

SENATE*Tuesday, May 18, 2021*

The Senate met at 10.00 a.m.

PRAYERS[MADAM PRESIDENT *in the Chair*]**LEAVE OF ABSENCE**

Madam President: Hon Senators, I have received requests for leave of absence from today's sitting of the Senate from the following Senators: Sen. Anil Roberts, Sen. Damian Lyder, Sen. Paul Richards, Sen. Charrise Seepersad, Sen. Dr. Maria Dillon-Remy and, hon. Senators, the leave the Members seek is granted.

URGENT QUESTIONS**SEA Examination Postponement****(Government's Position on)**

Sen. Wade Mark: Thank you, Madam President. To the Minister of Education: In light of the increasing number of COVID-19 positive cases and the request by TTUTA to postpone the upcoming SEA Examination, can the Minister indicate the Government's position on said request?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I thank my colleague for the question. Madam President, at this time, the Government's number one priority is keeping the citizens of this country safe. The Government has put strict and robust measures in place to reduce the COVID numbers, and the success of these measures over the next few days will greatly impact the decision on what would happen in relation to the SEA which is scheduled for June 10th.

Madam President, the Government recognizes that the exam is important, and all possible preparations are being made by the Ministry of Education, together

with the Ministry of Health and all the other Ministries involved, for the safe implementation of the SEA. But, Madam President, having the SEA exam is not more important than the health of the population, and the Government will be guided by the fact that the health of the population will not be sacrificed for the purpose of having the exam.

Madam President, just to remind you that the Ministry of Education met with stakeholders on April 22nd and it was agreed that the exams should be carried out, as far as possible, in an atmosphere of safety. The Ministry of Education is cognizant of the views, mixed views in fact, in the public, even mixed views amongst the parents, the teachers and the students in relation to their personal safety, but also in relation to the mental stress and the anxiety caused by the delays, the uncertainty and now the prospect of further delays.

So, we know that students have been working towards June the 10th and changing that date will be the very last resort, and the only reason that date would change is in line with the safety of the population in the current environment. So based on this, Madam President, in relation to my friend's question, the final decision—

Madam President: Minister, the time has expired. Sen. Mark.

Sen. The Hon. C. Rambharat:—will be communicated this week. Thank you.

Sen. Mark: Yes. Thank you, Madam President. Madam President, can the Minister indicate to this Senate, given the short time frame between now and the actual proposed date for the holding of this very important examination, does the Government intend to take a decision within a specified time frame, whether it is this week, Madam President or next week? Let us know, parents and students.

Sen. The Hon. C. Rambharat: Madam President, based on the numbers and what transpires this week, a final decision would be made and communicated to the

public at the end of this week. Thank you.

Sen. Mark: Madam President, can the Minister indicate whether it is the intention of the Government to hold urgent discussions with the representative union of teachers in this country, with a view to arriving at a consensus as it relates to the way forward? Can I ask?

Sen. The Hon. C. Rambharat: Madam President, the Ministry of Education has been—as I said, a meeting was held on April 22nd and, in the normal course, the Ministry of Education has been in touch with the personnel in the schools and also with the union. And given the fact that I have identified that the key concern in April 22nd was the issue of health, the appropriate discussions would be held with the union in the hope of arriving at consensus, Madam President. But, in the absence of a consensus, the Government will do what has to be done in the context of the health of the population. Thank you.

Madam President: Next question, Sen. Mark.

US COVID-19 Vaccines

(Government's Request for)

Sen. Wade Mark: To the Prime Minister: In light of the US President's recent announcement to make available to the rest of the world some 80 million COVID-19 vaccines, can the Prime Minister advise whether Government has requested a portion of said vaccines?

The Minister of Foreign and Caricom Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Madam President. With respect to the Urgent Question, the answer is yes. [*Desk thumping and crosstalk*] The answer is yes. The hon. Prime Minister, as the public would be well aware, Madam President, has been the lead with respect to regional and global advocacy on the issue of vaccine access and equity. In that regard, the Prime Minister has followed up directly with President

Biden with respect to the provision of vaccines to Caricom and, specifically, to Trinidad and Tobago based on the announced initiative from the White House and the administration of the United States. [*Desk thumping*]

Sen. Mark: Thank you, Madam President. Can the hon. Minister indicate to this Senate, since this announcement by the President of the United States, whether the Government has taken any initiatives to contact or to communicate with that administration with a view to addressing the provision of vaccines for the population of Trinidad and Tobago?

Sen. The Hon. Dr. A. Browne: Thank you, Madam President. Madam President, it is fully within the public domain that the hon. Prime Minister and the Ministry of Foreign and Caricom Affairs have been robustly and consistently advocating, specifically, on the issue at reference. The answer, again, is yes.

The Prime Minister has been following up consistently with high-level contacts within the US administration. The Ministry of Foreign and Caricom Affairs has been following up and supporting consistently with high-level contacts via our mission in Washington DC. The Ambassador there has been fully mobilized and tasked to follow up specifically on this new vaccine initiative. Yesterday, immediately subsequent to the announcement by President Biden, I met with the Chargé of the US Embassy here in Port of Spain, a direct personal meeting, to follow up on the scaling-up initiative that President Biden has announced and, again, very targeted advocacy continues.

I can go further, Madam President, the Prime Minister has been leading the advocacy with contacts such as Maxine Waters, high-level influential figure in the US administration, with Bennie Thompson, high-level influential figure within the US administration and with the Atlantic Council, high-level think tank, very influential within the US system. We have written—the Prime Minister has written

multiple times to President Biden and has received responses, and that communication and engagement is ongoing. Bear in mind, that this 80 million is a scaling up, a welcome scaling up, of a prior 60 million that was announced by President Biden.

So this is welcome. This is good news for Trinidad and Tobago, and its public servants are well engaged and working hard, pressing home this issue, and we look forward, on behalf of this country, on behalf of Caricom and, yes, Madam President, on behalf of all small developing countries to bringing home benefits for our people based on this initiative. [*Desk thumping*]

Sen. Mark: Yes. Madam President, could I ask the hon. Minister, given his recent intervention, directly with representatives of the US Government, via its embassy, can the Minister share with this Senate what specific measures have been taken to ensure that Trinidad and Tobago benefits from this initiative? Is there any initiative, any action plan that the Minister would like to share with this Parliament and the country that he would have discussed to speed up the provision of said vaccines?

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

ORAL ANSWERS TO QUESTIONS

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, there are three questions on notice for response today and the Government will answer all three.

Madam President: Sen. Mark.

Structural Adjustment Loans/Financial Assistance

(Government's Intention to seek)

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

Having regard to the Minister's February 10, 2021 announcement regarding a revenue shortfall in Quarter 1 of fiscal 2020/2021, can the Minister indicate whether the Government intends to seek structural adjustment loans/financial assistance from any financial institutions, including the International Monetary Fund, World Bank, Inter-American Development Bank and the CAF Development Bank?

The Minister of Finance (Hon. Colm Imbert): Thank you, Madam President. At this time, the Government is not seeking budgetary support or loan financing from any financial institution that requires structural adjustment. Rumours to the contrary, such as those propagated by Opposition MPs in March of this year, about a World Bank loan for COVID-19 support, are completely false.

At this time, the Government has the capability and the credit worthiness to access financing, both locally and internationally, at competitive rates without conditionalities. This fact was demonstrated last year, when during the height of the COVID-19 pandemic, the Ministry of Finance was able to raise US \$500 million or TT \$3.4 billion, in a few hours on the international market at a very competitive rate of 4.5 per cent over 10 years with no conditionalities. This situation has not changed.

Sen. Mark: Contrary to what my colleague has said, I would like to ask through you, Madam President, whether the hon. Minister is in agreement with senior economist Dr. Marlene Attzs, of the University of the West Indies, who has requested the Government to approach the International Monetary Fund for standby arrangement, given the worsening fiscal deficit and the rising debt to GDP ratio. Can the hon. Minister share with us whether he shares that view?

Madam President: Sen. Mark, that question does not arise.

Sen. Mark: Madam President, can the Minister indicate to this Senate, given the

rising debt, the widening fiscal deficit and the worsening economic situation in our country, can the Minister indicate what specific steps will be taken by the Government, outside of approaching the IMF, to address this looming crisis in our country?

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

Sen. Mark: Madam President, can I ask the hon. Minister whether the Government has on its radar in the medium term approaching these international institutions for support, given the worsening crisis in our country?

Madam President: Sen. Mark, that question does not arise based on the question that was posed and the answer that was given. Next question. Yes?

Resident Status to Venezuelans

(Granting of)

102. Sen. Wade Mark asked the hon. Minister of National Security:

Can the Minister advise as to whether the Government has commenced a programme aimed at granting resident status to Venezuelans currently residing in Trinidad and Tobago?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you, Madam President. Madam President, the Government has not commenced any official programme aimed at granting resident status to Venezuelans currently residing in Trinidad and Tobago. Madam President, persons who have legally entered the country and wish to be granted resident status, must apply through the Ministry of National Security in the usual way, and follow the established procedures. Thank you.

Sen. Mark: Madam President, can I ask the hon. Minister whether Government's policy will be adjusted to address granting to these Venezuelans, particularly the 16,000 Venezuelans who have been formally registered in this country, whether it

is the intention of the Government in the not too distant future to provide that resident status to those Venezuelans in our country at the moment?

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

Sen. Mark: Madam President, can the Minister indicate whether the Government will be taking steps, in the not too distant future, given the circumstances of our situation to deal with those registered Venezuelans? What exactly would be their status in the coming period, Madam President? Would the Government be renewing their status or would the Government be repatriating these Venezuelans?

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

Theft of Items at UTT Corinth Campus (Status of Investigation)

103. Sen. Wade Mark asked the hon. Minister of Education:

In light of reports of the theft of items from the Corinth Campus of the University of Trinidad and Tobago, can the Minister indicate the status of the independent investigation into said matter?

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. Madam President, in addition to the investigation by the Trinidad and Tobago Police Service which is ongoing, and which has already led to three persons being charged in this matter to date, an investigation was undertaken by UTT's security and an independent three-person committee was commissioned to conduct an investigation, and that independent committee was commissioned to investigate the circumstances that led to the theft at the Corinth campus, review the role of the campus managers who have oversight responsibility for the assets at the respective campuses, perform a management audit and make the appropriate recommendations for action and

implementation.

At this time, Madam President, the committee has reviewed all the relevant processes and policies and interviewed personnel at the Corinth campus, and also the two other campuses—that is Point Lisas and San Fernando Technical Institute Campuses—those two being ones that received items from the Corinth campus. The interviewees are now in the process of verifying the statements that they have provided and after that process, the final report would be completed and submitted to the President of the UTT and the submission date expected for that final report is May 28, 2021. Thank you.

Sen. Mark: Madam President, can the Minister indicate what interim measures have been put in place to avoid a repetition of this particular incident?

Sen. The Hon. C. Rambharat: Madam President, as indicated, the three-person independent committee was commissioned to investigate the circumstances, review the role of the campus managers, perform a management audit and make appropriate recommendations for action and implementation, and it is expected that once the President of the University receives the report, the appropriate actions would be taken.

Sen. Mark: Whilst we are waiting—Madam President, through you, the question is, whilst we are waiting the submission of this committee's report on the way forward, can the Minister indicate to this Senate what interim measures were taken between the period of this incident to the final submission of the report which is due, as he has indicated, on May the 28th?

Madam President: Sen. Mark, I would not allow that question because you are just repeating the first supplemental that you asked. Do you have any more questions?

Sen. Mark: No, Madam President.

Madam President: Thank you.

FIREARMS (AMDT.) BILL, 2021

[Second Day]

Order read for resuming adjourned debate on question [May 11, 2021]:

That the Bill be now read a second time.

Question again proposed.

Madam President: We have had seven speakers on this Bill including the mover of the Motion. Leader of Government Business.

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Thank you very much, Madam President. I can contribute right, Madam President?

Madam President: Yes.

Sen. The Hon. C. Rambharat: Thank you very much, Madam President. Thank you for the opportunity to contribute on this very important and very topical debate. Madam President, I recognize that a week has passed since the mover has spoken and the other speakers, my colleagues in this House, have contributed. Madam President, on the last day, as usual, I listened and I took careful note of the submissions and I intend to, first respond to some of the submissions in particular, what I considered to be, I wanted to say misconceptions, but it must really be misinformation from my colleagues Sen. Mark and Sen. Lutchmedial. I want to do that.

I want, secondly, Madam President, to indicate that around the world you would see the various jurisdiction inconsistency in the handling of pepper spray, and what is described as nonlethal weapons. And I want to emphasize that in our country, Trinidad and Tobago, we have to be very aware of the way we have behaved in the past, the way we behave now, the way we react to legislation, and

something I have spoken about, the need sometimes to be so very prescriptive in the way we deal with the law.

Sen. Thompson-Ahje: Thank you, Madam President. I am having a lil difficulty in hearing the words of this very hon. Senator, if you could—

Madam President: Yeah.

Sen. The Hon. C. Rambharat: Thank you very much, Senator. I hope I have cured that I will increase my volume, and take a page from my colleague, Sen. Mark. And so, the point is that around the world there has been this trouble, there is inconsistency, and a lot of times what you would find is that based on the state of the society, sometimes the culture and behaviour, it influences the final legislative position, and it ranges from those jurisdictions which have a complete ban, those jurisdictions that have very limited legislative control. And in the middle, where we ought to find ourselves, you have those jurisdictions that allow persons to purchase, carry and, in certain circumstances use, because those jurisdictions try to strike a balance.

And I understand the challenge, particularly the challenge of my colleague Sen. Vieira. I understand the challenge because there this belief that pepper spray will solve a significant amount of problems and a desire to remove the bureaucracy. But I go back to a position I have articulated twice to say pepper spray is dangerous, capable of being dangerous, and there must be controls. And, perhaps, where we will disagree, is the extent to which the State must have a strong system of controlling the use of pepper spray. And that is where our disagreements lie. I would refer to a city that is very familiar to me, the City of Serene Canada, to demonstrate what some municipalities have had to do, and I would end by talking about some of the challenges in drafting even this Bill, and taking into consideration all the different views.

Madam President, on this misinformation perpetrated by my colleagues, Sen. Mark and Sen. Lutchmedial, you see, I got the impression that, not the impression, it was very clear to me listening to the submissions, that life started with Andrea Bharatt's demise and the Opposition, their thoughts on pepper spray started then, and I mean no disrespect to Ms. Bharatt and her family, no disrespect. And if that is what brought us here, then I am happy we are here, we need to be here. But I want to just say that there is a legislative history to this that involves both of us, the Opposition and the Government. I want to make that very clear, because the responsibility rests with us now, but my friends on the other side had their chance.

And when you go back into the parliamentary record, you would see reference as far as 2003. And I remember that contribution by my colleague, current Minister of National Security, Fitzgerald Hinds, 31 October, 2003. He was speaking on the Firearms (Amdt.) Bill, and I remember it, because on many occasions Minister Hinds, when he talks about national security, goes back to a trip he made to the United States to observe police in action in the United States, visiting different police stations and so on, and he talked then and it resonated with me then, as it does now, of what a police officer in the United States looks like, because I could also talk about it.

As part of teaching criminal law in the Canadian environment, to my students, I took them to—in fact, when you go around Canada, you would not see the type of police stations we have here, and I pointed out that to my students very early in their criminal law course, that you would not see that, because the police officer is like a walking police station, and the car is like a support for the police officer. And an RCMP Officer in Canada has 68 pieces of equipment on them.

