

**SENATE**

*Tuesday, May 17, 2022*

The Senate met at 1.30 p.m.

**PRAYERS**

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

**LEAVE OF ABSENCE**

**Mr. Vice-President:** Hon. Senators, I wish to advise that the President of the Senate, Sen. The Hon. Christine Kangaloo, is currently acting as the President of the Republic of Trinidad and Tobago.

Hon. Senators, leave of absence has been granted to Sen. The Hon. Dr. Amery Browne, Sen. The Hon. Kazim Hosein and Sen. The Hon. Avinash Singh, all of whom are out of the country.

**SENATORS' APPOINTMENT**

**Mr. Vice-President:** Hon. Senators, I have received the following correspondence from Her Excellency the Acting President Christine Kangaloo:

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO,  
Acting President of the Republic of Trinidad  
and Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Christine Kangaloo

Acting President.

TO: MR. HARVEY BORRIS

WHEREAS the President of the Senate has temporarily vacated her office of Senator to act as President of the Republic of Trinidad and Tobago:

**UNREVISED**

NOW, THEREFORE, I, CHRISTINE KANGALOO, acting President as aforesaid, acting in accordance with the advice of the Prime Minister, in exercise of the power vested in me by section 44 of the Constitution of the Republic of Trinidad and Tobago, do hereby appoint you, HARVEY BORRIS, to be a member of the Senate temporarily, with effect from 17<sup>th</sup> May, 2022 and continuing during the acting appointment of Senator the Honourable Christine Kangaloo as President of the Republic of Trinidad and Tobago.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad and  
Tobago at the Office of the President, St.  
Ann's, this 16<sup>th</sup> day of May, 2022.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO,  
Acting President of the Republic of Trinidad  
and Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Christine Kangaloo

Acting President.

TO: MR. AUGUSTUS THOMAS

WHEREAS Senator the Honourable Dr. Amery Browne is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE KANGALOO, acting President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago,

**UNREVISED**

acting in accordance with the advice of the Prime Minister, do hereby appoint you, AUGUSTUS THOMAS to be a member of the Senate temporarily, with effect from 17<sup>th</sup> May, 2022 and continuing during the absence of Senator the Honourable Dr. Amery Browne from Trinidad and Tobago.

Given under my Hand and the Seal of the  
President of the Republic of Trinidad  
and Tobago at the Office of the  
President, St. Ann's, this 16<sup>th</sup> day of  
May, 2022."

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO,  
Acting President of the Republic of Trinidad  
and Tobago and Commander-in-Chief of the  
Armed Forces.

/s/ Christine Kangaloo

Acting President.

TO: MR. MICHAEL SEALES

WHEREAS Senator the Honourable Kazim Imtiaz Hosein is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE KANGALOO, acting President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, MICHAEL SEALES to be a member of the Senate temporarily,

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with effect from 17<sup>th</sup> May, 2022 and continuing during the absence of Senator the Honourable Kazim Imtiaz Hosein from Trinidad and Tobago.

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 16<sup>th</sup> day of May, 2022.”

“THE CONSTITUTION OF THE REPUBLIC OF TRINIDAD AND TOBAGO

By Her Excellency CHRISTINE KANGALOO,  
Acting President of the Republic of Trinidad and Tobago and Commander-in-Chief of the Armed Forces.

/s/ Christine Kangaloo

Acting President.

TO: MS. YOKYMMA BETHELMY

WHEREAS Senator the Honourable Avinash Singh is incapable of performing his duties as a Senator by reason of his absence from Trinidad and Tobago:

NOW THEREFORE, I, CHRISTINE KANGALOO, acting President as aforesaid, in exercise of the power vested in me by section 44(1)(a) and section 44(4)(a) of the Constitution of the Republic of Trinidad and Tobago, acting in accordance with the advice of the Prime Minister, do hereby appoint you, YOKYMMA BETHELMY to be a member of the Senate temporarily, with effect from 17<sup>th</sup> May, 2022 and continuing during the absence of Senator the Honourable Avinash Singh from Trinidad and Tobago.

**UNREVISED**

Given under my Hand and the Seal of the President of the Republic of Trinidad and Tobago at the Office of the President, St. Ann's, this 16<sup>th</sup> day of May, 2022.”

### **OATH OF ALLEGIANCE**

*The following Senators took and subscribed the Oath of Allegiance as required by law:*

Harvey Borris, Augustus Thomas, Michael Seales and Yokymma Bethelmy.

### **FINANCE (SUPPLEMENTARY APPROPRIATION) (FINANCIAL YEAR 2022) BILL, 2022**

Bill to supplement the appropriation of the sum, the issue of which was authorised by the Appropriation (Financial Year 2022) Act, 2021 [*The Minister of Finance*]; read the first time.

*Motion made:* That the next stage be taken on Friday, May 20, 2022 at 10.00 a.m. [*Hon. P. Gopee-Scoon*]

*Question put and agreed to.*

### **PAPERS LAID**

1. Annual Report of the Trinidad and Tobago Securities and Exchange Commission for the financial year ended September 30, 2020. [*The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon)*]
2. Annual Report on the operations of the Strategic Services Agency for the year 2019. [*Sen. The Hon. P. Gopee-Scoon*]
3. Annual Report on the operations of the Strategic Services Agency for the year 2020. [*Sen. The Hon. P. Gopee-Scoon*]

4. Annual Report on the operations of the Strategic Services Agency for the year 2021. [*Sen. The Hon. P. Gopee-Scoon*]
5. Annual Report on the operations of the Interception of Communications Act, Chap. 15:08 for the year 2018. [*Sen. The Hon. P. Gopee-Scoon*]
6. Annual Report on the operations of the Interception of Communications Act, Chap. 15:08 for the year 2019. [*Sen. The Hon. P. Gopee-Scoon*]
7. Annual Report on the operations of the Interception of Communications Act, Chap. 15:08 for the year 2020. [*Sen. The Hon. P. Gopee-Scoon*]
8. Annual Report on the operations of the Interception of Communications Act, Chap. 15:08 for the year 2021. [*Sen. The Hon. P. Gopee-Scoon*]

### **URGENT QUESTIONS**

#### **Heliport Detention Facility**

##### **(Reports of Abuse)**

**Sen. Wade Mark:** Thank you, Mr. Vice-President. To the Prime Minister: In light of reports of abuse at the Heliport Detention facility in Chaguaramas, will the Government be taking immediate steps to have three children immediately removed from the facility and placed in the care of the Children's Authority?

**Mr. Vice-President:** Minister of National Security.

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Mr. Vice-President. I am more than pleased, actively proud and pleased to speak to this House in the stead of the distinguished and honourable Prime Minister of the Republic of Trinidad and Tobago. The question posits that there are reports of abuse. I do not know where the Senator got those reports. I have received none. I have seen a newspaper article over the weekend which was fulsome in its treatment on this matter.

The Heliport facility is not a detention centre. It is an assessment centre and

it is used where persons are found approaching and in our jurisdiction or having landed illegally and not presenting themselves at one of our formal and legal ports of entry. Those persons are quite naturally taken into custody.

Mr. Vice-President, in the COVID experience, all persons, including those approaching illegally as I have just described, are to be quarantined, are to be screened for COVID-19. That facility is designed precisely for that and as well for them to be assessed by the Immigration Division to assess their landing status. The idea is that they be there for those purposes and to be repatriated as necessary and applicable promptly thereafter and that is basically what that facility is all about.

There are, at this time, about 40 persons there including children. This question raises the issue of three children and I can tell you, Mr. Vice-President, the children are and the preferred option for those who are there from our experience is that they prefer to be with their children, so the children are allowed to be there with the parents. And, Mr. Vice-President, that is the state of affairs. Families are kept together in terms of the way we try to do it: husbands and wives, parents and children.

**Mr. Vice-President:** Minister, your—

**Hon. F. Hinds:** They get the same meals that officers of the Coast Guard share because the Coast Guard are the ones who provide those meals. There are cameras in that facility—

**Mr. Vice-President:** Minister—

**Hon. F. Hinds:**—monitored by— [*Inaudible*] —outside to ensure that there is no—

**Mr. Vice-President:** Minister, your time is up for the answer.

**Hon. F. Hinds:** Thank you very warmly.

**Sen. Mark:** Mr. Chairman—Mr. Vice-President, I beg your pardon, can the

Minister indicate whether the three children in particular were involved in an incident or accident on high seas, whether it is the intention of the Government to have these children removed from this assessment centre and have same placed, that is children placed, in the care of the Children's Authority?

**Mr. Vice-President:** Minister.

**Hon. F. Hinds:** Thank you very much, Mr. Vice-President. Action was taken to repatriate certain adults from that facility and of course, they challenged their deportation orders for repatriation. In the context of that challenge in the court, three children loomed large for the attention of the court and the court suggested that alternative accommodation be made for those three children and arrangements are now being made between the Children's Authority to whom the court directed that focus and those responsible for their safe keep at the Heliport. Those discussions are underway and the matter is expected to be resolved. But it only arose because they challenged their deportation orders.

And I might tell you very quickly, Mr. Vice-President, the parents of those children opted for and signed with the Venezuelan authorities, the Mission here, that they want to be repatriated and strangely their lawyer came to court and say no and that created a bit of a discrepancy here. That matter was reported to the Law Association as well because there was a suspicion that the lawyer was working in contradistinction from his client or purported client.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Sen. Nakhid.

**Sen. Nakhid:** Through you, Mr. Vice-President, given the appalling conditions aligned in a report about the Children's Authority, can the Minister state which of those homes were those three children be placed in?

**Hon. F. Hinds:** I treat that as a very banal and misguided question, Mr. Vice-

President.

[*Sen. Nakhid stands*]

**Mr. Vice-President:** Sen. Nakhid.

**Hon. F. Hinds:** I would like to hear with specificity what appalling conditions the Senator is talking about before I could answer him?

**Sen. Nakhid:** The one in the report. [*Inaudible*]

**Mr. Vice-President:** Sen. Nakhid, your question, although being supplemental, is being answered by the Minister.

**Sen. Nakhid:** Oh, it is being answered?

**Mr. Vice-President:** It is being answered.

**Sen. Nakhid:** [*Inaudible*]

**Sen. Lutchmedial:** He asked a question.

**Mr. Vice-President:** Yes.

**Sen. Nakhid:** I asked a question and— [*Inaudible*]

**Mr. Vice-President:** Yes, very well, very well.

**Hon. F. Hinds:** And I described it as banal, Mr. Senator, because in any event, the children are yet to be placed. How could I be speaking about which home at this point? Thank you very—

**Sen. Gopee-Scoon:** Point of order.

**Sen. Nakhid:** He has not answered the question. [*Inaudible*] He has not answered the question.

**Mr. Vice-President:** Sen. Mark, you may move on to question number two.

**Hon. F. Hinds:** Thank you, Mr. Vice-President.

**Sen. Nakhid:** “Yuh cannot answer because yuh do not know.”

**Sen. Mark:** Can I ask, Mr. Vice-President?

**Mr. Vice-President:** Go ahead.

**Navet Water Treatment Plant**  
**(Water Supply Restored)**

**Sen. Wade Mark:** To the Minister of Public Utilities: Can the Minister indicate when will the water supply from the Navet Water Treatment Plant to thousands of residents of the South Eastern peninsula of Trinidad and Tobago be restored?

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Thank you very much, Mr. Vice-President. The supply of pipe-borne water to residents of the south eastern peninsula of Trinidad is provided by the Navet Water Treatment Plant. On Monday, May 16, 2022, an electrical power outage was experienced as a result of which the pumps at the reservoir were unable to send raw water to the plant for treatment and storage within the clear well. This situation resulted in low clear well levels being experienced at the Navet Water Treatment Plant resulting in discoloured water being transmitted into the system.

Following the discovery of the situation, all 17 offtakes along the transmission main from the Navet Water Treatment Plant were immediately closed to contain the discoloured water from continuing to enter the distribution system. WASA has advised that as of 8.00 a.m. this morning, the process of flushing both the transmission and distribution systems were completed. All wash-out valves along the distribution system for each offtake were also opened allowing the discoloured water that remained in these lines to be drained.

Simultaneously, flushing of the clear well at the Navet Plant was performed followed by the flushing of the transmission main. Once the water colour was restored, each offtake, starting with those closest to the plant, was systematically opened allowing clear water to enter the distribution system to flush those lines, once again pushing any remnant discoloured water out through the still opened wash-out valves. This process would therefore allow the distribution system to be

fully flushed. Several booster stations along this distribution network were restarted and complete restoration of a supply of clear water is expected by 8.00 p.m. tonight with over 75 per cent of the affected customers already having their supply fully restored.

The Authority apologizes for the inconvenience and thanks the customers for their patience and understanding. Thank you.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** The time for Urgent Questions has passed. We have exceeded it by almost a minute. Thank you, Sen. Mark.

### **ORAL ANSWERS TO QUESTIONS**

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):**

Thank you, Mr. Vice-President. The Government is in a position to answer all questions but Question No. 146 for which we are asking a deferral.

*The following question stood on the Order Paper in the name of Sen. Charrise Seepersad:*

#### **Increase in National Insurance Pension**

##### **(Government's Plans to address)**

**146.** Could the hon. Minister of Finance state:

Given that the minimum NIS pension was increased over time from \$1,000 to \$3,000, which caused the National Insurance Board to subsidize this shortfall by approximately \$20B as at 2022, can the Minister state how the Government will address this issue?

*Question, by leave, deferred.*

#### **Dislocation of Residents at Diamond Road, Claxton Bay**

##### **(Status of)**

**78. Sen. Wade Mark** asked the hon. Minister of Social Development and Family Services:

Given the dislocation of residents at Diamond Road, Claxton Bay following massive landslides in September 2021, can the Minister provide a status report on the measures being taken to assist these residents in locating alternative accommodation and receiving compensation?

**The Minister of Social Development and Family Services (Sen. The Hon. Donna Cox):** Thank you, Mr. Vice-President. The Ministry of Social Development and Family Services responded to the Claxton Bay landslide disaster on September the 17<sup>th</sup>, 2021, with a response team comprising officers from the Divisions of National Family Services, the Social Welfare Division and the National Social Development Programme. This landslide affected five families and the following social protection services were offered.

Counselling support to all families through the National Family Services Division. Some members of the family have accepted the counselling support. The Division continues to work with the families to provide the required psychosocial support and guidance.

The Rental Assistance Grant was offered to all the families affected. This grant was offered for an initial period of three months at a maximum of \$2,500 per month. The grant is intended to facilitate the relocation of the affected families. To date, one family accepted the offer of the Rental Assistance Grant.

The Ministry also offered the Household Items Grant to the families which lost these items as a result of the collapse of the home. The Ministry was advised that the grant was not required.

The Ministry of Social Development and Family Services continues to liaise with other agencies in an effort to coordinate other options which may become

available to the families.

**Mr. Vice-President:** Sen. Mark.

**Sen. Mark:** Mr. Vice-President, can I ask the hon. Minister which other agencies the Ministry is liaising with to assist the five families that have been displaced as a result of this landslide at Claxton Bay?

**2.00 p.m.**

**Mr. Vice-President:** Minister.

**Sen. The Hon. D. Cox:** The Ministry has been liaising with the Ministry of Housing and Urban Development. As a matter of fact, we held a meeting. I was at that meeting with the Ministry of Housing and Urban Development for an assessment to take place, to see how best we can help the families with regard to relocation. But, of course, housing is not under the remit of the Ministry of Social Development and Family Services.

**Sen. Mark:** Can I ask the hon. Minister, given the fact that it is almost nine months since that incident or accident took place and, of course, the trauma, psychological and otherwise, that the families have experienced, can the Minister indicate whether the Ministry of Housing and Urban Development can in fact move with some degree of alacrity to provide some degree of assistance, in terms of alternative accommodation for these families who are literally stranded at this time? Can the Minister indicate, Mr. Vice-President?

**Mr. Vice-President:** Minister.

**Sen. The Hon. D. Cox:** I stated before housing is not under the remit of the Ministry of Social Development and Family Services. We provided the support that was necessary in all other areas. But, of course, we will continue the discussions with the Ministry of Housing and Urban Development. So I can assure you of that.

**Sen. Mark:** Is there any other agency of the Government outside of the Ministry of Housing and Urban Development that the Ministry of Social Development and Family Services is liaising with, with a view to providing some assistance to these families that have been rendered in a state of hopelessness at this time?

**Sen. The Hon. D. Cox:** And the Ministry also liaises with EMBD. But I have to get some information on those discussions.

**Sen. Mark:** Mr. Vice-President, can I ask the Minister—?

**Mr. Vice-President:** No. Sen. Mark, that is your four questions. Yes. Thank you, Minister.

### **Mosquito Creek Roadway**

#### **(Details of Collapse)**

**82. Sen. Wade Mark** asked the hon. Minister of Works and Transport:

Can the Minister state the causes of the collapse of the road at Mosquito Creek on the weekend of January 23, 2022?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Mr. Vice-President, the construction of the Mosquito Creek incorporates 2.4 kilometres of northbound carriageway and includes miscellaneous works, example, revetment, seawall, bridges and utility relocation, amongst other aspects. Approximately 2 kilometres of the southbound carriageway have been successfully opened to traffic since 2019. Within the ongoing construction zone of the 2.4-kilometre northbound carriageway, a localized 180-metre failure zone occurred.

On March 14, 2022, NIDCO Geotechnical Consultant, Earth Investigation Limited commenced geotechnical investigations along the northbound carriageway of the Solomon Hochoy Highway extension to Point Fortin at the Mosquito Creek. These investigations include a total of 17 cone penetration tests, and six standard penetration tests, sample boreholes.

EISL completed all 17 CPTs, as well as all 6 SPTs samples, boreholes on April 21, 2022. The SPTs sampling boreholes investigation meant to retrieve undisturbed samples, are expected to facilitate the computation of expected total and differential settlements in the short and long term and provide other engineering parameters to support the investigations into the failure.

Laboratory tests of these samples are still ongoing with a target date of completion of May 25, 2022. Based on the results of the field testing, the consultants will also be performing four additional CPT tests. These tests are scheduled for completion by May 20, 2022. The data from these geotechnical studies will be used to develop failure mechanisms and relevant solutions. I thank you.

**Hon. Senators:** [*Desk thumping*]

**Sen. Mark:** Mr. Vice-President, can the hon. Minister indicate whether his Ministry has estimated a time frame for the completion of this particular exercise that he has just outlined, so that that particular area can become usable in the not too distant future? Has the Ministry indicated, from its research and work, when that piece of road will become usable once more?

**Mr. Vice-President:** Sen. Mark, based upon the answer given by the Minister, which stated dates of the completion, the findings are not available for that. So, I will not allow that question.

**Sen. Mark:** Mr. Vice-President, can the Minister indicate thus far what it has cost the taxpayers to conduct these various tests? He talks about 17 CPTs and some 6 SPTs. Can we get an appreciation of the firm that he identified, Mr. Vice-President, and the cost accumulated thus far?

**Sen. The Hon. R. Sinanan:** Thank you.

**Mr. Vice-President:** Minister.

**Sen. The Hon. R. Sinanan:** Mr. Vice-President, NIDCO would have engaged the firm Earth Investigations Limited, which is under the jurisdiction of NIDCO, so I do not have that exact cost. We have also engaged the Andean Development Bank who have provided us with their experts, international experts, at no cost. And we also have the team at the Ministry of Works and Transport, the engineers at the Ministry of Works and Transport, also doing their part of the investigation. At this point in time, I do not have a cost for the investigation because NIDCO would have engaged one firm. I think it is headed by Dr. Gay of the University of the West Indies, Dr. Derek Gay.

**Sen. Mark:** Mr. Vice-President, through you—

**Mr. Vice-President:** Sure.

**Sen. Mark:**—can I ask the hon. Minister whether he can make the information of the cost of this project thus far, available to us in the Parliament, in the Senate, in writing?

**Mr. Vice-President:** You may.

**Sen. The Hon. R. Sinanan:** Mr. Vice-President, once the process is completed, I will try my utmost best for that. But at this point it is an ongoing process. So once the process is completed, I will try to facilitate that request.

**Sen. Mark:** Mr. Vice-President, may I, with your guidance, determine whether the persons who are engaged in these activities, the firm in question, conducting these enquiries and investigations, can the Minister indicate whether the firm has provided the Government with any possible date for the completion of their final investigation, Mr. Vice-President?

**Mr. Vice-President:** Sen. Mark, based on the first answer, I will not allow that question. Thank you, Minister. Thank you, Minister. Next question.

**Sen. Mark:** I have to put it to my colleague again. Can I proceed?

**Mr. Vice-President:** Please proceed.

**Sen. Mark:** Thank you.

### **Mosquito Creek Collapsed Roadway**

#### **(Action Taken)**

**83. Sen. Wade Mark** asked the hon. Minister of Works and Transport:

Given the collapse of a piece of the roadway at Mosquito Creek over the weekend of January 23, 2022, can the Minister state whether action will be taken against the contractor as well as NIDCO?

**Mr. Vice-President:** Minister.

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Mr. Vice-President, our system of jurisprudence is based on the tenure of innocent until proven guilty and the need for parties to act fairly and rationally in the enforcement of contractual rights.

In respect to the occurrences at the failure of the Mosquito Creek therefore, assigning guilt or liability to any party at this time without the necessary evidence to establish same, is not a course of action that can be deemed responsible. All contracts in this project, however, have mechanisms for redress and remedy in the event of any party failure to perform out their contractual obligations.

Accordingly, if warranted and found necessary, use will be made of any such mechanisms to prevent and protect NIDCO's contractual rights in this matter in the public interest. I thank you.

**Mr. Vice-President:** Sen. Mark.

**Hon. Senators:** [*Desk thumping*]

**Sen. Mark:** Mr. Vice-President, the Minister would agree with me that having expended over \$280 million, as I understand it, and I stand to be corrected, on this project which has now collapsed, can the Minister indicate whether the NIDCO has

initiated any enquiry whatsoever into the circumstances surrounding the collapse of this particular piece of roadway at this time, Mr. Vice-President?

**Mr. Vice-President:** Sen. Mark, based on the answers provided to the previous question, I will not allow that.

**Sen. Mark:** Can the Minister identify the name of the contractor involved in this project?

**Mr. Vice-President:** Minister.

**Sen. The Hon. R. Sinanan:** Sure. Mr. Vice-President, just to correct and to put on the record, before I name the contractor, the information of the Government already expending \$280 million is false. The entire package was \$280 million, most of which has been completed. There is a failure on 180 metres of the highway. So it is not that the Government would have spent \$280 million and the highway would have collapsed. That is a false premise. The contractor on that site is one of our local contractors, one of the largest more experienced contractors in Trinidad and Tobago. I think it is JUSAMCO Pavers.

**Sen. Mark:** Mr. Vice-President, can the Minister indicate the possible cost that will accrue to taxpayers, given the additional work that would have to be entertained by NIDCO, through this contractor? Would the Minister not agree with me, Mr. Vice-President, that the taxpayers will be called upon to bear additional cost that we did not anticipate? Can the Minister clarify for us?

**Mr. Vice-President:** Sen. Mark, based on the answers of the previous question, as it applies to the ongoing testing, I will not allow that question. You have one more question.

**Sen. Mark:** I thank you, Mr. Vice-President.

**Mr. Vice-President:** Thank you, Minister. Sen. Seepersad.

**National Insurance Board**

**UNREVISED**

**(Non-Compliant Employers)**

**145. Sen. Charrise Seepersad** asked the hon. Minister of Finance:

Can the Minister advise whether the Compliance Unit at the National Insurance Board will provide education and training to employers in cases where it is determined that non-compliance by those employers was not deliberate?

**Mr. Vice-President:** Minister in the Ministry of Finance.

**The Minister in the Ministry of Finance (Hon. Brian Manning):** Good afternoon, Mr. Vice-President. As part of the routine operations of the National Insurance Board of Trinidad and Tobago, or NIBTT, all employers are provided with appropriate national insurance education, including at the point of registration as an employer and through the NIBTT's robust and ongoing educational campaign.

The educational thrust is focused, in most part, on benefit awareness and employer compliance requirements. Various educational brochures are also available to employers on different aspects of the NIS. In addition, employers can access the customer care call centre at the NIBTT's website to receive further information and guidance on the NIS. Should employers require special training, they can directly submit a request through a compliance officer at or by emailing their request to [seminars@nibtt.net](mailto:seminars@nibtt.net) or [customercare@nibtt.net](mailto:customercare@nibtt.net).

**Sen. Seepersad:** Mr. Vice-President, through you, Minister, the fact that we have non-compliant employers, will the Government consider introducing measures which could be legislative as well as other measures to deal with these delinquent employers to make them compliant with the NIS requirements?

**Mr. Vice-President:** Minister.

**Hon. B. Manning:** Yes. There are already systems in place and we will continue

to try to capture as many delinquent employers as possible.

**Sen. Seepersad:** Minister, maybe there are some other things that could be done. Because there is still such a large number of delinquent non-compliant employers. It is affecting the funding of the NIS fund.

**Hon. B. Manning:** But how many would that be?

**Mr. Vice-President:** You need to phrase that in a question.

**Sen. Seepersad:** Minister, given the fact that the measures do not seem to be as effective as they should be, what other measures will be introduced to bolster the contributions not being paid by delinquent employers?

**Hon. B. Manning:** Mr. Vice-President, I accept that there may be some delinquent persons out there, but I could not say that the measures currently in place are ineffective.

**Mr. Vice-President:** Would you like to go on to the next question? You may.

**Sen. Seepersad:** Question 147 to the Minister—

**Mr. Vice-President:** One moment. Would you allow Sen. Mark to give way for a supplemental?

**Sen. Seepersad:** Yes.

**Mr. Vice-President:** Sure.

**Sen. Mark:** Mr. Vice-President, through you to the hon. Minister. Hon. Minister, could you inform this Senate whether the NIB has done an estimation of the possible potential value that the NIB would have lost and continues to lose, as a result of delinquent employers not complying with the NIB rules, as it relates to their submission of their monthly contributions on behalf of their employees? Is there some kind of estimation of revenue foregone by the NIB as a result of this particular situation, Mr. Vice-President?

**Mr. Vice-President:** Minister.

**Hon. B. Manning:** Mr. Vice-President, I would not have that information on hand at the moment. What I can say is that the NIB is always thoroughly looking for those who are, of course, violating their rules.

**Mr. Vice-President:** Question 147, Sen. Seepersad.

### **National Insurance Board**

#### **(Adjustment of Investment Rules)**

**147. Sen. Charrise Seepersad** asked the hon. Minister of Finance:

Can the Minister state whether consideration is being given to adjusting the investment rules of the National Insurance Board to increase the percentage allowed for foreign asset investments?

**Mr. Vice-President:** Minister of Finance.

**The Minister in the Ministry of Finance (Hon. Brian Manning):** Mr. Vice-President, under the National Insurance (First Schedule) (Amdt.) Order, 2018, the present Government effected a change in 2018 to increase the overseas investment limit from 20 per cent to 30 per cent. This decision has so far paid significant dividends and has contributed to the impressive 14 per cent return on investment earned by the NIB in 2021. A number of other proposals to amend the First Schedule of the Act, including expanding the number of jurisdictions in which overseas investments are permitted, is currently before the Ministry of Finance for consideration.

The Ministry is also giving careful consideration to a further increase in the NIB's overseas investment limit. But a decision on this matter has not yet been made because of the current volatility of the international capital markets.

**Sen. Seepersad:** Mr. Vice-President, could the Minister indicate when he thinks some decisions are going to be made? Because even if there are always volatilities, but it is how you mitigate those risks that you need to take into account.

**Mr. Vice-President:** Minister.

**Hon. B. Manning:** Mr. Vice-President, current capital markets, international capital markets have been exceptionally volatile. And we would have to wait for those markets to calm before we decide on exactly how we are going to treat investments in the international arena.

**Mr. Vice-President:** Are you okay? Thank you, Minister.

### **CANNABIS CONTROL BILL, 2020**

[Second Day]

*Order read for resuming adjourned debate on question [May 10, 2022]:*

That the Bill be now read a second time.

*Question again proposed.*

**Mr. Vice-President:** We have had thus far 11 speakers who have contributed, including the mover of the Motion, the Attorney General, and we will resume debate.

**Sen. Hazel Thompson-Ahye:** Thank you, Mr. Vice-President, for affording me the opportunity to speak on this Bill, the Cannabis Control Bill, 2020.

I had passed by UWI Student Guild Office that day to greet the then Administrative Assistant, Valerie Belgrave, a most beautiful soul, when she introduced me as the new law students representative, to Brother Resistance, as he then was. He and his sidekick Kwame promptly invited me to a meeting later that day, at which they urged me to sign a statement to the effect that we students rejected capitalism, fascism, communism, socialism and a heap of other “isms” I had never heard of before, and which never found a place in Pat Bishop’s history lectures or Claire Fifi Broadbridge’s History class at Holy Name.

After that initial encounter, whenever I passed outside the I room and detected a strange odor, I would glare at Brother Resistance and his brothers and

ask, “What I smelling there? Ah hope is not weed, yuh know.” Resistance would give me a toothy grin and Kwame would have that sly smile on his face. I would give them a “cut eye” and walk away.

Today, had Lutalo Masimba and Kwame not been deceased, knowing my abhorrence for weed smoking, they would have surely died from shock to hear me speak anything remotely in favour of a cannabis Bill. At the very least Masimba “wouldda put on his dancing shoes and said: Is whaaaat? Hazel does care ah dam fuh we culture? Ring de bell! Ring de bell!” Rest in peace, Brother. It is almost a year since we lost you.

This Cannabis Control Bill, 2020, has as its long title:

“An Act to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority and connected matters”

It is a progression from the Dangerous Drugs (Amdt.) Act, 2019, which, inter alia, defines the words “cannabis”, “smoke”, “public places” and decriminalizes the growing and possession of specified amounts of cannabis for personal use in private spaces.

Today we continue the debate on regulatory control and the licensing authority. The earlier Bill had nine clauses. The present one has 67. Somebodies went to town on this Bill, including a joint select committee. Let us see if they got it right. Now, I must say that there is a sizable cross-section of the older members of the community who are not at all pleased with decriminalization of marijuana, weed, as Jamaicans might say, ganja. They have seen many young persons’ futures destroyed and fear the harm it can cause to our nation’s children. Are those fears warranted?

In an article: “Feeling Good: The Curious Woman’s Guide to Cannabis”,

published in the April 2019 edition of Oprah Magazine, Jacoby Zoldan wrote, and I quote:

“You can smoke it, vape it, sip it, or spritz it. You can bake it into brownies. You can find it in lotions and potions to rub on your skin, tinctures to drop under your tongue, capsules to swallow, or oils that have been added to your latte or ice cream.”

Two Saturdays ago I was walking through Lisbon Airport trying to find a place where I could get the antigen which was required for me to enter Madrid and then Miami and Piarco Airports, when I came upon a booth marked “The Vaping Shop”. I immediately went in that direction and was given a crash course in the different types of cannabis products, the number of milligrams required for them to be safe, et cetera, et cetera. The young man was quite an expert. My husband was impatiently reminding me of my mission until I explained, “It was research for the Parliament debate”. “You always on duty”, he sighed.

The author Zoldan stated that the use of marijuana was linked to an increased risk of schizophrenia in those with genetic vulnerability and the risk went up, the more you use. She also quoted a 2018 study, which found that one in 10 frequent marijuana smokers who gave up their habit experienced cannabis withdrawal symptoms which could include symptoms such as feelings of anger, irritability, or aggressiveness, abdominal pain, fever, chills, sweating, headache, or tremors or shakiness. And those of us who have been around young people would be familiar with these symptoms.

Healthychildren.org, a periodical of the American Academy of Pediatrics, in an article by Claire McCarthy, MD, FAAP titled, “Legalizing Marijuana Not Good For Kids” stated:

“Marijuana use is remarkably common among youth in the US. According

to”—the most recent—“surveys, about 1 in 5 high school students has used it in the past month. Even more concerning, 1 in 12 has used it at least 20 times in the past month, and 1 in 16 uses it daily.”

I do not know of a comparable study for this jurisdiction but I would love to know if such a study exists.

“The AAP believes youth should not use marijuana. There is a popular perception”—the AAP says—“that marijuana isn’t dangerous—but it is dangerous, both in the short term and the long term.”

And here is why they say:

- “It interferes with judgment, concentration, reaction time and coordination in ways that can make youth more likely to get into car...”—accidents—  
“or otherwise injure themselves while using it.
- The ways that it interferes with brain functions such as memory, attention and problem-solving can make it much harder for youth to learn...in school.”

### **2.30 p.m.**

- “Contrary to what many people think it can be addictive.
- Inhaling the smoke can cause lung problems.
- New research shows that marijuana use during adolescence and young adulthood, when the brain is going through many important changes, can lead to permanent problems with memory, learning and thinking.”

Another caveat against marijuana use is that:

- “Youth who use marijuana regularly are less likely to finish high school...”

And I am sure we know a number of dropouts because of marijuana.

“That’s why it’s really important that laws prevent youth from buying marijuana. Even more, we need to do everything possible to prevent them from using it or being exposed to it.”

Now, in light of this expert opinion from American Academy of Pediatrics, some must wonder—why are we in Trinidad and Tobago looking at regulating control of handling of cannabis, instead of making bonfires and burning all the weed we could find or giving our soldiers cutlasses, and having them earn their keep, as I saw them doing in Kentucky in United States in 1972, slashing fields of marijuana growing of all places alongside a public highway. I could not believe my eyes.

The Bill before us today answers to some extent these burning questions. Now, let me look first at the interpretation or definition section, specifically clause 3(2), which gives the definition of actual or contingent pecuniary interest—and this is something that keeps cropping up throughout this Bill, this phrase—it is an important concept in the legislation, because if you have an actual or contingency interest, which are big words to mean really a conflict or potential conflict of interest, certain consequences arise. It states:

“...For the purposes of this Act, a Member who, or whose nominee or relative, is, as the case may be—

- (a) a shareholder who own shares, in excess of five per cent in;
- (b) a partner in;
- (c) an employee of,

a company, firm or other entity, regulated by the Authority shall be treated as having an actual or contingent pecuniary interest in that company, firm or the entity.”

Rather convoluted, is not really meant for the layman eh—that is for lawyers to make more money to interpret.

Relative: the question of who is a relative is therefore important in the context of actual law contingent interest in a company firm or entity regulated by the Trinidad and Tobago cannabis licensing authority. Clause 6(3) states:

“No person appointed to the Board shall be or become engaged or employed in the handling of cannabis or have an actual”—again—“or contingent pecuniary interest in any company, firm or other entities which is regulated by the Authority.”

Clause 8(e) provides for revocation of the appointment of a member if the member:

“...is or becomes engaged or employed in the handling of cannabis or acquires”—again—“an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.”

Clause 14 of the Bill requires:

“...Every Member shall within one month of his appointment, and on each anniversary of his appointment, submit to the Minister a declaration in the approval form stating whether or not he

“(a) is engaged or employed in the handling of cannabis or  
(b)” —again—“as an actual or contingent documentary interest in any company, firm or other entity which is regulated by the Authority.”

I would like somebody to whisper in my ear after, you know, who it is came up with this phrase.

But in the Bill, relative is given a narrow definition. We think we know what relative is, but when we read this Bill, what do we see, relative is defined as spouse, cohabitant within the meaning of the Cohabital Relationships Act, father, mother, brother, sister, son, or daughter of a person. So that is what relative

means in this law. But that is not the ordinary meaning of the word. The dictionary defines relative differently, it states:

A relative is a person who is part of your family, parents, siblings, uncles, and grandparents, cousins, nieces and nephews.

They are all relatives are they not? Now, when the definition speaks of cohabitant under the cited law as Cohabitation Relationships Act, it exempts from the purview of the Authority, someone who can qualify to be a common-law spouse, it may be a common law union of less than five years or fewer.

Mr. Vice-President, some men in our society change common-law wives as often as, I better not say that, but they change them often. So if someone lives as a board member for a shorter period of time, that person would pass through the holes in the net and escape detection as he or she would not fit into this law's definition of relative. The definition also omits a very important relative in this society, cousin, a cousin may be even closer to you than a sibling. I had such a cousin with whom I was very close to my earliest years, she was closer in age to me than my siblings and we were very, you know, from since childhood we were like sisters—just like my mother, she was a very good seamstress and she could—I mean, while I could only make apron and curtain and she will say Hazel, when you getting married and making your dress. She was not able to do so but flew in from Canada, bring in my wedding dress and accessories, when I learned she was dying from lupus I dropped everything and went to McGill University Hospital and spent 10 days at her bedside—today would have been her birthday.

We say cousin makes dozens and some cousins are too close, they are like the royal family. I advise review of our definition of relative or we might have to ask board members to write all your family name on a piece of paper for we. I am not saying “all ah we” is one family, but I am saying the definition of relative is

too restricted. Long ago, we regarded Guyanese and Bajans as smart men, now is Trinis leading the pack so we have to plug all the holes.

Most other legislation simply requires you to disclose the conflict of interest, and do not go the route of identifying relatives, who may pose a threat to the law's expectation that your integrity requires you to operate at arm's length when dealing with transactions in your official capacity. Most times, simplicity is the best. As Confucius says:

“Life is really simple, but we insist on making it complicated.”

Clause 4 curiously states that:

“...The functions of the authority to advise the Ministry on the development of national policies and measures for the regulatory control of the handling of cannabis.”

Now generally, legislation speaks of advising the Minister. Clause 5(4) reads:

“...The Minister may give the Authority in writing such general policy directions as appear to the Minister to be necessary in the public interest and the Authority shall give effect to those directions in the performance of its functions.”

The Minister is usually defined in the law as the Minister to whom responsibilities assigned for the particular matter under consideration. When you look at section 15(3) of the Legal Aid and Advice Act, it states that:

“...The Authority may, with the approval of the Minister and subject to negative resolution of Parliament, make Regulations for the purpose of administering any programme...”

When you look at the Children's Authority Act, you see in section 5, that:

“...the Authority may advise the Minister on matters relating to the operation of this Act...”

I would wish to be advised as to the reason for the departure from this practice at best it seems an awkward way of proceeding.

Clause 5 deals with the functions of the Authority. I will not repeat them, a number of Members who went before did. I suggest though that we add two provisions.

The first is to develop enforcement procedures in relation to inspection of premises that are operated by licensees in order to ensure compliance with the provisions of this Act. You see, Mr. Vice-President, we are very good with plans and ideas formulated new laws but when it comes to enforcement, we have problems. Indeed, we keep hearing in this Parliament about our implementation deficit, which we keep wearing like a badge of honour. Another provision I will wish to see in the law is a requirement for research by a duly accredited tertiary institution or other approved body. I am borrowing, no, no, no, I am not borrowing, I am—because I am not giving back—I am taking this from Jamaica Dangerous Drugs (Amendment) Act 2015, a similar provision appears in the St. Vincent and Grenadines Medical Cannabis Industry Act 2018.

Section 5 to provide for the authority to:

“facilitate scientific research in respect of medical cannabis and where applicable, apply the results of such research in the development of the medicinal cannabis industry;”

So let us spell out in the Act who must conduct the research. Mr. Vice-President, we still do not know all we can about cannabis. Research is ongoing in several countries. The AAP as I mentioned before, believe but if marijuana is to be used as a medicine, it must be done carefully. And with research to understand all of its effects. This body stated that:

There was more need for research on the use and safety of marijuana in youth. Whilst studies have shown that chemicals in marijuana do seem to help people with chronic pain as well as nausea, vomiting, and appetite problems that are common in cancer.

The studies were all done on adults. Youth are different from adults and they react differently to marijuana. We need to find ways to fund this research and make it easier to do so that we can really understand about how marijuana affects our youth.

Our first responsibility—and I am quoting here from the AAP document—in everything we do as parents and caregivers should be our children, because they rely on us to keep them safe and well, and because they are our future, marijuana policies are no different. Let us be careful, thoughtful, and keep our children in mind.

The APP cautioned against adults using marijuana around children. It advocated banning of any marijuana to youths making sure that there is child safe packaging and creating public health campaign similar to the ones used against smoking.

Clause 6 speaks to the composition of the board of directors—I am happy to see the inclusion on the nine member board, of a person with qualifications and at least five years experience in drug rehabilitation. I hope you can find such a person. Many are called but few are chosen. We are talking real qualifications here, not reputation. I trust that the appointments by the President would be in her sole discretion and not on the advice of the Prime Minister, Leader of the Opposition.

Clause 6 states that:

“The President shall determine the remuneration of Members.”

And clause 7 states that:

“The remuneration of Members shall be reviewed by the Salaries Review Commission.”

So why put this duty on the President in the first place? I think she has enough to do already and the commission is better placed as it can be determined from their institutional knowledge and experience of these matters are quantum which is reasonable.

Clause 10 provides for immunity of members from:

“...personal liability for anything done omitted in the discharge, or purported discharge of the functions of the authority, or lessons are shown that the act or omission was a result of gross negligence or”—done—“in bad faith.”

Now, some Members have expressed dissatisfaction with the wording of this clause, and I myself confess that I have some reservations. And I propose instead that the wording be changed to that of section 29 of St. Vincent Medicinal Cannabis Industry Act 2018, which is identical to section 13(1) of Jamaica Dangerous Drugs (Amendment) Act 2015, both of which state:

“No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Board or employee or agent of the Authority in respect of any act *bonafide* in pursuance or execution or intended execution of this Act.”

That way, we do not have to spend precious time trying to determine if a particular action was gross, or de minimis, which is legalese for minor. But we will consider whether the action was done in an honest or sincere way.

Clause 16 I particularly like, as it empowers the board to:

“...employ such persons as it considers necessary for the due and efficient performance of its functions under the Act.”

I would encourage the board to cast its net far and wide as there is out there some people with a much needed expertise who can make a difference to our failing in our purpose and getting it right in the way that can be so beneficial to our populace.

Clause 21(c) provides a payment out of the Trinidad and Tobago Cannabis Licensing Authority Fund established in clause 20:

“...the remuneration, allowances and gratuities”—I will repeat that—“and gratuities payable or to image the Chief Executive Officer and to employees of, and persons engaged on contract by, the Authority;”

I am particularly pleased by this. I have come to Parliament time and again to complain about the hardship being suffered, in particular by contract employees, including those formerly employed by the Children’s Authority to get their gratuities. Over 100 of them waiting, some for over a year for their money. It is disgraceful, and smacks of a lack of empathy for our fellow citizens.

As I said earlier, there is a view that this cannabis Bill is not in the interests of right-thinking members of society. Some ask, can anything good come out of this Nazarene Bill? Why is cannabis being removed from the war on drugs? Why are so many countries taking the route of regulating the cannabis industry? Let me begin by detailing some of the much touted benefits of marijuana from the same Oprah magazine article I quoted earlier.

