

**HOUSE OF REPRESENTATIVES**

*Wednesday, June 16, 2021*

The House met at 1.30 p.m.

**PRAYERS**

[MADAM SPEAKER *in the Chair*]

**LEAVE OF ABSENCE**

**Madam Speaker:** Hon. Members, I have received communication from the hon. Dr. Keith Christopher Rowley MP, Member for Diego Martin West; Mr. Esmond Forde MP, Member for Tunapuna; Mr. David Lee MP, Member for Pointe-a-Pierre and Mr. Rushton Paray MP, Member for Mayaro, who have requested leave of absence from today's sitting. The leave which the Members seek is granted.

**PAPERS LAID**

1. Annual Report of First Citizens Depository Services Limited for the year end 30<sup>th</sup> September 2020. [*The Minister of Finance (Hon. Colm Imbert)*]
2. Annual Report of the Environmental Management Authority for the year 2018. [*The Minister of Planning and Development (Hon. Camille Robinson-Regis)*]

**Madam Speaker:** The Minister of National Security.

**Mr. Hinds:** Madam Speaker, I crave your indulgence to defer this intervention as soon as practicable hereafter.

**Mrs. Robinson-Regis:** Madam Speaker, may I—thank you, sorry.

**Mr. Hinds:** Thank you.

**Madam Speaker:** Leader of the House.

**Mrs. Robinson-Regis:** I think my colleague may not have his document before him.

3. Annual Report of the Police Complaints Authority for the year 2020. [*Hon. C. Robinson-Regis*]

### URGENT QUESTIONS

**Madam Speaker:** The Member for Naparima.

**Mr. Indarsingh:** Madam Speaker, just on a point of clarification as it relates to Standing Order 26, Prime Minister's Questions. In relation to this exercise, this is a very important exercise and it is clearly spelt out—

**Madam Speaker:** Member, we move on to Urgent Questions.

**Mr. Indarsingh:** So the Members of this House do not have an explanation in terms of the whereabouts of the Prime Minister.

**Madam Speaker:** Member for Couva South, as I say, we are on Urgent Questions. I am sure under announcements, I would have indicated to the House that the Prime Minister has sought leave and has been granted leave of absence. So is it that the Member for Naparima is going to ask Question 1 on Urgent Questions?

**Mrs. Robinson-Regis:** But the Prime Minister indicated—

**Mr. Indarsingh:** Madam Speaker, is it that the Prime Minister is not feeling well because he took his Pfizer vaccine? [*Desk thumping and crosstalk*] We need to clarify. This is a very important exercise under the Standing Orders of the House.

**Mrs. Robinson-Regis:** You do not need to know all of that. [*Crosstalk*]

**Madam Speaker:** Member. [*Interruption*] Member. Members, I am on my legs. Are we proceeding with Urgent Questions or not?

**Mr. Indarsingh:** Well, Madam Speaker, based on the configuration of this House, I had Members inside based on Prime Minister's Questions. Now could we be allowed the time to get the Members in for their Urgent Questions? [*Continuous crosstalk*]

**Madam Speaker:** Member for Couva North, I will take you with your Urgent

Question, please.

**Dr. Moonilal:** Madam Speaker, what about Naparima?

**Madam Speaker:** Oh, I am sorry. I did not realize you came in. All right, so Member for Naparima.

**Johnson & Johnson Vaccines for T&T  
(Possible Contamination of)**

**Mr. Rodney Charles** (*Naparima*): Thank you, Madam Speaker. To the Minister of Health: Given that Johnson & Johnson was ordered by the FDA to dispose of 60 million doses of their vaccine due to possible contamination at a factory, could the Minister state how this will impact the 800,000 J&J vaccines that this country is earmarked to receive from the African Medical Supplies?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you very much, Madam Speaker, and good afternoon to all and good afternoon to you. The Johnson & Johnson vaccine is produced at multiple sites in the United States. The affected site is the site called Emergent. Johnson & Johnson vaccines are also produced in South Africa under a technology transfer agreement, at a plant in Italy called Catalent, a plant in Netherlands in Leiden, a plant in Spain called Reig Jofre, R-E-I-G J-O-F-R-E. It is also produced in a plant in France under the branch of Sanofi and also in India with an arrangement with Biological E. For these reasons, it is difficult to anticipate the possible effects of this so therefore no opinion can be put forward at this time. Thank you very much.

**Madam Charles:** Member for Naparima.

**Mr. Charles:** Yes. Given the fact that there is a global shortage, 60 million will impact the supply of J&J Johnson. Will the Minister indicate what contingency the Government has taken?

**Madam Speaker:** Member, based on the question originally asked and the answer given, I will not allow that. It is purely speculative. Do you have another question?

Member for Naparima.

**Mr. Charles:** Given that we have made errors with our supply situation, is there any contingency being contemplated by the Ministry of Health?

**Madam Speaker:** Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much, Madam Speaker. I categorically—  
[*Interruption and crosstalk*]

[*Madam Speaker rises*]

**Madam Speaker:** Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much, Madam Speaker. I categorically deny and denounce the statement about errors. [*Desk thumping*] We have been engaged in both bilateral talks which have borne abundant fruit in the past few months with the delivery of 300,000 doses of vaccines into Trinidad and Tobago, 300,000 doses. [*Desk thumping*] In addition, we have had doses coming in from COVAX and we are also in bilateral talks with other manufacturers.

While this is undoubtedly something to take note of, as I had indicated, there are seven other countries currently manufacturing J&J vaccines in addition to multiple sites within continental United States. So it is very difficult, as I said, at this time to try to predict or foresee what the impact of this is going to have. But this Government from day one has been proactive in securing vaccines as seen by the delivery of 200,000 doses of Sinopharm vaccines bought for into Trinidad and Tobago. Thank you very much, Madam Speaker. [*Desk thumping*]

**Dr. Moonilal:** Thank you very much. Mr. Minister, in relation to the donation of vaccines from the United States, could you state specifically and clearly who exactly are the recipients of the 200 vaccines or so that in a scandalous manner came into this country a few days ago? [*Desk thumping*]

**Madam Speaker:** Out of order. Member for Couva North.

**Harvesting and Marketing for Farmers  
(Government's Consideration re Curfew)**

**Mr. Ravi Ratiram** (*Couva North*): Thank you, Madam Speaker. To the Minister of Agriculture, Land and Fisheries: Given this upcoming weekend's 19-hour back-to-back curfew, could the Minister inform this House whether the Government has taken into consideration the resultant disruption to harvesting and marketing routines by farmers?

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):** Thank you very kindly, Madam Speaker. On behalf of the Minister of Agriculture, Land and Fisheries I would like to indicate that all farmers' markets and farmers who are associated with these markets have been contacted. What we have found is that for Diego Martin and San Fernando, less than 10 farmers said that they would be willing to attend a market on a Friday.

With regard to those farmers who operate at the Queen's Park Savannah, as we know, Madam Speaker, this is now a vaccine site on a Friday. With regard to Chaguanas farmers, we got no response. With regard to Arima, Couva and Macoya farmers, based on the contact that was made with these farmers, they indicated that they were not willing to participate in a Friday market as it is not a normal market day and customer turnout is usually low.

Madam Speaker, in addition to that, NAMDEVCO has been in contact with all the farmers' markets and the vendors who participate there and NAMDEVCO has offered to purchase their items to include those items in the food market box delivery that is given to the Members of Parliament. Thank you, Madam Speaker.

**Mr. Ratiram:** Madam Speaker, the hon. Minister indicated that all farmers have not been—they have not been successful to contact all the farmers. So can the Minister advise if any consideration is being given to compensate the farmers for the losses they may incur as a result of this weekend lockdown that is being

imposed on them by this Government?

**Hon. C. Robinson-Regis:** Madam Speaker, I never said that we have not been able to contact the farmers, I have said that we have contacted the farmers and they have indicated their unwillingness to participate. In that event, we have said that NAMDEVCO is willing to purchase from these farmers in order to add their produce to the market boxes.

And, Madam Speaker, it is not that the Government has imposed this [*Desk thumping*] on the people of Trinidad and Tobago or the farmers specifically. I am sure the Member understands that we are in a pandemic and this Government has consistently been doing everything possible to ensure that the people of Trinidad and Tobago remain safe [*Desk thumping*] much to the chagrin of those in the Opposition, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Member for Couva North.

**Mr. Ratiram:** Thank you, Madam Speaker. This lockdown is going to affect [*Crosstalk*] the wholesale and the retail market over—

**Madam Speaker:** I cannot hear. Member, you have 15 seconds to ask a question.

**Mr. Ratiram:** Thank you, Madam Speaker. This lockdown is going to affect both wholesale and retail market over the weekend.

**Madam Speaker:** Question.

**Mr. Ratiram:** Is the Government willing to revise the operating hours of the retail and wholesale market? [*Desk thumping*]

**Madam Speaker:** I will not allow that as a supplemental question based on the question asked and the answers given. Member for Barataria/San Juan.

### **Travel Assistance on Saturday and Sunday (Measures in place)**

**Mr. Saddam Hosein** (*Barataria/San Juan*): Thank you very much, Madam Speaker. To the Minister of Works and Transport: Could the Minister indicate

what measures have been put in place to assist travellers who have already purchased tickets to travel to and from Tobago and persons with scheduled flights leaving Trinidad on Saturday and Sunday?

**The Ministry of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you, Madam Speaker. The management of TTIT has advised the travelling public and all stakeholders who would have purchased tickets for the sailing on Saturday 19<sup>th</sup> and Sunday 20<sup>th</sup> June, 2021, of the cancellation of sailing. They were also advised that tickets already purchased can be used to travel at any further date. The measures were sent via the traditional media houses and on social media.

With respect to Caribbean Airlines, consistent with previous changes made in accordance with the health ordinance governing the curfew operations schedules will be amended to coincide with the hours of curfew and to mitigate a slight disruption against the travelling public. Passengers will be notified in advance through regular channels and there would be no charge for changing the dates of travel. Thank you.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Thank you very much, Minister. Is the Minister aware that outside of Caribbean Airlines, there are other international airlines that are also booked to arrive or leave at Piarco on Saturday or Sunday?

**Sen. The Hon. R. Sinanan:** Madam Speaker, I think that would have been taken into consideration. That is why the curfew for the weekend would have been announced yesterday to ensure that all plans are made, not only with the Caribbean Airlines but with other airlines as well. However, the question posed was for the travelling public.

**Madam Speaker:** Member for Oropouche East.

**Dr. Moonilal:** Thank you very much. Minister, are you aware that there is a transit

Guyana flight due to land in Piarco on the weekend outside of the curfew hours?  
[*Interruption*] Having said that, have you made arrangements for exemptions for persons who may have to go to and from the airport because that flight has not been cancelled as yet. It may be cancelled.

**Madam Speaker:** Member, it is not about statements.

**Dr. Moonilal:** Sure.

**Madam Speaker:** And we might be getting mixed up with our other types of interventions. So the question is?

**Dr. Moonilal:** Is the Minister aware of other international flights that are arriving or leaving and have arrangements being made?

**Madam Speaker:** Well, the Minister answered that first question about other international flights. Okay?

**Dr. Moonilal:** Sure.

### ANSWERS TO QUESTIONS

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**  
Thank you very much kindly, Madam Speaker. There are no Written Questions. We will be answering six questions and we are asking for a two-week deferral of Question No. 175 please.

**Madam Speaker:** I am sorry I did not announce it before, but Question No. 165 has been withdrawn.

**Hon. Robinson-Regis:** Thank you for that information, Ma'am.

**Madam Speaker:** And might I ask which one is the one that we are asking for a deferral?

**Hon. Robinson-Regis:** 1-7-5.

**Madam Speaker:** 1-7-5.

**Hon. Robinson-Regis:** Thank you.



*The following question stood on the Order Paper in the name of Mr. Mr. Rodney Charles (Naparima):*

**Number of Under Age 18 Gang Members**

- 175.** Could the hon. Minister of National Security indicate how many persons under the age of 18 have been identified by intelligence agencies as being gang members as of March 2021?