In fact, when I was lecturing on the issue of warrants and the issue of

warrants by telephone, making a call to a judicial officer for the issue of a warrant to maybe enter premises, and I say to the students that the judicial officer will issue the warrant, and the officer will serve the warrant, they were confused. And I had to say to them—which is why I took them to the police car. I took the class to the police car, and they saw there was a little printer. In-between the seats there was a laptop with a printer, which allowed a warrant to be printed on something like a receipt. Of course, it brought with it the undertaking by the officer that they will provide the full particulars to the issuing judicial officer, but in the case of an emergency, they could do that.

And Minister Hinds made the point that the police officers he saw in Miami had uniform, bullet-proof vests, handcuffs, extra ammo, pistol, pepper spray, a short baton, a long baton, radio and so on.

10.30 a.m.

So the idea of pepper spray coming to Trinidad is not new to Trinidad and Tobago and Taser is not new. I want to make that first point.

I want to make the second point that in the period 2010 to 2015 there was a point when pepper spray was alive, very much alive. Before 2013, when the current Commissioner of Police, who was then the Minister of National Security, before he spoke about pepper spray in 2013 in both Houses, it was then Minister of National Security, John Sandy, Brigadier John Sandy, dealing with the Bacteriological (Biological) and Toxin Weapons Bill, 2011, on March 13, 2012. Sen. Sandy, as he was then, was talking about Trinidad and Tobago in the context of these types of weapons, and just in passing he spoke about how pepper spray could be developed in a school lab. He did not go anywhere beyond that. In the context of toxins and weapons of that nature he mentioned pepper spray and he left it—as Minister of National Security.

You see, my friends are now coming here to champion the cause of pepper spray but under a Minister of National Security in 2012, pepper spray just got passing reference in a Bill that had no direct relation to pepper spray, had passing reference. And then it was, and I commend the current Minister—the current Commissioner of Police, commend him that he has been very consistent. The position he took in 2013 and 2014, he as an individual has been consistent in the support for pepper spray and similar types of devices. And it was in the House on the Appropriation Bill of that year, the House on 18 September, 2013, and in the Senate on 23 September, 2013, that then Minister of National Security, Gary Griffith, introduced into the Parliament the possible use of pepper spray by law enforcement officers.

There was no reference to citizens then, it was the law enforcement officers. And the then Minister repeated in 2014, on the same Appropriation Bill for the 2014 financial year, on 16 September, 2014, he went into some detail and this is what he was talking about; he was talking about Government. He said, “The purpose of Government is to provide the assets, the policies and the framework for law enforcement officers to work.” That was the purpose of the Government. He was talking about indoor training ranges and he went to where Minister Hinds had been in 2003, and he made the point that at that time a police officer moved from baton to firearm. Those were the two options. I say the RCMP officers have 68 pieces of things on them but our police officers had baton and firearm, and if we check the issue of police shootings we would realize that a contributory factor has to be the tools available to the police. And Minister Griffith, as he was then, talked about a communication system being available to the police officer, baton, pepper spray, Tasers and firearms as a last resort.

So I wanted my friends to understand that it was very, very alive and in 2014

it was only in the context of law enforcement. Now why I went back there was because of the link to the Andrea Bharatt incident. So when I was writing for the *Express* I always found it disconcerting when there would be a particular murder, a particular criminal act that brought all the politicians alert and so on, and I wondered how do we pick the ones, how do we decide the ones which affect us. They all affect some family and they affect neighbours and relatives and citizens and we should all be concerned about all of them—and it was not, because if the recent murders and the recent attacks on women and so on caused us to have an urgency with pepper spray—I do not like to go back too far, too much into the history but I will tell you this, around the time when the Minister of National Security, Griffith, as he was then, 2013, was talking about pepper spray for law enforcement, this is one of the most vicious murders I have read about in this country and it involves—this is the report by Yvonne Webb in the *Guardian* of 02 February, 2013, and my colleague, Sen. Thompson-Ahye, would know this one very, very much because she was out of the country at the time. It was around Carnival time that year, you were out of the country and you actually wrote a letter to the Editor on this matter, and this matter had to do with the couple; the 36-year-old woman who had gone with a male companion to the Apostles' Ministries at Amaroosingh Street in Longdenville, and during a period of counselling she went to the bathroom at the church and was followed by the man with whom she came for counselling and stabbed several times and she died on the spot. And I would think that that may give rise in the context of the discussion at the time on pepper spray to law enforcement.

I would think that the door was open in that murder, more open than anyone now to understand in closed, unguarded circumstances that Ramona Chacon found herself that day in Longdenville, pepper spray would have been a good

intervention if she had it. And that one and the recent murders are indistinguishable in the context, so my friends should not come here and mount the holy ground and place the responsibility squarely on us. They have, and you have your chance today, eight years after—eight years after you failed, because from 2013 when it first went on the record via your Minister of National Security at the time you had sufficient time. In fact, you had two and a half years and you did absolutely nothing. I have checked the records with the Chief Parliamentary Counsel. I have checked *Hansard*. I have checked your manifesto of 2010 and 2015.

I will point you to, Members of the United National Congress, I want you to go to your manifesto of 2015 and where you dealt with national security on crime, the word “woman”, “women” or “female” was never mentioned. You had 20 areas identified. You had 20 achievements in relation to national security on crime in your manifesto identified and protection of women and changes to domestic violence legislation appears nowhere, nowhere in your manifesto. After five years and three months in Government, seeking re-election, you had absolutely nothing to say to the women of this country on their safety and security and you come here and lecture to me and to this bench and this country on how urgent this pepper spray is. Well, let me tell you something, it urgent and you will stay here today and pass the Bill with us; it urgent. [*Desk thumping*]

We come here to “wuk”. You had your chance. Let me tell you this, Susan Mohammed writing in the *Express*—this is one of the most gruesome murders in this country, most gruesome murder, four men entering a house. This was in 2003—when you are talking about pepper spray for law enforcement, this is a woman chopped to death in the presence of her children. Screaming as she was chopped for her children and for her neighbours to come to her rescue and you did not see it fit with your special majority, with millions flowing, with the brightest

lawyers around you. Sen. Lutchmedial was right up close and inside the Office of the Attorney General. I would not allow you to moralize to me on this matter. I would not allow you to do that. You had your chance and not many of us have a second bite. You have a second bite at it today because you did not put it in your manifesto. You did not put it in a policy document. Nowhere have you mentioned pepper spray as a form of defence for women, nowhere, until Andrea Bharatt's death—absolutely nowhere.

So, you have been brought here today to pass this legislation and we would stay here as long as it takes to pass this. Let us see who want to pass it today. It was in 2017 because I mentioned it before, I was there in the House—I was there in the House sitting directly behind the Prime Minister and Prime Minister was asked a question by MP Ramona Ramdial, as she then was, 01 September to 15 September, 2017, and she asked, “Are there any plans for citizens, particularly women to be allowed to carry Tasers and pepper spray as a measure of personal protection in light of 40 women being murdered for the year already?” The Prime Minister was very clear, “The Commissioner of Police is actively considering the use of non-lethal weapon for citizens, women and particularly the security services.” That was 2017. And it is that which the Prime Minister referred to in the hands of the Commissioner of Police that led to December 2020, when we saw, and later the newspaper reported and I have referred to it, the use of a Taser by a police officer in this country in a criminal situation, encounter with criminals. And at the same time it was in the Appropriation Bill in 2018—October 2018, that asked, in dealing with his contribution, the Minister of National Security said, “You will see the use of non-lethal weapons by the police service, defence force, prison service, Tasers, rubber bullets and pepper spray.” That was 2018, setting in train a policy that brought it first to law enforcement as articulated.

The Prime Minister said it in 2017, the Minister says it to the country in 2018 and in 2019 in the Standing Committee on Finance, it was MP for Princes Town, Barry Padarath, who asked the Minister of National Security in relation to Line Item 03, 001; 04, Minor Equipment; he asked, “What is the Minor Equipment for?” And the response from then Minister Stuart Young was, “Tasers, pepper spray, surveillance equipment, bullet-proof vests, utility belts, routers, switchers, body-worn cameras.” Tasers, law enforcement, articulating, not getting up because you find yourself in a gruesome murder that fits your circumstances for publicity, you insert yourself in that. You insert yourself in that, gather people, encourage people from all over the country to come and light candle and walk, forgetting in 2013 they had enough murders to cause you to do—you had two and a half years—two and a half years after that murder in Longdenville and you did absolutely nothing.

We have articulated and what we have brought the Senate here for, for the second week on, is on this Bill, that the Police Commissioner has addressed the needs of the police service and we must now address the needs of the nation as a whole, including law enforcement. That is our purpose here and we have to do what we have to do; we have to do, we come to work and today is the day when we deal with this and we leave here knowing as a Senate that we have done in this House what we have the capacity to do. And we will disagree—none of us here will disagree on the introduction of pepper spray as a form of personal defence in this country. None of us here are arguing against that.

Nobody has come to say, “No pepper spray”. All of us have come here to work down the middle and down the middle is where we say, you will have access to the pepper spray; you would be able to buy it, carry it, import it, use it, but you will do so in certain circumstances. And we have an opportunity in the committee

stage—the AG will address, when he does the winding up he will address the issue of amendments and you have the opportunity, in full view of the country that is watching and listening, you have the opportunity to make your submissions on the balance that must be struck because that is what this debate is about. This is no debate about the introduction of pepper spray; that is what the debate is about.

I referred to, for example, the city of Surrey; when I moved to Canada the first place I lived was in that city of Surrey and, Madam President, I encourage all my colleagues here, particularly on the Independent Bench, particularly Sen. Vieira, the reason I say we have to be mindful of our culture in this country, seat belt law, you still have people in this country driving without seat belts. You still have that. We are about 30 years into seat belt law. In fact, wearing of seat belt in the rear seat has become more important than wearing of seat belt in the front seat. The body becomes a missile; we still cannot buckle a seat belt when we enter a vehicle.

Cell phone, the use of cell phones when you are driving, we had to strengthen and bring in the demerit system to strengthen that law and to make it—create a real prospect of not being able to have a permit after achieving a certain amount of points. We had a case on the newspaper last week of a fella—

Madam President: Minister, you have five more minutes.

Sen. The Hon. C. Rambharat: Thank you—a gentleman who had already lost his licence driving without a licence. Litter, how many years, how many decades after Chase Charlie Away, how many decades since we put a \$500 offence on the books and people in this country cannot put a piece of paper in a dustbin?

Tobacco, how many years after we banned smoking in public places, smoking remains a very pervasive thing in this country—a very pervasive thing in this country which we know. And on the issue of health and wellness, I had a lady

posting on Facebook and asking me why do I not give an incentive for people to eat properly in this country, and I asked her, “You are not seeing enough limbs being lost to diabetes and how much money as a nation we are spending on open-heart surgery? You have not seen the records which tell us we are spending \$40 million as taxpayers on diabetic testing strips in a country that we give freely testing strips and testing devices but offer no subsidy on gyms, in a country where we incentivize ill-health and we do not reward people who maintain the health condition?” And that is why I say, this law has to be prescriptive otherwise our culture—you Google “Surrey pepper spray” and you will see how pervasive it is in a country where you have bear spray and pepper spray, not because of crime but because of animals that so many criminals use pepper spray. And that is why as far back as 1998 that city had to put in place strict controls on the sale of pepper spray to address the cultural and behavioural circumstances in their city.

Today we have a responsibility to deal with this Bill, not in the context of the need for it but the need for balance and balance in the context of what could happen if we do not become prescriptive and strict, giving the opportunity to use pepper spray, because I have said it and I repeat it, pepper spray in the wrong hands, in the wrong circumstances, could be a lethal weapon. Thank you very much, Madam President. [*Desk thumping*]

Madam President: May I ask who wishes to speak? If no one, I will call on the Attorney General to wind up. Sen. Nakhid.

Sen. David Nakhid: Madam President, once again I thank you for the opportunity to join this debate on the Firearms (Amdt.) Bill, 2021, but first I would like to register my deep disappointment that we as a people, as a country, as a Government have not issued any statement on the continued massacre and killing of Palestinian children in Gaza. And I think it would be remiss of us as a body, an

austere body not to recognize that 68 children had been killed in one week and 16 women, with over 1,400 people being seriously injured. We would hope that the Government in representing the soul of our nation that some statement would be soon forthcoming.

Madam President, also I would like to say that given the dire situation that our country finds itself within this COVID-19 embrace that it is a pity that we could not have the Leader of Government Business perhaps think a bit outside of the box in terms of having this Senate sitting, like so many other parliaments have done. Now, I would not place any extraordinary thinking or to go outside the boundaries of intelligence on this particular Leader of Government Business since he does not have the capacity to do so, but it would have been quite easy to have some kind of video conferencing to replace what we have here, especially since you had to bring out workers, personnel, Senate Clerks, putting everyone's life in danger. I would just like to register that, Madam President.

Madam President, we just heard from the hon. Minister of Agriculture, Land and Fisheries in his Don Quixote-like contribution where he flailed at windmills and perceived enemies. It was quite disappointing since we never got to the crux of the Bill and the things and the details of it. For one, I find myself in a position of commending Sen. Vieira on his contribution which I found to be the most comprehensive contribution that we have heard. I found it detailed, challenging, informative and I think that should have sent a signal to this Government that we are on our way to some kind of bipartisan or tri-partisan approach to how we deal with pepper spray under this Bill. When I listen now, unfortunately, to the inanities uttered by the Minister of Agriculture, Land and Fisheries, I am not surprised. He spoke about the Opposition having two and a half years and spoke quite extensively about that and then I was moved to ask, "Is this not the same

Government that has had six and a half years?” So that is not surprising but indeed disappointing.

So it looks like this Minister of Agriculture, Land and Fisheries continues to insist on being a meme. How insensitive—how callous to refer to Andrea Bharatt’s death in that way. If she was indeed the spark, if the Candlelight Movement was indeed the spark to get us to this point, should we not be appreciative of that, not of her death but of the consequences of it? But he flailed about in his criticism, never really getting to any particular point that we could coalesce about—coalesce about that we could discuss or debate. It was a rant against the Opposition. And again, according to him, our inability to move in two and a half years, and I repeat, on a Bill that has, it seems to me, tri-partisan support that they have had six and a half years and have done nothing.

He pleaded no disrespect but then went on to be quite disrespectful, not realizing that Sen. Vieira’s insistence on this not becoming too bureaucratic a process has several layers to that. And as with this Government we should always be circumspect about anything that involves bureaucracy because it then becomes a process that can be monetized, and as we have seen in procuring vaccinations. So, I think Senator, our Minister of Agriculture, Land and Fisheries was way off point, way off, of course. And I think in retrospect, Canada’s gain is Trinidad and Tobago’s loss.

Madam President, I refer to the Bill in Article 24 of the Essentials where it seems that the Bill places the Commissioner of Police in the most difficult of positions in determining if the applicant is of unsound mind or has intemperate habits. Is the Commissioner of Police now required to be a registered psychologist or psychotherapist? Within what time frame will that assessment placed upon the CoP be given? Should the provision not be that the Commissioner of Police refers

anybody he deems to be of unsound mind and has, according to him, intemperate habits, should that person not be referred to the medical professionals for evaluation?

That would avoid the appearance of bias, and become wholly transparent in the process, and that is an issue of mental health that we need to take seriously.

11.00 a.m.