1. Better sleep—that is a suggestion; I could do with some—there is moderate evidence, it can help you snooze, but experts are not certain that effects would not wear off with regular use.
2. Improve gastrointestinal issues. Although it did have some effect on cells taken from people with inflammatory bowel disease, it is not certain though of its effectiveness on the patients themselves.

3. Mitigates anxiety. Tetrahydrocannabinol or THC, which is one of the many chemical compounds in the cannabis plant produces a euphoric feeling and alters sensory perception—because a lot of the time you see the marijuana people and they smiling, they happy and CBD which is non-intoxicating, but may be potent in other ways, appears to ease anxiety at all doses that have been tested.
4. Clearer, smoother skin, free of pimples and eczema was another plus of cannabis referred to by Krista Bennett DeMaio in the July 2019 magazine I spoke of earlier.

She spoke of research which showed that it is because it can calm inflammation, which is why it was often used to manage chronic pain like arthritis that it plays a key role in acne and eczema flare ups.

So because of the seeming benefits, some countries have decided on legalizing the use of cannabis for medicinal purposes. Before one gets into the business of medical cannabis at its various stages of the process, certain licences must be obtained.

Clause 29 of the Bill thus makes provision for:

“...licensing for medicinal therapeutic or scientific purposes.”

So, we are looking at first of all medicinal purposes. The authority can issue various types of licences, such as a cultivator licence, a research and development licence, a laboratory licence, a processor licence, a retail distributor licence, an import licence, an export licence, and a transport licence.

Clauses 41 to 45 though set out certain requirements and safeguards for the use of medicinal cannabis and these seem adequate. Mr. Vice-President, what can we glean from these applications for licence provision is that therein, lies tremendous opportunities for a new thrust towards entrepreneurship. But the

question is, where is the capital to come from? And also, who will provide the much required training opportunities, and who will be the beneficiaries, those greedy vultures who already have too much or the disadvantaged, who have only hope? It is a challenge for the Government to put their money where their mouth is, to have courage in the face of campaign financing obligations, which sometimes get in the way.

Mr. Vice-President in the Caribbean region, we have true, true Rastafarians and then we have the fashionistas.

Last night I had the pleasure of speaking to one of the former. He follows all the tenets of the Rastafarian faith. He eats no meat. He attends no funerals even of his closest relatives. In fact, when his British mother died, I went to the funeral and he was there and some people around him consoling him because he said he could not go. He comes from an upper middle class family, but he knows what it is to be arrested by the police for the sacrificial herb. I have often heard his story from various lawyers about his being dressed up by his fellow law students to go to court in Barbados. With fear in his heart, he remembered being represented by Eliot Mottley. He said Sobian provided the tie, Mobota provided the coat, Ken Saga gave him a haircut, and he went to court transformed. In that case, you know, he was proven—well he was deemed innocent and was acquitted. And he swear to me—I spoke to him just before I came from my home, and he said, yes, that is true, I was not guilty. I shared with him that he could register an NGO and apply for a license for his organization because cannabis is required for religious purposes, as a sacrament, in adherence for religious practice of the Rastafari faith.

I warned him though that there were certain safeguards under clause 46 or 49, which govern the use of cannabis for religious purposes. And he did share with me that he and another—well, lawyer now just demitted office as a Minister and

some other people had actually set up a company, but they are waiting on their jurisdiction to pass the legislation, which governed the use of cannabis for religious purposes.

An article dated 20<sup>th</sup> November, titled Cannabis Legalization in Uruguay, should be 2018, Public Health and Safety Over Profit, stated that Uruguay was the first country in the world to introduce a nationwide regulated retail market for the production and supply of cannabis for non-medical use.

The Government's plans were motivated by concerns over insecurity and public safety, and aimed at reducing criminality and violence by depriving organized groups of control of the cannabis market. They wanted the market strictly regulated with very limited commercial involvement, and a number of jurisdictions that are looking at it that way. What they are saying is that:

If we have regulations in then we would not have all of these underground things happening and we can actually do something for the people who generally suffer because they are doing illegal acts.

So what Uruguay did is that they organized it so that just two companies would produce a cannabis to sell through licensed pharmacy to register over 18 Uruguay residents. All promotion was banned so you could not promote it. The rationale was that a legal cannabis market will reclaim most of the trade from organized crime groups, and this would subsequently reduce rates of violence. Because as we know, a lot of the violence we have in our society revolves around this trade in drugs.

Who wants which turf? Who protects what turf? You know, so they keep fighting against one another and a lot of the murders are happening because of that. But what is happening there, is that the retail prices were set below the current illicit market rates. There was an anonymized National Registry of Cannabis Users

to track purchase in pattern to moderate the use and minimize the risks that legal cannabis will be diverted for sale on the illegal market. However, their well thought out plans have not resolved given the desired result. Even Canada, it was reported that inadequate measures to promote market access for small producers resulted in a select group of large federally licensed corporate set to dominate the market for years to come.

Mike Adams in his article *Reasons Marijuana Legalization seems to be Failing*, written on November 05, 2019, stated that the black market portrayed is way stronger than the legal sector and nearly 43 per cent of the country's pot users continue to buy weed from illegal sources. Cannabis firms are laying off workers in Canada and in the United States. It is in our interest to research the reasons for the failure of a dream gone wrong.

What will happen in our country, we wait to see. Will regulation benefit the citizens of this country? It is a concern that has been expressed here by more than one speaker. How can we ensure that our regulation of the industry does not result in those who have more corn, feeding more fowls? How to ensure that those who suffered because they have been used by drug lords to take all the risks and very little of the profits finally get their just share.

We await the regulations and hope but our legitimate concern is that it will be the same old, same old would be unfounded and the Government will get it right. I note that the regulations are subject to affirmative resolution. And you know, we are not—we do not normally go that route so that is a hopeful sign. So we will await to affirm. Will this be a success story or a dream deferred? I hope the former. Thank you, Mr. Vice-President.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Sen. Welch, would you like to come?

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Sen. Welch, your mask while you make your way to the booth.

**3.00 p.m.**

**Sen. Evans Welch:** Mr. Vice-President, thank you for the opportunity to address this honourable Chamber on the Bill which is presently before us, which deals with the establishment of the Trinidad and Tobago Cannabis Licensing Authority. I was not part of this Chamber, I was not privileged when legislation decriminalizing the use of cannabis was introduced. I was not so privileged, and that process started with the Dangerous Drugs (Amdt.) Act, the effect of which, in brief, was that it decriminalized the use in small quantities for recreational purposes, so that persons were even able to cultivate a limited amount of trees for their personal use and to use it in private circumstances. I regard that, Mr. Vice-President, as, indeed, a legislative masterpiece so to speak because the consequences were an unburdening of the judicial system which was clogged with numerous cases relating to possession of small amounts of marijuana. It also resulted in the removal of the stigma which was attached to someone who was convicted for such an offence, in that it affected a number of young persons' careers, in that it is something which showed up on their criminal record and, in that regard, that legislation was, indeed, commendable.

Mr. Vice-President, when one looks at this new Bill which is before us for debate, one, at first blush, might be forgiven for thinking that this is merely an extension of the permissibility into the realm of medicinal purposes, religious purposes, as well as therapeutic purposes. At first blush, this is the impression that is created, and the reason I say so is because when looks at the title of the Bill it says—it begins:

“An Act to provide for the regulatory control of the handling of cannabis for certain purposes...”

And then when one looks at the “Licensing Provisions”, for instance, Part VI 29(1) it says.

“The Authority may issue any of the following licences for medicinal, therapeutic or scientific purposes...”

You may have such licences.

There is no mention of anything which amounts to a commercial licence there, for instance. And I fully support this Bill, insofar as this is the interpretation which appears from its provisions, these three categories which have been identified. And the reason for that is, it is only fair if recreational use is allowed, it is only fair that legalization for medicinal purposes be allowed, because it is well documented that there are certain medical benefits which I do not propose to question at this stage, but I respect the documentation, I respect the documentaries I have seen and I respect the benefits alluded to by some of the contributors here already.

I also support it because it speaks to therapeutic, which also relates to medical, such as, the relief of pain—the suggestion that it reduces the intensity of seizures, persons suffering from seizures, and such matters. I also support it when it speaks to religious purposes, again, because that is an exercise I regard as one’s constitutional rights to freedom of religion and expression. And if as part of that freedom of religion and expression it can genuinely be demonstrated that the use of cannabis, in that regard, is a genuine sincere bona fide use by such religious groups, it is only fair that this Bill extend to such uses. And the reason why it is important in that regard is because such uses, as I have identified in this Bill—medicinal, et cetera and religious—may not be accommodated under the

legalization process which took place with the Dangerous Drugs (Amdt.) Act for recreational purposes, for the simple reason that persons who need it for medical purposes, may need it in larger quantities than is allowed for by that Act.

Similarly, religious adherents who which to use it for religious purposes may need it in quantities larger and, in circumstances, at a public event, which is sponsored by a religious organization in larger quantities than what is permitted by the Dangerous Drugs (Amdt.) Act. So, if we have recreational use, I think it is a natural step to extend the permissibility to such areas. However, the reason why I say at first blush it appears that this is what this Bill is about, is for the reasons which I have already identified, how the clauses are phrased.

My concern, however, is that when I listened carefully to the contributions, especially of the Government side with respect to this Bill, it is obvious that this, as some of the contributors have put it, this is really regarded as a form of economic diversification, a form of boosting of the economy, a form of driving employment upwards, a form of export and the possibility of foreign exchange increasing through export. So, my first criticism of the Bill is that, on its face, there appears to be a certain amount of conceptual uncertainty. It says one thing in its title, it says one thing what the licences are for, but when you listen to the contributions and when you look at some of the detailed provisions regarding licences, it is really about economics to a large extent. It is not just restricted to those purposes. It is like the creation of an industry, somewhat masquerading behind a facade of medicinal and religious purposes, and that is my difficulty. In that regard, the Bill is conceptually unconcern at best and, at worse, potentially misleading.

Having identified what the Government's policy in this Bill is, which is that it is not restricted to those beneficial purposes I have identified under the three categories, but it is regarded in this as an economic drive, so to speak, and the

creation of an industry, I would now want to look at some of the points, which have been made with respect to that. But before we go to that, Mr. Vice-President, my concern is, if for any industry to succeed, for any business to succeed, for any economic measure to succeed, while I am not an economist, I think I know enough to state that it must be driven by demand. There must be a demand. There must be consumer demand and there must be an extensive consumer demand for it to succeed. And if we are talking about success as an industry and an extensive consumer demand, then we are talking about—the implication of that is necessarily a far more widespread use, increasing the level of demand by those stakeholders who are investing in this licensing process. If we are increasing the level of demand, and that is the only way it can succeed, then my concern is about the possible social ill-effects and impact, because that exists as a matter of fact. It is documented that the use of marijuana—it is nice politically correcting cannabis—it is additive. It is documented that, in some instances, it can actually potentially do harm.

I am familiar with what Sen. Ahye spoke about with respect to an analysis that has been done which speaks to how it affects one's attentiveness and that sort of thing, and reduces alertness, et cetera. But, quite apart from that, it can also do potential damage in some instances. I recall the Leader of Government Business alluding to the fact that—an example of which he knows of someone who has used cannabis and ended up in the psychiatric hospital. But he pointed out that there are many others who have used it for a number of years without that effect. I too know of an example which I do not rely on hearsay for, of a young individual who tried it and ended up with mental problems for the rest of his life. And I said, I do not rely on hearsay for that, because I asked the persons associated with him. I asked his parents and I asked different people who were in the know, and I was informed

it was a situation where he was a person who had never even smoked a cigarette before, who had never used marijuana before, who had never been exposed to alcohol in any large quantities, and on the block a day he decided to try it for the first time and he was offered, and that was the end of that. The high he got, he never came down from it.

So, in the same way that the Leader of Government has spoken of an example, this is also an example on the other side and which, to me, is an indication that there are persons whose mind and brain which has never been exposed and which is fertile and unvarnished, the introduction of this drug to such a person can have such a potential effect. And my concern is, how many times this can be multiplied if this, as an industry, gets out of hand in the way it seems to me that it must do if it is to generate the type of economic activity which has been spoken of?

So, there has to be a serious balance and a serious judgment call as to what is the more important; potential economic benefit or potential ill-effect. Because once this is established as an industry with several licences and everyone involved looking to make a profit out of it, they have to market it. It will fail as an industry unless there is demand, and when demand increases, it spreads unwittingly beyond the present use which is allowed by the Dangerous Drugs (Amdt.) Act, which is recreational use in small quantities.

And, Mr. Vice-President, I also asked myself the reason for my lack of excitement as well over this commercialization, this economy driven exercise, this motive of what it can do for employment, et cetera. Again, I say, I am not an economist, but I asked myself when one is talking about economic measures and making a radical change to the status quo, it would seem to me that feasibility or a feasibility study is all part of that process. And, in that regard, I have heard from

contributors that Jamaica has done it, St. Vincent has done, Antigua has done it. What I have not heard is exactly what has been the result, economically or socially, of those initiatives, those legislative initiatives, in those jurisdictions which have been identified. How has it increased employment? What is the percentage? How has it driven GDP up? How has it earned foreign exchange? What levels have been attributable to it? What are the statistics demonstrating success as a result of this legislative measure in such countries? To me, that is all part of a feasibility exercise. What I have heard simply is that they have done it and it is time for us to get on the bandwagon. It seems to me that that is not feasibility. That is follow fashionism.

Mr. Vice-President, it has been spoken of as well, in respect of its potential. I have heard one of the contributors make mention of its potential for export as well. But, again, using my amateur economic approach, I asked myself: Where is the potential for the foreign exchange, so to speak? Because for one, you can only export to countries which allows for importation. You can only export to countries or jurisdictions which have a legislative regime which has legalized the use of marijuana. And if one looks at it from that possibility, many countries are wiped off the market because not all that many have moved towards legalization as yet, even if it is contemplated. So those countries cannot be part of the projected market for export. And if what is left are the countries where it is legalized already, then they are producing their own. So why would one think there is a market for our product which is now coming, so to speak, on stream? And coming, at this stage, why would one think there should be anything so special or unique about it or its quality coming from here that will make it an attractive product to anyone else?

But under the licensing provisions, they also allow for the import, import licences to be granted and we know very well that—and it is something which I

have commented on, on previous contributions—we tend to have a taste for foreign product. So, we have to be conscious as to when we speak of export, we have to be conscious about the import licences which may be granted and which can be a potential drain on foreign exchange if the foreign product is found to be more advanced, more well processed and better. Well I do not want to say taste, because I am not a user myself. So this, perhaps, gives a better high, so to speak.

Another aspect of it which has been advanced is the question of a lot of persons becoming potentially employed in this industry: cultivating, transport, et cetera. But I asked myself when I looked at the legislative regime and the provisions and what is involved, whether there is any incentive for persons at the smaller level to get involved, because this is a bureaucratic monster, so to speak.

First of all, you would have to apply for a licence. You have to give all your details even though it is said that the small man—anyone over 18 can apply—give all your personal details. A licence, you are not sure to get the licence. If the licence is obtained, you have to pay a prescribed fee which, presumably, would be a fee of some significance. It would not be trifling. Then you have to naturally subject yourself to whatever restrictions, in terms of quantity the licence would be given for, perhaps, limited quantities. One has to subject oneself to that, then one has to consider the licence is only for three years and there is no guarantee of renewal. So, if it is for three years and no guarantee of renewal, the smaller individual may want to contemplate: Is there incentive for me to go into this? And further to that, there is also the situation of the inspectorate, where you have to subject yourself to the possibility of not just regular policing, but the inspector regime.

The point I am making about this is, not that these things are not necessary, not that they are not important. But what is the incentive since it has been said that

everyone is getting a piece of the pie—the smaller man, the medium person, the larger person? What is the incentive for someone operating at a smaller scale to go into such a venture when there is so many administrative steps and inconveniences? There is a lack of ease of doing business insofar as a small potential farmer is concerned, and this may very well result in a lack of interest in this process. And if it results in a lack of interest in this process, then having paid a considerable fee, et cetera, then it also means that there would not be participation in it. There might be far more an inclination to continue doing what I am doing, selling at the block or selling wherever.

There is something called—again, I am not a professional economist—the economies of scale, which concept dictates that if in order to make a profit, in order to make a successful economic go at something, it would require you to, at least, engage in that economic activity at a much higher level, before you can meet your cost. And, in that regard, it may well be that even though that is not the intention, it may well be de facto that this is only a reasonable prospect for someone operating at a larger scale, at a larger business, and it may only be attractive to such companies at that wider scale, and that defeats the argument which has been advanced that it is open to everyone. Technically and legally it is open to everyone, but not everyone is going to find this administrative machinery, administrative monstrous machinery, to be worth the time and the effort to get into, bearing in mind the restrictions which may be placed upon you, in terms of how much you can sell, where you can sell, where you are confined to and the inconvenience of renewable and paying the fee again and subjecting yourself to the parallel police that is emerging under this Bill called “Marijuana Inspectorate”, coming down on you. And according to the provisions of the Bill, they can come down on you with or without the police. That is why I refer to it as a parallel

system of policing, which one would have to subject oneself to.

Mr. Vice-President, there are also quite a number of issues, given that this Bill is what it is, I have just looked at it from a macro larger policy point of view perspective, but there are also some issues with some of these provisions which, I think, need to be tightened up, given that it is Government's policy to introduce this, then there are provisions which certainly need some tightening, and which I would seek to, perhaps, address during the committee stage to deal with the micro aspect of it during the committee stage.

In terms of feasibility, one also has to ask oneself as to balance what we hope to achieve about against what is necessary to create, to achieve it. And this is why Sen. Vieira's point on this issue struck a chord with me. What is this we are creating? Is it necessary to indulge in this? I say it is necessary for the three purposes which I have identified at the start of my contribution. But, limiting oneself to these three purposes cannot justify this machinery that is being creating and one has to ask oneself—because when you look at it, you are talking about a board—nine members of that board, a licensing regime, quite a number of staff to be hired, the right to, according to this, the right to acquire property, the right to borrow using Government as a collateral, therefore, contributing to debt as well and also, more significant than anything else, the fact that it is to be funded on the Consolidated Fund as well, because the prescribed fees for licences, you certainly cannot hope to run a machinery of this magnitude based on the prescribed fees that may be charged for licences and fees, et cetera.

**3.30 p.m.**

So it is a potential drain on the Consolidated Fund and one has to bear in mind what is one getting for it and what is the justification for it. Is it possible, in other words, to perhaps create something which is necessary for that limited

purpose where we can identify genuine cases of medicinal use, therapeutic use and religious purposes or has this gone out of hand simply because the underlying motive is economy and it is being regarded as an industry? And as I have pointed out, that underlying motive has to be balanced against social impact because the adage is relevant. Sometimes it is said, “Money is not everything”, and my own adjustment of that, “Money can sometimes make the world go wrong, W-R-O-N-G.” There is also another one about money being the root of—everyone knows what.

So we have to balance it. I certainly hope that this is not the elusive diversification that administration after administration has been speaking about, because when one listens to the contribution about it, it is an economy thing; it is an export thing. And I am using words that have been used in the contribution; it is an industry thing. At one moment I wondered if this was the elusive diversification.

**Mr. Vice-President:** Sen. Welsh, you have five more minutes.

**Sen. E. Welsh:** Thank you. However, having regard to what I have said before, there are some measures which I consider to be important and necessary and which I commend because it takes care of some of my concerns. For instance, this machinery that is being created, there is an obligation on it at the end of every year to report on its expenses, revenues and its activities. There is a clause which provides that it has to be reported to the Minister. So there is a level of accountability and that level of accountability is justified because one has to see, tangibly, what one is getting out of this creation.

What the legislation lacks however, is what are the consequences of a failure to comply with the need to report on expenses and incomes that are earned and the activities of the Authority, and that to me is also important. It is not good enough

to say, “There is an obligation to do so”, without any kind of consequence for failing to comply with that obligation. And I say this is important because far too often—far too often one hears of Auditor General’s Reports of statutory authorities which have not filed their required statements or reports for any number of years. And then eight years down the line you might hear of some kind of corruption that has been taking place, who has benefited from the revenues collected, et cetera. If another such authority is going to be created, let the lesson be learnt from those authorities which exist now and which have existed in the past and which have not complied and which, as it turned out, there may have been corruption and ill-gotten gains involved.

We know too well that anything which involves licences from recent experience—anything which involves licences and the issuance of licences has the potential to lead to corruption. So if an authority of this nature is being established, let it not only report but be under an obligation to do so with some kind of consequence. Put in a radical measure otherwise—it may not be legislatively diplomatic how I put it but that is for the drafters to work on. Hinge it to the renewal or the continuation of a contract for those who are responsible for doing the reporting, so that we will not have the creation of another dysfunctional institution which there are going to be accusations about its processes and its legitimacy and whether it has been functioning with propriety. So let there be some legislative provisions in that regard.

Mr. Vice-President, I have—there are the macro-level matters which I spoke of and which I think can contribute to the improvement of the provisions of this Bill and which I have not addressed during this contribution, because of course there is also the committee stage, but I have issues with certain things. I think the caregiver provisions definitely need to be tightened up.

**Mr. Vice-President:** Senator, your time has elapsed.

**Sen. E. Welsh:** Thank you very much, Mr. Vice-President.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Sen. Teemal.

**Hon. Senators:** [*Desk thumping*]

**Sen. Deeroop Teemal:** Thank you, Mr. Vice-President, for the opportunity to contribute to the Bill before us. Mr. Vice-President, if I may, before I begin my contribution, I would like to express my serious concern about the desecration of the Carapo temple in Arima. In my opinion this was no attempted robbery but it was a deliberate act aimed at denigrating and shaking the spirit of the Hindu community, and in my view this act borders on terrorism and has no place in our plural nation.

**Hon. Members:** [*Desk thumping*]

**Sen. D. Teemal:** And it is my hope that the perpetrators of this despicable act be swiftly caught and brought to justice.

Mr. Vice-President, Sen. de Freitas in his contribution to this debate introduced a rather interesting dimension by his intimation of a generational gap among Senators. He seemed to infer that the young Senators appear to have no problem supporting this Bill, whereas the older Senators seem to be allowing the stigma of cannabis use to influence their position.

Now, I do note that Sen. de Freitas was very careful in excluding the hon. Attorney General—

**Hon. Senators:** [*Laughter*]

**Sen. D. Teemal:**—from this age-based classification. I would like to let the hon. Senator know that I have been involved in social and cultural activism for decades on a voluntary basis and I have had the opportunity and good fortune to work with

mainly young persons during this time. And I would also like to let him know that there are times when the exuberance of youth has to be balanced by the wisdom and experience that comes with age—

**Hon. Senators:** [*Desk thumping*]

**Sen. D. Teemal:**—particularly in unprecedented circumstances when it is always better when you are in new territory to proceed on the side of caution.

The reservations about the Bill expressed by the so referred to “aged Senators” would have been—not been on stigma and prejudice but by the hard reality of seeing the damage done to persons and families by the abuse of cannabis and the consequential addiction that goes with it; the resulting negative impacts on the health and well-being of individuals and the disastrous adverse effects addiction can have on the family unit and the community. The forerunner piece of legislation to this Bill, an Act to amend the Dangerous Drugs Act, Act No. 24 of 2019, effectively allowed for the use of cannabis for personal or recreational use through decriminalization. And this Bill before us sort of completes the package in that it will allow for the religious and medicinal use of cannabis in Trinidad and Tobago through regulatory control by a Trinidad and Tobago Cannabis Licensing Authority.

Now, one of the major reasons put forward to justify the decriminalization of cannabis, and one that I agree with, was one of social justice where we saw our boys and young men of socially disadvantaged communities no longer running the risk of “making ah jail” for small possession of marijuana and also deriving the benefit of having their criminal records expunged and also being allowed to reintegrate into communities and the wider society. Good. The other major reason was that there would be a reduction of the burden placed on the criminal justice system by the overwhelming number of cases for possession of small amounts of

marijuana that had clogged up the remand yards and courts. And the Bill before us today, Mr. Vice-President, is based on the reasoning that there are commercial and medicinal benefits to be derived from cannabis, as well as it would allow for the rights of citizens who utilize it in their religious practices.

This is unprecedented legislation. Since our knowledge of the harm caused by cannabis use is incomplete and interpretations of the evidence are often contested, so is also our understanding of the medical and other benefits of cannabis use. It is still evolving. The research is still evolving and the conclusions are still far from complete. And the lack of good epidemiological and clinical data has made it difficult to assess conclusively the adverse effects and also the benefits of cannabis use to the users and the public. In my opinion this Bill limits the avenues for minimizing and managing the adverse effects of cannabis use which is the public health aspects and it maximizes the benefits of cannabis use as it is based primarily on the commercialization of cannabis and the development of a cannabis industry.

Mr. Vice-President, there is enough research to indicate that the decriminalization and legalization of cannabis signals to adolescents and non-users that cannabis is now socially acceptable. The American Society of Addiction Medicine in their Public Policy Statement on Cannabis concluded that:

“...cannabis use disorder in cannabis users is not rare and can be serious.” And we have heard from many—from several of the speakers before about addiction and cannabis use has been shown to be associated with cognitive decline, impaired educational or occupational attainment, risk of other substance use disorders and poor quality of life. It has always been shown to be associated with impaired driving, fatal vehicle crashes, cannabis-related emergency room visits, psychosis and psychiatric comorbidity. Cannabis use disorder has also been

associated with disability and strongly and consistently associated with other substance abuse and mental disorders.

We cannot also discount that the adverse effects of cannabis legalization can be socially inequitable, although we have heard that one of the intentions of this legislation is to bring about equity, for we have heard from several speakers about inherent disadvantages to the small man. And there is no doubt that legislation will reduce social inequalities arising from unequal enforcement of criminal penalties for cannabis possession and use. However, addicted cannabis users, like problem gamblers, are more prevalent in the more socially disadvantaged communities. The legislation of cheaper and more potent forms of cannabis products may increase the number of regular cannabis users in poorer communities to the economic detriment of users and their community. There is no doubt that evidence informed substance use, prevention and treatment interventions can avert or delay the initiation of cannabis use by the vulnerable. They can stop progression from use to harmful use or addiction and it can reduce cannabis-use related negative health, social and economic impacts. Other jurisdictions have identified several risks and protective factors predictive of substance abuse that are amenable to prevention interventions and they have developed evidence-informed resources for educators and clinicians who help prevent particularly adolescent cannabis use.

Mr. Vice-President, the reason that I have focused my contribution thus far on the public health issues that can arise from this legislation, is that the Bill seems to be mainly crafted on a framework for the commercial development of the cannabis industry. And I agree totally with Sen. Welch in his contribution that the commercial interests would seek to increase demand because of the economic equation for a return on an investment. And what are the possible social consequences of such marketing by these commercial interests? I would have

much preferred to see a more broad-based strategic approach that includes public health and social evaluation of the impacts of this cannabis legislation.

Now, Sen. Lutchmedial did speak about rehabilitation in her contribution and Sen. Richards also spoke about abuse and addiction whilst drawing parallels with that of the alcohol and tobacco industry. The hon. Sen. Sagrarsingh in her contribution indicated that there are provisions for a person with qualifications in drug rehabilitation to be on the board. The hon. Senator indicated that such a person would ensure that the policy and measures for drug rehabilitation are considered by the board, and in her opinion that further legislation for drug rehabilitation may not be necessary at this time.

The hon. Senator also indicated that in her opinion such legislation could come after some years when the cannabis industry has developed more. I respectfully submit that I do not agree with the hon. Senator here, for in my opinion, a strategic approach to cannabis legislation warrants as concurrent approach in ensuring that public health issues are also sufficiently addressed in the legislation. Just having someone on the board with drug rehabilitation qualifications in my view is not good enough to guarantee that policy and measures would be put in place. The strategic direction of the board in this regard has to be clearly spelt out and legislation needs to identify prevention interventions and rehabilitation as a specific function of the board such that it gets the resources it needs. We must legislate this aspect to ensure that adequate funding and resources are allocated to address the need.

Some speakers from the Government Bench also spoke of addiction only in the context of medicinal cannabis and likened it to addiction to other prescribed medications. I am not speaking about addiction and rehabilitation in this context but in the context of personal recreation and soon to be legalized religious use. We

need to be mindful that this is not only about rehabilitation but it is about identifying and protecting the vulnerable, discouraging use of cannabis for the vulnerable and ensuring that prevention measures are identified and implemented. As I mentioned before, this is unprecedented legislation and I am of the view that there is enough evidence—enough research-based evidence on cannabis use disorder to legislate now for dissuasion and prevention of use by the vulnerable and also treatment of cannabis use disorders.

Mr. Vice-President, NADAPP, the National Alcohol and Drug Abuse Prevention Programme that falls under the Ministry of Social Development is charged with the responsibility of coordinating drug abuse prevention and demand reduction initiatives in Trinidad and Tobago. And I would have liked to hear from the Government that as part of their strategic approach for cannabis legislation, that they would be looking at expanding and sufficiently resourcing NADAPP to include for the prevention and treatment of cannabis use disorders. In light of all what I have said so far, when we look at the functions of the Authority stated in clause 5, we see no specific function regarding identification and protection of the vulnerable, discouraging the use of cannabis for the vulnerable and ensuring prevention and rehabilitation methods—measures for cannabis use disorders.

Now, this omission to me begs the following questions: Who would take up the responsibility for stakeholder engagement regularly to collect, to analyze and to publish health data for planning and implementing public health and social programmes? Who would take up the responsibility to make policy and programme recommendations by collecting and analyzing data to support prevention and rehabilitation efforts? Who would take up the responsibility to implement new development programmes and more data-driven efforts to make sure behavioural and mental health needs of our adolescents and transitional age

youth are met and that persons are trained and equipped with best practices for dealing with cannabis use disorders and cannabis misuse? I am proposing that a specific subclause be added to the functions of the Authority as listed in clause 5 of the Bill to meet the answers to these three questions.

Mr. Vice-President, clause 5(3)(b) states that:

“In the performance of its functions, the Authority shall—

(b) facilitate scientific research in respect of cannabis and...development of the cannabis industry...”

Again, we see a heavy emphasis on the commercial aspect of this Bill and there is no specific mention of research needed to inform policy measures and development of programmes for again, identification and protection of the vulnerable, discouraging use of cannabis for the vulnerable, prevention and treatment of cannabis use disorders and addressing the social and public health impacts of cannabis use on the population. This research is necessary.

Clause 6(2) provides for various disciplines to be represented on the board. In my view again, there appears to be a skew towards the commercial side of this Bill and I am proposing that the disciplines of social development and public health be added to bring about a much needed balance to the board. Clause 41(1) authorizes a medical practitioner to prescribe or recommend medical cannabis. In clause 3, interpretation, a medical practitioner has a meaning assigned to it by section 2 of the Medical Board Act.

Now, clause 10A of the Medical Board Act deals with registration as a medical specialist, but this is not here in the interpretation for the medical practitioner. One of the requirements for a medical specialist is:

“training, experience and qualifications in the area of specialisation;”

I ask the question, is medical cannabis an area of specialization? And should the

medical practitioner be called upon to have training and experience in the field of cannabis medicine or would there be compulsory training on medical cannabis for medical practitioners prior to them being allowed to prescribe or recommend cannabis products to patients?

Mr. Vice-President, I would like to go to Part VI of this Bill which deals with cannabis for religious use and this is even more unprecedented legislation. Who determines what is religious use since it is not defined in clause 3, interpretation? What interpretation of religious use would be used by the Authority in granting of a licence under this section of the Bill?

**4.00 p.m.**

Would it be left to the courts to decide what constitutes religious use for the purposes of this legislation, if a licence is denied by the Authority and legal action is taken by the aggrieved? Clause 47(1) prohibits the:

“controller of a religious organization which is permitted to handle cannabis under a licence...for any type of commercial benefit or engage in type of sale, supply or other transaction...for money or for any profit, financial or monetary gain or compensation.”

However, we see clause 29(3)(d) allowing for an Export (Religious) Licence, which allows:

“for the export of cannabis to any country in keeping with the laws of any such country;”

I think there seems to be a contradiction here, as I cannot think of any circumstances where one would want to export cannabis outside of a commercial arrangement. Why would a religious organization want to export cannabis if not for commercial reason? Unless it is a donation that they are giving to another country. So why should we be allowing an Export (Religious) Licence for religious

bodies? If it is religious bodies, that licence is based on non-commercial use.

Clause 47(b) states that the sacramental dispensaries:

“can only dispense to persons registered as adherents to the religious organization;”

I ask the question, would the licensing authority monitor this register, and what sort of database and controls would be set up to ensure that adherents are not registering with several other religious organizations to beat the system? So we may have one person registered with maybe four or five different organizations to be beneficiaries of the dispensing, just so that they can beat the system. In such a case, what would be the fine? Would any fine be imposed upon an adherent caught practising such deception?

Clause 48(c) states that:

“No more than thirty grams of cannabis...”—shall be dispensed—to any single adherent;”

However, no limits on the frequency of dispensation are defined. So we have an amount to be dispensed, but the frequency of the dispensation is not addressed in the legislation. Is it daily, is it weekly, is it monthly? We do not know.

Although clause 49 prohibits dispensing to children, no specific regulatory measures are stated to control dispensing to children. Clause 48(1) appears to be rather liberal, in that, it states that:

“The Minister may, by Order, declare an event to be an exempt event for the purposes of this Act, if he is satisfied...”—and there are certain conditions stated here:

- “(a) promoted or sponsored by a person who is an adherent of a religious organization; and
- (b) primarily for religious purposes, in accordance with the provisions of

this Act.”

Clause 48(2) on exemption goes on to state that:

“...no person at the event shall be liable to arrest, detention or prosecution for any offence...”—any offence—“or any other penalty regarding cannabis being transported to, or which is possessed, supplied or used at the exempt event in such amount and under such conditions as are specified in the Order.”

Mr. Vice-President, this exemption raises several questions and concerns. One, does such an event violate the non-commercial aspect of religious use? Would these exempt events be commercial, oriented, and in such a case would it violate the non-commercial aspect of religious use? Would such exempt events be allowed in public spaces? What is the legislative and regulatory role here for the Authority? None is stated in the legislation for exempt events. The promoter or sponsor of the event is not the religious organization or its controller, as previously stated for the licensing, but an adherent. Even though one of the conditions for event exemption is for primarily religious purposes. So we have an exempt event in which the promoter is not the controller or the religious organization, but an adherent. Why stretch it like that?

The licence requirements under this Act for cultivation, transport and religious use and dispensation are voided, once the amount and conditions stated in the Order are not violated. The question is asked, where would the cannabis be coming from for these exempt events? Would it be from legal sources, and who would be transporting it? Would special temporary licences have to be issued by the Authority, in this case, to the promoter or sponsor to facilitate these exemptions? What is the special arrangement and what is the role of the Authority regarding licensing for these exempt events? The legislation is not specific. It is

just subject to the Minister issuing an order. Would all the aspects of legalization under clause 47, sacramental dispensaries, apply here?

Would individual users be allowed no more than 30 grams at exempt events? How is this going to be monitored and enforced at exempt events? How is this going to be monitored and enforced at an exempt event? Would only religious adherents be allowed at the exempt event, and how would this be enforced, or would the exempt be open to the public? The exempt event? Would the promoter or sponsor be required to have inspectors from the Authority on duty at the event to ensure compliance with the amounts and the stated conditions?

Clause 49(1) suggests that children would be allowed at exempt events. Should we limit exempt events to be strictly for only adults 18 years and over? If not, and children are allowed at exempt events, would the Authority be asked to stipulate the regulatory measures and enforcement controls to ensure that cannabis is not dispensed at these exempt events to children? While we tout the benefit of cannabis, I shudder to think of the trauma that parents would have to undergo when they discover that their children are attending these exempt events, and the accessibility to cannabis is increased due to lack of any specific licences, lack of regulatory control and enforcement at these exempt events.

I am not sure how much of what I have raised would be dealt with in the regulation, but this is the reality of having to pass legislation without the benefit of draft regulations, or even on a draft framework for the regulation.

I cannot help but propose the deletion of clause 48 from this Bill. In my view, it is too broad, and it allows for too many loopholes for abuse and circumvention. I am of the view that it can be brought as an amendment two years after the proclamation of this Bill, which would allow time for development of the relevant evidence-based research to properly legislate for exempt events, including

a clear definition of what this event could be. It is not in the legislation what this event could be. I do not know. Is it a cannabis social? What could the event be termed? And special licensing and regulatory policy that would be required to facilitate such events.

Mr. Vice-President, I thank you.

**Mr. Vice-President:** Sen. John.

**Sen. Jearlean John:** Thank you, Mr. Vice-President, for the opportunity. I come after many speakers, and we have had some very solid contributions.

Mr. Vice-President, as had been said before, this, the Cannabis Control Bill, 2020, really seeks to provide for the regulatory control of the handling of cannabis for certain purposes, and it goes on to say these purposes would be for religious and medicinal activities, I believe in the first instance, as outlined in this Bill. The legislation also establishes the Trinidad and Tobago Cannabis Authority with responsibility for the regulatory control of handling cannabis.

Mr. Vice-President, I looked at *Hansard* and I was particularly interested in the contribution of Dr. Deyalsingh, because many doctors you would find they really like drugs that are peer reviewed, and have stood rigorous tests and clinical studies, et cetera. In quoting him, he said he has reached a stage now in his life thinking should I give somebody Xanax or should we go to a natural thing that can help anxiety.

Mr. Vice-President, these questions are being asked because I believe this is still an emerging industry and, basically, several speakers would have really pointed to the establishment of this Trinidad and Tobago Cannabis Licensing Authority which is quite an expensive undertaking, and without the benefit of the research which could project and tell us, there is no real empirical evidence which indicates this would have somebody come of success. One might say, but nothing

ventured, nothing gained, but certainly, again, I want to add my voice to that, that basically in looking at this Bill you are not seeing where the Government would have done any rigorous research, mainly for, what it is, medicinal purposes, and for religious purposes.

Basically we have not seen, we do not know how many—if there is a projection as to how many religious undertakings would be interested, or even who are the small farmers who are now interested, or any farmers at all, or growers of the cannabis, because I am sure there are many who are now doing this on an informal scale, where there would be any uptake in this whole licensing regime, if indeed this is how the Authority intends to kind of fund some of its costs.

Mr. Vice-President, again, there is no doubt that there is some relief to be gained from the use of this cannabis, but I am asking, will there be a differentiation of products? Because there are many things, they range from oil to cannabis flowers, et cetera. Maybe it is too early to ask, or I do not know if the Government knows whether they are going to have any kind of downstream, how they are going to have brand extension, whatever it is, or if it is just within this confine of medical, where they are to license folks to dispense the drug, whether medical practitioners or pharmacies and then, of course, religious entities, and some serious questions that really need to be responded to or, at least, there should be a lot of thought into what will constitute or what would be defined a religious entity.

Now, Minister Deyalsingh said they had spoken about a three-prong approach to retrain pharmacists like himself, and basically there would an ongoing education. But I did not see—he did not say the same, because in his own contribution he said, “As I come to the close”, when he was wrapping up, he said just to reiterate that the issue of medical marijuana is one which is engaging all stakeholders to train practitioners, whether doctors and what have you. But we are

here debating this Bill, subsequent to its passage, the Government I believe will proceed in establishing this Authority at great cost to taxpayers, but the engagement. I am not getting the sense that there has been any engagement, given the two trains that they are running on, with respect to the doctors and pharmacists and so on.

I can tell you that doctors in many cases—and that is why I listened to Dr. Deyalsingh—they could grow up—when they are growing up, they have a fever, you give them fever grass. As medical practitioners, they are not going to drink that fever grass, because there is no science—with all due respect, you are a dentist yourself, hon. Vice-President—because of the lack of science with the fever grass, et cetera, they know it is good. It would have done something when they were young, but as an adult, trained professional, it is hardly likely that they will go out and pick that fever grass lying in the yard.

Mr. Vice-President, the Minister of Health also pointed to about 40,000 persons in Trinidad and Tobago living with seizure disorder. However, he took, I think, a responsible approach when he said, however the 40,000 persons they really are not all candidates to be treated by this cannabis for its therapeutic effects. So I am asking, how many, if we are not sure, because this has to be the pool that one is projecting onto. If it is we do not have 40, the probability is somewhere within 40,000. What then is the number we are looking at? Again, I heard some very serious questions relative to where would the demand come from, is this cannabis for export, the export market, or will one then kind of have an engagement where cannabis will become cool in Trinidad and Tobago, so that more people will be encouraged to smoke cannabis or use cannabis, and whatever is derived from that plant.

I think this is very serious. I mean, Sen. Welch would have spoken about the

demand, and I think he is right, because the Senate is being asked to really approve this expensive admin infrastructure, and we are not sure—is this going to be another state organization, which will be reliant on the taxpayer and the exchequer.

In addition too, mention was made to the ease of doing business, because we have this very rigid licensing regime. So I guess the Government is trying to balance the danger of the cannabis as they say, because there is a dark side to it, against the potential for some level of economic activity and return on persons' investment. Basically, I believe that this is not well thought out in terms of this regime of licence, because people who are there in their area, wherever, having their plots, maybe planting peacefully, I do not know, I do not know what is the motivation for them to come and engage themselves, in bringing themselves from the darkness into the light, where the light will add a lot of costs to how they do their business, a lot of costs to their business model. Because it means the price of their product is going to go up, even within the context of this whole regime of licensing and oversight, which I suppose is necessary. But notwithstanding that, one has to now look at how will that add to the cost of this product, as it were, Mr. Vice-President?

One will ask if the Attorney General could indicate, if the regulations would specifically really say to us who can prescribe this cannabis-based medicine in Trinidad and Tobago. Because in the UK, through the National Health Service, you cannot get cannabis-based medicine from a general practitioner. It can only be prescribed by a specialist. So one wants to know what would be safeguards. You know, it will only be prescribed by a specialist hospital doctor, but that means you first have to go to a GP and then you end up at the specialist to get this prescription. So it means a lot of costs will be added.

This person who, perhaps, is now getting this cannabis without all of the

“rigmarole”—you know, they are getting it and maybe they are already using it not for pleasure, but for medicinal purpose, one has to look at will they be encouraged to come out from that informal sector, and get into the formal sector based on the additional costs and the additional restriction.

Mr. Vice-President, as an additional barrier, medical cannabis is considered something of a last resort, and is in the UK. Doctors should first—they are first encouraged to consider prescribing medicines that are licensed for the specific condition that the patients present with. That is because these products have to be tested for safety, quality. That is what I am talking about, the rigid testing of clinical studies for medicine, because at the end of the day, it is human beings who have to take these things.