*Question, by leave, deferred.*

**WITHDRAWN QUESTION**

**Topping Trace, St. Mary's Village  
(Completion of Paving)**

- 165. Ms. Michelle Benjamin (Moruga/Tableland)** asked the hon. Minister of Works and Transport:

Could the Minister state the expected completion date of the project for the paving of Topping Trace, St. Mary's Village, Moruga?

*Question, by leave, withdrawn.*

**ORAL ANSWERS TO QUESTIONS**

**Claxton Bay Junior Anglican School  
(Completion of)**

- 151. Mr. Rudranath Indarsingh (Couva South)** on behalf of Mr. David Lee (Pointe-a-Pierre) asked the hon. Minister of Education:

Could the Minister state when the construction of the Claxton Bay Junior Anglican School would be completed?

**The Minister of Education (Hon. Dr. Nyan Gadsby-Dolly):** Thank you, Madam Speaker. On September 17, 2019, the Ministry of Works and Transport informed the Ministry of Education that the structural inspection of the Claxton Bay Junior Anglican School building was carried out. Following the inspection, the Ministry of Works and Transport recommended that the building be demolished and

replaced as its structural integrity cannot be guaranteed. The school's population was subsequently relocated to two refurbished floors at the Marabella South Secondary School building and is currently being accommodated there.

The Ministry of Education is desirous of constructing a prefabricated building to accommodate staff and students at an estimated cost of \$6 million. This will be advanced in the Ministry's budget as submissions for fiscal 2021/2022.

**Madam Speaker:** Supplemental. Member for Couva South.

**Mr. Indarsingh:** Minister, based on the information that you have just provided, could you be a little more specific in relation to a specific date as it relates to a sod-turning ceremony for the construction of this school?

**Madam Speaker:** Ministry of Education.

**Hon. Dr. N. Gadsby-Dolly:** Thank you, Madam Speaker. As explained, it will be advanced in the budget presentations and that would depend on the allocations that are given and therefore once we are able to, a sod turning will be planned in due course.

### **Princes Town Landslides (Status of Works)**

**166. Ms. Michelle Benjamin** (*Moruga/Tableland*) asked the hon. Minister of Works and Transport:

What is the status of works on the landslides along Lengua Village and Mandingo Road, Princes Town, including land rehabilitation efforts?

**The Minister of Works and Transport (Sen. The Hon. Rohan Sinanan):** Thank you again, Madam Speaker. Designs for repair work on the landslip LP 16 Lengua Road have been completed. The Bridges, Landslip and Traffic Management Unit expects to complete the tender package for this project by the end of June 2021 after which tenders will be invited by NIDCO.

A contract for the slope stabilization and repair work has been awarded for

the Mandingo Road, Princes Town. The contractor was unable to mobilize because of suspension of all construction projects in an effort to reduce the spread of COVID-19. The Ministry and the contractor were ready to proceed with the project once restrictions were lifted. In this regard, the Ministry sought and today received approval from the Ministry of Health for work on critical projects to recommence. The contractor has been instructed to mobilize and commence work and to adhere to all the required guidelines with regulations established by the Ministry of Health to protect all concerned. I thank you.

**Madam Speaker:** Member for Moruga/Tableland.

**Ms. Benjamin:** Thank you, Madam Speaker. Can the Minister indicate if the landslip at Lengua would be done in this fiscal?

**Sen. The Hon. R. Sinanan:** Madam Speaker, as I indicated, the landslip at Lengua Road, the tender package will be completed by the end of June and immediately after, tenders will be invited. So it will be started in this financial year, however completion may not be guaranteed in this financial year. Thank you.

**Moruga/Tableland Constituency  
(Absence of 24-hour Health Care Service)**

**167. Ms. Michelle Benjamin** (*Moruga/Tableland*) asked the hon. Minister of Health:

Could the Minister provide this House with the reason for the absence of a 24-hour public health care service in the constituency of Moruga/Tableland?

**The Minister of Health (Hon. Terrence Deyalsingh):** Thank you again, Madam Speaker, and good afternoon to all. Within Trinidad and Tobago, the public health sector has seven district health facilities, 13 hospitals and three health centres that provide 24-hour public health care services for its urban and rural population. Patients can access 24-hour public health care at the Princes Town District Health facility which is adjacent to the constituency of Moruga/Tableland.

In order to facilitate cases of emergency medical services and ease of access of a 24-hour health facility, the National Emergency Medical Service Provider the Global Medical Response of Trinidad and Tobago, GMRTT, provides transportation of patients with medical support within the Moruga/Tableland constituency to these district health facilities and health centres in the shortest possible time to ensure timely access to treatment and care. Thank you very much, Madam Speaker.

**Madam Speaker:** Member for Moruga/Tableland.

**Ms. Benjamin:** Thank you, Madam Speaker. In light of the Minister's answer, can the Minister indicate given that he acknowledges the remoteness of Moruga and villages such as Marac and La Lune, if consideration will be given for the extension of the operating hours from 8.00 a.m. to 8.00 p.m. taking into consideration that the facility at Princes Town is a two-hour commute?

**Madam Speaker:** The Minister of Health.

**Hon. T. Deyalsingh:** Thank you very much. Madam Speaker, what we try to do and have done successfully for decades to assist people in rural communities and you are right, it is better that these people get treatment in their homes via the ambulance service so let me explain.

The ambulance system runs on two types of services: basic life support and advance life support. So if somebody in Marac needs emergency care, they have in those ambulances a 12-lead electrocardiogram to track the heart's electrical activity, the use of cardioversion which is a medical procedure that restores a normal heart rhythm in persons with certain types of abnormal heartbeat. They are also administered in their homes with GMRTT: IV therapy including pharmaceutical distribution—this is 24 hours a day, not only to 8.00 to 8.00—advance airway management, advance trauma care and full advanced cardiac life

support resuscitation and treatment of hypoglycemia. So this can actually be done in their driveways, in their bedrooms via GMRTT. They are stabilized, get this advanced care, stabilized and then taken to Princes Town. And this is the model that is used around the world as opposed to a regular health centre which will not have these facilities, specialized equipment and specialized services. Thank you very much.

**Madam Speaker:** Member for Moruga/Tableland.

**Ms. Benjamin:** Thank you, Madam Speaker. What the Minister said, in an ideal world, it does not exist because the ambulance services—

**Madam Speaker:** Question, question.

**Ms. Benjamin:** Right, I am getting to the question.

**Madam Speaker:** Yeah, but you have 15 seconds. [*Crosstalk*]

**Ms. Benjamin:** If the hon. Minister of National Security will give me a chance to pose the question, I will do such. Thank you. All right, so what I am saying is that in an ideal world what the Minister just described does not exist and the ambulance service is not something that is readily available to my constituents. [*Crosstalk*]

**Madam Speaker:** Question.

**Ms. Benjamin:** So again, I pose to the—[*Interruption and crosstalk*], I pose to the—[*Continuous interruption and crosstalk*], I pose to the hon. Minister, would consideration for the extension of the operating hours or if a doctor on call would be available to my constituents or if the Minister is willing consider—

**Madam Speaker:** Member for Moruga/Tableland, you are allowed one question. Okay, so could you pose the question?

**Ms. Benjamin:** I am so guided but I was disrupted by the other side, Madam Speaker, [*Desk thumping*] so I used the opportunity to pose all my questions.

**Madam Speaker:** Are you going to pose a question or not?

**Ms. Benjamin:** I did, I did, Madam Speaker. [*Continuous interruption*]

**Mr. Indarsingh:** Madam Speaker?

**Ms. Benjamin:** Madam Speaker, I asked if the—

**Madam Speaker:** Member, I am standing. You have posed three questions, I have asked you to pose one. All right, you determine which one.

**Ms. Benjamin:** Madam Speaker, I would—

**Mr. Indarsingh:** Madam Speaker, in accordance with Standing Order 53, I am pleading with you to ask Members of the Government Bench to display some kind of respect [*Desk thumping*] to my colleagues when they are posing questions. [*Crosstalk*] And the Member for Arouca/Maloney, I will ask her to withdraw her remarks. “She cyah tell me anything about whether I know, have any decency.” Madam Speaker, I ask her to withdraw it immediately. [*Crosstalk*]

**Madam Speaker:** Okay, so I will ask all Members on both sides, okay, to recapture their composure and allow the Member for Moruga/Tableland to pose her one question to the Minister of Health.

**Ms. Benjamin:** Madam Speaker, while I do not entertain the insults coming from the other side and I am glad that they think that the health care in Moruga/Tableland is a joke, I would like the hon. Minister to consider having a doctor on call because persons in Marac and La Lune, health is valuable to me.

**Madam Speaker:** Minister of Health.

**Hon. T. Deyalsingh:** Madam Speaker, even if you have a doctor on call, the services include electrocardiogram, the services include IV therapy, the services include advanced airway management that can be done in your constituent’s home environment. Even if I put a doctor on call from 8.00 to 8.00, this advanced type of service will not be available. So it is much better to have this which exists in practice. Thank you very much, Madam Speaker.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Madam Speaker, Question No. 175 to the Minister of National Security.

**Madam Speaker:** Minister of National Security.

**Hon. Hinds:** I am told that Question 175 was deferred.

**Madam Speaker:** Member for Naparima, I think—

**Hon. Hinds:** He is sleeping.

**Madam Speaker:**—you are asking 176.

### **Number of New Gangs Formed Since 2019**

**176. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of National Security:

Could the Minister state the number of new gangs which have been formed since 2019, in addition to the 211 gangs that we were advised had then existed?

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very warmly, Madam Speaker. Intelligence gathered by the TTPS revealed four new gangs were formed in Trinidad and Tobago since 2019. However, the number of gangs was estimated to have declined to 130 with a membership of 1,014 persons as at 2020.

**2.00 p.m.**

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Madam Speaker if, as the Minister said the number declined from 211 to 130, and this was done in the absence of the proclamation of the Anti-gang Act which was passed in this House on April 27, 2021. It means that that Act—

**Madam Speaker:** What is the question?

**Mr. Charles:** I am asking him.

**Madam Speaker:** What is the question?

**Mr. Charles:** The question is, I asking him, was that Act necessary to achieve this decline when it has not been proclaimed?

**Madam Speaker:** I will not allow that question as a supplemental question.

Member for Naparima.

### **CEPEP Teams in Naparima (Details of)**

**177. Mr. Rodney Charles** (*Naparima*) asked the hon. Minister of Rural Development and Local Government:

Could the Minister provide reasons why the constituency of Naparima has only 9 CEPEP teams?

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very much, Madam Speaker. Madam Speaker, on behalf of the Minister of Rural Development and Local Government, the Community-based Environmental Protection and Enhancement Programme (CEPEP) Company Limited is an agency of the Ministry of Rural Development and Local Government which focuses on environmental protection, enhancement and beautification in service areas known as environmental work areas.

At the community level—[*Interruption*] You are now going to tell me how to answer the question?

**Madam Speaker:** Member, please ignore. We have to learn—

**Hon. C. Robinson-Regis:** At the community level, CEPEP seeks to enlighten communities on the need to improve and protect the environment. The programme is organized on the basis of contractual work in environmental work areas, where contracting companies are responsible for recruiting and managing workers to achieve targets. The programme also presents the opportunity for contractor and employee development.



The assignment of teams to the environmental work areas is the responsibility of the contractors hired by the CEPEP Company Limited and not the CEPEP company itself. Each contractor would generally have a total of three teams. The practice of assigning contractors throughout Trinidad is based on several factors such as the topographic nature of the specific environmental work area.