You cannot place the Commissioner of Police in a situation where he thereby has to evaluate the mental health of someone. That is not his remit. So, I think that should be completely amended. If you want to give the CoP powers of discretion, why not give the Commissioner of Police powers of discretion for matters that he is indeed qualified for?

Instead of possible health matters—mental health matters—we have, by way of practical example, there are women in this country who have convictions for offences where they pleaded guilty, or took the rap, as we say, to protect a boyfriend, a family member who has a criminal record, and who would have been faced with a heavy jail time if they owned up. Many women, because they have no previous criminal history, are made to sacrifice themselves. Because of the way the Bill is framed, these women, many of whom may be in the same relationship, or may have moved on to another relationship, are debarred from applying for a permit and would never have protection because of a bad choice they once made, or were forced to make in the past, and they would be like sitting ducks when faced with attack without the power of protection.

If you want to give the Commissioner of Police powers of discretion, should we not give it, in this case, where he can look on each of these cases on a case-by-case basis, since the primary objective should be to enable women to protect themselves? If the Commissioner refuses then to allow them to appeal to a firearms

appeal board or a similar board, so that individual cases be considered, as opposed to being hamstrung by a Bill which does not allow for the reasonable exercise of discretion by the CoP or a reviewing body.

Madam President, as I said before, I thought Sen. Vieira, who sometimes I am not in line with in terms of his perspective that his contribution which I listened to and enjoyed was on point. The only thing that I had a problem with, which would require further explanation from the goodly Senator, was the strength of the pepper spray, the potency of it. Because I think, in my humble opinion, Senator, that the pepper spray, despite what we may have heard, its initial impact is what is important. Its initial impact is what stops the attacker, the person with criminal intent, and that is what we have to be mindful of. So then that means we have to take it in its full potency if we have to protect our women.

We cannot hope for some kind of intervention from somebody to help, we have to imagine worst case scenarios in these instances. So when we hear the Minister of Agriculture, Land and Fisheries speak about we have to understand the culture, well if we are talking about culture, then we should give them more than pepper spray, because is it not the same people we are talking about? Are we not referring to the same people who have our women seemingly as hostages throughout the country? What we are going to give them, water down pepper spray? No, I think we need to be firm with it. We need to have the highest potency available for them and, again, to remove the bureaucracy that allows these women to take care of themselves and protect themselves.

So my issue, in addition to what Sen. Vieira said, is only about we must not allow this to be monetized in a way and in a time frame that does not benefit the people that we intend to protect. And two, we must allow, in matters other than mental health, a discretionary power to the Commissioner of Police on a case-by-

case situation.

Again, in reference to the goodly Minister, I would like to inform him, Minister Rambharat, Minister of Agriculture, Land and Fisheries, that there is no need to make adversaries and opponents where there is none. His vehemency in advocating, whatever he advocated, I am still bemused, he will find our position here, other than a few amendments that we would like to see, we are the ones who insisted upon this. Whether it was two and a half years or whether it was six and a half years, what we look forward to is to have this operationalized as soon as possible so that we, together, can offer the women of Trinidad and Tobago a viable solution to protect themselves.

I thank you, Madam President.

Sen. Evans Welch: Madam President, thank you for the opportunity to address this House on this very important issue.

I often like to begin with the principle that a government is responsible constitutionally for the good governance of the country, and that involves ensuring the safety of citizens, assessing circumstances which arise, and dealing with them by principle, by law, and putting measures and policies in place to address the situation. The current situation is one which warrants a measure, and it is overdue for the institution of some meaningful approach in addition to what already exists. There is clearly a need for something additional, more than what we have been doing in the society.

Madam President, violence against women, be it murder, be it wanton violence, be it disfigurement, be it attacks on women, is nothing new in our society. I know a lot of persons have spoken about some of the recent murders, but it is a problem which has existed, I would say, almost from time immemorial and I emphasize that to show that the historical nature of it is such that it needs to be

addressed now, and let us use this opportunity now to address it in a meaningful way.

Madam President, speaking of historical nature, I recall that when I just became a prosecutor at the DPP's Office, which was almost 30 years ago, there is a case which left an indelible mark on my memory. It involved a young lady who was walking along Independence Square, saw two friends that she was familiar with in a vehicle, and those gentleman offered her to go on a lime with them and then to take her home, and because she knew them, she got into that vehicle. To cut through the chase, she ended up raped in Macqueripe, left naked on a lonely road to die with several chops to her head. Her survival was a miracle. Fortunately, the gentlemen were prosecuted and justice was done.

Madam President, there have been even more recent cases. I also recall as an attorney, when I first used to attend the Hall of Justice, there was some damage to carpet on the ground in a particular area of the Hall of Justice. When as a person you now go there for the first time, you ask yourself, "Why is this carpet looking like this, damaged in this particular area?" And then someone with greater experience would explain that in a family matter involving husband and wife—back then the Family Court was located at the Hall of Justice—the husband, after matrimonial proceedings, attacked his wife in the very Hall of Justice, throwing some kind of corrosive liquid on her. Some of that liquid fell on the ground and actually eroded and damaged the carpet. This was quite some time ago as well, again in the 90s.

We also had a situation in Valsayn, again court related and again involving a husband and wife, where she went in the company of marshal and court officials to remove certain items from the matrimonial home in divorce-related proceedings. He locked her in a room in the presence of court officials where they could not

gain access, and proceeded to chop her to death. So what we are talking about, I bring up these examples to demonstrate that it is not a recent phenomenon at all.

More recently, we have had the well-known murder of the Japanese girl who was found in the Savannah. There were also other situations. Apart from Andrea Bharatt who was merely taking a taxi, we also had Shannon Banfield, who was merely shopping on Charlotte Street, all innocent actions. There was also the young Venezuelan somewhere in the countryside, who was simply taking a taxi to go and sell goods and was attacked by those persons. So I emphasize this to show the need for something urgent, and it must be done here and now.

Madam President, it is not enough that sometimes arrests are made and justice is done after the fact. While all that is well and good, even when justice is done, it does not bring back a life and in those instances where a murder did not occur, it nevertheless does not restore the dignity of the female who has been attacked, even where she remains alive. It does not repair the psychological damage. An arrest and conviction does not repair the psychological damage. So what we need, in addition to those measures, is something more.

Many of these attacks are unpredictable, unanticipated, and they occur away from the public glare, away from law enforcement, in a lonely street, in a car, where a young lady or adult may be defenceless. Therefore, what is needed, and any sensible person would appreciate, that women and vulnerable persons need to be enabled to defend themselves, because the circumstances in which these occur are unexpected and would not be catered for. You are taken by surprise, and therefore they need to be armed, and therefore it may not work, but in some instances it may well do.

In that context I considered that the pepper spray initiative, which would allow for the carrying of this non-lethal by nature device, to be an ideal position

and measure to allow for its carrying for self defence purposes. It is ideal in the sense that it would occasion severe inconvenience to a would-be attacker. It is easily deployable. It is convenient to hold, and it is convenient to pull out, it is convenient to use. It may give a victim that window of opportunity to send a text, to delay the attack, to jump out a window, to open a car door and run, or to even retaliate on her attacker. And important as well is that—why it is convenient and practical is that generally speaking, as far as I am aware, and my research has shown, it does not do any permanent damage when deployed on an attacker. It does not kill, it does not cause grievous bodily harm. It has no lasting effect as such. It is a dramatic effect, but it is transient and temporary in nature; a disablement which is not permanent and, therefore, it is non-lethal.

I say all of this to make the point that we need, as far as possible, and the philosophy and approach should be one where the aim is to liberalize it as much as possible, and put it in the hands of women and vulnerable persons as much as possible. The aim should be on liberalization rather than on restriction. It should not lean in favour of conservatism and limitations, but rather the ability to acquire, possess and even transfer it with such restrictions that are practical and reasonably necessary, and which do not go beyond what is called for.

So in that regard, the proposed legislation by the Attorney General, I respect as well intentioned, and I also view it, and I am sure the Government perceives, that it is fulfilling its mandate to deal with this situation, and it is acting with proper motives. I have absolutely no doubt about that, but certainly in my perspective that is not the litmus test. It is not what you intend, but the effect of the provisions themselves.

In that regard, Madam President, the effect of this legislation concerns me in that pepper spray is being treated almost like a lethal weapon. The philosophy of

the effect of the legislation and its substance does not appear, contrary to its intention, to liberalize and to put it in the hands of as many persons as possible so that they may have this last measure of defence. Rather, looking at these legislative provisions, one would be forgiven for thinking that pepper spray is something new that has now come on to the horizon. It has proven to be extremely dangerous. It has been used in a manner which is adverse to society. It has been used to kill, disfigure, maim and, therefore, there is a need to prohibit it. This legislation speaks to prohibition and severe limitations with few exceptions whereas what we need is liberalization, and such limitations as are only necessary for the purpose.

So before looking at why I have assessed the legislative measures from that perspective, let me first, Madam President, propose what I think might be the ideal approach. It may sound radical, I agree, but having regard to the history that I have outlined, let us give it a try, and if need be, if it proves to be a problem, we can always return to deal with the problems that have developed after we have given it a try.

So, I suggest that pepper spray, in an approved amount and intensity, and with a certain amount of toxicity that it is approved by the Minister, that it does not go beyond the grade required for self defence, or inflict permanent damage, that we liberalize it and we allow persons to acquire and purchase it from a recognized dealer, without all these bureaucratic measures, without requiring a permit. You go and you purchase it.

Now, I fully understand the position of the Attorney General, because that sounds radical. I also listened to the Minister of Agriculture, Land and Fisheries, and he has spoken to the experience in Canada where he has lived, and where the use of it became in such a manner that it had to be restricted. Well I say Canada is Canada, let us give our society a chance, because of what is happening here

historically and what is happening presently, because it has not changed. So my submission is that we have this legislation in such a way that it is liberalized, that it is decriminalized, because presently, using the definition in the Firearms Act, it will be regarded as a prohibited weapon. So declassify it as such, allow its purchase, acquisition and transfer, and put in certain limitations to take care of the concerns with which one is worried about.

So for instance, you can have an age limit for its acquisition, and I suggest 16 years. Let any proposed legislation reflect, which this one does to some extent, if it is used to commit a crime then that is an offence. If someone who purchases pepper spray over the counter brandishes that pepper spray in public when it is not necessary, you can make that an offence. You can prohibit some persons from being able to acquire pepper spray, and if they do purchase or possess it, make that an offence as well, persons who have offences, charges of violence under the Domestic Violence Act or under the Offences Against the Person Act. You can make it an offence for a convicted person for certain class of offences to possess it as well. Even if you are not convicted, but you are charged with violent offences, make it an offence for such a person to go and purchase it, or acquire it or have it in their possession.

Once you have put these limiting measures in place, I submit, as my goodly colleague Sen. Vieira strongly suggested, liberalize it and allow it to be purchased. Your concern that criminals may use it is balanced by the fact that criminals would tend to use heavier weapons to carry out their enterprises. That may be overridden by having a number of our vulnerable persons having it in their possession. The advantage of such persons having it in their possession perhaps outweighs the disadvantage of criminals having that. They may look at that as a toy, because they deal with guns; they deal with tie straps; they deal with knives. They operate in

gangs, so pepper spray is a toy to them.

So, I submit for the Attorney General's consideration, who I must commend because he has demonstrated the sensitivity when it comes to making amendments and taking them on board, I submit these considerations for his consideration.

Now, to give an illustration of my concerns with the legislation, which I have alluded to, I will point them out in summary fashion. First of all, you have to have a permit or licence from the Commissioner of Police or someone authorized by him. You are now treating pepper spray like a firearm. They are in two different categories. So a person who wants to protect themselves now has to go through that bureaucratic process to the same Commissioner who gives a permit for firearms, and we know there is a long history of complaints about how long "ah" have to wait for my firearm licence, how many times I have to call the station. And when you eventually do get it, it is probably several months or a year later, and there are allegations of corruption. Why are we subjecting the vulnerable, if this is supposed to be legislation aimed at their protection, to such measures?

It is also counterproductive. It is also potentially self-defeating, because, as the Minister of Agriculture, Land and Fisheries speaks about culture, another aspect of our culture is that if women now believe that I have to go into a police station to line up and wait until six or seven other people finish make their reports to fill out a form to get a pepper spray licence, to be told that the officer who is supposed to be taking the report is not here, and come back at three o'clock, and then by the time you go through all of that process, and you finally find the authorized officer and you fill out whatever form, you are told, "You will hear from us, but we cannot guarantee you exactly when, because we have a number of other applications pending." Or, alternatively, the same person who is granting firearm user's licence under the legislation, is the same person who is to grant a

pepper spray permit and, therefore, you have to stand in line, first come first serve.

What I know of our culture, I would think, women would say, “I not going through dat. Better I walk with my little knife that I am accustom walking with, or meh switchblade, or whatever is the case, and hope it provides protection.” Because while this may sound all well and good on paper, I can see the bureaucracy and the red tape, and the delays would be such that it would be a turn off to people. Legislative provision should be such that it encourages and makes it easy the process of acquiring and possessing, and be not subject to this approach in our society which unfortunately does not function well when it comes to efficiency and procedures and processing of applications.

11.30 a.m.

So the notion of getting a permit from the Commissioner of Police or his assigned person, in my view, should be abandoned. Pepper spray is not so bad. It is not so lethal to warrant this treatment like you would for a firearm. Give it a chance. If it does not work, we come back here. But to not give it a chance and to advance this legislation as it is, is to discourage women from acquiring, and self-defeating as I have said.

But not only that, not only must you get the permit or a firearm, but according to the very said clause in the Bill, you have to satisfy the Commissioner of Police that you have good reason for it. And the Attorney General I recall during his contribution made mention of the fact that, for instance, you are in a domestic violence situation, but please, you have to take note that there are several persons who may not have been able to satisfy this requirement of good reason for it.

When the young lady Andrea Bharatt got into a car believing it was not a dangerous situation, she would not have thought that she had good reason for it. When Shannon Banfield was merely doing shopping, she would not have thought

that she had good reason for it.

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

Sen. E. Welch: Thank you, Madam President. So why you have to have a permit, you now have to go and demonstrate and illustrate to the officer, you have good reason for it. That in itself is another hurdle. And even if you satisfy the officer that you have good reason for it, there are many grounds on which the officer can refuse, if he comes to the belief or the conclusion, it does not say it has to be based on any particular grounds, but if he comes to the belief or conclusion just on watching you, that you are:

“...of intemperate habits or unsound mind, or...for any...”—other—
“reason...”

—not specified, he believes it poses a danger, then you can be refused. So having gone to the station, you go there with the possibility that you will be refused.

Then there is also the provision that you must have your permit on you at all times. So if you cannot find this inconvenient piece of paper or you misplace it but you need to go out in the night or go and take up the night shift, you have to leave your pepper spray behind.

There is also the position that you may be stopped and randomly searched by an officer who sees you with pepper spray and he may demand your licence or your permission, and if you do not have it on you, you may even be arrested without a warrant. This is not sounding like enabling provisions. It is sounding like disabling and discouraging provisions. And if you transfer it to anybody else or a family member, you are likely to be charged. So every member of a household must get this permit. So a sister cannot lend it to her sister who works on the night shift or whatever. Let us have a provision instead whereby if one person has a pepper spray, that person can transfer it to another member of their household.