So we are moving from testing into actual application on human beings, and many things can go wrong. So that is because the traditional part that we have known, products have been tested for quality, safety and efficacy by regulators, for the indication that they are prescribed for, and are subject to the quality assurance arrangement that apply to all licensed medicine when they are manufactured.

So I think we still have a way to go with this, because for those who are inclined to use cannabis for medicinal purposes in Trinidad and Tobago at this time, there are no middle men. However, in the new dispensation, as I said before, a patient or user will first have to secure a prescription from a licensed doctor. If this is not correct, I am hoping that the hon. Attorney General will clear that up.

Basically, even if a patient can afford a private consultation and prescription, there are still a number of barriers to entry, because in order to be eligible to be prescribed for this medical cannabis, a patient will need to have a qualifying condition. I am told in some jurisdictions persons will need to have tried two previous licensed medications, so I do not know if we will have all of these

barriers to entry, because we do not have the regulations in front of us, which in many cases can be debilitating drugs such as opioids or antidepressants.

So, Mr. Vice-President, for many people a private medical prescription just is not a viable option many times due to the ongoing costs, the escalating costs. For many patients, this decision may be a simple one, but for others, others may choose to buy it illegally, to choose to treat their medical condition or suffer, while remaining on the right side of the law, because the price of seeing a consultant is quite prohibitive for many people.

So, basically, there is another issue I want to raise very quickly with respect to—it was in the Appendix II of the Joint Select Committee Report, and it concerns a summary of key issues, roundtable discussions with cannabis authorities from the Caricom region. I cannot recall hearing this issue raised as yet, but I will just want to ask, how will Trinidad and Tobago address the corresponding banking issues treated within the global financial sector, given that cannabis is still considered illegal.

A lot of people are still grappling with it. It looks like something that one could do, but I suppose Minister Deyalsingh had cautioned and said it is not a silver bullet. So we have another issue in terms of banking issues, because one of the major issues recently highlighted by Caricom Chairman, Gaston Brown, was that correspondent banks in the US, have indicated definitively to be correspondent banks here within the region, that in order for them to maintain their corresponding bank relations, they could not accept cannabis deposits. This is a serious thing.

Even in Jamaica back in 2020, the Ministry of Industry, Commerce, Agriculture and Fisheries had to engage international stakeholders, as many major banks are reluctant to fund the growth of medicinal cannabis out of fear. So even if someone, they would have gone, filled out the form, gone through all the

prescribed criteria, and end up being designated a legitimate business in a trader, in this commodity. If you want to grow, chances are you may find yourself not being able to raise money from the banks. I do not know if the Government of Trinidad and Tobago is going to do something different.

So, basically, I ask the question, what has been done with the banking sector, to ensure problems such as these are avoided? Because as you are aware, Mr. Vice-President, this country has been grappling with blacklisting for the last five years. So I am hoping the Minister will tell us what safeguard he has delivered, or he has in mind to ensure that our banking sector is none the worse should this legislation become operational.

So, Mr. Vice-President, with those few words, I want to thank you for the opportunity.

**Mr. Vice-President:** Thank you, Sen. John. We will have a short recess, and meet back here at 5.00 p.m. sharp.

**4.25 p.m.:** *Sitting suspended.*

**5.00 p.m.:** *Sitting resumed.*

**Mr. Vice-President:** The Minister of Trade and Industry and Acting Leader of Government Business.

**Hon. Senators:** [*Desk thumping*]

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Thank you very much, Mr. Vice-President, Mr. Acting President, I think is what I should say. Thank you for recognizing me and of course allowing me to join this debate on the Cannabis Control Bill, 2020. Allow me firstly to congratulate the hon. AG for his presentation on the Bill.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. P. Gopee-Scoon:** I also would like to recognize all of the members

of the Joint Select Committee that worked very hard on this.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. P. Gopee-Scoon:** Also the work of the former AG, as he was the one who led the Joint Select Committee, and of course all of my colleagues who have contributed thus far on the Bill. And indeed it has—generally there have been good contributions with a lot of learning coming from all sides. So, we are here because the combination of this Bill is as a result of this very extensive stakeholder engagements. Someone asked before, I am surprised that anybody could ask at this time, this was laid in the House, very extensive stakeholder engagement, and a very collaborative effort between all members of the Joint Select Committee. I think there was, as I said, significant consultation.

The Bill before us today is not a complex one, and I say so in the context of it just being primarily to establish what this authority is. And in terms of how it is drafted, it is very similar to those that we would have introduced into the Parliament before in the creation of an authority, in terms of the gambling authority, and I myself had presented on the Special Economic Zones Authority. I mean, it goes a little bit more, but primarily this establishes an authority. But, there are several complexities within the industry, and I hope to be able to cover some of this. Right.

Now, I have to tell you that I am a little bit of a prude, I was just saying it before, and certainly I am one of those who would find some things quite objectionable. But being in Parliament, and I have been now around, I think, close to 14 years, it really raises your awareness and it forces you to put the population before yourself. That is how we operate in this Government.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. P. Gopee-Scoon:** And so I would candidly speak on the Bill whilst

before us. As I tell you I find it very objectionable. I candidly would speak on the Bill. I am in strong support of the Authority now proposed today. And, yes, some may consider it taboo, but for me I am in support of the significant business opportunity that can come out of it, and for those that have an interest as well. Also, for the proven scientific benefit, the medicinal benefit of several products derived from cannabis.

So, I am very pleased with what I am seeing around the world, and I did look in fact at what several countries are doing, and we do not have to look very far, even within Caricom and we have seen several of our colleagues, Barbados, St. Vincent, Antigua and Barbuda, Jamaica. I think with the first one out of the box being Jamaica sometime in 2015, but just scanning the globe a little bit, again, I am happy to see that St. Vincent, we know, has been involved in growing—cultivating for some time now, and they were out of the box in terms of this cannabis launch in St. Vincent, operating at the Coconut Grove Beach Club. But from what I have read, it seems to be operating as is expected in terms of having a dispensary, having the availability of persons to get their prescriptions, et cetera. So, I think they are probably on the right track.

Again, looking at Barbados, well, one does not really expect Barbados to cultivate having regard to the fact that Barbados' soil is really rich in lime and phosphates. I am not sure it is the right place to grow cannabis, but at the same time they have set up their Medicinal Cannabis Licensing Authority, and it is for all the other reasons in terms of, and if you look at their website, excellent website in terms of showing what their strategic goals are and so on, but certainly they can issue licence, and certainly they can encourage the manufacturing industry and that kind of thing. They can be a transshipment point as well. So, they are up and running as well. I looked at Jamaica as I said, and someone in here, in my research

led me to think just about 67 licences would have been granted, and someone in here said, no, it had actually gone to something like—somewhere about 90 licences granted, but one would be surprised at the number of issues that some farmers are having in Jamaica with the regulations being burdensome and so on, but maybe for valid reason.

But there are issues, and I will tell you coming from behind, and we are not too late, there is a lot to learn from some of the issues that many of these authorities have, and certainly we can make better and learn from some of these issues. Looking again at India, and of course India, one would expect because going back and I do recall as a child seeing the older folks on the Indian side of my family with their pipes, not knowing at that stage what it would be, but it was very prevalent for a long time now. And in Ayurveda cannabis really has been long acclaimed for its therapeutic properties. So that is well-known and well-established. So that in India you would find that there are a lot of start-ups, a lot of industries looking at it now and doing, conducting research on medical cannabis. And talking about conducting research, when one looked at Israel, Israel is really by far the country that focuses on research and development, and so it is in relation to cannabis. Israel has done and is doing quite a lot of research and development around medicinal cannabis.

So, it is something, I mean that is the direction that you want to go in. That is you want to learn from countries like Israel, and as I said, a great deal of research ranging from the cannabis plant science, but agro-technology as well, development of the medical cannabis products, even clinical trials in humans and so on. So that is where Israel is. And then of course there are those very advanced and mature markets like Canada, where in Canada cannabis I think is fully legalized. So in Canada the business is quite a vast one, in that in 2020 the

cannabis market was worth CAD \$2.6 billion, compared to 1.2 in 2019. So it tells you the growth, more than 100 per cent growth. And by the end of 2020 there were 1,369 licensed retailers across Canada. Again, 100 per cent increase from the year before. And they are exporting, Canada is exporting, and that is where a lot of the benefits are. They are exporting dry cannabis flowers and also cannabis oils and extracts.

So they are really regarded as one of the largest exporters in the world. So, in 2020, confining myself to medical cannabis, exports from Canada were valued at CAD \$53 million, which was a 229 per cent increase from 2019. So it tells you how exponentially the businesses grow in Canada, to the extent where, and I was quite surprise in my research to understand that there was discussion in Canada about including cannabis in their free trade agreement, in their Canada free trade agreement, which is the free trade internal agreement among the provinces within Canada. And, of course, Mexico as well, quite a liberal country when it comes to cannabis as well, they too have been looking at the—and there are discussions among other countries with regard to the Canada-United States-Mexico Agreement. I understand that there is discussion going on there.

Concluding then that there is a lot of activity in the global world. And even up to—it is not all good, I mean, there are concerns. As I said, it is a growing industry, and you would find that, in fact I was quite surprised that in California, for instance, the world's largest weed market, I saw in the *Economist* just May 14<sup>th</sup>, only May 14<sup>th</sup>, just recently, recognizing that they are now the largest legal weed market in the world. Cannabis businesses in California are floundering. And I say that for you to understand that this is not going to be a very easy sell, if you decide you want to do business. So businesses there are floundering, and they too have their issues, as I had discussed with regard to Jamaica, and therefore anyone

looking to get into it would want to be very knowledgeable about what they are getting into.

So, I am saying that it is a good market, there is a great demand for it across the globe. Many European countries buy, and their actual population size and country size are quite small and so they import a lot. And, of course, there is the growing bi-products from cannabis as well, but there are also other types of issues, and one will have to look at the prices on the market that are very volatile. Where, for instance looking at prices recently they fell to \$400 a pound, when in fact it was about \$800 a pound and so on. So, there is a lot of volatility, and anybody wanting to get into this kind of business really would have to wake up and smell the weed and understand what the business truly is like. I was in shock to find out there is actually a global cannabis stock index, and I am not sure whether anybody's research took them there, but I thought it important to highlight that, and I think that on the weekend, the 22<sup>nd</sup> of April, in fact the market had dropped significantly on the index. So when one is thinking about investing and going into this kind of business one has to be careful, not just about competitiveness and quality and so on, but the market, the global market place, and whether or not your outfit is going to be profitable.

So, the other point that I wanted to raise, that I had a good look at, and I think it is quite prudent to mention, is the whole parameter for trade. And let us realize that cannabis trade is grounded in international law. And I think my colleague Dr. Amery Browne, colleague Sen. Browne would have raised that. There are three core UN drug control treaties, right. And all of this is about parameters for trade in medicinal cannabis and so on. I will say too that things have progressed, and I will come to that. So there are three main international treaties that generally control this business of trade in cannabis. The Convention on

Narcotic Drugs of 1961, the 1971 Convention on Psychotropic Substances, and as amended in 1988, the United Nations Convention Against Illicit Trade in Narcotic Drugs and Psychotropic Substances. And really and truly these UN drug control treaties limit international trade to medical and scientific purposes.

So, the Government did not just get up and say we are only going to deal with this for medical and scientific purposes. We are in fact guided by international law. So there is guidance in terms of import and export measures, and more specifically, generally, cannabis trade. And of note is the fact that the 1961 convention includes cannabis and cannabis resin as a Schedule IV drug—Schedule IV drug reserved to the most harmful drugs, and therefore limiting the imports and exports of the scheduled drugs to medical and scientific purposes. However, it is important, and this piece of research I had gotten at the beginning of 2022. By the time I found something else dated, and I am going to say what it is, dated December 2020, and it is an article on [news.un.org/en/story2020/12/](https://news.un.org/en/story2020/12/). Headlined “UN Commission reclassifies cannabis, yet still considered harmful”. So there has been progression in the classification of cannabis, and I wish to quote from the article:

“In reviewing a series of World Health Organization (WHO) recommendations on cannabis and its derivatives, the Commission on Narcotic Drugs (CND) zeroed-in on the decision to remove cannabis from Schedule IV of the 1961 Single Convention on Narcotic Drugs - where it was listed alongside specific deadly, addictive opioids, including heroin, recognized as having little or no therapeutic purposes.”

So:

“The...members...of” this particular commission actually, which is “the UN’s central drug policy-making body” they “voted to remove cannabis

from that Schedule - where it” was “for 59 years - and to which the strictest control measures” which sort of “discouraged its use” of it.

And so:

“With a vote of 27”—as—“25 against,”—they have—“opened the door to recognizing medicinal and therapeutic potential of the drug, although its use for non-medical and non-scientific purposes will continue to remain illegal.”

So that is where we are in terms of the international legislation, and we are well within that in terms of what we are opposed here today.

But I will let you know as well that the WTO, the World Trade Organization in addition to the UN treaties, the WTO and its suite of agreements also governed cannabis trade, and this include all cannabis trade, whether recreational, or medicinal, or so. In brief, all domestic measures related to cannabis, including any restrictions in import and export of cannabis must be WTO compliant; must be WTO compliant and any investments in cannabis or operations abroad similarly are protected by investment treaties that you would have between countries, and which would provide protection for foreign investors, and allow for direct recourse to arbitration should there be failure with regard to any of the clauses or so. All right, in the event that the investments are treated by the host State in the matter where the treaty is in fact violated. So, there we are, we are thinking about going into this, anyone having thoughts of getting into this kind of investment, note that this is—sorry.

**Sen. Vieira:** You have spoken about what was going on in Israel and India. May I ask, do they have cannabis authorities in those countries, and if they do not, do you know what obtains there?

**Sen. The Hon. P. Gopee-Scoon:** I have to admit that I am not aware whether or not there are authorities. But what I do feel is that there are significant, some kind

of governance arrangement. There is no way that I think it would be allowed to exist, having regard to the international strictures, the strictures in terms of international law. I would like to think that every country would have some kind of governance arrangement.

So, just looking again at the snapshot of the cannabis industry, again, I am researching because I am learning so much in my later life about this thing. So I looked at a report on the “Global Cannabis Market – Market Size & Forecast to 2030”, published in September 2021 by an outfit called Quince Market Insights. So the global cannabis market in 2021 was valued at US \$25.7 billion but was projected to reach 176 billion by 2030. So there is big business, there is opportunity, there is a space for it. There are countries, as I said, that would demand, especially the European countries, the Netherlands and so on, that would demand these kinds of products. But growth again is on account also, is attributed to the factors such as the increasing awareness of the health benefits of cannabis. And, of course, I would not go into that because there are many speakers before me who spoke about how helpful it could be in treating with chronic diseases like Alzheimer’s and cancer and epilepsy and so. We had a bid discussion on that, there is no need for me to do that. And also, of course, in many cases it is considered less harsh on the body than the traditional medication. And many of us as we get older many people have H. pylori and those kinds of diseases. Your stomach is already very sensitive, so that to be treated with harsh medication really it is not a good thing medically. And I guess all of these would be reasons why one would look at the possibility of this kind of substitution, I would say substitution for the harsher drugs.

I was speaking to the complexity of it, and that is where I want to go now. I want to say that the market is very intricate and segmented, and that so based on a

number of factors, and I would look at each one of them; the method of administration, the compound, the product, the species, the distribution channel, the application, the end user, the region and so on. So, the segmentation is strong. And when I say so and I talk about methods of administration there, we only know about five of them, which would be the oral, the topical, the inhalation, rectal, sublingual and so on, and the inhalation is the one that is tending to be used more in terms of treating through vapouring and smoking and nasal sprays and so on. But it is also segmented, the global cannabis market is also segmented by compound in terms of veering towards more THC, being THC dominant, or being CDB dominant. Then there is also that balance between THC and CDB. The variance being, the varied effects being what it would be used for to treat with a particular type of patient. And then, of course, there is segmentation by species. I tried to get statistics on this, but in doing so you had to cover a number of products, because you are talking about cannabis indica, cannabis sativa, and hybrid and hemp, and it is all mixed up in one.

So when I looked at the, for the benefit of the House, when I looked at the world trade statistics I had difficulty in fleshing out what exactly are the statistics, and then of course once it was medical there are some countries that are putting it straight into pharmaceuticals once it came in and it was marked as being medical. So it was a difficult thing to do. But, yes there is also that type of segmentation, and of course there is segmentation in terms of the different types of products as well, and this is where the opportunity lies as well in the product segmentation in terms of all of the variation of products you can get out of this, the oils and the tinctures, the suppositories, the isolates, tablets, capsules, roll-ons, et cetera. And again, all dependent on the end use and the end user and so on.

So, Mr. Vice-President, as I said, you know, we might be looking today at

setting up an authority, but looking at the segmentation and what it entails in taking that decision to jump into this kind of business, it really is, you will have to do significant research and really look at whether it is worth your while, and, of course you will have to be competitive because you are competing with a lot of countries that are doing well already. I talked about Canada and I showed you how Canada has been growing. So again, I still maintain the view that the market is huge and growing, and therefore that there is opportunity, and we constantly talk about diversification. This is not the answer to diversification, but it is an answer, in that cannabis there is sustainable green industry and so on.

If I had to look, Mr. Vice-President, at the benefits, of course there are significant benefits for the country in terms of attracting foreign direct investment, and you would see anybody coming in though would have to—can only have up to 70 per cent shareholding with the 30 per cent reserve for locals, as against Jamaica which I know is 50/50. But, again, the idea of the 30 per cent local shareholding is to attract investors. Investors would want to come in and ensure that they have control of the particular business. But certainly FDIs, increased FDIs, increased employment, increased, of course there is a lot of research and development around it. But certainly there is the possibility of exports, the opportunity to earn foreign exchange, and of course, again, when we talk about import substitution it means that you are relying less on pharmaceuticals, and that is a big burden in terms of foreign exchange as well.

So there are all of those balances and so on. And is Trinidad the ideal place? That question would always arise. This is the right place. Are we doing the right thing to promote this in setting up this authority? And I would say yes, Trinidad is an ideal location in terms of having the comparative advantage. All of us in the region having a comparative advantage for the cultivation of cannabis on account

of the climate and the land availability. There is land availability and soil and labour force, et cetera. I would think that we are somewhat in a good place, and I think that Trinidad and Tobago also has a very good investment climate. I would vouch and say that, yes, we do have a stable political environment, we have very skilled persons, low energy cost and a competitive corporation tax and so on, and well-developed infrastructure.

But big time, big time, I think that one is we are below the hurricane belt. So, there is no question of any hurricane destroying the crops, et cetera. And all of those are advantages of why you would think of investing in Trinidad and Tobago. And I can tell you that at the Ministry of Trade and Industry and also at InvestTT we have been approached by investors over the last years and so on, but of course we had to wait for the law to be put in place first. So, for all of our Caricom countries I hope that there is some FDI inflows. The thing about employment, I mean you will only find significant employment when the industry really grows, but what was quite interesting, what is quite interesting to me is the variety of employment in terms of the types of jobs that you have available for skilled and unskilled persons. So apart from the fact that you could be employed by the industry, sorry, by the Authority and so on, apart from that, there are all sorts of jobs in terms of when you work directly, you could be a master extractor, a master grower, a quality control inspector, a marijuana tester, an edibles chef, dispensary manager, a bud tender. A bud tender? An extraction technician, dispensary receptionist, cashier and so on, a marijuana courier, trimmers, harvesters, cultivators, an edible packager. So there are all sorts of interesting sides to working within this industry, and of course indirectly as well you also have, you must have IT people involved in this industry, marketing, HR, and so on.

So, on the job side, yes it is interesting, and there are a number of jobs

associated and so on. And across the world, I mean I looked at some of the numbers again, looking all the 2022 jobs report published by Leafly—Whitney Economics in February 2022, and look at the United States in particular, to give you a sense of the growth, that looking at the United States in 2019 they would added in this industry 32,700 jobs in 2019; by 2020 another 77,300 jobs; and in 2021 another 107,059 jobs. So, generally I think in the US it supports I think about 428,000 odd jobs, and of course the market is showing signs that they can actually go to the point of 1.5 million to 1.75 million workers. I say all of that so we understand the scale of this thing in the world, but, of course, I will come back to the point of Trinidad being small, what really are the opportunities and what are the other strictures that we must be concerned about.

So, I spoke about the import substitution and the reduced reliance on pharmaceuticals so I do not think I need to go into that. So the main thing is to understand that, of course, clause 29 details for us they types of licences, and there is no need for me to go into that again, and give us some idea of what would be required for some of the licences and so on. But the regulations have to come, and there are some other strictures that have to come given that we are governed by international law, one; and then given that we are to confine ourselves to the particular purpose which is intended, medicinal, and scientific research and so on. So that attention must be—anybody looking at wanting to go into this, you have to look at what possibly the regulations would be like, and therefore I would know, I would think that the AG's office and the Ministry of Health and so on would be, and the Ministry of Trade and Industry, would be involved in fleshing out what kinds of possible regulations there are. Because I do not want anybody to run away thinking that the Government is saying everything is all honky dory, right, and we could easily do this.

So the regulations, again, I would think would have to be extremely rigorous, and I would say this because it must be so, if it is that your focus is going to remain as required in terms of looking at this industry for medicinal, therapeutic, scientific and religious purposes alone. So, we talked about control, but compliance is an imperative if we hope to have a successful industry. We cannot run away without control and compliance.

**5.30 p.m.**

And for instance just thinking of it, there must be control and the legislation speaks to it. There must be inspection of your premises. Equally, there must be inspection of your vehicles if it is that you are transporting finished product and so on. There must be those kinds of controls. There will be a thorough review of applicants. The Authority is required to act responsibly so there must be a thorough review of applicants. And of course, persons in the business would need to be able to produce and display documents readily, whether it is in their store front or behind the counter as in the case of liquor licences, you would require, I am sensing you would have to display all of that. Your premises must be declared and even if you decide to move you have to declare that you are moving and so on. You have to have heavily detailed records, all of these things are mandatory. And, of course, all of these records must be accessible to the Authority. I am thinking that this is what it would be like.

And as it relates to trade and so on, your imports and so on, and I have heard it in the House already, imports can, of course, can only be from a country where the sale of cannabis or medicinal cannabis products does not contravene any laws of that particular country and vice versa for exports. So your customs unit, your customs division will be very alert to all of this and you are to be wise or else your goods are likely to be seized. And, of course, even in transporting, again, and in the

exports of these products and so on, products have to be properly stored and ventilated and monitored and that kind of thing. I expect that there will scan codes and batch numbers and that kind of thing.

And the other thing that struck me is that the laboratories must be accredited which is a serious factor for Trinidad and Tobago. And—I will cover it just now. Again, what will be important is the packaging and labelling because the law does allow for edibles, et cetera. However, again the edibles, it is not to be sold around the Savannah, all over the place and that kind of thing. It is strictly for medicinal purposes, et cetera, and not for recreational purposes. So all of these edibles and nutraceuticals must be for medicinal or therapeutic purposes; that is my understanding of it. And if that is so, then all of these products will require proper packaging and labelling and so on. I would expect that on the back of it you would see the percentage of active ingredients, again, the batch number, who produced it, the necessary health information, just as in the case of cigarettes. Just think of all the strictures around selling, retailing cigarettes and holding sale for cigarettes, the manufacturing date, the sell by date. Again, in the case of exports ensuring that the active ingredients are listed in compliance with the country to whom you are exporting. And again, I feel that there might be some restrictions around advertising as there is with cigarettes and so on.

So, I mean, in as much as I am promoting and saying that there is so much opportunity that is there, one would have to bear in mind the competition that exists, there are those that are involved, in the First World states, that are doing quite a bit of this, but I think that as a country we can, but of course control and compliance is I think, primary. So I heard in a number of the contributions, what is Government going to do? What is Government going to do with this? Well, the Government is going to treat with this like any other export providing it is in line

with the strictures. I keep saying that word, but it is in line with compliance expected and so on.

So, the Government will do as it does for all manufacturing businesses, for all producers and for all cultivators and we have as a government made available a number of incentives, particularly for micro and small businesses, medium and so on. Coming out of COVID we have worked extensively to ensure that access to finance is available to micros, et cetera, et cetera. Grant funding, I do not need to detail them. But I am saying that the Government always is on offer in terms of ensuring that there is available financing and assistance; assistance, for instance, through our exporTT and our Export Booster programme. I cannot say that our initiative will only be for non-cannabis products. It is there for all the products that are legally produced within Trinidad and Tobago for export. That is in fact available. And it is there, the number of programmes and trading programmes that are available for the micro and the small as well, and for the R&D because if Israel is moving ahead with R&D and so is India, and so is Canada and so on, Trinidad and Tobago, we do have funding available for research and development and even through UWI as well, UWI ventures and through the Government as well.

So I think right throughout the entrepreneurial ecosystem that there is going to be the available assistance that anybody entering this kind of business will get providing that they operate within the law. I mean, that international certification programme which we now offer at the Ministry through exporTT will help all of our exporters of these kinds of products meet international standards. That is important if you are going to export. And so all of those are available. There is also funding available for provision of labelling and product testing support and so on. So I would not want to hear—

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

**Sen. The Hon. P. Gopee-Scoon:** Thank you, thank you, Sir. Right. So, I want to say that the Government is there and very supportive in this kind of industry growing but understanding all of the parameters that are before us. Someone talked about the quality. I would have to say that I have talked about the national quality policy and the national quality initiative, work is ongoing. We just received a grant from the EU and that is for building horticulture in Trinidad and Tobago. So we are very focused on quality; that is the only way that we are going to be able to export. And of course in terms of the accreditation, I had said it before, this Government, this Government is establishing an independent accreditation body for the manufacturing sector and this is just in time for anybody getting involved in manufacturing of cannabis products as well. We are very focused on that. In fact, we have a training facilitator on board now training the staff that are going to be involved in the transitioning from the TTLABS that we have and into the TTASCA. In other words, your product will not have to go abroad for testing, it can be tested here.

You are going to ask about the economic spaces. Cultivators are going to have access to land. This Government is very committed to ensuring that people involved in the agriculture industry and in this case, people involved in cultivation do have access to lands. I can tell you I sit in Cabinet—

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. P. Gopee-Scoon:** At least every Cabinet meeting we would ensure, whether it is half a hectare that the person is benefiting so from, half a hectare, one hectare and that kind of thing, we are ensuring that these lands are available to small producers, small and large family size plots and so on. We are doing that. Only recently the Minister with the responsibility for Youth Development and National Service also launched a programme where young people can in fact get

homesteads for agriculture.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. P. Gopee-Scoon:** Very, very innovative and again—so I am making the point that this is just not about big business and that this Government would make sure that the hand-holding is there for any kind of agricultural business, for any kind of manufacturing business as well. There is the creation of economic spaces in terms of factory spaces, at Tamana, at Phoenix Park, down in Moruga, et cetera, and of course we come on board with our special economic zones legislation which will give the type of investors, incentives that investors would be attracted to if they are thinking about coming into this business as well. So, I think that—and of course, further by the end of the year we do have in fact our new trade and investment promotion agency all geared to make sure that we get our products out there again.

So I close, I conclude, this is a welcomed Bill, it is long time in coming. I think the appetite for this medicinal cannabis is growing exponentially. We are not reinventing the wheel at all, but I think that this is a place where you could have a flourishing ecosystem from cultivation, to processing, to production and so on, to export and so on. So we welcome all investors, small, medium and large, foreign and local to engage in legal trade, but yet, yet, I am saying, yes, there is an economic benefit but please ensure that there is compliance and you understand the business that you are getting into, the competitive nature of it and, of course, all that is necessary in terms of control and compliance. I thank you, Mr. Vice-President.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Sen. Dr. Dillon-Remy.

**Sen. Dr. Maria Dillon-Remy:** Thank you, Mr. Vice-President, for the opportunity

to contribute to this Bill, Cannabis Control Bill, 2020. I am coming at the end of the batting line-up and I must say that I have thoroughly enjoyed the day's presentation, not just today's but last week Tuesday also. We have been examining very important facts and factors to consider with this Bill. I appreciate all the contributions that have gone before.

Mr. Vice-President, when I reviewed this Bill there were two questions that loomed in my mind. The first, the advantages and disadvantages if this Bill was passed. And after performing a balancing act between the advantages and the disadvantages, the second question was, what decision best serves the interest of the public and of our nation? The Attorney General in piloting this Bill spoke and I quote:

“The Bill recognizes that there is a significant involvement and endeavour...”—to—“the members of this community of Trinidad and Tobago, the national community, and it therefore gives recognition as we move to regularize the handling of cannabis to the local content that must be acknowledged throughout and to reap the benefits of the decriminalization as”—we—“now move to...regulated use...”

So moving from decriminalization as we know the history of what has been happening with marijuana use throughout the world and in our country no less, and now moving to regulated use. And I note particularly Sen. Vieira's comments about the—now being taken over, the regulation being bigger than the actual, what you are going to get out of regulation versus what you are going to get out of the proceeds of the actual making of this reasonable enterprise to being.

I also noted Sen. Welch's comments on that also. Are we going to be substituting or having just another big authority and very little benefits as a result of it? I am not sure about that. But there is a long history to this Bill and as being

said by previous speakers, other Caribbean countries, islands have already gone ahead in this direction that we are now seeking to go. I also note that, again, we are debating this Bill at a time when there is a great need for diversification of the economy and that has been mentioned by many speakers, including Sen. Gopee-Scoon who just spoke about what is happening and the possibility of trade.

Mr. Vice-President, when I participated in the debate on the amendment to the Dangerous Drugs Act in December 2019, to decriminalize the use of cannabis in small amounts, I withheld my support from that Bill because I was very concerned about the possible negative impact on children. And my concern about this Bill is similar. You know, we have talked about the economic aspects and all of that and I am for medicinal cannabis, I am for the possibility of use and growth and stuff like that. But I do not, I am not convinced that we have the right balance at this point in time. So my concerns about the negative impact remains.

Part IV of the Bill empowers the Authority to issue licensing and many Members have spoken about that before. Licensing to handle cannabis for medicinal, therapeutic or scientific purposes and for religious purposes. Clause 29 of the Bill provides that the Authority may issue the type of licences. Mr. Vice-President, I note—I will just mention a couple of articles that specifically deal with the negative impacts of marijuana and I must say that the issue here is not so much the medical marijuana, the issue is recreational use. And again, I am not too sure how we are going to be balancing it given what is happening in terms of the types of provisions that are being put in here. I am not sure that we will get it right. But I am hoping that we do.

There is an article coming out of the *New England Journal of Medicine* in 2013, by Doctors Bostwick, Reisfield and DuPont and they mentioned, the article is titled, “Medicinal Use of Marijuana”, which professed that the weed is

efficacious in the treatment of chronic and neuropathic pain. The symptoms associated with an exhaustive list of ailments including anxiety, posttraumatic stress disorder, depression, epilepsy. Many of these benefits have already been mentioned by previous speakers.

I must note the Report of the Caricom Regional Commission on Marijuana 2018, entitled, “Waiting to Exhale-Safeguarding our Future Through Responsible Socio-Legal Policy on Marijuana.” The Caricom Regional Commission on Marijuana advocated the reclassification of cannabis as a controlled substance since “cannabis is less harmful, or no more harmful than substances” permitted by law like tobacco and cigarettes and alcohol. That was their view. And I think somebody may have mentioned it before, but I will mention it again. In January 2019, the WHO Director General Dr. Tedros Ghebreyesus made a series of recommendations to the United Nations to update the scope of control of cannabis and cannabis-related substances. These new recommendations reflect the emerging therapeutic roll of cannabis-based medicines while continuing to prevent diversion misuse and other public health related harms that may arise from cannabis use. And many of my colleagues who have gone before have talked about the public health related harms from cannabis misuse, mainly as I said from recreational use.

Sen. Gopee-Scoon just mentioned this article.

“On 2nd December 2020, the UN Commission on Narcotic Drugs...the drug policy making body of the UN re-classified cannabis and cannabis resin under an international listing that recognizes its medical value.

...WHO’s...Expert Committee on Drug Dependence...carried out a formal review of cannabis and all cannabis-related substances that are currently subject to international control measures.”

And they:

“...advised that certain cannabis-derived medicines like cannabidiol have no potential to be abused or cause dependence but have significant health benefits for children”—example those—“with treatment-resistant epilepsy, and therefore should not be placed under international control.

The Committee went on to scientifically review cannabis and other products derived from the...plant, and made a series of recommendations that would more effectively control cannabis preparations with high levels of delta-9-THC...and allow further research and development of and improve access to cannabis-related medicines whilst also minimizing”—again—“public health problems associated with non-medical cannabis products.”

So we have seen that there are benefits but people do not—we should not in any way minimize the public health issues that are related to non-medical use of cannabis products. So I would skip these, but I would note there is a *West Indian Medical Journal* that was, a special issue that dealt with cannabis. And one of the articles, this journal was Volume No. 66, Issue No. 5 of 2017, and there was an article entitled, “Association between Cannabis Use and Multiple Substance Use among High School Students in Jamaica”. The authors: Dr. DC Oshi, WD Abel, T. Ricketts, et al. And that article was based on the data analyzed from the National Secondary School Survey 2013. And the article entitled:

“...lifetime cannabis use was”—the summary—“...lifetime cannabis use was significantly associated with multiple substance use and was shown to be a risk factor for lifetime use of cigarettes and alcohol.”

And another article from the same journal, and this article was entitled, “Family Structure, Parental Monitoring and Marijuana Use among Adolescents in Jamaica...”. The same authors, Dr. Oshi, Dr. Abel, Ricketts, et al:

“This study analyzed the role of the family as a determinant of marijuana use

among...Jamaican secondary school population. Results demonstrated that parental involvement carried more weight in influencing marijuana use than family structure and gender which showed no significant difference.”

In other words, whether you had a two-parent family, one-parent family, whether you had—depending on the gender of the student, those areas were not as important as the parental involvement. If parents were involved in the student’s life, you had less abuse of marijuana. All these things are important as we seek to, let us say, expand what is happening in our community or regularize what is happening in your community. We know that there are issues right now in terms of our family structures. This is one of the things that we must be cognizant of.

The Medical Association of Jamaica, they had a press release, it was dated June 25, 2014. And these physicians were concerned. I quote:

“As Physicians we have been confronted first hand with and seen the devastating effects of the misuse of Ganja. The adverse effects of marijuana, include, but are not limited to: addiction, psychiatric disorders, and disruption of neurological development (especially in adolescents). Negative impact on all aspects of memory is also closely associated with ganja use.”

Again, I would not go any further because many of the previous presenters have spoken about these negative effects. But no one has mentioned as yet non-communicable diseases like hypertension, diabetes, cancer are also associated with abuse of cannabis.

Mr. Vice-President, we have talked about what is the Government going to put in place in terms of the areas that they are going to—just one second. I must commend the work that went into the crafting of this Bill. I reviewed the report of the Caricom Regional Commission which I mentioned before, “Waiting to

Exhale”, chaired by Professor Rose-Marie Belle Antoine. And some of—I note that many of the recommendations that they have made were adopted in the legislation. For instance, one of the recommendations was that:

“The law should enact legal definitions...”—to—“...make clear distinctions...of cannabis...”

And this was seen in clause 3 of the Bill. They also asked for full prohibition for children except for medical reasons. This is seen in clauses 41, 44, 49 of the Bill. Specifically, clause 50(1) says that:

“No person shall cause or permit the dispensing of cannabis to a child at a place of worship, a sacramental dispensary or an exempt event.”

And many people spoke about that. How do you protect a child at a place of worship where cannabis is available? What protection do you have there for the child? How is that going to be monitored? I have not heard as yet how that will be done. They probably say it will come in regulations, but that is a cause of concern.

Another area that they said should have been mentioned in the legislation, that it should provide for implications of anti-money laundering and proceeds of crime legislation. Again, that was mentioned in clause 3 of the Bill. They talked about limitation of distribution of cannabis and that was seen again in clause 3 of the Bill. They also said that special provision should be made for religious rights in the new regime and we talked about that already, seen in clauses 29, 30, 31, 33 and Part VI of the Bill.

One area that was mentioned in that report was that small farmers and small business persons should be included in production and supply arrangements with appropriate controls limiting large enterprise and foreign involvement. And we have spoken about that, Sen. Mark spoke about it, Sen. Vieira, it is an area that they thought important because clearly like the other Caribbean regions, our

community, we have small farmers that have been farming marijuana over the years and with this regularization now, with the authorities coming in, the concern is that these big businesses are going to take over the production and leave these little people out. And I think it was said, one of the Senators who presented before talked about that happening, that being of a concern to the small farmers in Jamaica.

I want to reemphasize the point made by Sen. Richards and that was what we are seeking to do here must be done in a responsible manner as we have this authority. But the Authority in order to be responsible, it must be constructed properly and must be operating effectively. I think again, I think it was Sen. Welch who talked about the fact that we are issuing licences and we have a situation right now where the keepers of the law, the ones who are there to serve and protect are providing licences and they are now in breach of the same law. The issue of licensing is a problem and we have to make sure that something as lucrative as this in terms of the possible moneys that could be made from this, issuing of licensing has to be properly done.

Some measures—well, they talked about some of the measures for compliance and Sen. Gopee-Scoon just spoke about those. They are mentioned in clauses 58 to 63, talked about the conditions of the monitoring and compliance with licences.

Mr. Vice-President, I applaud the proactive approach taken in providing for ways in which the Bill may be misused. However, and this can be seen under each respective head. However, as I said again, we are concerned about how they are going to be monitored and I would imagine that I would be told that when the regulations come in, these are, all these things are going to be seen there but right now we must make it clear that unless these regulations are significantly, well,

unless they are effective, this is going to be a big sham, it is not going to go anywhere.

I noted the concerns of Sen. Lutchmedial when she talked about the threat to children. We mentioned those things already, I am not going to go over that. I note that it was in the former Attorney General and now Minister of Rural Development and Local Government, hon. Faris Al-Rawi in an *Express* newspaper article on the 29<sup>th</sup> of April talked about encouraging young entrepreneurs and Sen. Gopee-Scoon just spoke about that, telling people to go get your little piece of land and be a young entrepreneur to get ready for the opportunities to come for the cannabis industry. Mr. Vice-President, that is all well and good, but we have to make sure that whatever is happening is well regulated.

I agree that our economy is in desperate need of diversification. And that if this is done right, we can make a profitable industry from the cannabis, the growth and making of medicines, et cetera. However, this Bill is designed to attribute benefits to medicine, science and the economy, as well as to provide for religious freedoms to many groups in our society, but under a controlled and regulated policy so that it is not misused.

In summary, I think the Bill has its merit and I think it is a good start. I am waiting—I saw that we have many proposed amendments and I would imagine that we will have a long time going through them, but I am looking forward to participating in the committee stage of the debate where we are going to look at the possibilities of amendments. I think it is a good start and if we have appropriate monitoring and good regulations that are put into place, I would imagine that we would be on a good road. I thank you, Mr. Vice-President.

**Hon. Senators:** [*Desk thumping*]

**6.00 p.m.**

**Sen. Anil Roberts:** Thank you, Mr. Vice-President. Philosophically, the UNC is not opposed to what the PNM Government purports to achieve with this Bill. However, once again, the PNM falls short in its implementation. This is yet another road map to the rich getting richer. It is like the PNM gets the best training programme from the most qualified physical trainer and then cuts corners and does not put the requisite effort and ignores the nutritional plan and eats extra doubles, donuts, cakes and “drink sweet drinks”.

Clearly, the PNM has failed to grasp the enormity of this novel opportunity for a government, for politicians to alleviate societal ills with careful, strategic, well planned, efficient, balanced implementation of an exciting new industry with boundless opportunities for large segments of the population, especially those in the traditional at-risk areas. It is not often that a government is presented with the opportunity to develop a framework for the growth and development of an entirely new sector from the ground up, especially in these times. The opportunity is especially precious for us here in Trinidad and Tobago given the current deplorable state of our economy.

According to the latest Article IV Consultation by the IMF published in March 2022, the following exists in Trinidad and Tobago:

“The combined effects of COVID-19 and energy production...”—declines—“and price shocks...”—have taken—“a heavy toll on Trinidad and Tobago's economy. Real GDP contracted by 7.4 per cent in 2020 and is estimated to further contract by another 1 per cent in 2021. Inflation remained mostly subdued but the recent surge in international food and energy prices”—but this—“has pushed it up to 3.9 per cent by October 2021. This fiscal position worsened significantly during

FY2020-21 due to lower energy proceeds and outlays to mitigate the pandemic. The fiscal deficit widened to 11.6 per cent of GDP...”

That is billions of dollars.

“...and remained elevated at 10.1 per cent of GDP in FY2021. As a result of the large deficits and the GDP contraction, central government debt increased from 45.4 per cent of GDP in FY2019 to 65.9 per cent of GDP in FY2021.

Real GDP growth in 2022 is expected at 5.5 per cent, reinforced by continued policy support and the anticipated recovery...”

But this growth is miniscule to the losses that have been seen over the last three years. We should be aiming at growth rates in the double digits. Guyana, we cannot battle Guyana but Guyana is up at 73.6 per cent and it is envisaged that this will continue for them in the next four or five years.

We have so many issues in this country: crime, unemployment, education system that is not benefiting all, leaving some behind, the despair of young people who see no future for themselves. This was all illustrated and enunciated in a Dr. Selwyn Ryan report of 2013/2014 and unfortunately, this report is collecting dust on the shelves of PNM Ministries across the board. But this Bill here today presents the PNM with an opportunity to alleviate some of those problems. Many, including my colleagues and myself, have spoken ad nauseam about this Government's failure at diversifying the economy away from oil and gas while they inexplicably dismantled and destroyed the very industries on which they maintain their economic dependency.

Ironically, for the first time in our nation's history, we, the people of Trinidad and Tobago, are suffering instead of benefiting from a global increase in oil prices, the shocks that have been brought about by the unfortunate war that

continues between Russia and Ukraine. One would therefore expect that any right-thinking government, any government that is concerned about its people, any government interested in increasing employment and revenues, any government motivated to spawn innovation, entrepreneurship and research and development in a globally booming sector such as the medicinal cannabis industry would jump at the opportunity to create sound legislation aimed at ensuring that Trinidad and Tobago participates fully in and benefit from this industry through adequate strategic thought, planning and alignment and most importantly implementation.

True to form, however, the PNM Government, once again, falls dismally low below any such expectation. Not only are we years behind several of our Caricom counterparts in bringing this legislation but what has been brought is a poor excuse for a Bill in the first place, let alone one that treats with a sector of growing global importance. It is clear from what has been presented here that no real effort has been put into laying a firm foundation for the industry. This Bill is supposed to serve as a road map for the development of this sector but instead, it looks like it was done in a *vaille que vaille* manner.