However, it should be noted that whilst contractors are initially assigned to certain work areas, usually within its community, CEPEP has developed an all-of-contractors approach whereby contractors are often reassigned/rotated to other environmental work areas due to the nature, level, demands and technical requirements of the work within the environmental work area. Thank you, Madam Speaker.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Madam Speaker, you ask a question and you do not get an answer. So I ask the Minister, could you tell me why San Fernando West got 46 teams and D'Abadie/O'Meara 27, and Naparima only nine? Is it discrimination, rank political discrimination?

**Madam Speaker:** Member, how many questions you asked?

**Mr. Charles:** I asked: Is this a result of political discrimination that we only got nine and San Fernando West got 46?

**Hon. C. Robinson-Regis:** Thank you, Madam Speaker. Madam Speaker, the Government of the People's National Movement is not in the habit of political discrimination. But, Madam Speaker, I would like to tell you some political discrimination that took place between 2010 to 2015. Madam Speaker, Diego Martin West was given one, one. Diego Martin West, one contractor who got three teams. Madam Speaker, a team is 30 workers. Madam Speaker, Siparia, on the

other hand had nine contractors with 48 teams. Madam Speaker, additionally, Madam Speaker, Moruga/Tableland had nine contractors, 34 teams; Mayaro, nine contractors, 41 teams; D'Abadie/O'Meara, eight contractors, 35 teams; Couva North, seven contractors, 40 teams; Caroni Central, eight contractors, 37 teams; Couva South, eight contractors, 36 teams. Madam Speaker, La Horquetta/Talparo, which was under UNC control at the time, 12 contractors, 37 teams. Madam Speaker, let me also indicate that Princes Town, five contractors, 28 teams.

Madam Speaker, on the other hand an area such as Arouca/Maloney only got six contractors, and that is a large area, Madam Speaker, of people who need the kind of work that CEPEP gives. Madam Speaker, in addition to that, Diego Martin North/East, two contractors. Madam Speaker, La Brea, two contractors, Madam Speaker; Laventille East/Morvant, seven contractors. Madam Speaker, Caroni West, which was then under the control of—

**Mr. Indarsingh:** Caroni West?

**Hon. C. Robinson-Regis:** Madam Speaker, Chaguanas West, I apologize, which was then under the control of—*[Interruption]*

**Hon. Member:** Ganga Singh?

**Hon. C. Robinson-Regis:** No, Jack Warner, was eight contractors, 31 teams. Madam Speaker, should I go on and on and talk about political discrimination and victimization? Madam Speaker, thank you very much.

**Madam Speaker:** Member for Naparima.

**Mr. Charles:** Would the hon. Minister confirm yes or no please, whether she applied to Marlene Mc Donald for a CEPEP contract?

**Madam Speaker:** I would not allow that as a supplemental question. Member for Naparima.

**Mr. Charles:** Could the Minister indicate the source of that information because

we know that the Government on that side does not speak the truth? The source of the information.

**Madam Speaker:** Member, do you have another question you would like to ask? I am not allowing that question. Do you have another question to ask? Question 175 has been deferred for two weeks.

**JOINT SELECT COMMITTEES  
(Appointment to)**

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very kindly. Madam Speaker, I beg to move that Mr. Kennedy Richards be appointed to serve on the following Joint Select Committees: the Joint Select Committee for National Security, in lieu of Mr. Fitzgerald Hinds and the Joint Select Committee for Energy Affairs in lieu of Mr. Stuart Young. Thank you, Madam Speaker.

**Madam Speaker:** Okay, so Members I know we had a very spirited question period, but I remind all Members of Standing Order 53. The noise is becoming quite loud.

*Question put and agreed to.*

**FIREARMS (AMDT.) BILL, 2021**

*Order for second reading read.*

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

Madam Speaker, is it at the podium?

**Madam Speaker:** Once the intervention is more than five minutes, as a reminder to all Members, we go into the booth.

**Hon. F. Al-Rawi:** Thank you, Madam Speaker, sorry. It is different in the Senate. You can speak from the chair.

Before I begin, Madam Speaker, may I just enquire, remind me please, the speaking time in this House?

**Madam Speaker:** 30 minutes.

**Hon. F. Al-Rawi:** 30 minutes?

**Madam Speaker:** Yes.

**Hon. F. Al-Rawi:** Thank you so much, Madam Speaker. Madam Speaker, I beg to move:

That a Bill to amend the Firearms Act, Chap. 16:01, be now read a second time.

Madam Speaker, it gives me great pleasure to present the Bill before the House this afternoon. This Bill has received a significant amount of stakeholder input and has had the benefit of full passage in the Senate before its arrival into this House. The Bill seeks to address an issue, a societal issue, one where we amend the relevant law, in this case the Firearms Act, to allow for the introduction of a specific type of prohibited weapon, which is pepper spray. This is an experiment that has been undertaken in many jurisdictions, the use of non-lethal methods to allow for self-defence. And it is one where there is a wide variety of practice and this issue is one where there is no unanimity of purpose.

Several countries around the world prohibit the use of pepper spray. Several countries around the world have permitted use of pepper spray as opposed to legalized use. And then on the far end of the spectrum, there are other countries around the world where pepper spray is entirely legal and lawful and to be bought over the counter.

There have been experiments in other jurisdictions, Denmark in particular, where the use of pepper spray has been statutorily or legislatively granted, but has been withdrawn after an epidemic of abuse descended upon that particular country.

The Bill before you us, Madam Speaker, is one which seeks to amend the Firearms Act. It is 31 clauses long, and permit me give this in the context of the

fact that our society is one where many questions have been asked of persons in authority. Many questions have been led by discussion groups and organizations as to how we can better protect our citizens, and in this regard the vulnerable. When we look to the consequence of the vulnerable, it is material to note that our vulnerable in society are now faced with many steps, many protests, many agitations, commendably delivered by our citizenry, but very few answers.

This Government has been very pleased to bring to life, radical reforms in the criminal justice system, massive expansion of the Judiciary, massive expansion of child protection, protection for women in particular via domestic violence, the digitization of our jurisdiction of the courts. And in this regard, Madam Speaker, we have introduced significant amendments to sexual offences legislation, to domestic violence legislation, to the manner in which we treat our children and alternative remedies, to the manner in which we treat our women and our vulnerable. We have introduced legislation such as the Trespass Act to treat with things like elder abuse.

Coming into this mechanism now, we are prepared now to take the discussion on pepper spray forward in the form of this Bill. So let us get to the Bill. The Bill is located in an example where as we can say, statistically in Trinidad and Tobago, using one indicator alone, that is sexual offences, that we have had, for the period 2016 to 2021, as at February 2021, the number of reported rape, incest and sexual offences stands at 2,537 reports. We have, in the statistical information before us, the fact that indictments have been filed that Magistrates' Court matters have proceeded, High Court matters have proceeded.

We stand in a country where, if you take the period 2015 to 2020, if we look at caseload matters for offences against children, I am just using this as a dipstick in the context of this debate, some 27,837 matters have been reported to the

Children's Authority. We are a society where our citizenry is crying out for a fighting chance. They are crying out for a better structure. And whilst that structure is in fact being delivered, it is never going to be fast enough.

So today, Madam Speaker, we bring the issue of the Firearms Act to life. In the Firearms Act, Madam Speaker, a prohibited weapon is defined at section 2 of the Act as one which is including a noxious substance. So in the definition of a firearm, a firearm includes a prohibited weapon. In the Firearms Act, a prohibited weapon is defined as including a noxious substance. Pepper spray which is a noxious substance, it is derived from pepper. It has a heat index. It is designed to cause a disruption to the eyes, to breathing, to the nose. So that you have a fighting chance. But this weapon in the wrong hands has been the balance that we have had to achieve. The ability to get the pepper spray into hands is also balanced, not only by the fact that it can be a protection and also an offence used in the wrong hands, but we have to also decide how it is best delivered into the care and custody of people, lest we end up in the Denmark experience, which gave pepper spray and then promptly took it away because criminals ended up being the persons who used it more than the victims or potential victims.

Madam Speaker, I can say that in the United States of America, they have legalized pepper spray. In Brazil, they have not. In India you require a permitting background. In Malaysia you require a permit; Singapore, it is illegal; Ireland, illegal; Denmark was legal and then revoked; Switzerland, you must be 18 years and over; France, 18 years and over; Italy you must be over 16 with no criminal record; Austria, it is permitted but in self-defence. In Canada it is not permitted; Australia, it is not permitted except Western Australia in limited circumstances. In New Zealand it is permitted. In Greece it is not. In Jamaica, it is not. In Spain, you must be over 18 with a particular volumetric content permission. In the UK, it has

not been permitted despite constant agitation. In Holland, it is not permitted, just to name a few jurisdictions.

Whilst we look at this legislation and we get to the position of clause 3 of the Bill, clause 3 seeks to, of course, introduce the very concept of pepper spray into the definition section. And pepper spray is now defined as an:

“...inflammatory agent which, when applied on the body...”

—causes the effects that I have just described, the effect of affecting the eyes, nose, lungs, et cetera.

We introduced the concept of a pepper spray permit for import, a pepper spray permit for possession. We then caused amendments in clause 4, where we amend Part I of the Act. We are amending the definitions section itself in the previous clause. In this part, we amend the Schedule because we are now in the permitting aspect required to give permits for more than just firearms and now to include the pepper spray.

Clause 5 of the Bill treats with a very important clause. Clause 5, we amend section 5 of the Act. Section 5 is now adding into the deeming of being in possession, the matters that are also referred to, 16B, 16C, 17A and 40A. And when we look to that, section 5 of the Firearms Act is the section by which you use the interpretation for Part I, and it says, for the purposes of prosecution if you are going to be in possession of pepper spray, if you are going to be a prohibited person with pepper spray, if you are going to have expired pepper spray under 17A, if you are in custody of pepper spray, that you are deemed to be in possession of the thing that you are found, unless you can show lawful excuse otherwise. So that is an important improvement into section 5 of the Act.

Clause 6, Madam Speaker, treats with an amendment to section 6. We are allowing in expressed terms here now estate police, SRPs, municipal police and

any other person to be approved by the Minister to be in possession of pepper spray. Why? It is to broaden the use of non-lethal tools in the hands of law enforcement, and, therefore, fixed within the policy enunciated by the Minister of National Security and the Commissioner of Police.

Clause 7 of the Bill, Madam Speaker, treats with the manufacture, production, importation, exportation, et cetera, of pepper spray. And basically it is here that we set up that you must have a permit, that the volumetric content, what is contained in the canister, the type; that must be approved by the Minister of National Security. We make it subject to the negative resolution of Parliament, meaning it will apply unless it is negated by a motion of the Parliament to have that order revoked.

Madam Speaker, would you remind me what the full time ending is?

**Madam Speaker:** Attorney General, you end at 2:40:56.

**Hon. F. Al-Rawi:** Thank you so much. Madam Speaker, when we look to the content of pepper spray coming into the new section 6A in clause 7, and we get to the fact that any pepper spray that is not approved, those volumes must be specifically approved. If there is any other type of pepper spray with a different type of volume than permitted, that is a prohibited weapon. And, therefore, you will run into a full collision of the provisions of the Firearms Act, which I should caution has heavy consequences. So that means anybody interested in the pepper spray ought to obtain it from a local supplier. So that you are sure that you are within the parameters of the Trinidad and Tobago law, because there is on the market, in other countries, weapons-grade type pepper spray, military grade. Madam Speaker, we of course allow for a hybrid type of offence to apply, summary and indictable, therefore allowing for the election of the more serious or less serious route, depending upon the gravity of the offence.