And then the sentences on summary conviction for possessing it, if you have supplied false information, is \$500,000 and imprisonment for five years on summary conviction if you supply false information on your application. On indictment it is \$750,000. What are these over the top penalties about? These disproportionate penalties. For possession, if your permit expires and you have forgotten to renew it, then you are in possession. And for possession you can be sentenced on summary conviction to a fine of \$250,000 or imprisonment for five years. You compare that with firearm, on summary conviction a fine of \$15,000 and imprisonment for eight years. So pepper spray is being treated with greater penalty than firearms.

Madam President, in the final analysis I would say with respect to this legislation, I may lend my support to it when, if it comes to that, but it is not out of any view that I consider it to be appropriate. It is only from the perspective that this is what we have before us, and I do not know how long it may take in the future again to revamp it and come with something more appropriate. So in those circumstances it is possible that I may very well lend my support to it, but I would like it to be understood that this is not the appropriate legislative measure, and to use a colloquial expression, the Attorney General probably needs to “wheel and come again”. We need something better than this and it ought not to be part of an amendment to the firearms legislation, to bring it within the firearms provisions and structures. It should be something new. Call it the pepper spray liberalization Act or something of that nature. Madam President, thank you very much.

Madam President: Sen. Teemal. [*Desk thumping*]

Sen. Deeroop Teemal: Madam President, I thank you for the opportunity to contribute to this Bill that is before this honourable House. Madam President, the catalyst for this legislation before us is undoubtedly the recent murder of Andrea

Bharatt, Ashanti Riley and others that precipitated mass agitation and vigils throughout the country. By classifying pepper spray as a prohibited weapon and bringing it within the ambit of regulatory permits, it makes the process of owning and using pepper spray for self-defence quite onerous and seemingly puts it beyond the reach of the average vulnerable woman for whose benefit it is intended. And I must say at this time, Madam President, that I agree totally with Sen. Welch in terms of his comments and his contribution regarding how restrictive this legislation that is before us is, and how much it works against putting pepper spray in the hands of our vulnerable women easily. Coupled with the onerous provisions of this legislation for members of the public to own pepper spray, users of pepper spray will have the added burden of proving self-defence as clause 12 of the proposed Bill, subclause (2) clearly states that:

“(2) A person authorised to purchase, acquire or have in his possession pepper spray, shall only use the pepper spray in self-defence.”

Madam President, my main concern when using pepper spray for self-defence is whether or not using it would be considered excessive force. My understanding when engaging in self-defence, the person must use only an amount of force that is equal to the force being used against them. Thus the use of pepper spray is usually allowed as a form of self-defence in situations where the attacker is threatening serious harm or injury, the attacker has a weapon, the attacker is much larger in size or has specific training that makes them more dangerous. The attacker is also using pepper spray and there are multiple attackers. As in any self-defence case, the person claiming self-defence cannot be the initiator of the attack or aggression. And I wonder about the dilemma of a person, particularly a woman who is in a difficult situation, cannot be the initiator of the attack or aggression even though she is in possession of pepper spray. That is, they cannot be the one who started the

fight or altercation or attack, if they want to claim self-defence in court.

In cases where a person uses pepper spray on someone who is not clearly about to attack them or is not showing any signs of aggression or assault may face difficulties when claiming the use of pepper spray for self-defence. This reality necessitates the need for appropriate training for owners of pepper spray in its proper and legal use. And the question is asked—I would like to ask the question: What extent of training would be required for someone to obtain the pepper spray permit and use pepper spray legally so that they do not place themselves at legal risk for wrongful use? And would this be addressed in the relevant regulations to go with this Bill?

Madam President, one of the main reasons put forward for legislating pepper spray as a prohibited weapon is to prevent its use by criminals. And this was mentioned by Sen. Vieira in his contribution and briefly also by Sen. Welch. And this—and I agree with them that we cannot readily conclude that pepper spray would be used extensively by criminals and as a result the way that the legislation is crafted is questionable in this regard.

Madam President, to do so would be to the detriment of passing legislation that is not user friendly for vulnerable women to acquire and use pepper spray, by bringing such legislation under the ambit of a prohibited weapon as we see in the case here.

What has prevented criminals from using pepper spray in the past? Is it that the means to get it into the country or manufacture it locally has prevented them from using pepper spray? It would be quite a stretch to think that criminals have not used pepper spray in the past and would suddenly start to do so illegally when we pass legislation governing its use.

Madam President, it appears that the biggest beneficiary of the proposed use

of pepper spray, under this proposed Bill will be the police, since the provisions for the use of pepper spray by the police seem to be decidedly less onerous than the restrictions being placed on vulnerable members of the public.

Clause 6 allows for the police officer, member of the defence force, custom officer, other law enforcement officers to use pepper spray in their respective capacities. And proposed clause 6, (2A), extends this full capacity to:

- “(a) ...Estate Police...
- (b) ...Special Reserve Officer...
- (c) ...Municipal Police Officer...”—and—
- “(d) any other person approved by the Minister by Order.”

Why? What is it that falls within the duties and the responsibilities of all these respective law enforcement officers that automatically places pepper spray in their hands? This provides a rather wide-ranging array of possibilities of use. And I question whether the Bill should be specific about the particular applications for use of pepper spray by law enforcement officers. Or whether the intention is to adequately cover the possible uses in the regulations proposed under clause 22 of the Bill.

In most jurisdictions that allow the use of pepper spray by law enforcement, the focus is on the use for crowd control during periods of public gatherings and demonstrations. The use of pepper spray is not allowed in circumstances that amount to unwarranted and excessive use of force in situations that are definitely not life threatening. It therefore amounts to excessive use of force as there is no direct threat to the welfare of the law enforcement officer. So it is a question of the welfare of the law enforcement officer or the use of the pepper spray to disperse crowds, demonstrations and gatherings along those lines.

In my understanding, pepper spray, Madam President, was originally

introduced in certain jurisdictions as an alternative to the use of lethal force with firearms in situations which involve a risk to the life of police officers. The circumstances in play and the vast majority of protest demonstrations and public gatherings particularly here in Trinidad and Tobago—and the Minister of Agriculture, Land and Fisheries did refer to our culture here—and in terms of public demonstrations and public gatherings, could hardly warrant the use of this pepper spray. On that basis I suggest that the use of pepper spray in the context of policing public gatherings would amount to excessive and unnecessary use of force and could involve an attempt to inflict torture or severe pain in certain circumstances, particularly so, if it is used on persons who merely offer passive resistance as a demonstration methodology such as, you know, hanging limp or simply refusing to comply with police instructions. I recommend therefore that the use of pepper spray in the context of policing public gatherings be prohibited unless exceptional and extreme circumstances are in play and these are clearly identified in the regulations to go with this Bill.

Madam President, there are concerns about assumptions that pepper spray is inherently safe because it is naturally derived. There is a report on “The Risks of Use of Capsicum Spray and Pain Compliance Techniques against Public Gatherings”, Police Powers of Crowd Control. It is a submission to the ACT Legislative Assembly Legal Affairs Australia Committee Inquiry of June 2005.

And, Madam President, just to extract some points that were made in that particular report, that particular committee enquiry report about the health aspects, the health risks associated with indiscriminate use of pepper spray. The report says:

“On the contrary, capsaicin (the active ingredient in capsicum gas)...is potentially lethal in its own right. Evidence of the grave health risks posed by capsicum gas to such people as those suffering heart and respiratory

disease, asthmatics and pregnant women led to the British Home Office abandoning its adoption as a weapon.

There is considerable evidence of dangers when used against persons with respiratory problems, children and pregnant women. This literature...”—
sorry.

“While use of the pepper spray may be effective and provide additional safety to enforcing officers, studies indicate that exposure to pepper spray when combined with pre-existing respiratory difficulties and asthma, can lead to fatalities. Moreover, although pepper spray produces the same debilitating reaction on most people exposed to it, close-range or long-term exposure may require hospitalisation or physical rehabilitation.

Members of these populations often have physiological or mental impairments that render them especially susceptible to permanent injury or death following the use of non-lethal weapons.”

End of my reference to that report, Madam President.

Madam President, this is why the regulations referred to in clause 22 of this Bill must be subjected to affirmative resolution of Parliament and not negative resolution as proposed. Appropriate training for its use must also be given to law enforcement officers for its use before issue, and the type of training required for law enforcement officers who are being issued pepper spray should also be clearly, clearly, clearly detailed in the regulations of this Bill, Madam President. Oh sorry, Mr. Vice-President.

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

I submit that the establishment and implementation of proper regulations for controlling the use of pepper spray by police officers would benefit both the police and the public. The public will receive some measure of protection against the

excessive use of pepper spray, and the police would be given much needed guidance regarding the use of the substance. And finally, the State may limit the risk of having to compensate those against whom pepper spray was improperly used.

Mr. Vice-President, because of the dualistic use of pepper spray as proposed in this Bill for two distinct bodies, the public and the police with significantly differing reasons for possible use, I am not surprised by the rather broad definition of pepper spray proposed in clause 3. And Sen. Vieira did mention this in his contribution particularly, I think, if I recall correctly when he referred to one as use as a sword and using pepper spray as a shield and that dichotomy in the use of this pepper spray and resulting from the differing uses of pepper spray. I share his concerns.

I assume that the saving grace here would be the type of pepper spray would be prescribed by the Order made by the Minister mentioned in clause 3(a)(ii). And based on the concerns I have expressed regarding inappropriate use by police, the health risks involved for those who are sprayed, et cetera, the type of pepper spray to be prescribed by the Minister by Order in clause 3(a)(ii), must be subjected to the affirmative resolution of Parliament. It must be subjected to the affirmative resolution of Parliament because of the consequences involved. And the type of pepper spray should also be clearly categorized for the respective uses intended by members of the public and law enforcement officers.

And I listened very closely to Sen. Welch and I must say that I really also questioned the approach to the crafting of this legislation by incorporating the use of pepper spray, particularly with the primary objective of putting it in the hands of our vulnerable women, to merge it into firearm legislation. I agree with the Senator in that regard and rather and whether the approach should have been to put it into a

separate piece of legislation, make it less restrictive and less onerous for the vulnerable women of our country to be able to possess and use pepper spray.

Mr. Vice-President, one other aspect that I will just briefly mention without going into much detail, is the question of possible human rights violations by the use of pepper spray by police to break up demonstrations, political rallies, worker rallies and public gatherings and other gatherings of those sort. I would have really liked to see inputs from stakeholders engaged in human rights organizations regarding this human rights aspects of the use of pepper spray, but as far as I am aware, this consultation was not done.

Mr. Vice-President, with the remaining time I have, I will just like to probably look at one or two specific clauses within the Bill. Clause 9, that deals with offences relating to the sale or transfer of pepper spray. And again, in the context of what I have said and in the context of making this ownership and use of pepper spray so prohibitive, the extent of fines as proposed here in clause 9, \$550,000 in terms of sale or transfer of pepper spray, on conviction on indictment of \$750,000; these are indeed disproportionate. I agree with Sen. Welch in this regard. And again, you know, seeing this type of—the extent of the fines here in the context of encouraging, you know, our vulnerable women to acquire and use pepper spray, it is indeed a deterrent in my opinion.

Mr. Vice-President, clause 11(b), in the last part of that subclause (b) where it says that:

“...such permit shall not be granted to a person whom the Commissioner of Police or the police officer authorised by him, as the case may be, has reason to believe to be of intemperate habits or unsound mind...”

We really need to tighten up there in my opinion because this is just a question of an assessment in terms of just reason to believe and whether or not we

should go the route of having a prescribed assessment by a medical practitioner to come into play here in terms of this requirement.

Mr. Vice-President, clause 22(b)(iii), (2), I have said it again but I will repeat in terms of the regulations being subject to the affirmative resolution of Parliament and not the negative resolution of Parliament. And there is added on there in (2):

“...may prescribe a fine of two hundred and fifty thousand dollars and imprisonment for two years.”

And I would just like some clarification on that in terms of in what context is this fine of \$250,000 and imprisonment of two years. Is it for a breach of the regulations? And if so, what particular breach of the regulations? I have a difficulty in terms of linking that fine to the regulations.

12.00 noon

Again, clause 26, in terms of custody of pepper spray and the extent of the fines, \$100,000 is being too harsh for someone who finds pepper spray and does not report it within seven days. The time, again, is questionable. It could possibly be extended. It is too short in my view.

Mr. Vice-President, I go to section 17A(3) on page 13, where it says that:

“A person issued with a Pepper Spray Permit to purchase, acquire or have in his possession pepper spray is authorised to purchase and have in his possession one canister of pepper spray...”

And this 17A(3) really deals only with lost or stolen or expired pepper spray. And I ask the question: What if somebody has that one pepper spray and it is used up, does that person have to go back and get a new permit to get another can of pepper spray? Or if that persons shows that it was used up in that self-defence scenario, whether or not the same permit could be used for that person to procure

another can of pepper spray?

And finally, with regard to clause 30 on page 16, the “transitional provision”. Hon. Attorney General, I really question the need for this transitional provision. Because this transitional provision really is saying that:

“A person who has possession of pepper spray prior to the coming into force of this Act...within six months...”—we are giving six months for a transitional provision for that person to apply for a pepper spray permit.

So the person having that pepper spray, prior to this Bill being enacted and proclaimed, has it illegally. And why are we going to such extents, for such a long period of time, to allow for this transitional provision? Why provide this transitional provision?

And subclause (3) of this clause 30 even goes on to say:

“The Minister, by Order, may extend the period for application of a permit for possession of pepper spray under subsection (1).”

Why should we need to extend it beyond six months, being a transitional provision? Or should we not have this transitional provision at all? What is the reason behind it? I thank you, Mr. Vice-President, for this opportunity.

The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):

Thank you, Mr. Vice-President, for the opportunity to bring conclusion to this debate. I wish to thank all hon. Members for their submissions, considerations and for sharing their philosophical underpinnings on the important issue of protection of the vulnerable.

I start off by saying this is not a Bill for women. This is a Bill for the vulnerable because there is an equal risk and circumstance to men. Of course, the preponderance of evidence is that our women are at risk. Now, if I were to make my response down to basic philosophical issues at first and then to issues in

relation to the clauses, permit me to say as follows: most of our most important, vulnerable, heartfelt issues in society are the subject of great debate and never-ending production in terms of solution. Why do I say that? It took us 35 years to deal with child marriage. It took us 22 years to amend the Domestic Violence Act. It took us nearly 50 years to amend the Supreme Court of Judicature Act to create divisions of court; to create a specialist environment for children, for families, for women.

We have been on the floor of the Parliament—certainly Sen. Vieira and I in the Tenth Republican Parliament—where we were dealing with the children’s laws, the Children Act. We came to the floor at four o’clock in the morning of that debate and quite properly, on a matter of principle, the Independent Bench abstained from voting on the law. I say “properly” because they felt then that two issues needed to be addressed: one, the issue of child marriage, and two, the issue of discrimination against sexual orientation. And without those two issues being dealt with, the Independent Bench took a principled decision and said they would not support the Children Act. It was up to the Government and the Opposition, and I do not say that pejoratively. I am saying how strong principles can be at times that stop us from making decisions. Look at the debate on children marriage. Back and forth, and the Opposition saying no, bringing someone here to say that if a girl is old enough to have a menstrual cycle that she should be married.

Hon. Senator: They said that?