So let us get down to the Bill itself. An Act to provide for the regulatory control of the handling of cannabis for certain purposes, the establishment of the Trinidad and Tobago Cannabis Licensing Authority. Right off the bat, there are several areas of great concern with the way this Act is written. In fact, my reading and interpretation of the Act is that either it was not important enough to put any real work and intellectual capital into it or it was important enough for personal interest to make the legislation loose, open to interpretation, manipulation and loopholes.

I make this statement based on my research of similar Acts brought to the Parliaments of some of our closest neighbours, not because “ah want to go there

and live” but because this PNM Government has once again ensured that we are last out of the blocks in a global sprint. Not only that but by comparison, this Bill that we are debating here today fails in comparison in terms of comprehensiveness, protections of our people and businesses and overall substance. I will however not lay blame at the feet of this current Attorney General as I am fully aware of the timelines involved in formulation, drafting and drafting of legislation.

Clauses 4 to 14 deal with the constitution of the board and the functioning of the board. First and foremost, we have the establishment of the Licensing Authority which inter alia is responsible for advising the Ministry on the development of national policies and measures for the regulatory control on the handling of cannabis, granting, amending, suspending, revoking or cancelling licences and setting the terms and conditions of the licences. This Authority is to be managed by a board of directors. One would therefore think that the board should be carefully constituted to ensure that those appointed represent the most important perspectives, agencies of the State and moral and ethical interest to create sound, fair and all-encompassing policies.

In this Bill, the Cabinet appoints the entire board. Why this insatiable lust for total and complete control? This PNM Cabinet has already illustrated in six and three quarter years in its appointment of approximately 153 existing boards, an appetite for interlocking directorships with, for example, one human being, being on as many as seven boards. By comparison in Barbados, the Barbados Medicinal Licensing Board, also with nine members:

“...shall be appointed...in the following manner:

8 persons by the Minister responsible for Agriculture;”— but with clear qualifications and specific guidelines for appointment for each of those people—“and

one person by the Minister appointed for Health.”—also with clear guidelines.

The Jamaica Cannabis Licensing Authority, as stated in the Dangerous Drugs (Amendment) Act 2015:

“The Authority shall consist of the following members—

one member appointed by the Minister responsible for Agriculture;

one...by the Minister responsible for Health;

two members appointed by the Minister responsible for industry and commerce;

one member appointed by the Minister responsible for justice;

one...by the Minister...for national security;

one...by the Minister...for science and technology;”—and—

“one...appointed by the Minister responsible for finance;....”

Giving a variety of expertise and people who could contribute to the overall management of the industry. It continues in Jamaica:

“one member appointed by the Minister responsible for foreign affairs;”

And then there were *ex officio* members showing the amount of knowledge, experience that needs and is required to run and create a novel, new industry to make sure it functions well. The chairman of the National Council on Drug Abuse is an *ex officio* member in Jamaica.

“the following members, appointed by the Minister responsible for justice—

”—must be:

“a representative of the Attorney General’s Department, with expertise in the area of international law;

a person representative of academia;”

All of these things show that the global industry is ballooning and going at a rate

that requires all hands on deck. But I do not see the same sort of indication in this Bill that we are debating today. I see a bit more of the same old, same old. In Jamaica, you also have:

“four persons representative of civil society groups”—as ex-officio members—“and other non-governmental community-based and faith-based organizations.”

However, in this Bill, in clause 6(2) of this Bill being debated here, it states that:

“The Board shall comprise nine persons appointed by the President from among persons with qualifications...”—and at least five years—“experience in”—any of—“the following...:

- (a) law;
- (b) management;
- (c) finance or accounting;
- (d) medicine;
- (e) scientific research;
- (f) agriculture;
- (g) law enforcement;
- (h) education; or
- (i) ...rehabilitation.”

The way this is worded, the entire board could be made up of persons with qualifications experienced in one or two areas as opposed to other legislation which ensure diversification in the board disparate views and experience.

Compared to the Medicinal Cannabis Industry Act 2018, for example, of St. Vincent and the Grenadines, our small tiny neighbours:

“(2) The Board shall be appointed by the Cabinet and shall consist of –

- (a) the following *ex officio* members...”—also:
- “(i) the Attorney General or his nominee;
  - (ii) the Commissioner of Police or his nominee;
  - (iii) the Comptroller of Customs or his nominee;
  - (iv) the Chief Surveyor or his nominee;
  - (v) the Chief Agricultural Officer or his nominee;
  - (vi) the Executive Director of Invest SVG;”

And or:

- “(vii) the Chairman of the Advisory Council on the Misuse of Drugs, established under the Drugs (Prevention and Misuse) Act...”

As we heard some speakers today talking about addiction and so on. Some of these other countries have taken that into consideration.

- “(viii) the Chief Medical Officer”

—is an *ex officio* member in St. Vincent and the Grenadines.

- “(ix) the Director of the Bureau of Standards.”

Also especially when you are dealing with quality products and products that, if not monitored carefully, could bring health risk to the population.

- “(b) four other persons...”

Look at the amount of people involved in this, in St. Vincent and the Grenadines and they are way ahead of us.

- “(b) four other persons, (hereinafter referred to as ‘appointed members’) drawn from among the following disciplines...”—in St. Vincent and the Grenadines—“medicine, law, engineering, scientific research, business, land development and agriculture or other appropriate disciplines.

- (3) The appointed members of the Board shall be persons appearing to

Cabinet to be of integrity, capable of exercising competence, diligence, sound judgment and impartiality in fulfilling their functions pursuant to the provisions of this Act.”

I see no such thing in this Bill and maybe in committee stage, we can make amendments so that we can at least follow some of the best. There is one benefit of being last, you do not have to reinvent the wheel, you could follow what you think is good in other jurisdictions.

Conflicts of interest. Conflicts of interest in this Bill, I found it very interesting. The way the clauses treating with conflicts of interest by board members were worded. In fact, there seems to be contradictions in the clauses themselves. Clause 6(3), for example, states:

“No person appointed to the Board shall be or become engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.”

But then in clause 7(3), it reads and I quote:

“A Member shall...”—within seven days of—“becoming engaged or employed in the handling of cannabis or acquiring an actual...”—interest—“or”—aware of his acquisition of a—“contingent pecuniary interest in any company, firm other entity which is regulated by the Authority”—make a declaration of that fact in writing to the board and resign from office.

So after “yuh sit there, yuh get all the inside information”, you then join or get involved in the business where you can benefit, this Bill says that we congratulate you and give you seven days, if you declare your interest, to then resign. I think we have made a very big mistake there. We should be in the committee stage stating that that is not on in any form or fashion and we do not tolerate that and we expect

you as a member of the authority to not use insider trading or insider information to join or benefit in any form or fashion. This kind of soft, wishy-washy thing will not work and I do not understand how it found its way in there.

Because, unfortunately, in this PNM, making a declaration, for example, in normal jurisdictions, making a declaration is a very serious thing but in this PNM Government, we have seen that absolutely no efficacy or integrity as we have clear examples of members of this Government failing to fill out integrity forms, failing to declare personal benefit and signing declaration on sources of cash deposits later found to be false. So what is signing a declaration? How are we all of a sudden going to miraculously say that signing a declaration for a member of the authority is something so big and pertinent and death-defying and dangerous? I think we are encouraging wrongdoing and we need to be stronger to let people know if they are coming forward to serve, it is to serve the entire country in the entire interest and do what is best for the industry and the nation and not for themselves.

This Government treats recusals as the norm in the Cabinet yet comes to legislate resignation seven days following a conflict of interest. If this watered-down principle was upheld halfway, half the PNM Cabinet would have been forced to resign week after week after week after Cabinet meetings.

**Sen. Lyder:** [*Desk thumping*]

**Sen. A. Roberts:** This Bill is overtly vague. I spoke earlier about the fact that we have in our hands an opportunity to carefully strategize for this sector so that people from a wide variety of backgrounds, income brackets, industries, be they farmers, entrepreneurs, scientists, academics, land owners and many others, may gainfully participate in this sector, strengthen the value chain and lay the foundation for sustainability and meaningful contribution to our GDP as we compete with the world.

A Government that is interested in encouraging such participation puts clauses in place that identify and protect enterprises of different sizes from the onset to ensure that persons recognize that there are opportunities for themselves no matter how big or small. Persons feel protected by the legislation. The large cash and resource-rich companies do not gobble up the entire pie in the name of so-called trickled down economics. Clearly, this PNM Government is not so minded to ensure the industry is for all because this Bill protects the big people, presents opportunities for the big companies to take advantage of this burgeoning industry while pushing out the small man and the existing people who do not have the wherewithal to fight.

However, we see clauses like this in the Acts of Barbados, St. Vincent and the Grenadines to protect small farmers, small people and moving on up also providing fairness through the system as each person will have to pay their way for their licences and so on. We see in the Acts of Barbados and St. Vincent and the Grenadines in which classes or tiers of licences are granted for cultivation and processing according to the areas of lands being utilized for each activity. Of course, the ramifications of this are evident in ensuring that businesses, persons, entrepreneurs are not forced to unfairly compete for licences and also that a fair fee structure is put in place.

In Barbados, for example, in respect of a cultivator licence, the area of land for tier one shall be no more than one acre. Tier two shall be no more than one acre but no more than—shall be no more than one acre but no more than five acres. Tier three shall be more than five but no more than 25 acres. Tier four shall be more than 25 acres and this is Bill, this law in Barbados then made the requisite, put the road map and the skeleton structure for the authority then to fix fees, fines and payments for licences which did not give any benefit to one group over the other.

In St. Vincent and the Grenadines, the Act, we see similar classifications.

To put it in sport terms, these stipulations ensure that everybody gets a chance to sweat, not just the fellas with the expensive boots, uniform and who come with the ball, but everybody that wants to play can get a chance. But not this PNM Bill, this Bill is cutting track for elite gouti to run. The fact is this Bill stipulates only the most basic of criteria for applying for licences in the first place. Clause 30(1) states:

“A person who—

(a) is eighteen years of age or older and—

(i) is a citizen of Trinidad and Tobago;

(ii) is a permanent resident of Trinidad and Tobago;

(iii) is a citizen of a Caricom Member State, other than Trinidad and Tobago;”—or

“(b) is a company, firm...”—partnership—“or co-operative society, may apply for a licence under section 29(1).”

These are the basic criteria. What I found interesting, however, is clause 30(3):

“A company, firm...”—partnership—“or co-operative society shall not be for eligible for a licence unless at least thirty per cent of the company, firm...”—partnership—“or co-operative society is owned by persons referred to in subsection (1)(a).”

Is this not giving the advantage to international firms, entities, over our own people? Especially given the snail’s pace at which this PNM Government is moving, even compared to our own Caricom neighbours. Furthermore, are we also saying that licences can be granted to companies that are 70 per cent international, 30 per cent Caricom and zero per cent Trinbagonian? That is what this Bill allows which it does not protect our local people at all and must be amended because the

Caribbean has moved ahead of us. There are companies and entrepreneurs who have been preparing, who have earned dollars, who have stores of capital ready to invest while our people are standing naked ready at the starting block. So they must correct that and amend that to protect our locals because—

**Sen. Lyder:** [*Desk thumping*]

**Sen. A. Roberts:**—while we love Caricom and we are brothers, we must first be our brother's keeper before we get to the extended family and 30 per cent Caricom and 70 per cent international in Trinidad and Tobago will be totally unfair to those who Trinbagonian entrepreneurs or cultivators or those who have to compete in this business. So I would like to recommend an amendment there also.

In some of the processes as we have seen globally, the sort of technology that is needed in order to get the higher values and higher products of the oils and so on, it requires a lot of 24-hour lighting and so on, energy costs are extremely high. Caricom neighbours, their energy position and energy cost is higher than us currently even though this Government is trying to bring us into competition by dropping prices on us and increasing costs here, when we are born here, there is oil and gas and our energy costs are still subsidized by the Government. So if we allow people to come in here to access our local subsidy and subsidized energy to create a higher product while our locals do not benefit, we have to protect our local economy and not allow people to come in here and take advantage and put our citizens at risk.

Furthermore, in co-operatives, as we know co-operatives, the board is selected by one man, one vote. It is quite possible that co-operatives, a foreigner with large resources, capital resources could come in and encourage and use politics to get to the helm of a co-operative society to take place, to take part and to make super profits by getting themselves elected to the board. We must amend and

put in some protections for our people to ensure that the co-operative board is above 70 per cent local and does not allow foreigners to just take over and become elected to co-operatives and thereby get access to our State resources, land and cheap energy.

I read this Bill over and over. I searched for the Rastafarian faith in it but I could not find it. Is it that the PNM Government wishes to ignore the deep wisdom, philosophies and doctrines of the faith and focus on the “pommecythere Rastas” who among us, who wear their hairstyle, promote and encourage and enhance Babylon system while feigning to be Rasta? We need to understand and put clearly what we are doing, how we are doing it, what requirements are there or else everyone will be converting in order to take part of a loophole in this legislation.

This is “ah pick and choose Government”. “My band Despers geh \$14 million for dey pan side”, not on the hill but down on the flat. While I am happy that my pan side got assistance, no assistance for Woodbrook Playboyz, no policy in place, no one knows how do you get \$14 million to build a pan theatre or to create an avenue for investment in the future of pan. So while I am happy selfishly as a supporter of the Despers, I want to know what is the policy. The Government of Trinidad and Tobago must operate on ah policy and not on “ah pick and choose”. We see bursaries rather than scholarships, “dais pick and choose”. We see protection for local pasta but not local snacks and cereal. That is pick and choose. We need to operate on policy so that everyone can benefit. Pick and choose who gets land in Couva, no policy. Pick and choose who gets recusal from Cabinet, no policy. This is a—

**Sen. Mitchell:** Mr. Vice-President, 46(1) please.

**Sen. A. Roberts:** This is yet another pick and choose Bill. Membership of the authority, pick and choose. Religious groups, pick and choose. The last import-

export, pick and choose.

**Mr. Vice-President:** Sen. Roberts, Standing Order 46(1) as it applies to the relevance to the topic at hand. You have been going exceptional so far—

**Sen. A. Roberts:** Thank you, Mr. Vice-President.

**Mr. Vice-President:** Let us stick to the—

**Sen. A. Roberts:** I must say you have been going exceptional also. Thank you. The Prime Minister is a proponent of trickle-down economics as espoused on the infamous interview on *CNC3 Morning Brew* with the then host Natalee Legore in 2020. The hon. Prime Minister stated the rich must get richer and that will trickle down. We have not been seeing the trickle down. Unlike WASA, the trickle-down has no leaks, it is sticking up at the top and there is nothing flowing down to the ground.

### **6.30 p.m.**

The Prime Minister and the PNM believe in a new society where the people must wean themselves off of the Government. Well, this Bill is a new society Bill that is designed to allow the elites and the rich to get richer while others will not benefit.

As a member of the PNM Cabinet, their family members already have advanced notice of the opportunities and the form it will take. We saw this in 2017. This is unfair and the Constitution must be upheld and every citizen must have an opportunity to take advantage of the resources and opportunities in Trinidad and Tobago and let merit prevail. This PNM Government seems to be averse to merit and this must stop. I would like to tell the PNM to stop. Enough is enough.

I must say, however, that I was not very surprised at the overall incompleteness of this Bill. After reading it in yesterday's *Express*, an interview with the hon. Prime Minister Keith Christopher Rowley. Imagine we are only now

seven years behind Jamaica, four years behind St. Vincent, three years behind Barbados, among others, debating this Bill. Once again, failing to get on board early because of lack of foresight and planning by this PNM Government and the Prime Minister of this county, instead of proactively formulating a strategy for Trinidad and Tobago's cannabis industry to catch up and to compete, he is skeptical of the role that we can play in an industry of that nature, given the kinds of competition that we are up against. This is cowardice in the extreme. We went on to wonder and wonder. Well let me quote the hon. Prime Minister from yesterday's *Express* newspaper. He said:

I wonder what kind of industry small states like ours can have once it is opened up like that.

He went on to say he is not overly optimistic while he is cautiously optimistic that we can have a little niche in it. Could you imagine coaching an athlete for the Olympic with such a defeatist negative attitude? "Yuh licks would surely be booked." In a global industry that is growing at such a rapid rate and is expected to be valued at over US \$50 billion by 2030, an industry where we have favourable resources, including innovative and entrepreneurial people, land, climate, cheap energy and social acceptance. But instead of focusing on creating legislation that spawns innovation, entrepreneurship, employment, profitability and allows the population to dream of greatness and compete with our counterparts wherever they may be in the world, without applying any kind of research, consultation, interest, these are the statements of the leader of the nation, the leader of the Executive and the Prime Minister of the Republic of Trinidad and Tobago.

This does not fill me with optimism, hope and the desire to move forward and I can see it illustrated in this Bill here today. This is defeatist Bill and an elitist Bill, which does not allow us to compete globally. Is it any surprise then that we

are asked to debate this barebones Bill here, when the PNM Government has failed to get on board early and capitalize on first mover advantages? Is it any wonder, with this kind of leadership, that our industries, businesses, economy are suffering?

I will give the hon. Prime Minister credit though, for being self-aware enough to state in the article that it is not something he has any experience in and he is simply an administrator, as his total and complete lack of understanding of and interest in the industry and in the sectoral planning was totally glaring, as illustrated today with this Bill. But I do await his diversification into granite, shale and stones to fit his qualifications and experience.

In wrapping up, I would like to reiterate that I believe this Bill needs to be amended to ensure that persons who are formulating the country's policies and devising the framework for the industry are not skeptical wonderers nor political pawns put in place to ensure that the rich gets richer. It is my position that the legislation must stipulate that the board members are adequately qualified and able to represent the positions, perspectives, and paradigms of business, society, international trade, the law, ethics, medicine, international standards, among others, with a view to ensuring that the interest of our people are protected and that opportunities are there for all who wish to participate in the sector. It should not and cannot be that we sit here today to pave the way for nepotism and control by a few, instead of charting a course that is fair and equitable, especially for those who have been fighting for these opportunities for decades.

**Hon. Senators:** [*Desk thumping*]

**Sen. A. Roberts:** We must ensure that the cannabis industry in this country does not embody the following lyrics by Mark Anthony Myrie, also known as Buju Banton. And he said:

“Dem ah issue out the license to the wrong section

Nuh factor ghetto people dem weh suffer so long  
 And ah di ganja this weh everybody run from  
 Now look who ah swarm me, pare politician  
 And uptown huzuwasi businessman  
 An dem nuh 'member di rasta weh inna di dungeon  
 Weh dem suffer and prosecute as ganja man  
 From Coral Garden straight down to Saint Ann”

We hope that the PNM will see about the people who can provide the opportunities, expert and create opportunities for their children, to create more equity in the society by this new industry, rather than going down the same old PNM road of elite, rich get richer. Thank you.

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

**Sen. A. Roberts:** Five more minutes? “Ah go take it. Ah say thank you fuh de five minutes. Aaaaaaaye heh heh ey. Thank you for de five minutes.”

It will be remiss of me this in this little extra time, if I did not thank the hon. Minister of Trade and Industry for sharing her Goggle search on all different types of jobs in a medical cannabis sector and all the types of cannabis plants, land so on and so on. Maybe she should share her Goggle search with the hon. Prime Minister, so that he too could get on board with some intelligence, strategic planning for the betterment of Trinidad and Tobago.

I look forward to the amendments, Mr. Vice-President, and it was so nice talking without interruption. May God bless you. Thank you.

**Hon. Senators:** [*Desk thumping*]

**Mr. Vice-President:** Minister of Tourism and Culture.

**Hon. Senators:** [*Desk thumping*]

**The Minister of Tourism and Culture (Sen. The Hon. Randall Mitchell):**

Thank you very much, Mr. Vice-President. Mr. Vice-President, while I understand and I commend you for your chairing of this honourable Senate today, I cannot help but feel, Mr. Vice-President, that that five-minute warning was extremely ill-timed. It might have been better that Sen. Roberts complete his contribution, because the last matters that he raised really made no sense.

But, Mr. Vice-President, I want to thank you for the opportunity to say a few words in support of this landmark piece of legislation. But before I do that, allow me to join with my colleagues on this side in congratulating the hon. Attorney General for his maiden piloting of this Bill. And I would apologize to the hon. Attorney General for the slight breach in traditions where maiden contributions are concerned. Because I saw that you were tested, hon. Attorney General, by Sen. Mark. But we know on this side that you might be stirred at times, but never shaken because you are a PNM and you are as solid as a rock.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Mitchell:** And hon. Attorney General, you know Sen. Mark, 99 per cent of the time we expect him to get up and respond, be the first responder to Bills. But this was the 1 per cent that he did not have the opportunity to respond on this Bill. So, of course, he had to find some way in the spotlight and that is how it goes in here. You will see for yourself.

But again, I thank you for the opportunity, because this piece of legislation signals a significant cultural shift in the way and attitudes we have towards marijuana and the social status that marijuana has in our society. And we hear from all three sides that there is significant support for this policy shift. We heard from the Opposition. We heard from Sen. Mark. There was support and there were some questions. We heard from Sen. Lutchmedial. There was support. In fact, Sen. Lutchmedial was a member of the joint select committee. We heard from Sen.

John. We heard from Sen. Lyder. But, Mr. Vice-President, on this side, and I believe in this entire House, the one Senator that we really wanted to hear from was Sen. Roberts. Because Sen. Roberts, when you take this entire House into consideration, is the person who has the most experience with the subject matter at hand.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Mitchell:** And Sen. Roberts went on to discuss GDP and economics, and he could not get the name of the Prime Minister out of his mouth. But what we expected to hear was the Senator's firsthand knowledge and experience with the subject matter. Because a lot was spoken about the adverse effects, the adverse impact about marijuana. But Sen. Roberts has firsthand experience with it. Sen. Roberts knows about the black market. Sen. Roberts knows where to illegally source the subject matter. Sen. Roberts knows how to clean it. Sen. Roberts knows how to roll it and Sen. Roberts knows how to smoke it.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Mitchell:** In fact, with respect to the psychoactive properties of the subject matter, Mr. Vice-President, Sen. Roberts knows what happens and the impact on the human brain after one pull. And he knows the impact after two pulls.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Mitchell:** But most importantly, Mr. Vice-President, Sen. Roberts, as a man who loves to make these sporting analogies and these youth analogies, what we expected to hear was how the Senator dealt with the shame and embarrassment of being a Minister in Government with the responsibility for sport and youth affairs.

And, Mr. Vice-President, it is not because I experienced any stigma.

**Sen. Mark:** Hon. Vice-President, 46(6) and 46(8), respectively.

**Mr. Vice-President:** 46(6) and 46?

**Sen. Mark:** 46(6) of our Standing Orders and 46(8), respectively.

**Mr. Vice-President:** Although—one moment please. Although some of those items may have been recorded in social media or elsewhere, I believe I am upholding the Standing Orders raised by Sen. Mark, as it applies to improper motives and content. Can you stick a little more to the topic?

**Hon. Senator:** [*Desk thumping*]

**Sen. The Hon. R. Mitchell:** Mr. Vice-President, I take your guidance. But I would say that these matters are in the public domain and occurred while the Member held high political office. So—

**Sen. Lyder:** Mr. Vice-President, 46(1). This is irrelevant to the Cannabis Control Bill. I do not understand, 46(1). I do not understand. It is irrelevant.

**Mr. Vice-President:** 46(1) has been upheld already.

**Sen. Lyder:** Totally irrelevant, Mr. Vice-President, totally irrelevant.

**Mr. Vice-President:** Let us try to keep the debate tight on the matter at hand please.

**Sen. The Hon. R. Mitchell:** Thank you very much, Mr. Vice-President. But I am, Mr. Vice-President, taking your guidance but, of course, touching on the stigmas that were attached to marijuana and to cannabis, prior to this Bill coming to this House.

So, Mr. Vice-President, this is a significant culture shift. We are changing the culture of marijuana. We are changing the attitudes towards marijuana and we are changing the social status of marijuana in society.

And it is a two-pronged approach. And what Sen. Roberts would not say, notwithstanding his castigation of the hon. Prime Minister, is that between 2010

and 2015 there was the opportunity to treat with these matters. But they did not. It is the hon. Prime Minister and this Government, having regard to the new medical and scientific approach, having regard to the change in the culture and the attitudes globally that took the courageous step to treat with marijuana with this two-pronged approach. And the first prong in 2019 was the decriminalization of marijuana, and they are both connected.

In 2019, I was hoping to hear from Sen. Nakhid, I was hoping to hear from Sen. Roberts, in saying that this Government dealt with the significant social injustice meted out to the ghetto youth, to the young black male in society by decriminalizing marijuana in amounts under 100 grams. We did that. We allowed for persons to grow their own plants. We did that. We allowed for persons who were convicted of marijuana in the past, for under 100 grammes, to be allowed the opportunity to make an approach for the expunging of their convictions and records. This Government did that.

And that is what the policy is grounded in. It is grounded in social justice and scientific and medical research. Now a lot has been said by many Members, Sen. Dillon-Remy, Sen. Deyalsingh, Sen. Paula Gopee-Scoon. A lot has been said. But it is the new scientific and medical research that has caused this cultural shift globally and now this cultural shift here in Trinidad and Tobago.

So, Mr. Vice-President, we touched on some things that Sen. Roberts said. Sen. Roberts indicated that Government would create sound legislation and the Bill it done in a vaille-que-vaille way and it left legislation open to loose and open to loopholes. I do not know if the Senator understood or recognized that this piece of legislation was subject to a joint select committee of the Parliament. And Sen. Lutchmedial was on that joint select committee, so I am not sure what sort of aspersions that Sen. Roberts is casting towards his own Members in both sides of

the House, his own colleagues.

Sen. Roberts spoke about clause 6(3), no actual or contingent pecuniary interest and then clause 7(3) that the person shall form resign from interest office upon becoming engaged or employed. So what does the Senator expect persons to do? You expect them to stay? Of course they will resign and of course there are instances when persons may become engaged or employed, et cetera, in cannabis subsequent to being on the board of directors. This person may become married to somebody who is involved in cannabis, or who is subject to a prescription for cannabis. May become a relative. Or in fact the person may actually become a user. So what does the Senator want that board member to do? To stay? Of course there would be a provision causing that Senator, mandating that Senator to resign, where an actual or pecuniary interest arises subsequent to the Member's appointment.

The Member spoke about the Barbados legislation and tiered licences. But this can be done through policy and through the regulations. There is not everything that you put in the parent legislation, the actual granular details are spelt out in the subsidiary legislation, which is the regulations.

The Senator spoke about the criteria to get a licence and indicating that it is the most basic criteria. And I am not sure what argument that the Senator was trying to make. But the fact that there is very basic criteria means that the licences are open for application by all members of society, not just the rich.

And the Senator spoke about Rastafarians, not understanding that there are other religions that practise and use cannabis as a part of their religion, Hinduism being one of them. The Senator made a lot of heavy weather as well, Mr. Vice-President, on Caricom nationals, not understanding the provisions of the CSME. But I would leave the Attorney General to deal with that.

So, Mr. Vice-President, I will touch on a number of matters that Sen. Teemal spoke about, just very quickly. Under the religious licences, Senator indicated that why would a religious organization wish to obtain an export licence to export the cannabis to other countries? Well simply, let us take for example the Roman Catholic Church. The Roman Catholic Church occurs and is situated on many islands and in fact every country across the world, or most countries across the world. Similarly, there may be 12 Tribes of Israel. I am no expert on marijuana at all. But there may be one of the sects of the Rastafarian faith where they may have a church, or temple, or sanctuary whatever they may call it, in Barbados, or in some other island or in some other country, which would call for the export of their cultivated, processed and cured cannabis. And that is why we have that there.

Senator, you also made some queries about religious events. But Senator, we have to understand, in understanding these events, you have to understand the religions, Rastafari and the types of events they have in celebration of their religion, where they go into open communes and they light up and they smoke openly. And those are the types of events that are contemplated here.

And I would also say Sen. Teemal, while I too have a concern with children of the Rastafarian faith being within those events, I understand that it is part of their religion. And as many of us in here will know that upon reaching the age of 10 or 11, in the Catholic faith, communion, we consumed a wafer that was turned into the Body of Christ and wine that was converted into the Blood of Christ. I would not say that that caused many of us to become addicted to alcohol. But it is a part of the religion.

Mr. Vice-President, there is a stigma that is attached to marijuana and it is a stigma that has been caused by our decades-long treatment to marijuana. And we have been conditioned to that fact. Is cannabis dangerous? Yes the scientific

studies have shown that it is dangerous to young and adolescent minds. And depending on what scientific or medical study you read, it will either tell you no, it is not addictive, it does not have addictive properties, or another study will tell you that it does. But in the Dangerous Drugs Act amendment, we have sought to keep this thing away from children.

Does marijuana impair driving and operating machinery? Yes, the evidence confirms that it does impair perception. but, Mr. Vice-President, not more than alcohol. And within the Dangerous Drugs (Amdt.), there are criminal offences in there for persons operating, driving or machinery under the influence of marijuana.

But when we talk about dangerousness, are we comparing it to other things? How is marijuana compared to other dangerous substances? I have an interest in a pharmacy and I can tell you, Mr. Vice-President, that there are many very dangerous drugs that are sold on prescription. And even on recommendation. There are many dangerous drugs. Narcotics are dispensed, and Panadine, Pethidine, Morphine from a pharmacy. They are controlled drugs. I think Sen. Deyalsingh touched on it, Xanax, Valium, Ambien, Adderall, also antibiotics. And to sell all these things you must obtain licenses under the specific legislative regime. So really, when compared to all these other substances, is marijuana as dangerous or how dangerous is marijuana?

So, Mr. Vice-President, I wish to commend this Bill to the House. I think it gives room for a significant cultural shift in the way we treat with marijuana. I applaud this Government for the very courageous step it has taken in decriminalizing marijuana and giving young, black youth, ghetto youth, who previously might have been convicted, the opportunity to expunge their records. I applaud this Government for creating this statutory authority, for creating this regulatory authority to allow for the use of medicinal cannabis and to allow for the

use of religious adherents to use cannabis.

Mr. Vice-President, with those few words, I thank you.

**Hon. Senators:** [*Desk thumping*]

**7.00 p.m.**

**The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC):** Mr. Vice-President, I thank you and hon. Members for the opportunity to wind up this important debate and to address the salient issues raised by both the Independent and Opposition Benches and those on our side. I have taken careful note of all the recommendations and calls for clarity coming from hon. Senators. Already in response and adopting a national collaborative approach, I have circulated to hon. Members certain proposed amendments which are in response, in some measure to constructive input already made. Indeed, within the last 10 minutes, I have asked the Clerk to upload a further amended list of amendments coming from our side, under my hand by which I have accepted some further amendments that have been proposed by Independent Senators and Senators from the Opposition. And those concerned clause 6(2), and clause 60, subclause (3), we will come to that.

On behalf of the legislators on this side and the people of this Republic, whom we are all sworn to serve, permit me to express my profound gratitude for all suggested improvements to this very significant law which will no doubt benefit all of the people of Trinidad and Tobago. In addressing the issues raised throughout the debate, may I emphasize that the Government is approaching this legislation holistically, as well as incrementally. By holistically, I refer to the fact that this Bill when passed into law will be part of a larger body of law, which already makes provision for the lawful use of cannabis, for example, the very important 2019 amendment to the Dangerous Drugs Act, which we have heard

about today and on the last occasion and of course, is proposed within the constitutional framework of our supreme law, the Constitution of Trinidad and Tobago.

By incrementally, I refer to the fact that with this Bill, we introduce an overarching enabling regulatory framework which will be addressed further and in due course, by appropriate amendments, should the circumstances require, to ensure that the law once passed remains current with our societal development, including our continuing research in this novel field and of course, by regulations to be issued by the authority which will be the governing body under this Bill, when once it becomes law.

If I may turn to some of the specific clauses on which debate has centered, clause 3, the interpretation of non-medicinal cannabis. Sen. Seepersad when we were here last recommended a definition for non-medicinal cannabis in order to properly regulate the sale of prescription cannabis medication. I have given consideration to this, Mr. Vice-President, from a legislative drafting perspective. I am advised that this is not necessary since anything that falls outside of the definition of medicinal cannabis in clause 3, and consistent with the categories stipulated under clause 29(1) would be considered non-medicinal.

Further still, and given the regulatory making power prescribed by the authority at clause 67, the authority is empowered to issue regulations to guide the public on the types of products that would fall outside the definition of medicinal cannabis. And may I say a word on the subject of regulations in the context of this Bill which we are debating here. It has been touched on very eloquently by the Leader of our House on our side, Sen. Amery Browne, but I just want to emphasize the point. What we are about here today, and what we started last week is a debate on the enabling parameters of the parent legislation, what we refer to as primary

legislation. Regulations are secondary regulations, they are secondary law and regulations follow upon the passage into law of the primary legislation. So that it would be putting the proverbial cart before the horse, if we were to seek now, as we are debating the primary legislation, also to be putting before this House, the regulations under which this law will be carried into effect. And it is why the authority is given the power, should we pass this Bill into law, to then commence the exercise in active consultation with the stakeholders who have contributed so significantly to this Bill, to formulate the regulations to give meat and to give teeth to the enabling framework which this parental primary legislation seeks to make into law. And we have examples of that in the different jurisdictions. Jamaica is one jurisdiction which has not made provision for some of the questions that have been criticized here today in the substantive law, but prohibitions are followed through on in standards and regulations passed after the primary legislation.

So that to rest—to lay aside the concerns of Sen. Seepersad, we do not have to provide for non-medicinal cannabis in the legislation that we are passing now and indeed, I remind that medicinal edibles are permitted under clause 29(1)(d) of the Bill, so that the concern regarding the need to differentiate between medicinal and recreational edibles is noted. The Bill is clear, it is licences that are going to be granted for medicinal edibles, we are not about passing legislation beyond the 2019 Dangerous Drugs Act for anything other than the medicinal, therapeutic and other usages under this Bill.

In our consideration of the precedence and the framework for this Bill, we have been assisted by the report of the Caricom Regional Commission on Marijuana 2018, the Caricom report, and a number of us here today who have done their research and I am very impressed by the quality of research that all of our Members here today have put into this, a number of them have referred to that

Caricom report which has looked comprehensively at the entire gamut of medicinal Caricom regulation of cannabis, economic benefits, etcetera. And it should be noted that recreational edibles are permitted under the current law as amended, section 5(2)(f) and (g) of the Dangerous Drugs Act which was passed in 2019. It must be reminded that only personal consumption is permitted by law as it relates to recreational use of cannabis and any attempt to sell, distribute or profit from recreational cannabis is and remains illegal. All of the foregoing notwithstanding, we take cognizance of clause 27 of the Bill which allows for the establishment of regulations so that the illegal use of medicinal cannabis can be regulated against.

Clause 10, gross negligence, and I have seen some of the amendments come in as well to follow on the submissions made by Sen. Mark who sought clarification on the use of the term gross negligence as opposed to negligence in clause 10. Mr. Vice-President, the normal usage of the English language differentiates between “negligence” and “gross negligence,” and in different contexts courts of law have pronounced on this difference. While negligence in its ordinary usage involves the failure to provide an adequate level of care or caution, gross negligence contemplates a more severe act or default, with the legal team gross negligence referring to an act showing a severe and reckless disregard for the lives or safety of another person.

In the seminal case of *Armitage v Nurse* 1988 Chancery page 241, the Court of Appeal of the United Kingdom was called on to pronounce on the permitted scope of trustee exemption clauses involving alleged default of a trustee and alleged acts of actual fraud. In his judgment, the Court of Appeal by parallel reasoning relied on the reason and recognized doctrine of the common law that the two terms “negligence” and “gross negligence,” import a question of degree. “Gross negligence” is understood to refer to acts by which the perpetrator knew or

should have known would result in injury or damage to another person. Such acts are seen by the courts as bordering on intentional conduct, depending on the level of recklessness involved.

Consistent with that common law authority, then, members of the board of the Authority under this Bill will therefore have the necessary latitude or autonomy to perform their functions with allowance for a margin of default, unless it can be shown to the requisite threshold standard, that they have gone beyond mere negligence and committed acts of gross negligence either with the intention of or with reckless disregard for injuring or damaging persons who fall within their care. And we do not, therefore, by the relevant sections under this Bill, exempt them from gross negligence, but it is permissible given that we are human and as I said, in my opening remarks, human error must be accepted. It is permissible for those members to have the confidence in the exercise of their discretion, as they move forward on this novel undertaken to be able to function with the confidence that they are not going to be held up before a court of law for every slip of the tongue or slip of the hand.

Clause 29, Mr. Vice-President, limitation on a cultivator's licence regarding wholesale. Sen. Mark also expressed concern about clause 29(1)(a) by which a cultivator's licence is limited to wholesale and not retail. Well, that is not entirely correct because we can see from section 29(1), that the incremental approach is being used, large quantities of medicinal marijuana can be sold to the holder of a retail distributor licence, section 29(1)(e), and an export licence. And it is not therefore that the retailer is being discriminated against. What the Bill is proposing to do is to allow for the wholesale cultivation, and then on a licensed basis for the distributor of the wholesale product to sell for medicinal purposes, therapeutic purposes and the purposes permitted under this Bill to the retail distributor. So

there is not the discrimination that Sen. Mark has suggested exists by this being a Bill to provide for the large wholesalers and to leave out the small man in terms of the retailer licence.

The question of expungement of criminal records, clause 30, has also been addressed. Sen. Lyder when we were here last, expressed concern that clause 30 will impact the agricultural sector and recommended that farmers with previous convictions should have their criminal records expunged in order to allow them to get licences under this Bill to cultivate cannabis. Well, we have heard today and we have heard beyond today and before today, that one of the most significant amendments that came before this Parliament by the 2019 Dangerous Drugs Act, was not just to decriminalize the use of marijuana in small quantities, the farming of marijuana in small quantities, but to allow persons to apply to the courts of law, and to the Commissioner of Police for the expunging of their criminal convictions in the new decriminalized environment that this Government has legislated for, to allow to those small farmers, the very latitude that is being spoken of today. And therefore, under section 5(d) of the Dangerous Drugs Act and section 50(k) of the Police Service Act, small farmers can apply to have their records expunged since the 2019 Dangerous Drugs amendment, and they will be able, notwithstanding the provisions in this act, by having their records expunged, they will be able to benefit from the regulatory provisions that this Bill is introducing.

I sound the caution, Mr. Vice-President, and this goes back to one of my operating themes and the theme of the Government. We are approaching this legislation, this very novel legislation on an incremental basis. And by that, I mean that we have to take small footsteps along a broad path that we are bequeathing to our children. Those small footsteps mean—

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** Those small footsteps mean that the small farmers who have had convictions recorded against them before 2019, who were convicted of marijuana use and possession have the opportunity to expunge but we are not throwing the baby out with the bathwater. We are not allowing the large traffickers and the large users and possessors of this still illegal drug, beyond the quantity permitted by decriminalization, to have all of their records expunged. That would be irresponsible government.

I move next, may it please you, Mr. Vice-President, to section—clause 30, that is to say, the equality of opportunities for small farmers. Sen. Lutchmedial made comment on the fact that in Jamaica, and she referred to some of the members of the media and Parliament in that country, and a commentary in Jamaica on the fact that Jamaican Government is locking out small farmers from the ganja industry. I can—I do not need to dwell unduly on that point to answer the criticism launched by Sen. Lutchmedial. I need only applaud and I do so vehemently and I have said as much to him, my colleague on this side, Sen. Nigel de Freitas, who gave us a very stirring submission on the last occasion, we had the honour and the privilege to listen to him.

The various avenues as laid out in the Bill for persons different—from different types of entities, the ability to enter the industry, the agricultural incentive packages and programmes, along with the ability to import machinery, tax-free machinery, and other such equipment. Minister of Foreign and Caricom Affairs as well, Dr. Amery Browne highlighted the Bill to present new business opportunities and only today, we have heard from our Minister of Trade and Industry, Sen. Paula Gopee-Scoon, on the myriad possibilities in trade that are being opened up to all members of the society under the Bill that is being piloted today.

So there is no question that any small farmers or any members of this society are being excluded from the incremental opening of the doors and the windows to a new future in which we can engage in the cultivation, medicinal, therapeutic use of a previously prescribed drug for the benefit of the health and the economy of this country.

Clause 30, religious licences. Clause 30(5) provides for the application for a licence for religious purposes. And the issue has been raised whether we are breaching international law relating to the use of cannabis for religious purposes. Sen. Mark referenced the International Narcotics Control Board who reminded the Government of Jamaica and all other parties that under Article 4, paragraph C of the single convention on Narcotic Drugs of 1961 as amended, only the medical and scientific use of cannabis is authorized and that use for any other purposes, including religious is not permitted. Well, we are a sovereign democratic country, Trinidad and Tobago—

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:**—and our Parliament has the right, the sovereign right to legislate for the benefit of the nationals and citizens of this country. And we accept that in this country under the Constitution, section 4 provides for:

“...the...fundamental human rights...”—of—

“freedom of conscience...religious belief and observance;”

And it is for that reason that among others, this Bill is being piloted today and hopefully will become law so that we can allow to the members of our community, the religious members of our community, who for decades, have had to hide and lurk in the shadows of a community to which they belong, in order to exercise their constitutional rights to religious freedom in the use of the sacred herb. And we

applaud the fact today that we are able to have the courage under the Prime Minister to bring this legislation to this House.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** Academia has spoken to this point and indeed we have had a learned critique not too long ago from our own respective academic Prof. Rose-Marie Belle Antoine giving a presentation at the EU Caricom Law Conference in 2018. And I take the opportunity, Mr. Vice-President, through you, to offer my personal congratulations and that of this Government, to Prof. Belle Antoine who has recently been promoted Principal of the St. Augustine Campus of the University of the West Indies.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** Mr. Vice-President, we go on to look at the question of protection of children, clause 49. Sen. Lutchmedial raised the concern of the use of cannabis and the safety of children in religious places. Clause 49 clearly provides for the prohibition of the use of cannabis by children at among other places, places of worship. The law must be seen to contemplate the reasonable use of cannabis by adults. It is the responsibility of the adults who are going to be given the licence under this Bill when it becomes law, to make use of cannabis in a decriminalized way, and that does not relieve them of their obligation as adults to continue to protect their children. It is significant when one looks at the offences under the Children Act, Chap. 46:01, section 35.