In clause 7, where we add in a new 6B and 6C, we set up the springboard for the person who is desirous of pepper spray, having to apply to the Commissioner of Police and that that person in 6C, very importantly has to basically tell the truth in the application. If you do not tell the truth in the application you are subjected to an offence. Let me explain this. The intention is people will arrive at the Trinidad and Tobago Police Service in two forms, one of two or both, online by way of an online application or in person, if you do not have Internet access. When you do that, you fill out the form, you hand it in to the Trinidad and Tobago Police Service, online or in person and you are telling in that form, you are swearing that you are telling the truth, that you are not a prohibited person prohibited under this law from obtaining pepper spray. The Commissioner of Police will consider and grant that in quick form, because the penalty that we are relying on is that you have told the truth. And if you do not tell the truth, the new section 6C kicks in where a heavy criminal offence comes in.

So who is a prohibited person? We treat with that in a different clause but it is to also be found in the Schedule that we are adding into this Act. And, therefore, if you look to the Schedule that is set out in the law itself, you will see it, Madam Speaker, at clause 27. A prohibited person is a person who is on a charge or conviction for the matters set out in the Second Schedule. This is listed in clause 27. People who have charges or conviction for Offences Against the Person Act, shooting, wounding, injury with a weapon, choking, using drugs, burglary, offences under the Kidnapping Act, Trafficking in Persons Act, offences against children, offences against trespass. Why? Charges ought to exclude you, because these are serious matters. We have also made reference to prohibited persons, to persons listed in the Bail Act. And I should remind that the Bail Act sets out the most serious offences.

We are also prohibiting, Madam Speaker, persons who have charges under the Domestic Violence Act. But, Madam Speaker, because the Domestic Violence Act involves, and I am putting it quite simply, sometimes a "he say/she say", we are saying people who are the subject of protection orders or applications under the Domestic Violence Act, they can get the permission of the court to have pepper spray, because it may be required to protect both the complainant and the person who is the respondent in the courtroom itself, the defendant in that matter.

Madam Speaker, we turn now to clause 8 of the Bill, Madam Speaker, we are just harmonizing this law to say the President means the Minister, because the President used in this Act does not mean the President acting with discretion under section 80 of the Constitution. It is therefore properly the Minister which means the Cabinet of Trinidad and Tobago.

Clause 9 of the Bill seeks to amend the Act by adding in a new section 9B. And it is here that we are saying any person who sells or transfers pepper spray and who is not exempt does not hold the exemption from it is liable and we put in the offences for that. So if you have applied for your pepper spray, it has been given to you, you have your permit, that is your pepper spray unless you are permitted under the Act to treat with it. Because this in the wrong hands can be dangerous.

Clause 10 amends Part II, which deals with the licensing and general provisions following section 16 of the Act. We are introducing a new 16B. It is here that you will see we set up the class of prohibited persons, persons charged or convicted with the matters listed in the Schedule I have just referred to, charged or convicted with offences under Part II of the Bail Act, charged or convicted under the Domestic Violence Act. We make the exception for the protection orders. The court can tell you, you can be in possession. And we, of course, set up the offence coming there.

Section 16C, which is included in clause 10, is where the holder of a pepper spray permit is charged or convicted, we have the transition. At that point you become a prohibited person. So if you are before the court and you fall within the class of prohibited persons, there is a positive obligation to turn in the Pepper Spray Permit and turn in the pepper spray.

Section 17 of the Act is proposed to be amended by clause 11. In clause 11, again, we are harmonizing the word “President” to “Minister”, in keeping with the fixes into the Act to bring it into modernity. And, Madam Speaker, we are looking in the general provisions as to grant of licences, how it is you get the permit. That is for manufacturer, production, importation, exportation, diversion, selling or distribution or the permit to acquire and to have in possession. Why? We anticipate that Trinidad and Tobago is quite capable of spawning an industry to manufacture pepper spray. After all, we have some of the hottest pepper in our Scorpion pepper originating in this country.

Madam Speaker, clause 12 treats with the insertion of a new section 17A, and it is here that we treat with the fact that a Pepper Spray Permit is given to, and here we set out the age limits, any adult, someone over 18, or a child between the ages of 16 and 18 with the parental consent or the person who has responsibility consent. Why? It is felt—and there was a lot of debate about the age limit here—that we ought to allow children to have possession of pepper spray but that the maturity of the child ought to be set at a particular level. Hence, the choice and the Senate's confirmation of 16 years of age.

Madam Speaker, I turn to clause 13 of the Bill. Clause 13 of the Bill is where we treat with the ability for the revocation of licences, which is catered for in section 21 of the Act. And here it is that the Commissioner of Police will have the ability to revoke licences. Remember a licence is merely a licence and,

therefore, it is capable of revocation for proper circumstances, you are of intemperate conduct, you are a danger to society. Any one of those reasons can easily cause the revocation of licences.

**2.30 p.m.**

Clause 14 seeks an amendment to section 21A of the Act. It is here if you are refused pepper spray by the Commissioner of Police you have the right of appeal to the Firearms Appeal Board. And therefore, we have put it so that you have a due process position wherewith you can challenge the denial to obtain pepper spray from the Commissioner of Police.

I want to remind that it is not intended that this will be a long and involved process. You apply online, you obtain your permission, and then you go to the place where you can obtain it, much like you would get a prescription from a doctor and go to a pharmacy and fill your prescription. It is intended that entities including pharmacies will be capable of dispensing pepper spray because they have the ability as they do with the dispensation of dangerous drugs, including narcotics, to give proper account within the parameters of the regulations and recordkeeping.

Madam Speaker, clause 15 seeks to amend the Act by repealing section 21C and substituting a new 21C. It was just cleaner for us to split the register instead of just the firearms register and then seek an awkward amendment, we repealed and replaced allowing for two registers, a firearms register and a pepper spray register. It is intended that this will be an electronic register obviously, as it is permitted under the Electronic Transactions Act in addition to being a paper register.

Clause 16 seeks to amend section 22 of the Act and section 22 deals with the power to call in firearms, et cetera. For instance, there may be a cause, for instance an emergency under the state of emergency where you are dealing with a violence and circumstance not like a public pandemic here, and there may be need for the

Commissioner of Police to call in not only just firearms and ammunition but also pepper spray.

We look to clause 17 of the Bill. Clause 17 is where we bring to life the amendments necessary to constitute the Firearms Appeal Board the establishment of the board itself. So clause 17 seeks an amendment to section 22A(1) of the Act.

Clause 18 treats with an amendment to section 23 of the Act. Section 23 of the Act, the provisions which give special restrictions, and here it is that we are saying that the holder of pepper spray import permit or pepper spray permit shall not deal in pepper spray except in the place that they are licenced to do. So if it is X pharmacy, or X firearms dealers location, that it must be dispensed or dealt with from that location not any other unapproved location.

Clause 19 of the Bill treats with an amendment to section 25 of the Act. And this is the fact that a notice must be displayed at the place where they are selling the pepper spray, similar to that which happens at firearms dealers. So if you are going to the pharmacy which is an authorized place to obtain your pepper spray, then a notice is affixed to the public's attention saying that they are permitted under law to deal in and supply the pepper spray.

Clause 20 treats with an amendment to section 26 of the Act. Section 26 is where we set up the need to keep records and to have returns. Those are brought about in Regulations. We have already amended the Regulations. The Regulations are amended a little bit further down in section 36 when we treat with the amendment of Regulations themselves. You see it forms part of this particular Bill and the Regulations are amended in clause 28. So there is no need for us to wait for the amendment of the Regulations, it is done in this Bill.

What we do, Madam Speaker, next, in clause 21 we seek to amend section 27 of the Act. Section 27 of the Act is where we broaden the power that the police

have, not only the power of search and to obtain information or to inspect a firearm, et cetera, or have questions answered, but if you are in possession of a pepper spray permit obviously we have had to amplify that provision. So if you have your permit on you as you must, your pepper spray can be inspected, your permit can be inspected by policemen. There is of course the caution in the existing law that women cannot be searched by anybody other than women police constables et cetera, so just reminding that that caution is already in the parent law.

Clause 22 seeks to amend the Act, Madam Speaker, by renumbering section 36 and putting in a section 36(1). And here it is where we are treating with the Regulations. What is of relevance here, clause 28, clause 29, and clause 30, where we amend the regulations in this Bill, we provide what the fee is for the pepper spray permit, it is proposed to be TT \$50. The permits themselves also at the same level because this is not intended to be an obstacle.

There was a great concern in the Cabinet that we did not overprescribe the ability to take pepper spray into possession. We therefore struck a balance of saying, we will take the access online, present it to the Commissioner of Police, “fill the prescription”, I am using that term in inverted commas at the place where you can buy the pepper spray, and the caveat to making this thing work is to say that you cannot be a prohibited person.

Very importantly, Madam Speaker, let me point out that this Bill says that this pepper spray is to be used in self-defence only. Self-defence is well known as a creature of the law. What we do, Madam Speaker, is we seek to heavily criminalize the use of pepper spray in circumstances where you are using it in the commission of a crime. So we are warning people that when you seek to use pepper spray in the commission of a crime that you are going to be in significant conflict with the law and exposed to maximum jeopardy, Madam Speaker.

If I turn next, Madam Speaker, to the provisions of clause 22 as I was just dealing with, I remind that here it is the regulation power comes to life. We have dealt with what the offences look like. I want you to note that we have harmonized the breach of regulations offences in line with the amendments that we made in December last year or earlier last year for the position of the Interpretation Act, where we amended the penalties and fines for breaches of regulations under the Interpretation Act. So we are harmonizing that here.

Madam Speaker, clause 23 treats with the amendment to section 37. Section 37 of the parent Act is the Service of Notices. So obviously, we had to deal with the Service of Notices under this law for pepper spray matters.

Clause 24 amends section 38 of the Act which itself deals with forfeiture and disposal by the court. So if it has forfeited, your pepper spray, it can be disposed of by the court or forfeited by the court.

Clause 25 seeks to harmonize the amendments from “President” to “Minister” in section 39 of the Act. Section 39 is where we set up the fee of \$50 in the regulations.

Clause 26 is where we treat with the new section 40A to tell you that if you have your pepper spray you must keep it in safe custody, obviously out of the reach of children, out of the reach of harm.

Clause 27 is where we treat with the renumbering of the Schedule to introduce the new Schedule, the part for the prohibited persons. We get to clause 28 where we have done the regulations, how you store, how you keep the records, what timing you need to return those records in. It is envisaged that all of these prescriptions will be done electronically as well, Madam Speaker.

Madam Speaker, clause 29 treats with the fee, the \$50 fee, for both matters, import permits and pepper spray permit. Again, being subject of the regulation

amendments.

Clause 30 treats with the transitional provisions. Importantly, we are aware that people have pepper spray in their possession now. Therefore, it is important to allow people the opportunity to bring in the pepper spray or to apply for the pepper spray because this is one of those free-roaming elephants in Trinidad and Tobago society, where the newspaper reports tell you all pepper spray at downtown Charlotte Street was sold out. So it is a way of us legalizing the approach for the permit, the approach for the permit.

Clause 31, we do the consequential amendments to the Offences Against the Person Act, Chap. 11:08, the Dangerous Drugs Act, 11:25, the Domestic Violence Act and the Miscellaneous Provisions (Law Enforcement Officers) Act. Obviously, this law, Madam Speaker, works in tandem with the Children Act and several other laws, the Summary Courts Act, the Indictable Offences Act, and the Prevention of Crime (Offensive Weapons) Act, Chap. 11:09.

Madam Speaker, I look forward to the contributions of my colleagues in this Bill and in this debate, and I beg to move.