Hon. F. Al-Rawi: Yes, they said that. Had to strip the special majority off and risk it on the Constitution, in saying that this was proportionate in a society such as Trinidad and Tobago. Came in for loads of criticism, from the editors, the newspapers, talking heads. But as Sen. Welch puts it quite properly, we are here to make laws. The first principle, section 53 of the Constitution, for the peace, order

and good governance of our society. Principally, everyone agrees that the dangerous version of pepper spray must be regulated. That is a given. We have heard that.

Sen. Teemal has, in his contribution said, let us liberalize pepper spray but then went into a very detailed analysis of how the police must be regulated for the use of pepper spray. They must be trained, they must be cautioned. Obviously, the question that jumps up is: Well, what about those who have the legalized pepper spray? If you are going to regulate the Trinidad and Tobago police, the law enforcement authorities, according to Sen. Teemal's submission, standing alongside the submission that you should liberalize pepper spray and therefore sell it freely, how do those two policies mix? No law for pepper spray that is legalized, no restriction, no permit, no scrubbing, but regulate the police on excessive use. I am not quite sure how those two marry. Is this a sword or shield?—is another strong philosophical underpinning. I accept that the arguments are quite properly, it may be a sword, it may be a shield. From my perspective, in coming to the Parliament—not making laws for myself, I have my own individual views but I am a member of a Cabinet and I stand by the Cabinet's policy, which is in this Bill, otherwise I would be outside the Cabinet because we always have the liberty to leave the Cabinet if we choose—we are considering it as both sword and shield. In the sword and shield construct we say, "Because there is no data in Trinidad and Tobago, that we ought to start with permission to have pepper spray." And we say you ought to have permission because the evidence in other jurisdictions show us—Denmark, in particular, United Kingdom, in Canada—that when you have pepper spray in wide circulation, that it becomes a risk factor such that in Denmark, you had to recall it and in Canada, they had to recall it.

In the permitting position we are quite simply having an intellectual issue

that is very rare. And I thank Sen. Vieira, I thank Sen. Teemal, I thank Sen. Welch for pointing out that there may be a dissuasion in people having to suffer from the bureaucracy. It is one of the underpinnings for the fulminations that we have had on the liberalization point, that bureaucracy is the antithesis of protection in this instance, and I accept that that is a very commendable and worthy submission from hon. Senators.

I wish to put onto the record the reason why we propose a six-month period for transition is that we know pepper spray is in circulation. The reason that we have allowed for the extension of time is because we are in a COVID pandemic, and therefore, the operationalization may require extensions of time. It is in the law. So if I said six months in the law and I needed three months extra because the police station is closed, because we are under a state of emergency, for that aspect of business, then I do not want to have to move an Act of Parliament to come and extend the three months, so I put the ability to extend—or the six months.

But let us deal with bureaucracy. We do not intend to operationalize this law by a line, which is through the door, where you are filling out a form, where the officer did not attend, where you have a psychometric analysis—because Sen. Deyalsingh had proposed that we go for a psychometric analysis of every person applying for pepper spray. What we propose is that we will use the digitization platform, exactly as we have done in the Registrar General's office, in the licensing office, where you will apply online. In 24 hours of a state of emergency, 350,000 people applied for curfew passes. Was that a problem? We propose, in the digitized platform, to eliminate the bureaucracy. You apply online, you fill out the customer information field, you submit your application form. In the Registrar General's office, I can tell you, as we move to the digitization of company filings, we are going to invite people to register online. And when you are registering online, you

are going to upload a picture of yourself holding your driver's permit, and the driver's permit and your passport. And when you come in, on one occasion only to perfect the registration, all the information is there.

So all that it is, is a customer verification information point. And in this permitting of pepper spray, we propose online application designed by iGov; information: I am, I live at, I wish to acquire, I am not a person described as a prohibited person, I am not a person with a charge for raping someone, for kidnapping someone, et cetera. I am not the subject of a domestic violence protection order or undertaking; I am convicted person; I am not a convicted person. You fill that out, you send it online, you print your QCR form, you arrive at the station, you scan it, your information pops up. You verify, you take your prescription and you go.

I want to talk about culture for a moment. In the carnival atmosphere of Trinidad and Tobago, it is now standard that you buy your carnival tickets online. You fill out the form online. A QCR pass is issued immediately. When you get to the carnival fete, they scan it, your band is on and you are in. So they actually know everybody who is in the carnival party in Trinidad and Tobago. So I am giving an example of where the bureaucracy can be eliminated, where our culture organizes itself. And it is true, hon. Members have made the submission, why would a criminal want to use pepper spray when he has a gun or a cutlass or a knife? But the point is the data in other jurisdictions show us that when you have pepper spray in wide circulation, it becomes a problem.

Sen. Vieira raised a very interesting point. Let us have the less lethal version under a certain number of grammes, or microgrammes, or ounces of the particular ingredient, that is pepper spray. And those that are weaponized version or military grade, as the hon. Senator put it, let us regulate that instead. So stop for a moment,

let us look at what the Bill says. The Bill says—let us use the concept of the weaponized version. The Bill says that a noxious substance is a prohibited weapon within the definition of the Firearms Act. So even if we liberalize pepper spray, you would have to disapply that liberalized version from the Firearms Act. You would have to take it in every single place where the Firearms Act is and treat with it. We have done that. That is what this Bill does. This Bill looks at a prohibited weapon in every clause that exists in the current law that prohibits it. So even if we were to say, “Listen, everything under X amount is free, you still have to come with this Bill because you have to amend this law.”

Sen. Lutchmedial said, let us come up with a standalone piece of law. Let us think about that. A standalone piece of law will still require us to do this Bill because we have to consequentially amend every single clause inside the Firearms Act. Because a firearm includes a prohibited weapon. A prohibited weapon is a noxious substance. We agree that the military grade pepper spray ought to be treated differently. Let us say assume that we agree with that. It is going to have to be by an Order which says what the amount is. I do not respectfully view the definition to be amateurish. Sen. Vieira, it was unusual to hear you say something like that, if I just put it plainly, because the definition of pepper spray is tagged onto the Order of the Minister which prescribes the chemical, volumetric and other substances by law.

In this circumstance, therefore, even if we were to look at legalizing a lesser amount of potency, using a standalone piece of law, we are in agreement that we must amend the Firearms Act. We have to. We cannot not treat with it because right now it criminalizes that. But to accept that we will use the liberalized over-the-counter version, as Sen. Teemal has suggested, as Sen. Welch has suggested, as Sen. Vieira has suggested, yes, how do we now, with a million canisters of pepper

spray in circulation, tell the Trinidad and Tobago Police Service, know which one is lethal and which one is not? How do we operationalize that? “My own is the safe one. My own is not. My label inside that I put on is a correct label because I bought, because it is free. It comes from China.” Sen. Vieira is one of the leading experts in intellectual property law in this country and we are so lucky to have him. Passing off parallel importation, other forms of supply, equally applicable here. Pepper spray made in one country that does not comply with standards of another country, how do we police that? Do we go back to the days where you stop everybody with pepper spray like two joints and say it is a plant-like substance and send it for analysis, and you are pending and you caution the person? How do we do that?

What we say—the philosophy underpinning this Bill: apply online, do not lie, submit it, attend, collect our prescription. Nothing to do with firearms. No form of bureaucracy of the kind of firearms. No psychometric analysis, no details, no come to visit your home, see where you are applying it, no consent from your wife, no consent from a doctor. None of that. Fill out a form and go to your police station. Fill it out online, present yourself on the police station’s door, pick up your prescription. Under penalty of law, if you have lied or told an untruth, and go to the dispensary to keep it, and the record then matches up, at least this way law enforcement knows who has it, where it is, the manufacturer has records. And I agree with Sen. Welch, and I agree with Sen. Vieira, when we have some data under our belt, we get to say, “Let us start changing the law.” Because the intention is not to have a static version of the law.

Hon. Members, I am sure you will all agree that you have never seen an Attorney General of a government come and amend laws repeatedly the way we do; repeatedly: administration of justice; preliminary enquiries No. 1, No. 2, No. 3;

FATF compliance, No. 1, No. 2, No. 3, No. 4. We come over and over and over and over again every time we get suggestions. I give undertakings on the floor. I fulfil my undertakings. And now, hon. Senators, I am not being pejorative to anyone's point of view. I am trying to explain the philosophical underpinnings and the intention on operationalization, and I fully respect and support hon. Senators' points of view because obviously, until I say these things, we could very well be within that trap of bureaucracy of excessive law enforcement utilization. I take Sen. Teemal's point wholly as a very proper and established point. I understand that. I hear Sen. Welch. So I am explaining now why it is your concerns can be measured with and what the intention in—you are going to smile when you hear this, typical Al-Rawi line, just start. I really believe in just starting and moving as we go along.

Hon. Senators, it may surprise you to know that at the Registrar General's office, we have eliminated seeing 15,000 people every three days. They do not come in again because we are digital on our platform. On our land registration and on our companies registration we are going to eliminate all of that foot traffic as well by registration online, filing online, structures online. Hon. Senators who are practitioners in courts, Sen. Lutchmedial, Sen. Vieira, Sen. Welch, we go to court at home. You go to Tobago, San Fernando, Port of Spain and Rio Claro from your desk. Prisoners do not even move again. When we were passing that law in this Senate, I was criticized up and down by the Opposition Bench as to why that would never work. A lot of people objected. Lawyers objected. They took the Chief Justice's Practice Directions under challenge and today they are the advocates of how well that system works, not that it is going to replace in-person trials, obviously, but it is here to stay. It is efficient. We are looking at the issue of virtual attendances for the Parliament. It is an active discussion. We do certain

hybrid approached that way. But my point is that the society is moving. As it relates to the prohibitions in the legislation, there are a lot of commendable thoughts. We can look at, two, I think, of the issues of the penalties are important. Why did we take the penalties as we did? Because the overall structure of the penalties were adjusted in the Firearms Act and we kept this in line with those provisions.

Sen. Teemal, as it relates to the issue of self-defence, self-defence does sometimes include the aggressor. The apprehension of the fear of violence is a legitimate circumstance to be factored. So self-defence does not mean that you disqualify someone from acting in anticipation of protecting themselves. The case law treats with that. We have put the self-defence position because we must contemplate the Offences Against the Person Act. And we are saying that pepper spray ought to be used in self-defence, and we are putting that as an aid to interpretation by the courts when they apply the circumstances of each case to the factors of their positions. I am not troubled about that particular issue because it has been well traversed in our courts, and I think the courts can get it right.

As it relates to those fines that I was speaking about, there is the general philosophy in legislative understanding that you have to keep within the architecture of the legislation. Breach of copyright, Sen. Vieira will back me up, has by far higher penalties for unlawfully copying of a book if it is not for academic purposes. On our intellectual property side and on our financial crime side, we are dropping \$1 million, \$5 million structures. And I just remind that the breach of regulations fine, for instance, we amended the Interpretation Act last year to raise those fines because before that, the breach of a regulation was only \$500, if you had not provided for it in law. So this is not far off of where the Interpretation Act limit is already but in those submissions, we are dealing with the architecture

of the Firearms Act.

I do not think when you respectfully look at what the options were available, a standalone piece of law, if we did it, would always involve the amendments to the Firearms Act, the Offences Against the Person Act, the Children Act. That is why I started in my contribution on the last day in referring to other laws that articulate with this. If we look to the understanding of transition as raised by Sen. Mark, where Sen. Mark asked for, if I understood it correctly, for the commercial possession—for the people who are in commercial—possession of pepper spray in commercial quantities to be treated differently. We respectfully disagree with that. We do not seek for people who have imported pepper spray illegally to be treated in any different way from the persons who are in possession. Let them apply. Let them surrender their stock. Let them go through the process of having it lawfully done, so that the consistency of the product is determined because otherwise you may have weapons grade, military grade, alongside a can of Baygon and we need to be careful about standard as we approach these issues.

With respect to the seven-day period for the turning in of the product if you are no longer a qualified person, we propose to amend that to say that you have reasonable cause. For instance, you were in jail and you could not do it within seven days, some of those circumstances can be factored. When we look to the issue of affirmative resolution, the current law in relation to Firearms Regulations. Firearms Regulations since the beginning of the Firearms Act is by negative resolution. I respectfully believe that insofar as we regulate firearms by negative resolution, that we ought to keep the regulation of pepper spray by negative resolution because it would just be an opposite consideration to say, “Well, we have dealt with firearms all along by negative resolution, but pepper spray, part of which the philosophy involves liberalization, we would treat that to a higher

standard of affirmative resolution.” It just does not sit well within the architecture of the Firearms Act.

Madam President: Attorney General, you have five more minutes.

Hon. F. Al-Rawi: Thank you very much, Madam President. Madam President, I would like to say that as we stand in a COVID pandemic, under a state of emergency, the Government would very much like to finish this work so that we can press on with delivering this relief to persons. We are in a situation where each of us is required to lend a hand to law enforcement, to give people a fighting chance, to empower our vulnerable people for at least an opportunity to protect themselves.

I know there is one other martial artist in this forum and that is Sen. Vieira. Perhaps there are others that have spent their lives in martial arts as both of us have. Training is an essential requirement, awareness, spatial understanding of understanding when you can be perceived to be victim. All of these are very essential positions. The caution in relation to pepper spray is that it may very well be used against you. It gives a false sense of comfort but at the same point in time, it gives you a fighting chance and therefore we support the deploying of pepper spray into the society. We respectfully believe that once we have some data under tow, that we can start to treat with this in a different way, as we did for decriminalization. The risk factor that we have: How do we know the thing from the thing?

12.30 p.m.

It was very easy in marijuana because you had a quantity, not the thing, we had a quantity. Inside that black canister with a trigger, we do not know what is inside. And when I look to the forensic load and the analysis load, we do not have the capacity to differentiate in that way and that in and of itself is open to abuse.

Because you could stop someone and say “I do not believe that that is what it is, let us go down to the station and let us check it out”. Right now, you could do that under the Firearms Act. Right now, every pepper spray canister in your possession is a breach of the law. So, we are attending to that.

Madam President, I look forward to contributions at committee stage as we look to mitigate the risks around us by spending less time in the Parliament as we can, so that we can deliver services and conditions to our constituents, those of us that are Members of Parliament and those of us that are involved in active work as we deliver relief to the people of Trinidad and Tobago. I thank you for the opportunity to contribute to this matter and I beg to move. [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Hon. Al-Rawi: Madam President, in accordance with Standing Order 66(1), I beg to move that the Firearms (Amdt.) Bill, 2021 be committed to a committee of the whole Senate forthwith to be considered clause by clause.

Question put.

Sen. Mark: Division.

Madam President: Hon. Senators, you will remember that I said once a division is called, we will allow three minutes for everyone to return to the Chamber. [*Pause*]
Hon. Senators, the three-minute period has elapsed. We will begin the division. Remember that the question is that the Firearms (Amdt.) Bill, 2021, be committed to a committee of the whole Senate forthwith to be considered clause by clause.

The Senate divided: Ayes 15 Noes 7

AYES

Rambharat, Hon. C.

Gopee-Scoon, Hon. P.

Sinanan, Hon. R.

Hosein, Hon. K.

West, Hon. A.

Browne, Hon. Dr. A.

Mitchell, Hon. R.

de Freitas, N.

Singh, Hon. A.

Sagransingh-Sooklal, Hon. R.

Bacchus, Hon. H.

Lezama-Lee Sing, Mrs. L.

Bethelmy, Ms. Y.

Ali, Imam S.

Teemal, D.

NOES

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Vieira, A.

Deonarine, Ms. A.

Welch, E.

Question agreed to.