“A person who exposes a child or causes a child to be exposed to a dangerous drug or substance having an effect similar to that of a dangerous drug commits an offence and is liable—

- (a) on summary conviction, to a fine of five thousand dollars and to imprisonment for nine months;”

So when I speak of the Government's holistic approach to asking this Parliament to pass this Bill into law, it is in recognition of the fact that there is a larger body of law, among which is the Children Act and other legislation, that cast a significant responsibility on adults on paying a fine and imprisonment, if they do not tend to their children. And therefore, I do not accept the suggestion coming from Sen. Lutchmedial, that the provisions of the relevant clauses of this Bill are going to expose children unnecessarily and recklessly to the use of marijuana. We as adults have to take responsibility, continuing responsibility in a vigilant way for the care and protection of our children. And no law, no law can regulate for that parental and adult responsibility and we have to take notice of that and regulate ourselves accordingly.

Clause 62, the constitutionality and the inspection regime, and that is one of the areas in which I have withdrawn a proposed amendment that I had thought of introducing this morning. Clause 60, subclause (3), I had thought that perhaps we should have a police officer approach the premises with the inspector when the inspector goes into licence—to inspect the premises. But I on reconsideration, I thought that that was not necessary. And I thought that that was necessary for a number of reasons, Mr. Vice-President, and part of that has to do with the fact that under this regulation, under this Bill, which we are passing, when you apply for a licence, the mere fact that you apply for a licence is prescribed as a voluntary acceptance on your part that you will allow inspectors to come onto your premises in order to ensure that the regulated use of marijuana to be permitted under this Bill is being properly regulated. And there is therefore no need, in my respectful view and I have withdrawn that amendment, to introduce an unnecessarily heavy hand of a policeman having to accompany an inspector who is coming in to inspect and to make sure that the law is being observed.

I have already spoken, Mr. Vice-President, to the fact of the regulations. And I have spoken as well to the several contributions that have been introduced by Members of the House on both sides. And I would just like to acknowledge some of the comments that have been made today, some of the contributions that have been made today in this House in this Chamber. We had the very able Sen. Thompson-Ahye, Independent Sen. Thompson-Ahye, expressing some concerns about the fact that a number of aspects of the legislation can be improved. Of course, we accept without demur, that we are open to suggestions for improving the legislation, so that when we leave here this evening, we leave here confident that we have done the best that we can do as adults who are entrusted and sworn by our oaths, to legislate for the good of all of the people of this country. So I give Independent Sen. Mrs. Hazel Thompson-Ahye the assurance that when she talks about the “relative” as a being a narrow definition, we are confident that the chosen definition of “relative” is sufficiently wide and we do not want to widen it unduly in a small society such as ours. And therefore, I do not expect that she will be, when we look at the body of amendments we are going to deal with today, that she will be unduly troubled.

She also was concerned about the immunity of the members of the board, and that the wording should be changed to equate more with that of St. Vincent and the Grenadines. But I think that going back to the point I made earlier about the difference between negligence and gross negligence, I hope to be able to persuade Sen. Thompson-Ahye that the immunity is sufficient for purposes of allowing to persons who we ask to give a volunteer service in the national interest, to allow them a measure of latitude so that they may proceed to discharge their functions with a degree of confidence.

Sen. Evans Welch, Independent. Sen. Welch talked about the fact that there is no mention of a commercial licence in the Bill. Well, there is no mention of a commercial licence in the Bill, because what this Bill is about, is providing for legislation to permit for medicinal use, primarily, therapeutic use, and not for the whole-scale commercialization of marijuana. Incrementally as we grow, and we develop, and we take our baby steps into this very novel area and we find that the national response is sufficiently responsible, it could very well be that we will come back to this House and ask for further amendments to the Act to open up the larger commercialization. But at this point in time, heeding the concerns of every Member—many of our Members here, Sen. Thompson-Ahye is one, Sen. Welch is another, all of the Independent Senators to a man and woman, lady and gentleman who spoke here today, expressed their concerns about the potential side effects, the potential negative effects of marijuana. We recognize that and that is why we are not launching into an inclusive, all-embracing commercial embrace of the use of marijuana. We are first taking the baby steps, we took the first in 2019 with the decriminalization, and we are taking the second at this stage with medicinal and therapeutic use for regulation and for commercial activity but we are not going the way of whole-scale commercial use. So, Sen. Welch with apologies to you, but in the confident expectation that you will embrace the legislation, because you have indicated that you support it, in principle, we accept your reservations with respect, but we cannot go that far.

There were also comments from other Senators here today. Sen Teemal of the Independent Bench and one of the amendments that I have accepted and I have proposed in the last version of amendments that I have asked the Clerk to circulate, is to suggest to this House when we sit in committee stage to add another member to the board to provide for the discipline of public health so that Sen. Teemal's

concern to add that discipline is one that I have been persuaded by in his very balanced and persuasive contributions today, and I am grateful to him for those contributions. And I take with a tongue in cheek smile—I take some pleasure from the fact that he recognized that when my colleague Sen. Nigel de Freitas was differentiating between the young and the old, I was numbered among the more young.

**Hon. Senators:** [*Desk thumping and laughter*]

**Sen. The Hon. R. Armour SC:** Sen. Jearlean John has spoken of the fact that we are in an emerging industry and this is an expensive undertaking, and there is a lack of empirical evidence to indicate that it will be a success. But with respect, and I was happy to hear a number of other Members of this honourable Chamber speak to the report of the Caricom Regional Commission on Marijuana 2018. That report has looked with significant depth of research at the empirical evidence which the Caribbean community has been engaging in for purposes of satisfying the Caricom nation. And we have used that Caricom report in the deliberations of the Joint Select Committee and the consultations with our stakeholders and we were given literally a lesson in education by Sen. Richards last we were here, when he spoke from the confidence of his involvement over two years in the Joint Select Committee exercise, and we are confident that we have taken the empirical evidence into consideration. So, I hasten to reassure Sen. John, that if she were to read the Caricom report, and examine the work that has been engaged in by the Joint Select Committee and its process of consultation over the two years that it consulted, that there has been a significant effort in the empirical research that we are engaged in for purposes of ensuring that this legislation is not just timely, but reactive to the concerns of the society.

**7.30 p.m.**

We had comments from Sen. Dr. Maria Dillon-Remy, public health problems associated with non-medicinal cannabis. I hope that in what I have said today so far, and in some of my opening remarks and the exercise that we will sit in committee stage, we will address Sen. Dr. Dillon-Remy's concerns.

And, Mr. Vice-President, permit me to say—and I am going to be very careful not to overstep into an unnecessary engagement—permit me to just make one small comment on some of the remarks that were uttered by Sen. Roberts. And I start by referring, by way of repetition, to the very comprehensive report which was given to us by Sen. Richards on the first day we debated this Bill in this Chamber. I felt humbled by Sen. Richards' contribution, because he spoke from his experience as a Member of the Independent Bench, from his experience as a Member of the Joint Select Committee over two years, in working collaboratively with Members on this side, with Members of the Opposition, including Sen. Lutchmedial and with Members of the Independent Bench, and he spoke comprehensively of the stakeholder consultations that were engaged in over those two years, walking the length and breadth of this country.

So, I was taken aback and slightly disappointed to hear Sen. Roberts describe the collaborative piece of legislation that is before us today, by the joint efforts of the Opposition, the Government and the Independent Senators as a vaille-que-vaille piece of legislation. I was disappointed by that, and I put it down to, in my other life when I am before the courts and I sometimes speak over much, I say: "The muse got to me, My Lord, the fault is all mine" and I would expect that on reflection—

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:**— Sen. Roberts will recognize that he should not

be referring to the conjoined efforts of his own Bench, the Bench of the Independent Senators, Joint Select Committee exercise over two years and a national consultation as a vaille-que-vaille exercise.

**Hon. Senators:** [*Desk thumping*]

**Sen. The Hon. R. Armour SC:** Mr. Vice-President, I have taken the time—in closing, may I say, I have taken the time to address the concerns of hon. Senators. In closing, I commend all persons whose works has been instrumental in formulating this Bill. This forward-thinking Bill affords great opportunity for the people of Trinidad and Tobago, and has been the result, as I have repeated more than once, of significant stakeholder contributions and parliamentary deliberations; both at the Joint Select Committee, the House of Representatives and nationally. I commend this Bill, and I beg to move. Thank you very much.

**Hon. Senators:** [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

**Mr. Vice-President:** Leader of Government Business.

### PROCEDURAL MOTION

**The Minister of Trade and Industry (Hon. Paula Gopee-Scoon):** Thank you very much. Mr. Vice-President, in accordance with Standing Order 14(5), I beg to move that this Senate continue to sit until the completion of the business at hand.

*Question put and agreed to.*

### CANNABIS CONTROL BILL, 2020

*Bill committed to a committee of the whole Senate.*

**Mr. Vice-President:** The Senate shall now go into a committee of the whole to consider the Bill clause by clause subsequent to a 20-minute recess.

**7.35 p.m.:** *Sitting suspended.*

**7.55 p.m.:** *Sitting resumed.*

*Senate in committee.*

*Clauses 1 and 2 ordered to stand part of the Bill.*

*Clause 3.*

*Question proposed:* That clause 3 stand part of the Bill.

**Sen. Vieira:** Chair, I am wondering in the definition of “analytical services”, Sen. Gopee-Scoon had mentioned about how segmentation by compound and species, that this is not just cannabis. And so, I am wondering whether we should expand “analytical services” definition:

“...testing or abstraction of cannabis”

And then cannabis material, because you would also want to test compounds as well.

**Mr. Chairman:** Sen. Vieira, you are not satisfied with:

“(c) any other raw material derived from the cannabis plant;”

**Sen. Vieira:** No, because it may not only be derived from the cannabis plant. It may be actually scientific compounds and synthetic things as well, besides the plant itself. It is just a suggestion.

**Mr. Chairman:** Any responses from?

**Sen. Armour SC:** Can I just ask Sen. Vieira to just repeat what he is proposing as the addition after “abstracting of cannabis”, the language? Because that is not a written circulation.

**Sen. Vieira:** In the testing or abstraction of cannabis and cannabis material, because the definition as it stands, I think, excludes products containing compounds obtained from cannabis or synthetic compounds and analogues of compounds found in cannabis.

**Sen. Armour SC:** Well, in principle, Mr. Chairman, I would not object, given that

cannabis material is defined separately from cannabis. So, there would be no doubt if we were to add the words “and cannabis material” what would be intended by those additional words, because it is already defined. So, I would not object.

**Mr. Chairman:** If, I would just like to add to that. The compounding in the pharmacy world is normally when you mix substances together that is not of one pure form. It is a way of mixing. Would that be satisfied by stating that? Simply because, it can be a compound containing cannabis, but not solely cannabis.

**Sen. Vieira:** Yeah, but simply I would say cannabis, cannabis materials and compounds found in cannabis, but I did not want to belabour the point.

**Mr. Chairman:** With cannabis?

**Sen. Vieira:** Or compounds with cannabis.

**Mr. Chairman:** Compounds with cannabis would include all of the above.

**Sen. Vieira:** Thank you, Chair. Also, thank you for your time as well.

**Mr. Chairman:** This not being the only amendment to 3, I would like to pen that in first and then go to the other suggested amendments. So, we are suggesting that part (c) reads:

“any other raw material derived from the cannabis plant;”

And we are inserting a “(d)” to state “compounds containing cannabis;”

**Sen. Vieira:** I think that suggestion was on the definition of “analytical services”. I was not defining cannabis material, and you correctly pointed out that cannabis material did not really treat fully with compounds.

**Mr. Chairman:** Correct. So, we are putting in “and compounds containing cannabis”.

**Sen. Armour SC:** And that is in the definition of “analytical services”, Chair?

**Mr. Chairman:** Correct.

**Sen. Armour SC:** So, we are amending that. And just to go back to your question,

Sen. Vieira, do we then add a “(d)” to cannabis material to say: Any compounds containing cannabis? That might be gilding the lily, but just to ask the question.

**Sen. Vieira:** Again (c) is ambiguous:

“(c) any other raw material derived from the cannabis plant;”

It is a very wide subset.

**Sen. Armour SC:** Yeah, I think that is a catch all and that would be satisfactory.

**Mr. Chairman:** I believe so. You do not need to amend that. Let us move on to the 3(1) from the Attorney General.

**Sen. Armour SC:** Yes, Sir. I propose that we delete the present definition of “pharmacy” and instead spell it out to mean any premises licensed as a pharmacy pursuant to section 27 of the Pharmacy Board Act. So, it is more particular.

**Mr. Chairman:** Sen. Richards, you have amendments to 3?

**Sen. Richards:** Yes, Chair, through you, if I could get the explanation from the hon. AG as to why it is necessary for (b) to be included, which states:

“(b) the use or consumption of medicinal cannabis by a patient,”

To me, it causes me some concern, because it says any premises and (a), of course, is:

“The sale, dispensing or provision of medicinal cannabis prescribed or recommended by a medical practitioner;”

So, I was looking to strike out “(b)”. Is there a reason that is included here specifically? And does that open the door for mischief, in some circumstances? It says any premises.

**Sen. Dr. Dillon-Remy:** Mr. Chairman, I am not sure where we are at now. Could you repeat?

**Sen. Richards:** We are at dispensary, if I could, Mr. Chair.

**Sen. Dr. Dillon-Remy:** Clause 3, what?

**Mr. Chairman:** We are on page 4, which is the definition of “dispensary”.

**Sen. Armour SC:** Which begins at page 4.

**Mr. Chairman:** It ends on page 4. So, page 3 into page 4 for the definition of “dispensary” as a suggestion and point of clarification by Sen. Richards. Does that help you?

**Sen. Dr. Dillon-Remy:** Okay.

**Mr. Chairman:** Sen. Richards, can you repeat for the clarity of the House?

**Sen. Richards:** Yes. I was wondering through you, Mr. Chair, why the inclusion of part (b), which would read:

“dispensary” means any premises on which...”

And I go to:

“(b) the use or consumption of medicinal cannabis by a patient,”

And it says, any premises, which to me opens the door to some level of mischief.

**Sen. Armour SC:** You are instead proposing the amendment that you have in your—as a complete amendment in place of (a) and (b)?

**Sen. Richards:** Yes. Because I am thinking, through you, Mr. Chair, to the hon. Attorney General, if you leave it as any premises on which:

“the use or consumption of medicinal cannabis by a patient,”

It is any premises is absolute. I mean, it could be in the corridor down the hall.

**Mr. Chairman:** The location being of a dispensary as regulated by—

**Sen. Richards:** Exactly. Precisely.

**Mr. Chairman:** Yeah.

**Sen. Armour SC:** My understanding, Sen. Richards, is the dispensary is divided in two and (b) is intended to cater for premises on which cannabis products are used in a therapeutic way. So, for instance, massages on a patient would be covered by this kind of provision. The use of consumption of medicinal cannabis by a patient.

So, it is designated and intended to address the therapeutic use of cannabis products.

**Sen. Richards:** And this is a question that you do not think that can be abused, because of the wideness of the statement, the width of the statement?

**Sen. Armour SC:** Well, everything is potentially capable of abuse. And so, I would not say definitively no in answer to your question. But I think that given that we have a regime of inspectors who are licensed to inspect premises and to visit and monitor, I would be optimistic to hope that we can start with this. Let it work itself through. The inspection routine would adequately protect any potential abuse.

**Sen. Richards:** Well, on your advice I withdraw then. Thank you for the explanation.

**Sen. Armour SC:** And I am reminded by Ms. Nalini Salick from CPC that of course, the dispensary has to be licensed. So that it has to satisfy certain criteria of purposes of getting the licence to then dispense.

**Sen. Richards:** Thank you, that explains it. Thank you so much. I withdraw then. Through you Chair, I withdraw.

**Sen. Thompson-Ahye:** Is it not that (b) was more designed for someone who is an in-house patient in an institution rather than where you talk about the sale or dispensing provision which could apply to anybody almost like a pharmacy, but that the use or consumption, because the word “patient” I do not think is accidentally used. So I think, to me, it was more looking like somebody who is within an institution.

**Sen. Armour SC:** That would also be correct. Yes, in fact, that is more targetedly correct.

**Sen. Thompson-Ahye:** That is the differentiation that I made.

**Sen. Vieira:** In fact, the definition of dispensary is a clinic where medicine and medical supplies are dispensed. So there is that element of medical.

**Mr. Chairman:** So, it should satisfy that everything is regulated in these circumstances, being a patient and the type of facility.

**Sen. Richards:** Thank you, Mr. Chair. I am satisfied by the explanations given.

**Mr. Chairman:** Great. Great. So, Attorney General, the amendment to Sen. Richards, having been explained is not accepted. Just for clarification before we move on.

**Sen. Armour SC:** As I understand it, Sen. Richards is withdrawing his objection—

**Mr. Chairman:** Correct.

**Sen. Armour SC:**—to the meaning of “dispensary” as presently defined.

**Mr. Chairman:** Very well.

**Sen. Armour SC:** So that the meaning remains.

**Sen. Richards:** Yes, I withdraw. Thank you.

*Amendment, [Sen. P. Richards] withdrawn.*

**Mr. Chairman:** Part (b) of your submission, Sen. Richards.

**Sen. Richards:** Yes, should I proceed, Chair?

**Mr. Chairman:** Please.

**Sen. Richards:** Thank you. Well, as I said in my contribution last week, the words “religious organisation” have been used in several parts of the Bill, the proposed Bill, and it has not been defined. I know it is something that we discussed in the Joint Select Committee, quite extensively, on many occasions and it was a complicated discussion. So I am proposing a definition here of:

“religious organisation” meaning an organisation whose values are based on faith and/or beliefs, which has a mission based on social values of the

particular religious organisation of faith, in which draws its activists, leaders, followers, adherent, devotees or congregation from a particular faith group, and for the purposes of this Act, is registered as an non-profit organisation under the Non-Profit Organisations Act, No. 7 of 2019, which follows clause 35, which also states a religious organisation as registered under the NPO Act, 2019.

**Sen. Armour SC:** Mr. Chairman, I have no objection to it and I just propose one further, very minor amendment. Given that the groups are pluralized—activists, leaders, followers, “adherent” should be plural “adherents”.

**Sen. Richards:** Yes, that was an oversight on my part. I meant “adherents” plural. Thank you.

**Sen. Armour SC:** But other than that, I accept that amendment.

**Sen. Richards:** Thank you, through you, Chair.

**Sen. Thompson-Ahye:** Are you going to retain that word “activists”? I do not like it at all. It gives a connotation that is not entirely in keeping with the other aspects of the religion, the devotees, the leaders, the followers and so on.

**Sen. Richards:** I actually do not mind removing “activists”, because it may widen the door to some discomfort.

**Sen. Armour SC:** I am guided by Sen. Thompson-Ahye, and I am not opposed at all to the removal of “activists”.

**Sen. Richards:** Neither am I.

**Sen. Vieira:** I wonder whether we could do it and say “believers” instead of “activists”.

**Sen. Armour SC:** I think “devotees” will capture that.

**Mr. Chairman:** Devotees will cover that.

**Sen. Armour SC:** Devotees will capture that.

**Mr. Chairman:** Yes. The question is that clause 3 be amended as circulated by the Attorney General and part (3) B as proposed by Sen. Richards with the omission of the word “activists”.

**Sen. Richards:** And the pluralization of adherent.

**Sen. Armour SC:** The pluralization of adherent to become plural, “adherents”.

**Mr. Chairman:** Okay. I would repeat the latter for clarity. The question is that clause 3 be amended as circulated with the suggestion of the Attorney General in the word “pharmacy” and as circulated by inserting the following new definition after the definition of “regulations” by Sen. Paul Richards with further amendments of the removal of the word “activists” and taking into consideration plurality.

**Sen. Armour SC:** Yes.

**Sen. Mark:** Mr. Chairman.

**Mr. Chairman:** Is it pertaining to this?

**Sen. Mark:** Yes.

**Mr. Chairman:** Go ahead.

**Sen. Mark:** I just wanted to get clarification from—

**Mr. Chairman:** Senator, I was in the middle of proposing the question. I was in the middle of it, but would it change what I have just rectified?

**Sen. Mark:** No, I just want it to be clear in my mind and I want us to be clear, Chairman.

**Mr. Chairman:** Proceed.

**Sen. Mark:** When we talk about religious organizations and we are using it under the context of a non-profit organization, I wanted to ask the Attorney General on the law. Is there any law in this country outside of defining it in the way that we have defined it as a non-profit organization that there is another definition of a

religious organization. Because remember, how we are capturing—

**Mr. Chairman:** Sen. Mark, just for clarity, you are asking if there is another definition or reference for a religious organization besides NPO, non-profit organization. Attorney General?

**Sen. Mark:** I am trying to be clear that what we are doing does not conflict with any existing law in our country that defines what a religious organization is. I am not too clear and I am seeking guidance from your good self as to whether you are satisfied that this will not clash with any existing law.

**Sen. Armour SC:** I believe that Sen. Richards who has moved the amendment wants to make a contribution before I respond.

**Sen. Richards:** Through you, Mr. Chair, the definition is phrased, at the end of it: And for the purposes of this Act, is registered as a non-profit, in a way that does not define a religious organization as a non-profit, but for this Act. I do not know if legally that makes sense. That is why it was phrased that way and just a religious organization is a non-profit.

**Sen. Armour SC:** Yes. And through you, Mr. Chair, I am grateful to Sen. Richards who has proposed the definition. I did not understand the proposed definition of religious organization to be a self-standing definition applicable generally. I understood him to be asking to define for purposes of this Act that when the term “religious organization” is used in the context of this Act, it means what he sets out here and for purpose of this Act is registered as a non-profit organization. That is the context that I understood it in.

**Sen. Richards:** That is how it was intended.

**Sen. Armour SC:** Thank you.

**Mr. Chairman:** So let—Sen. Ahye?

**Sen. Thompson-Ahye:** Registered as “a” rather than “an”, because “an” would

become before organization, but are there you cannot have it in front of none. Remember the lil vowels and thing you used to learn in school?

**Sen. Richards:** Thank you, Sen. Ahye, for the grammatical correction. Your keen eyes are always with us.

**Sen. Armour SC:** Yes, I completely accept that. It would be “a” non-profit organisation” as opposed to “an” a-n, non-profit organization. Grateful for Sen. Thompson-Ahye.

**Mr. Chairman:** The question is that clause 3 be amended as circulated by the Attorney General suggestion that “pharmacy” means any premises licensed as a pharmacy pursuant to section 27 of the Pharmacy Board Act and further amended by inserting the following new definition after the definition of “regulations” to read:

“religious organisation” means an organisation whose values are based on faith and/or beliefs, which has a mission based on social values of the particular religious organisation of faith, and which draws its leaders, followers, adherents, devotees or congregation from a particular faith group, and for the purpose of this Act, is registered as a non-profit organisation under the Non-Profit Organisations Act No. 7 of 2019.

**Sen. Armour SC:** Chairman, if I may be a little pedantic, I am advised that proper legislative drafting in the second line, based on faith and/or beliefs, we should not include the word “or” there. It should be based on faith and beliefs. I apologize. I am properly instructed by my legislative drafting team who sit in the Senate.

**Mr. Chairman:** Sure. I will comb that through again for you.

**Sen. Armour SC:** Thank you.

**8.20 p.m.**

**Mr. Chairman:** No problem. It is just the third time for number 3; three is a

charm. The question is that clause 3 be amended as circulated by the Attorney General by inserting after:

“pharmacy” means any premises licensed as a pharmacy pursuant to section 27 of the Pharmacy Board Act.

And further amended by inserting the following new definition after the definition of “Regulations”:

“religious organisation” which means an organization whose values are based on faith and beliefs which has a mission based on social values of the particular religious organization of faith and which draws its leaders, followers, adherents, devotees or congregation from a particular faith group, and for the purposes of this Act is registered as a non-profit organisation under the Non-Profit Organisations Act No. 7 of 2019.

*Question put and agreed to.*

*Clause 3, as amended, ordered to stand part of the Bill.*

**Sen. Richards:** Mr. Chair, just for clarity, so I withdraw my act and let the AG’s amended act included that go through, right? Is that the procedure?

**Mr. Chairman:** Proceed. Repeat yourself, Mr. Richards.

**Sen. Richards:** Is it that the procedure this is now the standing and I do not have to withdraw my original intention?

**Mr. Chairman:** Correct.

**Sen. Richards:** Thank you.

**Mr. Chairman:** Very well.

*Clause 4 ordered to stand part of the Bill.*

*Clause 5.*

*Question proposed:* That clause 5 stand part of the Bill.

**Sen. Welsh:** Chair, I just have a proposed amendment with respect to—that is

5(2)—clause 5(2). In my circulation I proposed that it be deleted and—

**Sen. Armour SC:** Could I—Chairman, could I interrupt my learned—well, Sen. Welch, if we go sequentially I have an amendment to 5(1)(d).

**Mr. Chairman:** Right.

**Sen. Welsh:** Oh, sorry.

**Mr. Chairman:** Correct. So moving back from the top.

*Question again proposed: That clause 5 stand part of the Bill.*

**Mr. Chairman:** Attorney General, you had an amendment to clause 5?

**Mr. Chairman:** Thank you. Thank you, Chairman. In clause 5(1)(d), 5(1) says:

“The functions of the Authority are to-

(d) take enforcement measures...”—

Insert the words “and advise the Minister accordingly” after the word “licence”.

So the last word in clause 5(1)(d) is “licence”, I wish to add the words after “licence”, “and advise the Minister accordingly”.

**Mr. Chairman:** Sen. Richards, you had an amendment as well?

**Sen. Richards:** Yes, Chair, it would be—excuse me for one minute. I have so many files with me, in front of me. Right. It would be in subparagraph (3)(a) by inserting the words “globally comparable”, and that would be to focus a bit more on competitiveness as opposed to just formulate standards in (a); to ensure that the standards are globally competitive.

**Mr. Chairman:** Attorney General. We are talking about maintaining a global standard.

**Sen. Armour SC:** Yes. If Sen. Richards can just assist me—

**Mr. Chairman:** It is page 8.

**Sen. Armour SC:** Yes, page 8, (3)(a).

**Mr. Chairman:** Yes.

**Sen. Armour SC:** Yes. And the question I had hoped to get an explanation and because I am a little—at the moment a little unclear. I was going to ask for an explanation for adding in the words “globally comparable”, but Sen. Richards has just said “globally competitive”, so which it is that we are proposing, “globally comparable” or “globally competitive”?

**Sen. Richards:** Comparable.

**Sen. Armour SC:** Yes.

**Mr. Chairman:** It is for the purpose of standards so it is comparable.

**Sen. Richards:** Yes. Yes.

**Mr. Chairman:** Right.

**Sen. Mark:***[Inaudible]*—may I ask, Mr. Chairman, my colleague, Sen. Richards, as opposed to “globally competitive”, would we not want to be consistent with the language that we would find in the international lexicon rather than focus on—  
*[Inaudible]*

**Mr. Chairman:** Attorney General, would you like that to be answered by Member Richards as he proposed?

**Sen. Armour SC:** Yes, indeed.

**Mr. Chairman:** Yes. Go ahead. Sen. Mark was asking a question based upon your use of the word “comparable” as opposed to “competitive”.

**Sen. Mark:** No. I am on the word like “international” as opposed to “global”. I understand the point that he is making, and whatever we are doing we want to maintain the highest standards. But I do not like this term “globally”. I think that when we look at the literature when we are dealing with “international”—

**Mr. Chairman:** Sen. Mark, your suggestion is to replace the word “global” with “international”?

**Sen. Mark:** I would like my colleague to consider the word “international” instead of “global”—“internationally comparable” rather than “globally comparable”.

**Sen. Richards:** I think, through you, Mr. Chair, the objective would be achieved. I have no objection to Sen. Mark’s suggestion.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** I have no objection to that.

**Mr. Chairman:** Very well.

**Sen. Armour SC:** In fact, I am advised that the word “internationally” is more generally used in legislative drafting.

**Mr. Chairman:** Sen. Welsh, I have to go in order of submissions first. Sen. Welsh, you had a submission to delete clause 5(2)?

**Sen. Welsh:** Yes. I know it may sound radical but I would explain my reasoning. Clause 5(2) speaks about:

“The Authority...”—having—“...such powers as are necessary or expedient for the performance of its functions.”

My concern with that clause is that the powers should be specified. If this is a statutory authority, it derives its powers from the statute and the powers that it has should be specified in the statutory provisions. Now, 5(2) does not specify any powers and it does not state where these powers are to be derived from:

It—“...shall have such powers as are necessary or expedient...”

So does it give itself a power in an ad hoc manner as a situation arises? To me this creates a position of unpredictability because the Authority must act pursuant to the powers it gets under the statute and none is specified.

So it is either a case where we have the powers specified or if they are not specified then it is in those circumstances I have suggested that it be deleted, not so much that the Authority should not have powers but the Authority, the powers

should be specified and if not then this broad term should be deleted because it creates unpredictability.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** I can understand the concern of Sen. Welch but I do not think that the concern is answered by deleting the section. What I think we could aim for is an improvement. So that I would suggest we keep subclause (2) but we add after the words “functions, “for the purposes of this Act”. So the entire subclause (2) would read:

“The Authority shall have such powers as are necessary or expedient for the performance of its functions for the purposes”— of this Act—“under this Act.”

**Mr. Chairman:** Sen. Welch, would that—

**Sen. Welsh:** Yes. I would agree with that amendment. It takes care of my concerns because then the powers are prescribed—

**Sen. Armour SC:** Within.

**Sen. Welsh:** It must be something within the Act.

**Mr. Chairman:** So that is to read for the purpose of “the Act” or “this Act”?

**Mr. Chairman:** “this Act”.

**Mr. Chairman:** “this Act”. Senator—

**Sen. Thompson-Ahye:** This sounds right, “for the performance of its functions under this Act.”

**Sen. Armour SC:** Yeah, I am happy with either, “under this Act” and is—

**Mr. Chairman:** “under this Act”.

**Sen. Welsh:**—[*Inaudible*]—“under this Act” as well.

**Mr. Chairman:** Right.

**Sen. Armour SC:** Yes.

**Mr. Chairman:** Very well. Sen. Vieira, you had a comment?

**Sen. Vieira:** Two things. First, just commenting on this, under the Interpretation Act at section 45, under Implied Powers, the Interpretation Act provides that:

“Where a written law empowers any person or authority to do any act or thing, all such powers shall be deemed to be also given as are reasonably necessary to enable that person or authority to do that act or thing.”

But the point I wanted to make was really at 5(1)(f), “electronic database”. My understanding of a database is that it is an organized body of related information and so I think it is dangerous to specify a technology. I would suggest that we use technologically neutral language. A database is a database regardless of technology used, so I would just take out “electronic”, “establish and maintain a database”.

**Mr. Chairman:** “establish and maintain a database”—

**Sen. Vieira:** Yes.

**Mr. Chairman:**—as opposed to “an electronic database”?

**Sen. Vieira:** Yes. It could be paper, it could be electronic, it could be, as technologies evolve, whatever a database would be.

**Mr. Chairman:** If I may, AG, in the—Attorney General—sorry—if I may, in the full deliberation I did recall the elements of RFIDs being placed on plants for the purpose of tracking. Now if that, Sen. Vieira, is inside there for the purpose of tracking and labelling plants, that is an electronic database.

**Sen. Vieira:** Tracking plants.

**Mr. Chairman:** That is correct, because you are going to—from my understanding you are going to be tracking the concentration and the strains of plants through RFID. So that is a very advanced electronic database.

**Sen. Vieira:** But then it would read:

“establish and maintain a database to provide for the electronic tracking of

the handling of cannabis in accordance with this Act.”

**Mr. Chairman:** Attorney General, all is yours.

**Sen. Armour SC:** I would go with the concern, well the explanation provided by the Chair and I would maintain the words, “an electronic database”.

**Sen. Mark:** Chair—

**Mr. Chairman:** Just now. Sen. Vieira, are you concerned that the start-ups and people who currently grow—are you concerned that they would be left out by starting off electronically whilst they can provide a database to be tracked electronically?

**Sen. Vieira:** No. No. My concern is that, look, we will be using electronic trackers for the handling of the cannabis but the board is also interested in having a database inclusive of electronic tracking, and so the database I am speaking about is we do not need to narrow it down. We could just say—because the database could take many forms, but—

**Mr. Chairman:** Like a log and so on. Sen. Mark, you had further clarification?

**Sen. Mark:** Yeah. Mr. Chairman, I am just linking—now I understand (f), 5(1)(f) with the tracking of plants, but when it comes to (g) and (h) we are talking about human beings here. We are talking about electronic register of medical practitioners, patients and caregivers, and when you go to (h) we are talking about establishing and maintaining other registers and databases as may be prescribed. My concern here, Attorney General, through the Chair, is that there is something called the personal—the Data Protection Act that deals with personal data that is of a confidential nature and cannot be released without a person’s consent. But the way how this is structured here, and you are talking about medical practitioners, patients in this instance, I do not know what data we are talking about here. It is as wide as it is broad, and I am saying you are talking about data for patients, for

caregivers, who is going to have access to this? This is going to be an authority and the Authority is appointed by a Cabinet.

So I believe we need to ensure, Mr. Chairman, that there are the appropriate checks and balances and to ensure that this is not breaching the Data Protection Act of our country. So I just raised it for whatever it is worth because that is what stood out when I look at (g) and (h), respectively. So I do not know if the AG could put some kind of provision here to ensure that this section or these provisions are not abused by the Authority because they are going to have custody of these things, because the functions of the Authority under 5(1) would be among other—

**Mr. Chairman:** Thank you, Sen. Mark.

**Sen. Mark:** Sure. I think we need to be careful.

**Mr. Chairman:** Sen. Vieira, you had something to add to that?

**Sen. Vieira:** Yes, thanks. So first of all, subclause (h) takes care of my original concern, so I withdraw my first point.

**Mr. Chairman:** Okay.

**Sen. Vieira:** Sen. Mark has raised an important point, very interesting, but “establish and maintain such other registers and databases as may be prescribed” does not necessarily imply a breach of the Data Protection Act. So you will have databases but you would still have to observe the requirements of that parallel legislation through the sensitive personal data and the like. So it is a good point but I do not think that this really offends the Data Protection Act.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Yes. Thank you for that, Mr. Vieira. And in answer to Sen. Mark, whilst I know that Sen. Vieira has withdrawn the question that he had raised on (f), there is an element of (f) which I think is relevant to the discussion that we

are about to have on (g) which may have prompted your concern, Sen. Mark. And it is that when we were discussing (f) we talked about an electronic database to provide for the electronic tracking of, and I wanted to point out when we came to (g) that there is a difference between (f) and (g) because (g) does not say “an electronic register to provide for the electronic tracking of”. So that concern does not exist in relation to (g), and I think that your concern could be handled simply by amending it to say, “establish and maintain an electronic register of the names and addresses”—simply that—“of medical practitioners, patients and caregivers in accordance with this Act”, because we know from the rest of this Act a monitoring process has to take place. A caregiver may be removed or remove himself. The register should have names and addresses so that the Authority can keep in touch with people.

**Sen. Mark:** [*Inaudible*]

**Mr. Chairman:** Thank you, Attorney General. The question is that clause 5—

**Sen. Teemal:** Chairman, I have some proposed amendments that are tabled for clause 5.

**Mr. Chairman:** I do apologize. Sen. Teemal, please proceed.

**Sen. Teemal:** Yes. I am proposing in subclause (1)—well, what I have there proposed in Roman i. and Roman ii. would be dependent on the acceptance of Roman iii., and Roman iii. I am proposing to insert a new subparagraph, after subparagraph (m) which would be subparagraph (n). And the wording is:

“Identify and protect the vulnerable, discourage use of cannabis for the vulnerable and ensure that prevention and rehabilitation treatment policies and measures for cannabis use disorders are identified and implemented.”

The thinking behind this, Chair, based on my contribution is that to bring balance to the functions of the Authority, to ensure that also the—not only the benefits side

of cannabis is looked at but the adverse effects side of cannabis is looked at. And by including this subclause it would ensure under legislation that adequate resources, in particular funding, is made available for this, what I consider to be a critical aspect coming out of this thing.

**Mr. Chairman:** Attorney General, are you clear on his—*[Inaudible]*

**Sen. Armour SC:** Yes, I am. And in principle I do not have any objection to that proposed amendment. I think it should be lettered (m) and what is currently (m) should become (n) because the last subclause perform such other functions assigned is the catch-all that incorporates all of what precedes it. So that instead of it being lettered (n) it should become (m) as in “mother”, and the present (m) should become (n) as in “none”. But subject to that I accept in principle.

**Sen. Teemal:** Chairman, I am in agreement with the slight adjustment that the Attorney General is proposing in terms of the numbering.

**Mr. Chairman:** And your suggestion, Attorney General, about in subparagraph (3)(b).

**Sen. Teemal:** Yeah. And if I may in subparagraph (3)(b), I am proposing inserting the words, “including its public effects” after the words, “in respect of cannabis”. I feel that the research aspect falling under the functions of the Authority seems to be a bit skewed more to development and research of the cannabis industry and I am suggesting we specifically include “research, public health and social effects research” in that clause. So that is why I am suggesting “including its public health and social effects” after the words “in respect of cannabis”.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** The only question—If I may, Chair—

**Mr. Chairman:** Sure.

**Sen. Armour SC:**—through you, the only question that I had, and it is really for

precision, (b) speaks of facilitating scientific research, so the question is, are you intending that scientific research should include its public health and social effects? Because it may be more appropriately that we leave (b) as is and we add a (c) to deal with “in performance of its functions the Authority shall be empowered to conduct research in respect of the public health and social effects of cannabis”, because I am not sure that researching public health and social effects is a scientific exercise. That is the only concern I have, so just to be clear.

**Sen. Teemal:** Attorney General, based on what you are saying I think it enhances what I am proposing here.

**Sen. Armour SC:** Yes.

**Sen. Teemal:** So I have no objections to what you are proposing.

**Sen. Thompson-Ahye:** Are we finished with (n)?

**Mr. Chairman:** One moment, please.

**Sen. Armour SC:** So, Chair, my thinking is we find a formulation for a new (c), “in the performance of its functions the Authority shall conduct research into the public health and social effects of cannabis”—“public health and social effects of cannabis”, and then what is now lettered as (c) becomes (d) as the catch-all.

**Mr. Chairman:** “public and social effects of cannabis”.

**Sen. Armour SC:** Yes, “research into”.

**Mr. Chairman:** Okay.

**Sen. Richards:** Chairman, could I?

**Mr. Chairman:** Sen. Richards.

**Sen. Richards:** Yes. While I agree with Sen. Teemal’s suggestion for (n)—just going back to (n), I could not catch your attention before, I apologize. Does leaving “identify and protect the vulnerable, discourage the use of cannabis for the vulnerable and ensure the prevention and rehabilitation treatment policies and

measures for cannabis use disorders are identified and implemented” an absolute mandate? Because to me the way it is worded it means if they miss one vulnerable person they would not fulfil their mandate.

**Sen. Armour SC:** I am not following the concern that you have.

**Sen. Richards:**—[*Inaudible*]—to protect the vulnerable. It seems like an absolute mandate the way it is worded as opposed to identifying mechanisms to protect. And I know I am being very prescriptive but it sounds like an absolute mandate. You cannot fail.

**Mr. Chairman:** Are you speaking of the proposed amendment?

**Sen. Richards:** Yeah.

**Mr. Chairman:**—or you are speaking about what exists in the Bill?

**Sen. Richards:** Sen. Teemal’s amendment—

**Mr. Chairman:** Okay. So you are saying what we were hoping to classify as (m) should read—

**Sen. Richards:** I am just asking for clarification of AG on the way it is written.

**Sen. Teemal:** If I may, Chair—

**Mr. Chairman:** Sure, Senator.

**Sen. Teemal:** I think the context of “vulnerable” was being proposed in a group context. It is a group capture and not necessarily individual by individual. So what I felt is that if we just—we use the term “vulnerable” it essentially, you know, it is a group capture per se and it does not necessarily hold the Authority responsible for every single individual.

**Sen. Richards:** Okay. Thank you. Thank you for the clarification.

**Mr. Chairman:** Okay. So—

**Sen. Thompson-Ahye:** I also want clarification on this same one.

**Mr. Chairman:** Pardon me.

**Sen. Thompson-Ahye:** If I may, (n):

Identify and protect the vulnerable, discourage the use of cannabis for the vulnerable and ensure that prevention and rehabilitation treatment policies and measures for cannabis use disorders are identified and implemented.

And I wanted to know, because the measures for cannabis use disorders, you are providing measures for the disorders but then where is the identification of the cannabis use disorder come in? Because when you look at cannabis use disorders it is something that you first have to identify before you have the measure for it, you know, to—so how do you phrase it to first identify, because when you are talking about the measures you mean you are treating with something but first you have to identify it. And I was looking to see if it is captured in the first identify. I am not sure it is. You understand, Sen. Teemal?

**Sen. Teemal:** [*Inaudible*]

**Sen. Armour SC:** May I?

**Mr. Chairman:** Please.

**Sen. Armour SC:** I mean, it is Sen. Teemal's amendments and I do not want to speak for him but I understood measures for cannabis use disorders to be a specific that is articulated there in anticipation of the fact that the Authority has other functions. So if one were to look at (3)(b) it has the function to facilitate scientific research in respect of cannabis, that research could produce evidence of the potential for disorders in a particular exposure and therefore what I understood that term to mean is that where those disorders might manifest themselves, the Authority is given the responsibility to take measures to protect the discerned disorders that may manifest themselves over time. That is how I understood it.

**Sen. Teemal:** Yes. Thank you very much, Attorney General. You have explained it much better than I would have.

**Sen. Dr. Dillon-Remy:** I have a question on that same, Chair.

**Mr. Chairman:** Repeat—are you—

**Sen. Dr. Dillon-Remy:** No, I said I have a question on that same amendment dealing with—

**Mr. Chairman:** Sen. Dillon-Remy, just order protocols. Sen. Vieira had his hand up a little while ago on the same matter.

**Sen. Dr. Dillon-Remy:** Okay.

**Sen. Vieira:** I will defer to Sen. Remy since she is on this point and then I would come. Thank you.

**Mr. Chairman:** Okay. Very well.

**8.50 p.m.**

**Sen. Dr. Dillon-Remy:** So this is the board, the responsibility of the board: Identifying and protect—okay, let us go back to the original. It starts, 5 says:

“The functions of the Authority are to—”

Then you go down to (3):

“In the performance of its functions, the Authority shall—”

And now we go into:

The Authority shall—

“Identify and protect the vulnerable, discourage use of cannabis for the vulnerable and ensure that prevention and rehabilitation...”

I am just wondering about the role here of the Authority. I am wondering if you are not going into now like social or health aspects, rather than what the Authority was set up to do. I can see it yes—I can see it. I do not know how the Authority is necessarily going to perform this function, put it this way. I am not sure that that is what the Authority was set up to do.