*Question proposed.*

**Madam Speaker:** Member for Princess Town. [*Desk thumping*]

**Mr. Barry Padarath** (*Princes Town*): Thank you, Madam Speaker, for the opportunity to contribute in today's debate a Bill, an Act to amend the Firearms Act, Chap. 16:01.

Madam Speaker, on realizing that this Bill would be brought to the House today, when it was laid on the Order Paper like many persons my reaction was, finally. Finally, we would have been empowering many persons, many organizations, who have been advocating for the use of pepper spray as a means of protection for the most vulnerable, as the hon. Attorney General has indicated, in



our society, especially women and girls who have been under siege due to criminal activity in the more recent past.

Madam Speaker, I want to also take the opportunity to thank all those civil society groups and also Members headed by the Leader of the Opposition, the Member for Siparia, for their advocacy and their activism in terms of bringing about this result today. [*Desk thumping*]

The Member for Siparia has been one who have been advocating for women and girls in particular in terms of empowerment and protection. And it is a watershed day in the Parliament and the history of Trinidad and Tobago, especially in terms of doing the research for this debate today, on the Bill, an Act to amend the Firearms Act, Chap. 16:01, in terms of the use of non-lethal weapons in the name of pepper spray.

When I was conducting my research, Madam Speaker, what I found very interesting, and the hon. Attorney General alluded to it, was that there were very few Commonwealth nations in particular that have pepper spray provisions in terms of their legislation. And, Madam Speaker, this really is a watershed moment for Trinidad and Tobago because even the United Kingdom where we derive our jurisprudence, even the United Kingdom has shied away from the use of pepper spray and pepper spray legislation. Their circumstances are much different from ours, Madam Speaker, but today we as a Parliament and as a nation take an additional step that we hope would be a tool in the arsenal in terms of the protection of the most vulnerable, including the women and girls that are under siege at this time in Trinidad and Tobago.

Madam Speaker, this legislation really comes against the backdrop of some of the most heinous crimes that we have seen especially as it relates to rape, as it relates to brutal murders. And two names instantly come to mind, and those names

are Ashanti Riley and Andrea Bharatt.

Right in front of this Parliament, Madam Speaker, we have seen days and days of massive advocacy and activism, not only from civil society groups but from parents, from victims themselves, and I think when we see that this legislation was laid on the Order Paper it brought about a sense of relief. And it reminded me something that the hon. Attorney General often says in terms of some of the legislation he proposes. And he says, “Well, this may not be the perfect legislation but at least it is a start.” And if it was on one occasion that we agree with that comment, Madam Speaker, it is with respect to this piece of legislation.

Madam Speaker, I will outline the areas in particular that the Opposition has some concerns with. Fortunately, this Bill went to the Senate, and we were able to get the comments from many of the Senators in terms of what their positions were, what were some of the issues that were identified, some of the issues that still have not been fleshed out or have not had the fortunate response from the hon Attorney General in terms of what those concerns were.

And, Madam Speaker, right off the bat I would like to say that our concerns deal specifically with clause 7, clause 26 and clause 27. And I will go into that in a bit, except to say, Madam Speaker, there was one contribution in particular that I found very interesting. And some of the issues that were advanced in the contribution made by the Senator, Sen. Welch, brought about some serious issues that I believe should be ventilated and should be answered by the hon. Attorney General.

Madam Speaker, I would like to quote from the *Hansard* dated the 18<sup>th</sup> of May, 2021, from Sen. Welch on page 27, and it said, I am quoting Sen. Welch:

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

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

Madam Speaker, to paraphrase some of the point that Sen. Welch went on to make in reference to what he said earlier about this being a non-lethal tool to protect especially women and girls, Madam Speaker, the hon. Senator indicated what while he understood the intent of Government by bringing this particular piece of legislation, he felt that it was misplaced, misplaced by putting it under the Firearms (Amdt.) Bill. While I do understand the constraints in terms of what falls under the Firearms (Amdt.) Bill, I tend to agree with the learned Sen. Welch when he says that while the intent to provide would-be victim an opportunity to protect themselves in terms of self-defence, it being a non-lethal tool in their arsenal, that this may be misplaced in terms of putting it under the Firearms Bill because of the fact that what it now does it puts a lot of restrictions on the user themselves and changes the onus onto the user rather than it being seen as an opportunity for users to protect themselves.

Madam Speaker, the hon. Senator went on to say which I found rather

interesting, he said:

“Now, I fully understand the position of the Attorney General, because that sounds radical. I also listened to the Minister of Agriculture, Land and Fisheries and he has spoken to the experience in Canada where he has lived, and where the use of it became in such a manner that it had to be restricted. Well I say Canada is Canada, let us give our society a chance because of what is happening here historically and what is happening presently, because it has not changed. So my submission is that we have this legislation in such a way that it is liberalized, that it is decriminalized, because presently, using the definition in the Firearms Act, it will be regarded as a prohibited weapon. So declassify it as such, allow its purchase, acquisition and transfer, and put in certain limitations to take care of the concerns with which one is worried about.”

Madam Speaker, I have noticed in the public domain that that has picked up some traction in terms of that position that was advanced by Sen. Welch, Madam Speaker, but Sen. Welch was not the only Senator who had advanced his thoughts on that particular matter. And I would like to quote from the *Trinidad Guardian* on the 12<sup>th</sup> of May, 2021. It said:

“Independent Sen. Anthony Vieira, however, said he didn’t like the amendment”—to the Firearms Amendment Bill. He—“felt it was disingenuous, condescending to women and disproportionate.” He said—“...it was for self-defence, he felt it so convoluted and bureaucratic it may be beyond the reach of women who need it. He said unless women have the time, money and resources to deal with the bureaucratic requirements to access, they would not get the things they desperately need.”

That was Sen. Anthony Vieira.

Madam Speaker, Sen. Vieira further went on to say:

“...it was possible to weaponise household products, from insecticide to gasoline and it might be easier to get guns, cutlasses or knives. He said pepper spray should be as easy to acquire. He said he wasn’t ‘dissing’ Government’s approach.”

**Madam Speaker:** Member—

**Mr. B. Padarath:** And, Madam Speaker, that is rather interesting in terms of the Senator saying that he was not “dissing” Government’s approach because I do not want the hon. Attorney General and Members to feel that we are throwing out this, and we are criticizing the legislation without putting forward meaningful solutions and proposals.

But when Sen. Vieira and Sen. Welch in the other place made their submissions I can see the value of those submissions, Madam Speaker, and therefore when Sen. Vieira said he was not “dissing” Government’s approach and Government’s position but rather differed with it, I would hope the hon. Attorney General will take that reference in terms of some of the positions that we will be advancing today especially in relation to clauses 6, 26 and 27.

Madam Speaker, clause 7 deals with the import licence of the pepper spray. There were Senators and others who have advocated against this because of floodgates. Madam Speaker, I would like to turn your attention to one of those instances right here in our Caricom, and that is in Jamaica. Madam Speaker, on April 3<sup>rd</sup> 2021, in the *Jamaica Gleaner* there was a line that said:

**“PEPPER SPRAY THEM! JAMAICANS PUSH FOR LEGALIZATION OF SELF-DEFENSE WEAPONS”**

Madam Speaker, it read:

“Since last week, Jamaicans at home and across the diaspora have increased

their calls to the Jamaican government to do more to address [gender-based violence](#) on the island. These calls stem from the kidnapping of a 20-year-old Portmore resident, Khanice Jackson on Wednesday, March 24.”

Madam Speaker, the time period was very similar to the situation that we had in Trinidad and Tobago with respect to the Andrea Bharatt rape and murder. The point that they were raising in Jamaica that I found very interesting is a point that Sen. Vieira and Sen. Welch raised, was the issue of the licences to be able to carry pepper spray and also to acquire pepper spray. Madam Speaker, in this submission it said:

“The abduction and subsequent death of the young accounting clerk have sparked national outrage among Jamaicans, with several public figures like retired sprinter Usain Bolt, dancehall artistes...”

—and others gained a lot of public attention.

Madam Speaker, the part of this that really interested me was that there was a differing view between the Government in Jamaica when asked for their thoughts and the Opposition. And if you would allow me just to quote, and it said:

“Amid the outrage, opposition leader Attorney Mark Golding said he believes pepper spray is not illegal, having reviewed the Offensive Weapons (Prohibition) Act 2001. But Minister of Justice Delroy Chuck said Golding’s claims are inaccurate.

Chuck said while there’s a need to legalize pepper spray there, the government ‘has to balance the opportunity for it to be used as a self-defense weapon against the risk that if it is widely available, it could get into the hand of criminals.’ The minister said the government’s main concern is that if legalized, such weapons could be used by criminals to disarm potential victims.”

Madam Speaker, a very similar approach was adopted by the Member for Port of Spain North/St. Ann's West about almost a year ago when the issue of pepper spray legislation came about. And that exact situation arose in Jamaica, and I think it is a valuable point to make where Sen. Vieira and Sen. Welch did make that very important point. I think it is a balancing act and it is something that we have to consider. And we have to find that balance in terms of being able to see the opportunity for it to be used as a self-defence weapon against the risk that if it is widely available it could get into the hands of criminals. And the hon. Attorney General did make reference to that, Madam Speaker.

Madam Speaker that deals with the definition of pepper spray as well. And if we look at clause 7, Madam Speaker, in other jurisdictions, particularly the hon. Attorney General went at great lengths to tell us some of the territories and jurisdictions, very few Commonwealth jurisdictions but in terms of the wider world of where pepper spray legislation is available. Madam Speaker, if you look at many of those jurisdictions you will see in their definition of pepper spray that they have the toxicity level, and the heat index levels in the legislation and in the definition section, Madam Speaker.

Madam Speaker, the hon. Attorney General did indicate that one of the jurisdictions in the Commonwealth and that is in Perth, Australia, the north western part of Australia, they do have pepper spray laws and it has provided to the wider Commonwealth countries who are looking to pass pepper spray legislation but have not done so. But other countries who have advance pepper spray legislation have looked at the definition section of Perth and north western Australia.

And, Madam Speaker, I would like to say in Queensland pepper spray is illegal; it is considered an offensive weapon and cannot be carried for self-defence.

In Victoria—and these are the areas in Australia where it is available, Madam Speaker.

“In Victoria, it is against the law to ‘carry any article designed or adapted to discharge an offensive, noxious, or irritant liquid, powder, gas or chemical so as to cause disability...

“In South Australia pepper spray is considered a ‘dangerous article’, and in the Northern Territory, it is a ‘prohibited weapon’; while it is a ‘prohibited weapon’ in the ACT, making it an offence to possess”—for its use.

“In “Western Australia the law is different again. Pepper spray is considered a ‘controlled weapon’ and, along with items such as crossbows, spearguns, or swords which can also be used if you have a ‘lawful excuse’—for example, for fishing, or for the purpose of martial arts.”

Madam Speaker, there are—in these territories, the Perth and the north western part of Australia as I have indicated, they do have the components listed in their definition section of pepper spray, the toxicity levels, Madam Speaker, and the heat index as well.

Madam Speaker, I would like to turn my attention to some of the countries that do have pepper spray legislation, and how it was worked in those territories. Madam Speaker, if you look at most of the countries in the world that do have pepper spray legislation, it is a lot of the European countries. You have Italy, Spain, you have Denmark, you have also, Madam Speaker, Czech Republic, and while they have advanced pepper spray legislation, Madam Speaker, this has been—brought about the significant reduction in attacks against women in particular, and attacks against children in particular.

Madam Speaker, if we look at clauses 26 and 27 of the Bill we will notice, Madam Speaker, that clauses 26 and 27 deals with coming into possession of or



finding of pepper spray and keeping out of reach of children. It does not deal with the misuse, Madam Speaker, or it does not speak to offences of misuse.

