, disaster risk planning for animal safety, health and welfare and animal health and safety emergency procedures;”

—and a series of powers that the Minister would have in relation.

Madam President, that regulatory power at (p) deals with the issue of animal traceability. And traceability, tractability and accounting for movement have become very topical issues in relation to COVID. We have seen, we heard a discussion about invasion of privacy, the use of cell phones to detect people’s movement and so on. We have seen a lot of discussions taking place and traceability, in relation to any infectious disease, and traceability of movement are very, very important as control measures.

In the regulatory making power you would also see contingency plans for emergencies affecting animal health. And again, I saw a clip from former President Barrack Obama last night on television and he was so precise, five years ago or six years ago, talking about preparation for this thing that would be unseen and

unknown, and it will affect the world and so on. And it was very—it was almost like Nostradamus operating to be able to define this COVID that we are dealing with and contingency plans really deal with things that we know that are likely to happen for which we could plan and determine how we are going to react.

Madam President, the seventh area deals with import and export requirements. The proposed new section 14 deals with the import requirements and the export requirements are dealt with under the proposed 16F. And, Madam President, we had, for example, to respond to—it is not unusual because Trinidad and Tobago sits right now on the edge of foot and mouth disease having regard to the fact that Colombia and Venezuela have been identified as sources of foot and mouth disease.

We had, in relation to the tainted meat issue out of Brazil, the corn beef, one of my favorite foods, and I was very concerned that I had to be the Minister to ban it but the public health issue took precedence, but we do not import beef, meat from Brazil but we do in fact import all our corn beef from Brazil. And in dealing with that issue of tainted meat, we recognized the importance of having coordination, a plan on how we are going to respond on dealing with food safety issues. Madam President, just recently our Food Safety Committee had to respond to a simple thing as ginger in the market. Somebody stealing some ginger from a farmer in Paramin that was treated with weedicide in anticipation of being planted and Friday, I also had to intervene on another matter relating to sweet potato that did not really pan out as a public health issue, and that one is in the hands of the police.

So the seventh and eighth areas I would point to, Madam President, relate to import requirements and import permits. And those are addressed in our proposed

clause 16. The insertion of clause 16 that is proposed seeks to modernize the system that we have now relating to import permits. And I must say, Madam President, I heard my colleague, the Minister of Trade and Industry at the press conference yesterday, the COVID-19 press conference, talk about ease of doing business. I have spoken already about the legislative change we made with import permits for agricultural products and I mentioned that last week Monday we went live with 100 per cent paperless system that allows us to do an import permit in three days now. [*Desk thumping*] And I heard, Madam President, the system for the importation of meat is also one of the heavily used areas and—

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat: Thank you very much, Madam President—and we have had a lot of success. But I will say the OIE report from 2018 which assessed Trinidad and Tobago's handling of meat and meat products and animals, pointed to the need for us to spend more time on the ground, and that is something that we hear a lot about. At the press conference on Saturday, the Prime Minister talked about existing law relating to public health and he said in going out we would see the Public Health Inspectors and the public health people, operating under the power of the County Medical Officer, going out to places where people congregate and people work and so on, and using the existing powers of the law. And the import permitting system is really—electronic is good, but the OIE pointed to container examination, going on the ground, going to the shelves, going in the market place, going to the abattoirs and making sure what the law says we should do, is really being done.

Madam President, the ninth area I would identify relates to the important animal welfare section. So we are proposing the introduction of Part IIIA, the first

time in the law that we will directly address the issue of animal welfare and health and also, the issue of stray animals. And I would say, Madam President, that while we are very happy to amend the Summary Offences Act to increase the fine for animal cruelty to 100,000 and to increase the term of prison to one year, Part IIIA expands all the provisions relating to animal welfare and health but also proposes that the repeal of that section of the Summary Offences Act that deals with animal cruelty. So we will not have two separate streams operating. We would repeal the section of Summary Offences Act dealing with animal cruelty and this Bill will insert into the existing legislation the regime for dealing with animal welfare and health standards to be supported by the regulatory power of the Minister that we are introducing.

And the last thing, Madam President, and most importantly, I want to point to the offences. And this Bill, as I said at the start, introduces some brand new offences. One that really appeals to me a lot and that is through, Madam President, the insertion of section 21, deals with, for example, somebody who dumps a part of an animal in a public place. All these people, for example, the pluck shop owners who dump bags of feathers and so on, on the roadside. I have seen the crab vendors— Madam President, I am all over the country—the crab vendors dump parts and the oyster vendors and so on, and it is an offence and a very serious offence.

As I close, Madam President, as I said from the start towards the end of the Bill, from 33 to 37, we proposed amendments which deal with amendments to the existing Schedules and consequential amendments, including the consequential amendments of the repeal of the summary offences provisions dealing with animal cruelty upon the proclamation of this piece of legislation.

Madam President, my friend, the hon. Attorney General likes to hear when I reach to this part of it, so I thank you very much. Madam President, I thank my predecessors, the ECA, the technical people in the Ministry who have done—I thank the retired Chief Vet Officer, Dr. Kangaloo, your namesake and I thank my colleagues for giving us the opportunity to debate this Bill today and complete it and, Madam President, I beg to move. [*Desk thumping*]

Question proposed.

Sen. Wade Mark: [*Desk thumping*] Thank you, Madam President, for allowing me this opportunity to address a matter that appears to be very simple and ought to have full consensus among all of us in this Chamber. But there are measures in this Bill that require us to pause and to seek clarification and some elaboration from the hon. Ministry of Agriculture, Land and Fisheries.

Madam President, the first area I would like to ask the hon. Minister to look at— because when we are talking about protecting and promoting animal health and to establish appropriate standards in that industry, and you look at the definition of animals, Madam President, we are talking about food production that is included in this exercise, whether it is the importation of frozen meat, whether it has to do with the importation of cheese from Australia, or in New Zealand, or Canada, or Australia, these measures, these matters are contained in the legislation. And, Madam President, I would like to ask the Minister from the onset, the level of consultation. Who did the Minister consult? We know this Bill has been here for some months now, as he said September, but from my research, Madam President, and my engagement, the farmers union of this country led by one, Mr. Shiraz, I think, Khan only saw this Bill when I made it available to him. So the sheep and goat farmers in this country, which this legislation will impact upon, have told me

they were never consulted. So the question has to be asked, given the sweeping and far-reaching changes that are being proposed in this legislation, why did we not have the intervention and the consultation with the sheep and goat farmers in our nation? So I think that the Minister would need to address that.

Another matter that is of grave concern is what I have conceptualized and captured as the tsar, the tsar of animal health protection and standards, the so-called Inspector. I have never seen so much power being located and housed in one individual, and some of his colleagues lower down, with no mechanisms of accountability whatsoever. Madam President, when you look at the power of the Inspector, you believe you are living in tsar, Russia way before the revolution, the Bolshevik Revolution. That is what they are talking about here, real power without any accountability.

Madam President, I am also concerned about this inspector having the power to create monopolies. This is the livestock industry that we are talking about and I know that there are many people in this country who currently, as we speak, have a monopoly on the livestock market. And as I am on this, I would like the hon. Minister to tell this country what Marilissa Farms, that has been given 1,116 acres of land, which was formerly the Aripo Livestock Station, a chap called Lincoln Thackorie who is also the owner, Madam President, of General Earth Movers Limited. We want to know the link between this gentleman and Marilissa Farms and this Bill that we have here. These are serious matters.

I know there is a big goat farmer—you know our Prime Minister is a goat farmer? He rears goat and sheep, over 3,000 to 4,000 goat and sheep in Tobago. How is this Bill going to impact on the Prime Minister and his goat farm and his sheep farm? These are matters that we need to get clarified in this debate. It may

sound just about animal diseases and importation but, Madam President, it is much more than that. And we have to ensure that nobody is able to use this legislation to create monopolies, because there are already growing monopolies in this industry and we have to protect the small and the medium-sized farmers against the monopolist and those who dominate the industry at this time. So we want to find out what mechanisms are in place.

Madam President, when I go through this legislation briefly with you, you will see this tsar, this tsar who is in charge and who can issue permits, he can revoke permit, he can suspend permits and you know what? When you have to appeal his decision, you go to somebody lower down in the rank and then he is the person who initially revoked your permit will now come and officiate and tell you whether you can get your permit reinstated, himself speaking to himself. That is autocracy; that is authoritarianism; that is a kind of dictatorship which should not find its way in a modern democracy. And this Bill, Madam President, when you scan it properly, you are seeing these elements, right, located and dotted throughout the pages of this Bill. So this is a very serious matter.

And, Madam President, may I also remind this honourable Senate, through you, I looked at the 1954 Animals (Diseases and Importation) Bill or which was an Ordinance. You know this Government, this Government is encroaching on the separation of powers, Madam President, and I will tell you how. The Minister just spoke about the power to make regulations. When we were under colonialism in 1957, if you look at section 13 of the Act that we are governed by right now, regulations could have been made by the Minister. But, Madam President, at that time, we were a colonial country. We did not have an independent country, we did not have an independent Parliament. Now we have an independent Parliament,

you are telling me, Madam President, 60 years later, you are bringing legislation.

Madam President, may I ask you or invite to join me in looking at this section of the legislation. Madam President, go to clause 18 of the legislation and you will see the amendment to section 13, which are the regulations, and there are 18—I think more than 18. The Minister said 26 new headings in terms of power to make regulations. Madam President, it is there in this section or clause 18. This Minister, the hon. Minister that is, will have the power to make regulations to determine:

- “(n) ... fees and costs for inspection...
- (o)”—set— “standards for animal welfare...
- (p)” —establish—“...implementation of animal identification, animal traceability...
- (q) the quarantine of aquatic and non-aquatic animals;
- (r) the operation of quarantine...
- (s) the procedures to be followed by veterinary officers...
- (t) contingency plans...
- (u) the registration”—Madam President—“importation manufacture, distribution, labelling, sale, use or exportation...
- (v) animal feed;
- (w) ...appeal procedures...rules and procedures applicable to the implementation...
- (y) the payment of fees to...
- (z) the scale of charges...
- (aa) the population control...
- (ab) any other matter deemed necessary...”

This is in the hands of one Minister.

Madam President, in 1957, when we had the law being programmed— I have the *Hansard* records of the debate and who moved the legislation in 1957, all these speakers that contributed. Madam President, at that time, when you had regulations, it was procedural and we were under colonial rule. But today, in 2020, this is policy that is being promulgated through regulations and the Minister has not made any mention of the role of the Parliament.

11.00 a.m.

Parliament must have an oversight responsibility in any regulations and, particularly, those that are being promulgated and being proposed in this legislation. So I serve notice on the hon. Minister that we are proposing from now that all those regulations that the hon. Minister is going to make, all must be subject to an affirmative resolution of this Parliament. We are not going to give power to the Minister without any accountability. The Minister must be accountable to the Parliament and that can only take place with an affirmative resolution of this hon. Parliament, Madam President. So I serve notice on the hon. Minister that that must be subject to an affirmative resolution, Madam President.

Madam President, when I look at the legislation, I am seeing conflicts of interest. I am seeing in a section of the law where the Minister under—Madam President, may I invite you to look at clause 7 of the Bill and if you go to 3D on page 18, you will see where the Minister is going to establish a committee known as an advisory committee on animal health and welfare. And the Minister, Madam President—this committee is going to advise the Minister and, of course, the Minister is the powerhouse. He appoints the Members, he appoints the chairman, and then, of course, the Minister will have the final say on whatever decisions that

are taken.

Madam President, we are not living under Crown Colony Government. We are living in an independent, sovereign, democratic republic and it is passing strange that this Government can bring legislation. It is the same thing they did with the Public Health Ordinance. They went to a 1917 Ordinance and sought to introduce regulations on people's movements in this country.

Madam President: Sen. Mark, you know that that—

Sen. W. Mark: Yes, I know but I am just making a little comparison so I could tell you.

Madam President: Yes, but could you not re-debate that please, Sen. Mark?

Sen. W. Mark: Yeah. So, Madam President, the Minister, under this section, has the power to establish this advisory committee—he alone. So you have a tsar in the inspector and then you have a powerful supervisor over the tsar in the Minister. So the two power horses under this piece of legislation—and not the stakeholders in the industry, you know. What about the private sector?

Madam President, when you look at 3D(2), and you look at the people who are going to be part of this advisory committee, all of them are from the Ministry and two of them are appointed by the Minister in his own discretion. So the Minister has discretion after he appoints about six other persons or five other persons, who are from within the Ministry. And, Madam President, as I am on this thing about Ministry, we need to be clear in our minds whether we are talking about the Ministry of Agriculture, Land and Fisheries, or the Ministry of Health because I am seeing, for instance, there is a inter-splicing or a juxtaposing, as it relates to Health Ministry and the Ministry of Agriculture, Land and Fisheries. These are matters that are very important.

Madam President, this Bill is going to affect importers in the private sector but on the Minister's advisory committee, there is no commercial interest being represented here. Where is the private sector in this Bill? These are people who are importing, as I said, meat, frozen, cheese, ham from different countries of the world and they are not represented here, and decisions are being taken by the Government without their input. I believe the Government has brought a piece of legislation under this rubric of COVID—even though it was there since September, Madam President—with reduced speaking time and at the same time what they are doing, when you look at this legislation carefully, they are creating a powerhouse and that powerhouse is the inspector with all of these elements under the inspectorate—you can also call it an inspectorate—and they have total absolute power and without any accountability, any responsibility. That cannot be fair, Madam President. So I am asking the hon. Minister, Chemistry, Food and Drugs Division, what role do they have on an advisory committee? Because the Minister is going to be setting standards. So if the Minister is setting standards through regulations and he has an advisory committee. What is the role of the Bureau of Standards? Why leave out the Bureau of Standards? Why leave out the Chemistry, Food and Drugs Division in this advisory committee? These are very important officeholders, and offices, and units.

And, Madam President, most importantly, as I said, I am putting a plug for the private sector because it is the private sector who imports meat, and cheese, and all kinds of frozen things from different parts of the world, and this same tsar can stop your meat from coming into the country. He can give you a permit today and tomorrow morning, somebody whisper in his ears, “Do not allow Wade Mark to import meat”, and he can just revoke my permit, and then when he revokes my

permit, I have to appeal to him for mercy. The same person who revokes my permit, I have to go to that same person and appeal, and if I am not satisfied, go into my pocket and go to the Court of Appeal. What kind of madness is this?

Madam President, there should be a tribunal, some mechanism. There must be natural justice, there must be fairness in this whole operation. It cannot be that you give all this power to this inspectorate and this inspector, and then when he exercises his power whimsically, arbitrarily, I must now appeal to him for mercy. What do you expect me to get, Madam President, “is licks”, and then he says, “Look, you are not happy with my decision, you go into your pocket and go to the Court of Appeal and plead your case.”

But, Madam President, if I were to do that, my business “gone through”. I have to pay for that. What is the Government doing? Why are they setting up this monopoly? In whose interest, this—this could not be in the interest of the small farmers and the medium-sized farmers. I want the hon. Minister of Agriculture, Land and Fisheries to table on the desk of the Parliament today, the lease agreement for 1,116 acres of land that was given to a chap called Lincoln Thackorie who runs a farm called Marilissa Farm.

Madam President: Sen. Mark—

Sen. W. Mark: Yes, Madam President.

Madam President:—you raised that issue earlier in your contribution. I allowed you to raise it but I will ask you now to really move on to more relevant matters in—

Sen. W. Mark: Yeah, but, Madam President, I want to remind this, through you, Madam President, if you—

Madam President: I do want to remind you when I make a ruling that the word I

hate to hear after that—

Sen. W. Mark: Yes.

Madam President: Okay? Thank you.

Sen. W. Mark: But, Madam President, we are dealing with the livestock industry, we are dealing with animals and I am just simply asking, through you, that we need clarification because this Bill is not in the interest of the small people. This Bill is designed for the big goat and sheep farmers in this country and we know who are the players in that industry, and do not come and use the Parliament to get after your own objectives. We will not permit it. That is why, Madam President, I am demanding that they should make that available to us.

Madam President, this is about agriculture, this is about food and we cannot put food in the hands of a few people. Cannot do that. So, Madam President, wherever you look in this legislation, as I said, you see power, power oozing through the pores of a tsar, right? Right, Madam President?—and the Minister brings this thing here innocently as if we must just only accept what he has brought here. The hon. Minister that is, Madam President. No, we cannot accept what you have brought as you have brought it. We need to change many aspects of the legislation that is before us.

Madam President, I have certain areas that I would like to raise here. Madam President, if you go to section 3D, I have already indicated to you what this composition is like and I am recommending to the hon. Minister that the private sector be incorporated into his arrangement, the Chemistry, Food and Drugs Division, as well as the Bureau of Standards. I am also suggesting for the hon. Minister's consideration that we need mechanisms in place to ensure that the inspectorate does not trample on the rights of the people and do not tell me go to

the High Court or to the Court of Appeal. If you have money, that is your business but ordinary small farmers may not have the money to go to the courts and therefore, they need a mechanism, a tribunal, so that they can appeal the decisions of the inspectorate or the inspector.

Madam President, if you go to clause 19 of the Bill, again you will see the power of this inspector. The inspector establishes what is called, under section 14, import requirements for animals, carcasses, animal products, animal-related items based on international standards and science-based risk analysis. But you know, Madam President, who is going to decide that? The Minister and the inspector. They are going to decide this and they are going to publish it in the *Gazette*. So we must go to the *Gazette* to get what the Government has decided. The Parliament you are asking today to give you power to do all these things but you know what, Madam President? We have no say after we pass this legislation. I want to remind the hon. Minister, this is not a Crown Colony society, it is not a plantation economy. This is a democratic, sovereign democratic republic and therefore, we need to ensure that there is oversight.

Madam President, when we look at this section and you see again the kind of power that the Minister has, and you look at the definition of animal products, right? We have not established, we have not seen what are the import requirements that have to be established on a science risk-based analysis.

Madam President: Sen. Mark, you have five more minutes.

Sen. W. Mark: Thank you, Madam President. We have not seen the standards that are being suggested that must be followed by importers of meat products and animal-related products. We are seeing terms like:

“The Inspector...” —can— “prohibit or restrict the importation...for any

reasonable cause...any animal, carcass, animal product, or animal-related..."—product

That is under 16A(2) of that. This is arbitrary. Who is to determine reasonable cause? The inspector? What is advising him; what is guiding him? We do not have that.

So, Madam President, we are saying that the Bill in its current form, who can argue and be against the promotion and protection of standards and the welfare of animals? We cannot be against that but what we are saying, these things must be done within a framework of good governance and good governance practices. There must be accountability, there must be responsibility, there must be oversight, there must be transparency in all that we do, and that is why, Madam President, both sections 53 and 61 of our Constitution gave the Parliament the power to make laws but we have not abdicated that responsibility to any Minister. And the hon. Minister, in the clauses that we have in this Bill, is seeking to give himself, and by extension the Government, or any future Minister, total power without any accountability to the Parliament. And therefore, we are saying, Madam President, you want responsibility, there must be accountability. If you want responsibility, you must account and there must be mechanisms in place to ensure it.

In this Bill, Madam President, in closing, I am seeing a complete breach of the separation of powers principle. I am seeing where the Legislature is being conquered, undermined by the Executive. The Executive wants total power and they want the Legislature to be just in their back pocket. Well, so long as I am a Member of this Parliament, we shall expose every move by this Government to try to create an authoritarian and dictatorial model through legislation. We will not permit that.

So, Madam President, I ask the Minister, through you, to let us know about the livestock station in that place called Aripo, which was given away recently to a financier of the PNM who I understand has a lot of lucrative contracts in terms of road works at this time costing billions of dollars, and we would like to get from the Government a clear understanding of what is taking place at this time, and we would want the Government, when we get to the committee stage, to look at several suggestions to ensure that we bring, at the end of the day, a piece of legislation that is acceptable to the population of this country. Madam President, I thank you very much for allowing me to make my contribution. [*Desk thumping*]

Sen. Charrise Seepersad: Madam President, thank you for the opportunity to contribute to the debate on the Bill, an Act to amend the Animals (Diseases and Importation) Act, Chap. 67:02. The main objectives of the Bill before us are to: one, protect and promote animal health. Two, prevent the introduction and spread of animal diseases in Trinidad and Tobago—

Madam President: Senator, could you adjust your mike?

Sen. C. Seepersad: Oh, sorry.

Madam President: That is all right.

Sen. C. Seepersad: So should I start over?

Madam President: No, no. It is fine.

Sen. C. Seepersad:—and from other countries. Three, facilitate and regulate trade in animals, carcasses, animal products and animal-related items. Four, establish standards for animal welfare and protection.

The prevention, control and eradication of animal diseases are critical for many reasons. One example is that a devastating animal disease outbreak has serious economic impacts. These include loss of livelihood, disruption of domestic

trade, cessation of access to international markets, threats to food security and public health. It is common knowledge that the impacts of the COVID-19 virus is devastating to both human health and economic wellbeing. This virus may have originated from an animal source and has become a worldwide pandemic. Detection, prevention, containment and treatment of animal diseases cannot be underestimated. Still, in a developed world with stringent laws, practices, standards and sophisticated technologies, diseases such as bird flu, swine flu, mad cow disease, and so on, arise and spread. Legislation, therefore, can only hope to reduce the incidents and occurrence of animal disease.

In our jurisdiction, the discipline and application of this Bill to achieve the objectives identified in a given timeline will be challenging and steep. We already know that in Trinidad and Tobago, there are unscrupulous sellers and buyers of wild meat. It was reported recently that many, if not all, the animals in the wild carry some form of pathogen. Wild meat includes agouti, lappe, armadillo or tattoo, wild hog or quenk, deer, and manicou. So those who indulge in and have an exotic taste for wild meat can be exposed to who knows what and with the potential to wreak havoc on society. This exotic taste fires the continuing trade of illegal livestock and wild meat from countries such as Guyana and Venezuela. For example, on September 15, 2019, a vessel was intercepted by the coast guard, south of Icacos, with two Venezuelan men and a cargo of 42 goats, one sheep and 12 bottles of alcohol.

Often, livestock brought in illegally is diseased, held in close confinement and possibly are dead because of lack of care, or cruelty, or both. Venezuela and Colombia have been red flagged as a potential source of foot and mouth disease which is a major threat to livestock. Foot and mouth disease is a highly contagious

virus disease and one of the most serious livestock diseases in the world. This disease affects cloven-hoofed animals such as cattle, buffalo, sheep, goats, pigs, and deer.

According to Dr. Saed Rahaman, Director of Public Veterinary Health, pathogens, such as bacteria, which causes the potentially lethal leptospirosis, salmonella, and trypanosoma cruzi, which causes heart disease in humans, have been found in local wild meat consumed in Trinidad and Tobago. Dr. Rahaman has also stated that leptospirosis, the bacteria which causes leptospirosis, is found in the carcasses of all wild meat especially when they are not gutted properly at slaughter. Further, animal shot on the field and are not properly dressed, that is properly bleed and there is no inspection before or after death, this allows for the rapid deterioration of the animal carcasses.

Madam President, the Bill seeks to address these and other issues including clear definition of animal inspector, clause 7 and clause 8, 3B. Establishment of an advisory committee on animal health and welfare to advise and aid the Minister regarding animal health policies, animal welfare, strategies, sanitary measures, disease prevention, control and eradication, clause 8, 3D. Implementation of an animal disease surveillance system including contingency plans for response to emergencies if affecting animal health and declaration of the animal disease emergency, clause 11.

Regulations with respect to infective zones, clause 18. Import requirements, clause 19, including the establishment of the import requirements for animals, carcasses, animal products and animal-related items according to international standards or science-based risk analysis. A list of animals, carcasses, animal products and animal-related items which require an official veterinary health

certificate or other official health certificate before importation into Trinidad and Tobago. Inspection of imports, section 16D. Export requirements, section 16F.

Animal welfare: Madam President, for too long people who have committed gruesome acts of cruelty and abuse of animals have been allowed to go unpunished. For several decades, animal lovers, activists, and NGOs have been petitioning the Government for stiffer penalties for persons found guilty of animal abuse. I believe the recent video showing sadistic people hanging a dog was the last straw. Animals cannot speak for themselves. We must speak for and protect them.

Clause 26 of the Bill introduces a new category, animal welfare and stray animals. The amendments include prohibition of maltreatment. Clause 26, section 18A, prohibits any person beating, ill-treating, starving, over-driving, overriding, overloading, abusing, torturing, neglecting or maltreating an animal. Working animal unfit for work, clause 26, section 18B, establishes an offence if any person works an animal that is in an unfit condition for work. Bull-baiting, cock-fighting and similar offences, clause 26, section 18D, a person commit an offence where he:

“...encourages, aids, or assists at the fighting or baiting of any...domestic or wild”—animal

Welfare of animal, clause 26, 18I, an owner or person in charge of an animal must provide such animal with sufficient food and clean water, proper shelter and protection from unsuitable weather conditions including risk of injury or death from flooding and other natural disasters, veterinary care needed to treat and prevent suffering and disease; suitable accommodation during transportation; humane care and treatment. These protections are an immense change and are

most laudable but, as I have already mentioned, operationalizing and pleasing will be an extremely challenging and Herculean task.

Fireworks. Madam President, however, with respect to the widespread use of fireworks in heavily populated residential areas with domesticated animals, effective legislation is surely needed to safeguard against the trauma caused by the legal use of fireworks. The noise from fireworks, scratch bombs and other such incendiary devices cause fear and confusion in companion animals, farm animals, birds and other wildlife. The hearing of most animals is considerably more sensitive than human beings. Fireworks emit sounds up 190 decibels. Damage to the human ear begins at 75 to 80 decibels. This is significantly more disturbing to animals. The law for both sellers and users of fireworks should carry harsh penalties, especially during the celebratory times. Enforcement, however, cannot be selective and must be a deterrent.

Madam President, this Bill, together with the amendments to the Summary Offences Act, Chap. 11:02, sections 79(1), 80, and 83(1), and the amendment to the Conservation of Wild Life Act, Chap. 67:01, will go a long way in meaningfully protecting animals. I would again emphasize that the Bill alone is about a small fraction of the battle. Effectively implementing the measures provided is imperative to win the war. Thank you, Madam President. [*Desk thumping*]

The Attorney General (Hon. Faris Al-Rawi): Thank you, Madam President, for the opportunity to contribute to this very important law. May I first of all welcome to the Senate Bench today, the most recent addition to the PNM Bench, the hon. Jason Williams. May I also take this opportunity to thank my colleague, the hon. Sen. Robert Le Hunte, as he passes now from this Chamber, for his contribution to

Trinidad and Tobago and for the very excellent work that he has done. [*Desk thumping*] Certainly, I must recognize his contribution as well.

11.30 a.m.

Madam President, this Bill has been long in the coming. This Bill is very relevant to the situation that we find ourselves in, in Trinidad and Tobago, and in the world right now. And permit me to congratulate my colleague, the Minister of Agriculture, Land and Fisheries, the hon. Sen. Clarence Rambharat, for holding on to this issue with a certain purpose and with dedicated effort to bring this Bill to Parliament since 2019. Permit me to say why, Madam President. “OIE”, that is now defined in the definitions clause before us right now, as the section which takes advantage of the world coordination of matters, treating with the health of animals, and the coordination with society and with Trinidad and Tobago.

“OIE” means according to the clause 4 of the Bill, OIE means the World Organization for—sorry clause 6—it means the World Organization for Animal Health. One would hardly think that that acronym matched it, and therefore one obviously has to do a quick search and you realize that “OIE” means in fact, the organization coming out of France based in the *Office International des Epizooties*. What does that mean? It is the International Office for Zoological Issues.

But very importantly, clause 6 of the Bill anchors one of the most relevant factors for us to consider why Sen. Rambharat was so aggressively acute in bringing this law to fruition. Because the OIE did a study in Trinidad and Tobago recognized by Sen. Rambharat. It is published in February 2013. They did a PVS evaluation report and a tool for the evaluation of the performance of veterinary services in Trinidad and Tobago, a very comprehensive report, which demonstrates what was not working in Trinidad and Tobago, and which identified what

standards were require to be harmonized to bring Trinidad and Tobago in sync with the global environment of managing health issues in animal welfare, food consumption, transportation on an international basis, et cetera.

And in clause 6, Madam President, you will find a critically important word, which I want to introduce into this debate, and that word is “zoonosis”. “Zoonosis” means any disease or infection which is naturally transmissible between animals and humans and vice versa. Zoonosis is the origin of the SARS virus. Zoonosis is attributed to the origin of the COVID-19 pandemic, in the transmission of the virus from bats, as it is alleged to have happened, to human beings because of the unregulated supervision of the consumption, or close proximity to animals that are wild in nature, being encroached upon by human beings who invade their territory. Proximity or consumption, the WHO has many standards and suspicions for it.

But zoonosis is the reason why Trinidad and Tobago and the rest of the world is engaged in a lockdown of the entire world for the first time in the history of the globe. There has never been a lockdown of the entire world at the same time, certainly, not in World War I, not in World War II, not in the Spanish flu. The world has found itself locked down on the basis of zoonosis. And therefore, when the Minister of Agriculture, Land and Fisheries, the hon. Sen. Clarence Rambharat, picked up this work, which was languishing under the last Government, and brought it forward to fruition, we took it into the Legislative Review Committee, and we made a very deliberate effect. We rejected the recommendation to create a brand new authority. We rejected the recommendation to abandon the existing law and we rejected that Chap. 67:02 repeal and replace. Why? We did it because of the opposite of what Sen. Mark stands for in terms of

his contribution. Sen. Mark has made the most outstanding contribution that Trinidad and Tobago is not a Crown Colony, and these are not Crown Colony days and that Crown Colony laws are effectively not useful or relevant in today's society. Let me put that submission to rest.

The Exchequer and Audit Act, Chap. 69:01, was born as an Act 20 of 1959. We look, Madam President, to our Constitution of the Republic of Trinidad and Tobago. We look, Madam President, to the Disaster Measures Act, which was born in 1978. We will recognize the Exchequer and Audit Act is living proof that a colonial piece of law still has great merit and validity if it is done right.

You look, Madam President, to the provisions of the Public Health Ordinance, an Act of 1925, in fact an Ordinance of 1925. The Public Health Ordinance has allowed Trinidad and Tobago to be number one in the world in its management of the COVID pandemic; a colonial law. And permit me, Madam President, to seat this Bill in the words of the Constitution, because Sen. Mark alleges quite improperly, wrongly, that this law breaches the separation of powers principle and therefore may ostensibly require some different form of treatment, if not a requirement to be withdrawn. It does not breach the separation of powers principle.

The Constitution of the Republic of Trinidad and Tobago in section 8 recognizes that:

“(1) Subject to this section, for the purposes of the Chapter, the President may from time to time make a Proclamation declaring a state of emergency...”

—on the basis of several matters including, that there has arisen as a result—

“(b) that...emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence or of an infectious disease...”

That is the Constitution, the supreme law of the Republic of Trinidad and Tobago.

Let us go to the Disaster Measures Act. The Disaster Measures Act says: “Where any area in Trinidad and Tobago is affected or is imminently likely to be affected by any fire, flood, landslide, hurricane, earthquake, disease, or other calamity, the President may by Proclamation declare that area as a disaster area.”

Let us go to the Public Health Ordinance which ties in with this law. The Public Health Ordinance in section 103 equally allows for a treatment for a declaration of a dangerous infectious disease, in this case, clause 6 ties in zoonosis, a disease which can be transferred from humans to animals, and vice versa, as the backbone and therefore a colonial law is entirely relevant. A colonial law such as Trinidad and Tobago’s Public Health Ordinance has come to put us—for the first time in Trinidad and Tobago’s history, we are number one in the world for the right reasons. [*Desk thumping*]

And Madam President, obviously, that requires us to look to the depth of the Bill here. So let us look at the high level aspects. Is this Bill proportionate? Does this Bill infringe the separation of powers principle? Is there a due process principle anchored into this law? Are the functions and powers that are offered in the amendments that we bring by these clauses ultra vires the Constitution, or our fundamental rights, or the separation of powers principles? And the answer to all of that is found in the intimate text to be appreciated.

We have left this Bill on the Order Paper for as long as we did on purpose, because it allows fulsome inspection of the law by all stakeholders. I want to put on the record there has been deep consultation on this law. In fact, the OEI itself came to Trinidad and Tobago, and published reports in 2013 and 2018 of a deep technical nature. But you have heard me as Attorney General time and time again say that you achieve successful implementation of the law by plant and machinery, people, processes and law.