So I can see generally talking about having a responsibility to be concerned

about rehabilitation and treatment policies, but I cannot see the Authority being responsible for this. So I just have a question there, Sen. Teemal and Attorney General.

**Sen. Armour SC:** Well, if I can just say two things please, Mr. Chairman, through you. I was going to propose in relation to Sen. Teemal's proposed amendment (n), that we should say, "identify mechanisms to protect the vulnerable". That is one thing that I was going to suggest, and the second thing that I say in answer to you Senator, (n) is identified as part of 5(1), not 5(3). I think you were reading it as part of 5(3), but it is proposed as part of 5(1), and you would recall I had said it should come before the catch-all (m). So it should be re-lettered (n) and then 1(m) would follow, "perform such other functions assigned to it".

I got the impression you thought, in the contribution that you have just made, that Sen. Teemal's proposed amendment (n) was going to be part of 5(3), but it is in fact part of 5(1).

**Sen. Dr. Dillon-Remy:** Yes I did.

**Sen. Armour SC:** I do not know if that helps to address the concern that you had?

**Sen. Dr. Dillon-Remy:** I think so, yes it does.

**Sen. Vieira:** I join with Sen. Teemal in pushing always for the Authority to be mindful of its social responsibilities and what this is about, and I also wanted to add, as I had said in my contribution, particularly when it comes to things like cultivation, we should require licensees to develop and maintain good environmental practices, in keeping with our Sustainable Development Goals. Just to put that back out.

**Sen. Armour SC:** Through you, Chair, I understand Sen. Vieira's contribution to be a comment, to elucidate the conversation we are having, as opposed to a proposed amendment.

**Mr. Chairman:** Correct. Without further ado.

The question is that clause 5 be amended as circulated by the Attorney General, further, as amended—and further amended to replace clause (m) as clause (n), where clause (m) would read:

identify mechanisms to protect the vulnerable, discourage use of cannabis for the vulnerable, and ensure that prevention and rehabilitation treatment policies and measures for cannabis use disorder are identified and implemented.

Further amended, subclause (2) shall read:

The Authority shall have such powers as are necessary or expedient for the performance of its functions for the purpose under this Act—for the purposes under this Act.

**Sen. Armour SC:** For the performance of its functions under this Act.

**Mr. Chairman:** And subclause (3) to read:

Internationally comparable— after—industry

With an insertion of clause (c) to read:

The Authority shall conduct the public and social effects of research into cannabis.

And then as further amended, clause (c) would now be clause (d).

**Sen. Armour SC:** Two questions Chair, if I may. With respect to the last proposed amendment, that is to say clause 5(3) the new (c), I think that should read:

In the performance of its functions, the Authority shall conduct research into the public health and social effects.

**Mr. Chairman:** I stand corrected:

To be further—

You said two things.

**Sen. Armour SC:** And then secondly, a question. We had earlier, when we were having the conversation with Sen. Mark, looked at (g) and (h), and I thought that we had agreed we would amend (g), that is to say, 5(1)(g), to “establish and maintain an electronic register of” names—I would like to say:

names, addresses and contact details of medical practitioners, patients and caregivers in accordance with this Act.

So that would be after “register of”:

names and addresses and contact details of medical practitioners—et cetera.

**Mr. Chairman:** It is best that I approach it back from the top?

**Sen. Armour SC:** Please.

**Mr. Chairman:** The question is that clause 5 be amended as circulated by the Attorney General. Further amended—and as further amended as suggested by Sen. Evans Welch, by not deleting 5(2), which should read:

The Authority shall have powers as are necessary—

**Sen. Armour SC:** Such powers as are necessary or expedient.

**Mr. Chairman:** The Authority shall have such powers as are necessary or expedient.

I need to go in order here. The question is that clause 5 be amended as circulated by the Attorney General, and further amended, subparagraph (g) to read:

Establish and maintain an electronic register of names and addresses and contact details of medical practitioners, patients and caregivers in accordance with the Act.

To take Sen. Teemal’s amendment and to make it paragraph (m):

To identify mechanisms to protect the vulnerable, discourage use of cannabis for the vulnerable, and ensure that prevention and

rehabilitation treatment policies and measures for cannabis use disorders are identified and implemented.

The current clause (m) to be labelled (n). Subclause (2) shall read:

The Authority shall have such powers as are necessary or expedient for the performance of its functions under this Act.

Subclause (3) part (a):

To formulate salary, to formulate standards and prescribe codes of practice to be observed by licensees or other persons involved in the cannabis industry—

And to insert:

—which are internationally comparable.

To insert a clause (c) that shall read:

The Authority shall conduct research into the public and social effects of cannabis

And for clause (c) to now be labelled clause (d).

*Question, on amendment, [Sen. R. Armour SC] put and agreed to.*

*Question, on amendment, [Sen. D. Teemal] put and agree to.*

**Sen. Seepersad:** Did you read clause (d) in 5(1)(d)?

**Mr. Chairman:** No, it was not—it was given way by—

**Sen. Seepersad:** The Attorney General added, “and advise the Minister accordingly”.

**Mr. Chairman:** That was as circulated.

**Sen. Seepersad:** Oh, my apologies.

**Mr. Chairman:** Yes, that was taken into consideration. Thank you, though.

**Sen. Thompson-Ahye:** At the end of (a).

**Mr. Chairman:** 5(d) as circulated was—

**Sen. Thompson-Ahye:** 3(a) we are dealing with here. Formulate—

**Mr. Chairman:** Okay, that was when we changed the suggested “globally comparable” to “internationally comparable”.

**Sen. Thompson-Ahye:** All right, and you hyphenated that?

**Mr. Chairman:** No.

**Sen. Thompson-Ahye:** Why not?

**Mr. Chairman:** It is a compound word now. Yes, it is hyphenated.

**Sen. Thompson-Ahye:** Yes, and what do you have at the end? That (a), how does (a) end? After “industry” you said something? I heard something, “which are in”—does it end with industry? Does 3(a) end with the word “industry”?

**Mr. Chairman:** Senator, the question was placed already and the consequential amendments would be taken care of after with the drafting in the language use—in the use of language. We have already passed about six or seven amendments to just this one point, and we have reached “the ayes have it”, and we need to move forward.

*Question put and agreed to.*

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

*Clause 6.*

**Mr. Chairman:** Attorney General you had—

A. In the *chapeau*, delete the words “nine persons” and substitute the words “eleven persons”.

B. Delete paragraphs (d) to (i) and substitute the following:

“(d) medicine, other than psychiatry;

(e) psychiatry;

(f) scientific research;

(g) agriculture;

- (h) law enforcement;
- (i) education;
- (j) drug rehabilitation; or
- (k) public health

**Sen. Armour SC:** Thank you very much, Mr. Chair. I wish to propose an amendment to clause 6, subclause (2):

The Board shall comprise—in the first line:

The Board shall comprise 11 persons, instead of nine persons. So the word “nine” would be struck and in its place “eleven”, and it will continue to read as it exists. Then when we go to (a) through to (i) what exists currently, (a), (b) and (c) remain, and when we get to (d), I propose (d) should read instead:

Medicine, other than psychiatry.

We then add a new (e) that says “psychiatry”, and then we continue:

- (f) scientific research
- (g) agriculture
- (h) law enforcement
- (i) education
- (j) drug rehabilitation; or
- (k) public health

That would give us nine categories from which the nine—not nine categories, but 11 categories from which the 11 board members will be chosen. I proposed those amendments, taking into consideration some of the contributions that were made, in particular, to add the profession of psychiatry in addition to medicine, and to add a public health component for the board.

**Mr. Chairman:** Sen. Lutchmedial, you had two amendments?

**Sen. Lutchmedial:** Yes.

**Sen. Thompson-Ahye:** Can I have my apostrophe?

**Mr. Chairman:** Sen. Mark.

**Sen. Mark:** Attorney General, through the Chair. In an effort—and I want to thank the Attorney General or to indicate withdrawal of my amendment on the psychiatry part, which he has now incorporated into the changes to 6 subsection (2) in terms of the disciplines.

Mr. Chairman, I am proposing an amendment to 6 subsection (2), to include after the word “President” the following words—and, Mr. Chairman, after the word “President” we would like to insert the following words—I think we are talking about 11 persons, we can always address numbers based on what the hon. Attorney General has submitted. We would like to deal with the principle at this time. Four, or we can say five, on the advice of the Leader of the Opposition, and five on the advice of the Prime Minister, and one in the President’s own discretion who shall be the Chairman.

Now, Mr. Chairman, we want to deal with some institutional strengthening. We to address checks and balances. We want to ensure the strengthening of the democratic fabric and, of course, we want to focus on greater transparency, accountability and equity. Hence the reason we have put forward these amendments for consideration, rather than—

**Mr. Chairman:** Thank you, Sen. Mark. Attorney General, your response to that.

**Sen. Armour SC:** I do not accept that proposed amendment, Mr. Chairman.

**Sen. Mark:** What is the reason?

**Sen. Armour SC:** May I explain?

**Mr. Chairman:** You may, yes.

**Sen. Armour SC:** Section 80 of the Constitution already prescribes the manner in which the President will perform functions. Section 80 of the Constitution says:

“In the exercise of his...”—of course read “her”—“functions under this Constitution or any other law, the President shall act in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet, except in cases where other provision is made by this Constitution or such other law, and, without prejudice to the generality of this exception, in cases where by this Constitution or such other law...he is required to act—

- (a) in his discretion;
- (b) after consultation with any person or authority other than the Cabinet;  
or
- (c) in accordance with the advice of any person or authority other than the Cabinet.”

The prescribed drafting that is used in clause 6, therefore employs the formula of section 80 of Constitution, and says that the President shall act. It does not go on to say in his discretion or her discretion, which would capture subsections (a) or (b) or (c). So the intention is that consistent with section 80 subsection (1) of the Constitution, the President will act in accordance with the advice of Cabinet, and we think that that is adequate for the circumstances.

**Mr. Chairman:** Thank you, Attorney General. Sen. Richards, you had a suggestion, a proposed amendment for 6, however, taking into consideration what was circulated by the Attorney General for 6, do you—

**Sen. Richards:** I wish to withdraw since the Attorney General’s new proposal improves and fulfils the intention of mine, so I withdraw.

*Amendment, [Sen. P. Richards] withdrawn.*

**Mr. Chairman:** Thank you, Sen. Richards. Sen. Teemal, would you follow with—based upon the new classification given as circulated by the Attorney General?

**Sen. Teemal:** Yes Chairman, I think in the context of what you—

*Amendment, [Sen. D. Teemal] withdrawn*

**Mr. Chairman:** Thank you. Sen. Welch, you also had a suggestion for 6?

**Sen. Welch:** Yes, Mr. Chair. But my suggestion for 6 is with respect to subsection (3), the insertion of the words, “subject to the provisions of the Dangerous Drugs (Amdt.) Act”, after the word “become”:

“No person appointed to the Board shall be or become...”

And this is where I suggested the insertion, “subject to the provisions of the Dangerous Drugs (Amdt.) Act”. The reason for that, to put it very concisely, I am just concerned really about the principle of equality before the law. The law should apply with similar consequences and implications for all persons, and I am thinking that if we have had the Dangerous Drugs (Amdt.) Act which legalizes generally the use by all citizens in certain limited amounts, and in certain specified circumstances, it should equally apply to persons, even though they may sit as members of the board of this Authority.

I am thinking that any concerns about conflict of interest would be taken care of by the fact that the proposed amendment still does not allow for a board member to have a pecuniary interest in any entity regulated by the Authority. That would certainly be a conflict of interest. So it does not allow them to have any interest in any such, and also many aspects of handling, they will still be prohibited from engaging in when one looks at the definition of “handling”. But when it comes to what applies to all citizens equally under the Dangerous Drugs (Amdt.) Act, they would be entitled, as every other citizen to engage—

**Mr. Chairman:** Thank you for the input. Attorney General.

**Sen. Armour SC:** Thank you, Sen. Welch and Mr. Chairman. I accept the point in principle, but I would suggest that the language be introduced differently. So how I

would suggest is that clause 6 subclause (3) should say, beginning with a capital “S” for the word “Subject”:

Subject to the provisions of the Dangerous Drugs (Amdt.) Act, no person appointed to the Board shall—and it continues as is.

So that proviso commences the section and qualifies everything else that follows. What I understand Sen. Welch to be saying, and I think that this serves the purpose, is conceivably a person appointed to the board under the Dangerous Drugs Act could be growing four ganja plants in his backyard, and should not be disqualified from being engaged in or handling of cannabis by that. So by introducing, “Subject to the provisions of the Dangerous Drugs Act”, it allows him to have his four ganja plants in his backyard, and yet to be a member of this board, Authority, because that is already decriminalized. Do I understand you correctly, Senator Welch?

**Sen. Welch:** Yes, indeed.

**Sen. Armour SC:** So I would simply use the language that Sen. Welch has proposed at 6(3), but starts 6(3) with those words. So it would say:

Subject to the provisions of the Dangerous Drugs Act, no person appointed to the Board shall be or become engaged or employed in the handling of cannabis, or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

**Sen. Welch:** Yes, I am satisfied by the shifting of the words by the hon. Attorney General, from where I had suggested they be inserted, to be as he now proposes.

**Mr. Chairman:** Both yourself Sen. Welch, and Sen. Mark made suggestions—Sen. Lutchmedial made suggestions on 6(6)—

**Sen. Lutchmedial:** That was clarified.

**Sen. Thompson-Ahye:** Mr. Chairman, if I may, if you indulge me please, but can I

have my apostrophe 6(2) after “years”, a matter of grammar, “five years’ experience”?

**Sen. Armour SC:** Sen. Thompson-Ahye is correct, and that would have been picked up in the proofreading, but we are grateful.

**Sen. Thompson-Ahye:** I have heard the proofreading argument before, but there are lots of pieces of legislation that it has not been picked up.

**Mr. Chairman:** Thanks for the contribution.

**Sen. Lutchmedial:** Could I just raise a question? With respect to the proposal by Sen. Welch, and as changed by the Attorney General with “Subject to the Dangerous Drugs Act”. I know you cannot reference an amendment, because it is all part of one Act, but are there not other licences that you can issue under the Dangerous Drugs Act as it stands, and if a person—you are saying “Subject to the Dangerous Drugs Act”—if they are issued a licence under that Act, would they now be allowed to sit on the board, because you are saying that subject to the provisions of the Act?

The intention that Sen. Welch is trying to raise, which is a good one, is that if you have your 30 grammes, or whatever you are allowed, or you have your four plants, you should not be prevented from sitting on the board. But the wording suggested means that people who also have other types of licences under the Dangerous Drugs Act would also now be allowed to sit on the board, and I do not know that that is the intention we want here.

Now, I did not particularly think that the words “handling” here—and from committee when we discussed it, what I recall is that, “no person appointed to becoming engaged or employed in the handling of cannabis”. I think what it really meant was becoming in a commercial way. So I think that that was the intention, and I do not think that when we discussed it, that we had a difficulty with the

wording. But I understand what Sen. Welch is saying, handling could also mean using it in accordance with the amendment.

**Sen. Armour SC:** That is right.

**Sen. Lutchmedial:** But I just do not think that the wording suggested—I think there may be other people who could be licensed under the Dangerous Drugs Act, who would then be allowed to serve on the board, and that might be a problem.

**Mr. Chairman:** Sen. Welch, just allow the Attorney General to respond to that first.

**Sen. Welch:** Sorry.

**Sen. Armour SC:** The section, and I am addressing the concern of Sen. Lutchmedial, which is a valid concern, because what we are seeking to do here is to allow for Sen. Welch's introductory amendment, but to be precise, and the section of the Dangerous Drugs Act which is relevant is section 5(2)(f). So it says it is not a criminal offence:

- “(f) a person who has in his possession not more than—
  - (i) thirty grammes of cannabis; or
  - (ii) five grammes of Cannabis resin; and
- (g) a person who cultivates or has in his possession not more than four growing plants of the genus Cannabis.”

So those are the specific sections. So we can say:

Subject to the provisions of section 5(2)(f) and (g) of the Dangerous Drugs Act, no person shall—

And I think that would address, encapsulate the concern of Sen. Welch and address the concerns of Sen. Lutchmedial.

**Sen. Welch:** I fully agree with the Attorney General's suggestion, that takes care of it.

**Mr. Chairman:** Thank you, Sen. Welch. You also had a suggestion—

**Sen. Welch:** With respect to 6(6), where it says, “The President shall determine the remuneration of members”. I think that that portfolio being given to the President is somewhat inappropriate, because that is not an area which the President has all the facilities or knowledge to properly come to a conclusion as to what is the appropriate remuneration. So I have suggested:

The Salaries Review Commission shall determine the remuneration of members—

And it is consistent with 6(7), which immediately follows, because 6(7) says:

“The remuneration of Members shall be reviewed by the Salaries Review Commission.”

**Mr. Chairman:** Sen. Welch, I thank you and we understand where you are coming from, because it has a heavy overlap with what Sen. Lutchmedial has proposed as well.

**9.20 p.m.**

**Sen. Lutchmedial:** Thank you, Chair. Chair, again, the Attorney General recited section 80 of the Constitution. What this subclause (6) is essentially saying is that the Cabinet will determine the remuneration, and the Attorney General has rejected our proposal that the board be appointed on the advice of different persons, and independently. So essentially, what this subclause (6) would be saying is that the Cabinet will appoint the board and that the Cabinet will set the remuneration. So what we are asking for, in a more fair and transparent provision, is that you consolidate subclauses (6) and (7) and say that the SRC shall determine the remuneration for the members which shall be subject to periodic review, which is how every other appointed, or many other appointed public servants and public officers function, including everyone in here. [*Laughter*] And I think that is a much

more fair, transparent process and procedure for persons. There is no reason why a fully appointed Cabinet board should have their remuneration set also by the Cabinet and have the President, you know, essentially just having to act on the advice of the Cabinet.

**Mr. Chairman:** Thank you, Senator. Attorney General, in response to 6(6) and 6(7)?

**Sen. Armour SC:** Yes, thank you, Mr. Chairman. Two responses, Mr. Chairman, one is that the officers appointed to the authority are not strictly public officers. They are appointed as members of a state authority, and therefore I do not know that their salary should be determined by the Salaries Review Commission. But the second more significant point, and I am sorry if I appear to bemoan, what I think is an undue cynicism. And the second more substantive point is that Members of a majority party are elected by the population to form a government, the Government consists of the Cabinet. The bottom line to that is that the Government has the constitutional authority by the electoral vote and the Constitution to govern through the Cabinet, and there is nothing cynical about the appointment by someone, by a Member of the Cabinet, and I think that it is consistent with good governance procedures that we allow that to apply in this case.

**Mr. Chairman:** Thank you, Attorney General. Sen. Mark.

**Sen. Mark:** Kindly before you put your question. Attorney General, just thinking, do you know of any discipline that governs some expertise in this particular plant-like substance that we are focusing on? In other words, we are talking about cannabis, and I am asking the question, through you, Attorney General, is there something called cannabis science?

**Sen. Armour SC:** Is there something called plant-based science?

**Sen. Mark:** No, no, no.

**Sen. Armour SC:** I am not following you. I am not hearing you clearly.

**Sen. Mark:** Cannabis, cannabis.

**Sen. Armour SC:** Cannabis.

**Sen. Lutchmedial:** Science.

**Sen. Mark:** Science.

**Sen. Lutchmedial:** Cannabis science.

**Sen. Armour SC:** Is there something called cannabis science?

**Sen. Mark:** Yes, because I am saying that we have disciplines here, and not a single person in the disciplines we have outlined has that kind of experience. So I am just asking you whether, for instance, there is something called cannabis science, a discipline, and if there is such a discipline then would you not want to consider having somebody—having some discipline here in the makeup to ensure the composition of your board is balanced in a group? I am just asking.

**Sen. Armour SC:** And may I say, Chair, I was happy to answer but I believe Sen. Vieira has a contribution that, I am guided by you, Chair.

**Sen. Vieira:** Thank you. Just piggy backing on Sen. Mark's point. Now I was not going to go with cannabis science, but I was going to suggest that maybe someone with analytical chemistry or bio-chemistry given the analytical functions of the authority and the science of cannabis.

**Sen. Armour SC:** Well I answer both Sen. Vieira and Sen. Mark to say that the two subcategories of scientific research and agriculture represent the broader genus of expertise, qualifications and experience, and within that broader genus there would exist the subset of somebody who has either specialized or had experience with cannabis. So I think that the concern that you have Sen. Mark is satisfied by the broader genus that exists, scientific research and agriculture.

**Sen. Dr. Dillon-Remy:** Chair, in the comments on the members of the board and

remuneration, I just wondered, this board is a board like other boards, right, where you have different categories and they get a stipend from the—depending on the category of board that they fall under? Is it the same kind of board? So, the stipends are already set, so I am not sure why the Salaries Review Commission? Is that the Salaries Review Commission that reviews those stipends?

**Mr. Chairman:** Senator—

**Sen. Dr. Dillon-Remy:** So therefore this is recommending that the board gets a remuneration outside of that context of the—

**Mr. Chairman:** AG, Attorney General.

**Sen. Armour SC:** Well I am not sure if I understand the concern of the hon. Senator. Already, the provision is made, and I did not address this when I was answering Sen. Lutchmedial and perhaps I should have, because I understood her concern to be that there ought to be a role for the Salaries Review Commission. And if we look at section (6), subsection (7), already the provision is made in the existing Bill that the remuneration of the member shall be reviewed by the Salaries Review Commission, and that may address your question Senator in that to the extent that a question could exist whether the salary range determined by the President is or is not consistent with the range that is applicable under the Salaries Review Commission regime, that subsection gives an oversight to the Salaries Review Commission to ensure that they are in parity with other persons who fall within the remit of the Salaries Review Commission.

**Mr. Chairman:** Thank you Attorney General. Sen. Lutchmedial.

**Sen. Lutchmedial:** The question raised by Sen. Dillon-Remy about the determination of remuneration, asking about whether or not this board will get normal board fees, the answer is obviously to me based this construction is, no. Because if you are getting board fees like every other state board then there is no

role for the SRC. So the fact that a role for the SRC is created by subsection (7) means that this would not be normal board fees but board fees to be determined by the Cabinet. And all this thing about a range and so on to be determined by the President, that has nothing to do with this, because the Cabinet will essentially determine the remuneration and it has nothing to do with normal board fees, and then that remuneration could be reviewed from time to time by the SRC. But at the end of the day regardless of what the SRC says, the actual remuneration still lies with the Cabinet.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** I do not accept that in principle, Mr. Chairman. There is an intention behind the provision that allows oversight by the Salaries Review Commission, and I would expect if the Salaries Review Commission looked at the salaries and had a question to ask of the President on the advice of the Cabinet, the President and/or the Members of Cabinet would listen to the concerns and would adjust themselves relevantly in the circumstances of a legitimate concern. I just do not, I am sorry I am still wet behind the ears and not as cynical as some of us are Sen. Lutchmedial.

**Mr. Chairman:** Thank you, thank you Attorney General, just to be clear on moving forward on clause 6, the question is, first and foremost I am going to deal with the recommendations by Sen. Mark.

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

**Mr. Chairman:** Sen. Welch based upon the acceptance by the Attorney General for the changes of your recommendation in 6(3), do you withdraw your suggested amendment?

**Sen. Welch:** That has to do with the suggested amendment with respect to, just to be precise, 6(6) that is?

**Mr. Chairman:** 6(3) will replace “subject to”, do you withdraw?

**Sen. Welch:** Yes, I am—

**Mr. Chairman:** Very well, thank you.

**Sen. Welch:**—based on what the Attorney General had said.

**Mr. Chairman:** Very well. So the question is that clause 6 be amended as circulated by the Attorney General and further amended, subclause (3) to read:

“Subject to the provisions of section 5(2)(f) and (g) of the Dangerous Drug Act, no person appointed to the Board shall be or become engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.”

*Question put.*

**Sen. Mark:** [*Inaudible*] I have put an amendment and you have not put it the vote, and I have not withdrawn my amendment. You asked Sen. Welch if he had—

**Mr. Chairman:** No, I asked for, as circulated by Sen. Lutchmedial. This is both—correct?

**Sen. Mark:** Yeah, yeah, yeah, I know, but what I am saying is you did not, you put it to a vote?

**Mr. Chairman:** I just did. That is what I started off with, Sir.

**Hon. Senator:** He did.

*Question agreed to.*

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

*Clause 7.*

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

**Mr. Chairman:** Sen. Welch you had a suggested amendment?

**Sen. Welch:** Yes, indeed I had a suggested amendment with respect to clause 7

subclause (3), and it is somewhat related to the earlier amendment with respect to clause 6.

**Mr. Chairman:** So, do you withdraw?

**Sen. Welch:** And I would adjust it to include what took place with clause 6 subclause (3). My suggestion is that these words “save and except where such engagement is permitted by the Dangerous Drugs (Amdt) Act”—first of all that these words should begin the clause 3, “Save and except where”—

**Mr. Chairman:** Understood Sen. Welch, so you would like it to read how it preceded the other subsection, capital—you would like it to read:

“Subject to the provisions of section 5(2)(f) and (g) of the Dangerous Drugs Act.”

**Sen. Welch:** Yes.

**Mr. Chairman:**—“a Member other than”—you wanted that to be inserted before?

**Sen. Welch:** That is why I had perhaps suggested the word perhaps it would be for the legal draftsman to really refine it, save and except where such engagement is permitted under clause 5(2), sorry section 5(2)(f) and (g) of the Dangerous Drugs (Amdt) Act, and then the clause should begin as it is.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** I am advised, Mr. Chairman, by my legal draftsperson that the spirit of the amendment which was proposed and accepted to 6(3) can be captured in the drafting exercise for 7(3), and that can be addressed in the drafting.

**Mr. Chairman:** Thank you Attorney General.

*Question put and agreed to.*

*Clause 7 ordered to stand part of the Bill.*

*Clause 8.*

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

**Mr. Chairman:** Sen Welch clause 8 you had a suggestion?

**Sen. Welch:** Yes. Mr. Chair, instead of “the President may at any time revoke the appointment of a member, if the member (a) to (g)”—and it states the condition. I am suggesting that that should read, “shall at any time revoke the appointment of a member.” Rather than “may”, rather than a discretion—[*Inaudible*]

**Mr. Chairman:** So you would like it to read:

“The President shall at any time revoke the appointment of a member if the member...”

—and (a) to (g) stands?

**Sen. Welch:** Yes.

**Mr. Chairman:** Okay.

**Sen. Welch:** And I can elaborate if there is [*Inaudible*] on it.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** I hope I can give the assurance to Sen. Welch that in the circumstances of the very significant power of revocation that is prescribed by section 8 subsections (a) through (g), one need not introduce the word “shall” in place of the word “may”, given that the President is presumed to act constantly with the law, and I do not think that you need to circumscribe the power conferred by the word “may” by the word “shall”, because by circumscribing it you reduce the timeframe, the level of discretion, the President may want to make enquiries, may want to ascertain circumstances, and to introduce the word “shall” I think cast a more onerous obligation than is necessary without denuding the power of revocation that is conferred by the word “may”. And I think Sen. Welch will understand—will understand when I give the assurance that in statutory interpretation we have moved beyond “may” meaning “shall” and “shall” meaning “may”. It all has to be taken in context.

**Mr. Chairman:** Sen. Welch do you accept?

**Sen. Welch:** I see. Perhaps before considering acceptance I could just express one concern. While I understand what the hon. Attorney General has said, when one looks at (a) to (g), (a) to (g) is regarded as established fact. That these things are established as a fact. If declared bankrupt, becomes of unsound mind, et cetera, misbehaves in office. And in fact, in some instances, so for instance 8(e), “becomes engaged or employed in the handling of cannabis.” If that person does not resign on his own, which is a statutory obligation, if he becomes engaged in the handling of cannabis, if he does not resign as dictated by the statutory provisions then he is committing an offence for failure to resign. And I am concerned that in theory what you can have is a situation where someone who has failed to resign and is therefore committing an offence may remain on the board forever if it remains just a matter of discretion of the President.

**Sen. Thompson-Ahye:** We do not have that, the President here.

**Sen. Welch:** I know that the President would act wisely on all occasions, but I am looking at what in theory can happen.

**Sen. Armour SC:** Mr. Chair, through you, may I just have one further attempt to persuade Sen. Welch, and I am glad that he used the example of 8(g), “misbehaves in office.” That is a well-known phrase that is used for instance in section 137 of the Constitution, where a judge can be removed if he is found to have misbehaved in office. And the procedure under 137 of the Constitution is that the President appoints a tribunal which investigates the fact. Misbehaviour in office is a factual circumstance that has to be investigated, and one may find at the end of the investigation a borderline case that does not warrant removal.

I have had that personal experience. I have been tribunal counsel to two tribunals appointed to investigate a Chief Justice of Trinidad and Tobago and a

judge of the Eastern Supreme Court, and there were borderline circumstances in which at the end of the day the tribunal in one case decided, no. So you have to allow, and that is why I think the word “may” is important. You have to allow a measure of discretion and time for the President to allow the factual investigation to take place as opposed to saying “shall immediately”. I think you have to allow a certain degree of latitude and respect for the office holder and permit the office holder to perform her functions according to—

**Mr. Chairman:** His or her. Sen. Welch do you accept?

**Sen. Welch:** I accept that Attorney General.

**Mr. Chairman:** Sen. Welch do you retract your—withdraw your suggestion?

**Sen. Welch:** Yes, in the circumstances of the explanation forwarded.

**Mr. Chairman:** Thank you. Sen. Vieira you wanted to add something?

**Sen. Vieira:** Well, I was just going to support the AG for—

**Mr. Chairman:** Very good.

**Sen. Vieira:**—all he has espoused and to say that, you know, in drafting “shall” is no longer considered an appropriate word, but it is a moot point.

**Mr. Chairman:** Thank you Senator.

*Question put and agreed to.*

*Clause 8 ordered to stand part of the Bill.*

*Clause 9.*

*Question proposed:* That clause 9 stand part of the Bill.

**Sen. Vieira:** Question, we are publishing it in the *Gazette*, but in a lot of other legislation you also published it in at least two other daily newspapers. Would that not be better for public circulation to include?

**Mr. Chairman:** Does this relate to clause 9?

**Sen. Vieira:** Yes.

**Sen. Armour SC:** I accept that, Mr. Chair. So I would accept an amendment if that was what was being proposed by Sen. Vieira. “Shall cause to be published in the Gazette and at least once daily in two newspapers in general circulation.” At least once in two daily newspapers in general circulation.

**Mr. Chairman:** Just for clarification, you, after *Gazette*?

**Sen. Armour SC:** Yes, after Gazette.

**Mr. Chairman:** And at least one daily in two daily newspapers?

**Sen. Armour SC:** Yes. “At least once in two daily newspapers”. “Shall be published in the Gazette and at least once, in two daily newspapers, the names of the chairman.”

**Mr. Chairman:** Thank you Attorney General.

*Question put and agreed to.*

*Clause 9, as amended, stand part of the Bill.*

*Clause 10.*

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

**Mr. Chairman:** Sen. Lutchmedial you had a suggestion for clause 10?

**Sen. Lutchmedial:** I will defer to it to Sen. Mark.

**Mr. Chairman:** Sen. Mark.

**Sen. Mark:** Yes. I understand the Attorney General earlier to have said or attempted, I should say, to justify this expression that has been introduced. I have been in the Parliament for several years, and I cannot recall seeing in any piece of legislation the inclusion of this word “gross”. AG, I do not know if you can reference me to any legislation that you are familiar with where this particular word has been used as opposed to negligence, and this is a new insertion, and that is what has me a bit worried. Why are we introducing this at this time when the practice has always been, in all our previous legislation, when it comes to this issue

of whether somebody is going to be charged or could be accused of negligence or not carrying out their duty or task in bad faith, the language is clear in our laws.

**Mr. Chairman:** Thank you. Before the Attorney General responds, Sen. Mark can I just ask, is this in the same context as you had asked the Attorney General to give way during his presentation last week about the word—

**Sen. Mark:** Yes.

**Mr. Chairman:** Okay, great. Attorney General.

**Sen. Mark:** And I—

**Mr. Chairman:** Yes, I understand the context because we remember the debate last week. Can you go ahead to respond?

**Sen. Mark:** AG, this is a bit disturbing and worrying, and I do not like us to introduce these things. It worries me, you know, because it seems to me, Mr. Chairman, that you know individual can commit acts of indiscretion and the threshold that is being established here Attorney General is so high.

**Mr. Chairman:** Sen. Mark based upon the Attorney General giving way last week we do understand the context of the suggestion, so I am going to ask the Attorney General to respond.

**Sen. Armour SC:** Sen. Mark, I thought by now I would have persuaded you from both what I said in my piloting the Bill and what I said today. Using the simplest example, negligence, and when I piloted the Bill I think I used the example to you to say, if you were driving your car and you have a young child in the back seat, and you hear a cry out, you turn around to deal with a cry of despair, distress, and you run into the car in front of you, that is negligence. The point there being, that a member of the authority for simple acts of negligence that do not amount to reckless disregard for the life or limb of the persons that they are administering to should not be subject to law suits, et cetera. They should be allowed a measure of

discretion in the discharge of their functions. Gross negligence on the other hand speaks to reckless disregard, calculated intent to damage somebody.

And what this section does is to say, allow the members of the authority to perform in the normal course. They may make mistakes that could be classes negligent, but they are immune. But if they abuse their power to injury deliberately or with reckless disregard for the fact that they could injure someone, then they are not immune from lawsuits, et cetera. So the language is, they are not immune if they are shown to be an act or an omission as a result of gross negligence or done in bad faith. I am satisfied from the common law, you say you are aware of legislation, I have not seen the legislation that you have seen, but I am satisfied from the common law, and I have cited the case today, *Armitage v Nurse* 1988 Chancery, page 241, that in a situation in which a board of trustees was being held to have acted with fraud, the Court of Appeal absolved them and used the example of negligence as opposed to gross negligence to say, that Act was not an Act of culpable disregard, recklessly intending to defraud the persons' whose moneys were being held in trust. And therefore they are absolved, they are immune from the law suit. So I am satisfied, from my knowledge of the law, that this is a proportionate use of language to give a measure of protection to the members of the board.

**Mr. Chairman:** Thank you Attorney General, are you satisfied Sen. Mark?

**Sen. Mark:** Mr. Chairman, is not that if I am satisfied—

**Mr. Chairman:** Do you accept or are you willing to withdraw the suggestion?

**Sen. Mark:** We will come back at it again. I will withdraw this time but we will come back at it again.

**Mr. Chairman:** He said he will withdraw.

*Question put and agreed to.*

*Clause 10, as amended, ordered to stand part of the Bill.*

**9.50 p.m.**

*Clauses 11 to 13.*

*Question proposed:* That clauses 11 to 13 stand part to the Bill.

**Sen. Mark:** You are not entertaining a clarification, Sir.

**Mr. Chairman:** Pardon me, Senator.

**Sen. Mark:** I am asking you as Chairman that these proceedings—

**Mr. Chairman:** Sorry, I did not hear you address, I just heard you mutter something. I was not aware.

**Sen. Mark:** Well you, Sir, I cannot speak without my mask and I do not like to shout, because I can shout. So if you would allow me—

**Mr. Chairman:** Sen. Mark you may go ahead and ask your clarification on clauses 11 to 13.

**Sen. Mark:** I am just asking through you, Sir—

**Mr. Chairman:** Sure, go right ahead.

**Sen. Mark:**—to the Attorney General. Attorney General can you advise whether in clause 13 this Authority or board can appoint any number of committees or would you suggest that there ought to be some limit or some limitation, because right now it seems as if it is a kind of free for all. So I am just trying to get guidance from your good self as to whether, one, you believe that there should be, this board should just appoint committees or whether you believe in terms of your own experience these committees ought to be limited and ought to be identified whether in the regulations or in the primary legislation so that we can have an idea that—because you see the danger of it, through the Chair, is that if these committees, and we do not know, are being remunerated or they are given some stipend, you can have a mushrooming of these so-called committees. So I am just

trying to be guided by you as to whether I am wrong on this matter or whether you think that there is need for us in the primary legislation to identify the committees or whether these committees will be identified in the regulations. So I am just seeking guidance on this matter.

**Sen. Armour SC:** May I, Chair.

**Mr. Chairman:** Certainly, Attorney General.

**Sen. Armour SC:** Sen. Mark I would answer your concerns with three points. One is that, we cannot sit in here today predict the circumstances that may or may not unfold which might necessitate the board deciding to appoint a committee to better investigate a particular event which is alleged to have occurred. We cannot predict that. So that I think it would be unwise of us to try to limit the number of committees and the occurrences which will arise when the board will exercise its authority. That is point one.

Point two is, we have to accept that we are vesting authority in responsible persons. We are not vesting authority in persons who are going to act willy-nilly and without regard to the Authority. So we have to trust in the fact that persons who will be appointed who will act responsibly.

The third point that I make is, you are quite right. In the drafting of the regulations when persons sit down with the board members and experts in the field to draft the regulations, the Authority under clause 67 may very well prescribe then as it gets into its operationalization of this primary legislation specific circumstances which may warrant one or two committees. But we cannot predict that now. So I would trust to the Authority to exercise its office responsibly.

**Sen. Mark:** Do you anticipate, Chair, that the members of these committees will be remunerated or would they be given voluntary services?

**Sen. Armour SC:** I do not know.

**Sen. Mark:** You do not know.

**Sen. Armour SC:** I do not know.

**Sen. Mark:** Mr. Chairman, thank you.

**Mr. Chairman:** Are you happy with the clarification. Have you vented?

**Sen. Mark:** I am very happy, Sir.

**Mr. Chairman:** Very good.

*Question put and agreed to.*

*Clauses 11 to 13 ordered to stand part of the Bill.*

*Clause 14.*

*Question proposed:* That clause 14 stand part to the Bill.

**Mr. Chairman:** Sen. Welch you had—and Sen. Vieira both had suggested amendments. Sen. Welch.

**Sen. Welch:** Yes. My amendment is in keeping with amendments I had recommended earlier with respect to the principles of equality. So I think it can be fairly dealt with easily if the hon. Attorney General, consistent with what I submitted previously, also agrees. It would just be a question of where the language is placed and I suggest—

**Mr. Chairman:** Yes. Understood Sen. Welch. Attorney General.

**Sen. Armour SC:** I accept that consistent with the amendment already provided for in 6(3) and then 7. That would be dealt with as a drafting exercise.

**Mr. Chairman:** Are you satisfied Sen. Welch?

**Sen. Welch:** Yes, thank you Attorney General.

**Mr. Chairman:** Sen. Vieira.

**Sen. Vieira:** Thank you, Chair. Before I go into my amendment, through you, Chair, may I ask who is expected to lay the compliant? And who is expected to write to the DPP for the written consent?

**Sen. Armour SC:** I am not sure if I got the question. Can I ask the Senator to repeat?

**Sen. Vieira:** Okay, so clause 14 says that:

“Every member shall”—file—“submit...a declaration...”

And then if you fail to comply with the declaration you commit an offence and you are liable on summary conviction. And then it says:

“3. No prosecution of an offence under this section may be instituted without the written consent of the”—DPP.

So my question is who would one anticipate is expected to lay the complaint and who would be writing the DPP for the consent?

You see I share Sen. Roberts concern about these whole disclosures of interest and conflicts of interest. And I did not deal with it under clause 7 but they are tied together. Now, this is a burgeoning industry that is expected to yield millions if not billions of dollars. And so we have to be very careful because a lot of Members in the debate have spoken about the need to guard against insider trading. And insider trading goes to the heart of one of my major concerns regarding the proposed authority, that special interests can position themselves to advantage and without sanction and without appropriate repercussion.

Remember these provisions stand on their own. The Authority stands outside of the Companies Act so the statutory duties and obligations on directors do not obtain. And I want to suggest that these provisions look good on paper but they are in effect illusory.

Now, AG I recognize that you did not draft this. But you leaving it to members to declare, right, and then you have very weak and ineffective enforcement provisions. So let us assume that no declaration has been made, let us assume even that someone has—willing to lay a complaint:

“No prosecution of an offence under this section may be instituted without the written consent...”

Now this is a summary offence so you are talking six months, right. If you do not bring the complaint within that six months it is dead. Who is bringing this complaint? Who is going to be able to get the very busy Director of Public Prosecution who has gone on record to say that he has not got enough staff and resources to deal with serious crimes, he is going to be dealing with a disclosure of interest point under the cannabis authority? It is not going to happen.

And so I really do have a concern about both 7 and 14 with regard to conflicts of interest and the enforcement aspects of it. And that is the background of my amendment. My amendment, I do not stand firm on it, but I do believe the thrust of my amendment is that disclosures of pecuniary interest should be ongoing, a member should disclose immediately as it arises. That disclosure should be recorded in the minutes of a meeting of the board and if he has not, well delete the thing with the DPP altogether because I think that that is just an in-built failure mechanism. Because we already have enough provisions. Remember the DPP can take control, take over conduct at any prosecution if he felt that he was convinced that this was unfair or unjust he can enter a nolle prosequi, we do not need the written consent of the DPP. But if it is that an offence is committed then I think it should be for the member to show to the satisfaction of the court that he did not know as I set out in my amendments.

**Mr. Chairman:** Sen. Vieira based upon your proposed amendments, I mean you have given us the context, you clearly given us the context. Can you go through it so we can—as written and circulated here, so we can understand it based on your context.

**Sen. Vieira:** Yes. So, thank you, thank you, Chair. So I am saying that insert after

subclause (1) the following subclause:

“(2) A member who has an actual or contingent pecuniary interest shall as soon as possible after the relevant facts come to his knowledge, disclose in writing to the Board and to the Minister the nature of that interest.”

And secondly, that the:

“(3) ...disclosure”—such the—“disclosure shall be recorded in the Minutes of a meeting of the Board...”

And just as you have in the Companies Act, once you disclose your conflict of interest you do not take part in any deliberation and decision of the vote. I am not asking for resignation. I just want to make sure that that conflict of interest does not poison or corrupt the process. And in the event that that member is not there because he is excused, that that does not render the meeting in courant. So that is the background to (2) and (3).

Obviously this subclause would have to be renumbered if you accept my suggestion. I suggest we delete the DPP’s written consent and substitute at this clause.

“(4) A member to whom section 12 applies who fails to comply with the provisions of this section commits an offence unless he can prove to the satisfaction of the Court that he did not know-

b) he had an interest in the matter under consideration at the meeting.”

And I think also at (5), I think that there should be an ongoing obligation on the part of the board to always be taking:

“...reasonable steps to identify, and keep under review, any potential conflicts of interest.”