Madam Speaker, I was at great pains to find jurisdictions where there are offences for the misuse of pepper spray. The hon. Attorney General had indicated that the Bill does deal with pepper spray being used in the commission of crimes, but Madam Speaker, I took note of Sen. Welch's contribution where it was one of the points that he advocated that the Bill did not address, the misuse of pepper spray in terms of offences.

**3.00 p.m.**

Madam Speaker, while the hon. Attorney General did indicate that the United States is one of those countries that has advanced pepper spray legislation, they are also one of the very few countries that also has offences and not all States deal with the misuse of pepper spray in terms of specific offences. We are not dealing with offences in the commission of a crime in terms of associating the use of pepper spray in the commissioning of a crime, but rather the misuse itself as an offence.

Madam Speaker, the only state in the United States that deals specifically with this is the State of California. And it is something that is worth considering, I am not sure the hon. Attorney General will entertain it at the committee stage but it is something that we will raise because when you look at sections 26 and 27, while it deals with offences, in association of committing crimes, and also the coming into possession, or the finding of pepper spray on persons or keeping it out of the children and the responsibility, it stops short of dealing with specific offences. And therefore, Madam Speaker, we can look at California, the USA, because the hon. Attorney General did raise it in his presentation when he spoke about misuse of pepper spray. And it says in California the use of pepper spray or tear gas is a

weapon except in self-defence, and today under the Firearms (Amdt.) Bill, we are including pepper spray because we are giving it as a self-defence mechanism to those that are most vulnerable and those that we believe can utilize it in an environment where they need protection.

Madam Speaker, it says:

“Except in self-defence,”—it—“can be a felony.”

In California, and under the:

“(California Penal Code Section 22810(g)(1)) The local District Attorney has the discretion to file misdemeanor or felony charges. Use of tear gas”—or pepper spray—“against a peace officer engaged in official duties is a felony.

The following are possible sanctions for misuse:

- Up to three years in state prison; or
- Up to one year in county jail; or
- Fine up to \$1,000; or
- Both fine and imprisonment.”

Madam Speaker, while this speaks only to the misuse on an officer, a penal officer, Madam Speaker, this was the only area that I found that supported that point made by Sen. Welch, but I thought it was a valuable point because it takes the legislation one step further, Madam Speaker, and it looks at it holistically. So, again to take the words of the hon. Attorney General that today is a start, I understand that it is a start that has found support in many quarters in Trinidad and Tobago, but it is also an area that needs fleshing out and that can be advanced, Madam Speaker, so that the misuse of pepper spray would be addressed.

Madam Speaker, the other area that I would like to address is the area of an education and awareness campaign. And this comes against the backdrop, Madam

Speaker, where we have seen so many protest actions and so many activities organized by civil society. But a lot of these activities also occurred within areas that are considered rural areas. And Madam Speaker, I believe that there should be an awareness and education campaign coming from Government. I do not know if this will fall under, possibly the Minister of Gender and Child Affairs who deals with the issues of domestic violence and so on, in particular but also this area of education campaign must address the issue of accessibility, how to apply for the licences, the toxicity levels, the misuse, the possession and the responsibilities. Often said, to whom much is given, much is expected.

Today, we are seeking to give an opportunity and ambit a further protection to the most vulnerable as the hon. Attorney General has stated. And while we have found solidarity with many in our society, in terms of civil organizations and persons who have been affected by serious crimes, especially rape and murder, we see this as not a panacea to that particular issue but we see this as a step in the right direction. But we do believe that the Bill requires a bit more fleshing out and I am hoping that some of these issues will be addressed. It is a few issues, the Bill was a rather comprehensive, it did receive a great deal of attention from both the stakeholders and the Senators. And I really want to congratulate the Opposition Senators and the Independent Bench for ventilating some of the issues, but also I really want to thank the hon. Leader of the Opposition and Members on this side, especially the Member for St. Augustine and others who have stood on the side of women in terms of protection of women's rights in this country. I thank you, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Member for Tobago East.

**The Minister in the Office of the Prime Minister (Hon. Ayanna Webster-Roy):**

Madam Speaker, I thank you for this opportunity to make a brief contribution and

to speak on such a very important Bill. Madam Speaker, the overriding theme in the discussion thus far has been a fighting chance. And this is what this Bill is definitely doing, given the vulnerable in our society a fighting chance. Madam Speaker, I want to commend the hon. Attorney General for the work he would have done, I want to commend his team. I want to commend the civil society organizations who would have advocated for this particular tool, I will call it a tool to serve the vulnerable. But most importantly, Madam Speaker, I want to commend the Prime Minister and Cabinet for being bold and brave enough to take it to this stage.

Madam Speaker, in dealing with the issue of violence and violence against women, violence against children, violence against the vulnerable in our society, this Government would have consistently examined what has been happening in our society, identifying areas of concern, identifying where we need to strengthen legislation, where we need to improve policy, where we need to have more robust programming. So what we are doing here today is not happening in a silo, it is part of a comprehensive approach, a strategic approach to treating with the issue of violence against women, violence against children, a comprehensive approach towards ensuring that we improve the circumstances of those vulnerable citizens, protecting them through legislation, but also shoring up those other aspects that are required. So for example, Madam Speaker, before I go into discussions on the actual Bill, I just want to inform the honourable House as well as the public listening, of some of the things that we would have been doing as a Government to protect our citizens.

So, Madam Speaker, I want to mention first and foremost our public education and sensitization efforts. Through the Office of the Prime Minister, Gender and Child Affairs, we would have recognized that in Trinidad and Tobago,

I just however, mentioned in my last contribution in this honourable House, what we need is a change in mindset. So, we would have set out to work closely with various institutions to bring about that change in mindset. We would have worked with our schools through the UN Foundations Programme, helping our young people or children understand how important it is for us to respect each other and to value the basic human rights of every single citizen in Trinidad and Tobago. We would have set out a programme to work with our men, recognizing that if violence against women is indeed a problem in Trinidad and Tobago, and the perpetrators are mainly men, we must include our men in our response. If they are part of the problem, they must be part of the solution. And with this in mind the Office of the Prime Minister, Gender and Child Affairs would have rolled out initiatives such as the Barbershop Initiative, creating a safe space for men and boys to sit, dissect those social issues and find workable solutions that collectively, the change in mindset that is required would happen in Trinidad and Tobago.

Madam Speaker, we will even in difficult economic times, we would have seen the need for us to have more places of safety for those persons who have to run from their homes. And for the first time in the history of our nation, the State was able to not only commission one, but up to this day, we have three, three state run domestic violence shelters. That, Madam Speaker, is a step in the right direction. We were fortunate again, Madam Speaker, to be able to collaborate with international development partners to bring programming in Trinidad and Tobago to address the issue of family violence. So through the Spotlight Initiative, we are looking at issues such as domestic violence, violence against our children, and also how do we address those structural barriers that contribute towards the pervasive issue of violence against the vulnerable in Trinidad and Tobago, so we have been taking a comprehensive approach. But even with our programming, even with a

public education and sensitization, even with all our work with civil society, we recognize that more is required. So what we are doing here today, Madam Speaker, is adding another tool, another strategy to help to protect the vulnerable, we are giving them a fighting chance.

I would have listened to the hon. Member for Princes Town, during his contribution and while he would have highlighted some areas of concern, Madam Speaker, I would have recognized the basic support for this Bill that we are debating here today. And I want to commend the hon. Member for the first time in a long time supporting something of the Government, you know? And it signals, Madam Speaker, that indeed the change in mindset might be happening. Every time I come in this honourable House, I talk about that. So maybe the public education, the public sensitization is working and rubbing off on those who sit on the other side. So I want to commend them, Madam Speaker.

Madam Speaker, I want to in particular speak to clause 10. Madam Speaker, clause 10 of the Bill seeks to prohibit certain persons from obtaining a pepper spray permit. It is noteworthy, that clause 10 excludes a person who is charged or convicted with an offence under the Domestic Violence Act. This includes breach of protection order which is a criminal offence under the Act. Madam Speaker, this is very important, just as where we could use—look at the pepper spray as a tool for defence, it is also a weapon. And Madam Speaker, to exclude persons who would have been charged for certain offences, especially those persons who would have been charged for offences under the Domestic Violence Act, that is important because in a situation like that we know that persons remain vulnerable. Even though a woman or man, whoever the victim may be, may get a protection order, the perpetrator could still seek them out and could still cause harm. So, I want to commend the Attorney General for taking this into consideration.

Madam Speaker, another area I want to focus on is clause 12. Clause 12 stipulates the permits for pepper spray—sorry, Madam Speaker. Clause 12 makes provision for a child who is 16 years and over to be in possession of pepper spray, where the parent, guardian, or person with responsibility for the child has given permission. This accords with the principles of the evolving capacity of the child articulated in the Convention on the Rights of the Child.

Madam Speaker, it is commendable that we would have included children 16 years and over. A 16-year-old has the ability to work, and going out to work, engaging in different activities, that 16-year-old may be put in to position where they may become victims. Allowing the 16-year-old to carry pepper spray is a right decision. However, I am happy that we have included the provision for parental consent, parental guidance. We know, Madam Speaker, that even though we expect our children to act responsibly, we would have seen where adults act as children as well. So ensuring that those persons who actually have the pepper spray understand that if my child is going to use it, I am going to be held accountable, we are trying to protect not only the child but protect the parents or protect those persons out in society. This is commendable so, Mr. Attorney General, I thank you for remembering that.

Madam Speaker, in terms of those children who will have access to pepper spray, the pepper spray alone would not safeguard them, it would not protect them. What we need, as I would have mentioned in the last sitting, is for parents to act differently, for adults to act responsibly, for us to bring about a change in the way we view our children in Trinidad and Tobago.

Madam Speaker, as I was reading about the Bill, and just reflecting in general about what is happening in Trinidad and Tobago, I came across the case of Sean Luke. And when I was going over his case, Madam Speaker, I said you know

what, even though we did not have pepper spray in at the time, and even though he would not have qualified because of his age, what could have saved him, Madam Speaker, is if those persons who were around would have acted differently.

Madam Speaker, this is not the answer, you know. The answer is in each and every citizen of Trinidad and Tobago. Each and every citizen taking a conscious decision to do better and be better. This pepper spray, Madam Speaker, this pepper spray might not have saved young Alicia Riley because Madam Speaker, the person would have made a decision to do wrong, and persons would have known and covered up. What we need for people in Trinidad and Tobago to do, is to do the right thing. Why must I often come in this House and say we need a change in mindset? Is that message getting across to the citizens and before people come and argue that I am twiddling my thumbs and crying crocodile tears, Madam Speaker, I sleep quite well at night because I know that this Government, we always put the vulnerable, the needs of our citizens first. And we demonstrate that in the way we present legislation. We demonstrate that in the way we do our programming, but most importantly, we demonstrate that by the fact that we are willing to make the tough decisions to safeguard our people in this country, Madam Speaker. And again, I want to say it. While it is commendable, why it is a step in the right direction, Madam Speaker, the pepper spray may not be the answer. We need every single parliamentarian to join and start saying the same message. We need to hold each other accountable. We need to hold our sons and our daughters accountable, Madam Speaker, when we see something, something going wrong, we need to talk about it.

Madam Speaker, I would always say that Trinidad and Tobago by virtue of our name, we are destined for greatness, but we have to recognize the greatness in all of us as citizens. And we have to start acting as people with greatness in built in



them, Madam Speaker. We have to change our mindset. I did not want to come here and preach, Madam Speaker. I did not follow the script and the speaking notes but, Madam Speaker, that is what my spirit is telling me to say to our citizens today. [*Desk thumping*] We have to start to hold each other accountable. We have to do what is right. We have—[*Crosstalk*]

**Madam Speaker:** Member, Member for Laventille, Member for Laventille West, I just heard you. Just withdraw that word and let us continue.