That is why today I could tell the country, Madam President, that we have had 5,000 appearances in court in a pandemic—plus—or we have had over 1,300 virtual court hearings from the prison, things which people never believed could have happened. We in this Parliament, we in this Government passed the laws to allow for virtual hearings and operationalized, saving the taxpayers millions of dollars, giving lives the access to the court for justice on time with immediacy from remote locations. And this Bill does the same thing.

You ought not to spend precious time reinventing an authority, populating a new public service, when you have officers of excellence. Like Dr. Syed Rahaman, who I confess went to Presentation College with me in sixth form, a serious man of business. We look at Dr. Kangaloo—forgive me for dragging that noble name into this debate, Madam President, you may know him—an excellent performer in the public service of Trinidad and Tobago, giving of his life and talent to our country. Why re-establish a new mechanism? A new authority? Beat up with trade unions, quarrel about who is going to be expanded or not? You see, that is to play into the Sen. Wade Mark handbook for bacchanal and distraction, when you can simply retrofit the law.

Sen. Mark makes this submission that we should have a tribunal. Why do you want a tribunal? Why would you need a tribunal, Madam President, when the new section 21G says that you have the right to ask for a review by the Inspector or Chief Veterinary Officer? Obviously, that then allows you the privilege in subsection 2 of that, to have an appeal to the High Court, not the Court of Appeal as Sen. Mark makes it up as he goes along. There is no Court of Appeal here. And in any event, if you put a tribunal forward, your right of appeal from the tribunal will have to go to the court anyway.

So the normal principles of rationality, of measure, are subjected to section 14 of the Constitution, are subjected to the Judicial Review Act. The normal prescriptions on prescribed costs will apply so that the cost is managed. But there is no way that this law is capricious. There is no way that this law is unreasonable because the due process requirement in clause 21, (g) as we introduce it in clause 28, allows for rationality and proportionality in law.

Could you imagine the foresight of the hon. Minister of Agriculture, Land and Fisheries in spending years to develop this law when the world has shut down on zoonosis today? Madam President, that tells you there is a plan, there is an attention, there is an acute anxious scrutiny of professional work in this Government and I salute my colleague, the Minister of Agriculture, Land and Fisheries. You see, Madam President, it looks easy when you see the law, eh. “Oh, why did they not do it before?” This is an Act of Parliament, it is now 56 years old.

The independent body that is the *Office International des Epizooties* that was born in 1924, it is now 96 years old, it is underwritten by the World Trade Organization. It is the gold standard.

Madam President: Attorney General, you have five minutes.

Hon. F. Al-Rawi: Five minutes, much obliged. And in looking at that, the recommendations for the functions of the inspector are clearly driven by international best practice because you are bound to implement, in a proportionate manner, Madam President, and I take you to clause 9, I take you to section 11 of the Act, I take you to clause 12, I take you to clause 13, I take you to clause 14 and in particular when you see the language in clause 9, you are bound in clause 11 as well to introduce proportionate measures. That stood out to me in the Legislative Review Committee as we settled the work at the Attorney General's Office led by the chairman, because the Minister of Agriculture, Land and Fisheries is the Chairman of the Legislative Review Committee and works his heart out in legislation.

11.45 a.m.

And I tell you that that word "proportionate", followed by the word "measures", in clause 11 of the Bill, the new section 5E, subsections (4) and (5), underwrite the proportionality of law. There is nothing untoward in the regulations that are now provided. Why would you want to have regulations other than by the way we do it?

Madam President, let me put you into an obscene alternative reality for a moment, where the Public Health Regulations that I can tell you we do overnight, by way of Cabinet virtual meetings, I as Attorney General. Could you imagine introducing public health regulations for Sen. Mark to deal with in the Parliament by affirmative resolution? We would have a train line of coffins in Trinidad and Tobago today while we debated that law. Because I will tell you this, you still have supervision via the courts. In fact, the attorneys-at-law for many persons

coming from the Opposition, including past Senators of the Opposition, have lost every single case that they took to court under the Public Health Regulations. Every single case has been lost.

The point that I raise there, in the context of this Bill, is that they had the right to challenge it in court. They lost every time. We will pursue the cost for the taxpayer. But imagine the fiasco that this country would have under a public health regulation, match it up to this Bill now, the disease and importation requirements, where you would have to come to Parliament and spend days trying to convince Sen. Wade Mark to pass public health regulations. No, Madam President, that alternative reality must never see Trinidad and Tobago.

Permit me to deal with one last point in the few minutes that I have. I confess my love of animals. I am a deep lover of animals. I accept my place second in life for my wife's affection, because she loves our dog and children by far more than she does me. So I will tell you, Madam President, it gives me great pleasure as the Attorney General of the Republic of Trinidad and Tobago and Minister of Legal Affairs to birth the new clause 26. We made a commitment to Trinidad and Tobago that we would treat with fireworks, we would treat with animal cruelty, we would treat with standards, we would introduce microchipping into animals, as you see the regulations which are in and part of this Bill have, Madam President. And, that therefore, meets with an objective of compliance on the part of the Government. And we had deep stakeholder consultation on those issues, as the interest groups will no doubt confirm.

Madam President, apart from coming to pilot the other legislation that I must, I came to participate in this debate and certainly at committee stage as well. We are ready, willing and able to pass this law. It is ready for immediate

operationalization, and I thank you for the opportunity to contribute.

Sen. Saddam Hosein: Thank you very much, Madam President, for recognizing me to join this debate on what is a Bill to amend the Animals (Diseases and Importation) Bill, Chap. 67:02.

Madam President, this Bill, on the face of it, seeks to do several things, and amongst them is to regularize the import of animals and the animal carcasses into Trinidad and Tobago, and also treat with issues relating to animal welfare and stray animals.

Madam President, I know it has been a very topical issue and I will start off with the part of the Bill that deals with animal welfare and stray animals. During this COVID-19 lockdown that we experience in Trinidad and Tobago, many of us saw what can only be described as disgusting behaviour by some members who ill-treat animals; where you saw humans hanging a dog somewhere in San Fernando. Then you saw another dog being chopped up, Madam President. It is time that we in this Parliament protect those persons and animals who cannot protect themselves.

I know we treated with this issue briefly when we passed the miscellaneous provisions 2020 Bill, Madam President, just a couple weeks ago, where this Parliament took a decision to increase the fines for animal cruelty from \$100,000 to imprisonment for a term of 10 years, which was previously \$400 or imprisonment for two months. So we took that decision in this Parliament to increase the fines and increase the terms of imprisonment if someone is found guilty of animal cruelty by the court, by the Magistrates' Court, that they now face a maximum fine of \$100,000 and imprisonment of one year.

Now, in this Bill that was introduced in this Parliament, Madam President, this Bill was actually laid prior to the introduction of that miscellaneous provisions

Bill, 2020 that we passed. When you look at clause 26 of this Bill, Madam President, it outlines offences relating to animal cruelty and I will go through a couple of the offences, Madam President. But the point I want to make here is that the fines have even increased from what we did on the last occasion. Because now the fines are, if a person is found guilty of animal cruelty, or in terms of affecting the welfare of an animal, they would commit an offence and they are now liable on summary conviction to a fine of \$200,000 and imprisonment for a term of five years. So, I think I wanted to make that point, Madam President, that we have increased the fines even more in just a couple of weeks.

Now, over the weekend I even saw an article relating to horse farms. This was found in LoopTT, Madam President. I tried to pull up the article, but apparently it is down on the website. And basically there were horse farms in Trinidad, Madam President, that were asking for donations for the horses because I believe one or two of the horses actually died because of starvation, because they were not getting the required feed and they were not getting the proper diet to keep these horses alive. And some of these horses actually lost weight, Madam President, bodily weight, that affects their ability and their performance.

I say that, Madam President, because when you look at the construct of this Bill, we must have in the back of our minds that someone who has a farm, and these horses may have suffered because of lack of resources, can now find themselves committing an offence. The point is, Madam President, we must establish some level of defence for these persons because we are all certain that these persons are not ill-treating these animals intentionally. It all happens to do with a depletion of the resources of those particular farms. So, this is one of the improvements I am suggesting that we can look at in terms of the Bill, because we

do not want persons to become criminally liable for an offence whereby they have not intended to commit that offence and it is not within their powers.

Now, the other provisions that deal with the animal welfare, one of the issues I would ask the Minister of Agriculture, Land and Fisheries, when he is responding, is that whether or not Trinidad and Tobago Police Service was actually consulted, and whether any training has been done with respect to the investigations when it comes to treating with issues of animal cruelty and animal welfare. I know that there are not much cases before the court in terms of how we can look at how the court treats with issues of animal welfare in this jurisdiction. I happen to find several cases in the United States that there were decisions in terms of what will constitute animal welfare, animal cruelty. The Bill spells it out in some detail in terms of what animal welfare is. Because, Madam President, you will know that it now places a level of care. So, when we deal with the law of negligence, there is a duty of care. Because of the relationship between the two persons, there is a duty of care. Once there is a breach of that duty and it is proximate in terms of remoteness and damages flow, then you are liable for negligence. And I saw that statutory duty of care is now placed on an animal owner so, that they can care for these animals, because again, they will face criminal fines.

I happened to have a conversation with the Minister of Agriculture, Land and Fisheries earlier and I asked him if we can look at one of the clauses that I found that may have been drafted a bit vague, and that is section 18E, Madam President. In a nutshell what does that say? It says that, if a person has been found guilty or convicted of committing an offence of animal cruelty under what will now be section 18A or section 18B, section 18A deals with prohibition of

maltreatment, 18B deals with working animals unfit for work. What it does, Madam President, it allows the court to detain that animal away from the owner. So there is a deprivation of property.

Now, I was looking at it in the context of whether or not this will be constitutional. Now, if we look at the application of the Suratt principle, we would see that there can be some level of balancing exercise in terms of a due process. Because at the end of the day, it is not an Executive decision being exercised by, for example, the Minister or the inspectorate but it is by the court. So the court allows the detention of the animal. So I am more comforted by that fact.

The fact that I am not comforted, Madam President, is that under that legislation, 18B(2), it states the pending hearing of the complaint, which means while the complaint has been laid, the person has been charged, brought to court, to treat with animal cruelty, the court does have the power to detain that animal.

Madam President, we all understand how long matters take in the courts. So you can have animals being detained for one, two or three years. Because in this country, although the Attorney General will boast how much he likes, it is sometimes that even a case that deals with obscene language, in this country can take about two to three years. And now you are bringing cases into the system that may very well take that length of time, and you have the courts having the power to detain those animals. We already have a shortage of resources for persons who deal with animals. Most of the groups that deal with animal welfare will tell you of the shortages in terms of the lack of resources at the pounds and the lack of resources for food for these animals, Madam President.

So that is the issue I want to raise with respect to how are we going to treat with this. Because you cannot just detain these animals and then you do not have

proper accommodation for them. Because you do not want them to fall into the same issue that they were previously, in terms of being abused there and then going into an overcrowded pound or some other quarantine facility. So that is the issue I wanted to raise with respect to the detention of these animals and the length of time that the cases would take to be heard before the court.

I also ask the Minister of Agriculture, Land and Fisheries, I raised the point earlier in terms of the issue with the horses, that whether or not the Ministry of Agriculture, Land and Fisheries can offer some level of assistance to all of these persons who have animals, or some of these pounds that animals are in; if we can lend some assistance for those animals.

Now, the Attorney General—and I was disappointed because the Attorney General said that he birthed this new clause 26. [*Interruption*] He said that this Attorney General birthed clause 26, in terms of dealing with animal welfare. Madam President, I had to go back to check where the paternity of this legislation came from. And you would see, Madam President, almost word for word, if you look at the Summary Courts Act, Chap. 11:02 at sections 78, 79, all the way up until about section 82, you would see the exact offences that are found in clause 26 are also found in the Summary Offences Act which was introduced by Act No. 2 of 1953 pre-Independence. So how could this Government say that they are dealing with animal cruelty when these were offences already on the book, Madam President? What we did as a Parliament is increase the fines and increase the imprisonment for these offences. So it is not that anybody should take credit for these offences because they have already been on the law books since 1953 in Trinidad and Tobago, Madam President. So that, I was very disappointed when the Attorney General said because I did look at the Summary Offences Act before

we dealt with this, before I started my research with this particular piece of legislation.

Now, Madam President, I want to also look at this issue that deals with the quarantine facilities. And the quarantine stations, Madam President, is something introduced by new section 17 of the Bill, and this deals being with the inspector designating various quarantine stations for animals to be quarantined, Madam President. They have said:

“(2) Notwithstanding subsection (1), private premises shall not be designated as a quarantine station without the own consent of the owner or the occupier of the...”

—property.

I want to ask the Minister whether or not, or how many—this is really a policy issue. I am not attacking the legislation at this section—but whether or not he can explain or inform this Senate how many quarantine stations are they intending to set up? How many, if any, are established already? And when we look at the budget, whether or not the Ministry of Agriculture, Land and Fisheries has the budgetary allocation to really properly implement this particular piece of legislation. Because we know, and I feel sorry for the Minister of Agriculture, Land and Fisheries, because he has received the least of the budget pie when it comes to every fiscal year. Because while there are certain very good parts of the legislation in terms of treating with animal issues and the prevention of animal diseases, there are other parts that we are not comfortable with. It is whether or not the Minister has the resource capacity to properly implement this Bill. Because we do not want it to be something just on the law book and then the Ministry is claiming that we do not have the money. So that we have to look at also when we

are passing legislation in this Parliament, whether or not we are just passing legislation for it to look good, or whether we really want it to work, Madam President.

Now, Sen. Mark raised some very interesting points when it comes to the advisory board. And the advisory board is found at new section 3D of the Bill. And this section, Madam President, it establishes an advisory committee on animal health and welfare and it comprises no more than seven members:

- “(a) a veterinary surgeon;
- (b) a senior technical officer from the Ministry with the responsibility for animal health;”

—so Ministry of Agriculture, Land and Fisheries.

- “(c) a representative from the Ministry with responsibility for health;
- (d) a representative of the Tobago House of Assembly;”

—so we are covering Tobago.

- “(e) a representative of the Zoological Society of Trinidad and Tobago;
and
- (f) two members in the Minister’s own discretion.”

Now, Madam President, there is something called the Livestock and Livestock Products Board. I wonder if the Minister can consider whether or not we can add them on to the list. I would explain why I asked for them to be added on the list. There is also, I saw on the website called a Poultry Surveillance Unit, and the National Animal Disease Centre who I have not also seen as part of the composition of this advisory committee who would advise the Minister, in terms of the creation of policy. And you would see, Madam President, from the information that is available on—

Madam President: Sen. Hosein, you have five more minutes.

Sen. S. Hosein: Thank you very much, Madam President. And you would see from the information that is available online, Madam President, and this is one thing that the Bill is trying to do. It is trying to standardize the importation guidelines and criteria for live animals and also carcasses to be brought into Trinidad and Tobago. But you will see right now how inconsistent the approach is.

Because, from the website TTconnect you would see if you have to bring in aquarium fish the application is made to Fisheries Division. If you have to bring in a companion animal, it has to be made to the Chief Veterinary Officer. For horses, the Chief Veterinary Officer or the Senior Veterinary Officer. Food producing animals, Chief Vet again. Live day-old poultry, the Agricultural Planning Division, and once approval is obtained, to the Chief Vet Officer again. And then you have wild animals and non-domesticated birds, the wild life section; poultry carcasses, it goes to the Agriculture Planning Division then to the Chief Vet Officer. So, I would hope that now, through the introduction of this Bill it makes it easier, rather make it more bureaucratic, for persons to import animals, live animals or even animals for consumption in Trinidad and Tobago, because we want it to be that we are passing laws to make it easier for our citizens of Trinidad and Tobago to do business, while at the same time protecting the public health of our country, Madam President.

And, the last point I want to leave on is that the Attorney General said that the reason for trying to not include the affirmative resolution, in terms of the Minister's power to make regulation, is because of the fight that he will get in the Parliament; that Sen. Wade Mark would not agree to what the Government brings. But Madam President, time and time again we say if you bring good law, we will

support your good law. We will bring—*[Interruption]*

Mr. Al-Rawi: Bail amendment.

Sen. S. Hosein: We will get to that conversation in a next time, Madam President. I am not going to be distracted by the Attorney General. *[Desk thumping]* But Madam President, the Attorney General, who is the defender of the public interest of Trinidad and Tobago, is telling this country that we do not want parliamentary oversight because the Opposition will oppose? That is what is coming from the defender of the public interest. On this side we will always call for legislation to be scrutinized by this Government because we do not trust them, Madam President. *[Desk thumping]* We do not trust them. Because for far too long we have seen that they are introducing laws into this country, in this Parliament, that continue to erode at the constitutional rights and privileges of citizens of Trinidad and Tobago. *[Desk thumping]* And with these few words, Madam President, I thank you very much.

Sen. Dr. Maria Dillon-Remy: Madam President, I thank you for allowing me to participate in this debate on this important Bill to amend the Animals (Diseases and Importation) Act, Chap. 67:02.

One of the stated purposes of this Bill is to protect and promote animal health and to prevent the introduction of spread of animal disease within Trinidad and Tobago and from other countries. And other purposes are to facilitate and regulate trade in animals, carcasses, animal products and animal-related items; to establish standards for animal welfare and for other connected purposes.

Madam President, my contribution will be related to the introduction and spread of animal diseases within Trinidad and Tobago and from other countries, and as the Attorney General said, the Bill coming at this point in time in Trinidad

and Tobago is extremely relevant in the midst of the current COVID-19 pandemic caused by the SARS 2 coronavirus, making this Bill so important, because this disease called SARS 2 Corona, caused by the SARS 2 coronavirus is a zoonotic disease, again, as the Minister already mentioned, and it can be transmitted from animals to people or more specifically a disease that normally exists in animals but can infect humans. So we know that these animals, the animals that are being imported, just cannot cause diseases in other animals, but also transmit disease to other humans. Hence, the importance of this Bill.

Madam President, I looked at an article from the World Health Organization, dated November the 13th, and summarizes the importance of zoonotic diseases as it relates to influenza. I would just mention the summary points.

“Humans can be infected with avian, swine and other zoonotic influenza virus”

—such as the avian influenza. And we know we had H1N1 as one of those. The second point:

“Human infections are primarily acquired through direct contact with infected animals or contaminated environments...”

Again, that is important in terms of the spread. The third point:

“Avian, swine and other zoonotic influenza virus infections in humans may cause disease ranging from mild upper respiratory tract infection...”

—and we have other diseases like pneumonia, as we see happening now with the coronavirus. The other point:

“The majority of human cases of influenza...and...virus infections have been associated with direct or indirect contact with infected live or dead poultry.”

And, therefore:

“Controlling the disease in animal source is critical to decrease risk to humans.”

And the final point:

“Influenza viruses, with the vast silent reservoir in aquatic birds, are impossible to eradicate.”

And therefore:

“To minimize public health risk”—you need—“quality surveillance in both animal and human populations, thorough investigations”—at—“every human infection and risk-based pandemic planning...”—These “...are essential.”

This article, I think, allows me to realize the importance of this Bill coming at this point in time.

I turn my attention, Madam President, to some clauses of the Bill. On page 2, clause 6(c), where the Bill defines ports of entry, and it says, a:

“‘defined port’ means the ports of Port of Spain, Chaguaramas, Point Lisas and Scarborough...”

And then talked about aerodromes including Piarco and ANR Robinson International Airport. Just a question here for the Minister. Is it that the other ports like, say Charlotteville where they have lots of cruise ships and stuff coming in, is not included under this definition?

The other point I would bring on page 13, clauses 7 and 8. The understanding that I had about these clauses 7 and 8, giving the inspector wide-ranging powers, I saw these clauses in light of the powers, the similar kind of powers that the Chief Medical Officer has, and can take specific actions in cases

like we have right now. I did not see, as Sen. Mark talked about a tsar. I did not see that as the role of the powers that were being given to this inspector, but that it was making the inspector be able to make decisions in critical instances like we are seeing happening here now, where the Chief Medical Officer is giving appropriate advice to the Government.

Madam President, on page 18, again clause 8, 3D, that speaks about the committee, an advisory committee on animal health and welfare. When I read this initially, I saw that there was no role there for the inspector. So as a question to the Minister: Is the senior technical officer from the Ministry with responsibility for animal health, that person? Because I think you were saying there is an interchange between the Inspector and the Chief Veterinary Officer or some such thing. I just wanted to get that clear, whether this person represents the Inspector.

I also note that on this committee there is a representative from the Ministry with responsibility for health. And I am saying this because it means that this committee can be meeting and making policy decisions that will affect both health in humans and health in animals, and I think this is very important.

Page 21, clause 11, 5A.(1):

“The Inspector shall—

establish an animal disease surveillance system to detect animal diseases, animal health hazards...”—et cetera.

Again, I applaud this surveillance system being introduced and I cannot imagine that in a—well what I would say is I would imagine what is happening now, since this is a new clause, what is happening now with surveillance of animals and animal diseases, is it that it is happening but just not put in law, given the importance of what we have happening here over the last couple years in terms of

zoonotic diseases? So that is clause 115A(1).

12.15 p.m.

In (iii) that says that:

“5A. (1) The Inspector shall—”—establish—

“(iii) laboratories capable of diagnosing and differentiating relevant diseases;”

Again, very important, and I note that my question to the Minister is: Does our veterinary diagnostic laboratory have the capacity to diagnose the emerging diseases that we have right now? As we see what is happening now with the COVID-19 epidemic, we have to be bringing in machines to be able to diagnose the relevant diseases that we have right now. Is the veterinary diagnostic laboratory capable? And is it something that we should—if it is not—if it is something we should be looking at right now in terms of increasing their capability of diagnosing these emerging diseases? And on page 24, clause 11 again, new section 5E(2) that says—[*Interruption*]—24, right. It says:

“ In the event of the outbreak of a disease and, where a zoonotic disease is suspected, the Inspector shall notify the Ministry responsible for health immediately.”

Again, I note that, because usually these things are very time related. One day, two days, a week, can make a significant difference and we are saying here that, this law is saying, that the “Inspector shall immediately”. So we have a representative from the Ministry of Health on the Advisory Committee and we are now giving the person who is responsible for the animals responsibility to immediately notify the Ministry of Health if they notice any diseases, and I think that is applaudable also.

I remember during the H1N1 epidemic when we had to sit—for the first time

I had to sit with the veterinary officers and they were talking about what they had to do in terms of monitoring the poultry, and it was the first time I was hearing about culling of poultry, because they were talking about what they had to do as a part of their responsibility in dealing with the H1N1 epidemic. So, I think this is so important for the relationship between the Ministry of Health and the Veterinary Department.

Madam President, I think this Bill is important, and I am saying that specifically as we are seeing what is happening here now the impact of this zoonotic disease, and I applaud the Minister in bringing it now, and I trust that we are going to have—continue to have an excellent debate. I thank you, Madam President.

Madam President: Sen. De Freitas. [*Desk thumping*]

Sen. Nigel De Freitas: Thank you, Madam President, for the opportunity to join this debate on an Act to amend the Animal (Diseases and Importation) Act, Chap. 67:02, and, Madam President, it has been said by all speakers that have gone before me that this Bill before us today is extremely relevant, if not for protection purposes, but simply in terms of what is occurring globally right now. And, Madam President, we all understand that human health and diseases are no joke, and what this Bill tries to achieve really and truly is to make the system that we had in Trinidad and Tobago in relation to animal diseases specifically, which can indeed and in fact affect humans, more robust. And it does that in two ways. It implements checks and balances, and it ensures that there is an individual responsible for ensuring that we have best practices in relation to animal husbandry.

So, Madam President, as we have come to realize, anyone who has been

watching the once-daily, now tri-weekly press conferences from the Ministry of Health, you would understand that what we are trying to achieve really comes on the back of a system that has been put in place. And this Bill before us, from clause 7 to clause 26, treat with implementation or the beefing up of that system. What is the system that I am talking about? It is a system that has five steps in it. And when you do these five steps it ensures that the problem that we have had in the word thus far since earlier this year, can be treated with effectively. Madam President, it is scanning, identifying, isolating, treating, and then repeating that process. And what I would do here today is go through the Bill and several of its clauses and identify the categories that they fall under, and attempt to show effectively exactly how they would work together.

So, Madam President, I will start at clause 7 which—before you do any of this—and just in response to Sen. Mark, and in agreement with Sen. Dillon-Remy, I do not believe that the Inspector is any kind of tsar. One of the things that must happen when you are trying to set up a system like this, and we have seen it with the CMO, and the Attorney General has alluded to that, is that you have within that individual the requisite knowledge to effectively respond to a threat in a short period of time, but also added to that individual is the ability through the requisite knowledge that they have to implement as best as they can preventative measures, so that it would not get to the stage of an outbreak. And in the “Inspector” as outlined in this Bill vis-à-vis the Chief Veterinary Officer, I see the same thing. And for me, in terms of a proper response to any kind of an outbreak coming from an animal, I would rather have the powers and functions resident in that one individual being able to effectively and timely respond so that the threat does not grow to a level that we cannot control.

So, Madam President, clause 8 goes on to speak to the power, the functions, the power to delegate, and again, in response to Sen. Mark who raised the issue of a conflict of interest, you would also find in clause 8, clause 8(4) where it reads:

“(4) Any person to whom a function is delegated under this Act and who has any direct or indirect interest, whether actual or reasonably perceived interest in a matter or other action to be taken by the Inspector, shall communicate his interest to the Inspector.”

So, it treats at that particular part of the Bill, Madam President, with that conflict of interest that Sen. Mark was referring to.

Madam President, I move on to the “Advisory Committee” which can be found at clause 8, 3D now. One of the reasons that I like this particular part of the Bill, is because, Sen. Dillon-Remy spoke to having a person from the Ministry of Health on the Advisory Committee. And whether it is the Chief Veterinary Officer or whether it is a Senior Technical Officer, the point to me is, is that the Minister, because the Advisory Committee reports to the Minister, and advises the Minister. If the Chief Veterinary Officer is on the Advisory Committee, then it means you do not have one person, which is that Inspector or CVO, advising the Minister alone. The Minister has another avenue by which he can gain insight into what is occurring and therefore mount an effective response in conjunction with the Chief Veterinary Officer.

What I also want to say about the Advisory Committee, because I think Sen. Mark is the one that raised it, in terms of lack of consultation and the Attorney General addressed that when he indicated that the OIE would have down their very robust report several years ago, and consultation would have been done then. But what this Bill goes on to do by allowing for two members to be chosen by the

Minister to also be on the Advisory Committee is to ensure that people who are in the industry can also be part of that Advisory Committee which will actually give advice to the Minister. And just for an example you can have individuals from the processing industry, which is caught in this Bill, and you could also have individuals from the agricultural sector or the agricultural society. So, it is not about just having consultations several years ago, what you also have is the ability of individuals from the sector who are affected by the Regulations and the policies you can find in this Bill—sorry, also able to contribute by having a direct line to the Minister through the Advisory Committee.

So, Madam President, I move on to clause 8, 3E where you have the scanning part of the process beginning and it does so by allowing:

“3E. The Minister...by Order, designate any diagnostic, research or other laboratory as an official or approved laboratory as may be required for the purposes of this Act.”

Now, when dealing with animal husbandry, one of the aspects that must be taken into account is how you are going to treat with health issues on your farm, for example, and if you as a farmer cannot identify why a particular animal under your care has died, the correct thing to do is to have that animal tested at a lab, just in case something has come up by way of a disease that you need to know about. For two reasons, one, because if this is a disease on the farm then you need to know because it could affect every single other animal on your farm and destroy your business. But secondary to that there is a public health issue that needs to be taken into account here, and once you send that animal to the lab to be tested that is where the scanning process of this Bill takes place.

And if you read the clauses as they flow, because you go on to clause 9, you

would understand that it even goes on to stipulate what happens when you identify a potential threat by way of a disease. So you have the farmers with an animal that dies, you do not know what caused the death, it is sent to a lab, or a designated lab as designated by the Minister, or a private lab, the disease is identified because you need to have that identified for the safety of the farm and its process as well as public health, and then that process flows on from there to be able to go to the Inspector or the Chief Veterinary Officer if it is a threat which then goes on to the Minister.

So, Madam President, clause 10 of the Bill speaks to the proper response after you have identified the threat. And the proper response in a case like this is isolation, and at clause 10, you would see where it says:

“(1) Where a veterinary officer suspects that a notifiable disease exists in any premises, the veterinary officer shall without delay, inform the Inspector and upon receipt of the verbal or written approval of the Inspector—”

And it goes on to outline the process which must be taking place. And one of those processes, Madam President, is that you would have isolation taking place so that you stop the spread of any potential disease taking place throughout the population, or throughout the animal husbandry sector in Trinidad and Tobago.

Madam President, moving on to clause 11, we see where under the categories that I have outlined you have scanning being expanded all the way to identification. And how does that happen? Well, under subsection 5A(1) to (5) you see the establishment of an animal disease surveillance system to detect animal diseases. This is very important, extremely important, because this means that you are not waiting for a farmer to find a dead animal to then send to a lab, that is just

one process of scanning taking place. But if there is a problem where the farmer decides “Well, I am not going to send this animal, it is going to cost too much”, or whatever reason, there is that surveillance system that has been put in place so that you can discover a problem before it gets out of hand.

Madam President, it goes on in 5B to actually add to that process of isolation and indicate exactly how after you have isolated a particular area or a particular farm, how that revocation will be taking place. But what I like about this Bill and this is how I know a lot of thought went into it, is that when you get to the stage of treatment, it begins with preventative, and then accounts for, reactive. What do I mean by that? It means, Madam President, that at clause 11, 5C you have an “animal disease emergency plan”, and it is not an emergency plan that is set up and just left, it actually is being reassessed every four years towards updating of that plan six months after that reassessment.

It also goes on, Madam President, after 5C, to talk about contingency planning and then after the contingency planning it goes to lay out the process at 5E for a declaration of animal disease emergency. So what that means is that if your surveillance does not work, if your contingency planning does not work, you have put in place a process for the declaration of animal disease emergency. And, Madam President, once again, this just goes to show that what we are doing here is to ensure that when you are dealing with animal disease and zoonotic diseases that you want to have a robust process in place to ensure that we do not end up in a situation again coming out of Trinidad and Tobago specifically. Because what happens is that—and the Bill speaks to it a little bit when you are dealing with importation and exportation. What happens is that you could have the best system in the world in terms of surveillance, contingency planning, emergency responses,

but if it is that your neighbour or your neighbouring country does not have a robust system, then you can very well import that very disease that you are trying to prevent from happening. And that is why I commend the Minister of Agriculture, Land and Fisheries for bringing this Bill today because what it is doing is really beefing up the industry in Trinidad and Tobago to ensure that we as a country are not the weak link in that process to protect the planet and the human race.

So, Madam President, I move on to treatment measures in terms of identifying infected zones which is at clause 12, 6(1) to (2), and it speaks to the process of setting up and operating of these “infected zones”. And it does everything by way of outlining limitations that can take place. Limitations by way of movement in and out of animal carcasses or live animals in these infected zones, because as much as you set up these infected zones, one of the things that you have to do is that if for all of your planning a disease outbreak happens and it could happen, because I could tell you now, we all know where this coronavirus, COVID-19, came from. We all have heard of the bio-security labs that they have, bio-security level three. We all know of the contingency planning that they have there, but somehow this virus was able to make its way across the planet infecting up to four million people and more. So what you want to do, Madam President, is set up the processes as much as you can prior, so when you are dealing with infection zones you limit the movement in and out so that you can limit the spread even if after you have put all of these things in place it still happens to have an outbreak in Trinidad and Tobago.

So, Madam President, at clause 19 we return to the scanning by dealing with imports and exports.

Madam President: Senator, you have five more minutes.

Sen. N. De Freitas: Thank you, Madam President. So we deal with the imports and exports and what it does at clause 19, it has established import and export requirements. Now, I just want to answer, I think it was Sen. Mark who was speaking and saying that “this would affect the small man”.

Now, Madam President, at clause 23, 16F(2) it speaks to the Chief Veterinary Officer ensuring before any animal carcass, or any live animal is exported from Trinidad and Tobago that you must meet import requirements of the country that you are exporting it to. Now, the reason why this is beneficial I say, to the small man, is that one of the problems that I have encountered repeatedly in this industry is that a lot of people limit themselves to marketing their products in Trinidad and Tobago. They cannot export because for one reason or the other they cannot meet the requirements as needed by the importing country. And to have this part of the Bill, this put into the Bill, to ensure that anybody wanting to export will have their products checked and have a Certificate of Clearance by the Chief Veterinary Officer bodes well for any entity that wants to increase their revenue by exporting those products.