We are talking about big business, we are talking about serious potential for conflict of interest and insider trading and I think these clauses are very weak, we need to really fortify them.

**Mr. Chairman:** Sen. Lutchmedial you had something to add?

**Ms. Lutchmedial:** Chair, just for clarification, a couple of things. This was raised in the Committee and it was a vibrant discussion about it. And what is being suggested about someone recusing themselves does not solve the problem, it is a problem that existed before. Because once you fall under 14(1) (a):

“...engaged or employed in the handling of cannabis...”

To me it is not just a matter of recusing yourself from a particular decision. You should be disqualified under, sorry, what is the clause, the one that talks about that you cannot be so employed or engaged in the handling of cannabis. Sorry, that is 6(3).

So I believe that these, 6(3) would trigger if you declare your interest here. There was an explanation, I really cannot recall right now by the then Attorney General as to what should take place and how it should be dealt with and all of that. So that one thing, but I do believe and I would ask the Attorney General now to consider it. If you were to make a declaration, whether it is yearly or instantly which was my preference as well, that as soon as you become aware you must declare it, to me then you become disqualified from being on the board under 6(3). So then what is the point of asking you to recuse yourself from a particular decision. If you become engaged or employed in the handling of cannabis of course subject to the amendment that we have accepted as proposed by Sen. Welch, then to me 6(3) will apply and you should not be there all together. So that is the first thing.

The second thing about prosecution of an offence and about who will initiate

it, with other state entities when an offence under their Act is detected the responsibility falls to the CEO to write to the police and the DPP. Now this thing about consent to the DPP, to me also, I do not know that it is necessary. To me if an offence is detected and you write to the relevant, whether the CIB or whoever it is to institute the provisions, I do not know that the consent of the DPP is necessary because the police have the power to lay a charge under any law if there is a breach and they investigate it. But the responsibility to identify and report the potential offence to me from my experience would lie with the CEO. So I think that part there, but we should do some cleaning up on 14 and I think (3) is unnecessary.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you, Mr. Chair. I think the contributions of Sen. Vieira and Sen. Lutchmedial have merit and what we are about really is a drafting exercise. I think the points that are made are that, one, in the contemplation of clause 14 the circumstances are pretty much the same as the circumstances of clause 3, that is to say the member has a pecuniary interest or contingent interest, et cetera. And upon becoming aware of that I would accept in principle that it is not just a question of recusal, it is that he has become aware of it and he must resign in the same way as clause 6(3) provides.

I am attracted to subclause (5) which Sen. Vieira has proposed that:

“The Board shall take all reasonable steps to identify, and keep under review...potential conflicts of interest.”

On the question of who will bite the bullet, to use the colloquial expression, to ensure that the member plays no further part and that there is a report either to the police or to the Minister if the precedent show that the chief executive officer is the person to do that then I think that is something that we can contemplate.

So in a nutshell what I am saying is that this is a drafting exercise which I

think we need to put our heads together on. I do not know, unless Senators Vieira and Lutchmedial wanted to do a huddle while we continue with other sections of the clause and come back to you, Chair, with something that would meet the concerns that have been expressed, I do not know that I can give the undertaking that we can resolve that today. And I do not necessarily want to prolong the sitting of this Chamber unduly.

So with your permission I throw the question back to Sen. Vieira who raised the concern. Is there the potential to come up with a drafting resolution to address the concerns so that we can, again to use the colloquial expression, “put this to bed” this evening?

**Sen. Vieira:** Yeah. I am quite happy to huddle, but I think to I would want to tie it back to clause 7, because I think both are—

**Sen. Armour SC:** It has to tie back.

**Sen. Vieira:** And the other thing is from a pragmatic point of view, I do not see any board member, any CEO, looking to bring criminal prosecution against a board member. I mean unless you actually have to, I do not see that happening. And so again my concern is that we are putting something that looks good but it is never really going to take place.

**Sen. Armour SC:** I accept that. So we do not need to introduce the section dealing with the DPP. I accept that. But somebody must take responsibility to recognize the fact that it has occurred, make a report and then consequences can flow from that depending on the seriousness of the event.

So Sen. Vieira while we are speaking can I ask you to put the proverbial pen to paper and come up with something that we can return to, perhaps, of course, with the permission of the, Chair.

**Mr. Chairman:** With the permission of all we would be deferring consideration

for clause 14, yes? And before we go forward I have been advised that I must formally address Sen. Welch's amendment based upon the amount of words and his intent. It cannot be treated as just a typographical assertion. So I must pose the question. [*Clerk confers with Chairman*]

*Assent indicated.*

*Clause 14 deferred.*

*Clause 15.*

**Sen. Armour SC:** Chair, not on 15 but something that I noticed while we were cross-referencing in the conversation we just had.

**Mr. Chairman:** Yes.

**Sen. Armour SC:** Would you permit me to go back to clause 12?

**Mr. Chairman:** Please.

**Sen. Armour SC:** It strikes me, now that we have increased the numbers of the board from nine to 11, that the quorum would have to change. And therefore I would like to propose to Members, seven members shall constitute a quorum in place of five in clause 12.

**Mr. Chairman:** Very well. [*Clerk confers with Chairman*] So we need to go backwards—

**Sen. Armour SC:** Yes, please.

**Mr. Chairman:**—and we have to accept clauses 11, 12 and 13 separately. Okay. Very well.

*Clause 11 again ordered to stand part of the Bill.*

*Clause 12 recommitted.*

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

**Mr. Chairman:** The question is that clause 12 be amended as follows:

“12(1) At any meeting of the Board seven Members constitute a quorum.”

*Question put and agreed to.*

*Clause 12, as amended, again ordered to stand of the Bill.*

*Clause 13 again ordered to stand part of the Bill.*

*Clause 15.*

*Question proposed:* That clause 15 stand part of the Bill.

**Sen. Welch:** Mr. Chair—

**Mr. Chairman:** Yes, Sen. Welch.

**Sen. Welch:** Mr. Chair, I have a proposed amendment. It is consistent with the same principle I identified earlier which the hon. Attorney General had agreed with and therefore I would consider it to be a question of drafting on the undertaking of the Attorney General as well.

**Mr. Chairman:** And this applies to clause?

**Mr. Welch:** 15(2).

**Mr. Chairman:** Okay. Attorney General.

**Sen. Armour SC:** Yes, I accept the point and I think that in the conversion that I was just having with the Chief Parliamentary Counsel to be clear before we depart this evening. We want to come back and articulate the language for those amendments.

**Mr. Chairman:** Yes. Thank you Senator. So that is 14 and 15 deferred.

**Sen. Armour SC:** Yes.

Mr. Chairman: So we are deferring 14 and 15 until we clarify it.

*Assent indicated.*

*Clauses 14 and 15 deferred.*

*Clause 16.*

*Question proposed:* That clause 16 stand part of the Bill.

**Mr. Chairman:** Sen. Lutchmedial you had a—

**Ms. Lutchmedial:** I will defer on subclause (1) and (4) to Sen. Mark and I will take (5).

**Mr. Chairman:** Can I ask if—do we need to go over 16(4) Sen. Mark?

**Sen. Mark:** No, I do not need to.

**Mr. Chairman:** We do not need to go over 16(4), right?

**Sen. Mark:** No.

**Mr. Chairman:** Okay, so that is withdrawn?

**Sen. Mark:** Yeah, yeah.

**Mr. Chairman:** Okay. So you can deal with clause 16(1).

**Sen. Mark:** Yeah. Mr. Chairman, through you to the Attorney General. Mr. Chairman, I would like to propose to the Attorney General that we should try to again have some arm's length relationship with the Executive. The Executive is getting too much involved in industrial relations matters, IR matters, human resource matters. I do not think the Executive should be involved in determining terms and conditions of employment of employees. So what I am proposing is that consistent with, you know, good established practice and industrial relations in the context of a statutory authority, I would like to propose that we delete "Authority" and replace it with the "Chief Personnel Officer".

**Mr. Chairman:** Attorney General.

**Sen. Mark:** So you let the Chief Personnel Officer—

**Mr. Chairman:**—to replace the Authority.

**Sen. Mark:**—to get involved in this matter.

**Sen. Armour SC:** I do not accept that amendment, Mr. Chairman. I think the Authority is and must be given the competence to employ its employees and experts.

**Sen. Mark:** These employees Attorney General, through the Chair, are these

employees going to be on contract?

**Mr. Chairman:** Sen. Mark—

**Sen. Mark:** Or are they, or are they going to have security—

**Mr. Chairman:** Sen. Mark we would put the question forward—

**Sen. Mark:** No, before you put it I am just trying to get clarification from the distinguished Attorney General. I would like to know, through the Attorney General, whether the Authority in employing personnel, would these personnel that are being employed by the Authority, which is the board, appointed by the President, whether these persons would be on contract or would they have security of tenure. You see what I am trying to avoid, Mr. Chairman, is us in this Parliament institutionalizing and legalizing contract labour.

**Mr. Chairman:** Understood.

**Sen. Mark:** That is what I am trying to avoid.

**Mr. Chairman:** Understood Sen. Mark.

**Sen. Armour SC:** Yeah, I understand your question, Mr. Chair, may I?

**Mr. Chairman:** Please do.

**Sen. Armour SC:** I understand your question Sen. Mark and I think the language of clause 16 is clear throughout. Clause 16(1) says:

“...on such terms and conditions as are agreed upon between the Authority and the person.”

Clause 16(2) says:

“...may engage an expert, adviser or consultant on contract to assist...”

So the language is very clear. So the answer to your question is the Authority will engage persons on terms and conditions as will be agreed between itself and the person on contract.

**Sen. Mark:** Yeah.

**Sen. Armour SC:** That is the clear intent of this clause.

**Mr. Chairman:** Thank you Attorney General. Sen. Lutchmedial, 16(5).

**Ms. Lutchmedial:** Chair first, well the amendment that I have here is the giving a person a month to declare the interest. I think that is too long and so I would like to suggest one week although it ought to be instant, sometimes, and this came up in the Committee as well. A contingent interest is something you may not immediately become aware of so you give a person some time to investigate and so on. But I think a month is too long. So we are suggesting one week, I am suggesting a week. But I think coming out of our discussion with regards to 14, we may also need to consider whether or no subclause (5) (b):

“(b) each anniversary of his appointment or engagement.”

Whether that declaration should be made immediately or within a week of knowledge to be consistent and not just wait. Because if it is two months after I become employed, I become aware of some sort of interest, do I wait until the anniversary of my employment the following year or something like to make that declaration? It should be instant, because as an employee I could, you know, influence documents that go to the board for consideration and so on.

So I think we need to do some cleaning up here as well consistent with what we are proposing for 14.

**Sen. Armour SC:** Mr. Chairman.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Yes, through you, we have already agreed in clause 7(3):

A Member shall within seven days of becoming—et cetera—make a declaration.

So I think that the one week proposed by Sen. Lutchmedial for the amendment to clause 16(5) is consistent with that which we have already agreed and I accept.

**Ms. Lutchmedial:** 5(b) the anniversary, making the declaration on the anniversary, would the Attorney General consider perhaps when we work out the wording for 14 coming back to this?

**Sen. Armour SC:** Yes.

**Ms. Lutchmedial:** Okay.

**Sen. Armour SC:** Thank you.

**Mr. Chairman:** “16(5) (b) each anniversary of his appointment...”—

**Ms. Lutchmedial:** Yeah. So we will come back to that when we work out 14 on whatever, we will make it consistent for the board and employees I think.

**Mr. Chairman:** So in the fullness of that clause 16 that would be, we would come back to that as well.

**Sen. Armour SC:** Yes.

**Mr. Chairman:** When we are encapsulating it as well, okay.

**Sen. Armour SC:** Thank you.

**10.20 p.m.**

**Mr. Chairman:** We need to also clarify the proposal for 16(1) by Sen Mark. Have you withdrawn that, Sen. Mark?

**Sen. Mark:** Withdraw where? No, Sir.

**Mr. Chairman:** Okay. So the question is—you see, I cannot amend it as it is part of a whole clause that we are coming back to. Okay?

**Sen. Mark:** Well, you could just put mine. Just put my own.

**Mr. Chairman:** Okay. The question is that clause 16(1) be amended as circulated by Sen. Mark.

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

*Clause 17 ordered to stand part of the Bill.*

*Clause 18.*

*Question proposed:* That clause 18 stand part of the Bill.

**Mr. Chairman:** Sen. Lutchmedial, you had a suggestion.

**Sen. Lutchmedial:** I will defer to Sen. Mark.

**Mr. Chairman:** Sen. Mark, you had a suggestion?

**Sen. Mark:** Yeah. Again, through you to the hon. Attorney General. Mr. Chairman, through you, Attorney General, why is the Minister seeking to get information again as a Minister? That should be the responsibility of a CEO and if he wants to get that information, we do not have to put that in legislation. The Minister could write to the CEO and request that information. Why are we putting this in legislation? I do not see the need for this particular section, hon. Attorney General. The Minister is getting involved in too much centralization, micromanaging.

And this point you made earlier, Attorney General, about “you win elections” and that you have power to govern and—yes, that is true but you cannot be governing in this kinda manner and I am suggesting for your consideration that there is no need for a Minister of Government to be asking these minute matters and putting that in legislation. You could request that from your CEO. So I am just asking the Attorney General let us be serious in terms of what we are doing and I am suggesting that we delete that entire section and the gentleman—

**Mr. Chairman:** Sen. Mark. Sen. Mark.

**Sen. Mark:**—if he wants the information, we just make it available to the gentleman through the CEO.

**Mr. Chairman:** Let us allow the Attorney General to respond. Attorney General.

**Sen. Armour SC:** Thank you, Mr. Chairman. Sen. Mark, first of all, subclause (3) begins with the words “notwithstanding subsection (1)” and we will remember that subsection (1) deals with the confidentiality of the information in the first instance.

So what subclause (3) is designed to do as a matter of policy is to give to the Minister and we remember that this is, as I described in my winding up today and in my piloting, this is a novel piece of legislation that is being introduced on an incremental basis and we have to work with it as we go along and I think this has nothing to do with winning a majority. I think in the novelty of this legislation where the Government is going to be concerned to keep abreast of what is taking place in terms of organizational structure, et cetera, the matters delineated (a) to (e), I think that this is a policy consideration that finds proper place in the legislation.

**Mr. Chairman:** Thank you, Attorney General.

**Sen. Mark:** [*Inaudible*] —the Attorney General that he should probably have a sunset clause given the novelty of this whole development because you see, if we are doing it as you have just said, then we should have a sunset clause so we could come back and review two years from now, three years from now, four years. Next thing you know this becomes a permanent part of the landscape. So I just wanted to find out from you—

**Mr. Chairman:** Sen. Mark.

**Sen. Mark:**—if this is a temporary thing or a permanent thing.

**Mr. Chairman:** Sen. Mark based, on the explanation given by the Attorney General, I am putting the question. The question is that clause 18 be amended as circulated by Sen Mark.

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

*Question put and agreed to.*

*Clause 18 ordered to stand to part of the Bill.*

**Mr. Chairman:** Hon. Senators, the session is now suspended for 10 minutes.

**10.26 p.m.:** *Committee suspended.*

**10.37 p.m.:** *Committee resumed.*

*Clauses 19 and 20 ordered to stand part of the Bill.*

*Clause 21.*

*Question proposed:* That clause 21 stand part of the Bill.

**Mr. Chairman:** Sen. Richards, you had an amendment suggested?

**Sen. Richards:** Yes.

**Mr. Chairman:** Sorry, out of protocol, I must go to the Attorney General first.

Clause 21(1)(e) Insert the words “, drug rehabilitation” after the words “public awareness”.

**Sen. Armour SC:** Yes, may it please you, Chair, I have an amendment to propose, clause 21(1)(e) after the words “drug rehabilitation”. Sorry, 21.

**Mr. Chairman:** 21(1)(e)

**Sen. Armour SC:** After the words “public awareness”. Sorry, I beg your pardon.

**Mr. Chairman:** Yes.

**Sen. Armour SC:** So it reads:

“The monies in the Fund may only be applied in defraying the following expenditure:

(e) research, training, education, public awareness...”

After “public awareness”, I would like to add the words “drug rehabilitation and other related matters”.

**Mr. Chairman:** Noted. Sen. Richards.

**Sen. Richards:** Thank you, Chair. Given the Attorney General’s proposed amendment, I withdraw mine and defer to the Attorney General’s.

*Amendment, [Sen. P. Richards], by leave, withdrawn.*

**Mr. Chairman:** Thank you. Sen. Lutchmedial, you had a suggestion, a proposed amendment for 21(1)? Sen. Mark, you want to take that?

**Sen. Mark:** [*Inaudible*] —Sir. Attorney General, we would like the—

**Mr. Chairman:** Sen. Mark, what you are asking to be inserted here as an insert (f)—

**Sen. Mark:** Yes.

**Mr. Chairman:**—has already been taken into consideration—

**Sen. Mark:** Okay.

**Mr. Chairman:**—by both the Attorney General and also Sen. Richards by inserting after “awareness” in (e) “drug rehabilitation”. Okay?

**Sen. Mark:** Okay.

**Mr. Chairman:** All right, so that has been taken into consideration. Do you withdraw?

**Sen. Mark:** Yes.

**Mr. Chairman:** Okay, great.

*Question, on amendment, [Sen. W. Mark] withdrawn.*

**Sen. Mark:** May I ask the Attorney General whether—yeah, Chairman, I have withdrawn but I just want to ask the Attorney General through you—

**Mr. Chairman:** Sure.

**Sen. Mark:**—whether he would want to consider including additional areas of focus and responsibility, for example, what I was thinking about, Attorney General, is like awarding in these communities that are going to be affected, right, asking this body to defray some of its expenses in the areas like granting of scholarships, apprenticeship programmes and such opportunities so that we can try to help those persons who have become victims of this drug that is going to affect them ultimately. So, I was just wondering if you would not consider other initiatives to help those persons who might fall victim of this drug, the impact of this drug.

**Mr. Chairman:** Sen. Mark, how would you like it to read?

**Sen. Mark:** Well, I wanted to suggest to the Attorney General the provision of scholarship opportunities, right, inclusive of apprenticeship programmes for those adversely impacted by substance used individually and in families and/or in communities. So that is what I was thinking, Attorney General.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you, Sen. Mark. There is a principle in law of construction, it is known as *ejusdem generis*, that is to say what is specified explains what also is included and when you look at 21(1)(e):

“The monies in the Fund may be applied in defraying the following expenditure:

(e) research, training, education, public awareness and other related matters;”

So that it will be within the contemplation of this legislation and the board to defray expenses such as you have mentioned without having to propose a further amendment.

**Mr. Chairman:** Thank you, Attorney General. The question is that clause 21 be amended as circulated.

*Question, on amendment [Sen. R. Armour SC] put and agreed to.*

*Question put and agreed to.*

*Clause 21, as amended, ordered to stand part of the Bill.*

*Clauses 22 and 23 ordered to stand part of the Bill.*

*Clause 24.*

*Question proposed:* That clause 24 stand part of the Bill.

**Mr. Chairman:** I have a proposed amendment here by Sen. Lutchmedial. Sen. Mark, would you like to—

**Sen. Mark:** Yes, Chairman.

**Mr. Chairman:** Now, before you do, your amendment, the proposed amendment, it is a very lengthy one and it deals with 24 and 25 at the same time. Okay? Hold a second. So although your table shows 24 and 25, we are going to be dealing with 24 only for now.

**Sen. Mark:** Only for 24.

**Mr. Chairman:** Okay.

**Sen. Mark:** All right. Attorney General, I would like to suggest that consistent with the Constitution and the entrenched provision therein as it relates to the Auditor General and no amendment can take place to that function although it is a two-thirds majority. I would like us to be consistent with the Constitution and in this regard, not outsource the functions of public moneys as it relates to accountability and the auditing of the accounts to any outside auditing firm, unless that is what is authorized by the Auditor General. And in this regard, I went to the HDC Act and I observed how it is done, right, consistent with the law and it is against that background I have asked that we delete clause 24 and we replace it with what I have suggested which would make it very clear that it is the Auditor General that has the responsibility for carrying out these functions in consistence with the Constitution of the nation.

So hon. Attorney General, I would like you to consider this proposal and as I said, the Constitution is very clear as it relates to which agency is responsible for auditing the public accounts of Trinidad and Tobago. Attorney General, would you believe—

**Sen. Armour SC:** Thank you, Sen. Mark. The concerns that you have are without foundation, Sen. Mark, because when you look at clause 24 of the Bill, the accounts that are kept by the Authority are made expressly subject to the

Exchequer and Audit Act, you will see that in clause 25(3) which reads:

“For the purposes of an audit conducted pursuant to this Act, the Exchequer and Audit Act shall apply as if an audit referred to in this Part”—which includes clause 24—“is one to which that Act applies.”

And then section 116 of the Constitution is cited next at subclause (4) which is the vesting authority in the Constitution to the Auditor General. So that there are no concerns that can exist here that this Act is out with the Exchequer and Audit Act or the Constitution and I therefore do not accept your recommendation to delete 24.

**Mr. Chairman:** Thank you, Attorney General. The question is that clause 24 be amended as circulated by Sen. Lutchmedial and brought up by Sen. Mark.

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

*Question put and agreed to.*

*Clause 24 ordered to stand part of the Bill.*

*Clause 25.*

*Question proposed:* That clause 25 stand part of the Bill.

**Mr. Chairman:** Attorney General, you have a suggested amendment for 25?

**Sen. Armour SC:** If you could just give me one minute, please.

**Mr. Chairman:** Sure.

Clause 25(2) Delete the words “, which in the opinion of the Auditor General or the auditor is of sufficient importance to justify so doing”.

**Sen. Armour SC:** Yes, Sir. I propose at clause 25(2) which at the moment, clause 25(2) begins “on completion of an audit of the Authority” and I propose that when we reach to the words towards the end, over the page, page 20 “which in the opinion of the Auditor General or the auditor is of sufficient importance to justify so doing” that those words be deleted. So that the sentence would stop after the

word “audit” at the top of page 20 in the first line.

**Mr. Chairman:** Very well. Understood. Sen. Mark, you also have a suggestion for clause 25.

**Sen. Mark:** Yes, Mr. Chairman. Attorney General, can you explain in 25 which I am seeking to delete and replace, in your clause 25, can you explain why the Auditor General in accordance with what is written here, is being juxtaposed as it relates to performing a management audit? It could be done by the Auditor General, it could be by some auditor engaged by the board or by the Minister. Why are we having the Minister getting involved in this matter or some auditor employed by the board when the Auditor General under the Constitution is the body responsible for conducting audits? And that is why I am suggesting, Attorney General, that we really delete that completely. That is a function of the Auditor General, not the Minister and not an auditor employed by any authority.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Sen. Mark, three points. The recommendation by you to delete clause 25 in its entirety is an overreach. Second point is that it defeats the very purpose for which you were arguing earlier when you wanted to amend and delete 24. And the third point is when you read clause 25 in its entirety, what clause 25 does, which is exactly what you want, is to preserve a function for the Auditor General under section 116 of the Constitution and the Exchequer and Audit Act, and therefore I do not accept that it should be deleted. Your 25 weakens the intent of clause 25 as it exists. Thank you.

**Sen. Mark:** AG, why are we employing a private auditor by the board when you have an already established constitutional officeholder in the persona of the Auditor General? Why are we doing that?

**Mr. Chairman:** Sen. Mark, would you like to withdraw your amendment?

**Sen. Mark:** No, no, no, I am not withdrawing, Sir.

**Mr. Chairman:** The question is that clause 25 be amended as circulated by Sen. Mark.

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

**Mr. Chairman:** The question is that clause 25 be amended as circulated by the Attorney General.

*Question, on amendment [Sen. R. Armour SC] put and agreed to.*

*Question put and agreed to.*

*Clause 25, as amended, ordered to stand part of the Bill.*

*Clauses 26 to 28 ordered to stand part of the Bill.*

*Clause 29.*

*Question proposed:* That clause 29 stand part of the Bill.

**Mr. Chairman:** Attorney General, you had—

Clause 29(1)(e) Insert the word “pharmacy or” before the word “dispensary”.

**Sen. Armour SC:** Thank you very much, Chair. I have one short amendment at clause 29(1)(e). I propose that after the word “dispensary”—that the word “pharmacy” be introduced before the word “dispensary”. So it would read:

A Retail Distributor Licence, which shall be issued to allow for the operation of a pharmacy or dispensary for the dispensing of medicinal cannabis to patients.

Clause 29(3)(b) Delete the words “storage and”.

**Sen. Armour SC:** I also have a further amendment at 29(3)(b) and that is simply to delete the words “storage and”.

**Mr. Chairman:** Thank you, Attorney General. Sen. Richards, you had—

**10.55 p.m.**

**Mr. Chairman:** Sen. Richards, you had—

**Sen. Richards:** Thank you Chair, through you to the hon. Attorney General. During the committee, the joint select committee's discussion, there were some commentary about if you are going to allow licences for, as in 29(1)(a): growing, harvesting, drying, trimming, curing or packaging cannabis, some sort of provision had to be made for storage, and that would be taken care of in terms of the parameters within which it would be stored, how it was to be stored, how much was permitted to be stored, and the manner in which it was stored would be dealt with by the secondary legislation, the regulation. So I would like some clarification as to why it is being removed from 3(b) and not as my proposal suggests inserted in the other areas.

**Sen. Armour SC:** Mr. Chairman, may I?

**Mr. Chairman:** You may.

**Sen. Armour SC:** Thank you, Sen. Richards. We had relied on the implication that if you are handling and distributing it you have to store it. But to make it abundantly clear, I have no objection to the suggested amendments that you proposed to 29, as laid out in your proposed amendments.

**Sen. Richards:** Thank you. As I said, I guess it the regulations would circumscribe how it is to be stored, how much can be stored.

**Sen. Armour SC:** The regulations will deal with that in greater particularity.

**Sen. Richards:** Thank you very much.

**Mr. Chairman:** Sen. Richards, there is (b) through (g) that you have suggested? Does your argument for storage carry through?

**Sen. Richards:** Yes. Yes, it does.

**Mr. Chairman:** It does?

**Sen. Richards:** Yes.

**Mr. Chairman:** Okay. Very well. Sen. Lutchmedial, you also had a suggestion

for—

**Sen. Lutchmedial:** Chair, yes, but I think I need to amend my amendment. I was suggesting replacing the words with the wholesalers. But what I think would make more sense is to add retailers, persons who hold the retail distributors licence under subsection (e). So it should be instead: "or the selling of cannabis" and delete "at wholesale" and just include "or the selling of cannabis to the holder of a licence under (b), (c), (d), (e) or (g), because if the cultivator—now and the reason behind this is because, as I said, to allow the cultivators to not have to apply for multiple licences, you can allow them to sell and bypass the wholesaler and go directly to someone who goes to the retailer, as opposed to if they wish to sell retail, they have to go for a retail licence or not sell to a retailer and have to go through a wholesaler. So if they can sell to someone who has the R&D licence, the laboratory, the processor or a wholesaler, or sell in a wholesale way, they could also be able to sell to the retailers directly. So why we cannot include (e) there?

**Mr. Chairman:** Attorney General?

**Sen. Armour SC:** Chair, I would prefer to stay with the language as circulated by the Attorney General's Chambers at 29(1)(a). Thank you. Because I think it sufficiently and adequately deals with the wholesale concept, and as I have already explained earlier, you then get the retailer distributor licence at 29(1)(e).

**Sen. Mark:** Through you, Chair that is going to promote monopoly and create an oligarchy.

**Sen. Armour SC:** No, I do accept that, Sen. Mark.

**Sen. Mark:** Just on point of clarification, Mr. Chairman, through you. I would like to ask the Attorney General, as it relates to religious licences, can the Attorney General indicate whether these licences are legal under our international obligations? Can you clarify for us, because I have been getting all kinds of—

**Mr. Chairman:** Exactly which part of 29 are you referring to?

**Sen. Mark:** No. I am dealing, if you go to 29(3)(a). I am just asking the hon. Attorney General whether he can just clear the air for me, as it relates to these religious trade licences; whether they are legal under our international legal obligations, particularly as it relates to our international narcotics control convention. Can you guide me on this?

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you.

**Sen. Mark:** Because I am hearing all kind of talk about—

**Sen. Armour SC:** Thank you, Sen. Mark. I dealt with this in my winding up this afternoon. But to be more particular, and you will recall that I cited section 4 of our Constitution, that is to say we have a Constitution which prescribes for the fundamental human right of freedom of conscience and religious beliefs and observance. And Trinidad and Tobago is further a signatory to the Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances, the 1988 Convention. And Article 3.2 of that convention, which states:

Subject to its constitutional principles and the basic concept of its legal system each party shall adopt such measures as may seem necessary to establish as a criminal offence under its domestic law, when committed intentionally the possession, purchase or cultivation of narcotic drugs or psychotropic substances for personal consumption contrary to the provisions of the 1961 Convention, et cetera.

And there are academic papers that have examined that. And I am of the certain view, and the Government is convinced that we as a sovereign democratic country with a supreme law that guarantees religious freedom and observance, have every right to pass domestic legislation that caters for the religious bodies and gatherings in our society.

**Mr. Chairman:** Thank you, Attorney General. Sen. Lutchmedial, the 29—

**Sen. Mark:** [*Inaudible*]

**Mr. Chairman:** You just asked for clarification and the Attorney General gave you the clarification. No. Sen. Mark, you asked for clarification. The clarification was given in the winding up. It was then further clarified just now by the Attorney General. I do not think there is need for more clarification.

**Sen. Mark:** So you are holding me?

**Mr. Chairman:** I am not holding you. I am just saying he has clarified to the fullness as he can. Are you capable of further clarifying, Attorney General, or is that all we can say on the matter?

**Sen. Armour SC:** I do not think I could add more clarity to what I said, Sir.

**Mr. Chairman:** Right. Sen. Mark, the answer has been given, based upon your request. Sen. Mark, you asked for clarification and clarification was given. Okay?

**Sen. Mark:** Mr. Chairman, you are in the Chair.

**Mr. Chairman:** That is why I am Chairman. Sen. Lutchmedial, are you withdrawing your amendment for clause 29?

**Sen. Lutchmedial:** Chair, with the greatest of respect, no, because I was not satisfied with the explanation given.

**Mr. Chairman:** Very well.

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

**Mr. Chairman:** I think the noes have it.

**Sen. Mark:** Division, division.

**Mr. Chairman:** I think the noes have it. I only heard one no. But anyhow if you want a division go right ahead.

*The committee divided: Ayes 2 Noes 23*

**Clerk:** Mr. Armour?

**Sen. Armour SC:** Yes.

**Mr. Chairman:** Reminded we are taking a vote if we accept Sen. Lutchmedial's amendment on 29(1).

**Sen. Armour SC:** Sorry, I beg your pardon, Chair, no. Sorry, I was— --

**Sen. Mark:** You are as guilty as charged! You are guilty. You voted.

**Clerk:** Mrs. Gopee-Scoon.

**Hon. Senators:** [*Crosstalk*]

**Sen. Armour SC:** Chair, I was distracted. I was not following and my apologies to you and I ask if you would repeat.

**Sen. Gopee-Scoon:** No, no, no. I am sorry. Could we please repeat?

**Sen. Armour SC:** If the Chair would—

**Mr. Chairman:** Okay, to remind everyone, Sen. Lutchmedial is not retracting her proposed amendment. Upon hearing one yes, and many noes Sen. Mark asked for a division. We are now taking the vote as requested by Sen. Mark's division for the amendment proposed by Sen. Lutchmedial for clause 29(1)(a). You may proceed.

*Division continued*

AYES

Mark, W.

Lutchmedial, Ms. J.

NOES

Sinanan, R.

West, Ms. A.

Mitchell, R.

Cox, Ms. D.

Bacchus, H.

de Freitas, N.

Sagramsingh-Sooklal, Mrs. R.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Borris, H.

Thomas, A.

Seales, M.

Bethelmy, Ms. Y.

Richards, P

Vieira, A.

Deyalsingh, Dr. V.

Seepersad, Ms. C. T

Teemal, D.

Thompson--Ahye, Mrs. H.

Dillon-Remy, Dr. M.

Welch, E.

*Amendment negatived.*

*Question, on amendment, [Sen. R. Armour SC and Sen. Richards] put.*

**Sen. Teemal:** Mr. Chairman, my proposed amendment, clause 29(3)(d).

**Mr. Chairman:** Sen. Teemal.

**Sen. Teemal:** Concerning the subparagraph (3)(d), which deals with the religious export licence, I was proposing that be deleted, in the context that religious licences being non-commercial handling-oriented, granting of a religious export licence to a religious body, I am looking at the administrative aspects in managing that, and I think Sen. Mitchell did allude to probably the export licence being based on the altruistic needs of religious bodies here helping other religious bodies internationally. But I think we are dealing here with a religious right under the

legislation versus a religious need, in terms of having to export for altruistic needs. And I think, if we are looking at legislation in incremental steps, why should we be going to such an extent, in terms of granting that religious export licence? Which is why I am proposing it be deleted for now.

**Mr. Chairman:** Sen. Lutchmedial.

**Sen. Lutchmedial:** Chair, I want to support the proposed amendment by Sen. Teemal, simply because one of the concerns that I had, which I raised, is the abuse of non-profit organizations and the provisions for religion. I am all in favour of, you know, acknowledging the religious freedoms of persons who wish to utilize this as part of their religious practices. But when you introduce a provision which permits export, I think you are creating a situation where it will actually become attractive for someone to, perhaps, abuse those provisions for commercial gain.

And so, I do not think that—I understand the explanation put forward by Minister Mitchell, but I do not think that it is sufficiently serious for us to say that we need to include this type of licence for a religious body. Because if you look at the possibility of someone abusing a nonprofit organization, becoming regulated and establishing this to promote religious freedom and weigh it against the possibility that somebody in Trinidad has a branch outside that they need to export marijuana to them for use in their religious proceedings or whatever, I think it weighs in favour of, you know, being cautious or not permitting an export licence for religious purposes, because of the risk of commercialization and monetizing that type of licence under the radar and avoiding taxes and so on.

**Sen. Armour SC:** Thank you, Mr. Chairman. I do not support the amendment proposed by Sen. Teemal. I adopt and endorse the remarks which were given earlier today by Sen. Mitchell as a completely proper and policy explanation for the provisions of the Bill, and in the circumstances I would ask that the amendment

not be accepted.

**Mr. Chairman:** Sen. Teemal, are you willing to withdraw your proposed amendment?

**Sen. Teemal:** Respectfully, no, Chairman.

**Mr. Chairman:** Okay. Very well. It is your right.

*Question on amendment [Sen. D. Teemal] put.*

**Sen. Mark:** Division.

**Mr. Chairman:** I think the noes have it.

**Sen. Mark:** Division.

**Mr. Chairman:** Sure.

*The committee divided: Ayes 5 Noes 20*

**Clerk:** Mr. Armour?

**Sen. Armour SC:** What is the question please? Can I get it very clear? I am very pleased to be amusing you, Sen. Mark.

**Mr. Chairman:** The amendment made by Sen. Teemal, which he did not want to withdraw, a division was called after there was a resounding no, and Sen. Mark called a division and it is up to us by saying yes or no if we want.

**Sen. Armour SC:** No, I do not want Sen. Teemal's amendment.

**Mr. Chairman:** As in your explanation. Thank you.

*Division continued*

AYES

Mark, W.

Lutchmedial, Ms. J.

Teemal, D.

Dillon-Remy, Dr. M.

Welch, E.

NOES

Armour SC, R.

Gopee-Scoon, Ms. P.

Sinanan, R.

West, Ms. A.

Mitchell, R.

Cox, Ms. D.

Bacchus, H.

de Freitas, N.

Sagransingh-Sooklal, Mrs. R.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Borris, H.

Thomas, A.

Seales, M.

Bethelmy, Ms. Y.

Richards, P

Vieira, A.

Deyalsingh, Dr. V.

Seepersad, Ms. C. T

Thompson--Ahye, Mrs. H.

*Amendment negatived.*

*Question, on amendment, [Sen. R. Armour SC and Sen. P. Richards] put and agreed to.*

*Question put and agreed to.*

*Clause 29, as amended, ordered to stand part of the Bill.*

*Clause 30.*

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

**Mr. Chairman:** Sen. Richards, you have an amendment.

**Sen. Richards:** Yes. Mr. Chair, through you to the hon. Attorney General, I had presented in my participation in the Bill at 30(9) which states:

“An applicant for a licence who knowingly provides false or misleading information to the Authority commits an offence and is liable on summary conviction to a fine of one hundred and fifty thousand dollars and to imprisonment for a term of two years”

And I found, given the intonations of several speakers of the billion-dollar nature of this industry, that that was a mild penalty, which is easily affordable by player in this sector, and it should be raised to 250,000 as a suggestion.

**Sen. Armour SC:** Chair, may I ask your leave, before we go to Sen. Richards' proposed amendment to section 30, may I ask your leave to correct something with respect to clause 29 please? In any original amendments I had proposed an amendment to clause 29(3)(b), to delete the words "storage and", but on reflection when I looked at Sen. Richards' other amendments for the entirety of 29(b), I accepted the words "storage and". So to the extent that I had earlier proposed a deletion of the words "storage and" in 29(3)(b), I would like to withdraw that amendment and to leave in the words "storage and dispensing of cannabis" so as to be consistent with the entirety of Sen. Richards' amendments, which I had supported.

**Mr. Chairman:** Having withdrawn your amendment.

*Clause 29 recommitted.*

*Question, on amendment [Sen. Richards] put.*

**Sen. Armour SC:** We have to leave in 29(3)(b), "storage and".

**Mr. Chairman:** The question is that clause 29 be amended as circulated by Sen. Richards and further amended—amended by the Attorney General and accepted the withdrawal of the amendment of the Attorney General.

**Sen. Armour SC:** Accept the withdrawal of my amendment, yes thank you.

**Mr. Chairman:** Of 29(3)(b).

*Question put and agreed to.*

*Clause 29, as amended, ordered to stand part of the Bill.*

*Clause 30.*

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

**Mr. Chairman:** Sen. Richards.

**Sen. Richards:** Thank you, Chair. Should I repeat the rationale?

**Sen. Armour SC:** I had use the rationale, Chair and I accept the rationale. I have no objection to increasing the fine to \$250,000, as proposed by Sen. Richards.

**Mr. Chairman:** Sen. Richards, would you be so—

**Sen. Armour SC:** May I suggest that the language of Sen. Richards' amendment in penultimate line that says for a term of up to two years, that the words "up to" should be deleted? It will read for a term of two years.

**Mr. Chairman:** Question is that clause 30 be amended as circulated by Sen. Richards and further amended by the Attorney General to read as follows:

(9): An applicant for a licence who knowingly provides false or misleading information to the Authority commits an offence and is liable on summary conviction to a fine of \$250,000 and to imprisonment for a term of two years.

*Question put and agreed to.*

*Clause 30, as amended, ordered to stand part of the Bill.*

*Clause 31 ordered to stand part of the Bill.*

*Clause 32.*

*Question proposed:* That clause 32 stand part of the Bill.

**Mr. Chairman:** Sen. Welch.

**Sen. Welch:** Mr. Chairman, I had proposed an amendment to 32(2)(d) and, perhaps, the hon. Attorney General's explanation as to "shall" and "may make" earlier may cover this. But before finding out if that is in fact the Attorney General's position, I just want to briefly explain my concern with this, and that is if these are the factors which the authority shall decide whether to grant a licence or not. In light of the fact that there is always the possibility of accusations of discrimination, accusations of favouritism, et cetera I am of the view that there should be specified the factors which would influence the authority's discretion.

**11.25 p.m.**

I am of the view that there should be specified the factors which will influence the authorities discretion and it should not be that the:

“such other matters as may be prescribed”

—because “may” means they may not prescribe any factors. And I believe as a matter of transparency the factors which would influence the discretion to grant a licence or not there should definitely be factors, they should be established in advance, so that an applicant can understand why he has been granted or refused a licence and the authority should not have the option of not prescribing the factors which would influence whether it grants a licence or not. And finally, I submit the matters referred to at 32 (2) (a) (b) and (c) are not really—are very generic, they are not really the factors which would influence. So, the authority should be called upon to specify in advance and that is why I have suggested mandatory language “shall” instead of “may”.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you, Mr. Chairman, the answer to Mr. Welch first of all, section 3, the definition section at page 5 tells us that

“‘prescribed’ means prescribed by Regulations”

So, when we read clause 32, subclause (2) (d):

“...such other matters as may be prescribed.”

We are referring there to the possibility that in due course, the authority by regulations made under clause 67 may prescribe further circumstances that are applicable to whether or not it shall grant a licence. When those further prescriptive measures are regulated for, the transparency will ex facie, the regulations pass and there can be no question then that the person will not know the basis on which his licence has been approved or not approved. So, I do not support the amendment.

**Mr. Chairman:** Sen. Welch do you wish to withdraw your proposed amendment?

**Sen. Welch:** No, no, Mr. Chairman, because for the simple reason that—

**Mr. Chairman:** Okay, no problem, we would put it to a vote.

*Question put and negatived.*

*Clause 32, without amendment, ordered to stand part of the Bill.*

*Clause 33 ordered to stand part of the Bill.*

*Clause 34.*

*Question proposed:* That clause 34 stand part of the Bill.

**Mr. Chairman:** Sen. Lutchmedial, you had a suggestion or proposed amendment?

**Sen. Lutchmedial:** Yes, Chair, through you, I raised my concern about 34 (4) and it being a condition of getting a licence that you must consent to the entry of inspectors, particularly because the Bill prescribes that inspectors can be accompanied by police officers. What you are essentially saying is that if you wish to have a licence, you must subject yourself to essentially search and seizure by a

civilian or a police officer. And if you do not comply when you read clause 32, failure to comply and to comply with this as a condition means that you may not be renewed, or, you will not be renewed when your renewal comes up or your licence could be revoked and so on.

So, I believe that there are constitutional issues here, and I flag it and I raise the issue. I do not see that it is necessary. There are many other regulatory bodies which conduct on-site inspections to ensure compliance with laws and it is not a condition of the licence. This is a creature of legislation introduced very recently by this administration and I think that their—it is not in keeping with our country that has respect for rights and freedoms of individuals.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you, Chairman. It is interesting that Sen. Lutchmedial introduced rights. This clause—subclause 34 (4), is a purely voluntary act on the part of someone who wishes to engage in business as prescribed by this Bill when it becomes law. And the due process requirements are that if that person wishes to engage then that person must subscribe to the language of the legislation. They may not wish to subscribe in which case they do not. So there is no question of this offending any rights. The person who wishes to get a licence will either apply or not depending on whether they accept the condition prescribed in 34(4). I therefore, do not propose the deletion of section 34(4).