**Mr. Hinds:** I so withdraw, Madam Speaker.

**Madam Speaker:** Thank you.

**Hon. A. Webster-Roy:** Madam Speaker, we have to recognize that when we have—we are privileged to serve in this honourable House. It must not always be about party first, it must not always be about image and posture first. But at the heart of our deliberations must be the people that we are put here to serve, Madam Speaker. So again, by the tone of the contribution of the Member for Princes Town, I am anticipating the support for this Bill, and I commend them for joining the Government, as we work together to restore the peace, safety and security of all citizens in Trinidad and Tobago. [*Desk thumping*] Madam Speaker, I want to thank you for this opportunity. Once again, I want to commend my honourable colleagues. And once again, I want to urge the people of Trinidad and Tobago, that what is required is not only legislation to bring tools to protect but for us to change our mindset, for us to work together, all hands on deck to restore this beautiful twin island republic, I thank you. [*Desk thumping*]

**Madam Speaker:** Member for St. Augustine.

**Ms. Khadijah Ameen** (*St. Augustine*): Madam Speaker, I thank you for this opportunity to contribute to the Firearms (Amdt.) Bill, 2021. I want to commend the Government for listening to the Opposition and bringing this legislation to

Parliament. Just one very quick correction because I believe it is important for the families and for the memory of the victims, to the former—the last speaker, the child’s name was Ashanti Riley, not Alicia Riley. And it is important for us to remember the names of the victims and to keep their memory alive so that their deaths will not be in vain. Madam Speaker, the Member for Tobago East who spoke before me is very correct, pepper spray should not be the answer. There is a fundamental and critical need for violence against women in our society to be addressed. We are here today debating a Bill that would allow persons within our society to have pepper spray to defend themselves because this Government has failed to bring crime and criminality under control. They have failed to keep the CCTV cameras working. They have failed to keep guns off the street. They have failed to bring swift justice to the families of missing and murdered women in Trinidad and Tobago.

The Opposition is on record in the *Hansard* of this Parliament calling for legislation for non-lethal weapons, Madam Speaker, since 2017, that is four years and counting. And might I add that the Government is also on the record as promising to bring this legislation since 2017 on more than one occasion in this Parliament. So, I do agree with the speakers before me that this is a welcomed opportunity for our Parliament today.

The Opposition will support good law. Support, Madam Speaker, is not just simply saying yes. This Parliament is not a rubber stamp for the Government, it is also to propose amendments, to sit in our Parliament in the Committees and clause by clause, make this Bill into good law, make it stronger, make it better and more effective.

Today, as we begin this process, Madam Speaker, the facts are that for the last six years, this country has been governed by the PNM, crime and insecurity are

significantly affecting people's lives. Madam Speaker, and even though the Government has dragged its feet for years in bringing this legislation to offer citizens the protection, as my Grandma Madree used to say it is better late than never.

On the 3<sup>rd</sup> of February, I participated in a candlelight prayer vigil held by the UNC's Women's Arm in Arima. And it was a prayer vigil to pray for the safe return of Andrea Bharatt who was still missing at the time. The families of Ashanti Riley, Sharday Emmanuel and others, also attended and prayed with the family of Andrea Bharatt. I was so saddened to hear the comments of the Attorney General, accusing participants of crying crocodile tears on the pavement, participants who wanted those girls to return safely. Attorney General, you are a father before you are a politician, I pray that you will never feel the pain or shed the tears that those parents shed on that pavement.

Madam Speaker, there are many women, activists, social society organizations who are listening to today's debate keenly. Many of them have put forward suggestions. This is a democracy, have the views of these stakeholders been taken into account in a meaningful way in drafting this Bill. The Member for Tobago East commended the civil society groups for advocating but it is important to take their contribution in a meaningful way. Activists and organizations such as Womantra, Feminist T&T, Young Feminist Collective, they have made several contributions with regard—and I will not go into detail because of the limited time with regard to the non-national transportation plan, regulating and administrating the public transport sector, the tracking systems and surveillance cameras around transport hubs, investing in social reformation programmes and of course, education and sensitization. You also had the candlelight movement. One of the things that many of these organizations—

**Madam Speaker:** Member, you have 15 seconds left.

**Ms. K. Ameen:** Madam Speaker, Madam Speaker, there are several amendments that the Opposition, as a responsible Opposition will submit to this committee and I look forward to the Government participating in this process. Allow me, Madam Speaker—

**Madam Speaker:** Member for St. Augustine, your time is up. Member for Port of Spain North/St. Ann's West. [*Desk thumping*] I am sorry. I will give you a few more minutes. I am really sorry.

**Ms. K. Ameen:** Okay then.

**Madam Speaker:** Well, you have—just for your guidance you will have, you have about 15 minutes left. I am sorry.

**Ms. K. Ameen:** Fifteen minutes.

**Madam Speaker:** Yes.

**Ms. K. Ameen:** Thank you, Madam Speaker, I know we are all adjusting to the new arrangements with the COVID restrictions. Madam President—Madam Speaker, sorry, I touched on the importance of including the contribution of stakeholders, which the Government has not indicated really has been done in a meaningful way. The speaker before me mentioned some of the Government's initiatives, and one of them that struck me was the Barbershop Initiative for boys and men, it is a mentoring initiative. But Madam Speaker, mentoring takes place directly and indirectly. The attitudes, behaviour and utterances of our leaders in society, both male and female is important when it comes to our attitude towards gender issues. The Prime Minister and Members of this Government are well on record as making misogynic statements that have been very harmful. Madam Speaker, we have had references to women being called golf courses or referenced as golf courses in this Parliament. We have had instances of victim blaming—

**Mr. Young:** 48— [*Crosstalk*]

**Ms. K. Ameen:**—we have had instances of—[*Crosstalk*]

**Mr. Young:** 48(1), Madam Speaker, 48(1). This is a debate about amendments to the Firearms Act to deal with pepper spray.

**Madam Speaker:** So, Member for St. Augustine, I will give you some leeway.

**Ms. K. Ameen:** Thank you, Madam Speaker. The demonstrated lack of awareness, the lack of sensitivity towards gender issues is very prevalent in our society. We have, Madam Speaker, I recall a situation when the Prime Minister had made that comment, unfortunate comment about the golf courses. And when he was taken to task and it was brought to his attention, he apologized, but he went on to explain. And in many cases even in the case of Mayor Tim Kee, when he had that victim blaming with the pannist, the Japanese pannist, sometimes that explanation actually makes it worse. And it shows, it emphasizes a lack of awareness about this sexism. And it is important for our leaders, Government Ministers, male and female, to be aware of this. Madam Speaker—

**3.30 p.m.**

**Mr. Al-Rawi:** Madam Speaker, I rise on Standing Order 48(1).

**Madam Speaker:** Okay. So, Member, as I said, I gave you a lil leeway but remember this is not about sexism in its widest sense. So tie what you are saying into this Bill.

**Ms. K. Ameen:** Of course. Thank you, Madam Speaker. And in case the Attorney General missed it, this is an appeal for members, leaders in society, to remember the significance of their words when it comes to sending that—

**Mr. Al-Rawi:** I therefore rise, Madam Speaker, properly on Standing Order 48(1), now deeply entrenched by the Member's last comments.

**Madam Speaker:** Yes. So, Member, I uphold the objection. As I say, remember

what this Bill is about and that is why I gave you the initial leeway, but tie it into what your Bill is. Okay? If not, you will have to move on.

**Ms. K. Ameen:** Thank you. Madam Speaker, allowing persons to possess pepper spray is not the answer. It is a plaster for a sore and our leaders must be mindful of where their words are in this whole scheme of violence against women.

**Madam Speaker:** All right. So, you will move on?

**Ms. K. Ameen:** Madam Speaker, according to the Trinidad and Tobago police statistics, in 2016 to 2020, there were 2,477 rapes reported but, of course, NGOs suggest that the number of unreported rapes were much higher. In 2016 to 2020, 38 women were reportedly kidnapped. And, according to the monthly media releases from the TTPS, there were over 163 women missing from 2016 to date. Pepper spray alone will not solve this.

I also think, Madam Speaker, it is important for us to acknowledge that it is not only women who are under attack or women who will be afforded protection from this measure. I am a mother. I have a son. And I just want to briefly share. There was an incident that took place when my son was in Form 1. A fellow student was attacked by bandits in broad daylight on the way to school, a very populated area. And bandits often target children—students who are walking towards transport hubs. That student was robbed and beaten and thrown in a drain. He was 13 years old. He ended up unconscious and hospitalized. There were no cameras at the intersection. In fact, there were cameras but they were not working. There were no police patrols. So allowing persons to carry firearms and pepper spray and non-lethal weapons is a plaster for a sore of violence and criminality in Trinidad and Tobago that the Government must get more serious about.

Madam Speaker, some of the issues with this Bill, and it would have been mentioned in the Senate debate, includes the question of whether this Bill makes it

easier for women to access the potentially life-saving tool. Has the Attorney General created more red tape for women to climb to access pepper spray? This red tape has the potential to fuel corruption, incentivize bribing and so on, to speed up the process. We have proposed amendments to clause 11 with regard to that.

The idea of giving the Commissioner of Police the power to designate the duties authorized by him to grant licences and permits and so on, that would help free up the backlog and take some of the burden off the Commissioner, but still allow the Commissioner to be in control of the process, we have a proposal with regard to that.

We have a proposal, Madam Speaker, that has to do with naming—in clause 6 of the Bill it states that:

“(b) a Special Reserve Officer under the Special Reserve Police Act;”

“...may have in their possession pepper spray...”

However, in the definition of “police officer” in the Firearms Act states that a police officer has the same meaning as in the Police Service Act, and that already, Madam Speaker, includes a member of the Special Reserve Police established under the Special Reserve Police Act. So, we have a proposal to deal with that.

Madam Speaker, I think the Law Association has spoken. They have given some recommendations and one of it includes that there should be a time limit for the determination of an application for a permit and, of course, the concern of the bureaucracy and the time. So the Law Association proposes that three months from the date of application, unless there are exceptional circumstances, they suggest creating a system that resembles one of the firearm user’s licence—is only going to exclude those who need the protection as the current firearm user’s licence system is also riddled with issues. So we have several proposals, Madam Speaker.

But I just want in conclusion, Madam Speaker, to state that this Government

has failed in every aspect of governance, especially in protecting the population. We are here today because of their failure and incompetence. They have failed to manage the COVID crisis. They have been leaving our borders unprotected. We truly hope—

**Madam Speaker:** Member for St. Augustine, please be relevant. Okay?

**Ms. K. Ameen:** We truly hope, Madam Speaker, that this is just one measure in a comprehensive plan to reduce crime. And given their track record, I do have my doubts but I remain hopeful. The United National Congress has always said that we will support good legislation in the interest of the people of Trinidad and Tobago. And while this pepper spray legislation, as it is commonly called, is long in coming, our citizens need every form of defence against the criminals in this land. It is high time for the Government to get its act together for more to be done to protect our citizens. We must keep in mind, now more and ever, that citizens really need protection from the callous and reckless elements of society. We must remind our men and women, who serve as leaders, of the significance—

**Mr. Al-Rawi:** Madam Speaker, I rise on 48(10), please.

**Madam Speaker:** Okay. Thank you very much, Attorney General. Member, you have a few more minutes to wind up.

**Ms. K. Ameen:** Thank you very much. Madam Speaker, we must be reminded, as men and women, who serve this country and who are leaders, of the significance of our words, the message it sends to society, our attitude towards women, gender-based violence, gender issues and in our every utterance. Our men are key partners in the fight against violence against women.