Madam President, I just want to quickly close by responding specifically to Sen. Mark and Sen. Hosein, who keeps speaking to oversight is needed through affirmative resolution. Madam President, what I would say is this, you have robust measures put inside here. When you are dealing with disease outbreaks you need to move quickly. Sen. Dillon-Remy spoke to it, it is time sensitive. To sit in a Parliament and argue over an affirmative resolution in terms of regulation and what needs to be done, can commit all of us to the grave if it takes too long to do that. And what I would say, Madam President, is that, Sen. Mark is well aware that affirmative resolution is not the only oversight mechanism that this Parliament

has. How many times has he put Urgent Questions on the Order Paper for what is going on right now? Every single sitting that we have we have two Matters on the Adjournment coming from Sen. Mark. All of these things and processes are oversight mechanisms that can be used in a situation like this where there is an emergency. So to have affirmative resolution, Madam President, I do not agree to that. Sen. Mark and Sen. Hosein know fully well that they can use any other oversight mechanism and process down to a joint select committee to raise any questions that they have in regard to regulations.

So, Madam President, I close by saying this. The importance of this Bill cannot be refuted. I think everybody understands that, and the best way to put it across is a quote that I read just this morning from the Ghanaian President:

We know how to revive the economy, but what we do not know is how to bring people back to life.

And I think that sums up everything. With those few words, Madam President, I thank you.

ARRANGEMENT OF BUSINESS

Madam President: Hon. Senators, the Minister of Finance is here, and so we are going to revert to Item 8 on the Order Paper. Sen. Mark.

URGENT QUESTIONS

‘Fuel Support Grant’ for Maxi-Taxis (Mechanism for Fair Distribution)

Sen. Wade Mark: Thank you, Madam President. Can the Prime Minister inform the Senate as to what mechanism would be employed to ensure the fair distribution of the \$2,000 ‘Fuel Support Grant’ for maxi-taxis?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. The fuel support grant will be issued to all active maxi-taxis within the Ministry of Works and Transport system, and will be distributed by the Ministry of Works and Transport in conjunction with the Licensing Authority. So that the Licensing Authority, the licensing office, Transport Commissioner's Office has a register of all maxi-taxis that have been inspected and are roadworthy and are currently actively on the road on the various routes, and therefore, the Ministry of Works and Transports, using its records, will distribute the fuel support grant.

What I can also say, Madam President, is that we are close to a decision as to exactly what form the grant will take. There are two options, one is the cash grant, by way of a cheque, and the other is a fuel card. Both NP and Unipet have the facility of a fuel card, a prepaid fuel card, and we are tending towards the fuel card because that would give great accountability because the number of the vehicle is on the card so that the fuel would actually be used for the maxi-taxi itself. However, we may still after consultation with the drivers, the Minister of Works and Transport and his staff are in consultation with the drivers, and owners, and operators, of maxi-taxis, we may still come to a decision as to whether it should be a cash grant or not.

Madam President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister whether he is aware or can share with us the number of maxi-taxis that would benefit from this fuel support grant, through you, Madam President.

Madam President: Minister.

Hon. C. Imbert: Thank you very much, Madam President. I am advised by the Minister of Works and Transport that there are just over 6,000 maxi-taxis on the register, but over the years a number of maxi-taxis may have become

dysfunctional, no longer in use, and would still be on the register. So, the Transport Commissioner has estimated that the number of active licensed maxi-taxis is approximately 5,000. I am aware that the Minister of Works and Transport, together with the Transport Commissioner, are finalizing the records at this time, and I am told by this afternoon they will know the exact number, but the number they have given me is approximately 5,000.

Madam President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister if he can clarify or share with us the distribution of this grant? Is it going to be the owners/drivers, or is it going to be directly at the owners of the maxi-taxis? Could you clarify that for us? Thank you.

Madam President: Minister.

Hon. C. Imbert: Thank you very much, Madam President. The precise details are being worked out at present, but the grant is intended for the taxi itself, the maxi-taxi itself. So that the Ministry of Works and Transport will come to a final determination as to whether the grant would be given to the owners, the operators, and so on. That is being finalized at this time, but the purpose is to ensure that the grant is for the vehicle itself.

Madam President: Next question, Sen. Mark.

**Fuel Support Grant for Maxi-Taxis
(Commencement of Distribution)**

Sen. Wade Mark: Thank you, Madam President. Can the Minister advise as to how soon Government intends to commence distribution of the \$2,000 'Fuel Support Grant' for maxi-taxis?

Madam President: Minister of Finance.

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Madam President. I am pleased to inform that the funds are available. The Ministry of Finance has the funds ready to disburse to the Ministry of Works and Transport, and once the two questions that I have just raised as to whether it should be a cheque, or whether it should be a fuel card, and whether it should be given to the owners, the operators, et cetera, are resolved, which I expect to be resolved by tomorrow, the process of obtaining the funds and making arrangements for the disbursement can take place. I would estimate, barring unforeseen circumstances, that these grants can be made available at some point in time next week.

Madam President: Sen. Mark.

Sen. Mark: Hon. Minister, would you wish to advise us, that is the Senate, through the President, whether you anticipate the 5,000 or so owners/operators of maxi-taxis would have in their possession no later than next week those cheques?—or as you indicated whether it is a fuel card. Would you be able to clarify and guide us when they would actually receive the cards, the cash, the fuel card next week?

Madam President: Sen. Mark, Sen. Mark, you are repeating the question.

Sen. Mark: Yes.

Madam President: But I will ask the Minister to respond.

Hon. C. Imbert: And I will repeat the answer, Madam President. Barring unforeseen circumstances, I would expect that the grants will be distributed next week.

Madam President: Thank you very much. We will now revert to the business of the Senate that was in progress. Sen. Obika.

12.45 p.m.

ANIMALS (DISEASES AND IMPORTATION) (AMDT.) BILL, 2020

Sen. Taharqa Obika: Thank you, Madam President. I am grateful for the opportunity to join the debate on a topic that would reach, not only the hearts of all but also, the plates of many who are involved in the food chain regarding our animals in Trinidad and Tobago. The reality is, there are some issues with the Bill. Sen. Mark raised some key issues and I will want to drill into the clauses of the Bill that speak to some unfettered powers of the inspector.

Before I continue, I want to join in this House in welcoming a southerner like myself, who is actually from the constituency of Point Fortin like myself, from Erin, Sen. Jason Williams. [*Desk thumping*]

So there are about 10 issues that I wish to raise, one has to do with reporting of issues. I see that there is an inclusion, in terms of circulation online, when there are announcements by the inspector and so on, and the Minister. I want to strengthen and deepen that to create more sufficient communication with the public so that you will get critical mass. I want to look at the unfettered powers of the inspector in certain aspects of the law, issues regarding arrival notification and denial of entry of animals by persons who are involved in importation for commerce or personal reasons. The issue of quarantine and the facilities that the State has at its disposal as well as the state of the roads, because that is mentioned again in terms of one of the offences. The short period for destroying or terminating animals if they are not claimed, and then I find that the Bill does not provide significant options for alternatives in sentencing so that you have the ability to rehabilitate persons who may run afoul of some offences that this legislation focuses on.

And then, of course, I will start with a disturbing clause regarding the right of appeal to the inspector and I feel that we should get some clarity there, because

section 21G establishes the right of appeal to the inspector within seven days for any person aggrieved, and if such a person still remains aggrieved, they can proceed to the High Court. My issue is if the inspector's office may be the party that is causing pain for a citizen or an actor in this economic value chain regarding animals, then it becomes very difficult to accept that the inspector may be the body that would host the tribunal, because then the inspector may become a judge in his or her own cause. I think we need to get some level of comfort regarding how that will be administered. It is difficult for me and I think that is one of the most dangerous aspects of this law, given the severity of the sanctions, the punishment and the increasing of the fines and jail term from 5,000 to 50,000 and so on, I think we should really balance that with fettering some of these powers. The inspector should not have such a free hand. So now let us go through the Bill in its clauses.

New section 5A speaks to the establishment when there is an invasive alien animal species, it is imperative for notification to a veterinary officer. The question is, is there any association of veterinary officers in Trinidad and Tobago and if so, if it would not be expedient to the law to mention that in the legislation? And if there is not one, if the Minister may wish to recommend such a body be formed so that they can give some focus to the legislation, because it speaks to many times a veterinarian. There is the post of a Chief Veterinarian Officer but that is a state post, but there is no association of veterinarians so that we can get the information circulated to them in a way that facilitates public education, because the veterinarians would be the custodians of public education at the local level when persons carry their animals, whether there be farm animals or whether there be personal pets to the vet.

Then we move on new section 5E, which presents in the case of an

emergency, the format with which the State must follow to inform the population via the inspector, and I wanted to focus again—I see here the *Gazette* which most citizens do not read or are not even aware it exists, to the newspaper circulating in Trinidad and Tobago. With due respect to the main newspapers in this country, most persons get their news via online sources. So I see that electronic media is included and I would wonder if the drafters of the Bill would want to include some measure of critical mass to indicate maybe—because it is easier to say if you pick between *Guardian*, *Express* and *Newsday*, that you have some level of circulation but it is a little more difficult if you just say online media. So if you can say online media with a reach of, let us say 20 per cent of the population, so you get a level of critical mass being informed. So it is not informed by the amount of electronic media outlets you use but the amount of recipients that benefit from the information so it can be spread across the population.

Then we move on to—I was making a similar observation regarding import requirements where the requirement is to publish via the *Gazette* and its website—that is the inspector—and I made a similar request for if there can be any association of veterinarians so that the information is properly disseminated to those who will inform the public at the local levels.

If we move on to—I am minded of the 20 minutes time. It is not available to me to develop much of these points at length. So there is an issue regarding new section 16A as far as I see it. It says here that the inspector can also prohibit the importation of any item which in the officer's opinion is capable of carrying any notifiable infectious or contagious diseases affecting animals. So, therefore, it may have nothing to do specifically with an animal. It may simply be regarding gear, rope, sling, a box, crate, tank, aquarium, all these things that are listed here and it

begs the question: What is the opportunity for justice at the level of a tribunal—swift justice at the level of a tribunal that balances this unfettered power within the inspector’s office with the rights of citizens and the speed at which we need business to function? All right? Because we can very well imagine that someone bringing in a large aquarium, a box, crate and so on, for a business that involves animals, would be doing so on a timely basis. So if you cannot get the aquarium then that will affect the ability for you to bring in the actual fish, for example.

So if you are in tilapia farming, for instance, and there are many co-operatives that were looking towards that avenue and there are many persons in Trinidad and Tobago looking towards that aspect of farm production. So, it will be important for this tribunal, that is not mentioned, to be created, and then we could inspect exactly what would be the powers of this inspector. But as far as I see it, if I were to be advising a client in this industry then you would have to be wary of which side of the bed, proverbially, the inspector wakes up on when you are importing items because that can affect your ability to actually bring in something or not, because after the inspector, there is nothing else.

Let me go on to arrival notification. So as we continue along the value chain in the business of importation of animals which is important, you can well imagine in a country like Trinidad and Tobago where much of our meat is imported, much of our dairy products require the importation of the animals we feed and the equipment. So under that new section 16C(1) it provides that any:

“...customs officer, importer, courier, master of a vessel or captain of an aircraft...”—must promptly—“notify the Inspector...of the arrival of...”—any—“animals, carcasses, animal product or animal-related items.”

When we turn to the Bill under the definition clauses:

“‘animal-related items’ includes”—well, of course the—“...carcass, animal genetic material, animal parts...”

But it also goes beyond that to:

“...feed, litter and any packaging, container, equipment, or other appliances used on animals, objects or material capable of harbouring or spreading animal diseases;”

So whilst we are mindful that this Bill seeks to protect our space from the spread of dangerous animal diseases that can also devastate our livestock here but also can cause animal to human spread, we should also be mindful that the decisions therein can affect the ability for many businesses to function, and we really need to balance these clauses here. They could be very damaging to businesses and when you have the ability of any customs officer or anyone that is along that supply chain to stop the flow, it could really damage businesses, and we need to be able to respond at the speed of business in the event that the importer is actually in the right and that they were wrongfully stopped.

Now, this goes on the new section 16E(3)(c) where a veterinary officer at any port of entry—and this is the part that is important if:

“...health certificate issued by the Inspector of the exporting country is incomplete.”

Now, how far are we going to take that? How much discretion are we going to allow the veterinary officer to exercise? As we say in Trinidad, how much leeway we are going to give them? Because to me, just leaving the word, “incomplete” alone could be dangerous. Would we want to couch the language in such a way as opposed to just saying “incomplete” but to the effect that the items that are imported could be potentially dangerous given the tenets of the law, you know? If

it was incomplete but it omitted something that may not be materially dangerous in terms of infectious diseases and so on, I think we should be able to massage the language to facilitate that. If not, that again brings a stronger and additional case for the need for a tribunal that balances these powers that are basically stacked against importers.

Then we go on to clause 25 regarding quarantine of animals. Now, clause 25 of the Bill seeks to amend section 18 of the Act by repealing the existing section which provides for all imported animals. Now, the question that is begged here is: Where would these animals be quarantined? Are we going to have the phenomena of the self-quarantine existing or would it be at a state facility? And then, of course, that begs the question as to the capacity.

Madam President: Sen. Obika, you have five more minutes.

Sen. T. Obika: Thank you very much, Madam President. And that begs the question as to the capacity at the level of the State to be able to house and to maintain the proper health of these animals. And when you can imagine that an importer may be engaged in a transaction that is \$100,000 or \$5 million depending on what animals and what quantity you may be bringing in with a particular shipment, the inability for safe quarantined facilities to be made available to these persons for their animals can actually damage their entire business model, and that would increase significantly the business risk and, of course, the ability or inability of the persons in the sector, the wider sector to be able to get financing for similar ventures. So we must take these things into consideration.

There is another clause, under prohibition of maltreatment, new section 18A(3) where it says that the:

“...condition of the road travelled...”

If there is an issue by the inspector of the condition of the road that animal has travelled, then they have committed an offence. Are we now blaming the farmers or individual citizens in this country for the state of the nation's roads which are deplorable in many places, especially in rural areas? I mean, we need to be careful where we put this as an offence because then again, it should not be an offence that is borne by the citizens when their taxes should cover the state of the roads.

New 18G speaks to a very short time period in which the State can destroy or terminate persons or animals or livestock. I think there is a seven-day circulation again in just the *Gazette* and newspapers. No mention of online circulation and then 48 hours thereof. So this again only speaking to print media and *Gazette* is archaic. It needs to go wider than that and again, the time period is a bit too short for my comfort.

Section 21(1)—and this caught my attention because the Minister spoke to this in a media briefing that precluded this debate and it speaks to the offences, significant fines in the tens of thousands of dollars, hundreds of thousands of dollars for a wide range of offences, but there is no avenue for rehabilitation. If someone harms an animal and then they are caused to pay severe fines or face imprisonment, are we to believe that this person will now be an animal lover? I beg to differ. I think what we should do is explore the avenue of rehabilitation where persons can become animal lovers in Trinidad and Tobago. Jailing someone for mistreating an animal may actually make them become more cruel and inhuman in their treatment of animals.

So these are the points I have on this Bill. It gives too much unfettered powers to the inspector. We need to have teeth in the form of a tribunal and finally, jailing persons with heavy fines may not always be the solution. We

should look at rehabilitation, so some alternative to these sentencing. I thank you very much, Madam President. [*Desk thumping*]

ARRANGEMENT OF BUSINESS

Madam President: Hon. Senators, I wish at this stage to revert to the earlier item on the Order Paper. I am now in receipt of the instrument.

SENATOR'S APPOINTMENT

Madam President:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency PAULA-MAE WEEKES,
O.R.T.T., President of the Republic of Trinidad
and Tobago and Commander-in-Chief of the
Armed Forces.

/s/ Paula-Mae Weekes

President.

TO: MR. DAMIAN ANTHONY LYDER

WHEREAS Senator Anita Haynes is incapable of performing her duties as a Senator by reason of illness:

NOW, THEREFORE, I, PAULA-MAE WEEKES, President as aforesaid, in exercise of the power vested in me by section 44(1)(b) and section 44(4)(b) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Leader of the Opposition, do hereby appoint you, DAMIAN ANTHONY LYDER to be temporarily a member of the Senate, with effect from 19th May, 2020 and continuing during the absence from Senate of Senator Anita Haynes by reason of illness.

Given under my Hand and the Seal of the President of the Republic of Trinidad

UNREVISED

and Tobago at the Office of the President, St. Ann's, this 19th day of May, 2020.”

OATH OF ALLEGIANCE

Senator Damian Anthony Lyder took and subscribed the Oath of Allegiance as required by law.

Madam President: Hon. Senators, at this juncture, the sitting will be suspended and we will return at 1.45 p.m. So the sitting is suspended until 1.45 p.m.

1.07 p.m.: *Sitting suspended.*

1.45 p.m.: *Sitting resumed.*

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

Mr. Vice-President: Before I call on Sen. Thompson-Ahye to make her contribution, let me just say that this has been happening for several sittings over the last couple weeks. As much we are following the guidelines outlined by Madam President herself in relation to the numbers in the Chamber, we do have to remember that there is a quorum of 10 in order to be able to restart the proceedings on time when we come back from tea. So I just remind all Senators both listening and in the Chamber that if we can ensure that after we break for tea at 1.30 that when we come back at whatever time is stipulated that we at least have 10 Members in the Chamber. Sen. Thompson-Ahye. [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Thank you, Mr. Vice-President. This Bill, at first brush, seemed a very dry Bill, not within my usual spheres of interest, but in the end it turned out to be rather interesting, and for me a tremendous learning experience. From time to time we would read in the newspaper about importation of animals and the recall of certain foods. You may remember not too long ago it was Tyson meat, chicken I believe it was, and some of the objects of the Bill, one of the objects, is to keep us safe from diseased animal and animal products that may be imported into our country, and to protect the health and welfare of animals.

Sometimes we really do not know what we are eating, you know. We eat on trust, and we hope that all will be well.

Reading this Bill brought back memories of when I was a very young child holidaying in Mayaro, and my mother cooked iguana. The moment I heard it was a species of lizard I refused to eat it. Everyone in the house tried to persuade me. I cried and cried until they decided to leave me alone. And as an adult, attending an executive committee meeting in Girona in Spain, the law professor hosting the meeting took us out to dinner, and there were many courses, and again some exotic animals were placed in a dish, and despite the encouragement of my colleagues, and Emily Post would have taught me, I refused to indulge. And my deceased sister left wild meat from Blanchisseuse in my freezer and nobody seemed to want to relieve me of it. I am wary of strange animals with equally strange sounding names.

But I must get to the Bill. Now, let us look at clause 4. It seeks to amend the long title. And it reads:

An Act to make further and better provisions for controlling the importation of animals, birds, reptiles and insects, and for regulating the treatment and disposal of animals which are suffering or are suspected to be suffering from any disease, to protect and promote animal health to establish standards for animal welfare and for other matters related thereto or connected therewith.

It also deals with importation and exportation of animals. And one would think that is very remote. I mean, who exports animals? But I remember many years ago I went to Brooklyn and I visited a Trinidadian couple, and in one of their bedrooms it was given over to a number, three dozen and more exotic birds. And they had been smuggling from Trinidad, and they gave me details of how it was

done. Do not ask me, I would not tell you. And I spoke to her last night and she said they are no longer doing that sort of thing because they cannot do it anymore. So maybe that is after we had ground zero and people are searched in the airport, you cannot put some birds into your pocketbook anymore and take it to another country, or, I suppose we cannot do it here either.

Now, the long title, having included new matters, we had to change the short title, and that is clause 5, to reflect these new issues. So it became in turn Animal (Diseases and Importation, Health and Welfare) Act. So far so good.

Clause 6 seeks to amend existing definitions, and include a number of new definition. It is the longest clause in the Bill. When I read it the first thought that came to my mind was some definition was so complicated and convoluted that perhaps they were drafted by the big-word man. I wondered if he was the new Senator, you know, stranger things have happened in a silly season. Some have been proficient at summersault with nary a broken limb. Now let us look at clause 6(a), the expanded definition of “animal” satisfy the need to cover all bases. It reads:

‘animal’ includes any mammal, birds, fish, reptiles and amphibians, all other animals of whatever kind, vertebrate or invertebrate, domestic or wild, terrestrial or aquatic, and eggs and embryos of any kind of animal;”

By contrast, the Animal Diseases Act of Manitoba defines “animal” thus:

“‘animal’ means any creature not human.”

Short and simple.

But it is instructive, you know, that the Government has taken such a detailed approach to this law regarding animals. This is in contrast with the position it has taken with care and protection of children. Unlike other

jurisdictions around the world, our Legislature has failed to place responsibility on specific persons other than a police officer to report child abuse and neglect, and has not legislated any penalty or time limit for doing so. When we look at the Children's Authority Act it states in section 22(2):

“A police officer or any other person having reasonable grounds for believing that the child is in need of care and protection may seek the assistance of the Authority for care or protection...”

Mr. Vice-President: Senator! Senator, sorry. I am have to shout a bit because the mask covers my— I am trying my very best to figure out exactly where your connection lies.

Sen. H. Thompson-Ahye: And if you wait a little longer I will explain.

Mr. Vice-President: Thank you.

Sen. H. Thompson-Ahye: I am obliged for your patience. Because what I am saying.

Mr. Vice-President: [*Inaudible*]

Sen. H. Thompson-Ahye: Sorry?

Mr. Vice-President: Have you finished?

Sen. H. Thompson-Ahye: Oh, I beg your pardon.

Mr. Vice-President: What I am asking you to do is to make the connection of what you are saying to the Bill that is before us as quickly as possible, because you are bordering on irrelevance. Continue.

Sen. H. Thompson-Ahye: I am obliged. My point is that in this definition of “animal” it is very wide and very “comprehensing”. Whereas in other pieces of legislation, that has not happened. So this Bill gives an opportunity to see what Government can do when there is a political will to actually draft a piece of

legislation that works. So, we wait for another miscellaneous provision Act, it is coming I am told. Christmas is coming too.

Now I must confess to having some initial difficulty with clause 6(b) which seeks to amend the definition of “carcase” and substitute another definition which reads:

““carcass” means the commercially prepared or dressed body of an animal or such of its offal or as are intended for human or animal consumption;”

But how can this work, I ask myself? You have not amended the word that you are defining, but your amendment starts with a new word being defined. For this to make sense you have to delete the word “carcase” and substitute the word “carcass” and then proceed to define “carcass”, else you end up with “carcase” means, “carcass” means, et cetera, et cetera, which is surely not what is intended and makes no sense.

Then amazingly at the end of the Bill you come upon clause 33(a) which states, and now resolves the mystery.

“The Act is amended—

- (a) by deleting the word ‘carcase’ wherever it appears, and substituting the word ‘carcass’;”

Now really Mr. Minister, I lost all that grey matter for nothing trying to figure out what was happening here. Now I am persuaded as a criterion for being a draftsman is a wicked sense of humour, but strangely all the draftsmen I have met from Cozey Harris coming down the line have been such serious and quiet gentlemen. Clause 6 deals a doozy. Here is a new definition of “disease”, and I read:

““disease” means the clinical or pathological manifestation of infection or

infestation in any animal, carcass, animal product or animal-related item diagnosed by internationally recognised testing procedures;”

That is big-word man drafting. Who understands this? Did we not hear what ALTA said about literacy rate? So it is very difficult, because the people who are going to deal with this legislation are not necessarily the people who are going to be understanding the words used in the definition. Now I have heard many times the mantra of the Attorney General, plant, machinery, people, process and law, and perhaps what can be added is plain language. Plain language so that people can understand, and so that we would not be thinking that maybe the law was drafted in a way that Goomba-ly-ly used to speak. So when the magistrate ask him, “What is your name? If your name is Goomba-ly-ly?” He could not say yes or no, but responded, “This is not my various nomination but an appellation has been applied to me by the ignoramuses who envied my vivacity and cannot comprehend my lexio-graphical lingo.”

So all we are asking for is plain language so that ordinary people can understand. Some jurisdictions as Guyana in defining “disease” gives a list of diseases. Others assume the word “disease” is within public understanding and give no definition at all, and yet others define “disease” in either the main body of the Act or in a separate schedule. In this Bill we took a Goomba-ly-ly or a big-word-man approach, plus we took the separate schedule approach when we came to notifiable diseases in clause 12. I suggest a simpler definition as appears in the Manitoba Act which states:

“In this Act, ‘disease’ means:

- (a) a condition or group of character symptoms or behaviours that
 - (i) is generally recognized by the scientific community as resulting

or likely resulting from an organism, poison, toxin or agent or a combination of any of them, and

- (ii) meets one or more of the following criteria:
 - (A) It may cause products derived from a diseased animal to be unsafe or unfit for use of consumption,
 - (B) ...is a threat to the health or wellbeing of other living things, or the economic interest of the animal industry,
 - (C) ...is otherwise a threat to public interest”

And it talks about perhaps:

“(D) a syndrome, condition or group of characteristic symptoms or behaviours designated as a disease in the regulations.”

Now, clause 9(a)(ii)(b) deals with notification of disease. And the stated time period is 24 hours for giving notice of the fact of a disease of suspected diseased animal. Now, using 24 hours does not give me a sense of urgency. Other legislation uses words such as “with all practical speed”, Guyana, Animal Disease Act; Barbados, Animal Disease Act; Importation Act has the same thing, or The Bahamas says, “give immediate notice” in their Animal Contiguous Diseases Act, or “immediately after the person becomes aware of the presence or fact”, in Canada, Health of Animals Act.

Now, the original legislation used the words “with all practicable speed”. So we have amended and we are using 24 hours, but a lot could happen in 24 hours as we saw over the last weekend. I do not consider the proposed amendment an improvement and recommend that we either retain the original words or use the words “immediately or forthwith” as we have used in different pieces of the legislation, in different clauses. Now, notice to whom? We look at clause 9(b),

(2), and it says the person to whom the notice of diseased animal must be given is:

“...the nearest private veterinarian surgeon or veterinary officer.”

And the original section 4 provided for the notice to be given to the inspector or to the person in charge of the nearest police station. Now, other legislation speaks of notice being given to the Chief Agricultural Officer by the vet surgeon who attends on or visits the animal, Guyana; or the senior vet office or person in charge of the nearest police station, Barbados; the Minister and the nearest vet inspector of the Department of Agriculture, Bahamas. Now I recommend that we keep the provision for a report being made to the nearest police station as that might be the most available person. One can much more easily get to a police officer in the district than perhaps get to the vet surgeon, so one can look at that.

Now, clause 9(2) provides, and I quote:

“The person to whom notice...is received...”

Now, what does that mean? “The person to whom notice...is received”, that should be changed to either “The person by whom the notice is received” or alternatively “The person to whom notice is given”.

Now, when we look at the clauses dealing with animal welfare, and I noticed the Attorney General, I heard him say that he was very much interested in animals as most of us are, and realized that over the years we have seen those donkeys transporting loads of coconuts in the savannah being weighed down with their load, so here we have a provision now that is going to assist in this case—

Mr. Vice-President: Senator, you have five more minutes.

Sen. H. Thompson-Ahye:—and also is too late to interfere with the past time of a now deceased Minister of cockfighting.

Now clause 26 amending 18I, provides that:

“(3) An owner or person in charge of an animal shall take reasonable steps to mitigate any suffering which may be caused to the animal by his exposure to fireworks.”

How? I would wish to know. And it continues to add fuel to the fire by providing in clause 28 that any person who:

“permits an act or an omission to act by another person that causes unnecessary suffering to an animal including suffering caused by exposure to fireworks...

commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and imprisonment for a term of five years.”

Now, as a member of a family whose members were all moved to tears when our beautiful seven-year-old German shepherd, whom we had since he was a few days old puppy, succumbed to a heart attack through fireworks explosion on Old Year's night, perhaps I can be advised on what we could have done to save Beethoven's life and avoid a hefty fine or imprisonment.

There have been some matters that have not been addressed in the Bill and I would like that it be addressed; “powers of arrest”.

The power of the police to be granted to an officer to stop/detain and even arrest someone from committing or reasonably suspected of committing an offence under the Act.

What happens in Trinidad and Tobago, we put a duty on a variety of persons whenever the inspector may require to provide assistance with a vet officer in the performance of his duties, they have customs officers and all of those, but what we can do is put on the required person a power of arrest so they can do it themselves,

because they may not be able always to get a customs officer or a police officer to assist. Then we have ports of entry. We have them defined, what are the ports of entry.

I would like to commend a proviso to this Legislature. It comes from Guyana and it provides that:

A Minister may in any special case permit an animal to be brought into the country other than through the appropriate port of entry.

Because sometimes although we have Piarco and Robinson airport and so on, an animal may come in and we need to rescue that animal. So perhaps we can look at a particular case where a permit can be granted. In some jurisdictions you have compensation for compulsory slaughter, and that is something that we can look at here as well. Now, I heard this morning that the Summary Offences Act which deals with mistreatment of animals, the law that we passed last week is going to be repealed, and I wonder why we went through so much trouble knowing that this law was coming today which deals with the same issue.

So, Mr. Vice-President, I thank you for the opportunity. I thank the Minister for bringing this interesting and timely legislation, which in these COVID-19 times is quite important and has far-reaching implications. And as a final comment, I would refer Sen. Mark to the Bahamas legislation which provides for the Governor General to appoint people to the committee. Thank you. [*Desk thumping*]

Mr. Vice-President: The Parliamentary Secretary in the Ministry of Agriculture, Land and Fisheries. [*Desk thumping*]

The Parliamentary Secretary in the Ministry of Agriculture, Land and Fisheries (Sen. Avinash Singh): Thank you, Mr. Vice-President, for the opportunity to contribute in this debate today, and we are debating the Bill entitled

the Animal (Diseases and Importation) (Amdt.) Bill, 2019.

Mr. Vice-President, as indicated by most Members, the important nature of this Bill is really to protect and promote animal health and to prevent the introduction of and spread of animal diseases within Trinidad and Tobago, and from other countries. It is also to facilitate and regulate trade in animals, carcasses, animal products and animal related items, and also most notably to establish standards for animal welfare and for other connected purposes.

Mr. Vice-President, before I actually go into the meat of my contribution, it would be remiss of me not to respond to some of the submissions made by Sen. Mark, and in his contribution, Sen. Mark would have made a couple submissions, and I want to start first with his contribution about consultation. You know, Mr. Vice-President, I am forced to reckon with the fact that the Opposition today is no different than what we have seen them to be, because it is as though any law, you know, we bring to this Senate, they are hell bent in opposing. And today this law treats with an extremely important issue that deals with the health and well-being of our population, and asking for more consultations since this process started way back in 2012, and we have reached so far, is a far cry to actually wanting what is best for the country. So, to ask for consultation, I want to indicate to this August Chamber that in reaching this point, there was an agreement signed on the 16th of November, 2012, and that is when the Opposition was in office, and this agreement was signed between the Caricom Community and the World Organization for Animal Health, as we call it, the OIE.

And this agreement, Mr. Vice-President, would have been signed, and we agreed to 12 articles in that agreement. Namely, the main objective was:

- The collaboration to prevent the spread of animal diseases;

- To improve the animal health; and
- To harmonize regulations for trade in animals and animal products in Caricom countries.

Article 3 lists a number of benefits for both the country, Trinidad and Tobago, as well as all Caricom nations. And coming out of this agreement signed on the eleventh month, the 16th of 11th 2012, an evaluation was done by the World Organization for Animal Health, OIE, which produced a PVS evaluation report, PVS, meaning the Performance of Veterinarian Services in Trinidad and Tobago. And in that report as referred to by previous speakers on the Government Bench, in the opening of that—in the summary, in the executive summary of that report, and this is just to get some context in terms of how we have reached this far, and the progress we have made in putting forward this legislation and these amendments here today. And it goes like this, Mr. Vice-President.

“...the development and growth of many countries...depends on the effectiveness of the agricultural policies and the performance of the agricultural economies...this...relates directly to the quality and performance of their *Veterinary Services*...

Important roles for VS include veterinary public health—including...food borne diseases—and regional and international market access for animals and animals products. To meet these opportunities and challenges, VS need to operate on scientifically-based principles and be technically competent, independent and immune from...”

—the undue influence of political pressure.

Mr. Vice-President, when you look at what is required in the world today, and the Minister of Agriculture, Land and Fisheries spent some time in conversely

relating this particular legislation with our experience COVID-19, and it is also stated here:

“...for animal health and zoonoses, the OIE is cited as the international reference organisation for standards, guidelines and recommendations covering international trade in animal and animal products.”