**Mr. Chairman:** Sen. Lutchmedial, do you wish to withdraw your proposed amendment?

**Sen. Lutchmedial:** No, please, Chairman, I wish for it to be on the record that I proposed this amendment.

**Mr. Chairman:** Very well, we will propose the question.

*Question put and negatived.*

*Clause 34 ordered to stand part of the Bill.*

*Clause 35.*

*Question proposed:* That clause 35 stand part of the Bill.

**Mr. Chairman:** Sen. Lutchmedial, you had a proposed amendment?

**Sen. Lutchmedial:** Yes, Chair, given the significant investment that someone may have to make in order to enter this industry for the different types of licences, for example, processing and so on, I felt that three years is a short space of time and if you wish to create some more certainty and attractiveness to the industry, you may want to consider, or at least give the authority the power to grant a licence up to five years if they are satisfied. That way someone does not have to wonder if after three years, they may have their licence revoked, and you know, waste that type of thing. Yeah, sorry.

“Subject...unless previously revoked...a licence shall be valid for...period not exceeding three years...”

So I wanted to change three to five.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you, Chair, I keep three, I do not agree with five and I therefore do not accept the amendment. I think that in the incremental fees that I have described, where we are introducing novel new legislation, it is prudent that we keep the period to five as opposed to three.

**Mr. Chairman:** Sen. Lutchmedial—

**Sen. Armour SC:** To three as opposed to five. I beg your pardon.

**Mr. Chairman:** Do you wish to withdraw?

**Sen. Lutchmedial:** No, Chair, no, I do not.

**Mr. Chairman:** The question is—

**Sen. Lutchmedial:** The question is asked because the wording says for a period not exceeding, so the—You can go up to five years. But, they could still grant it for three if it is in the discretion of the authority, as the Attorney General described as an incremental phase, and that is why I do not accept that as a justification.

**Mr. Chairman:** Understood.

*Question put and negatived.*

*Clause 35, without amendment, ordered to stand part of the Bill.*

*Clauses 36 to 43 ordered to stand part of the Bill.*

*Clause 44.*

*Question proposed:* That clause 44 stand part of the Bill.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you Chair. I propose in the first instance the deletion of subparagraph (c) of paragraph one, that is to say:

“(c) acting in the best interest of the patient.”

And I propose secondly, in subparagraph (a) after the word “or” to insert the word “or” after “a” to introduce subparagraph (b). And then in that paragraph (b) delete the word “safety or” and substitute the word “safety”. So it will read medical requirements for his care or—no.

“medical requirements for his care.”

It will end there, yes, yes

**Mr. Chairman:** “care or safety”.

**Sen. Armour SC:** Yes, thank you, it would be:

“medical requirements for his care or safety.”

**Mr. Chairman:** Sen. Welch, you had an amendment to this?

**Sen. Welch:** Yes, with respect to 44 (1), I have proposed to insert the words “with the consent of the person designated” that person after the words “a patient may.” So it should read:

“a patient may, with the consent of a person designate that person, a caregiver.”

And the reason for that is that I do not think that a patient ought to have the power to unilaterally designate a person their caregiver without that person’s consent, bearing in mind, the section imposes certain obligations on that caregiver, that that person to be “designated caregiver” should have a choice as to whether he should be a caregiver or not. That is my first suggested amendment. I have also suggested the deletion of 44 (4), which says:

“A person who is designated as a caregiver under this Act shall obtain from a medical practitioner a certificate that states that the caregiver is not addicted or dangerous drug.”

First of all, how is a medical practitioner to know whether the caregiver is addicted to a dangerous drug or not? And secondly, how could one impose on a caregiver an obligation to obtain a certificate from a medical practitioner? That is not—he is—an obligation is being imposed on him not to do something himself but to obtain something from someone else. He has no control over whether he will obtain that or not, but yet still, if he is designated a caregiver, an obligation is imposed upon him to do something for which he may not necessarily have control. You cannot compel a medical practitioner to provide him with a certificate. So I considered that subclause to be impractical, and it ought to be deleted. And I have also suggested that with respect to a new subclause after subclause (7), which is to the effect that a person and:

a patient and the person designated as his caregiver shall notify the authority of the designation and give the authority

—there should not be “that” there

give the authority such information as the authority may require in respect of the caregiver.

The reason I have suggested that, Mr. Chairman, is because if you—if there is no obligation to notify the authority who is the caregiver in advance, I can anticipate a number of impractical situations arising. Because a person who is designated a caregiver gets—is entitled to transport cannabis on behalf of the—on behalf of the patient. And if that person is legally entitled to transfer cannabis on behalf of the patient, that person’s designation should be known in advance that they do have such an authority. Because you could have a situation where when someone is found with medicinal cannabis who is not supposed to have it, they can simply say, “I am a caregiver” and the patient—the alleged patient—can support them but then that is in fact not the case. So, if there is an obligation in advance to inform the authority, then, one knows before that person is caught in possession of cannabis, that that is a genuine caregiver and it is not a fallback measure after a person who is not so designated is found in possession.

**Mr. Chairman:** Thank you, Sen. Welch. Attorney General, would you like to respond on the three points?

**Sen. Armour SC:** Yes, thank you very much, Chairman. With respect to Sen. Welch’s suggestion to amend clause 44, subclause (1), I agree and accept the insertion of the words in subclause on (1) “with the consent of a person, designate that person” after the words “patient may”. [*Confers with technocrat*] I am being assisted here. If I may just read what I am accepting prompted by Sen. Welch, so 44 (1) will read:

subject to subsections (2) and (3) a patient may with the consent of another, designate that other person, his caregiver, and any designated caregiver shall be responsible for.

Should I ask Miss—I am reading Ms. Sadique’s handwriting.

And then you have (a) and (b). [*Confers with technocrat*] So that is my first response to Sen. Welch’s request for an amendment I have just put it in a different formulation. As far as his suggestion for the deletion of subclause 44 (4), I do not accept that either, the amendment by deletion or the reason given for it. I do not think that it is out of the resourcefulness of a medical practitioner to state whether someone is addicted to a dangerous drug. And I think it is a caution that is desirable that can be exercised by this authority to get that assurance. And lastly, with respect to Sen. Welch's suggestion to insert a new subclause (8) in principle, I accept his new subclause. And I would suggest that that should read a patient that is, subclause (8):

“a patient and his designated caregiver shall notify the Authority”

—et cetera.

**Sen. Richards:** Chairman, may I just—

**Mr. Chairman:** [*Inaudible*]

**Sen. Armour SC:** Yes—

“a patient and his designated caregiver shall notify the authority of the designation.”

—and then it continues.

**Mr. Chairman:** Sen. Welch, based upon subclause (a) subclause (1) and the insertion of (8) after (7), does that satisfy—would that satisfy your proposed amendments and I am also asking if it is you are willing to withdraw part (b) where you have asked to delete subclause (4)?

**Sen. Richards:** Can I just ask a question? [*Inaudible*]

**Sen. Vieira:** Chair, we support subclause (4), deletion.

**Sen. Richards:** Can I just ask a question with the AG for them?

**Sen. Chairman:** Please, go right ahead.

**Sen. Richards:** Thank you.

**Mr. Chairman:** Yes.

**Sen. Richards:** AG, could you explain to me how a medical practitioner is to establish that a caregiver is not addicted to a dangerous drug, if they met once or twice? I am confused as to how a practitioner can establish that, that someone is not addicted to a dangerous drug? That seems impractical to me.

**Sen. Armour SC:** Well, I do not accept that. I think that a medical practitioner who would have the opportunity to examine a person ought to be able to say whether that person is or is not addicted a dangerous drug.

**Sen. Richards:** I think—there are very functional addicts, very highly functional addicts.

**Mr. Chairman:** Sen. Vieira, you wanted to add something to the situation?

**Sen. Vieira:** No, I share Sen. Richards and Sen. Welch's concern, I mean, a dangerous drug could be alcohol, you know, it is not just cannabis you talking about. I think you are putting both the medical practitioner and the caretaker in a very awkward position. And I find it is too invasive, quite frankly.

**Sen. Richards:** They have documented—if I could share there have documented cases of cocaine addicts, and marijuana addicts who function for years in high positions undetected. In the medical profession, itself.

**Mr. Chairman:** And you do not believe—this is for the caregiver we speak, right.

**Sen. Vieira:** I think a division [*Inaudible*]

**Mr. Chairman:** Attorney General, would you like to add anything?

**Sen. Armour SC:** I cannot add anything further. I stand by my position.

**Mr. Chairman:** Very well. But, Sen. Richards you have an amendment on 44 as well?

**Sen. Richards:** Yes, but I am in a conundrum, because based on Sen. Welch's proposal—well actually, no, let me rephrase that. Yes, the proposal stands, yes, to put a time frame within which the information must be given. That is the rationale for it.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** I have no objection to that time frame within one month of the charge—change. Beg your pardon.

**Sen. Richards:** If I could, Chair, just add based on one of Sen. Welch's comments, that the—if—I hope I am not paraphrasing him wrongly—that the change should be known because the caregiver may be required to transport cannabis, and a month maybe careless in terms of the law, circumscribing that. So, I do not know that, given Sen. Welch's comment about that, that this is still a safe proposal. I do not know if you understand what I am saying?

**Mr. Chairman:** You would like it to be more contracted than this.

**Sen. Richards:** Exactly.

**Mr. Chairman:** Yes, I follow you. What would you suggest?

**Sen. Richards:** I would suggest a week so that the time frame for mischief is lessened.

**Sen. Armour SC:** May I suggest it is placed differently? May I suggest that “a patient who changes his caregiver shall within one week of the change notify his medical practitioner”?

**Sen. Richards:** I am comfortable with that.

**Mr. Chairman:** Sen. Richards as we have placed a little change on not only the timing, right, based on your amendment, so your amendment does not hold but it has been—we have taken into consideration.

**Sen. Richards:** Well I will withdraw—you want me to withdraw?

**Mr. Chairman:** Yes, thank you. Since we went to one month was his initial suggestion and then after went to one week, and it was placed elsewhere, right, so positioning was changed plus the timing was changed. So his original amendment does not stand, right—

**Sen. Richards:** I see.

**Mr. Chairman:** —for both location and the time. So we have asked him to withdraw seeing that it has been placed elsewhere and changed as well, right. So, we need to go through that entire because you have a few changes around to go— one moment, yeah.

*Amendment withdrawn.*

**11.55 p.m.**

**Mr. Chairman:** The question is that clause 44 be amended as circulated by the AG and further amended in subclause (7) to read as follows:

A patient who changes his caregiver shall within one week of the change notify his medical practitioner of the change and give that medical practitioner such information as the medical practitioner may require in respect of the new caregiver.

And in 44(1), to read as follows:

Subject to subsections (2) and (3) a patient may with the consent of another designate that person or any other person, that—

I will start over:

Subject to subsections (2) and (3) a patient may with the consent of another

designate that other person or any other person as a caregiver and that person shall be responsible for—

The question is that clause 44 be amended as follows as circulated by the AG and further amended as follows. Clause 44(1) to read:

Subject to subsections (2) and (3) a patient may with the consent of another designate that other person his caregiver and that designated caregiver shall be responsible for—

To read:

A patient who changes his caregiver shall within one week of the change notify his medical practitioner of the change and give that medical practitioner such information as the medical practitioner may require in respect of the new caregiver.

And to insert a new subclause (8) to read:

A patient and his designated caregiver shall notify the Authority of the designation and give to the Authority such information as the Authority may require in respect of the caregiver.

*Question, on amendment [Sen. R. Armour SC] put and agreed to.*

**Mr. Chairman:** Hon. Senators, the question is that clause 44(b) be amended to delete subclause (4) as proposed by Sen. Welch.

*Question put.*

**Sen. Mark:** Division.

**Mr. Chairman:** Sure. We are voting for the deletion of subclause (4) of clause 44.

**Sen. Welch:** Subclause 44 (2)(4) to be precise.

**Mr. Chairman:** 44?

**Sen. Welch:** 44(2)(4).

**Mr. Chairman:** (2)(4)? There is no 44(2)(4). [*Crosstalk*] It is 44(4) as stated

earlier.

**Sen. Welch:** My apologies.

**Mr. Chairman:** Okay. Thank you. So, 44(4) is what we are voting on to delete.

*The Committee divided: Ayes 7      Noes 16*

AYES

Richards, P.

Vieira, A.

Deyalsingh, Dr. V.

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye, Mrs. H.

Welch, E.

NOES

Armour SC, R.

Gopee-Scoon, P.

Sinanan, R.

West, Ms. A.

Cox, Ms. D.

Bacchus, H.

de Freitas, N.

Sagransingh-Sooklal, Mrs. R.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Borris, H.

Thomas, A.

Seales, M.

Bethelmy, Ms. Y.

Dillon-Remy, Dr. M.

Mitchell, R.

*The following Senators abstained:* Mr. W. Mark, Mr. D. Lyder and Ms. J.

Lutchmedial.

*Amendment, [Sen. E. Welch] negatived.*

*Question put and agreed to.*

*Clause 44, as amended, ordered to stand part of the Bill.*

*Clauses 45 and 46 ordered to stand part of the Bill.*

*Clause 47.*

*Question proposed:* That clause 47 stand part of the Bill.

**Mr. Chairman:** We have amendments from Sen. Teemal, who I will allow to go first, followed by Sen. Richards. Sen. Teemal.

**Sen. Teemal:** Yeah. I am proposing that in subparagraph (c), that we insert the words “at a regulated frequency” after the word “adherent”, because that subsection specifies 30 grammes, quantity, but I am of the opinion that we should add a frequency to the dispensing for just the quantity can stand alone, because frequency: Should it be one hour, two hours, three hours, two days, a week? So, I am suggesting that a frequency be tied in which is what I am suggesting “at a regulated frequency” to be added after the word “adherent”.

**Mr. Chairman:** Sen. Paul Richards?

**Sen. Richards:** Chair, for the same reason articulated by Sen. Teemal, when I read the subclause, I found it was lacking specificity and did not specify the 30 grammes in what time frame. So, while I put within a one month of the change, I am not married to that if a suitable frequency can be established.

**Mr. Chairman:** Attorney General, it seems that both Senators are asking, in the

same light, for some level of time frame and dosage to place controls. Attorney General?

**Sen. Armour SC:** In principle, Chairman, I do not have a difficulty with a time frame, but Sen. Teemal's language "at a regulated frequency" I think is not sufficiently precise. So, I believe Sen. Richards suggested, within one month, and I did not hear what he suggested.

**Sen. Richards:** It was within a 48-hour period.

**Sen. Armour SC:** Within a 48-hour period.

**Mr. Chairman:** Sen. Vieira you wanted to add something?

**Sen. Vieira:** I was just wondering whether this exempt event could include something like the Shivaratri Festival in Nepal which lasts several days.

**Sen. Teemal:** The exempt event is clause 48. Clause 47 here is dealing with the sacramental dispensary. Attorney General, I know you said it is at a regulated frequency. I know Sen. Richards was proposing 48 hours, but in terms of the particular religious group, I do not know if we specify like, 48 hours, we would be infringing on probably a religious right, because they may be dispensing maybe every 24 hours. We do not know. So, this is why I framed it at a regulated frequency, so that it could be picked up in the regulations later down the road.

**Mr. Chairman:** I just have to ask for clarity. Would that be based on need and faith-based and specific?

**Sen. Teemal:** Yeah.

**Mr. Chairman:** Okay.

**Sen. Teemal:** Yeah, it would be driven by the practices of the respective faith. And if we were to put an exact time, I do not know if it would be infringing on the actual practices, which defeats the purpose of the religious rights that we are trying to give.

**Sen. Armour SC:** Bearing in mind what Sen. Teemal has just said and the consideration has to do with being careful that we do not interfere with a religious order, it may be and I suggest this, that we can provide as he has said “at a regulated frequency”, “as may be prescribed”. And that would allow regulations to then be brought into effect which could be more particular after consultation by the Authority—“as may be prescribed” which would allow for the regulations to prescribe. So “at a regulated frequency as may be prescribed”.

**Mr. Chairman:** Sen. Richards, you wanted to comment? I am not hearing you.

**Sen. Richards:** I would have no problem with that. It would address the issue I had and so I withdraw mine and defer to that suggestion. Thank you.

*Amendment, [Sen. P. Richards], withdrawn.*

**Sen. Thompson-Ahye:** If you have “as may be prescribed”, it can be interpreted to mean that it may be or it may not be. Why not “as will be prescribed” and then you know it will be there in the regulations.

**Sen. Armour SC:** “Prescribed” is defined in the definition section, prescribed by the regulations. So all you are doing is making a provision in the enabling legislation to signal to the Authority that they will now need to pass regulations to regulate the frequency. It casts an obligation that they must discharge.

**Sen. Dr. Dillon-Remy:** Chair—

**Mr. Chairman:** Sure, Dr. Dillon-Remy?

**Sen. Dr. Dillon-Remy:**—since any person including those who are using the substance for sacrament, they have the ability to have within their possession 30 grammes of cannabis. Is there a need for them to have it dispensed by the dispensary? In other words, they can get it from anywhere. Why put it here in the legislation? If it is 30 grammes, in other words, you are not putting an increased amount.

**Sen. Armour SC:** With respect Chair, through you, in answer to the Senator, that too will have to be looked at by the regulations. So it is something that they will have to pay particular attention to.

**Sen. Dr. Dillon-Remy:** Okay.

**Mr. Chairman:** The question is that clause 47 be amended as circulated by Sen. Teemal and further amended to include the words “as may be prescribed” after the word “frequency”.

*Question put and agreed to.*

*Clause 47, as amended, ordered to stand part of the Bill.*

*Clause 48.*

*Question proposed:* That clause 48 stand part of the Bill.

**Mr. Chairman:** Sen. Teemal and Sen. Lutchmedial and—no, we have one from here from Sen. Welch as well, 48(1)(a). Yes. So, we shall start with Sen. Lutchmedial, then Sen. Teemal and then we will follow by Sen. Welch.

**Sen. Lutchmedial:** I defer to Sen. Mark.

**Mr. Chairman:** Sure. Sen. Mark, the floor is yours.

**Sen. Mark:** Thank you, Mr. Chairman. Mr. Chairman, through you to the hon. Attorney General, Hon. Attorney General, would you have an objection under 48(1) to place after the word Order “subject to an affirmative resolution of the Parliament”? Would you have any objection?

**Sen. Armour SC:** No objection.

**Sen. Mark:** So, we would like to propose that with your consent.

**Mr. Chairman:** Sen. Teemal?

**Sen. Teemal:** Chairman, I was proposing the deletion of clause 48, but on further consideration, I would defer my request for deletion, because I think that it would infringe on the religious rights that we are trying to safeguard by this legislation.

And the fact that the Attorney General has accepted the proposal by Sen. Mark to have the Order subjected to affirmative resolution of Parliament, it offers that opportunity for the Order to be debated so that the amounts and the terms and conditions of the Order would be subjected to affirmative resolution. So I withdraw my amendment.

*Amendment, [Sen. P. Richards], withdrawn.*

**Mr. Chairman:** Thank you, Sen. Teemal. And, lastly, on 48(1)(a), Sen. Welch.

**Sen. Welch:** Yes. I have suggested with respect to 48(1)(a) the words “an adherent” be substituted by a “Controller of a religious Organisation”. And the reason I say that is because, first of all, the adherences do not need to be registered or specified, and I think it is open season if everyone who says I am an adherent can simply apply and get an event to be exempted. That is too wide a class of persons. It should be someone holding a responsible position in the organization, which is the controller of the organization, the head of it, as opposed to every single follower being able to apply for any event to be exempt. Even if it is not even sanctioned by the Controller of the organization.

**Mr. Chairman:** Sen. Welch, would the accepted amendment which is to insert “subject to an affirmative resolution of Parliament” help out your argument?

**Sen. Welch:** No, because it still leaves it open to all kinds of persons and any number of persons.

**Mr. Chairman:** Very well, very well, understood. AG?

**Sen. Armour SC:** Thank you, Chairman. I accept this suggested amendment subject to one further amendment. Members will recall that earlier this evening, an amendment was proposed by Sen. Richards to introduce the definition of religious organization. That definition speaks of leaders, followers, adherents, devotees or congregation. So I would prefer that Sen. Welch use the word leader of a religious

organization to be consistent with the language of the amendment we had previously passed.

**Sen. Welch:** I can accept that.

**Mr. Chairman:** Thank you, Sen. Welch. Sen. Vieira, yes.

**Sen. Vieira:** Thank you. Chair, I want to support Sen. Teemal's position. I think going the route of an affirmative resolution for debate in Parliament is overkill. A religious organization has made an application, they write to the Minister, we are going to have this particular event, an Order should suffice. To come to Parliament to have it debated, I mean, it is just really too much.

**Sen. Welch:** I agree.

**Mr. Chairman:** Hon. Senators, the question is that clause 48 be amended as circulated by Sen. Lutchmedial.

*Question, on amendment, [Sen. J. Lutchmedial] put and agreed to.*

**Sen. Armour SC:** Chair, with your leave, I am attracted by the—let me explain this first. I had been earlier influenced by clause 67 of the Bill, but that is more substantive than what we are dealing with now, in terms of the religious event. Regulation 67 had said that regulations made under this Act shall be subject to an affirmative resolution of Parliament. That is acceptable, but I do accept, on reservation, on rethinking my position, that amending 48(1) for an Order to be subject to an affirmative resolution of Parliament in the language of Sen. Vieira—and I apologize to all Members for recalling my previous position—is overkill and I would not support the words “subject to an affirmative resolution”.

**Sen. Lutchmedial:** Chair, if I may. Well, then would the Minister consider adding “negative resolution”? Because in the case of an event like this, for example, let me give you an example, where it is being held in a particular constituency, the Member of Parliament may wish to have the opportunity to raise an objection via a

negative resolution and have it brought to the Parliament to air the concerns. Because what you are doing here is the Minister may by Order with anybody even knowing, grant approval for an event where cannabis would be transported to and supplied and used at an exempt event and people could be gathering, you know, in large numbers in a particular area of this country, and the representatives for those areas ought to have an opportunity to, at least, as responsible representatives, raise the matter in the Parliament and, perhaps, take it to a vote and bring it to the attention and have it debated. So, at least, consider a negative resolution.

**Mr. Chairman:** Attorney General.

**Sen. Mark:** Attorney General, at least, we could go with the negative and at least, you know, people can—

**Sen. Armour SC:** Thank you, Sen. Mark and Sen. Lutchmedial, but my reconsidered position is to keep it simple, so I would not support either a negative or an affirmative resolution.

**Mr. Chairman:** The question is that clause 48 be amended as circulated by Sen. Lutchmedial.

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

**Mr. Chairman:** The question is that clause 48 be amended as circulated by Sen. Welch and further amended to replace the word “Controller” with “leader”.

*Question, on amendment, [Sen. E. Welch] put and agreed to.*

*Question put and agreed to.*

*Clause 48, as amended, ordered to stand part of the Bill.*

*Clauses 49 to 59 ordered to stand part of the Bill.*

**Sen. Vieira:** There is a typo at 56. It says referred to in section 52(2), but it should really be referred to in section 51(2).

**Sen. Bacchus:** It is fixed in the amended version. In the amended version that we

have, has it fixed in it.

**Sen. Vieira:** So, it has been picked up. Thank you.

**Mr. Chairman:** No problem, Senator. The vote holds for 49 to 59.

*Clause 60*

*Question proposed:* That clause 60 stand part of the Bill.

**12.25 a.m.**

*Clause 60.*

*Question proposed:* That clause 60 stand part of the Bill.

**Mr. Chairman:** We have the Attorney General and Sen. Lutchmedial who has proposed amendments. Attorney General.

**Sen. Armour SC:** I had withdrawn that amendment, Mr. Chairman.

**Mr. Chairman:** Okay.

**Sen. Armour SC:** So I am not proposing any amendment to 60(3), it stands as circulated.

**Mr. Chairman:** Okay. Sen. Lutchmedial.

**Sen. Lutchmedial:** I renew my objection to—based on the fact that you must agree as a condition of your licence to allow an inspector to come into your premises, the fact that the inspector, without any justification such as reasonable cause to suspect a breach or something like can just come into your premises with a police officer. I think that that does not pass the test of proportionality, so I objective to it. *Suratt*. [*Crosstalk*] Go and read *Suratt*.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** I do not accept that. I think that 60(3) as circulated:

“An inspector who is conducting an inspection may be accompanied by a police officer.”

—leaves a discretion to the inspector depending on the circumstances and I support

it as read.

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

*Question, on amendment, [Sen. Armour SC] put and agreed to.*

*Question put an agreed to.*

*Clause 60 ordered to stand part of the Bill.*

*Clause 61 ordered to stand part of the Bill.*

*Clause 62.*

*Question proposed:* That clause 62 stand part of the Bill.

**Mr. Chairman:** Sen. Lutchmedial, you have a—

**Sen. Lutchmedial:** Chair, I raised again the concern that the taking of photographs, the taking—making copies of documents and records and seizing anything which may be of evidential value for the prosecution of an offence is clothing an inspector with essentially police powers; an inspector who would be entering your premises without notice, without a warrant, and I think that it goes too far and I am objecting to it on the grounds of as a simple majority Bill. I think that it goes way too far in terms of an incursion upon the rights of citizens.

**Mr. Chairman:** Noted. Attorney General.

**Sen. Armour SC:** I do not accept those reasons. I think that the proportionate powers of the inspector, particularly given the fact that the applicant for a licence has consented to an inspector coming out to his premises are reasonable, and I therefore reject the proposal.

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

*Question put and agreed to.*

*Clause 62 ordered to stand part of the Bill.*

*Clauses 63 to 67 ordered to stand part of the Bill.*

*Clause 7 recommitted.*

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

**Mr. Chairman:** Did 14 and 15 and 7 not—were related? All of those were related, correct?

**Sen. Lutchmedial:** [*Inaudible*]

**Mr. Chairman:** Please, go ahead.

**Sen. Lutchmedial:** I had some time to consider 14 in the context of the others and I find 14 to be completely superfluous, because firstly you are not allowed if you are subject to, of course, the Dangerous Drugs, 2019 amendment. If you have a pecuniary interest, you are not allowed to serve on the board. Under section 7, within seven days of becoming engaged or employed in the handling or acquiring this interest, you must inform the board and you must resign. So then what is the point of 14 that you have to do this thing on the anniversary; within a month of after your appointment on the anniversary make this declaration and failing to comply, and so on. If you do not make the declaration under 7 when it occurs, then there is a criminal offence there. So I think 14 should just be abandoned all together. I do not see the point of it.

**Sen. Vieira:** I tend to agree with that, Chair, and in fact I have recast 7 so that if it is accepted then 14 could go by the wayside.

**Mr. Chairman:** And how does that relate to 15 in your opinion, 14 and 15 were linked? I believe 14 and 15 were linked.

**Sen. Lutchmedial:** No, it was 6, 7 and 14.

**Mr. Chairman:** 7 and 14 were linked.

**Sen. Lutchmedial:** 6, 7 and 14, “yeah”.

**Sen. Welsh:** 15 was linked as well, 7, 14 and 15. Mr. Chair, I think it was 14 and 15 that were linked where the Attorney General indicated he would—it would be left for him to do the drafting in principle.

**Sen. Lutchmedial:**—*[Inaudible]*—to import the language which made an allowance for the Dangerous Drugs (Amdt.) Act into 15(2). So that is the link with 15. That is the only link, I think. I do not think the other—

**Mr. Chairman:** That is the only link, yes. I remember both were being considered at the same time and then afterwards you found the link backwards to 7.

**Sen. Lutchmedial:** So the same allowance that we are making for the board, the employees and the CEO in general that the interest is subject to the allowance made in the Dangerous Drugs, 2019 amendment. I think it has to be consistent that you cannot have an interest subject to, of course, your—the handling part “nah” with the Dangerous Drugs (Amdt.) Act. So you could have your 30 grammes or how much ever and your four plants but you cannot have any other type of interest.

*[Chairman confers with Attorney General]*

**Sen. Armour SC:** Chairman, if I may?

**Madam Chairman:** Attorney General, please.

**Sen. Armour SC:** May I express my gratitude to Senators Vieira and Lutchmedial. So if we were to start with clause 7, clause 7(1) and (2) remain; that is to say:

“(1) The Chairman or Deputy Chairman may at any time resign...”—et cetera

(2) A Member, other than the Chairman or Deputy Chairman, may resign from office...”

So those two remain and then 7(3) would then read, and it is a new 7(3) right through to 7(6) that I am accepting as proposed by Senators; 7(3):

The board shall take all reasonable steps to identify—The board shall take all reasonable steps to identify and keep under review, any potential conflicts of interest...any potential conflicts of interest.

So just to reread that, 7(3):

The board shall take all reasonable steps to identify and keep under review, any potential conflicts of interest or any potential conflicts of interest.

Yes. You have that? 7(4):

A member who has an actual or a contingent pecuniary interest shall as soon as possible after the relevant facts come to his knowledge disclose in writing to the board and to the President the nature of that interest.

And then we have next clause 7(5):

Subject to the following provisions of this paragraph a member of the board shall vacate office-

—and then we put a line and we go to (a) and (b):

...a member of the board shall vacate office-

- (a) if he is in any way directly or indirectly engaged or employed in the handling of cannabis; or
- (b) if he has acquired an actual or a contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

And then clause 7(6) reads:

A board member who, without reasonable excuse, fails to comply with this section shall be guilty of an offence—fails to comply with this section commits an offence—

—instead of “shall be”:

—commits an offence and is liable on summary conviction to a fine—

—and I am going read the sum here and invite Sen. Richards’ comment:

—to a fine of \$150,000 and imprisonment for a term of two years.

**Sen. Richards:** And I was thinking that it should be harmonized with the amendment you made earlier on.

**Sen. Armour SC:** That is precisely why I made that interjection and I would accept that to a fine of \$250,000 and imprisonment for a term of two years. So that would be the comprehensive amendments that we would make by deleting the existing subparagraphs of 7 as circulated by me, 7(3) and (4) and replacing them with what I have just read, (3) to (6); 7(3) to (6). And then with your leave, Mr. Chairman, clauses 14 and 15 would be amended consequently so that clause 14(1) would commence:

Subject to the—

**Clerk:** [*Inaudible*]

**Sen. Armour SC:** Sorry?

**Clerk:** [*Inaudible*]

**Sen. Armour SC:** “Oh”, you are not ready for 14. Sorry. I am sorry.

**Clerk:** [*Inaudible*]

**Sen. Armour SC:** In (5), 7(5):

Subject to the following provisions of this paragraph a member of the board shall vacate office.

So we go 7(3) through to 7(6). That is correct; 7(1) and (2) remain as is, as circulated.

[*Chairman confers with Clerk*]

**Mr. Chairman:** The question is that clause 7 be amended as follows. Subclause (3):

The board shall take all reasonable steps to identify and keep under review a any potential conflicts of interest.

Subclause (4):

A member who has an actual or contingent pecuniary interest shall as soon as possible after the relevant facts come to his knowledge disclose in writing

to the board and to the President the nature of that interest.

Subclause (5) to read:

Subject to the following provisions of this paragraph a member of the board shall vacate office-

- (a) if he is in any way directly or indirectly engaged or employed in the handling of cannabis; or
- (b) if he has acquired an actual or a contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

Subclause (6):

A board member who without reasonable excuse fails to comply with this section commits an offence and is liable on summary conviction to a fine of \$250,000 and imprisonment for a term of two years.

*Question put and agreed to.*

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

*Clause 6 recommitted.*

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

*Question on amendment, [Sen. Welsh] put and negatived.*

*Question, on amendment, [Sen. Armour SC] put and agreed to.*

*Question put and agreed to.*

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

**Sen. Dr. Dillon-Remy:** Chair, what is the amendment for clause 6?

**Madam Chairman:** There was a previous amendment.

**Sen. Dr. Dillon-Remy:** By Sen. Welch?

**Mr. Chairman:** No. There was just that one part of his proposed amendment that we did not put forward. The Attorney General had an amendment, as circulated.

**Sen. Dr. Dillon-Remy:** So that is the amendment—

**Mr. Chairman:** Correct.

**Sen. Dr. Dillon-Remy:**—we are voting on now, the Attorney General's.

**Mr. Chairman:** Yes.

**Sen. Armour SC:** To add in medicine and psychiatry and public health.

**Sen. Dr. Dillon-Remy:** Okay. Please, allow me, Chair.

**Mr. Chairman:** Just now.

**Sen. Dr. Dillon-Remy:** Please allow me to ask one question on clause 7. I know it has already been voted on but there was an amendment about the people who were on the board and the CEO, they should not be discriminated against by the clause with the Dangerous Drugs Act which Sen. Welch had put in. I did not hear any of that in your amendment that you brought, the long amendment that you just brought.

**Mr. Chairman:** Yes. That is—we are coming to that in clause 14.

**Sen. Dr. Dillon-Remy:** Okay.

**Madam Chairman:** And 15. Sen. Lutchmedial.

**Sen. Lutchmedial:**—[*Inaudible*]—for that same amendment has to also be placed in 6(3). So I know you said you voted on the amendment that when Sen. Dillon-Remy asked that it is only the amendment moved by the Attorney General to increase the number, but I think that we had agreed previously that (3) would be amended:

No person appointed to the board shall become engaged in the handling—  
—and you put in, “subject to the Dangerous Drugs Act... ”—section whatever,  
whatever. So it is two amendments to clause 6, the Attorney General's amendment  
on—Right?

**Mr. Chairman:** Yeah. And we already done those two.

**Sen. Lutchmedial:** Right.

**Madam Chairman:** Correct. It is just that we did not offer the—we did not put the question for Sen. Welch—

**Sen. Lutchmedial:** Okay.

**Mr. Chairman:**—Welch’s amendment that is why we read back—

**Sen. Lutchmedial:** Which is the Service Commission—the—

**Mr. Chairman:** Correct.

**Sen. Lutchmedial:**—the salaries—

**Madam Chairman:** The salaries review. Correct.

**Sen. Lutchmedial:** Right. Good.

**Madam Chairman:** Correct. Yeah.

*Clause 14 recommitted.*

*Question again proposed:* That clause 14 stand part of the Bill.

**Mr. Chairman:** Attorney General.

**Sen. Armour SC:** Thank you, Chair. The amendment that I propose to 14 revisited is 14(1):

The amendment shall commence subject to the provisions of section 5(2), (f) and (g) of the Dangerous Drugs Act every member shall within one month after his appointment.

And it continues as circulated by the Attorney General. So clauses 1, 2 and 3 remain as is but subject to the provisions as I have just read. And we are deleting subclause (3) of 14:

“No prosecution of an offence under this section may be instituted without the written consent of the Director of Public Prosecutions.”

That has been deleted. So clause 14 will consist of two subclauses introduced. [Inaudible] Clause 5(2), (f) and (g):

Subject to the provisions of clause 5(2), (f) and (g) of the Dangerous Drugs

Act every member shall—

**Sen. Richards:** AG, is this the same one we harmonized the fine also already in part (2)?

**Sen. Armour SC:** Sorry, I did not get that, through you, Chair.

**Sen. Richards:** Is this the same one we harmonized the fine in part (2) where we raised the fine to \$250,000 from—*[Inaudible]*

**Sen. Armour SC:** Yes. I would accept that, Chair, subclause 14(2), the fine of \$150,000 would be changed to \$250,000. Thank you, Sen. Richards.

**Sen. Richards:** I am actually still awake.

**Sen. Gopee-Scoon:** What is that?

*[Laughter]*

**Sen. Armour SC:** And then clause 15, with your leave, Chair—no, sorry. “Oh”, no, so we are taking it one at a time. “Yeah.”

**Sen. Lutchmedial:** I have a question—*[Inaudible]*

**Mr. Chairman:** Sen. Lutchmedial.

**Sen. Lutchmedial:** I just have a question on clause 14. We are keeping 14 about the declaration of the interest and the anniversary but, again, I do not understand why we need to keep it if under 7 and so on those matters would result in you having to resign.

**Hon. Senator:** *[Inaudible]*

**Sen. Lutchmedial:** That is what I am saying, I thought it was a bit superfluous. If it is that under 7, once the interest arises and you have included in your amendment that once it arise you must declare it. And if these are the circumstances then you have to send a resignation, why do you need to keep it here that you must keep declaring it on your anniversary?

**Sen. Armour SC:** Well, I think it is an—through you, Chair—sorry—I think it is,

out of the abundance of caution, an ongoing obligation to continue to make that declaration.

**Sen. Lutchmedial:** Okay. All right.

**Sen. Armour SC:** 7(3) applies at the beginning and you continue on the anniversary to make the declaration.

**Sen. Lutchmedial:** I hear you. I was thinking that it could lead to the impression that a person who fits this criteria as in “engaged” or “employed”, in handling an actual pecuniary interest could remain as a member and declare every year when 7 clearly says that you have to resign if you fit that criteria, whereas this suggest that you could remain. So I think it is a little, you know—

**Mr. Chairman:** Unclear?

**Sen. Lutchmedial:** Yeah. It will conflict and it is a bit confusing. If you are making provision for the persons to stay and declare ongoing every year then why say that they must resign under 7? It is either you are conflicted or you are not conflicted, and if you are conflicted and you have to resign, well then there is no need to have a provision to say, well, keep declaring every year. Under 7 you should have a period of time to declare and to send in your resignation, and that is it.

**12.55 a.m.**

**Sen Armour SC:** I would err on the side of caution. Through you, Chair, I would err on the side of caution, Sen. Lutchmedial, but I would make one change, given that in clause 7(4) we changed the language to have the disclosure to be made in writing to the Board and to the President. I would keep clause 14(1) consistent, so that it shall be “to submit to the Board and the President a declaration in the approved form”.

**Sen. Lutchmedial:** Like I said, I think it could be confusing to someone to know

whether or not they have to resign under 7, if the conflict of interest arises, or whether 14 permits them to stay on, I think that that confusion is unnecessary. If it is the policy underlying the Bill that once you are conflicted you must resign. Whether it is declaring in the beginning and resigning, or whenever it arises you must declare it and resign, then creating a section which permits a person to declare their interest and to do it every year suggests that you can have this conflict, and that confusion I think is—you know.

**Mr. Chairman:** Are you opposed to the redundancy?

**Sen. Lutchmedial:** Well, I do not think it is redundant.

**Sen Armour SC:** No, if it is a redundant, if it is placed as a redundant aspect, are you opposed to that?

**Sen. Lutchmedial:** Yes, because I do not see it as necessary to create any situation where a person should be allowed, once the conflict arises, to stay on and make a declaration. That is what we were speaking about before with whether or not—I think the proposal coming from Sen. Vieira was that you declare and you step out and all of that, but that is clearly in conflict with clause 7. Clause 7 says you cannot say you must resign, but then say—but if you stay, well continue to declare every year, why would you stay? Why would we allow them to stay? Under what circumstances do you anticipate that someone having a conflict of interest under 7, whether it arises in the beginning, the middle or the end, which should be the end, would be captured by 14?

**Sen Armour SC:** I will keep it Chair, with respect, subject to the amendment that I proposed, which is:

Submit to the Board and to the President in writing, whether or not—

Delete “the Minister” submit to the Board and the President in writing whether or not—

What is being deleted is “to the Minister a declaration in the approved form submit to the Board and the President in writing”, whether or not he (a, (b). Subclause (2) stays in and (3) goes. And then there is the fine of \$250,000.

**Mr. Chairman:** The question is that clause 14 be amended as follows:

Subject to the provisions of section 5(2)(f) and (g) of the Dangerous Drugs Act, every member shall within one month after his appointment and on each anniversary of his appointment submit to the Board and the President in writing whether or not he—

- (a) is engaged or employed in the handling of cannabis; or
- (b) has an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

Two, to delete the figure of one hundred and fifty thousand and to change it to two hundred and fifty thousand, and imprisonment for a term of two years, and the deletion of subclause (3).

*Question put and agreed to.*

*Clause 14, as amended, ordered to stand part of the Bill.*

*Clause 15 reintroduced.*

**Sen Armour SC:** Chair with your leave I would propose one amendment to clause 15, and that is subclause (2) should commence with the words “subject to the provisions of section 5(2)(f) and (g) of the Dangerous Drugs Act, and then continue, “no person appointed as Chief Executive Officer”, and everything else stays.

**Mr. Chairman:** The question is that clause 15 be amended as follows, 15 subsection (2) to read:

Subject to the provisions of sections 5(2)(f) and (g) of the Dangerous Drugs Act, no person appointed as Chief Executive Officer shall be or become

engaged or employed in the handling of cannabis or have an actual or contingent pecuniary interest in any company, firm or other entity which is regulated by the Authority.

*Question put and agreed to.*

*Clause 15 as amended, again ordered to stand part of the Bill.*

*Clause 16 reintroduced.*

**Sen Armour SC:** Mr. Chair, I would like to propose consistent with the rethink on the sum of the fine, which was earlier introduced by Sen. Richards, at clause 16 sub (7):

An employee of the Authority or a person engaged under subsection (2) who—

And then (a) and (b) apply with no changes:

Commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand in place of one hundred and fifty thousand dollars and imprisonment for a term of two years.

**Mr. Chairman:** The question is that clause 16 be amended as follows—16 subclause (7) shall read:

An employee of the Authority or a person engaged under subsection (2) who—

- (a) contravenes subsection (5) or (6); or
- (b) knowingly makes a false declaration under subsection (5), commits an offence and is liable on summary conviction to a fine of two hundred and fifty thousand dollars and imprisonment for a term of two years.

*Question put and agreed to.*

*Clause 16, as amended, ordered to stand part of the Bill.*

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

Senate.

*Senate resumed.*

**Mr. Chairman:** Attorney General.

**Sen. The Hon. Armour SC:** Mr. Vice-President, I wish to report that the Cannabis Control Bill, 2020, was considered in committee of the whole and approved with amendments. I now beg to move that the Senate agree with the committee's report, pursuant to Standing Order 69(1).

*Question put and agreed to.*

*Bill reported, with amendment, read the third time and passed.*

**Mr. Chairman:** Leader of Government Business.

### **Arrangement of Business**

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Mr. Vice-President, before moving the Motion for the adjournment, I wish to advise that in relation to the matters to be raised on the Motion for the adjournment, there has been agreement that both matters will be deferred to a later sitting.

**Hon. Members:** [*Desk thumping*]

### **ADJOURNMENT**

**The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon):** Mr. Vice-President, I beg to move that this Senate do now adjourn to Friday, May 20, 2022 at 10.00 a.m.

*Question put an agreed to.*

*Senate adjourned accordingly.*

*Adjourned at 1.08 a.m.*