Bill committed to a committee of the whole Senate.

Senate in committee.

Madam Chairman: Attorney General, are you ready? Hon. Senators, we are about to begin the deliberations of the committee. I remind Members that there are

31 clauses to the Bill and there are circulated, two sets of amendments, one set proposed by Sen. Lutchmedial and the other by the Attorney General.

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

Clauses 5 and 6.

Question proposed: That clauses 5 and 6 stand part of the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: Yeah. Madam Chair, under clause 6(d), of clause 6—

Madam Chairman: Yes.

Sen. Mark: I would like the Attorney General to clarify whether there is no clash between the functions under this legislation of the Commissioner of Police and that of the Minister, particularly when you look at clause 6(a), (b), (c) which would have to be approved by the Commissioner of Police and then (d) is saying that:

“any other person approved by the Minister...”

Or is this clause saying, Madam Chair, through you to the Attorney General, that the Minister of National Security will be responsible for approving pepper spray to these categories in (a), (b) and (c) respectively? I am trying to get some clarification. That is why I am wondering if there is a clash between what the Commissioner of Police is supposed to be doing and what a Minister is supposed to be doing in this clause.

Mr. Al-Rawi: Thank you, Madam Chairman. The Minister is the Minister defined as the Minister of National Security in the Act itself. The Commissioner of Police is a person that does licensing under the Act. Section 6 of the Act which is being amended by clause 6 of the Bill simply says that: “the Minister may by Order” affect the category of persons in subsection (2A). There is therefore no conflict at all in terms of the operation.

The intention in the new subsection (2A) is to broaden the circumstances of

officers defined in section 6A(2) so that estate police, SRPs, municipal or any other person by order may have. That intention in (d) is in the event that the immigration officers come into the need for alternative use of force that they would have this as an alternative use to carrying firearms, et cetera, in the event that those become eventualities. I say that specifically because the concept of border control is something that is under review and who is present at your ports of control and that is why (2A)(d) has been included in the manner it has.

Sen. Mark: Madam Chair, again, is the Attorney General saying only officers such as customs and excise officers would be captured under this (d) or would it include other persons? I want to make sure, Madam Chair that this section seems to be very wide as it is broad, saying “any other person”. So I am trying to determine what does this mean. Does it mean only immigration and customs and excise officers or would it capture “any other person”? That is the area we need to clarify.

Mr. Al-Rawi: Madam Chairman, the law proposed in the Bill is the following words, “any other person...”. I just gave an example to bring it to life. So it is “any other person”.

Sen. Mark: Well, Madam Chair, I think that this is too broad in the context of what we are trying to achieve here and I do not think a politician should be involved in this kind of approval process. This can lead to nepotism, discrimination and whoever that Minister wants to approve can be approved here. So there needs to be some checks and balances to rein in this particular Minister in terms of his ability to simply approve any other person, Madam Chair. So, I would like the Attorney General if he could probably consider an amendment to confine the Minister to those persons who fall within Immigration which would be under his purview and allow the Commissioner of Police to be responsible for approving other persons.

Mr. Al-Rawi: Duly noted, Madam Chairman. There are regulations intended to be issued in accordance with this and the regulations would provide for the narrowing of circumstances.

Sen. Mark: Madam Chairman, finally may I ask if this Order, and I am proposing, I am sorry, Madam Chair, I know that you always want things in writing. We did put in writing but I think that because we want to maintain some checks and balances and accountability, any order to be approved by the Minister should be subject to an affirmative resolution of the both Houses of Parliament so we would be able to have an oversight of who are these people the Minister is approving. And I would like to propose an amendment to this section as it relates to order. After Order, Madam Chairman—

Madam Chairman: Just one second. Formulate what you are proposing as the amendment. Sen. Vieira wants to make an intervention, so you have a little bit of time. Sen. Vieira.

Sen. Vieira: Thank you, Chair. Hon. AG, at section 6, where it reads—I understand the amendment to, now we will say firearm, ammunition or pepper spray. So at section 6 where it says:

“...holds a Firearm User’s Licence...”

Whether we might just take out the word “firearm” so it would read, only if he holds a user’s licence with respect to such firearm, ammunition or pepper spray.

Mr. Al-Rawi: Madam Chair, the reason why we did not add that into the concept of pepper spray into section 6 itself, is that we still want to go through the licensing permissions for firearms which are different. They include the provisional licence, the strictures, et cetera. So, specifically anything to treat with the pepper spray aspect, we have treated as the permitting aspect that we have created. But we did not want to interfere in 6(1) with the provision:

“Subject to section 7, a person may purchase, acquire or have in his possession a firearm or ammunition only if he holds...”—an FUL.

Because it is section 7 of the Firearms Act that goes on to speak to the exemptions that apply pursuant to law and then we get in to the whole concept of the provisional licensing and regime for firearms and ammunition. So, we wanted to treat with pepper spray under the regime of just the permit.

Madam Chairman, may I respond to the submissions made by Sen. Mark?

Madam Chair—

Madam Chairman: Just hold for a—

Sen. Mark: Hon. Attorney General—

Mr. Al-Rawi: Yeah, sure.

Sen. Mark:—before you do it. Madam Chair, I would just like the hon. Attorney General to be consistent and there is in the Firearms Act, under section 2 a concept or a definition of “competent authority”. And it:

“means the Commissioner of Police, the Comptroller of Customs and Excise, the Chief Immigration Officer or the Chief of Defence Staff;”

I would like, Madam Chairman, rather than go with the affirmative resolution, let us, any other person approved by the competent authority. In this instance, it will—we know that these people are competent and they can take that decision that we are talking about rather than introducing a politician into this particular arena. So, I think we should be consistent with the legislation that we are currently amending. It talks about competent authority.

Mr. Al-Rawi: Madam Chair, competent authority is not used anywhere in the law other than the place where it is used in the circumstance that it is used. The issuance of pepper spray and pepper spray only to persons permitted by way of order means that once permitted, the operation of the law runs alongside that. The

Commissioner of Police has the power to recall, the regulations set out circumstances and in those circumstances I wish to respectfully disagree with Sen. Mark's submission as not being required in this instance.

Sen. Mark: I want to respectfully disagree with the—

Madam Chairman: So, Sen. Mark, yes—

Sen. Mark:—hon. Attorney General.

Madam Chairman:—you have a proposed amendment?

Sen. Mark: Madam Chairman, as a substitute for the affirmative order, I would like—

Madam Chairman: No. We are dealing with clause 6(d).

Sen. Mark: Yes. So I am deleting “Minister by Order”. I do not want the Minister to be involved in this. It is corruption, nepotism and discrimination.

Madam Chairman: Sen. Mark—

Mr. Al-Rawi: “Come on nah man.”

Sen. Mark: That can lead to that. I am not saying that the Minister in the position now is going to do that.

Madam Chairman: Sen. Mark, so that you are seeking to delete the words “Minister by Order”.

Sen. Mark: Yes. And after the word “approved by” I am just including “the competent authority”. So that would be consistent with the law.

Madam Chairman: So, Sen. Mark, I believe the amendment you are seeking is at clause 6(d), to delete the words, “Minister by Order” and substitute the words “competent authority”. Is that correct?

Hon. Senators, the question is that clause 6 be amended as follows, at 6(d) to delete the words “Minister by Order” and substitute the words “competent authority”.

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

Sen. Mark: Division.

Madam Chairman: So we will allow the three minutes and we will begin the count at 12.55 p.m. [*Pause*]

The Senate divided: Ayes 4 Noes 20

AYES

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

NOES

Rambharat, C.

Gopee-Scoon, Mrs. P.

Sinanan, R.

Hosein, K.

West, Ms. A.

Browne, Dr. A.

Mitchell, R.

de Freitas, N.

Cox, Ms. D.

Singh, A.

Sagransingh-Sooklal, Mrs. R.

Bacchus, H.

Lezama-Lee Sing, Mrs. L.

Bethelmy, Ms. Y.

Ali, Imam S.

Vieira, A.

Deonarine, Ms. A.

Teemal, D.

Thompson-Ahye, Mrs. H.

Welch, E.

Question negatived.

Question put and agreed to.

Clauses 5 and 6 ordered to stand part of the Bill.

Clause 7.

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

Madam Chairman: There is an amendment circulated by Sen. Lutchmedial. Sen. Lutchmedial.

In proposed section 6A(1), delete the word “Order” and replace with “Regulations subject to the affirmative resolution of Parliament.”

Sen. Lutchmedial: Attorney General, I would ask that you consider that the issue of importation and manufacturing distribution and strength and volumetrical content and so on be dealt with in regulations as opposed to an order. And subject to at least—

Sen. Welch: Sorry. Can Ms. Lutchmedial speak a little louder? I am hardly hearing.

Sen. Lutchmedial: I think the wrong mike was on. Sorry. I am asking the Attorney General to consider whether or not the proposed section 6A(1) that it be dealt with via regulations and not an Order and that it be subjected at least to negative if not affirmative resolution. I take your point on all the other regulations being negative. So at least consider whether or not instead of an order, it would be subject to negative regulation, subject to negative resolution.

1.00 p.m.

Mr. Al-Rawi: Madam Chair, I think that it may be quite useful to at least put the negative resolution for the Order so that it gives somebody the opportunity to negative the Order in the event that there was concern as to the contents and volumetrics. I would like to say the reason that we selected Order in this fashion is that every other instrument is usually done that way and I mean everyone, from toxicology, to blood analysis, to all of these things. But insofar as it is a fairly sensitive issue, perhaps we could do that. So, Madam Chair, I do not know where that fits in with that which is circulated.

In proposed section 6A(1), delete the word “Order” replace with “Regulations”...

So it would be—the Government would be prepared to say delete the word—well after the word “Order” insert—

Ms. Lutchmedial: Subject to the negative resolution of Parliament?

Mr. Al-Rawi: Yeah—may by Order subject to negative resolution, if that is agreeable?

Madam Chairman: Sen. Lutchmedial?

Ms. Lutchmedial: Yes, Madam Chairman, that is okay.

Madam Chairman: So, would you withdraw your—

Ms. Lutchmedial: Yes, Madam, I withdraw and take what the Attorney General is saying.

Madam Chairman: I take it is now to propose the new amendment.

Ms. Lutchmedial: Yes.

Madam Chairman: So I will put it to the floor. Hon. Senators, the question is that clause 7 be amended as proposed by Sen. Lutchmedial by inserting the words “subject to negative resolution” after the word “Order”.

Question, on amendment, put and agreed to.

Question put and agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clause 8.

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

Sen. Mark: Madam Chair—

Madam Chairman: Yes.

Sen. Mark:—I would like, through you, to ask the Attorney General what was the rationale for the removal of the President and in this context the Cabinet, and its replacement by a Minister? Because I would have thought that the Cabinet would have had greater accountability and oversight over the Minister. So, I am just trying to get clarification from the Attorney General as to the thinking of the Cabinet for deleting itself and putting the Minister in its place.

Mr. Al-Rawi: Thank you. Madam Chairman, I thank Sen. Mark for the enquiry. This springs from section 80 of the Constitution, the President in this instance here is equivalent to the Cabinet because it is not the President with words of qualification as to seeking consent, or advice, or recommendations of any other person. In the parliamentary structures that operate and in the Cabinet structures, a Minister is not permitted to do something on his or her own when it comes to legislation. It is always underwritten by policy approved by the Cabinet. So in every instance where a Minister acts, a Note must be taken to Cabinet for that Minister to act, so there is Cabinet approval for the Minister to act. That is not spelt out in legislation however.

Mr. Mark: Okay.

Madam Chairman: Hon. Senators, the question is that clause 8 now stand part of the Bill.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

Clause 10.

Question proposed: That clause 10 stand part of the Bill.

Madam Chairman: Sen. Lutchmedial, there are amendments proposed by you and circulated?

Ms. Lutchmedial: Thank you, Madam Chair. Through you, Madam Chair, Attorney General, and this deals with the concern that I raised and I think the Law Association also raised it as well with respect to a person being charged, being automatically deprived of the right to acquire pepper spray or even having to surrender, or becoming a prohibited person and having to surrender their pepper spray. Just by way of reference, one of the offences in the Schedule is trespass, criminal trespass. I do not know that being charged should automatically deprive someone, and in similar fashion to which you have left it to the judicial officer to be able to determine whether someone in certain domestic violence situations should surrender the pepper spray. I was wondering if you would consider an amendment that would give the judicial officer the power to make an order that someone be prohibited or surrender their pepper spray and the permits in the event that they are charged.

Mr. Al-Rawi: May I, Madam Chair?

Madam Chairman: Yes.

Mr. Al-Rawi: Madam Chair, I thank Sen. Lutchmedial for this submission and if I could just explain the policy behind the Government's approach on this. Madam Chair, it is true that you are innocent until proven guilty and that a charge is merely a charge. In the data that we have on the raw side of data as it relates to violence

against vulnerable people and I use that term specifically to mean more than violence against women, there are two categories that we have noticed are in existence: number one is the category of violence against women; and number two, against elderly people in the vulnerable circumstance. That is why we have included trespass, criminal trespass, because we amended the Trespass Act to include home invasion because there were significant circumstances of people throwing elderly people out, gang-related activity of throwing elderly people out, and therefore, we wanted specifically to capture the concept of trespass.

Secondly, in relation to violence against women, our society is currently reeling with the fact that people have clean certificates of character but 15 charges for rape, 12 charges for rape, even two charges for rape, and in our policy considerations we thought that until the backlog disposition and rapidity of justice in the system improves, we wanted specifically in the context of pepper spray to disapply people who are on charges but we did not say any charge. We went for a schedule of charges and we took two schedules. We took the Bail Act schedule and we took the schedule to the Firearms Act.

So when we look to the Schedule as we have proposed it to be amended, Madam Chair, that is at clause 27 beginning at page 10 of the Bill, we are seeing charges for offences against the person: shooting, wounding, grievous bodily harm, inflicting injury with or without a weapon, attempting to choke, committing indictable offence, using drugs, administering poison, an offence of burglary, offence under the Kidnapping Act, offence against the Trafficking in Persons Act, offences against the Children Act and offences against the Trespass Act, being specifically forcible entry and forcible detainer. So, we did not take any charge per se, we took a certain category of charges which we consider to be egregious enough to disapply the person from obtaining pepper spray, so it was in those

circumstances that we have sought to ask Parliament to approve the ability to deny a person on a charge for these serious matters from being in possession of pepper spray.

Ms. Lutchmedial: Madam Chair, may I?

Mr. Al-Rawi: Yes.

Ms. Lutchmedial: Thank you, Attorney General. I understand the policy, however what you are asking for is not the ability, but an automatic denial. It is almost similar to the automatic denial of bail, for example, when someone is charged under the domestic violence act, you have often have cross charges. So, a husband and wife, or cohabitants may—and two persons could be charged at the same time arising out of the same incident. One may ultimately be found to be the aggressor while the other one may be found to be victim, but in your present configuration there is an automatic denial to the victim as well. So it not only can give rise to—there are so many permutations and scenarios that can arise. The judicial officer seized of the facts in every matter may be best placed to determine whether or not a person should be deprived or not, whether the circumstances warrant it.

If a person armed themselves with pepper spray in the past and present themselves to the court now and they are cross-accused with another cohabitant or spouse of an act of domestic violence, the magistrate who they appear before may be better placed to determine whether or not that person should be automatically deprived of their pepper spray or not.

Mr. Al-Rawi: May I, Madam Chair?