So, Mr. Vice-President, what we are seeing today, in this world of COVID, and from when we would have laid this legislation, nobody knew, certainly not the hon. Minister, nobody could have tell, you know, that this is what the world was going to experience. And there are many research publications, documentaries which indicate that this COVID-19 pandemic was as a result of something, you know, a zoonotic experience, something from an animal. We hear some people say it is from a bat to humans and so on. So it is critical that this particular piece of legislation is brought to date.

And coming out of that report, Mr. Vice-President, it must be noted that the Government—and Minister Rambharat also alluded to this—of the Republic would have made a request to the OIE for this evaluation to be done. And the evaluation began with hundreds of consultations, and they would have met with almost every practitioner, producer, private sector, public sector, they would have visited cities and the rural areas in Trinidad and Tobago to discuss the relevant matter that we are dealing with here today. So for Sen. Mark to paint the impression that no consultation was done, it is a direct stake on his own part because his administration would have initiated this particular piece of legislation and the consultation process.

So, Mr. Vice-President, coming out of this report, a series of recommendations were made to the then administration, and some of which, you

know, includes emergency response, it deals with food safety, it deals with standardization of inspection authority and procedures for all abattoirs and slaughter houses according to international standards. And more importantly, with regard to animal welfare, the OIE recommended that new legislation be required to provide the necessary authority. But what did the administration then do? Mr. Vice-President, they did absolutely nothing. They sat on this report and did not put it to use, and as soon as Minister Rambharat took the helm of the Ministry of Agriculture, Land and Fisheries, his focus was definitely on animal welfare and the health and well-being of our nation.

Because, as I recall, it is the Minister of Agriculture, Land and Fisheries who sparked the conversation about food fraud. And we all know what, you know, all the debates and the committees that we have had dealing with those matters.

2.15 p.m.

Mr. Vice-President, after this study was done, this report and these recommendations, the team at the Ministry would have met with ECA and the Caricom Secretariat to begin drafting and making provisions in terms of getting this piece of legislation to where it is. And most of what is in the Caricom/ECA Animal Health Bill found itself into our present piece of amendments and these legislation here today. So that we have had the basis for the foundation and, you know, we must say thanks to the OIE for reaching out and giving us that extra support.

Mr. Vice-President, a part of Sen. Mark's contribution focused on the fact that the Minister has more authority in terms of dealing with orders and so on, but I want to remind Sen. Mark that this is a feature of so many other laws. In fact, it is in the present existing law, section 15(1); it is already there. The Minister already

has powers dealing with fines and fees and all of that. So to come here and paint this picture in the Senate today that we are giving the Minister of Agriculture, Land and Fisheries and even the inspector more authority, that is a far cry from the reality.

In terms of the power of the Inspector, Mr. Vice-President, these powers are always there. The inspector already had significant authority and power. But what we sought to do, Mr. Vice-President, is clarify and indicate with some clarity the actual role and functions of the inspector. So in fact the way I see it is, this is a win-win for the producers, the importers and the State. Because the power that Sen. Mark is speaking about giving additional where he can go and apply for a permit and then that permit be revoked, I want to indicate to this House, Mr. Vice-President, and I am going to apply a little bit of common sense here today.

If, let us say Sen. Mark applies for an import permit for something, some animal product or by-product, and he was administered that import permit and subsequent to that import permit the country of origin where Sen. Mark decides to bring this product from has a severe outbreak, a pest or disease or animal outbreak, are you still going to import and bring that in, Mr. Vice-President? Where is the common sense in that approach in terms of the power of the inspector in revoking a permit? The way I see it we would have no choice but to revoke an import permit if something as drastic as I have mentioned were to happen in a country.

In Trinidad and Tobago we have had instances in the past. We could recall Sen. Rambharat indicating the Brazilian experience. I can tell you we have had the experience with duck hepatitis from Suriname, duck meats and by-products, where that was reported in international news of a farm in Suriname having this and we have imports coming from there so we had to do something, the inspector had to

intervene. So, Mr. Vice-President, a permit in the past could be revoked on a case by case basis, but now there is a clearly defined system where the reason, written notice has to be given to the individual and it also has to—the individual also has the opportunity to show why the permits should not be revoked. And such a system, Mr. Vice-President, is actually in favour of the importers, and this Bill tends to support that initiative.

Mr. Vice-President, Sen. Mark also spent some time about and he brought the hon. Prime Minister into the discussions about being a farmer. Let me also declare, Mr. Vice-President, I am a registered farmer in this country and if the Opposition has that approach where they would try to demean anybody holding a farmer's registration card then I say that, Mr. Vice-President, is unfortunate. Because I do not see how any right thinking person could demean somebody who is in that noble "practition" that noble profession practising food production and get so much licks in this way in the Senate here today. So very, very disturbing, Mr. Vice-President. And if we were to look at the way the Opposition is treating with these matters, I mean, just look at how they would respond to the pandemic issue. Now I am hearing that it is because of the sun.

Mr. Vice-President, let me go to comment on a question made by my colleague Sen. Dillon-Remy. And her question is: Is the veterinary laboratory capable of diagnosing emerging diseases? And I want to say to Sen. Dillon-Remy, that testing for any diseases, be it human or animal, is ever advancing.

Mr. Vice-President: Senator, you have five more minutes.

Sen. A. Singh: Thank you, Mr. Vice-President. And I want to indicate that our labs at the Ministry we have the wherewithal, we have the expertise and of course we have the capacity, but like anything we always need to be improving and

keeping with the time. Mr. Vice-President, a strong system of collaboration exists with reference labs for samples to be shipped expeditiously. And I can just indicate via an example of how this tends to work.

We all know about the issue of the giant African snails in Trinidad and Tobago and, Mr. Vice-President, how that system works, the sighting of that, it is reported and we have actually taken the initiative, the Ministry of Agriculture, Land and Fisheries has sent samples for testing, PCR testing and our reference lab is the CDC. And this test, Mr. Vice-President, is to find out if the rat lungworm which can spread meningitis on humans exists. And, you know, with respect to how quickly we are able to receive these reports and so on, so I say to Sen. Dillon-Remy, have no fear, we are doing what we have to do to make provisions for this legislation to be operationalized. Also I was advised that in UWI the vet students did a recent project on the giant African snail and did the PCR testing locally. So I am saying we are building our local capacity in terms of being able to test and so on.

Mr. Vice-President, in terms of the legislation and our amendments, it must be noted that coming into office, Minister Rambharat would have indicated and initiated an advisory committee and for the first time we saw a student of a secondary school being brought on to offer advice and make contributions in lawmaking. And I must commend Sen. Rambharat for including the young people of this country in the decision making process of getting us here with this particular piece of legislation.

Mr. Vice-President, most Senators would have supported some of the clauses that we have brought here, especially where the fines and penalties now, we have increased to certain figures where we feel that it will deter some of the

offences that persons carry out. And, Mr. Vice-President, I must note that we have taken this step and we have really expressed our intention to really deal with animal health and welfare, because in the Caricom model of this Bill, that does not exist. The committee that advises the Minister it does not exist in terms of dealing with some of the issues that may arise.

Mr. Vice-President, when you look at the import permit requirements, I can tell you that it is extremely critical to put these measures in place because we import a lot of animal by-products, we import a lot of milk and milk products, by-products, all of which has the capability of spreading diseases and even affecting our own local industries right here in Trinidad and Tobago. And it must be noted that these are very, very important measures to put forward.

In terms of clause 18 where it deals with stray and feral animals, you know, Mr. Vice-President, we at the Ministry of Agriculture, Land and Fisheries almost on a weekly basis we are called to deal and treat with stray animals. Of course, if you pass by Caroni roundabout, by the Caroni bridge, you see animals, sometimes they cause accidents and so on, so now I am happy to report that under this legislation and these amendments the inspector in collaboration with the Ministry responsible for health and other authorities, they will be able to control and deal with this issue. Because in the past it was very unclear as to who really is responsible for stray animals, whether it is the Ministry of Rural Development and Local Government or the Ministry of Agriculture, Land and Fisheries. So now we have put that clarification and we have included that in the Bill today.

Mr. Vice-President, I know the time today was really not enough to really go into in-depth conversation on a clause by clause, but I simply want to end my contribution with a quote that was reported in *Guardian* newspaper, Wednesday

November 18, 2015. And the article is entitled:

“Concern over spread of animal-borne diseases”

And it is quoted, Mr. Vice-President, by Dr.—

Mr. Vice-President: Senator, unfortunately your time is up.

Sen. A. Singh: Thank you, Mr. Vice-President. [*Desk thumping*]

Sen. Sean Sobers: Thank you, Mr. Vice-President, for recognizing me this afternoon to make a very, very short intervention here this afternoon. Now, Mr. Vice-President, permit me, if you would, just to touch on two issues raised by my good friend Sen. Avinash Singh. The first being, Sen. Singh indicated in his contribution that in terms of some of the responses given by the Opposition with respect to certain measures being rolled out by this administration during this pandemic period, he thought that it should not have occurred. But respectfully, Mr. Vice-President, no Opposition, no civic minded group of persons who have the country's best interest at hand, who may have seen some wrong step or wrong measure being adopted would ever sit quiet and allow those measures to continue. And it cannot be that any time such a group of persons who have the country's best interest at hand, who raise legitimate questions on matters that occur, that are being proffered to the people of Trinidad and Tobago, should be beaten into submission or accused of being treacherous in any way, form or fashion. We live in a democracy, that is what Trinidad and Tobago is, and it is our right as members of this country, as citizens of Trinidad and Tobago, to at least have an opportunity to be heard.

Secondly, Mr. Vice-President, I do agree that the matters raised within this particular piece of legislation for some time have been long outstanding. I think, at least in terms of my very limited experience with respect to some of these issues

raised within the Bill, I see the need for a robust change to the procedures that currently occur and exist with respect to matters of this nature.

Mr. Vice-President, my intervention at this juncture would specifically deal with one matter that I would wish to bring to the Parliament's attention wherein I would have had a case with a client which treated with the actual importation of ducklings and livestock within Trinidad and Tobago. And at that juncture, save and except for now that we actually dealing with regulations to treat with importation of livestock, at that juncture there was nothing really in place to inform the veterinary officials and customs officials who would deal with these importation of ducklings within Trinidad and Tobago. And so what you would have had occurring at that point in time is a system where—is an ad hoc approach to the questions that must be asked of the importer with respect to certification from outside of Trinidad and Tobago. In this case it was from a farm in Canada.

And with those ad hoc relations what would inevitably occur is a situation where someone would suffer a huge loss. What I would have been told by the client in such an instance is that in most instances if persons have contractual relations with other farmers, other breeders in Trinidad and Tobago they would have no alternative at that stage but to import more than the contracted amount, because the mortality rate for such livestock was very low, they would not survive the journey. And when they actually arrive in Trinidad and Tobago there was a disparity with respect to procedure not being properly codified in statute in the way in which custom officers and the veterinary officials at the airport or ports of entry would be able to treat with the issues that may arise at that stage. So it is a welcoming situation at least for me in terms of my limited experience to see regulations and now legislation being put in place in a framework to ease these

issues that may come from time to time that are extremely expensive in nature.

Permit me also, Mr. Vice-President, to touch on another big issue or a big part of this legislation that really hits home for me. It has been said, I listened briefly to the hon. Attorney General, to Sen. Obika, permit me as well to apologize if I do not mention anyone else. But the actual increase in fines and penalties and actually treating with animal welfare and stray animals within the legislation is something that I think has been long outstanding. It is unfortunate that we are here subsequent to horrific scenes that would have been on the media within the last two months of an atrocious act that occurred in the southland to one of our four-legged friends. And it is unfortunate to say that these occurrences happen sometimes on a daily basis and it is high time that we as legislators take a firmer approach in treating with those issues.

So when I looked at the Bill and I specifically zeroed in on section 18A and B and C with respect to the penalties, most of the offences outlined in 18A, B and C actually treat with the overworking of animals. But the individual or individuals who in most instances are guilty of these offences are actually the owners of the animals themselves. So that I thought that there should have been an even greater increase in terms of the penalty for the owners of the animals as opposed to persons who may be employed or renting the animals or whatever from the actual owner him or herself.

I also on the last occasion when we were here and we were dealing with the miscellaneous provisions I raised with the hon. Attorney General in passing that the legislation or the clauses introduced then did not treat with an extremely dangerous occurrence that is currently happening within our country, and that is cockfighting. Many persons do not know but cockfighting is a huge business in

Trinidad and Tobago. You have thousands, hundreds of thousands of dollars, if I do say so myself, being spent on these birds, these cocks and then the amount of gambling associated with the actual fighting, apart from the fact that it is an inhumane, atrocious event that occurs by pitting these two animals against each other. There is a lot of illicit trade and activity that accompanies it.

I know for a fact that with respect to cockfighting within our country you would have situations where firearms, illicit drugs are also present on location. You have instances of human trafficking as well too that is also mixed, part and parcel with respect to the cockfighting aspect within our country. And so it really warms my heart to see the legislation address that particular issue because it has been ongoing for far too long with any type of real intervention taking place.

There are also aspects of money laundering as well too involved in the cockfighting arena in Trinidad and Tobago. And I would also like to see possibly in the future that there is a task force involved or created, not only to stamp out cockfighting, but any other type of gambling or betting rings involving animals within our country. Because I remember speaking to a client and he indicated once persons are willing to pay for it, people in this country or the world over will be willing to facilitate it. So we must be as current, as contemporaneous with respect to legislation as possible to treat with these ills that would continuously plague our society.

I also looked at section 18E which dealt with the detention of animals for treatment. And at first glance I was a bit taken aback when I recognized that when these animals would be taken or detained away from the offenders that the cost to house them, it was not provided by the Government, but I thought to myself it should be paid by the offender. And then when I looked on the other page I

recognized that it was. But I would like to see at 18F, where it speaks to the liability for those animals detained, that even the institutions that may very well house these animals during a detention period to say within that particular section that they would not be:

“...liable in respect of the death or sickness or deterioration of, or any accident or casualty to any animal or sickness or deterioration of, or any accident or casualty to, any animal detained in such place under this Act.”

Demonstrate a bit of shaking that responsibility.

Sen. Thompson-Ahye made a bit of a link with respect to the Children Act and Children’s Authority. But if we have legislation in place or a system in place where we protect offenders or other individuals who may be in the care of the State and the State accepts liability in those instances then the State should be also made to accept liability for the detained animals within their care during that particular period of time. There should be some regulations put in place to treat with the housing and care being meted to those animals whilst they are in their stead.

I also looked at section 18G and I thought one thing that was missing throughout this aspect of the Bill as it deals with animal welfare was that there was no real provision made to encourage animal adoption, which to me is an extremely big thing. I think during this COVID pandemic period in my conversations with many of the pet authority throughout the country adoption was on the rise. Many kids being forced to stay home during this pandemic period, they were actually gifted with four-legged friends to assist them during this time being home. And so I think there should be a drive throughout the legislation as well to allow, especially in 18G, if the animal is not sold, before we go to destruction or “euthanization”, that we allow for maybe an advertisement for an adoption period

as well too. So the citizens of our country could try to adopt one of these animals who may have been ill-treated in the past. That was missing I found in the legislation.

The increase in penalties, I am definitely for them. I think for far too long that persons have been quite errant in terms of treating animals within our country and it is a welcomed approach. As I indicated, Mr. Vice-President, I would not be long with respect to my intervention and I thank you for allowing me to make my contribution.

Sen. Paul Richards: Thank you, Mr. Vice-President, for recognizing me and allowing me to make a contribution on this Bill entitled an Act to amend the Animals (Diseases and Importation) Act, Chap. 67:02.

Before I do so let me join my colleagues in welcoming to the Senate one of my media colleagues, newly appointed Sen. Williams. I joked with him early this morning that his name is similar or same as the man considered as the father of the nation. So he has quite a bit of shoes to follow being, I think, the third Williams to sit in these honourable Houses; the other being I think a past Minister of Energy, Eric Williams. So welcome and congratulations and all the best to you. [*Desk thumping*]

Mr. Vice-President, there is a theory called the Overton Window which is defined as:

“the range of policies politically acceptable in the mainstream population at a given time”

—based on the circumstances in that society. And certainly, given what we are facing in the globe has been espoused by many of our colleagues earlier today. This Bill is timely and I was talking to some friends earlier on who were

wondering why are we debating a Bill to amend the Animal (Diseases and Importation) Act. Well, look around the world, look around Trinidad and Tobago, and the fact that the world is facing one of the greatest challenges it has ever done in decades or even centuries, in terms of a zoonotic disease which is an infectious disease naturally transmitted from vertebrate animals to humans and sometimes vice versa.

So one of the things that struck me about the Bill, I will jump into it right away, because you know our time is truncated, is clause 4 which the “piloter” of the Bill, the hon. Minister of Agriculture, Land and Fisheries cited which states—*[Adjusts mike]* Sorry, that is the broadcaster in me—which really focuses on the long title of the Act which is amended by inserting after the words “any disease”, the words “to protect and promote animal health”. And I am glad that we are looking at our responsibility as a society in terms of while we are always looking at protecting human health, also protecting animal health because as we have seen with the COVID-19 pandemic, animal health and human health are inextricably linked.

So there are several other definitions that I would like some clarity on, but in terms of underscoring the importance of this at this time, quoting from the World Health Organization Food and Agriculture Organization of the United Nations frequently asked questions document which dates back quite frankly to 2004, they started looking very seriously two decades ago at an emerging zoonosis which were newly recognized or evolving pathogens which have been among us for quite a while. And this Bill seeks to regulate the environment which, in some instances, are fertile grounds for these kinds of interactions which have dire and devastating consequences. Among the wide range of human diseases, anthrax tuberculosis,

plague, yellow fever, influenza, comes from domestic animals, poultry and livestock according to the documents. What is changing rapidly is the environment, the interactions spaces, human behaviour habitat and these factors are providing fertile ground for more and more infections like SARS, MERS and now COVID-19.

There are several other viruses that are quite dangerous including what have been described as spinal viruses, Ebola and Marburg among the most deadly viruses known to humankind and we have seen what Ebola has done a couple of years ago. It had not gone around the globe, but certainly it is now a recent memory in terms of the terror it struck in our hearts just hearing the word “Ebola” and how contagious and deadly it was.

We also heard of the West Nile virus and locally Chikungunya virus carried by the aedes aegypti mosquito and the devastating effects that can have on a human body. Not to mention tick, Bunyaviruses, and those precipitating some types of hemorrhagic fever. The toll on humankind in the absence of regulation of animals, how we treat them, how we deal with their health issues and their interaction with their human beings is astounding. We have not yet been able to quantify the effect of Coronavirus/COVID-19 on Trinidad and Tobago economy, certainly the economies of countries around the world, including huge developed countries. And just to give you an idea of what the economic toll is of past viruses as estimated from the World Bank and UNDP data, updated by an organization called EcoHealth Alliance.

In 1997 we saw foot and mouth disease originating in parts of Taiwan cost US \$5 billion to US \$8 billion. About 2003, foot and mouth disease in the United Kingdom cost US \$10 billion to US \$15 billion. SARS around 2003/2004

originating in China, Hong Kong, Singapore and Canada cost US \$30 billion to US \$50 billion and that is because people were not paying attention to what these viruses were doing in terms of their interaction with human population. H5N1 Avian Influenza, worldwide cost \$30 billion; H1N1 worldwide cost US \$45 billion to US \$55 billion. And Ebola, most recently, in about 2012/2013, in Africa cost US \$31 billion to US \$33 billion. And those are just estimates.

And as I said before, we have not yet been able to ascertain the economic cost of COVID-19 because the world is still going through it and grappling with it, with economies crumbling, and governments and state agencies having to scramble to one, prevent the disease and put out funding for that, in addition to mitigating the cost of shutting down economies, as we have had to do in Trinidad and Tobago.

2.45 p.m.

Among the reasons, deforestation and urbanization, where humans and animals are being crunched closer and closer, humans are encroaching in animal territories, animal markets, unsanitary and unregulated conditions, which much of the provisions in this Bill seek to regulate. That is why I said earlier, it is very tiny and extremely important at this time. Species collection and trafficking, the world of exotic animals and the fact that many buyers and jurisdictions trade in these exotic animals that carry dangerous pathogens into human population, and the contact of these is becoming more and more evident.

Cultural and ritualistic practices, and culinary— in some instances have been described as “culinary extremes”, and Sen. Thompson-Ahje described wild meat in Trinidad and Tobago. We saw other practices in some Asian countries and the resistance, through these practices, of properly cooking the meats or cooking the

proteins which is an easy transference to human population and, of course, all these factors in addition to others. And while we are seeing a preponderance of these viruses— and the public health experts around the world are predicting them to become so commonplace, that the measures we are putting in place now in countries around the world, including Trinidad and Tobago, are becoming the new norm, or will become, or have now become the new norm to protect human life and also animal life in those cases. Because the other part of this is—and that is why I like clause 4 of the Bill, because it seeks to also promote animal health because, as I said before, human health and animal health are inextricably linked. If animals get sick, humans are going to get sick as we have seen around the world and, of course, in Trinidad and Tobago.

The key messages which I am going to go through in the Bill including human behaviour and regulatory frameworks as the Bill seeks to provide, pathogens transform quickly which allow them to pass from animal to humans and back and forth; human behaviour and demographic factors and conserving nature spaces so that animals have a space to exist, and not have to interact with human populations so readily causing easy transference of many of these pathogens and diseases. One of the questions I would like the hon. Minister of Agriculture, Land and Fisheries to answer is, if it is contemplated in the Bill—because clause 4 speaks to animal health and animal welfare, and to establish standards for animal welfare, and I have not heard any other speaker before myself mention this. Does it contemplate the crossbreeding of species, in which case—and I could cite dogs where in some jurisdictions we have seen canine species crossbred—and providing, one, fertile ground for zoonosis; two, creating animals with temperaments that are quite dangerous and quite “agitable”, you know, easily

agitated. And that is what I am wondering if it is contemplated because I have not seen any particular clause related to the regulation of animal breeding and also, the interbreeding of species which is happening in some societies, providing additional risks.

So I have not seen that mentioned in terms of the regulator dealing with those instances in Trinidad and Tobago, and I think it is something that is worth consideration moving forward because you are going to have those situations where people are doing that and putting populations at risk. The other aspect to that is also cited in clause 6 where the section 2 of the Act is amending in part (a):

“by deleting the definition of ‘animal’ and substituting the following definition:

“‘animal’ includes any mammal, birds, fish, reptiles...amphibian, all other animals of whatever kind, vertebrate or invertebrate, domestic or wild, terrestrial or aquatic and eggs and embryos of any kind of animal;”

And I know later down in the Bill, there is reference to genetic material, what about augmented genetic material? The risks that pose is because there is a lot of genetic manipulation going on in animal species now, in terms of, one, trying to find cures for diseases but also, in those circumstances, creating problems in some instances in a very unregulated environment. So I hope parts of the Bill contemplate regulating that sort of activity because we can find ourselves in quite dire circumstances if we do not.

The other parts of the Bill I would like to reference— and I think I mentioned it there—in terms of the definition “animal-related items” which is defined as including animals, carcasses, animal genetic material and it does not state modified or otherwise. It just states genetic material which I am presuming,

in this case, is its natural state, and we should not put modified or otherwise altered in that part of the definition for “animal-related items”. Also going through, does the terminology for “invasive alien animal species” include what we are seeing in terms of possibly the lionfish invasion in some of our waters where it has been quite predatory and depleting other species, throwing off the ecosystem in those circumstances? So if the hon. Minister of Agriculture, Land and Fisheries could reference that and also, the issue of stray animals, where the term:

“‘stray animal’ means any domestic animal not under the direct control or ownership by a person, or not prevented from roaming;”

What about inserting, as a suggestion, “a person or organization” because organization sometimes claim ownership of animals and this “stray animal” does not fall into that category if it specifies a person alone and I am suggesting we put in “or organization” in that.

Also, through you, Mr. Vice-President, I would like to also suggest in section 7, page 19, 3D(2), where:

“The Committee shall comprise no more than seven members selected by the Minister...”—including:

- “(a) a veterinary surgeon;
- (b) a senior technical officer from the Ministry with responsibility for animal health;
- (c) a representative from the Ministry of Health with responsibility for health;
- (d) a representative...”—from— “the Tobago House of Assembly;
- (e) a representative...”— from— “the Zoological Society of Trinidad and Tobago; and

(f) two members under the Minister's... discretion.”

If we could not insert into that “a representative from an accredited tertiary level institution chart with the responsibility for research in this particular field”, because I think that would add some gravitas to that committee in terms of that research aspect of it.

One of the things I would like to close with, and just two more points to underscore the importance of this Bill at this time, is something we take for granted we have heard for years and that is the disease called rabies, which is also transferred by a pathogen. And what *rabiescontrol.com* states is that children are worse affected by this deadly disease that we have known existing for years; 40 per cent of all rabies deaths are in children under the age of 15 years old; 99 per cent of human rabies deaths are a consequence of dog bites, part of which in terms of regulation and control, are contemplated in this Bill. Once the symptoms of rabies are present, it is nearly 100 per cent fatal. That underscores, again, the importance of controlling the environment and regulating animals and animal welfare. And globally, rabies is still known as one of the world's— if not the world's deadliest virus because it has almost a 100 per cent fatality rate once symptoms develop. Globally, rabies is predicted to cost US \$124 billion every year—US \$124 billion, that is rabies. It kills approximately 59,000 people a year and, of course, most of that population is children, and 95 per cent of all human cases are in Asia and Africa but it is now spreading across other parts of the globe.

In closing, Mr. Vice-President, I want to articulate some of the concerns voiced—

Mr. Vice-President: Senator, you have five more minutes.

Sen. P. Richards:—by the Farmers Association of Trinidad and Tobago through

Shiraz Khan, and he cited what Sen. Mark outlined earlier on, in terms of a lack of collaboration before bringing this Bill, because there are important stakeholders in this situation. One, the Bill lacks understanding and support of the main stakeholders, the farmers, which was brought to their knowledge only very recently. We are debating a Bill—and I am quoting from the document he sent me—about diseases, when on the state farms, animals are deprived of antibiotics presently, and necessary medication, and other paraphernalia to prevent diseases, right? We are debating diseases when Johne's, a wasting away disease which is—some compared to HIV in humans—is quite prevalent in Trinidad and Tobago, according to what he is saying.

One of the concerns also is these new regulations impact on the sector, when the present situation lacks human and financial support in a substantial way. And also, there is a concern raised about the shortcomings of the chemistry, food and drugs lab, which according to three sources that I spoke to in the last two days, suffer some lack of equipment, funding, and is understaffed, and many of the farmers have to use CARIRI and pay for that service to test their animals for diseases presently according to what Mr. Khan is saying. So he is also saying that there is a rabies disease outbreak in the livestock sector where bats are biting cows, sheep and goat, and the Ministry is unable to deal with it effectively. He said farmers in Wallerfield, in the 80s, lost animals to rabies and it is something of grave concern now, in terms of a possible resurgence of rabies in Trinidad and Tobago that must be dealt with. He said some of the areas affected presently are Siparia, Erin, Cedros, Paramin, Moruga and Princes Town.

Up to three years ago, a farmer lost, had to sell off his goats and animals because of an infestation of bites. And there was a concern from the farmer's

family about contracting rabies because they were unable to control the bats in the area and they did not know whether or not—how concentrated or if the issue of rabies was a threat to all of the animals or their lives themselves. So I think this issue of testing for rabies in Trinidad and Tobago is extremely important and timely if we are going to be passing this Bill or contemplating passing this Bill in terms of regulating animals, diseases, and the importation.

And the only other thing I want to raise, and I did not see it come up when I asked, is in terms of the importation of animals and carcasses, if it is contemplated in that part of it—I cannot find it right now unfortunately—frozen meats in Trinidad and Tobago and the testing regimen for frozen imported meats in Trinidad and Tobago in a randomized manner to ensure that, one, we are importing frozen meats that are within a particular time frame because the Caribbean, and Trinidad and Tobago included, are dumping grounds for meats that have passed the allowed period in developed countries and it is a problem in Trinidad and Tobago, and if the frozen meats are being tested for pathogens that may have been frozen when they were slaughtered or killed in their country of origin.

So with those few words, Mr. Vice-President, I think this is a timely Bill. There are some concerns that I have outlined and I hope we can deal with it in terms of possible amendments or insertions. With those few words, I thank you.
[Desk thumping]

Sen. Anthony Vieira: Thank you, Mr. Vice-President. Last week I was happy to speak about intellectual property and the role it plays in helping culture and our economy, and this week I am equally pleased to speak about animal welfare and protection of the environment. Now, notwithstanding the title, ultimately this legislation is about protecting human health. There are important provisions in the

Bill geared towards protecting animals from maltreatment and cruelty, geared towards treating strays and feral animals in human ways, and geared towards animal welfare standards. These are all laudable and worthy of support. But the core of the legislation is really about protecting human health by guarding against the spread of animal diseases in Trinidad and Tobago, and that explains the reference to zoonosis that we have heard about. That is why restrictions are to be put in place regarding the importation of animals. That is why an animal disease surveillance system is to be established and that is why contingency plans, in response to emergencies affecting animal health including quarantine and tracing, are to be put in place.

Now, as we have heard, the drafting of this Bill precedes the COVID-19 pandemic but there is a correlation between pandemics, and the eating and trading of wild meat. This legislation is not just topical, but necessary and important. Regrettably, I do not think it goes far enough and I am especially concerned, in fact, disappointed, that it does little for protecting indigenous wildlife and environment. But before getting into the specifics, I think it might be useful to create some context and establish some background. Christopher Columbus spotted Trinidad as his ships were running out of water. He landed near Moruga and gathered fresh water from the river. Then as he was sailing into the Gulf of Paria, he wondered if he had reached the outer region of earthly paradise. In his chronicles, he recorded seeing many types of birds. He was amused by chattering monkeys and he marvelled at the sea life calling our gulf, *Golfo de la Ballena*, the Gulf of Whales. He was impressed by the singing in that gulf. He called it a singing gulf and he mused that he may have found the site of the Garden of Eden. He was also enamoured with the local Amerindian women who he described as comely in

shape, naked but for breechclouts and wearing scarves around their heads.

At that time, our islands were covered with dense forest, luxuriant growth, and an abundance of forest plants and abundant wildlife; neo-tropical animals like the ocelot, the manatee, lappe, deer, monkey, agouti, armadillo, caiman, iguana, snakes, birds and insects. But the Spaniards and the Europeans proved to be an invasive species, bringing diseases which wreaked havoc amongst indigenous peoples of the Caribbean, Arawak, Carib and Taino, and in North America, from the 16th to the 19th Centuries, the indigenous populations declined from 20 million to as low as 250,000. The Spaniards and the Europeans also brought with them cattle, horses, sheep, goats, swine and poultry, animals that we have grown accustomed to seeing, which are really not indigenous to our islands. This legislation is geared towards protecting those livestock animals and domestic pets like cats and dogs, but it does little in terms of easing the pressures faced by the indigenous neo-tropical animals and remember animals, as defined, includes wild and all animals of whatever kind.

Our once dense forests have been under constant siege from plantations, farms, villages, towns. Today, few places of virgin country survived, just small tracts of forest reminisce of once extensive forest vegetation. Our once singing gulf, the Gulf of Whales, is a woebegone shadow of itself. The whales that used to breathe there were hunted and hounded out in the 19th Century, and in the 20th and 21st Centuries, oil slippage and industrial pollution has and continues to decimate the remaining sea life and seabirds. And as we speak, our forest hills, wetlands and green spaces are being stripped bare. On my way to Parliament this morning, I observed on the Foreshore, a whole swath of trees cut down. I thought you had to get permits to cuts trees within certain boroughs and city councils.

Our wetlands and marshes are being unlawfully reclaimed. Vast tracts of virgin forest are laid bare by organized thugs. Destruction of our hills and watersheds by squatters, developers, those who want to plant ganja, those who want to make kitchen gardens. Besides the negative impact this is going to have on the innocent whose homes are going to be flooded when the rains come, on those who suffer asthma and other respiratory diseases, if we do not take action now, we are all complicit in allowing further generations to be deprived of their heritage because our indigenous wildlife is on the verge of extinction.

So this leads to the matter of zoonosis, a key concern targeted by the legislation because the activities I described earlier all pose a risk to human health, and much in the legislation is geared towards early warning and containment of zoonotic diseases. Zoonosis means any disease or infection which is naturally transmissible between animals and humans, and vice versa. Now, at this very moment, we are wearing masks. We are practising physical distancing because of zoonosis, specifically COVID-19, the source of which was a wet market in Wuhan, China, known to sell numerous wild animals including wolf puppies, pangolins, civets, crocodiles, turtles and bats, a perfect storm for cross species transmission of pathogens. But as we have heard, COVID-19 is just the latest version of zoonosis.

Not so long ago, Ebola broke out in Gabon because people had chopped and eaten a chimpanzee. Other deadly diseases have emerged from other biodiversity hotspots and bush markets, SARS, bird flu, swine flu, HIV/AIDS and Zika. And as Sen. Richards has reminded us, let us not forget that Trinidad once had a rabies problem, the cause of which was vampire bats. Of course, we remember that our Dr. Max Pawan was one of the great researchers who came up with the one of the solutions to dealing with rabies, but I digress.

The point is that researchers confirmed that the human destruction of biodiversity creates the condition for new viruses and diseases such as COVID-19, and as we lose habitat and biodiversity, we exponentially increase the potential for zoonosis and future pandemics. Now, one of the key objectives of this legislation is early identification and containment of animal-borne diseases getting into the country, but that assumes that Trinidad and Tobago cannot or will not be a source of zoonosis. Remember, rabies was once a local problem. It is not enough to block invasive species. We need to ensure safe habitats for our local wildlife. Goats, cattle, pigs, poultry and sheep are not native to our shores. It is not enough to focus our efforts on just protecting them. Our indigenous animals have endured suffering and hardship for centuries. They are on the verge of extinction and I am not sure this legislation will do anything to help them. It is like a homeless person without shelter, out in the elements, declining food resources and under constant attack being told, “Hear what, no foreign animals or pest will be allowed to near you or to hurt you.” But how important is that when your real needs are not being met?

Zoonotic diseases are linked to environmental change and human behaviour, and we disrupt ecosystems which harbour so many species and plants, and within them creatures with unknown viruses, and we disrupt these ecosystems for the purpose of planting, or quarrying, mining, logging, or even building roads through remote places, we shake those viruses loose from their natural habitat and we set up opportunities for pathogens to cross from animals to humans. When people are brought into closer contact with animal species, when we indulge in eating wild meat, there is potential for the transmission of disease from wildlife to human. Do not for a minute think this only happens in China or Africa. The majority of

pathogens are still to be discovered. So it is incumbent on us to protect our trees, our hills, our forests, our wetlands, not just for the sake of the animals living in those areas but ultimately, even for our own well-being.

This legislation will give the Minister power to restrict and prohibit the international trade and movement in animals, and that is a step in the right direction, but it may not be enough. The wildlife trade must be stopped. We must ban the eating of wild meat. We need to reforest and replant our hills. We should reinstate the moratorium on hunting. We need to establish conservation centres to shore up the dwindling numbers of animals facing extinction. We need to stop spraying mosquitoes. Not only is that ineffective but it kills the beneficial insects like the ladybird, the battimamzelle and bees. We need to rein in the cavalier use of dangerous pesticides and herbicides.

Last September, I read a very poignant article written by someone who has just lost his beloved pet dog because of gramoxone poisoning, and it turned out that the dog walked on an area that had been treated with the chemical. Well, it would absorb that chemical through its pads and it will eventually kill the dog after a lot of suffering. People have spoken about the sentencing option and I agree with those contributions. We need to widen the range of sentencing options to include things like community service orders. You cut down habitat, plant it back. You need to be trained. You need to understand why the environment is important, how to learn to live and care for animals, and people who use equipment to do these things, confiscate the equipment.

Sen. Obika talked about rehabilitation, I am for that as well. The Bill treats with invasive alien animal species. Well, a serious concern and one of the potential negative consequences of globalization where not only people and

products travel across the globe, but animals as well. History is replete with instances on alien species being brought into environments and the untold damage they have caused to habitat and to local species. Two glaring examples—Sen. Richards talked about one—the lionfish, native to the Indo-Pacific, that is now a threat to Atlantic Ocean life. And why? All because some escaped from a broken beach front aquarium during Hurricane Andrew in 1992. If you go to Florida, you will hear about the Burmese python. That has become the top predator in the Florida Everglades, not just decimating local mammal and bird populations, but even consuming deer and alligators. People brought the Burmese python to the States as exotic pets and then they released them when they no longer wanted to care for them.

[MADAM PRESIDENT *in the Chair*]

In Trinidad and Tobago, we have had the experience of the giant African snail and we also have had the experience of the mongoose. So the provisions dealing with invasive alien animal species are a good start. The Minister will have power to tackle the illegal wildlife trade but people also need to be educated about the dangers of transporting wildlife to new areas, and about the responsibilities involved when you are travelling with companion animals. I have some concerns with the legislation. How will the inspector enforce the law?

Does he have the resources, the capacity to properly implement?

3.15 p.m.

Madam President: Sen. Vieira, you have five more minutes.

Sen. A. Vieira: Thank you. We have a legal department. We have access to labs with the proper capacity. There is no lawyer on the advisory committee. All appointments are by the Minister. Why not let the President make the

appointments with respect to the persons who represent the public interest? Why no one from the EMA or the Institute of Marine Affairs?

Today you hear this buzzword, the “green economy”. We, who are so blessed to live in this tropical paradise, should make this a priority. We should be a world leader in tackling climate change and biodiversity loss. We should be coming down hard on polluters and those who destroy the environment. We must support sustainable food farming and fishing. We must restore our ecosystems on land and in the sea. The stay home restrictions have heightened our appreciation for nature and the value of green spaces.

This legislation is a call to action. It should not just be about preventing animal diseases but it should be about cultivating a better relationship with animals and our environment. We are stewards of a tropical paradise. It should not be a paradise lost. I thank you. [*Desk thumping*]

Madam President: Sen. Lyder.

Sen. Damian Lyder: Thank you, Madam President. It is indeed an honour to have the opportunity to contribute to this amendment today, an Act to Amend the Animals (Diseases and Importation) Act. And, Madam President, from the onset I would like to clarify something that—or a statement that was made by Sen. Singh, that the Opposition has come here today to oppose this Bill. Well, let me first say that the Leader of the Opposition has always said that any legislation or amendments that are brought to the House that is for the benefit of the citizens of Trinidad and Tobago, will always be supported by the Opposition. However, Madam President, it is the Opposition's duty to be the checks and balances in any legislation that is brought to this house, and as such, we declare that we do support this Bill. However, there are many concerns that have come up with us in this Bill.

This Bill, to us, is an important Bill, especially during a time when we are going through a global pandemic, where there is a spread of infectious diseases roaming the Earth. In fact, these diseases, from scientific advice, would have come from what they would have said as a bat, there have been reports where they have found positive felines, cats positive COVID.

So this is an opportune time to bring this Bill to this House and as such, we support it. This Bill, in fact, is an important Bill to our nation's food security. Again, especially during this time of crisis.

This Bill seeks to deal with a number of matters. Firstly, the spread of animal disease, animal health and welfare, import and export of animal carcasses, live animals and animal products. And one of the—what I consider to be an important factor, is the illegal importation of animals, live animals, carcasses and animals food products.

In fact, Madam President, this part of illegal importation is a concern for the entire nation. You have heard the public outcry that the borders—our borders are porous. We have seen over the last few years, illegal immigrants, drugs and ammunition and, of course, animals, illegal animals being imported. These animals do not jump off the Orinoco River and swim to our land. They are obviously brought to our country by illegal immigrants, or persons or citizens who are partaking in nefarious activities.

So, Madam President, this is an important factor in this Bill, which drives me to one of the concerns that I have, which is the composition of the committee or the advisory committee that assists the Minister in forming his policy and procedures.

When I looked at the composition of the committee and I looked at the broad spectrum of stakeholders impacted by this Bill, I am left wanting. I am left with concerns for the business community, for the farming community, and I am also left with concerns with our national security.

So, these the stakeholders are all impacted. So my question would be, Madam President, why is there not representation from the Business Association? Why is there not representation from the Farmers Association? Where is the Bureau of Standards? Where is the Ministry of National Security? Where is Customs and Excise? These are all important elements that would help towards driving proper policy, measurable policy, transparent policy, policy that is beyond recourse.

Because another fact is, we do not see any legal contribution within this committee. So we set policy and this policy can be taken into courts by many of the different stakeholders. So there needs to be some level of legal guidance in this committee to ensure we protect the Government from a barrage of attacks, from people who may feel that they have come to a disadvantage by the rules and regulations.

So, Madam President, this is my concern about this committee. And further to that, we look at the committee providing the advice to the Minister. And then, of course, the Minister then sends policy on, to those who hold the authority to monitor, regulate, any of the policies and decisions made. And that leads me to another issue that we have in this Bill, and that is, what we consider to be vast powers given to the Chief Inspector or in this case, the CVO.

When I looked at the various sections, I looked at section 5. He or she has the sole responsibility to deal with disease investigation, training and reporting, and developing a national chain of command for disease reporting.

Further, under section 14, he will develop the import requirements, develop schedules of imported products and then further, under section 16, he has the power to him to issue import permits, revoke, suspend or modify permits. Now, I am looking at this and I am saying well, he is the chief cook and bottle washer. He is the ultimate power in this entity. He forms the regulation, he monitors the regulation, he is judge and jury.

This for me is very concerning, as a businessman in particular, this is very concerning to me because when you give a person these vast powers, it opens the ability for this person to abuse these powers. In fact, when I say that, you look at the fact that he controls issuing the licence, he controls revoking it and he, at any point in time, even when containers have arrived in this country of food products, or of live animals, or what not, he has the ability, at that point in time, to disallow entry of these products into the country.

And it says here, if I might turn, on section 16A(1):

“A person shall not import an animal, carcass or animal product or animal-related item unless—

- (a) the importation is in accordance with an import permit issued by the Inspector; and
- (b) the animal carcass, animal product or animal-related item is accompanied by an official veterinary health certificate, where required.”

But most importantly, this part, (2):

“The Inspector may, at any time, prohibit or restrict the importation into Trinidad...for any reasonable cause, of any animal, carcass, animal product and animal-related item.”

Now, Madam President, what is reasonable cause? Is reasonable cause what one individual deems to be reasonable cause? Or is there an official committee that is set up to itemize and detail what could be reasonable cause, what are the rules, what is permitted, what is not. He can easily decide if he wakes up on the wrong side of the bed, if he is not going to allow something to come into this country.

Now, Madam President, the concerning part is this, again, as a businessman. You have one human with all these powers and should this human be inclined to abuse the powers? Should this person be open to colluding with big business, big farming? Should he have the inclination to be corrupt? I do not want to say he would be. But what if? He can now conspire, collude, with a big business entity to create rules and regulations or to frustrate the process for competition, and especially for the small businessman or the small farmer.

So there is a concern I have with these powers and there is the concern of the abuse of these powers. And, Madam President, I come back again to Sen. Singh when he stated that these powers always existed. They were there before. Okay, and then, so what? So do we turn around and accept something that we think is a problem just because it existed before? Or do we look at tightening up the checks and balances, tightening up the transparency and accountability in here, and giving small business persons and small farmers, or giving the business community a fair opportunity to conduct business without bureaucracy, with transparency, and with, most importantly, redress?

You see, Madam President, I want to give you a situation. If I am a small businessman and I decided that I want to enter into an industry that is dominated by big business, and big business has a special and friendly relationship with the Chief Inspector or the CVO, and this relationship provides for level of protection, my question is, should I import a container of this product and the Chief Inspector or the CVO, in this case, denies entry of my product on his or her reasonable ground, what is my redress? Where do I take it?

Now, I looked into that, and I looked at section 21G(1):

“Any person aggrieved by an action or decision of a veterinary officer, under this Act may, within seven days, request that Inspector review the action or decision and the Inspector shall inform the person of his decision within fourteen days of receiving the request.”

Now, let me deal with that part first. So, we have a veterinary officer who is reporting to the Chief Inspector, the Chief Inspector who has created his own list of standards, who has decided whether or not he could grant or not grant entry. You have a Chief Officer going out who reports to this—sorry, we have a veterinary officer going out who reports to this Chief—this CVO.

And you are going now to take your complaint to the CVO who basically is the boss, the chief, the overlord of the veterinary officer. There is an opportunity again, Madam President, for bias, for corruption. There is an opportunity for collusion to create monopolies in this country in the area of food. What is my next course of action after that? Where do I go after that, as a small businessman?

3.30p.m.

Well, if you read further, it says at (2):

“Any person aggrieved by decision of the Inspector...”

—now. So now we are dealing with the inspector. We are not getting the redress from the inspector, we are not satisfied? Where do we go next? Next is the High Court. It says here:

“Any person aggrieved by the decision of the Inspector under subsection (1) may appeal to the High Court.”

Now Madam President, I am sure you can appreciate that this is not a feasible course of action for a small businessman or a small farmer. The cost of hiring lawyers, the time spent taking this to the High Court—well, what we have is a situation where the small businessman and the small farmer have already gone bankrupt at this stage.

You have a situation where these containers are sitting down on the port. The live animals have already died. The meat has thawed out and spoiled. It is a lengthy process and it is—

Madam President: Sen. Lyder, you have five more minutes.

Sen. D. Lyder: Thank you, Madam President. And it is a process that is extremely costly in nature. And we are saying that we must not give this level of independence to the CVO. We are saying that it is important to set up an independent committee, an independent committee who is there to be that level of transparency, to be the checks and balances of the CVO; a committee that we can go to, to deal with whatever concerns we have in a decision.

I mean, one only has to look at the application for a firearm. If you apply to the Commissioner of Police and he denies you, there is an independent body set up that you can go to, to give your grievance, explain yourself, and get some redress. But in this particular case, there is absolutely no committee, no independent committee set up, and we are saying that to protect the commercial interest of

small farmers, to protect the commercial interest of businessmen, to avoid abuse of powers by one single person, we are saying that we recommend to this Government that they put within here an independent body made up of a committee that we can carry our problems to.

Because as it stands right now, Madam President, we are doing very much the same of the same. We are making the same mistakes of the past. Here we are with an opportunity to change the mistakes of the past. Here we are with an opportunity to level the playing field in this country for the small businessman and small farmer.

We are hearing the cries of the people, even recently, where they are indicating that certain powerful entities seem to wield power over certain elements that make decisions in this country. We are hearing it every day. And having all this power given to one person, in my opinion, is almost draconian in nature.

So, Madam President, I am saying, in wrapping up, it is important for the Government to consider spreading and increasing the content into the committee that assists the Minister, so that we cover all the different stakeholders in this country. And we are saying to the Government: Sure, have the CVO with his powers, but ensure we have proper redress. Put an independent committee to ensure transparency, accountability for all the citizens of Trinidad and Tobago.

So, I thank you, Madam President.

Sen. Dr. Varma Deyalsingh: Thank you, Madam President, for allowing me to partake in this debate here today. But first of all I say, Madam President, we are in a situation where this virus with the crown, it has the world at its knees. It presently rules the world and this is something that we have to appreciate that it is there. It has changed the whole economic structure of the world, the lives of

people.

But Madam President, I must say this is not the end. This virus came like Terminator 1. Terminator 2 is yet to come. You see, the next pandemic is already coming, and WHO is preparing for it. So while we had all of this confusion, all of this stress going on, the WHO has actually put out a report that, you know, the next pandemic is Disease X. So Disease X is coming soon and we have to be prepared for it. And if this legislation helps in any way to guard against this, to protect us a little bit, it is welcoming. So Disease X, Madam President.

Please allow me just to read the World Health Organization, they gave a release:

“Prioritizing diseases for research and development in emergency contexts.”

They said:

“Worldwide, the number of potential pathogens is very large, while resources for disease research and development (R&D) is limited.”

So, therefore WHO has a blueprint of diseases they are studying. And at present, the priority of diseases are COVID-19, Congo hemorrhagic fever, Ebola, Lassa fever, MERS, SARS, Nipah disease, Rift Valley fever, Zika and Disease X. So Disease X is going to come soon. It is going to get us and we better be prepared for it.

I would like to quote, Madam President, EcoHealth Alliance, where they actually have—there is an article by Robert Kessler and he said:

“Disease X: The Next Pandemic”

He said:

“Miles from the nearest city, deep in the dark recesses of the cave in Guangdong Province, it waits. Perhaps it silently stalks from high in the

canopies of trees nestled along the Kinabatangan River. Or it lies dormant in one of the thousands of species native to the Amazon.”

Madam President, the Amazon is close to us. It is right here in South America. From Cedros to the South American continent, it is easy, boats come, boats go. And you see the problem we have here, this could be the gateway into Trinidad for Disease X, and this is something we have to be very cautious about.

Up in, I think it was March in 2018, there were videos of bags of iguana in the social group. The Minister of Agriculture, Land and Fisheries had to appeal to the persons. We look at his appeal and for years he has been appealing for when the birds come in, when these iguanas come in. His appeal has been there, and I am thinking today is probably his day because he is getting some sort of ammunition to at least address this problem.

Madam President, 70 per cent of the emerging infectious disease in humans are of zoonotic origin. The animal and the humans, their relationship, we have to be very careful what we are doing. As you see, in more forested areas, you find that the interplay with persons with these exotic animals, there is a great chance for these diseases jumping from the animal host to the human beings, and this is something we have. They are jumping. The problem we have, Madam President, is we have to be prepared, we better be prepared and we better ensure that we have legislation in place to help us with this.

Now, Madam President, we all heard about the bats and the bats actually spreading diseases, MERS, SARS, all these things. And even with MERS, the Mediterranean situation, when it happened, in Saudi Arabia years ago it was again animal/human transmission. Somewhere in 2015, there was a re-emergence of MERS and people could not even go to the Hajj. And again this time, when it is

Ramadan and our Muslim brothers and sisters would want to go to their Holy City, they are again at a disadvantage. So, when we look at the interplay with the animals and the humans, we have to be aware that things like exotic meals, as Sen. Ahye mentioned, things like exotic pets coming into our country, these are things that we have to be aware of and be cautious.

Madam President, I live in Valsayn, and do you know in 2011, one of my neighbours had a cougar in his house. Imagine that; a cougar, and I do not mean cougar like the term they have now, a cougar is a female with a young guy, a live cougar in his house in Valsayn, and the authorities had to go and seize that cougar and move it from a residential area. So here you are in a residential area where you have children and a cougar is there. There are reports, up to this year, two reports where a cougar snatched a three-year-old child and then grappled with one of the police officers in another state within this year. So therefore, we have to be aware, all of this legislation has to come into play to protect us.

And I am saying, Madam President, when I see the fact that, you know, bats have a great deal in causing these problems, we have to thank— As I said, Sen. Vieira mentioned Dr. Pawan, who is a local hero. Then we have local persons who have actually helped in fighting disease. We have, I think it was the late Dr. Chadee, who actually looked at the mosquito and dengue. So we have local heroes among the field. So, what I am saying is we look at bats but bats cannot get a raw deal in this. People just cannot go and kill bats. Bats are pollinators. We need the bats. We have to educate people. If there are bats, look out for their droppings. If they eat fruits, do not touch those fruits. And this is what we have to say. But we need bats. We need the bees and these things.

So, therefore, bats have been getting a raw deal. And even in China you find

that there might be comments made about the Chinese, what they want to eat. Madam President, I do not like when people eat rabbits, and I think different cultures have a right to eat what they want. I mean, it is the same basic protein when you look at it, nourishing. But cultures will have their likes and dislikes. So I am thinking even here in Trinidad, people are now going after the caiman. So, what I am saying is that the food that they may have, the meats that they may get, these exotic meats, once it is cooked properly, you find you may have that level where it may be safe.

Remember in China, their Government had given articles in such a way that, for the poor farmer to be able to have wild meat farming, so they had these pockets of people probably minding like snakes, exotic animals, carrying it to sell, but the mistake happened when those animals moved away from small farming in their homes to the marketplace, mixed with other animals, unsanitary conditions, I think Senator mentioned the mixture now, of those animals, caused the virus to drop. So, all these we have to take into account. How are we going to store our animals? I think the livestock legislation may have to be also redrafted with this.

So, I say Madam President there is a Global Virome Project looking at the viruses along the world. You know when they looked at the genetic material of a virus, they say there is 1.6million unknown viruses out there, and this is the problem because we do not know which one would come and be the Disease X that could cause so much of havoc.

And then I would like to say that we in Trinidad, we have always been wondering about guns coming in, human trafficking, drugs coming in from South America. But we have to realize now one animal coming in with Disease X could be worse than all the guns and drugs and human trafficking that is allowed.

Please allow me to read the *Newsday*, Ian Lambee, Wednesday 01, January, 2014:

“The illegal importation of wild meat”

In this article, the journalist said that if we look at even our native chichichongs, he said this has already been extirpated, yet chichichongs are being offered for sale in many pet shops. So we have to look at the pet shops, what they are bringing in. So part of this legislation has to be looking a pet shops. Madam President, the pet shops may be a source, a potential source.

Plus, in the United States there were outbreaks among children, eight states where they got little turtles and the little turtles, they got salmonella infection. And a recommendation was made: Do not let children less than five handle these pets. Because they put it in their mouths, they touch the water. So legislation may have to be placed, pet stores are not allowed there. Petting zoos, when big snakes come and they go to school, children do not know about the hand washing. They touch a snake, they put their hand in their mouth, this is a cause. So, I am thinking all these things have to factored in, you know. Even in this article the journalist said:

“I will admit that the present staff of 14 Wildlife Wardens is totally inadequate...”

But I do not know if that has changed. That is the article they had then. He said:

“Apparently the personnel at the Wildlife Section are unaware or have forgotten that there are laws which prohibit the importation of live animals.”

But that is not so because, obviously we have a Minister here who has been going after any sort of infractions. He has been giving these press releases, begging people to desist.

Madam President, you know it is not only the COVID we have to be worried

about, you know. You see, what happened in China, if we go back a little bit, the world seems to be unaware another virus was decimating the industry, the pig. You found that a virus was killing a lot of pigs and affecting the economy. And this article:

“African swine fever: Fears rise as virus spreads to Indonesia”

December 20, 2019. What I want to say is there is a virus just like COVID that there is no cure. They are trying to get a vaccine for it and Australia had to shut its borders from the importation of pork. Other countries are having their whole pork industry decimated and the UN Food and Agriculture Organization, the (OIA) actually had to restrict, ban, and even 49 per cent of meat that came into Australia with pork, frozen meat, had fragments of the African swine fever. So somebody had mentioned about looking at the meat products coming in and they mentioned that China may have been losing their battle against this incurable pig virus. So this pig virus was here before COVID came about. And it is causing havoc, and they are still trying to grapple to develop a vaccine where they could go and even vaccinate the wild hog. So same, similar situation happening in human with COVID is happening with this population.

Madam President, I would like to say that some recent studies looked at the cats and dogs and they got COVID in dogs, but they think it was the close proximity to the person who had COVID in that household. They do not think dogs are a problem, but they are thinking—some research on cats may be a problem. So they are saying that we have to be a little careful and even tigers in certain zoos got it. So, domestic cats, we have to be careful. Suppose this thing starts to spread, go to domestic cats. This information is still subject to change, but is something we have to be aware of. We always know cats were dangerous where

they have something called toxoplasmosis and pregnant women are not supposed to be near cats at all. And also there is something called cat scratch fever, that if a cat scratch a child or anyone, they can get lymph glands and fever. So we all know the dangers with cats.

But now, if COVID could be in cats we may have to now ask: Would we have to eventually do testing on animals for COVID? And the Ministry of Agriculture, Land and Fisheries may have to see, especially in those persons who had it and it may be in their stools, persons who are released from Caura and these places. But if they are released, would their animals now be able to get it? So this is something we have to look at, COVID testing for animals.

But I am saying, Madam President, we also have to look at the fact that our laws allow for companion animals, cats and dogs. So Trinidad and Tobago allow direct entry into Trinidad without having to go into quarantine for rabies, from certain countries: Antigua, Barbuda. But they mentioned Great Britain and Sweden. So I say probably the hon. Minister may have to say: No, be cautious now. We are not giving a freeway for companion animals, cats and dogs. Let us do some testing on these animals or quarantine for animals because we could be, the Minister if Health may be—

Madam President: Sen. Deyalsingh, you have five more minutes. May I just give a little advice as you wind down? You have to link your comments to provisions in the Bill. Okay?

Sen. Dr. V. Deyalsingh: Thank you, Madam, I was trying to link it where, if you look at the Bill, the whole idea of the Bill is to protect and promote animal health, introduction of the spread of animal diseases, facilitate, regulate trade in animals. So it is really the spread of animal diseases. I tried to link that where we have to

be careful with cats. And I am also saying part of the legislation I looked at, Madam, very quickly I am not seeing, you know, the regulation that I think lacked any sort of, there is a section 1, Wild Mammals (Protection) Act, 1966, in the UK, where they give protection to wild animals. People cannot just stone snakes and stone iguanas and stone things in the wild, and I think this may have to look at if we may have to put in that in this legislation, wild animal should come in there.

I also looked at the fact that road protection of the animals, people may be transporting animals. I have seen people with dogs and cats, is it a danger if a car gets in an accident and this dog gets flung out the window, does that fall under this legislation? How do we restrict these animals?

So, as I look at the legislation, I think it is commendable. I think a lot of this legislation actually mirrors the health legislation with the CMO and the Inspector as people mentioned and it seems that—I would have teased the Minister of Agriculture, Land and Fisheries and said he wants to probably come like the Minister of Health because the legislation would give him that in dealing with the diseases that may come.

And a lot of it looked at the OIA recommendations, which was good, and I am thinking, Madam President, what I looked at is the fact that the notification of disease, this has to be done in a very timely manner. Dead animals, somebody mentioned if you see, should be reported, should be tested.

There was the case again in West Nile where Tracey McNamara actually a vet noticed dead birds and when she went to the CDC they did not take her on and when she went to the army, they actually took it on and realized there was a link between the dead birds and humans who are getting Encephalitis and they realized that that virus had jumped from one area of the globe to another area to come into

that section.

So, therefore the vigilance of the vets and for persons to get testing, I think is very important. Madam President, what I may say though is that there was a case where, in Trinidad and Tobago, remember our borders are porous. But horses from Trinidad ended up in Guyana and the Guyanese Minister of Agriculture had to have a directive and warn persons about horses from Trinidad having come in illegally into their country. So we have to look at the fact that Trinidad also is part of the problem. And Trinidad people look at Trinidad too as being a member of a source of the Yellow Fever virus, our forest. So we are also a country where other Caribbean nations may be a little cautious with us bringing in this disease.

Madam President, I am concerned a bit if the rainy season comes and the floods occur, what is going to happen to the disposal of the dead bodies. I think it is mentioned in here. Also, the carnival, sometime people had mentioned feathers coming in, and I am thinking that part of the Bill, clause 12, section 51 looked at you are actually tracing veterinary medical products and I am thinking, yes there is a suitcase trading where people come in with antibiotics and steroids and this has to be looked at.

Section 5H, looked at safeguards to ensure traceability of animal products. And, we do remember cases where even here Erin Farm had closed down and that problem has solved. So we have to look at tracing of these things.

I have great respect for the rest of the legislation. I think it is well intended. I think it is a legislation that can really save us, and I am thinking that, you know, we need legislation like this. We need a paradigm shift where veterinarians, physicians and environmentalists can all work together to see if somehow they can put a dent to this. Thank you, Madam President.

Animals (Diseases and Importation)
(Amdt.) Bill, 2020
Sen. Dr. Deyalsingh (cont'd)

2020.05.19

Madam President: Before I call on the next speaker, permit me, and let me apologize for my oversight, in congratulating Sen. Lyder on his maiden contribution.

Sen. Khadijah Ameen: Thank you very much, Madam President. I too wish to join in congratulating Sen. Damien Lyder on his maiden contribution and welcoming him to this Parliament to have his voice.

As I begin my contribution to this Animal (Diseases and Importation) (Amdt.) Bill, 2019, Madam President, with your permission I want to take this opportunity to wish the Muslim community as they prepare for Eid celebrations on Sunday, I know we will have official greetings, but I spoke to some folks who deal with livestock and they remarked to me this morning that this will be the first Eid where they cannot gather for worship, either in the mosque or for open prayer and that is so different from the traditional celebration.

And, Madam President, that conversation happened as I usually consult with people from all walks of life on various Bills. There are persons who practise Islam, who also rear animals, and as you know they have a special procedure for slaughtering animals and they too had their own take on the measures proposed in this Bill.

And it is unfortunate that the Minister in the Ministry of Agriculture, Land and Fisheries, Sen. Avinash Singh, condemned Sen. Mark's call for a wider consultation. There can never be enough consultation. There is always one more voice to add. This is a democracy, and any person who holds office in this land, Trinidad and Tobago, should be mindful of that and should be facilitative of more voices being added to this process. And that is what will make democracy in Trinidad and Tobago stronger; not just a Government bringing legislation and

asking Parliament to pass it with a simple majority. Trinidad and Tobago is every citizen.

Madam President, this Bill has been touted by almost every speaker thus far, as a Bill to deal with the protection of animals, and I sat and I listened to all my colleagues, Independent, Government and even the Opposition Bench. In my view, this is a Bill to deal with the protection of humans who consume animals for food. If we were so concerned about the protection of the animals, we would not be eating them at all. But that is a matter of personal belief.

Madam President, these are mostly public health measures, and a lot of it has to do with safety concerning consumption of animals. And in that regard, I do appreciate that the importance of food security is not only agriculture and food crop from our farmers, but also livestock from within Trinidad and Tobago that are reared locally, as well as livestock that is imported. And ensuring food security and ensuring that we as a nation can feed ourselves, growing our own food is important and growing our own food does not only mean those that grow with roots in the ground, it also means growing livestock.

4.00 p.m.

Madam President, quite a bit has been said, and because this Government continues to have these shortened speaking times for a Bill that has over thirty-something clauses, we each have 20 minutes to speak. We cannot each do this Bill justice if we wish to, and I find that unfortunate. I just want to take this opportunity to point out that this Bill not only deals with measures for importation and restriction of importation for animals, and cruelty to animals, there is also an impact on cultural practices.

There is a clause that establishes that a person commits an offence where a

person “...assists in the fighting or baiting of any...” domestic or wild animal, and this has to do with cockfighting and bull-baiting. You know, in some parts of Trinidad and Tobago cockfighting is a real sport, people breed chickens especially for this. People spend a lot of time, energy and passion in this sport.

The fact is that this measure will have an impact on cockfighting and bull-baiting in mostly the rural parts of Trinidad, and I know it might impact on some people’s livelihoods because there are people who bet money and it is a form of gambling which might be illegal, but which is cultural, it is traditional. Just as “Whe-Whe” once was, but there are also people who rear these animals who also make a lot of money and it would impact on their livelihood, and I think people—the public must be aware that this is one of the measures in the Bill. Whether you subscribe to those practices or not it is up to your own personal belief but the fact is, that it exists, that it is a part of the intricate culture of Trinidad and Tobago, and we must acknowledge it. “Whe-Whe” was once illegal and today it is called PlayWhe and it is controlled by the State.

Madam President, another piece that I want to take this opportunity to mention has to do with the “...person in charge of an animal...” being required to take all “...reasonable steps to mitigate any suffering...” potentially caused by the animals’ “...exposure to fireworks”. I am aware that many pet lovers, I myself have two dogs in the yard, common breed dogs, but they are very frightened around the times when you have fireworks and they can hurt themselves. Many dog owners are not trained how to sedate their pets, how to secure their pets at this time. They genuinely feel sorry for their animal, but they are not in control of the fireworks, and this measure seeks to make the owner of the pet responsible for the fireworks. Why are we not making the firework manufacturers and the type of

fireworks imported in Trinidad and Tobago the issue? Why are we seeking to hold innocent pet owners, people who genuinely love their pets, to hold them responsible for something they are not in control of?

There are animal lovers, pet owners, who, if they had the opportunity they will go and shut down the whole parade when there is event where you have fireworks being discharged. There are pet owners who become angry and upset and wish they had a say to get the fireworks to stop or at least be modified in terms of the loudness. They are now going to be held responsible when it should be that the Government should take initiatives to work with the people who are in the fireworks industry to encourage or incentivize the importation of noiseless fireworks, or at least fireworks that are a little less noisy than the ones we have so that people can still indulge in their celebrations without the loud noises.

So, as a person who is aware of the damage caused to pets—and I am familiar with the call of animal lovers to do something about fireworks. There are people who have called for fireworks to be banned in this country. And this clause that makes the person in charge of the animal responsible, to me it really places the burden on the wrong end of the whole fireworks and pet equation.

Madam President, next point I want to raise has to do with—maybe with my background in local government and it is the clause that establishes measures to:

“(a) control...stray and feral animals, including programmes and strategies to control the animals which may pose a risk for public health, safety or security;”

In other words, stray dogs, stray animals. The regional corporations are authorized by Act 21 of 1990 to deal with stray dogs. Most regional corporations have a dog catching unit and the members of the public, the burgesses can call on the regional

corporation to send in the unit, and you see them come with their net, and the van and they catch the dogs. The owner of the pets have a certain number of days to go to the regional corporation to claim their dog, or, if the dog is unclaimed it goes to the dog pound, and if it is unclaimed for a further period of time, the dog is put to sleep. People can go to the dog pound and adopt a dog, but I do not know how much of that happens.