Madam Chairman: Yes.

Mr. Al-Rawi: I thank the hon. Senator. The hon. Senator made reference to the Domestic Violence Act and that is very true, which is why we have not put in the Domestic Violence Act into this similar category. We specifically allowed the

judicial officer in domestic violence circumstances to consider the circumstance of undertakings or cross-undertakings in the domestic violence context where they can say, “Listen, I still wish to have the pepper spray and have the judge think with that”. The problem with the judicial discretion where we are in the situation of looking to have a mass supply of pepper spray available is that it is going to be extremely cumbersome for somebody to return to the court for the issue of the grant of pepper spray so we will be asking people who are on charges and who are awaiting trial who may not be coming up on remand positions in regular cycles, to literally bring themselves before the court and have the court consider the circumstance of the grant of pepper spray. That for us is too bureaucratic a role.

Further, and I say this with no ill-intent or negative reflection upon the Judiciary, something as powerful as asking the Judiciary to use electronic monitoring bracelets in domestic violence circumstances, it was only through urging that we got the first order the other day, or to consider the issue of bail. So we are very mindful of avoiding the bureaucracy of having the court consider any and every situation where somebody is on a charge knowing that people who are on charges for these specified version of offences, sexual offences, kidnapping offences, trafficking against persons offences, those are the ones that we seek to disapply.

Sen. Vieira: Well AG, I wonder—

Madam Chairman: Sen. Vieira.

Sen. Vieira: Thank you, Chair—whether or not we should be consistent in 21B then because you can be prohibited from getting a firearm licence for five years when you have a conviction of a domestic violence offence, but maybe we should put for charges and broaden it as well for firearms.

Mr. Al-Rawi: Sorry, would you just explain that? Consistency for?

Sen. Vieira: 21B.

Mr. Al-Rawi: Section 21B.

Sen. Vieira: Yeah, where a person is convicted of a domestic violence offence he may be refused to be granted, would you want to put it for charge there when you reach down there so that there is a consistency?

Mr. Al-Rawi: I am sorry, just wanted to be certain that you are referring to section of the Act or clause of the Bill?

Sen. Vieira: Of the Act.

Mr. Al-Rawi: Of the Act?

Sen. Vieira: 21B—

Mr. Al-Rawi: So, section 21B—

Sen. Vieira: (2).

Mr. Al-Rawi:—(2):

“Where a person is convicted of a domestic violence offence...the Commissioner may refuse to grant that person an”—FUL or FU(E)C—“for a period of five years from the date of conviction.”

And the submission is?

Sen. Vieira: So, I am saying that you can have a gun even though you have a charge. Should it not be consistent if you are going with this clause?

Mr. Al-Rawi: So this is something that has come under—May I?—a significant amount of analysis. Whilst the law says this and you may be granted in this provision, it is the very clause 22 that a number of Senators have referred to where—sorry, it is not 22. It is where we looked at the intemperate where the Commissioner of Police has a discretion to call in a licence to manage or to revoke where they are guilty of intemperate or in his view, are in circumstances of demonstrating intemperate behaviour, et cetera, that he may back the licence. That

is where the firearm debate happened in terms of the call back of firearm. Because the pepper spray is intended to be in very wide circulation unlike the circumstances of firearms which are in very limited circulation in much stricter measurements for concern, we did not want to conflate those two positions.

The policy underwriting which Sen. Lutchmedial has asked us to consider is do not go with charge, take charge that the court tell you if you can, but the issues of the bureaucracy of getting back to the court to ask for permission is going to be an administrative nightmare in our respectful view. So we are just disapplying those positions immediately for a category of offences, not for all offences of charge, but for serious offences, kidnapping, children, rape, et cetera.

Sen. Vieira: Thank you.

Ms. Lutchmedial: I am not quite sure that I agree with the bureaucracy. Once a person is charged and they come before the courts at their first appearance and bail is set and so on, the police or whoever automatically have to make an enquiry as to whether the person is the holder of an FUL. That is of significance in any of these types of offences. So in similar fashion, if there is a register that deals with pepper spray as you envisioned here, they can similarly make the submission at that first hearing that this person is also the holder of whether of a—

Mr. Al-Rawi: Sorry to interrupt. I am not talking about first hearing. If it is just that would be easy. We have 26,000 matters in arrears right now on the indicatable side, we have 104,000 cases a year motor vehicle—forget those—26,000 per year we have about 60-odd thousand cases in arrears. What about those people who are on charges who are not before the court in remanded conditions where they come up in a cycle where the court will hear them regularly but who have dates adjourned to next year or whenever it comes? They would have to bring themselves before the court if they wanted to apply for pepper spray and say,

“Well hold on, I have a charge but I am not before the court right now. My matter is next year.” It is the people who are in arrears that is the administrative difficulty, not the people that are prospective.

Ms. Lutchmedial: But it will still—at some point in time they will be coming before courts so they could make their application as they could make any other application to vary the conditions of their bail and so on. They can make an application if it is that they are so—now what you are saying there is that this section would disbar persons who have already been charged. It is meant to work retroactively as well?

Mr. Al-Rawi: Yes, because the prospectivity of applying for the pepper spray is now, and if you have a charge for rape, for forcible detainer, for trafficking in children, you are going to be disbarred.

Ms. Lutchmedial: If you are charged—

Mr. Al-Rawi: Yes.

Ms. Lutchmedial:—not convicted?

Mr. Al-Rawi: Yes, yes. We do not want those people as a matter of policy as this point in time until we have data and understanding to be in possession of pepper spray.

Ms. Lutchmedial: It also means that persons—okay, so would you then consider removing the charge or convicted under Domestic Violence Act and leave everything there? What you have right now is only undertakings and interim orders. Or would you at least consider all persons? Just because there are situations where you have two parties in a scenario both being charged and I am saying one could be the victim, so would you at least consider then making all domestic violence matters subject to judicial discretion and leave the Schedule Two and Part II of the Bail Act as the automatic?

Mr. Al-Rawi: So, Madam Chair, we are looking at clause 10, 16B, a person who is charged or convicted with the matters in the Second Schedule; charged or convicted with serious offences—I will just put it that way—in the Bail Act; charged or convicted with an offence under the Domestic Violence Act is prohibited for the purposes of, one, a person who is the subject of an undertaking. So we dealt with an offence under DV in subsection (1).

Ms. Lutchmedial: Sure.

Mr. Al-Rawi: Subsection (2) takes a finer point on domestic violence.

“For the purposes of...(1), a person who is the subject of an Undertaking...”—which is enforceable as we all know—“Interim Order or Protection Order in proceedings under the...”—DV—“shall be prohibited...unless a Court determines otherwise.”

So, we have very carefully looked at the domestic violence circumstance. Subsection (1) says charge conviction, charge conviction, schedule of the Act, schedule of the Bail Act, offence, charge or conviction for offence under the Domestic Violence Act out. But with DV being alien to the fact of cross undertakings, and the fact that you can be guilty of an offence for breach of an undertaking, we have sought to allow the court to consider that in the domestic violence context.

Ms. Lutchmedial: Sure. But at the first instance when an incident occurs, you can have both parties charged and before the courts. It may not be that it will result in a—charges can actually arise from the incident for both parties or more than one party, it may not necessarily—

Mr. Al-Rawi: Madam Chair, sorry to interrupt. We looked at the DV Act very, very carefully. The charge under the Domestic Violence Act is a very different thing to the undertaking under the Act.

Ms. Lutchmedial: Agreed.

Mr. Al-Rawi: Right? So the charge is actually done in very rare circumstances. Most people go to the domestic violence court for a protection order, the issue of a charge has not even come up yet. So charge is in rare circumstances conviction may happen, but it is not to be confused with getting before the court for a protection order where you are not in a charge situation at all. So, we are saying if you are on charge because the police thought it necessary to charge you for domestic violence, that is very different from the person coming to seek a protection order of his own volition or her own volition.

Ms. Lutchmedial: But in the rare circumstances that the charge does arise you could have—

Mr. Al-Rawi: And we think if it is charge, it is domestic violence, we have too many stories of people being killed in domestic violence, we want to protect the vulnerable.

Ms. Lutchmedial: In which case, Madam Chair, the other amendments would not be necessary to renumber and so on.

Madam Chairman: Okay. So is it that you are just proceeding on the first part of your amendment, which is to delete the word “charged”?

Ms. Lutchmedial: Well yes, Madam Chair, I would like to put it to consideration.

Madam Chairman: Yes? But you want to take the rest of?

Ms. Lutchmedial: Well, no.

Madam Chairman: Well, you just hold on until the—

Ms. Lutchmedial: Until.

Madam Chairman: Yes. Okay. So—

Ms. Lutchmedial: Unless we—the proposed amendments, well what I was calling the new subsection (5) we can deal with that and then you can put the whole thing

to the question please.

So this is part of section 16B as well, Attorney General, using the fine so I would like to propose, if you are a prohibited person as in convicted or in this case you are proposing charged, I think that the penalty should be higher than if you merely have simple possession, and I think all the penalties were across the board at \$250,000 and imprisonment for five years on summary conviction. I am proposing that we raise the summary conviction to \$500,000 and imprisonment for five years. If it is that the mischief that we are trying to achieve with this Bill is to really prevent persons who ought not to have pepper spray from having it, then a person who knows and ought to know that they are a prohibited person and that they go ahead and acquire it, I think they should have a higher penalty than someone who is not prohibited but has it without a licence.

Mr. Al-Rawi: Madam Chair, may I ask a question please for clarification? I thank the hon. Senator for the submission. I am looking at this clause, 16B, subsection (3) as opposed to a new (5). It is on page 5 of the Bill. We proposed:

“A person who is prohibited from obtaining a Pepper Spray Import Permit”—a—“Pepper Spray Permit under subsections (1) or (2) and is found with pepper spray in his possession commits an offence and is liable.”

The submission coming at us is that we should raise the summary offence to 500, but I would like to explain the philosophy behind what is proposed in subsection (3). We have sought to go for a hybrid offence, a summary and an indictable, and at the summary we have elected to go with \$250,000. The option for the higher position is always available on the indictable route which is the \$750,000. So, we did not want to necessarily raise the summary bar because we want the officer to treat this in the circumstance of what is serious and what is not serious if I can use those terms loosely between the summary jurisdiction and the indictable

jurisdiction.

In those circumstances, when we read the fact that this is a hybrid structure where you can elect to charge under a summary route and elect to charge under the indictable route, we did not want to be seen to be excessively criminal or disproportionate on the summary side to go as high as \$500,000 for example. So that is why we offered the summary offence at 250 with the option if it is more serious or egregious in the mind of the charging officer to go along the indictable route.

Madam Chairman: So hon. Senators, I am going to put to the vote the first part of the amendment as proposed by Sen. Lutchmedial which is the amendment to clause 10, 16B(1), (a), (b) and (c), okay? So hon. Senators, the question is that clause 10 be amended at 16B(1), (a), (b) and (c) as circulated by Sen. Lutchmedial.

Question put.

Madam Chairman: So we will begin the division at 1.27 p.m. [*Pause*]

The Committee divided: Ayes 5 Noes 20

AYES

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Teemal, D.

NOES

Rambharat, C.

Gopee-Scoon, Mrs. P.

Sinanan, R.

Hosein, K.

West, Ms. A.

Browne, Dr. A.

Mitchell, R.

de Freitas, N.

Cox, Ms. D.

Singh, A.

Sagransingh-Sooklall, Mrs. R.

Bacchus, H.

Lezama-Lee Sing, Mrs. L.

Bethelmy, Ms. Y.

Ali, Imam S.

Vieira, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Thompson-Ahye, Mrs. H.

Welch, E.

Amendment [Sen. J. Lutchmedial] negatived.

Madam Chairman: Sen. Lutchmedial, in light of that, what is your position with the rest?

1.30 p.m.

Sen. Lutchmedial: Madam Chair, I will withdraw the insertion of a new 16B(4) as well as—it is no longer relevant, it was premised on the previous one—and I would just ask for 16B(3) as it currently is to be put, Madam Chair, the question on the fines.

Madam Chairman: Hon. Senators, the question is that clause 10 be amended at 16B(3) as circulated by Sen. Lutchmedial.

Question, on amendment, [Sen. J. Lutchmedial] put and negatived.

Madam Chairman: Anything else, Sen. Lutchmedial, at 16? [*Interruption*] So the rest is withdrawn?

Question put and agreed to.

Clause 10 ordered to stand part of the Bill.

Madam Chairman: Can I hear some more ayes apart from the Attorney General because we need Members of the Senate to be voting?

Clause 11 ordered to stand part of the Bill.

Clause 12.

Question proposed: That clause 12 stand part of the Bill.

Madam Chairman: Sen. Lutchmedial.

Sen. Lutchmedial: Thank you, Madam Chair. Attorney General, the proposal here, it was just that we insert “in addition to any other penalty which may be imposed” because if you commit an offence with the use of pepper spray, you will also be committing another offence known to law, for example, an offence under the Offences Against the Person Act. What I thought and what I presume to be the policy here is that if a person commits a criminal offence but you are adding to it now, you want to add a penalty for utilizing the pepper spray to add an additional punishment for using the pepper spray in the commission of an offence. So I just wanted you to be clear that this is not—being charged under this piece of legislation does not prevent the person from being charged with whatever the act is, whether it is assault or whatever it is. So I was just proposing the insertion of the words “in addition to any other penalty which may be imposed under any other law”. I am not sure if that is the tidiest wording but that is the gist of it.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Thank you. Thank you, Sen. Lutchmedial, for volunteering the

caution as to implied repeal or effect of law which is to put it in its simplest version. Madam Chair, I wish to give the assurance that there is no implied repeal as a result of this law. In the creation of offences right across the board, we do not say “notwithstanding any other law for the application of the law” because it is read as that way.

The implication of law would only apply—the implied repeal of law would only apply where there is a close connection between the matters. I will give you an example. We created the Trespass Act amendments, we did the Anti-Terrorism Act amendments and none of these say “notwithstanding other laws”. You may be charged under all other laws, whether they are written laws or in fact they are common law offences that are known to the Republic of Trinidad and Tobago, but I thank the hon. Senator for the caution.

Sen. Lutchmedial: [*Inaudible*]

Madam Chairman: Hon. Senators, the question is that clause 12 be amended as circulated by Sen. Lutchmedial.

Question, on amendment, [Sen. J. Lutchmedial] put and negatived.

Question put and agreed to.

Clause 12 ordered to stand part of the Bill.

Clauses 13 to 20 ordered to stand part of the Bill.

Clauses 21 to 29.

Question proposed: That clauses 21 to 29 stand part of the Bill.

Madam Chairman: Sen. Mark.

Sen. Mark: Yeah, Madam Chair, under clause 22, because of the nature of this particular matter that is before us, I would like to suggest for the hon. Attorney General’s consideration that under 22(2) which reads:

“Regulations made under subsection (1) shall be subject to negative

resolution...”

I would like to respectfully suggest that we delete “negative” and replace it with the word “affirmative” so that we can have greater oversight and accountability as it relates to the provisions contained in clause 22 of this piece of legislation.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. Madam Chair, the Government’s policy is that we go for negative resolution. The reason being is that the matters that we are proposing for consideration here, the regulations are going to speak to:

“...possession, storage...transfer...

...prescription of...records”—et cetera;

“...manufacture, production, importation...diversion, sale”—et cetera.