Regional corporations by and large no longer have dog pounds anymore, they rely on the cities and boroughs. So that as during my tenure as chairman of Tunapuna/ Piarco Regional Corporation, our dog catching unit would take the dogs to Port of Spain Regional Corporation's dog pound. I am aware that apart from the regional corporation people who go through the judicial system can be sentenced to community service and they go there and they serve in the dog pound, helping clean dogs and so on. And I see this measure here and the "Inspector" which is established in this Act has some responsibility. And I am asking: Where is the connection with local government who already have these laws and who are already empowered to do this type of public health control, where stray animals and feral animals and stray dogs in particular are concerned?

I think it is important to keep this aspect tied to local government because the local government body is run by a council of elected councillors, and those councillors are closer to the ground, closer to the communities, closer to the people. So, if a resident loses their pet, it runs out the gate and the dogcatchers come and take it away, it is easy for them to call the councillor, it is easy for them to call someone they know. It is easy for the community to reach its representative in local government and seek to get back the dog. I would like to see this linked to the Act for local government where dog catchers are concerned. And, I am of the

strong view that the local health department of the regional corporations should be included in the implementation chain when it comes to animal control.

There are a number of provisions here that are similar to the role the CMOH plays that is tied in to the role the public health department plays in regional corporations, and I think that should be maintained so that, yes, the national body has a role, but the regional or local body also has a role that ties this back to communities, tie it back to people, tie it back to real people. Animals are owned by people, pets are owned by people, and as such I think it is important to have communities—have that tie and that link to the implementation of these laws.
Madam President—

Madam Speaker: Sen. Ameen.

Sen. K. Ameen: Yes.

Madam President: Five more minutes.

Sen. K. Ameen: Yeah. Madam President, yes, I was just gathering up my papers. Madam President, as I close, I just want to say that I know that this Parliament is using special measures during this time which I do appreciate in terms of our social distancing, use of the mask, shortened speaking time, and I was of the belief that during this period we would deal with critical Bills or Bills that are critical to the management of the COVID pandemic and our phased-basis removal of the lockdown. And I am seeing more and more Bills coming that really are not related, and I as a Member of this House, it is not the first occasion when I have shortened speaking time and it does not allow us to do justice to what our role and duty here is, when our speaking time is cut in half and it is not related to the COVID pandemic. I thank you, and I hope to see an end to this practice very soon. Thank you, Madam President. [*Desk thumping*]

Madam President: Minister of Agriculture, Land and Fisheries.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, thank you very much, and I thank all my colleagues for their contributions. Madam President, sometimes I give the AG a very stern eye when he is winding up trying to get him to shorten, but I now understand the challenge he faces in trying to capture all issues. So I would try my best to deal with much of which has been raised and if I miss something, no disrespect. I am just trying to cover as much as I could.

Madam President, Sen. Lyder came late to the proceedings but he had a very spirited contribution, I thank him for that. But, Madam President he raised this—covered a subject that sometimes or oftentimes we traverse in this Parliament which is public functionaries and the issue of giving them so much power and authority, and sometimes in debates we want to move it from the Minister to a public servant, and sometimes we want to move it from a public servant to a committee and some other functionary, but the point is that when for example, we have in this legislation responsibilities for the “Inspector”, the “Inspector” discharges that responsibility through a process of delegation. So, the “Inspector” in this case and across the public service, in our Ministry for example, we have a lot of power concentrated in the Conservator of Forest, that is the only way that the bureaucracy would run, we have the Commissioner of State Lands. I have many times challenged the amount of authority that we give to that particular role but it is meant to be discharged through an entire bureaucracy.

And, Sen. Lyder as a businessman, I am quite surprised that you would want to give, you know, put your business in the hands of a committee. I thought as a businessman you would be anti-committee. We have so much of them so there is a

lot of discussion particularly from you on the Inspector's powers. These powers exist in the current legislation and are exercised now, some of what we have in this Bill is exercised through various mechanisms and we are trying to consolidate all within the legislation. And a public officer discharging a public function as I said at the start, apart from the ability to review through the judicial process, a public officer reports to the Deputy Permanent Secretary, a Permanent Secretary and there is recourse in that way. And if a public officer is misbehaving, whether is on the criminal side or on the administrative side, there is recourse to the Public Service Commission. And I would not say anything more about that particular body, but therein lies a significant part of our problem.

So, I would tell you as Minister and I am heading perilously close to five years as Minister, I have not had an instant whether it is the Conservator of Forest, the Commissioner of State Lands, the Chief Veterinary Officer, CTO, in which a decision made or a failure to make a decision could not be addressed within the Ministry. I have said publicly that if people have problems getting responses from public officers they can write to me as the ultimate resort, but there is recourse and there has not been particularly on matters of import. I listened to Sen. Sobers on the duckling issue. I am very familiar with that, and it has been addressed. It is actually one of the first matters of that nature I had to intervene as we headed to Christmas 2015. And the importers of the ducklings lost hundreds and hundreds of thousands at the simple decision of someone at the airport determining that the ducklings were no longer day-old ducklings, they had gone past one day and were like one and a half day. And a container of—a cargo of 250,000 or 300,000 worth of ducklings would be destroyed on account of that. And we dealt with it and thankfully it is not something that has come back. So, there is in a properly

working system, there are ways in which public authorities in the form of individuals or a bureaucracy exercising this sort of power, in which there are checks and balances in the system.

My colleague, Sen. Singh, has dealt with this issue of consultation and I just want to give you, I just want to say in relation to one aspect of this Ministry, in relation to this Bill I have dealt with the fisheries aspect. And I will tell you on fisheries alone, in 1992 the Minister of the time commissioned the FAO to review the fisheries legislation in this country. It is now 104 years old. That piece of nine clauses in the fisheries legislation and the Minister at the time in 1992 commissioned the FAO to review the legislation. That must be the longest running consultancy in the world, 1992 to now we are still working on fisheries legislation. That Minister is of course my boss. And that represents what happens when we consult too much, when we try to do too much, when every time you believe you have a draft and you go out for consultation, you get all these comments that have to be reviewed and you try to incorporate it and it happened with me too. And we have had, since 1992, five completed versions of a Bill, none of which we were laid in Parliament because the time simply ran out on the Minister and the administration. And there is a chance that the four years I have invested, and the fisheries people, and the AG's people have invested in the current Bill, we may not be able to navigate that through the Parliament, because what we have ended up with is a Bill that is about 200 clauses, which leads many times for us to try to retrofit existing legislation because we may never get a comprehensive product in one Bill that solves all our problems, and this is a classic example of it.

The Advisory Committee has listened to all the suggestions and there is always some concern when we have that sort of thing in place, but I would tell you

that in the Conservation of Wildlife Act there is the Wildlife Conservation Committee, and that committee advises the Minister. And the reason I was happy for that WLCC, and I thought about this one in particular is that, the skill set of a Minister is something that cannot be predicted, and many times you may have a Minister with different skill set. I do not think I am the first lawyer to be Minister of Agriculture, Land and Fisheries, so, I felt that there was need on something as important as animal health and welfare, that the Minister has access to largely independent type of advice on matters of policy and strategy and so on, but that does not take away the powers of the Inspector and the responsibility of the Inspector. It is entirely in an advisory capacity to the Minister and the WLCC works in the same way in relation to wildlife conservation. It is chaired actually under the law by the Conservator of Forest, but it represents a broad cross section between naturalist club, the birders, and other environmentalists, the zoological society, the agricultural society, by law they constitute that.

We also find and we just amended the legislation to the appointment of the CARIRI Board for example. If you are too prescriptive in defining the various people then you run into problems because you lack the flexibility. And I myself have just done a Note to Cabinet to actually review the composition of the WLCC, because it is so prescriptive I had a lot of problems for example finding a representative of the birders and some of the old skill sets you find in the legislation are disappearing and I believe a Minister should have a little more flexibility, because I think all of us when we do our jobs we always think about our successors more than we think about ourselves, how we could make life easier for somebody and not have the problems that we had.

I want to deal with some of the specifics which were raised, and I would go

to Sen. Mark. He has raised the issue of consultation, the monopoly and concentration of power in the Inspector. I felt we have done that, we have addressed that. And this nagging issue of the Aripo Livestock Station, now there is a Motion, a private Motion on the Aripo asking for the contract, and you know it is ironic that there is so much transparency in this Aripo Livestock Station. It is something that was advertised, it is something for which bids were not only received but bids were encouraged, and extensions were granted so that people could put in their bids, site visits were facilitated, a committee headed by PS Vishnu Dhanpaul reviewed those bids and made the recommendations to the Cabinet, and the Cabinet accepted the recommendations. And this is a facility like several other livestock facilities in the Ministry which became heavily underutilized to the extent that this 1,146-acre facility was deemed to be a research facility. And if you go there you will see how much squatting took place on the periphery. You would see a parcel of land being used for the detention centre the IDC, and you would see other things happening because of failure to manage. So the squatters were getting the benefit of that.

And Marilissa is not a fly-by-night entity, it is the most successful private sector investment in this country in the livestock industry. Mr. Thackorie—I am sorry that his name had to be called in this manner in this House—he is an outstanding businessman and a very knowledgeable person on livestock, and it was good that he demonstrated that interest and was able to make the investment. And you know, to make the comment about road works and billions of contracts to his companies and so on, I mean that is—you are entitled to say what you want in the Parliament but I would say that in relation to this particular arrangement, I think that is the way in which we should be managing the assets of the State because I

see too much wastage, too much wasted, and lack of support for the private farmers and this is one way in which we fix that.

Sen. Dillon-Remy raised the issue of the port and not including Charlotteville in the list and I would just say that the definition itself allows for the Minister by regulation to expand the list if you wish to include other ports and that could be done. You also, Sen. Dillon-Remy, asked the question of my reference to using “Inspector” and “Chief Veterinary Officer” interchangeably, and I just want to point you to clause 7 which seeks to amend section 3 of the Act, and clause 7 says that:

“(1) The Inspector, for the purposes of this Act, is the person holding or acting in the office of Technical Officer...and includes the Chief Veterinary Officer in the Ministry...”

And that was drafted in that way to address what I said was the existing problem. The public service position is Technical Officer (Animal Health). The intention is arising out of the proclamation of this law to formally create the position of Chief Vet, it would not require an amendment to the legislation down the road because we have already included it here, and that will allow for the position to be created properly, configured in terms of duties and so on, and also properly compensated because this is a significant role in the Ministry. So, that is addressed in the way clause 7 is written.

Sen. Vieira, you gave me a headache at times because almost everything you said was true. We wish we could go back, but I was, Sen. Vieira, I made another trip to the forest reserves on the weekend, on Sunday, and after a few hours of being out there with the Conservator and the Deputy Conservator I said to them, I did this March 2019, I have seen this and the thing about it is that nobody is laying

charges and across the country I have spoken about squatting, I have spoken about issues in fisheries, I have spoken about the wildlife, I have spoken about forest reserves. If you are not enforcing the law—I know in many cases the law is deficient—the point I have been making is that if you are not enforcing the law its current form, you will not enforce the law in a new form when I give it to you.

And I remember very distinctly last year when we introduced the amendment to the trespass legislation it was something when we looked at it, hon. AG, we felt that this was a powerful tool to deal with all forms of squatting and interference, and incursions. For example, we had the Cascade residents who were complaining to us that people would walk into their yards with their rifles in search of iguanas. We had people, you know, farmers who would say people were entering their property, and we know praedial larceny is a specific crime, it requires that you are found with the crop, and sometimes there are challenges in identifying the crop and difficulties in prosecution.

So, we felt that that old trespass provision could be strengthened by increasing the fine to \$50,000, increasing the term of prison to ten years, but also the language, cleaning up the language so if you are found on the land without reasonable excuse you are potentially committing an offence. And again, since that change was made to the law, March 2019 it was proclaimed, not one person to my knowledge has been charged. So even in the forest reserves where we may have other challenges under the Forests Act in laying charges, we do have the tools. And I said, those were my last words to the men out in the field, I said, “You have to charge.” And we have been doing that successfully on the wildlife side where as Sen. Deyalsingh said, I came in and had tremendous challenges with the scarlet ibis and the hunting of the scarlet ibis and other things, and the free flow

of wildlife. And I just want to make a comment, if anybody feels that this movement of wildlife is something academic or something incidental, I want to remind you when you I came in as Minister, my predecessor who is my boss, reminded me that for a long time we were talking to Guyana about having two jaguars at our zoo. And I in fact made a trip with him to Guyana in, I believe it was March 2018, and we actually went and looked at possible jaguars that we could have brought to Trinidad and we were not really satisfied with the quality of it, but we just felt that we needed to have them in the zoo. Well, in 2019 I got two jaguars for the zoo without having to import any. In May 2019, an anonymous call was made and a jaguar was deposited outside the zoo, and in December 2019 another anonymous call was made and another jaguar was deposited outside the zoo, and we closed 2019 with two jaguars.

4.30 p.m.

Having something like that in the country possibly roaming, is a very serious thing and it is not just that. It has extended, of course, to everything that could come into the country, comes into the country. So whilst this Bill deals with what comes in, in a straightforward manner through import permits and so on, we also have to contend as an island—and as an island so close to South America— we also have to contend continuously with a different type of movement that is really something that is serious for us as a country, and it is not something that is academic, it is very real.

I would say Sen. Vieira that your point about, on the one hand, this Bill covers wildlife because it is the broad definition of animals, but I would also say that the detailed treatment of wildlife belongs in the Conservation of Wild Life Act. We have done significant work through regulations. We have not had to

come to Parliament to do the work we have done on wildlife management. We came for one thing and that was in the miscellaneous Bill, 2018, the Finance Bill, when we increased the fines and maybe not high enough, but at that time I was being very conservative in what I proposed. And we also managed to deal with an old matter, which is protect our Scarlet Ibis and the Scarlet Ibis was declared an environmentally sensitive species, and it now attracts a \$100,000 fine, and we have two matters which are moving very, very slowly through the Magistracy and I have no control over that, neither does the Attorney General.

We have also set in train and I just reminded the EMA, we have set in train the ESS proposal for the process for the red howler and the white-faced capuchin monkeys. We would like to see the highest form of protection from that. I have listened to you on the ban of wild meat and the reinstatement on the moratorium. We have protected everything. We have left, in the country, the opportunity to hunt five species within the usual period of October to the end of February. My concern with a complete ban on hunting is the way in which we are just going to open the floodgate to the illegal trade from Venezuela. That does not—even, you know, the wildlife is live and dead, but my biggest concern is the health issues that would flow from doing that. So maybe it would be left to another Minister to consider a complete ban, a reduction in the length of the hunting season or some other measures, but that is always a consideration. And, of course, as I always say, the significant economic activity that hunting brings to communities like the one that I live in, it is a very significant activity, but I always talk about balancing the two.

Sen. Obika asked about the Vet Association. Yes, the vets are in an association and we have been working—you will be surprised to know that the

vets do not have a body of their own, a statutory body of their own and a regime for governing the profession. The vet legislation is actually—the single piece of legislation we have, the registration of the vets surgeons registration board, that legislation is 90 years old. It has been amended twice, in 1955 and 1963. So they operate under, you know, just self-regulation I should say but we have—in fact, Cabinet approved last year, a policy for the regulation of the profession on a draft Bill and we have taken it through the process of consultation in the hope that we could lay a Bill to deal with the vet profession.

Sen. Obika raised the issue of the state of the roads. I know he likes to talk about the state of the roads but the reason that is an offence in relation to the owner of the animal is because that 18A(3) deals with the scenario in which the animal is drawing a vehicle. So it is not the animal being on the road, it is the animal drawing a vehicle and the view is that the owner of the animal has control over that, and must know that it will injure the animal if the animal is drawing a vehicle on a road that is in poor condition.

Both Sen. Vieira and Sen. Obika have raised the issue of alternative punishment and sentencing. As we know, it is a matter in the discretion of the presiding officer of the Judiciary and if the presiding officer believes that there is an alternative sentence, the presiding officer is not committed to fine or to imprison, and that is a matter that we should leave for the Judiciary to deal with.

Sen. Sobers, you seem to know a lot about cockfighting, so does Sen. Ameen. It is on the outskirts of the constituency you wish to win but you will not win. Recently, I said publicly that I had referred three matters that week to the Commissioner of Police with the support of my colleagues, the Minister of National Security and the hon. Attorney General and that had to do with

information—

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat: Thank you very much, Madam President. That had to do with information on the resurgence of cockfighting on the outskirts of San Fernando. I do not know much about it but I did what I had to do, but it is an offence and it is something that has resurfaced.

Sen. Richards, you raised some important points about crossbreeding and the genetic material, and the point I wanted to make in relation to a lot of what have been raised as additional matters in the Bill, that is why in the Bill we have expanded the regulation making power of the Minister, because in order to tackle emerging issues, urgent issues and issues that must be addressed with a level of urgency, it is not practical. Once you get into the business of government and governance, and being a Minister and so on, you start to see how you need power to do things at short notice or do things where you cannot access. You cannot come to the Parliament continuously and you must have, within the confines of the parent Act, you must have some power to make regulations.

On the issue of consultation, you would have heard me say that this committee that developed the Draft Animal Welfare Standards was preparing to go out for public consultation on those standards when COVID intervened, and everything relating to what we do, whether it is in the form of regulations, goes through some form of consultation. I said that we dealt with hunting matters, which did not have to come to Parliament, but on all occasions, everything we did, it went through a process of consultation and it also went through the process of the Wildlife Conservation Committee before going through the process of Cabinet and regulations.

Madam President, I think I have covered as much as I could. I know that a lot has been suggested in terms of how we could continue to build on this legislation. I am happy for all the suggestions. I know that we would take it into consideration as we move through the regulatory work.

Sen. Ameen raised a point—I want to just separate the two—on the issue of fireworks, because fireworks was included in the brief when we were doing this work and the brief to the animal welfare people. The provision that Sen. Ameen referred to is a provision which deals with the owner and it is 18I(3) and it says.

“An owner or person in charge of an animal shall take reasonable steps to mitigate any suffering which may be caused to the animal by its exposure to fireworks.”

So, in other words, if you know on Independence night there is fireworks in the City, in Port of Spain for example, the owner should take steps to mitigate the potential damage to the animals. I would tell you it is impossible to do it for birds because the morning after Independence, between the zoo and the rest of the City, you see a lot of dead birds around but other animals which could be restrained or which could be cared or brought into the house, the owner should take reasonable steps to do so. But there is also another provision in clause 28, the proposed 21(3)(g) which deals with another element of fireworks, and that is where somebody who permits unnecessary suffering to an animal by exposure to fireworks, and that may most likely be a public functionary, somebody who has power to authorize an activity, a wide range where somebody either by act or omission has permitted, through fireworks, the exposure to an animal and that is another element of the offence.

Madam President, I thank my colleagues in this House, I thank the AG and

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his team, I thank the Ministry's team for the work they have done and my predecessors who set things in train, and with those few words, Madam President, I thank you very much. [*Desk thumping*]

Madam President: Minister, Minister, there are some specific words I need to hear from you.

Sen. The Hon. C. Rambharat: Yes, Madam President. I beg to move.

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Madam Chairman: Everyone should have two sets of amendments: one on behalf of the Minister of Agriculture, Land and Fisheries and the other on behalf of Sen. Mark. Sen. Chote?

Sen. Chote SC: Madam Chairman, I was just speaking to Sen. Vieira. I have them.

Madam Chairman: You have both?

Sen. Chote SC: Yes.

Madam Chairman: Okay. May I ask if everyone else has both sets of amendments? Am I speaking to myself? [*Laughter*] Sen. Vieira?

Sen. Vieira: I only have one.

Madam Chairman: So may I ask, once again, is everyone in possession of both sets of amendments?

Hon. Senators: Yes, Chair.

Madam Chairman: Yes? Okay.

Clauses 1 to 5.

Question proposed: That clauses 1 to 5 stand part of the Bill.

Sen. Mark: Madam Chair, I am trying to get some clarification from—

Madam Chairman: On what clause, Sen. Mark?

Sen. Mark: Or, Madam Chairman, did I—clauses 1 to 5, Madam Chairman?

Madam Chairman: Clauses 1 to 5. Your amendment is at clause 6.

Sen. Mark: I beg your pardon. I am guided.

Question put and agreed to.

Clauses 1 to 5 ordered to stand part of the Bill.

Clause 6.

Question proposed: That clause 6 stand part of the Bill.

Madam Chairman: There is an amendment circulated on behalf of Sen. Mark but if you will see, clause 6 extends through quite a few pages, so I propose to just go through page by page in case there are any questions or comments. So page 2? Page 3? Page 4? Page 5? Page 6? Page 7? Page 8?

Sen. Mark: Madam Chair, I just wanted to ask, through you, to the hon. Minister, whether “Inspector” ought not to have been identified and definitively clarified in the interpretation section as opposed to just leaving it into the upcoming clauses. I am just seeking clarification from the hon. Minister, through you, Madam Chair, on this matter.

Madam Chairman: I think the Attorney General will respond.

Mr. Al-Rawi: Madam Chair, because we want to operationalize this in a very particular way, the amendment that we proposed in clause 7, in section 3 is how we tackle this. This is specifically so that it is understood in that part and this comes about because we are amending an older piece of law. So out of an abundance of caution, we have to do that. The experience in litigation coming out of the Anti-Terrorism Act is also that if you take the definitional section to do those things, as

opposed to the corpus of the body of the law, you will come into difficulties.

Madam Chairman: Page 9? Sen. Mark, we will come back to your proposed amendment. Page 9? Page 10? Page 11? Page 12? Page 13? So if we can just go back to page 9, Sen. Mark, your amendment.

Sen. Mark: Yes, Madam Chair, I am suggesting that there is some confusion and maybe it has to do with the convoluted way this thing is being drafted, and we are not too clear, Madam Chair. When we talk about the Minister, is it the Minister of Agriculture, Land and Fisheries we are speaking to under this definition? Are we referring to the Minister of Health? Madam Chair, this is confusing. That is why I sought to bring some clarification because I know the Minister of Agriculture, Land and Fisheries has the veterinary section under his portfolio and animal health will come under the Minister of Agriculture, Land and Fisheries. So if that is so, Madam Chair, why not simply say the Minister of Agriculture, Land and Fisheries, rather than confuse it in the way that it has been confused.

Mr. Al-Rawi: Madam Chair, I understand the hon. Senator's enquiry. It is based upon status quo. Status quo is that currently, and for many years, the Minister of Agriculture, Land and Fisheries has been the Minister with line responsibility for this matter. However, if you go to the OIE Report, in particular, the Valuation Report in 2013, and then you look to the 2018 report, the subset speciality of animal welfare could very well developed into a circumstance where the Minister of Health, for example, may very well one day be the Minister with certain line responsibility for this. This is particularly as we relate it to the concept of dangerous diseases and infectious diseases.

If we were to put the conjunctive in construction, the Minister with responsibility for agriculture and animal welfare, then we would not have the ability for a Cabinet in the future, a Prime Minister in the future, to assign the

responsibility for this particular subset of animal welfare to a Minister. It may very well be that, at present, that it is one and the same, but for those purposes and because of the way we are drafting in accordance with the OIE, the definition ought to stay in the narrow context so that for now, it may qualify that the Minister of Agriculture, Land and Fisheries does that, but that in the future it may be a subset assigned to a different Ministry.

Sen. S. Hosein: I have a different issue, please. If Sen. Mark wants to respond to—

Madam Chairman: With respect to Sen. Mark's amendment?

Sen. S. Hosein: It is a different issue, yes.

Sen. Mark: I am going to close off on this, right?

Madam Chairman: Yes.

Sen. Mark: All I am saying, Madam Chair, the current Minister of Agriculture, Land and Fisheries could find himself in a very invidious situation because here it is, we do not know if the Minister of Agriculture, Land and Fisheries is really in charge. But what the hon. Attorney General is telling this honourable Senate is that in the future, the Minister of Agriculture, Land and Fisheries may not be in charge of animal health and welfare. So where is the Minister of Agriculture, Land and Fisheries at this time? I do not know. So could this thing be legally channelled? Something is wrong with this definition.

Mr. Al-Rawi: Madam Chair, there is no room for legal challenge because the Constitution gives the Prime Minister the structures under section 76 of the Constitution, the job and responsibility to assign ministerial office. That is in the supreme law of the Republic of Trinidad and Tobago, so declared by section 2 of the Constitution. The minute the President is told to assign a responsibility to a Minister, there is a *Gazette* that is done and an instrument is provided to the hon.

Minister with responsibility for that particular matter. I will give you an example. It was on that basis that the Ministry of Justice could have been created and that criminal justice could have been cleaved off to a Minister of Justice. In fact, we then did a certain amount of surgery to parent laws to describe the Ministry of Justice in a particular way.

But the other day, and in this Parliament, we created in the anti-terrorism amendment laws, we created anti-terrorism unit and we assigned responsibility for that unit to the Minister with responsibility for that who then turned out to be the Attorney General by virtue of a Cabinet decision and the prime ministerial instruction under section 76 of the Constitution. So I hope that assists.

Sen. S. Hosein: Thank you very much, Madam Chair. Madam Chair, I do crave your indulgence, it is regarding the definition of “import permit”. I believe the section is incorrectly stated. There is no section 33 in the Bill. I believe you are referring to section 16. So we may have to make an amendment there.

Madam Chairman: All right. But right now, could we just deal with Sen. Mark’s amendment? Anything else? No?

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

Madam Chairman: The amendment is not accepted. Attorney General, I am not putting the final question on—

Mr. Al-Rawi: Yes, Madam Chair. I thank Sen. Hosein for his observation. I think Sen. Hosein is correct. The Bill does not go all the way up to section 33. It is clearly a cross-referencing error and I thank the hon. Senator for his keen eyes on this issue. I am just double-checking right now to see if it is in fact 16. It is 16. So, should it please you, I thank Sen. Hosein, the reference should be to section 16.

Madam Chairman: So, hon. Senators, the question is that clause 6 be amended

as proposed by the Attorney General, at page 8, by deleting “33” and substituting “16” for import permit. Yes?

Mr. Al-Rawi: Just to acknowledge for the record that it comes from Sen. Hosein. Much obliged.

Question put and agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clause 7.

Question proposed: That clause 7 stand part of the Bill.

Sen. Mark: Madam Chair, again, through you, to the hon. Minister or the Attorney General. Madam Chair, the inspector, we need clarification on this creature, because as I understand it, Madam Chairman, on the classification and compensation system and the organizational system within the Ministry of Agriculture, Land and Fisheries, there is no such officeholder as inspector. You will have, as it says here, Madam President, technical officer. You may even have a veterinarian officer, but there is no officeholder by the name of inspector. So we are putting into legislation a concept that in terms of your Ministry does not exist from what my research has told me. So I am asking, Madam Chair, this is another confusing aspect of the Bill that is before us. So somebody goes out there, Madam Chair, he says, “I am the inspector and you know why? I am the chief technical officer.” Can that be challenged? All I am asking, Madam Chairman, we need to be sure what we are doing. I am not opposing it, I am just seeking clarification. That is all.

Madam Chairman: Sure, I think Sen. Hosein wants to ask something as well. Sen. Hosein?

Sen. S. Hosein: Just to also add to what Sen. Mark is saying, I just want clarification in terms of the officeholder, because I am seeing the person holding or

acting in the Office of Technical Officer (Animal Health) and includes the Chief Veterinarian Officer. So is it that the inspector must be a technical officer and also the Chief Veterinary Officer? It is a bit—if you could explain what are the qualifications of the Chief Vet Officer?

5.00 p.m.

Mr. Al-Rawi: Thank you, Madam Chair. So, Madam Chair, the inspector is the person who is defined here. This Bill, because it is a go forward approach, is not intended to statutorily revoke someone's appointment. So, the Ministry is structured from a public office holding point a view such that the person who actually has the power, who is recognized in the capacity of the legislation, who is recognized under the public service structures, is the Office of Technical Officer (Animal Health). That person is now being statutorily referred to as the inspector. So when the person calls himself inspector is it referenced and anchored now by the amended version of section 3. So we create this office by virtue of statute. What happens next is that the public service would then take note of that and then it would harmonize, as we did for the Court Executive Administrator or we have done for certain other things, it would harmonize a position.

If we were to describe the inspector in a different way, we would effectively be putting someone out of a job, which is not the intention of this position. That is a public service issue for which we would have some difficulties. When we look now to the reference to, “and includes the Chief Veterinary Officer”, because the Chief Veterinary Officer does not need to be the person who holds the office of Technical Officer (Animal Health), we are allowing here the fact that the Chief Veterinary Officer can be included for qualification purposes as the inspector. So it is the plain and ordinary meaning approach that we go for in looking at this particular clause. The inspector for the purposes of this Act is the person holding

or acting in the Office of Technical Officer (Animal Health), and includes the Chief Veterinary Officer in the Ministry, or in his absence, a veterinary officer authorized by him in writing. So that is the rationale for this. I do not know if the Minister of Agriculture, Land and Fisheries wants to add anything further to what I have said.

Sen. Rambharat: You know, during the debate I raised the issue myself. One, the current provision, the inspector for the purposes of this Act is the Technical Officer (Animal Health). So that exists and we have added the reference, CVO, because that is what we intend to do, have the position formally created in the public service which will incorporate the existing position of Technical Officer (Animal Health) and it means that we would not have to come to amend the legislation in the future to replace “Technical Officer (Animal Health)” with “Chief Vet Officer”.

So, up to Technical Officer (Animal Health), that exists right now and we have added the language which is the reference to the Chief Vet Officer. And I will tell you this, the use of the words “acting in the office” and “in his absence” and so on, that has to do with real situations, where, for example, the Director of Surveys goes on vacation and the Public Service Commission has not made an acting appointment, no survey plan or anything could be signed. The Commissioner of State Lands gets an instrument from the President to execute documents, the Commissioner of State Lands is away for two or three days, no signing could be done. So this is to deal with real situations where you have import permit applications and other things. Somebody is acting, might be an acting authorized by the Permanent Secretary because it is an acting for a short period, and this covers all those scenarios, especially where you have public officers exercising statutory functions which are critical.

Mr. Al-Rawi: Just one more point in law, Madam Chair. There is nothing odious about making reference to a post that does not exist yet and I give you the example of the Planning and Facilitation of Development Act, where we made reference to the urban and regional planning legislation. That Act was passed in 2015, the Planning and Facilitation of Development Act, and we only just did the Urban and Regional Planning Profession Bill, as a matter of course in the House of Representatives and yet to do in the Senate. So there is nothing wrong, perspectively, referring to an office to be created. The point is, if it is not created you know with certainty— which is the thing at law, you must be certain in law— that the Technical Officer (Animal Health) can capture the post. So this is perfectly within the parameters of legislative drafting.

Madam Chairman: Sen. Vieira.

Sen. Vieira: Thank you, Chair. Just looking at the parent Act, section 3:

“The Inspector for the purposes of this Act is...”

So, in the parent Act, we were already referring to the Inspector, that has been so since 1950s, and all you have done is you have just made a change that it now includes the Chief Veterinary Officer.

Mr. Al-Rawi: And the delegates. Very importantly, and the delegates, so that we do not end up in a system of frustration where applications are wanting for years simply because somebody was not acting in the post.

Sen. Mark: Madam Chair, as I said, we do not want confusion. If the Attorney General is clear, if the hon. Minister is clear, let us hope that this is clear. Hoping. Madam Chairman, may I also inquire from the hon. Minister or the Attorney General, do we have a post or workers under the title, “animal health para-professionals” within the Ministry of Agriculture, Land and Fisheries, or is it something we are about to create in the future, as the hon. Attorney General

alluded to?

Madam Chairman: Minister of Agriculture, Land and Fisheries.

Sen. Rambharat: Madam Chair, the term, “animal health para-professional” is now a defined term and you would see it is defined as including:

“...animal health assistants, agricultural assistants or any other persons to carry out designated tasks...”

So it includes the people we have now, agricultural assistants, animal health assistants. But again, it also goes into that area where someone could be designated to do something under the direction of the vet surgeon and that really deals with those areas—those parts of the Ministry may be in outlying areas. For example, Mora Valley, Rio Claro, where we have an 800 herd, buffalypso herd, and you have somebody out there who is a labourer, who has to be designated to support the vet.

Sen. Mark: Okay.

Madam Chairman: Yes, Sen. Mark seems satisfied. Sen. Hosein.

Sen. S. Hosein: Just one enquiry from either the Attorney General or the Minister. The Technical Officer (Animal Health), can you give us the qualifications of that person in terms of experience and how many officeholders we have that has that title, “Technical Officer (Animal Health)”?

Sen. Rambharat: That is one post and that person functions at the level of—in the Caribbean region, each country has a Chief Vet. We are the only ones—I think we are the only ones who may not have one on the public service establishment, but this person is a vet—it is the most experienced vet within the Ministry.

Mr. Al-Rawi: Madam Chair, it is important to bear in mind that what we are doing by introducing the para-professionals, is that we are taking the direct recommendation coming from the OIE, which recommended that this structure

must be harmonized across regions. Similarly, that is the approach for the Chief Veterinary Officer and what would happen is that once statutorily created, we would then have the posts designated by the property management division of the Ministry of Public Administration, and therefore, it would be backfilled into the public service appropriately. Thank you.

Question put and agreed to.

Clause 7 ordered to stand part of the Bill.

Clause 8.

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

Madam Chairman: Sen. Mark, I know that you have a proposed amendment but I would like to deal with this clause in the same way that we dealt with the earlier clause. Okay? And then we would deal with your amendment. Page 14? Page 15? Page 16? Page 17?

Sen. Mark: Madam Chair, I have a question.

Madam Chairman: Sure.

Sen. Mark: Through you, Madam Chair, to the Minister or the Attorney General, we are talking about delegation of authority or duties by the inspector to suitably qualified persons. My question is, should we seek to introduce the post of a deputy inspector? You see, rather, Madam Chair, than leaving this thing open so any suitably qualified person can fill the gap, I find that is a bit chaotic. We know we have something called an inspector, given what we have just defined, we should also seek to establish in the future a deputy inspector. So when that person is unavailable and he has to delegate his functions and duties, he can do it to this officeholder called a deputy inspector rather than leave it. You see, this could lead to a kind of arbitrary, you know, in other words, somebody who is not—the inspector is not available and he has to delegate, and he can exercise any kind of

power or any kind of influence, and take somebody lower down in the toting poll. And I find that very uncomfortable and unacceptable and therefore, I am asking the hon. Minister whether he should be thinking about the creation in the future of the office of a deputy inspector. That is all I am asking in the interest of continuity.

Madam Chairman: Any other question or comment? Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. Madam Chair, the concept of the creation of a deputy is not new. We have it in the Police Complaints Authority, for example, and other pieces of law. The problem with that is that deputies are usually created in low volume environment. In this high volume environment, the principle of delegation has been mirrored up to what prevails in the construct of the public health structures. So, the point was to, (a), create the statutory springboard for delegation, specifically in subclause (2) to say what cannot be delegated, because there is a general principle that delegates have certain circumscribed functionality, so we wanted to say what you cannot delegate. The other aspect is that the deputy and other structures can easily be created by virtue of the public health administration workouts, so that those functionalities and prescriptions have to actually be observed. The PMCD unit of the Ministry of Public Administration has a responsibility for looking at the whole of public service structures. So because of:

- (a) high volume;
- (b) PMCD activity;
- (c) the issues in the PCA and the delegation factors;
- (d) the need to describe delegation and non-delegation;

we prefer to find comfort in the clause as drafted.

Madam Chairman: Page 18? Sen. Vieira.

Sen. Vieira: Thank you, Chair. Just for the record, 5A(2):

“Any person who detects or suspects the presence of a notifiable disease or any invasive alien animal species shall report the disease...”

Now, I see lower down:

“5A(4) Any Veterinary Officer...shall”—also—“report, without delay...”

But if the veterinary officer fails to report, that is an offence. But—

Madam Chairman: Sen. Vieira, I apologize, where are you exactly? What page?

Sen. Vieira: Page 18.

Madam Chairman: Okay.

Mr. Al-Rawi: No, we are not there yet.

Sen. Vieira: I am looking at—

Mr. Al-Rawi: You said 5A(2)?

Sen. Vieira: Sorry, I am looking at the original exposition. I will come back to it, sorry.

Madam Chairman: Page 19?

Sen. Mark: Madam Chair, I do not know—[*Inaudible*]— but I did suggest— I do not know if you did not pass it on but I have it— to my colleagues in Parliament here who helped me with these amendments, typed it up that is, eh. I wanted to ask, Madam Chairman, and I have it in the written notes, that after the word “Order” in 3E on page 19, to ensure some system of accountability. It is not to say that I do not trust the Minister but I am a firm believer in strong parliamentary institution and therefore, I am saying, Madam Chairman, to cut a long story short, with your leave, it is not in writing, this Order shall be subject to an affirmative resolution of the both Houses of Parliament, so we will have oversight of what the Minister is intended to do, and therefore, we would debate it in our Parliament. And wherever, Madam Chair, may I advise—

Madam Chairman: No, no, one second—

Sen. Mark:—wherever it appears.

Madam Chairman: Sen. Mark, you are going to have to determine “wherever it appears”. Yes? Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. Regrettably, that submission does not find favour on this occasion and that is largely because the aspect of designating diagnostic research or other laboratory services is something which is extremely fluid. It is underwritten by regulations as well. So the Order really comes about because these methods are transparent, they are known, et cetera. Furthermore, the precedent in the public health arrangement, in the forensics arrangement, in the DNA law arrangement, in the electronic monitoring arrangement, in the telecoms arrangement, in the motor vehicles and road traffic arrangement, is that all of these things are done by way of Order, which are neither subject to affirmative or negative resolution. So, in the circumstances, we would be departing from a considerable body of law to take the recommendation that we do this by affirmative resolution.

Sen. Mark: Madam Chair, as I said, the AG and I differ fundamentally on matters, because I guess he is somewhere else, and I will be there where he is just now. But the reality is that I believe that we should have a greater oversight on the actions and activities of any executive. When the UNC returns to office after the next election, we want that kind of that surveillance and that is why I am saying, Madam Chairman, strengthen the Parliament, not the Executive. So, I am asking you, Madam Chair, to— with your leave, it was not circulated— but I am just asking you to add, after the word “Order”, “subject to an affirmative resolution of the both Houses of Parliament”. That is all I am asking.

Madam Chairman: I do not think you need to say, “both Houses of Parliament”—

Sen. Mark:—or “Parliament”, Ma’am.

Madam Chairman: I think it will be, “subject to affirmative resolution of Parliament”. So, Sen. Mark, I will allow it. I will allow you to put the amendment but I am asking that you spot wherever else you want the amendment so that we can handle it quickly. So let us now deal with the amendment that you have circulated.

Sen. Mark: I can now—

Madam Chairman: Yes, the amendment that you have circulated.

Sen. Mark: Yes. Now, Madam Chairman, again, I have no difficulty with the Minister but I believe because of the sweeping changes that have been announced in this Bill, we need to ensure that there is some level of independence, and the Minister should stay away from this exercise as far as possible. And I am proposing that we remove the Minister completely from this advisory committee, and I agree with Sen. Vieira, that we should put that in the hands—well, I do not know if he said so. But I am suggesting that we ask the President to do that, and I am also adding that “after consultation with the Prime Minister and the Leader of the Opposition”. So there will be some element of independence given the sweeping powers of this advisory body and responsibilities. I am also suggesting, Madam Chairman, that the committee be expanded to include a representative from the private sector, a representative from the Institute of Marine Affairs. I forgot the EMA, but that would be one that I would like to be included too, a representative of the Bureau of Standards, food and drugs, and two persons representing the interest of the farming community because the farmers need to be involved in this arrangement, and they must not be left out. So, I am asking the Government to consider this amendment.

Madam Chairman: Minister of Agriculture, Land and Fisheries. Attorney

General.

Mr. Al-Rawi: Thank you for the opportunity, Madam Chair. Madam Chair, first of all, there are no sweeping powers of this advisory committee. I just do not know where that comes from. It is an advisory committee which really speaks to certain, very limited matters. They have no powers inside of here other than to make recommendations. So, let us put this in the round. I think that Sen. Mark's recommendations for a broadening of the number of bodies to sit is very welcomed. I think that this is something that we would easily accept, that is paragraph (c) of Sen. Mark's recommendation. I unfortunately, however, wish to not agree with the proposals in paragraphs (a) of his circulated amendments for a few reasons.

Number one, there are no sweeping powers offered to the committee. Number two, because there are no sweeping powers offered to the committee, a degree of flexibility in appointment is required. Number three, the mechanism of having the President in consultation with the Prime Minister and Leader of the Opposition exercise this function, would be alien to this kind of structure. In none of the advisory committees that we have set up—in the Planning and Facilitation of Development Bill, for instance, which the last Government passed, the advisory committee is set up by the Minister only for matters of property, permission to actually develop a property, et cetera.

So, in that instance, we in Opposition then, agreed that the advisory committee did not need to have this level of stricture because it becomes very onerous to operate. Furthermore, any product that comes from the advisory committee which involves, for instance, a recommendation to amend regulations, et cetera, those are subject to scrutiny in the mechanisms that we have put out here. So the product of the advisory committee is always subjected to scrutiny but it

would be unwieldy to ask the President of the Republic to consult with the Prime Minister and Leader of the Opposition on the rolling form basis that this committee would have to operate. We do find favour with Sen. Mark's recommendations that we ought to broaden the position. I would not think that the EMA ought to be inside of there and the reason is that there are regulatory agencies in certain aspects, and you can have an open conflict of interest position.

Sen. Mark: May just seek clarification, Madam Chair. I just would like to ask the Attorney General, Attorney General, the recommendations, when they emanate or the flow out of this advisory body, what would eventually become of those recommendations? Are they going to be translated ultimately by the distinguished Minister into policy? Can you guide me as to what these recommendations, where are they going to end up at the end of the day, seeing that it is, purely as you said, an advisory committee? Just advise me.

Mr. Al-Rawi: Madam Chair, like any other recommendation factor, they flow within the natural consequence of being simply recommendations. The point is that they are discoverable under the Freedom of Information Act, for instance, or the consultative powers that they will be involved in, in calling for representations, et cetera. Those recommendations would come. I would give you a classic example. This OIE, which is the body that produces recommendations, they produced a very powerful recommendation in 2013 and since 2013, nobody has seen that in the light of day. But those recommendations found forceful impact because of the consultation cycle. So, because the functions of the inspector now include a consultative approach and also require constant harmonization with the OIE you are going to have a positive statement of these factors coming out. The simple answer to your question is, a recommendation is ultimately simply that. If and when it finds its way into a legislative springboard or into operational

structures, they form the substance of a Cabinet consideration, where a Note to Cabinet is approved to do or not to do certain things in the usual course.

Madam Chairman: Sen. Vieira.

Sen. Vieira: Thank you. For the record, I take back the recommendation about the presidential appointment. I accept that in light of the functions of the advisory committee, that is a little bit of overkill. In the Dental Profession Act, there is provision that is parallel:

“43 There shall be established an Advisory Committee on Dental Auxiliaries... consisting of—

(a) the dentist holding the most senior office in the Ministry of Health;”

—right down to:

“(e) a dental auxiliary appointed by the Minister.”

It was never appointed. What happens when you put these things and they are no more than just cosmetic?

Mr. Al-Rawi: Well, I will give you an excellent example, Madam Chair, if I may. Sorry, I was a little presumptuous in just answering. So, I thank Sen. Vieira for recognizing or finding some comfort in the observations that we have put on the record for the presidential position. We have the Dangerous Drugs Act, a lovely looking piece of law since 1994 and in it, there is meant to be a parliamentary committee established specifically to treat with that. That has never been established. And to answer your question quite simply, unless somebody agitates for these things to happen, they do not happen.

In today's structure, however, because we are effectively plugging in the OIE, that is very different, and I will draw the example to the Financial Action Task Force, and in building the anti-terrorism unit and the national anti-money laundering unit that we did in the amendments to the Anti-Terrorism Act. The

international bodies mark you and monitor you on this, and I guarantee you, and this is my own bold assertion, post-COVID, with zoonotic issues now part of the world conversation, these kinds of committees are not going to fall into disuse or failure to launch. Because the world in the post-COVID situation, in particular, is going to be extremely reliant upon bodies' supervision and regulation, and by that I mean external entities. The WHO has come into significant focus worldwide right now, so too does the OIE in its WTO position. Remember, this is underwritten by the WTO. The World Trade Organization uses the OIE and in them using that, the importation, the food distribution, the billion-dollar industry, it is all tied in. So chances are, these sort of entities, particularly in this context, are well-assured of being born into reality.

Sen. Mark: Madam Chairman, may I?

Madam Chairman: Well, Sen. Mark, I was just about to put the amendment.

Sen. Mark: Well, that is why I asked for your indulgence.

Madam Chairman: Very, very, very slight indulgence at this stage.

Sen. Mark: You know, I am a trade unionist.

Madam Chairman: Yes.

Sen. Mark: In my past life.

Madam Chairman: I know that.

Sen. Mark: And I know what negotiations are about.

Madam Chairman: Yes.

Sen. Mark: So, I would humbly, like my brother Tony, Anthony Vieira, withdraw part (a) which the Attorney General indicated. It might be a bit cumbersome at this time. Until we return to office, we will tighten up that for you, but in the mean time we shall, and I am prepared to go now with the hon. Attorney General's proposal.

Madam Chairman: Which is what? Because Attorney General, we have Sen. Mark's proposed amendment here.

Mr. Al-Rawi: So, Madam Chair, the Government's position is that we welcome the amendments in paragraph (b) and (c).

Madam Chairman: Okay.

Sen. S. Hosein: Madam Chair, you should put that on the record.

Sen. Khan: Can I, please?

Madam Chairman: Sure.

Sen. Khan: Through you, Madam Chair, to the AG, if that is the case we will have to amend (a) to reflect “not more than seven” to “not more than eleven” members.

Mr. Al-Rawi: Yes, we will come to that. Thank you, we welcome back our Leader for his sharp eyes. That is exactly correct, thank you. Madam Chair, there is one amendment to the proposal. So paragraph (c) as proposed by Sen. Mark looks good. The Minister of Agriculture, Land and Fisheries has just very prudently said that, as opposed to the Bureau of Standards, it really ought to be a representative of the Ministry of Trade and Industry because it may be a little bit more than the Bureau of Standards that you are looking for. So the limit of seven would have to be amended in the chapeau to subclause (2) 3D as in “Delta” on page 18, subclause (2) where the word “seven” appears in the second line, it should be “eleven”, and then in the amendment as circulated by Sen. Mark, with his permission, if I may suggest, that instead of, at (h) as in hat, the representative of the Bureau of Standards, that we go “a representative of the Ministry of Trade”—“a representative of the Ministry with responsibility for trade”.

5.30 p.m.

Madam Chairman: Is it the Minister of Trade and Industry or—

Mr. Al-Rawi: No, the Ministry with the responsibility for trade, so that way it will continue to speak. [*Crosstalk*]

Sen. S. Hosein: Thank you very much, Madam President. If we are going with Sen. Mark's amendment, I know he said that we are going to delete paragraph (f), for two members in the Minister's own discretion, right. Are we accepting that amendment also? Okay.

Madam Chairman: So this requires some refining as we go along, because is happening is Sen. Mark has circulated his amendment which would be further amended. We now have the proposal of, at 3D(2), for "eleven" as opposed to "seven" and on page 19 Sen. Mark is also proposing "subject to affirmative resolution of Parliament". So what I will do is put that last one first and let us just, so that I can then go on to the others. Is that okay? Members are following me? Yeah?

[*Assent indicated*]

So the question is that clause 8 be amended as proposed by Sen. Mark at 3E, by inserting the words after Order "subject to affirmative resolution of Parliament".

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

Madam Chairman: The question is that the amendment as circulated by Sen. Mark and further amended by deleting paragraph A and by inserting at C(h) removing the words "Bureau of Standards" and substituting "the Ministry with responsibility for trade". And further amended at 3D (2) by deleting the word "seven" and substituting the word "eleven". Please do not make me repeat this.

[*Laughter*]

Question put and agreed to.

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

Clauses 9 to 10 ordered to stand part of the Bill.

Clause 11.

Question proposed: That clause 11 stand part of the Bill.

Sen. Vieira: Thank you. This is the point that I was going to make earlier. Just wanted to check for the record that 5A(2), puts a requirement on citizens to report if:

“...detects or suspects the presence of a notifiable disease...”

But unlike 5A(5), failure to report is not an offence. So there is a duty to report but it is not a punishable offence. I just wanted to be clear on that.

Mr. Al-Rawi: That was the case because we were in a difficult situation of applying a criminal sanction in such a wide context and constructive notice, mens rea, all of the difficulties on that. So what we did was to put a positive obligation. We accept, we have seen Trinidad accept moral suasion and positive obligations without consequence in this COVID pandemic, so it is intended to be that way.

Madam Chairman: So let us treat with clause 11 in the same way that we treated with some of those longer clauses. Page 21. Page 22. Page 23. Page 24. Page 25. Page 26. Page 27.

Question put and agreed to.

Clause 11 ordered to stand part of the Bill.

Clauses 12 to 14 ordered to stand part of the Bill.

Clause 15.

Question proposed: That clause 15 stand part of the Bill.

Sen. Mark: Madam Chair, through you I am trying to get from the Minister and the hon. Attorney General. Attorney General, through you Chair, I really believe that you should consider a mechanism to avoid persons who would feel a sense of grievance or grieved to have some mechanism to approach the authorities and let—you all put system in place where they can adjudicate. I am having a difficulty,

honestly, Madam Chair, with himself taking decision for himself. And I see the inspector, whatever form he takes, right, you have a complaint, right, you could come for a review through, let us say a veterinary officer, but the final person who has taken a decision to revoke your permit is the inspector and he is the person who in the final analysis will determine if he is going to review and give you back your permit. And if you find he does not do it then as you said—was not the Appeal Court, I made an error, he has to go to the High Court. And I find that might be so expensive for persons who may not have the capacity and not only is it too expensive, hon. AG, the length of time it may take, you might lose your business if you are importing goods and services or frozen meat or cheese—

Madam Chairman: Sen. Mark, Sen. Mark, I am sorry to disturb in mid-flight, but are you treating with clause 15?

Sen. Mark: No, well, yeah, because remember in clause 15, Ma'am, you are seeing all the powers of the inspector. So I am just asking the Attorney General—

Madam Chairman: No, but could you, you need to drill down a little bit and be a little more specific at this stage into what you are asking the Attorney General. Attorney General, you seem to understand.

Mr. Al-Rawi: Yes, I fully well understand what my friend is saying; Sen. Mark. He is talking about redress and he is talking ultimately about the new section 21G as we come a little bit later down where, if you have a grievance in respect of the exercise of any power by somebody other than the inspector as to 21G(1) you make your plea to the inspector and the inspector reviews the position and then if you disagree with the inspector's decision under part (2) of 21G you go to the High Court. And Sen. Mark's submission is that the utilization of a tribunal can be less expensive and can offer us some relief, so it is not the person's boss who is deciding the position.

Permit me to answer this way. Having had the line of sight of tribunal work, as the Attorney General I am the person with responsibility for supervising administrative functions and outputs from the Equal Opportunity Tribunal, the Environmental Commission, the Industrial Court, the Supreme Court of Judicature, obviously including the Magistracy, et cetera. We are also in the process of birthing the tribunals for land tribunal, valuation tribunal, et cetera. And even though tribunals for a time sounded really good, the only tribunal that has really worked well from a cost perspective is the Industrial Court because the Industrial Court has really proved itself by its limitation on costs to be an effective regime.

We intend to come to Parliament very shortly to amend the domestic violence legislation and to use a bifurcated approach of certain tribunals, because they have began to find legs. But if you want to get a faster route to justice the High Court is still the fastest place, particularly when you are looking at prescribed cost applying in certain circumstances. So, the case law in Trinidad demonstrates that reviews are consistently made, if we look to the Companies Act as an example. If you cannot get the name approval from the Registrar you go to the High Court. If you look to a number of pieces of law you really get your relief from a High Court structure. To extend the time frame for the filing of a mortgage bill of sale you have to go to the High Court. And those things have turned out to be very inexpensive by way of the practice direction and procedural routes that the Chief Justice has applied. Particularly when we are looking to the establishment as I return as Attorney General in the next Parliament on the 12th, I have already drafted a small claims court and further divisions to the civil court which will take care of these things. So on round two we will better these hurdles.

Sen. Vieira: While the idea of having a tribunal looks good, as someone who has been involved in advising a number of tribunals I tend to agree with the Attorney

General, because what happens is particularly when you are dealing with lay members, not experienced judges or lawyers, they can get easily derailed because when lawyers appear before them the lawyers hijack the proceedings, when you are operating at large you do not have clear rules about burden of proof, whether strict evidence of rules apply. You know, the lawyers tend to go to the tribunals and treat them like full scale trials and so you end up dragging it out for a long time and still not getting a clear resolution. In my experience, as the AG suggested it might be better just to go to the court and let the court deal with it. You also have to ask: Who will comprise the tribunal? Who is paying the tribunal? Is it voluntary? So it is a real rabbit hole and I think that this might be the better route, honestly.

Madam Chairman: One last comment, yes.

Sen. Mark: Hon. Attorney General, a person is aggrieved and we have to go to this individual, officeholder. You and I have to file our assets, liabilities and income every year to the Integrity Commission. These officeholders who are going to be adjudicating, I cast no aspersions on anyone, they do not report to the Integrity Commission. So my concern is that if somebody, you know, in other words, people can be pressured, they can be influenced and I do not want this thing to just be a conduit, you go for a review, they reject you and you have to run to the High Court. So that is why, Madam Chair, I will say it is not necessarily a tribunal, Madam Chair, but some mechanism that we could have thought about or think through. I may not have the mechanism now, but rather than people having to go immediately to court that is what I was thinking about AG. Not necessarily a tribunal. You may come up with a committee.

Madam Chairman: I think, Sen. Mark, you have made your point. Attorney General, I do not think you need to respond.

Mr. Al-Rawi: But there is one quick one. That is why we put in the bribery conditions and breach of confidentiality later on in the Bill. So we have taken care of that.

Question put and agreed to.

Clause 15 ordered to stand part of the Bill.

Clauses 16 to 22.

Sen. Mark: Madam Chair, you were telling us a short while ago that you would go one by one. But I see that we are rushing on.

Madam Chairman: Hon. Senators, the question is that clauses 16—

Sen. Mark: Madam Chair, before you go, Madam Chair, on page 34.

Madam Chairman: Yes.

Sen. Mark: May I ask the Attorney General—

Madam Chairman: What clause?

Sen. Mark: That will be clause 20, Ma'am. Where are you, not 22?

Madam Chairman: I was on clauses 16—

Sen. Mark: To 22.

Madam Chairman: To 22.

Sen. Mark: Yeah, well I am on 20.

Madam Chairman: You are on clause 20.

Sen. Mark: Yeah, seeking clarification. Clause 20 comes before 22.

Clauses 16 to 19 ordered to stand part of the Bill.

Clause 20.

Question proposed: That clause 20 stand part of the Bill.

Sen. Mark: Madam Chair, through you to the Minister or the Attorney General. Attorney General, could you advise us what was the rationale for moving from 5,000 to 50,000? Is that a bit steep?

Mr. Al-Rawi: So, Madam Chair, we wanted to harmonize this but the Public Health Ordinance that we just amended recently. If you note, Madam Chair, in the miscellaneous provisions Bill that we just did a couple weeks ago we put the penalties for the breach of the Public Health Ordinance as at \$50,000 and that is why we took this particular approach. And the 50,000 is done because you have certain rules of discount in the criminal law. If you plead guilty up front, et cetera, et cetera. So we did not want to unwittingly have the position where the ceiling was too low when you did the one-third discount, et cetera. So it is (a), for harmony and (b), to take care of the methodologies or pleas which may be entered and judicial discretion on top of that.

Sen. Mark: Thank you, Ma'am.

Question put and agreed to.

Clause 20 ordered to stand part of the Bill.

Clauses 21 and 22 ordered to stand part of the Bill.

Clause 23.

Question proposed: That clause 23 stand part of the Bill.

Madam Chairman: Clause 23, page 35, page 36, page 37, page 38, page 39, page 40, page 41, page 42, page 43.

Sen. Mark: Through the Chair, Attorney General, I see there is a commingling or interaction between, on the one hand private veterinary surgeons and persons deemed inspector. I am trying to determine for instance within the framework of this statutory regime, what is the role of the private person? I just want to clarify what is the role of the private person.

Mr. Al-Rawi: So, Madam Chair, it is actually tied in to some of the amended regulations that we have and I believe it clause 27 coming a little lower down. The export of animals, and in particular, let us take the example of dogs which is

something quite close to many people's hearts. There is a certain age requirement, you have to have certain immunity positions; you have to have micro-chipping; you have to have certain positions here. The intention here was to recognize that there is a role to be played in the private sector as well. And the private sector position is to allow effectively for a devolution of functionality so the private vet can go ahead and do it. The University of the West Indies has the School of Veterinary Sciences, the regulation of that profession is something that will be done properly as we are doing amendments to the dental profession. In fact, we are doing funeral homes for the first time in this country as we speak. So we want to use the private sector but we put the caveat here "subject to the endorsement of the certificate by the Inspector". It is no different from land surveyors where the land surveyors has to be done by the authorities on the top end.

Question put and agreed to.

Clause 23 ordered to stand part of the Bill.

Clause 24.

Question proposed: That clause 24 stand part of the Bill.

Madam Chairman: Page 43, page 44, page 45.

Question put and agreed to.

Clause 24 ordered to stand part of the Bill.

Clause 25 ordered to stand part of the Bill.

Clause 26.

Question proposed: That clause 26 stand part of the Bill.

Madam Chairman: Page 45, page 46, page 47, page 48, page 49.

Sen. Mark: Yeah, Ma'am, page 49, subclause (3). You with me?

Madam Chairman: Yes.

Sen. Mark: Attorney General, I think the hon. Sen. Khadijah Ameen raised this

point and I am a bit concerned as well. Why are we placing the burden on the owner rather than the people who are importing these things and the failure of law enforcement to take charge? I think this is a reversal of the burden. I find this is amazing.

Madam Chairman: Minister of Agriculture, Land and Fisheries, I think you dealt with this in your winding-up.

Sen. Rambharat: Madam Chair, we addressed this during the debate. This requires the—there will be circumstances where the owner knows that there will be fireworks or the fireworks is being discharged and the clause places the responsibility on the owner to take reasonable steps to mitigate any suffering and I outlined some of the circumstances. It may be an animal that could be brought inside, an animal that could be calmed or an animal that could be placed in an area where the noise is reduced and those things.

Mr. Al-Rawi: So, Madam Chair, just from a point of law. Number one, we put the obligation upon the owner because the owner effectively has the fiduciary, if I could use that expression, the fiduciary responsibility to look after that which is within his or her charge. Two, to take reasonable steps to mitigate and therefore it is a measured sort of approach. Four, it is tied into the concept of animal welfare and the benefit to animals. I can tell you, Madam Chair, there was a point in time when I used to be able to go out for New Year's Eve. Now that I have a character named Roxy in my life, a beloved dog of ours who is mortified by fireworks, there goes my celebration because we have to be at home to make sure that she is not in any distress. It is the same thing that I am sure many people have in their lives. So we thought that this was a measured approach to share the responsibility because it is a responsibility to have an animal in your charge whatever that animal may be.

Sen. Vieira: Just for observations. Again, while that is a positive requirement or

duty on the owner of the animal, I do not see it as being a criminal offence—

Mr. Al-Rawi: Correct.

Sen. Vieira:—for failure to do it. Secondly, like the hon. Attorney General I tend to stay home with my animals at New Year's and for festive things and I do a number of things. I made sure that the gate is shut, for example, so that the dogs do not bolt out and get lost. I make sure that they are not chained so that they do not hang themselves and the particularly nervous dogs I would try and get valium or something like that. So it is basically a way to get you to become responsible for care of your animals.

Sen. Mark: Madam Chair, may I just clarify again? Attorney General, if somebody permits this unnecessary suffering as a result of fireworks, tell me if I am reading correctly, I do not believe this is correct, is that person committing an offence on page 54 and liable on summary conviction to a fine of \$200,000.

Madam Chairman: Sen. Mark, we are not on page 54, we are on page 49 and you raised this issue.

Sen. Mark: Oh, sorry, sorry. Okay, I am anticipating.

Question put and agreed to.

Clause 26 ordered to stand part of the Bill.

Clause 27 ordered to stand part of the Bill.

Clause 28.

Question proposed: That clause 28 stand part of the Bill.

In the proposed section 21(3), delete paragraph (n) and substitute the following:

“(n) Impersonates a veterinary officer or veterinary surgeon and provides or offers to provide the services of a veterinary officer or veterinary surgeon without being registered to do so or in the case of an

employee of the Ministry responsible for animal health, offers to provide such services outside the course of such employment.”

Sen. Rambharat: Yes, Madam Chair, we propose to in section 21(3), delete paragraph (n) and substitute the following so that (n) now reads:

“Impersonates a veterinary officer or veterinary surgeon and provides or offers to provide the services of a veterinary officer or veterinary surgeon without being registered to do so or in the case of an employee of the Ministry responsible for animal health, offers to provide such services outside the course of such employment.”

Madam Chairman: And can you just indicate the purpose of the amendment.

Sen. Rambharat: Madam Chair, it was to deal with the issue of language, to deal with registration of the vet as opposed to licence because the veterinary surgeons legislation deals with registration of the vet as opposed to licensing.

Mr. Al-Rawi: So there is dichotomy between officer and surgeon and we needed to capture that with crystal clarity.

Madam Chairman: Sure. Sen. Mark.

Sen. Mark: Hon. Attorney General, if someone fails to protect his or her animal including suffering caused by exposure to fireworks, am I reading correctly here—

Madam Chairman: What page?

Sen. Mark: At page—am I okay on page 54?

Madam Chairman: Yes.

Sen. Mark: At the bottom of page 54, Madam Chair—

Madam Chairman: Umm hmm.

Sen. Mark: I am seeing:

“...commits an offence and is liable on summary conviction to two hundred thousand dollars and”—to—“a term of five years.”

Am I reading correctly? It just does not make sense. So somebody does not take care properly of their animal, fireworks, and a police come and arrest you, you could face \$250,000 and five years in jail for that? That is disproportionate man.

Madam Chairman: Sen. Mark, just for everyone's enlightenment at page 53 at (g) there is an offence and then at page 54 at the bottom, that is the penalty for the offence. So that is what you are linking.

Sen. Mark: Yes, Ma'am. And I am just asking the Attorney General if we could revisit this. It is really harsh.

Mr. Al-Rawi: So, Madam Chair, it is two different things. Let me allow the Minister of Agriculture, Land and Fisheries because it is his pet project and I will come in on the law in just a little while and I will refer you to the Summary Offences Act which we amended just recently.

Sen. Rambharat: Madam Chair, it seems to me what Sen. Mark is referring to at—

Madam Chairman: Page 53.

Sen. Rambharat: He is referring to (g) but using the language that is on page 49 which is the language of 18I(3). So is it 18I(3) he is cross-referencing to?

Madam Chairman: No, he is actually, if I may—

Mr. Al-Rawi: Perhaps I could assist, Madam Chair. At page 53, Sen. Mark is referring to subclause (3)—

Madam Chairman: Yes.

Mr. Al-Rawi: “(3) Any person who—

- (g) permits an act or an omission to act by another person that causes unnecessary suffering to an animal including suffering caused by exposure to fireworks;”

Madam Chairman: Correct.

Mr. Al-Rawi: And then he goes to chaussure:

“commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and imprisonment for a term of five years.”

So I catch what Sen. Mark is saying. Perhaps we ought to give this some thought. In the summary offences that we did in the miscellaneous provisions Bill recently where we looked at the amendments to that law we in fact went with \$100,000 and we went with six months. I specifically in doing that law referenced the fact that this clause had this in it. Because this is what the stakeholders had come up with at that point in time.

6.00 p.m.

So because it is a combination of 14 matters that attract the chaussure—that is the shoe of the offence—

“commits an offence and is liable on summary conviction to a fine of two hundred thousand dollars and imprisonment for...five years.”

—the point is tampering with samples you can understand that; imports and animal carcasses, you can understand that; carries out activities which require permit; alters, forges, defaces, tortures, beats, neglects; convenes 18B, 18D, 18I; permits an act or an omission to act by other persons that causes unnecessary suffering; possesses, sells or offers for sale; throws or places or causes to be thrown or placed in a public place; digs up; imports any animal carcasses; assault, resists, intimidate, threatens or wilfully obstructs, and (n) impersonates a veterinary officer.