Madam Chair, we believe that administratively, it is by far more successful for us to look at the negative resolution route because at the affirmative resolution route, it becomes extremely difficult to amend affirmative resolution. The idea of an affirmative resolution is great, but the practicalities of affirmative resolution become extremely complicated when amendments have to be factored. We find it easier when a motion to negative resolutions or regulations are produced that there is greater flexibility to cause the amendment to the thing that you want. So it is a practical consideration, not that Parliament does not have oversight but instead that we do.

Madam Chair, I would just like to say this as well. In the past when we were very paper-related, we had—I recall in my short few years in the Parliament that we used to have that table filled with books and we used to get everything that was being laid in Parliament delivered in the packages overnight, et cetera. We are now in a situation where we have a number of standing committees, where we have electronic access to positions and where we are actively notified as

parliamentarians of the laying of the material, so we are in a much better place for the negating of regulations, orders, et cetera.

So, in those circumstances, I take the caution that Sen. Mark is offering which is that Parliament ought to have oversight and I assure that the negative resolution oversight is an adequate option, particularly if we want to cause an amendment to the thing that we are looking at.

Sen. Mark: I respectfully disagree.

Madam Chairman: Okay. Sen. Vieira.

Sen. Vieira: Hon. AG, clause 26.

Madam Chairman: No, well let us just deal with this issue first which is clause 22 that was raised by Sen. Mark. Sen. Mark, you have disagreed and we move on?

Sen. Mark: I maintain my position.

Madam Chairman: Yes, all right.

Sen. Mark: So you could put it to the—

Madam Chairman: You wish for it to be—

Sen. Mark: Yes. That we delete “negative”, replace it or substitute with the word “affirmative” and we can put it.

Clause 21 ordered to stand part of the Bill.

Clause 22.

Question proposed: That clause 22 stand part of the Bill.

Madam Chairman: And the question is that clause 22 be amended as proposed by Sen. Mark at 22(iii)(2) by deleting the word “negative” and substituting word “affirmative”.

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

Question put and agreed to.

Clause 22 ordered to stand part of the Bill.

Clauses 23 to 25 ordered to stand part of the Bill.

Clause 26.

Question proposed: That clause 26 stand part of the Bill.

Madam Chairman: Sen. Vieira.

Sen. Vieira: Thank you, Chair. Hon. Attorney General, I am wondering in terms of the coming into possession, the seven days, I am aware of someone who died recently and they were looking to find important documents, still cannot find them, he has been buried. Seven days is too short, so I am suggesting either we extend the time or at subsection (3) where you talk about the offence contravenes but put in some sort of “without reasonable explanation or cause”. Either of those options.

Mr. Al-Rawi: Thank you, Madam Chair. We had intended on proposing that, we unfortunately did not circulate it. The CPC’s department also discussed it. It was something raised by the Law Association and several hon. Senators, and Madam Chair, we do accept the proposal to amend subsection (3) as in clause 26 to put in the caveat of lawful excuse. So a person who contravenes—we can do it there. “A person who without lawful excuse”, or no, no, no—yeah, without lawful excuse. So, Madam Chair, we are proposing an amendment to clause 26(3) after the word “who”, insert the words “without lawful excuse”.

Madam Chairman: The question is that clause 26 be amended as follows by including words “without lawful excuse” after the word “who” at 26(3).

Mr. Al-Rawi: Sorry, Madam Chair. Forgive me. I wanted to keep with the architecture of the law. I notice that the prosecution offence in (5) uses these words “in the absence of lawful excuse”. So just to keep with the consistency of the Act itself—I am so sorry to ask you to change those words—but may I suggest we say, “A person who in the absence of lawful excuse”.

Madam Chairman: Sure. Hon. Senators, the question is that clause 26 be

amended as follows at 26(3), after the word “who” to insert the words “in the absence of lawful excuse”.

Question, on amendment, put and agreed to.

Question put and agreed to.

Clause 26, as amended, ordered to stand part of the Bill.

Clauses 27 to 29.

Question proposed: That clauses 27 to 29 stand part of the Bill.

Sen. Thompson-Ahye: [*Inaudible*]*—*on page 11. “Persons prohibited from obtaining a pepper spray”, it should be permit. I do not think “perit” is meant there.

Madam Chairman: What page, Sen. Thompson-Ahye?

Sen. Thompson-Ahye: Page 11 just under Schedule II, the big heading in bold capital letters.

Madam Chairman: 11? We are on page 15.

Sen. Thompson-Ahye: You talked about clause 27.

Madam Chairman: We are on clause 27. Could you just tell us where you are seeing the—

Sen. Thompson-Ahye: At the top of the page, Schedule II, you have persons in capital letters.

Madam Chairman: Yes. Yes. “Persons Prohibited”.

Sen. Thompson-Ahye: From obtaining a pepper spray, “perit” is written, there is not a permit.

Madam Chairman: Well, mine has permit.

Mr. Al-Rawi: Yes, Madam Chair, the proofed version has permit.

Sen. Thompson-Ahye: I have “perit”—“I doh know”.

Mr. Al-Rawi: Yeah, so what happens, if I may, the electronic environment that we are operating in, the proofed version of the Bill which is circulated on the table is

not in circulation but is proofed has “permit” but in any event, on the proofing of law, that abnormally would have been picked up and corrected by the publishers.

Sen. Thompson-Ahye: This always happens but I am glad you have the correct version.

Mr. Al-Rawi: If it does not happen, a corrigendum can also be issued by the Government Printery as well.

Sen. Thompson-Ahye: More expense. Thank you.

Mr. Al-Rawi: It is done electronically now, Senator.

Question put and agreed to.

Clauses 27 to 29 ordered to stand part of the Bill.

Clause 30.

Question proposed: That clause 30 stand part of the Bill.

Madam Chairman: Sen. Lutchmedial. Sen. Mark.

Sen. Mark: Madam Chair, I would like to indicate that there is need for us to ensure that this Senate is not abused by any external forces who may have objectives that we may not be conscious of. Madam Chair, I frown upon persons who have deliberately, maliciously and illegally imported hundreds of thousands or tens of thousands of illegal pepper spray into this country and I am asserting that this transitional provision has been put here deliberately to give cover to those individuals who may have imported huge quantities of pepper spray and now that this law is before us, the Government, through the Attorney General, is seeking to impose this particular provision that would give these people “ah pass”.

Madam Chair, we need to be very clear. If you imported guns illegally in this country, you must pay a price and we must not as a Parliament make illegal or legalize what is at this time illegal. And therefore, we are proposing an amendment to this particular section that says that:

Subsection (1) shall not apply to persons who hold in excess of five devices containing pepper spray.

Now, the hon. Attorney General has said we have to be even-handed. You cannot give five “ah bligh and ah 100,000, no bligh so then we can see say no bligh to no one” and those pepper spray should be seized, taken charge of by the State and they will decide what they will do. I think it is wrong, Madam Chair, for this Parliament to give cover to illegal activities by anyone and then we are giving coverage to these people by agreeing to these transitional provisions. So, Madam Chair, that is my submission on this matter.

Madam Chairman: Attorney General.

Mr. Al-Rawi: Madam Chair, I welcome the painting of conspiracy theories. That would be like saying “we passed ah law, put in ah clause” to say that all people guilty of serious indictable offences should have it automatically discharged after 10 years and then we proclaim it secretly at night before anybody knows. This country is not unaccustomed to conspiracy theories. Right.

Sen. Mark: Well, you have “ah” big financier I understand—

Madam Chairman: Sen. Mark, Sen. Mark, you were allowed to make your submission and everyone else was silent. Attorney General.

Mr. Al-Rawi: Thank you, Madam Chair. So, Madam Chair, those conspiracy theories, notwithstanding, if I could explain the intention and the wording of clause 30. Clause 30 is the transitional provision. As a Government, we have taken careful note and I recall vividly an article where the issue of pepper spray was being canvassed in society and I recall these words in an article where the reporter had gone to Charlotte Street and other parts of Trinidad and reported that there was no more pepper spray available for sale because people had sold out and it hit me as to how wide the circulation of pepper spray has been in this country as a large

elephant walking around on our streets, not even in the room, right.

In those circumstances, being conscious of the fact that many people have pepper spray in their possession, from a personal point of view, we went immediately to the position of saying:

“A person who has...pepper spray prior to the coming into force of this Act shall, within six months...of commencement of the Act, apply to the Commissioner of Police or the police officer authorised by him as the case may be for a Pepper Spray Permit.”

The pepper spray permit is a pepper spray permit to be considered by the Commissioner of Police. So we did not want to go into the “smartmanism” of four or five or three because we know in this country that people will divide it up into fives, into fours, into threes. The concept in law is actually called smurfing, it is in the financial area of concern. Sen. Lutchmedial knows this well with her experience in the FIU, et cetera, where people just take the large quantities that they have and they distribute among smaller people, usually innocently-looking people, older people, et cetera, and they smurf it away, because these are innocent people coming before you.

So the philosophy behind clause 30 is that a person must apply. If you have it in your possession, the Commissioner of Police will consider those circumstances. What we want to do is to make sure the thing is known for what it is: its volumetric and chemical content and that a permit is provided. We anticipate—Sen. Teemal had very commendably asked why six months. We had anticipated that the operationalization takes a while, hence the provision for six months and because of the COVID pandemic and wanting to get this thing done as quickly as we can, we have allowed for the extension of time so you do not have to move an Act of Parliament to cause that to happen. So that is the rationale for it. It

can meet the mischief that Sen. Mark has painted albeit in the less contentious way.

Sen. Mark: Madam Chair, I firmly maintain that as lawmakers, we ought not to be giving a “bligh” to any importer of huge commercial quantities of pepper spray with the passage of this piece of legislation by giving them “ah free pass”, Madam Chair. So I maintain this is wrong and we should not be used in that way. So that is our position on this matter.

Madam Chairman: Sen. Deonarine.

Sen. Deonarine: Thank you, Madam Chair. Just a point of clarification. Attorney General, can you confirm that within this six-month provision, is importation of pepper spray allowed without a permit?

Mr. Al-Rawi: So to answer that question, it will not be allowed. You cannot import without a permit. If people brought in pepper spray before, who knows how that happened. It certainly did not come in under an import permit. It was hidden in “ah container”, it was brought in “ah suitcase”. There are multiple circumstances where these things happen because you could not bring in pepper spray because it was a noxious substance, a prohibited weapon but the fact is it is here. So nobody will be permitted under the transitional provisions to bring the pepper spray in. You would have to wait for the approved circumstances and to be an approved person to come in.

What we are taking conscious reflection of is that the societal information is that people have it in their possession and that people sold it. We know that for sure so we must treat with the issue. And just for the record, Madam Chair, this does not in any way feed any of the conspiracy theories offered by Sen. Mark. There is no facilitation offered to people, in fact the law is very clear. You must bring it in, no exceptions to the rule.

Madam Chairman: Hon. Senators, the question is that clause 30 be amended as circulated by Sen. Lutchmedial.

Question, on amendment, [Sen. J. Lutchmedial] put.

Sen. Mark: Division please.

Madam Chairman: Just for clarification, I am not waiting for the three minutes because I think since the last vote, everyone seems to be in place.

The Committee divided: Ayes 7 Noes 18

AYES

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Deonarine, Ms. A.

Teemal, D.

Thompson-Ahye, Mrs. H.

NOES

Rambharat, C.

Gopee-Scoon, Mrs. P.

Sinanan, R.

Hosein, K.

West, Ms. A.

Browne, Dr. A.

Mitchell, R.

Cox, Ms. D.

de Freitas, N.

Singh, A.

Sagramsingh-Sooklal, Mrs. R.

Bacchus, H.

Lezama-Lee Sing, Mrs. L.

Bethelmy, Ms. Y.

Ali, Imam S.

Vieira, A.

Deyalsingh, Dr. V.

Welch, E.

Amendment negatived.

Question put and agreed to.

Clause 30 ordered to stand part of the Bill.

Clause 31.

Question proposed: That clause 31 stand part of the Bill.

In the third item of the Second Column to the Schedule, delete the words “firearm or pepper spray” and substitute the words “firearm or other weapon, or pepper spray”.

Mr. Al-Rawi: Thank you, Madam Chair. Could I just give you notice that I would ask you to consider revisiting clause 7 just to add a few words in but after we do clause 31 which we need to add in the negative resolution the issue of “of Parliament”.

So, Madam Chair, in respect of clause 31, the Law Association had commented that we ought to broaden this to include the concept of “or other weapon” in the consequential amendments that we do. So, Madam Chair, clause 31 which proposes consequential amendments to the Offences Against the Person Act, the Dangerous Drugs Act, the Domestic Violence Act, the Miscellaneous Provisions (Law Enforcement Officers) Act had originally provided only the

inclusion of pepper spray. What we are asking for is that instead of saying “firearm or pepper spray”, we broaden it to say “firearm or other weapon or pepper spray” to meet with the concerns offered by the Law Association.

Question put and agreed to.

Clause 31, as amended, ordered to stand part of the Bill.

Clause 7 recommitted.

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

Madam Chairman: Attorney General.

Mr. Al-Rawi: Madam Chair, in keeping with the amendments suggested and accepted by the Government, we had proposed the insertion of the words “subject to negative resolution” but we did not say “of Parliament” so if I could humbly request that we include those words “of Parliament”. The insertion being after the word “Order”, insert the following:

“subject to negative resolution of Parliament”

Madam Chairman: Hon. Senators, the question is that clause 7 be amended as follows at 6A after the word “Order”, insert the words “subject to negative resolution of Parliament”.

Question put and agreed to.

Clause 7, as amended, again ordered to stand part of the Bill.

2.00 p.m.

Sen. Mark: Madam Chair, may I crave your indulgence and my hon. colleague, the Attorney General, by asking you to revisit clause 30 and to ask the Attorney General if he would have any objection, in terms of principle and continuity, he would want to make adjustment to clause 30(3) subjecting that order to negative resolution?

Madam Chairman: Well, before I put anything about revisiting the clause, we

will discuss it informally. Attorney General?

Mr. Al-Rawi: Madam Chair, the extension of time by way of order is a very simple matter and we have not subjected that to negative resolution in any of the COVID situation circumstances and I would not like to deviate from that general policy.

Madam Chairman: Okay. So, Sen. Mark, we will not bother to. Okay?

Sen. Mark: Yes, I would leave that so.

Question put and agreed to: That the Bill, as amended, be reported to the Senate.

Senate resumed.

Bill reported, with amendment.

Question put: That the Bill be now read a third time.

Sen. Mark: Let us have a division on this.

The Senate divided: Ayes: 23

AYES

Rambharat, Hon. C.

Gopee-Scoon, Hon. P.

Sinanan, Hon. R.

Hosein, Hon. K.

West, Hon. A.

Browne, Hon. Dr. A.

Mitchell, Hon. R.

Cox, Hon. D.

de Freitas, N.

Singh, Hon. A.

Sagramsingh-Sooklall, Hon. R.

Bacchus, Hon. H.

Lezama-Lee Sing, Mrs. L.

Bethelmy, Ms. Y.

Ali, Imam S.

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Thompson-Ahye, Mrs. H.

Welch, E.

Mr. A. Vieira and Mr. D. Teemal abstained.

Question agreed to.

Bill accordingly read the third time and passed. [Desk thumping]

ADJOURNMENT

The Minister of Agriculture, Land and Fisheries (Sen. The Hon. Clarence Rambharat): Madam President, I beg to move that this Senate do now adjourn to a date to be fixed. Thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 2.05 p.m.