So the question on the table right now is whether permitting an act or an omission to act by another person that causes unnecessary suffering to an animal including suffering caused by exposure to fireworks, I think if I put Sen. Mark's submission succinctly it would be whether this is excessive criminalization to expose the person to summary conviction, a fine of 200,000 and imprisonment of

term of five years, and I think that is a question that is on the floor. So I will put that in terms of the policy to my colleague, the Minister of Agriculture, Land and Fisheries, because it is worthy of a discussion respectfully.

Madam Chairman: And in the meantime, Sen. Vieira wants to say something.

Sen. Vieira: Well, I agree. It think 18I(3) is different to 21(2)(g). 18I(3) is the positive duty to try and prevent suffering. 21(2)(g) is where you actually cause the suffering. Now, when I saw the exposure to fireworks I was thinking about what I had heard certain people used to do. They thought it was funny to tie firecrackers to a cat's tail for example and let the cat kill itself. Some people think it is funny to terrorize animals by throwing firecrackers at them. But I agree with you Sen. Mark. I think (g) can be achieved by striking out "including separate cause by exposure to fireworks" because if they did that you would still be captured, and it does not complicate matters with the earlier one. So if you just going to say "permits an act or an omission to act by another person that causes unnecessary suffering on animals", that should suffice I think.

Sen. Sobers: Madam Chair, when I read it as well too—you see, what I am thinking about in a situation like this, if you as the owner of the dog or dogs, you leave the country, you are not in the country, and you have the pets in the care of a relative and you would have given certain instructions for certain things to be done for the safekeeping and well-being of the dog, but for whatever reason that person does not do it, it seems as if you would be caught here as well too by the reading of it, and I am thinking that it may very well be a bit too excessive to have someone be possibly liable for a fine of \$200,000 and imprisonment for a term—I mean, it is obviously up to the discretion of the magistrate and whatever pleasing mitigation that can be made at that juncture, but it is still extremely excessive.

Mr. Al-Rawi: So, Madam Chair—

Madam Chairman: I think you could ask for the Minister's comments.

Sen. Rambharat: Madam Chair, at the outset when Sen. Mark made the point, that is why I was trying to direct his attention to whether he was dealing with 18I(3) or (g), and he insisted he was dealing with (g). Just to deal with 18I first because 18I(3), that offence is in the 200,000 category, and when you look at what else is in 18I it is the sort of behaviour that we want discourage.

Mr. Al-Rawi: So, Madam Chair, we are in classic conundrum right now about how one comes up with offences and penalties which in my 10 years in Parliament now have taught me is sometimes an ad hoc arrangement. I have seen it in many, many hundreds of Bills literally. The first point is that it is a summary conviction. Summary convictions have a statutory period of six months to be brought; secondly, we all know that the prescription of the upper limit, i.e., \$100,000 or \$200,000 or five years, those upper limits are not mandatory. It is not that you are going to be exposed to 200,000 and to five years. It is within the discretion, as Sen. Sobers quite rightly said, it is within the discretion of judicial officer. One need only look at the provisions of bail to understand how that could go in different directions.

So the aspect of excessive criminalization really comes about because whilst we may talk about a dog we can also talk about very valuable other forms of animals, a genetic breeder, or some other fashion, where it is more than just cruelty, there is also loss of property, there is significant damage. If you look to our buffalypso herd, for instance, we are talking about a genetic pattern in some instances where you can get to that point. So where you draw the line on these things become hard because the range of circumstances is hard, what we know for sure is that the summary offences \$400 limit is just not on. I recall vividly one of the things that I enjoyed greatest about doing land work and transactional work is

to see when land used to cost \$100 and \$50 and you are buying acres and acres of land. So back then in the summary offences \$400 was a lot of money.

So I am torn genuinely into where do we draw the line. I am sure that in the miscellaneous provisions what we did is we did not go for 200,000, we went for 100,000, and I recall we went for 12 months?—one year. In those circumstances and for consistency, I suggest that what we do is that amend the clause. On page 54, if we amend the liability on summary conviction to a fine of instead of 200,000 instead we go to 100,000 and to imprisonment for a term of one year because the mere fact of imprisonment at all is a consequence and deterrent, and certainly 100,000 gives you a point. It would keep in line with the policy that the Cabinet approved in the miscellaneous provisions Bill, and therefore, we could find some solace there. What we would do is to know that we could amend the law prospectively as we see other iterations of examples coming forward. So here is where we have really valued the views of the Senate as whole, Madam Chairman.

Madam Chairman: Sen. Vieira, one final comment because I have to put the clause to the committee.

Sen. Vieira: I would be cautious about lowering the penalty particularly when you see about importing any animal except through a defined port of entry. The trade in wildlife is such that if the fine is too low then it is a risk of doing business. You could pay the fine and still make a profit. Impersonating a veterinary surgeon or officer, that is equivalent of being a dental quack and you can do great harm. So I am not so sure we want to lower. Leave it at the court's discretion depending on the severity of an offence. Tying a firework to a cat's tail, killing an expensive breeding animal, these could attract very heavy penalties and rightly so.

Madam Chairman: So, hon. Senators, the question is that clause 28 be amended

as—

Mr. Al-Rawi: Sorry. Oh I apologize. So sorry.

Question put and agreed to.

Clause 28, as amended, ordered to stand part of the Bill.

Clause 29.

Question proposed: That clause 29 stand part of the Bill.

Sen. Mark: Hon. Minister of Agriculture, Land and Fisheries, and AG, when we talk about “officer”, we are talking about public officers here?

Madam Chairman: This is clause 29, right?

Sen. Mark: Yeah, 21A, clause 29.

Madam Chairman: Yes.

Sen. Mark: I am trying to understand when we talk about officers—

Madam Chairman: Page 55, Minister.

Sen. Mark:—are we talking about contract officers?

Mr. Al-Rawi: It would include both, Madam Chair. “Officer” is a term recognized in the public service as being filled both by permanent and/or contract positions.

Sen. Mark: Now, the reason I am asking this is because I know in the public service they have their own system of sanctions. Are we seeking to now supersede or add to those sanctions? Because, Madam Chairman, if we are talking about public officers and they are found guilty of any offence then I know that they have certain rules in the public service, but I am saying are we going outside of the public service now and putting another stream of rules? That is what I am concerned about.

Mr. Al-Rawi: So, Madam Chair, we are creating offences. The public service rules and regulations stand as per the constitutional arrangements and the laws that

manage that. Parliament creates—in this instance we are creating offences and we considered these to be deserving of offences. So it is as set out in the versions of 21A, 21B, et cetera, as we move along. So there are two separate streams that we are looking at. We are not looking at the pseudo-civil which may get to administrative impositions, et cetera. And the public service regulations, of course, as you are well aware, Madam Chair, may include ducking of salary or recommendations for other treatment, et cetera. We are looking at offences here properly.

Madam Chairman: Clause 29, page 55, page 56, page 57.

Question put and agreed to.

Clause 29 ordered to stand part of the Bill.

Clauses 30 to 33.

Sen. Mark: Madam Chairman, 31(23)(a), after the word “Order” subject an affirmative resolution of this House.

Clause 30 ordered to stand part of the Bill.

Clause 31.

Question proposed: That clause 31 stand part of the Bill.

Madam Chairman: Clause 3, be amended, as proposed by Sen. Mark, by inserting the words after “Order” “subject to affirmative resolution of Parliament”.

Mr. Al-Rawi: Madam Chair, I must respectfully decline the opportunity on this occasion to go with Sen. Mark’s amendment. I say so because if you look at the subject matter of Schedules, Schedule 1, et cetera, Schedule 2, importation of poultry. Schedule 1, of course, is where we have a notifiable diseases within the meaning of this Act. The EIO requires us to be nimble in implementing what the World Health Organization equivalent for veterinary or zoological aspects determines to be diseases. To move a Motion that you can only do that by an

affirmative resolution of Parliament, you may very well find that your entire country collapses. Could you imagine if COVID-19 required to come and declare it to be a dangerous infectious disease by Order of affirmative resolution? Trinidad and Tobago would be with a trainload of coffins at this point. So, because of the nature of this subject matter and what the Schedule set out in particular, we must preserve the nimbleness of amendment, and so we respectfully declined.

Madam Chairman: Hon. Senators, the question is that clause 31 be amended as proposed by Sen. Mark by inserting the words “subject to affirmative resolution of Parliament” after the word “Order”.

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

Question put and agreed to.

Clause 31 ordered to stand part of the Bill.

Clauses 32 to 37 ordered to stand part of the Bill.

New clause 20A.

New clause 20A read the first time.

Question proposed: That the new clause 20A be read a second time.

Section 20 20. The Inspector may from time to time for the purpose of
amended this Act:

- (a) issue one or more codes of animals welfare, and
- (b) amend or revoke any code of animal welfare issued or adopted under this Act with respect to standards of care to be provided in respect of any animal or class of animals.

Sen. Mark: Madam Chair, I noticed that there were no codes for dealing with animal welfare and I believe that it is something that the Government ought to be incorporating into the legislation, and I have suggested this proposed new clause

for the Government's consideration because people need to know and they need to be guided and it just cannot be raw legislation. There must be codes that anyone can look at, study and be guided by in their interaction with animals. So, hon. Minister of Agriculture, Land and Fisheries, through the Chair, I am saying that there was no presence of a code or codes for animal welfare in the legislation, and I am just asking you—maybe I missed something, maybe it is going to be included in the regulations, I do not know, but not seeing it I decided to formulate and ask for Government's consideration.

Sen. Rambharat: Madam Chair, the Bill provides, if you go to clause 8, on the proposed 3B, you would see first the functions of the Inspector are at:

“(a) to enforce the Act and any subsidiary legislation made thereunder, and to advise the Minister on all matters related to animal health;”

Then you would see on page 16, (o), under again, functions of the Inspector, “establish guidelines for animal welfare standard” and at (q), advise the Minister “on the making of Regulations under this Act and any other written law”.

So it is the inspector who triggers the regulatory making power and establishes the guidelines, and throughout the power of the inspector you will see cross references to the OIE, and then the introduction of the animal welfare, the expansion of the regulatory making power of the Minister includes all those provisions relating to animal welfare standards. So what is proposed here really goes counter to what is in the Bill. The inspector already has his power. The Minister has power to make regulations, and the inspector is the person who advises the Minister on that regulatory making power.

Sen. Mark: Hon. Minister, would those regulations be tabled in Parliament?

Sen. Rambharat: Yes.

Sen. Mark: Madam Chair?

Madam Chairman: Yes, Sen. Mark.

Sen. Mark: I withdraw.

Madam Chairman: You withdraw it?

Sen. Mark: Yes.

Madam Chairman: Thank you very much. So new clause 20, the amendment as proposed by Sen. Mark is hereby withdrawn.

Amendment, [Sen. W. Mark] withdrawn.

Madam Chairman: Sen. Mark, with respect the new clause 31A, if you look you will realize that that was the amendment that we had put previously to clause 31 when we dealt with it, yeah? So will you withdraw?

Sen. Mark: Yes.

Madam Chairman: So new clause 31A is hereby withdrawn.

Amendment, [Sen. W. Mark] withdrawn.

Question put and agreed to: That the Bill, as amended, be reported to the Senate.

Senate resumed.

Sen. The Hon. C. Rambharat: Madam President, I wish to report that a Bill entitled Animals (Diseases and Importation) Bill, 2019, was considered in committee of the whole and approved with amendments. I now beg to move that the Senate agree with the committee's report.

Question put and agreed to.

Bill reported, with amendment, read the third time and passed.

ADJOURNMENT

The Minister of Energy and Energy Industries (Sen. The Hon. Franklin Khan): Madam President, I beg to move that this Senate do now adjourn to Wednesday 20th May, that is tomorrow, 2020, at 10.00 a.m. During that sitting, we

will debate a Bill entitled an Act to provide for the registration and regulations of real estate agents.

Madam President: Hon. Senators, before I put question on the adjournment, leave has been granted for two matters to be raised. Sen. Mark.

**Visit of Venezuela's Vice-President
(Disclosure of Reasons)**

Sen. Wade Mark: Thank you very much, Madam President. Madam President, the first of the two matters would deal with the need for the Government to disclose the reason or reasons for the Prime Minister receiving the President of PDVSA at the Diplomatic Centre on March the 27th, 2020, when the Government had informed the country that the purpose of the meeting was to discuss and collaborate on the response to COVID-19 pandemic.

Madam President, the need for the Government to fully disclose the reasons for the Prime Minister receiving the President of PDVSA, one Mr. Asdrubal Chávez, at the Diplomatic Centre on March the 27th, 2020, when the Government had informed us otherwise. From the onset, the Government hid the fact that this gentleman, the cousin of the former President of Venezuela, was present in the delegation.

The hon. Minister of National Security never mentioned his presence—that is Mr. Chávez—when he told the House of Representatives sometime in April of the Vice-President's visit to this country, and in a response to a question that was posed by the Member for Oropouche East and I quote:—I hope I am not mixing up those two.

Madam President, as I said, we were told at that time based on a response that all commercial flights—
So all I am quoting of the—

Madam President: Sen. Mark.

Sen. W. Mark: Yes, Ma'am?

Madam President: I think—there are two matters on the adjournment and I think you are mixing them up in your presentation. So I think just take a minute, or half a minute, and just look through the matters that you have filed so that you can be a little more specific in your Motions and relevant.

Sen. W. Mark: Okay. All right. Madam President, all right. I understand what you are saying. So what we are seeking to get here is first of all the presence of this gentleman at the Diplomatic Centre.

Madam President, when we looked at the actual qualifications and the experience of this Mr. Chávez, nothing seems to qualify this gentleman for such discussions. It was rather odd and curious that someone who is versed in petroleum and energy will be discussing COVID and other health-related matters, or even security of Trinidad and Tobago in light of this COVID-19 pandemic.

Madam President, if we look briefly at the qualifications of this gentleman, we would see that this gentleman was a former Minister of Petroleum and Mining. He was the CEO of CITGO Petroleum Corporation and he was appointed President of PDVSA on the 27th of April, 2020, and when we look at the CV we saw nothing really qualifying this gentleman to be an expert on this matter of COVID-19. Nothing in Mr. Chávez's qualifications and experience qualifies him to be in this particular area, and therefore, Madam President, we find it incredulous that any country will send an oil person to discuss COVID-19 which is a very serious matter.

Madam President, there are reports in various national papers in Venezuela reporting that this visit amounted to and led to the signing of oil and gas agreements with the Government of Trinidad and Tobago.

6.30 p.m.

And this seems to be at variance with what the country is being told about COVID 2019. Why was this gentleman present, in addition, Madam President, to other top executives of this oil company called PDVSA at the meeting and we were never told, Madam President, of this? The defence and excuse by the Government, that Mr. Chávez was not President of PDVSA at the time, is very hollow and shallow, as he was appointed, Madam President, less than one month later when he left Trinidad and Tobago. This gentleman previously, as I said, was the president of CITCO, the US-based subsidiary of PDVSA.

Madam President, since February 20th, we have been told by the President of Venezuela that he would be creating a presidential commission to restructure the country's beleaguered oil industry, which will be led by the Vice-President for the economy, Tarek EL Aissami. Since then, the world knew that the same gentleman, Mr. Chavez, was involved at the top tier levels of the Venezuelan oil game.

So, Madam President, the question that we are seeking to clarify today is: Why the Government chose to have in a delegation of seven or six that visited the Diplomatic Centre, why did the Government not level with the nation and tell us that this gentleman was included? We were only advised by the Minister of National Security and even the Prime Minister that there was only one person, literally, at that level of the meeting, which was the Vice-President.

So, the Government has been obviously—not being upfront, has not been truthful with the population, has been maneuvering and seeking to misguide and misinform the population on this very important issue. And I think it is incumbent upon the Minister of National Security to tell the nation the truth, level with the nation, let us know what actually took place at that meeting, COVID, or was it an oil deal? Was it COVID, or was it a gas deal? Tell the country the truth. Because

in Venezuela, the people are being told it was about an oil and gas deal, and it had nothing to do with COVID-19, and security, and refugees and migrants.

Madam President, I think that the country cries outs and is demanding answers from a beleaguered Minister of National Security, a Minister who, Madam President, has been told in an editorial by the *Express* that he has to go. And the reason for that, Madam President, is because—

Madam President: Sen. Mark. Sen. Mark, your time is up.

Sen. W. Mark: Yes. Thank you very much.

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): [*Desk thumping*] Thank you very much, Madam President. Madam President, it dawns on me as I made my way to the Senate here today to respond to this Motion on the Adjournment, that no matter how much one may scream from any pulpit, any mountain, any soapbox or anywhere, it simply cannot change what is the truth.

So I have listened over the past few days, past weeks—two weeks, at all of the various versions, all of the various attempts by those in the Opposition, from the Leader of the Opposition go down, at their attempts to twist, to turn, to weave a narrative and to tell a story, that quite frankly is based on no fact. The truth is, and the truth can only be, because there is only one version of the truth, on the 27th of March, 2020, a meeting took place at the Diplomatic Centre. At that meeting, present at that meeting, as has been stated by the Government time and time again, the Prime Minister and myself.

The meeting on the Trinidad delegation comprised the hon. Prime Minister, the Minister of Foreign and Caricom Affairs and myself. The meeting took place on the 27th of March, just after noon. The meeting lasted less than 40 minutes. My recollection was just about half an hour. And right after, a release was put out by

the Office of the Prime Minister, indicating to the world at large that the Prime Minister had met with the Vice-President of Venezuela, Ms. Delcy Rodríguez. Ms. Delcy Rodríguez, as I had said before, in the first week of March requested a meeting with the Prime Minister. The Prime Minister returned to Trinidad and Tobago on the 10th of March. He gave the clearance for a meeting. She requested of me for that meeting to be held. At no point in time, whatsoever, did either the Prime Minister or myself ask Ms. Delcy Rodríguez who would be part of her delegation. That simply is not part of how we operate.

In fact, as I was listening to Sen. Mark, it reminded me that not too long ago, the hon. Prime Minister had a meeting at the same Diplomatic Centre with at least about 15 or 20 of the latest installed US Generals in the army and navy of the United States Army and the United States Navy. And again, we went into that meeting. Prior to the meeting, I had no listing of the delegation nor did the Prime Minister. We met with all of these US Generals and we spoke about certain things.

So it is not abnormal. So on the 27th of March, as well, no matter how they in the Opposition try to twist and turn it, Mr. Asdrúbal Chávez was not the president of PDVSA. And you will see the continued attempt by the Opposition to make him a President of PDVSA or the President of PDVSA on the 27th of March.

The Motion that we are debating here today is the need for the Government to disclose the reason or reasons for the Prime Minister receiving the President of PDVSA, Mr. Asdrúbal Chávez. He was only made the President of PDVSA on the 27th of April, a month after. We subsequently found out that at the time, when he was in the meeting with Ms. Delcy Rodríguez, the Prime Minister, Minister Moses and myself, he was part of a committee to restructure PDVSA. We did not tell the Vice-President of Venezuela whom she should bring. All of the other persons who accompanied her, security personnel, her personal secretary, others, and as we have

now seen other persons, who it appears were employed with PDVSA, did not meet with the Prime Minister, Minister Moses and myself. No matter how they try to twist and turn it, the fact is they did not meet with us. They were put in a holding bay, somewhere separate in the Diplomatic Centre.

In fact, as we accompany the Prime Minister down the stairs into the meeting, Ms. Rodríguez and Mr. Chávez were already seated in the room in PPE gear. So we did not meet anyone else nor were we introduced to anyone else, Madam President.

I have also heard Sen. Mark talk about, in Venezuela people are saying that it is an oil and gas deal and attributing it to the Opposition. I have absolutely nothing to say about the Opposition in Venezuela. But it did spin in my mind that if people were to listen to the Opposition in Trinidad and take what the Opposition in Trinidad said as the truth, 99 per cent of the time, they would be misled. There was absolutely no agreement signed on the 27th of March, 2020, no agreement with oil, no agreement with gas, no agreement with anything, Madam President. The meeting—and no matter how they continue with their narrative, it is not going to change.

What was discussed at that meeting was aspects of COVID-19. COVID-19 is a deadly virus. We in Trinidad and Tobago were concerned because we already have 16,523 registered Venezuelans and I am certain, a few more here, and we were worried that if COVID-19 took off at a rate in Venezuela, what would it mean for a migratory pattern into Trinidad and Tobago and an influx. That is what the discussion was about.

I am sorry to disappoint the Opposition and all others who wish the conversation could have been about something else. The meeting was a very short meeting with five persons there: the Prime Minister, Minister Moses and myself

represented Trinidad and Tobago. We met with Ms. Delcy Rodríguez and who I now know to mean Mr. Chávez. And ironically, the photograph I have seen of Mr. Chávez circulating is one with himself, President Maduro, Mrs. Kamla Persad-Bissessar and Mr. Kevin Ramnarine. That is the photograph I have seen. Prior to that, I did not know who this gentleman was. There was no signing of any oil and gas agreement and no matter how they try to twist it otherwise, Madam President, the truth is the truth. What happened on the 27th of March is a fact. We met with those two individuals. He was not the President of PDVSA. On the 27th of March, 2020, the President of PDVSA was in fact Minister Manuel Quevedo, not Mr. Chávez, and they cannot change that fact.

So, Madam President, I am sorry to continue disappointing my friends. I am sorry to continue having to tell the population, at every single opportunity, the same facts over and over and over. But the facts that we speak are the truth. Thank you very much, Madam President. [*Desk thumping*]

Exemptions Granted to Land in T&T

(Details of)

Sen. Wade Mark: Yes, Madam President, the second matter we would like to explore and get answers to is the need for the Government to explain the conflicting information it has provided in response to a question in the other place in April 2020, and I quote:

“...the number of exemptions granted... to land in”— T&T— “from March 23, 2020 to date?”

—at that time. And the information subsequently revealed on the number of persons actually landed as part of the Venezuelan delegation on March 27, 2020.

Madam President, the Government, through the Minister of National Security, never mentioned the presence in that delegation of a number of persons

when the hon. Minister of National Security, in a response to a question in the other place stated, and I quote:

“So all the commercial flights, all of the flights that are not cargo flights that were not allowed to land, save for the disembarkation of 33 nationals, and save for the visit of the executive Vice-President of Venezuela, who immediately upon completing her meeting with the hon. Prime Minister left.”

All this is a quotation. And the quote continues, Madam President. And I want emphasize this. This is Minister Young:

“There were no other persons allowed to disembark.”

Madam President, the Minister of National Security tells the Parliament that on the 27th of March, 2020, only the Vice-President disembarked from that plane. And he is quoted as saying, and I quote again:

“There were no other persons allowed to disembark.”

Madam President, this statement is now proven to be a total falsehood, a total untruth, as all seven members of the delegation, including the Vice-President, were allowed to disembark as was indicated by the hon. Prime Minister's own words at a press conference on May 08th, when he said, and I quoted:

And yes, there was a delegation, a small delegation that accompanied her. I think they were all men, most of whom were not introduced to us.

Madam President, this is contradictory to the reality of what took place. Madam President. The defence and excuse by the Government that at the time one of the delegates, or a member of the delegation, as the Minister just said, was not yet President of PDVSA at the time, Madam President, is very hollow. Because we know that after that meeting, less than a couple weeks after, the same gentleman who was not the then President became President, Madam President.

Madam President, we need to get answers from this Government because the Government is saying, through the Minister of National Security, that:

“There were no other persons allowed to disembark.”

This was in response on the 29th of April, 2020, to a question. Madam President, why did the Minister not tell the Parliament, at that time, what were the facts? Did the Minister not know, at the material time, that there were seven persons who were allowed to disembark? Why did the Minister go on public record and on the *Hansard* by telling the country, Madam President, that there were no other persons who disembarked on that flight?

Madam President, it is clear, the Minister cannot be trusted. The Minister not only, I would not say misled, Madam President, but the Minister provided misinformation, disinformation, distraction and a full deviation from the reality.

I want to remind this honourable House, only this evening, only today, Madam President, the United States Ambassador issued a statement in order to correct the records. Madam President, we were told in this very Chamber— I am just linking those points. I raised a question on the Rio Treaty, Madam President on this matter and the hon. Minister told this Parliament that he had, what? Great discussions with the Ambassador and the Ambassador never raised at any point in time the whole issue of the Rio Treaty.

Madam President: Sen. Mark, while I normally give a lot of latitude when matters like this are being raised—but you are going completely, completely, you are deviating completely from the matter at hand. I need you to come back to the Motion that you have presented.

Sen. W. Mark: So, Madam President, thank you very much. Madam President, the reality is that the Minister did not speak the truth when he gave conflicting information. The reality, Madam President—and he needs to apologize to this

country. He needs to apologize to this country and to this Parliament. When the Minister was asked, he is on record as saying—and he cannot wipe this from the history books, it is in the *Hansard*:

“There were no other persons allowed to disembark.”

And the Minister knew on that day, March 27th, because he was part of the meeting.

And, Madam President, you would have seen where the hon. Minister gave permission for these persons to land in this country. So how come a Minister, on the 27th, was in a meeting, gave permission on the 26th for these people to land here, comes to the Parliament on the 29th of April, a couple weeks after that visit, Madam President, and tell this Parliament, and tell the country, Madam President, that:

“There were no other persons allowed to disembark.”

And he went on further to say, Madam President, that is the Minister, that only:

“...the visit of the executive Vice-President who immediately upon completing her meeting with the hon. Prime Minister left.”

So, in his statement why did the Minister of National Security not advise the Parliament of the full delegation? Why did the Minister hide the truth? Why did the Minister not put on the record? Madam President, this is inexcusable. It is indefensible. It is unforgivable, and I am saying that the Minister must do the decent thing. He must resign from his job and he must apologize to the country, Madam President. He needs to give this country a proper explanation for this misinformation, disinformation, and his intention, Madam President. I do not know if it was deliberate or calculated but he misled and he misguided the country at the material time, Madam President.

Madam President: Sen. Mark, your time is up.

The Minister of National Security and Minister in the Office of the Prime Minister (Hon. Stuart Young): Thank you very much, Madam President. Just to bring the temperature down and take us back to a sane place. First of all, if I may be permitted, less the population be misled once again by the Opposition, to go to that day in the House, the other place, on the 29th of April, 2020, and I am reading from the *Hansard* of that day. The question asked by the other misleader, the Member for Oropouche East:

"To the Minister of National Security: Could the hon. Minister of National Security indicate the number of exemptions granted and reasons for permission to land in Trinidad and Tobago from March 23, 2020 to date?"

There was some confusion as to where that question led and what exactly was the question. I responded:

"Thank you very much, Madam Speaker. Madam Speaker, the Government took a very careful decision at the outset with respect to exemptions in relation to border control and put it under the Ministry of National Security for, amongst other reasons, the necessity to protect security matters. Nevertheless, the exemptions granted for persons to land in Trinidad and Tobago are the 33 nationals who returned from Barbados. That was on the basis of an agreement with the Government of Barbados at the time, and as we have already indicated we are going to allow persons to return from Suriname. That process is being worked out now."

What then happened is the Member for Oropouche East then asked:

"Mr. Minister, could you tell us the amount of aircraft granted permission to land, including the Vice-President and officials of Venezuela, including the private jet last Saturday?"

Because you see, as is normal, what was happening is the Opposition was trying to

create mischief. What was happening is that the Opposition was trying to create some element of doubt in the population's mind as to what was going on. The conversation at that time was there were five private jets that had flown in a Saturday to Piarco. Who came on these jets? So in response— and then what he went on to say:

“We want to the number of exemptions and reasons for permissions to land, not the number of human beings. Aircraft number, not human being...”

So one minute he was asking for the number of persons. As I was answering that— no, I want to know what is the aircraft that landed. The Speaker then intervened, Madam President.

“Well you see, maybe the question was not done as clear as you have asked now.”

And Dr. Moonilal said:

“But he can say...”

Madam Speaker intervened:

"Please! I would allow the number of aircraft as a supplemental question.”

And that is the question I was answering. So the Speaker then said:

“I would allow the number aircraft as a supplemental question.”

Dr. Moonilal said:

“Okay...”

And that is what I was answering. But Sen. Mark comes here today pan picking, cherry picking, what parts of my response he reads and does not put it in proper context and then has the gall to be suggesting that I am the one misleading the population. So I will tell the population. After it was agreed between the Speaker and Dr. Moonilal that I will answer the number of planes now, not persons, I then said:

“Madam Speaker, it is obvious that the author of the question did not even understand the English Language, because permission to land, the granting is not for granting of aircraft. The granting is for persons to be landed in Trinidad and that is individuals.”

Because you see, as the Minister of National Security in this COVID crisis when our borders are closed, what I do is I grant permission for individuals to enter Trinidad and Tobago, aircraft, cargo aircraft that come in on a daily basis. Aircraft may come to drop off people and leave. They are not allowed to disembark. So I went on to say:

“The granting is for persons to be landed in Trinidad and that is individuals. With respect to aircraft, as the regulations stand, cargo aircraft are allowed to land in Trinidad. We have also allowed a number of commercial flights. I do not have the exact number. No one was allowed to disembark. The five private charter flights that came in over the weekend, last week Saturday, as we have already explained, was on the basis of expatriating. So all of the commercial flights, all of the flights that are not cargo flights that were allowed to land, save for the disembarkation of 33 nationals, and save for the visit of the executive Vice-President of Venezuela, who immediately upon completing her meeting with the hon. Prime Minister left. There were no other persons allowed to disembark.”

There was no attempt to mislead the population. I do not need to hide from the fact, as we have stated time and time again, as I just stated again, that the Vice-President of Venezuela, Delcy Rodríguez, came here with a delegation.

And this letter that they have referred to repeatedly from a Permanent Secretary in the Ministry of National Security, the Chief Immigration Officer stating that the Minister of National Security has granted an exemption to a list of

persons. That is the delegation of the Vice-President, Delcy Rodríguez. I did not sit down with every single name. What I said to the public servants was permission is going to be granted and is granted to the Vice-President of Venezuela to come to Trinidad with her delegation. We have good public servants in this country. We have good immigration officers. The public servants, the Permanent Secretary in the Ministry of National Security is doing yeoman service and I thank them here today for all that they are coping with in this difficult time.

The Permanent Secretary understood what I meant when I said that the Vice-President is coming, her and a delegation, and grant them an exemption, and proceeded to his work without me having to micromanage or ask him who is coming, what plane they are coming in? That conversation never took place. He went ahead, as he should, and issued a letter to the Chief Immigration Officer, Civil Aviation, et cetera, for them to permit the Vice-President of Venezuela to come here. There is absolutely nothing for this Government to hide. So shout high, shout low, do whatever you want.

As I said a short while ago, Madam President, unfortunately for the Opposition the truth is the truth and I have never stood anywhere in public and misled this public of Trinidad and Tobago, nor will I do so.

With respect to the attempt to quote a statement that was put out this afternoon by the US Ambassador, I have just responded to that statement, with the greatest level of respect and I would put on to the *Hansard* here again that there is a good working relationship. And in my statement I quoted what I said here not too long ago on the 13th of May in an answer to Sen. Mark:

“Madam President, can the hon. Minister indicate whether the Government of Trinidad and Tobago is conscious of a statement issued by the United States Government concerning this country's violation of the Rio Treaty? Is

the Government of Trinidad and Tobago aware of the issuing of such a statement by United States Government?”

I answered as follows:

“As I have said Madam President, we continue to have open channels of communication. In fact, last week the United States Government’s head top diplomat in Trinidad and Tobago, that is, the Ambassador, not any underling who may or may be speaking to the media, the United States Ambassador had a conversation with me, as a representative at the Cabinet level of the Government, and there were other conversations had...”

And this is what I said, Madam President.

“...there was no raising of the breach of any treaty.”

I did not see it fit to tell the public what was the conversation between the United States Ambassador, who I have a great level of respect for, and myself, and what exactly he is discussing with me. I was asked whether he raised the breach of the treaty. There was no positive indication that we had breached the Rio Treaty and I did not mislead. And I have indicated that in a statement to the public here this afternoon.

I will put on the *Hansard*, as I conclude and thank you once again, Madam President, and the Members of this august Chamber for the opportunity to put the truth on the *Hansard*. At National Security, in particular, we have an excellent working relationship with many arms of the United States Government, that is a mutually beneficial relationship as we fight crime, corruption, criminality and do other things for the benefit of the people of the United States and Trinidad and Tobago, and I will certainly not let the Opposition continuing to attempt to mislead the population get into that relationship.

I end, Madam President, by saying there has been no attempt by me or by

the Government of Trinidad and Tobago with any of these issues raised here today that I have been called upon to answer, to mislead the population of Trinidad and Tobago or anyone else. Thank you very much, Madam President. [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.00 p.m.