As I close, I wish to take this opportunity to wish the fathers of our nation a Happy Father's Day. May they join in the fight. May they never, never know the pain of the fathers of Andrea Bharatt, Sharday Emmanuel Ashanti Riley and so



many others who are missing or who were murdered. Madam Speaker, I thank you for this opportunity to contribute today. [*Desk thumping*]

**The Minister of National Security (Hon. Fitzgerald Hinds):** Thank you very much, Madam Speaker, for recognizing me to make a short contribution in this important debate. Madam Speaker, I listened carefully to the Member for St. Augustine. She spoke in rather quiet terms today and so too the Member for Princes Town. But even in their lowered tones, they continued to be untruthful, inaccurate, scandalous. I think the Member for St. Augustine, best personifies my understanding and interpretation of the ethic and the philosophy of the party that she represents, convoluted and confused as she was. The Member tells us that she congratulates this Government for listening, implying, Madam Speaker, that we are here with these measures today because we listened to her and listened to the UNC. I want to record that is the last thing that this Government will do. [*Desk thumping*]

I also want to record, for the unwitting citizens who might be taken in by that untruthfulness, that the UNC was in power for five years and three months and a few days, and this outcry that both the Member for St. Augustine and Princes Town referred to, did not only come with the recent upheavals in our society. It has been here for decades, quite frankly. And the issue of pepper spray, as one of the responses to the problem of violence against women, has been with us now for about 10, 15 years. So, we are not listening to them and the public outcry of which he spoke is not new. And only last week, the UNC and its leader was condemning this Government and our leader for being uncaring and insensitive to women and all of that diatribe, but today she tells us we are listening. I told you, convoluted and confused, Madam Speaker.

Madam Speaker, I want to ask the Member for St. Augustine, since she raised the question of our leader and comments that he would have made, I want to

ask her one question today: What is her and her leader's position on abortion?

[*Crosstalk*]

**Mr. Indarsingh:** Madam Speaker, 48(1).

**Hon. F. Hinds:** We are talking about gender issues—[*Crosstalk*]

**Madam Speaker:** Member? Member? I will give you one minute to tie that into this debate. Let us see where you are going. Okay? But we are not widening this debate. Okay? Remember what this debate is about. So, I will give you a lil leeway.

**Hon. F. Hinds:** I would take less than one minute, Madam Speaker. The Member for St. Augustine spoke about insensitivity to gender issues and the question of abortion goes to the root of that, hence the reason for my question, but Jah live.

Madam Speaker, I make a short entry into this debate as the Minister of National Security, the officeholder to which this Bill refers. The police have a limited role in all of this. And before I say that, this issue of pepper spray is simply one of the ways that this society has decided to attempt to protect our women and the vulnerable and our children and others from hostile, violent, aggressive and abusive conduct. So only one of the ways.

One of the mandates of my Ministry, the Ministry of National Security, is the maintenance of law and order, public safety and defence against that kind of aggression, hostility. There has been a steady increase in the number of offences against women of all ages, even our elderly. A few weeks ago, I read a young man in this country was charged for sexual violence on an 81-year-old woman. And we all could cite numerous examples of that.

There have been increased robberies. Up to yesterday, I had a meeting with the Downtown Owners and Merchants Association, and one of matters they complained of is the fact that there are elderly persons, particularly women,

coming into the city to conduct their business affairs and there are young men robbing them of their pension, focused on them, particularly at month-end.

Sexual offences: I gave an example a while ago against women and elderly ladies, domestic violence. Actually, Madam Speaker, the statistics show that insofar as offences against women between 2015 and 2020: in 2015, for an example, we had 29 women murdered; in 2020, 54. Shootings against women and woundings, 83; 80 in 2020. Sexual offences, 719 in 2015; 642 in 2020. Kidnapping, 65 against women; in 2020, 40. Robberies, 888; in 2020, 773. Domestic violence, 1,181 in 2015; in 2020, 1,842. A total, in 2015, in terms of those crimes, 2,965 and in 2020, 3,431. So while particular offences may have declined, in the generality, there has been this increase in attacks on our women.

When I came to this office, very recently, I decided, and I made it very public, that I propose to use this office, as a man, as a Member of Parliament, as a father, as a brother, as a husband, as an offended party and as Minister to ensure that I do all that I could to ensure the protection of our women. Only yesterday, I visited to Electronic Monitoring Unit of the Ministry of National Security and had a full understanding of how it works to protect our women. So I understand full well the prosecution of crimes against men for the kinds of offences of which I just spoke, particularly, in the context of domestic violence and the application of electronic monitoring to control them and use electronic geofencing to protect the women and, of course, pepper spray is another way.

Madam Speaker, pepper spray is used by law enforcement and correctional agencies across the world, as the Attorney General told us, and it can reduce the number of injuries to police officers from assaults. Police use it. So you have military-style or military-level use of pepper spray. But this amendment to the Firearms Act is to put a tool. And Cabinet approved this, Madam Speaker, since

April 29<sup>th</sup> of this year. The Cabinet of this Government, we approved this and we immediately came with a Bill. It was passed in the Senate. I am advised by the Attorney General, who piloted it, that every Member of that place voted in support of this, including the United National Congress' six Senators. So I am astounded that I would hear the Member for Princes Town and I would hear of the Member for St. Augustine come here today to say they have concerns. As you know, Madam Speaker, the Bill is drafted, it is presented to that House and it passed with amendments with the full support of that House. It comes here today for passage. Of course, it is not a rubber stamp. If you have something serious, something fundamental, something that you overlooked in the Senate, one can understand. But out of the blue, in their most unprincipled manifestation, they come here today with issues and concerns and with a long list of them, wasting our time, demonstrating their convolutedness, and I have other adjectives that you may not permit, Madam Speaker.

Madam Speaker, the Attorney General told us, this is not new. This is best practice all over the world but there are some dangers. I heard the Member for Princes Town say that this will not kill you. I did some research. We discussed this ad nauseam in the Cabinet. While they were out there talking: "Bring it, pepper spray, pepper spray, pepper spray", and calling for it on every virtual platform that they shared, up and down the place with candle in their hand with other miscreants in the society, calling for pepper spray, we were studying it.

We got a report from the Office of Law Enforcement Policy. That agency looked at best practices all over the world, did legislative comparisons and advised the Cabinet. So we did not just jump into this emotionally or for populist reasons like the UNC and its leader. And we understand that this is not a panacea for the problems women faced. And we understand full well, as the Member for Tobago

West told us—Tobago East told us, that this requires a change in the mind, a change in their heart, a change in the behaviour, a change in the culture of those in our society because we are a very violent society, and violence against women and children is a subset of that larger violence. But we are violent. And the impetus that comes from all the violent movies, the obscenity, the pornography that makes human beings insensitive to the beauty of God's creation and look on it in a certain tone, rather than with love and to behold God's beauty and glory, these are some of the issues that we have to address. So this is no panacea for it. But certainly, the best practice in the world shows that women have been able to protect themselves with the use of pepper spray.

And, Madam Speaker, there are dangers as have been adumbrated by the Attorney General and others. Because the very pepper spray could be turned against the very person to whom we intended it should bring protection. It could be used against law enforcement, hence the reason why—and I do not have to go into the particular clauses of the Bill which I have in front of me. The AG and the Member for Tobago East has done that quite admirably and satisfactorily. There are some very stringent legal protections for abuse of the pepper spray in this amendment to the Firearms Act. Time would not permit me to go into them. We all have a copy of the Bill in front of us, but there is a small role for the police.

The law says—this Bill says, Madam Speaker, that section—well, clause 7 says that:

“The Act is amended by inserting after section 6...”—a few provisions, one of them, 6B:

“A person who is desirous of obtaining or renewing a Pepper Spray Import Permit...”—that is for those who bring it to sell.

And by the way, Madam Speaker, it should not surprise you, because it does not

me, there are ton loads of it in Trinidad already, you know. Part of the issue in the Senate was, how do we deal with that, you know, because this is a very—not only violent—this is a very law-breaking place, you know. Anyway—

“A person who is desirous of obtaining or renewing a Pepper Spray Import Permit or a Pepper Spray Permit...”—like the individual, the women, the children, because we have allowed persons from 16 up.

And this is another one of the risks. Some countries say 18 and over, and we debated this thing in great detail because we were concerned that 16-year-olds, who might still be at school, reckless, mischievous and playful can misuse pepper spray to very devastating impact. So we considered all of this but law is never an exact science like mathematics, especially when you have to debate it in the Parliament with convoluted minds, such as the two we heard earlier today from the other side. It is difficult.

**Mr. Indarsingh:** Madam Speaker, 48(4).

**Hon. F. Hinds:** Convoluted?

**Madam Speaker:** Well, what I would say is Member, in terms of—it gives a certain sort of reflection that I think we would want to avoid. Yes?

**Hon. F. Hinds:** Madam Speaker, your dignity and your wisdom is understood and accepted. I should be so guided, with pride. Madam Speaker, and such a person must make:

“...an application to the Commissioner of Police or a police officer...”—approved—“by him in a form approved by the Minister.”

So it is a simple application process online. And 6C says:

“Any person who, in applying for a Pepper Spray Import Permit or Pepper Spray Permit...makes any statement...”

Because the law excludes certain categories of persons. And if, of course, you make

false declarations, false statements, the law provides for some stiff responses.

“on summary conviction...”—for an example—“a fine of fifty thousand dollars...”

So, while we want to make it available, we are taking action to ensure, at any rate, that it is not in the wrong hands.

Madam Speaker, 9B, in clause 9, it wants us to insert a new 9A—following 9A to insert a new 9B and it says:

“Any person who sells or transfers pepper spray to any other person who does not hold or is not exempt from holding a Pepper Spray Import Permit or Pepper Spray Permit is liable—

on summary conviction to a fine of five hundred and fifty thousand dollars...”

So, this is the Parliament’s way of saying, this is not to be sold and played around with. This is why it finds itself, as an amendment to Firearms Act because it is, in fact, a weapon, Madam Speaker.

And, Madam Speaker, so the legislation goes. Very important provisions in here and all designed to make this protective tool available to our women and, at the same time, protect them from being victims of the very thing that is intended for their protection.

Let me run very quickly to clause 15, which deals with some of the role of the police in this for whom we, at national security, would have some oversight on. A new section 21C, which says that:

“The Commissioner shall establish and maintain a Register to be known as—

‘the Trinidad and Tobago Firearms Register’, in which shall be kept in such form a record of—

every licence...that is issued, renewed or revoked... by the Commissioner;”

A record of every licence that was refused, any application that was refused.

“every import into or export from Trinidad...”

And any:

“...loss”—or any—“finding...”

All of this is to assist the State in regulating the use and the possession of this, Madam Speaker, in an attempt to achieve the objections that we set out for us.

As I said, Madam Speaker, women deserve, women must be protected. For the most part, as I indicated earlier, this is not a matter that really, strictly speaking—what it does, it debilitates the attacker and it gives the woman a second chance to make off or to call for help. The basic ingredient in this, as has been said earlier, is an agent by the name of oleoresin capsicum, which is the extract from the pepper plant. And, of course, our law permits a certain degree of that and no more. It stipulates the size of the can or the canister and no more. So it is well and neatly regulated, in these measures, on the basis of the studies and the advice the Cabinet has had and on the basis of the best practice as we observed it in the world.

So, Madam Speaker, I support these measures wholeheartedly. I support these measures. As I indicated—

**Madam Speaker:** Member, you have one second left.

**Hon. F. Hinds:** Okay. Thank you very much, Madam Speaker, and I pledge my support in this regard. Thank you.

**Madam Speaker:** Member for Barataria/San Juan.

**4.00 p.m.**

**Madam Speaker:** Member for Barataria/San Juan. [*Desk thumping*]

**Mr. Saddam Hosein (Barataria/San Juan):** Thank you very much, Madam



Speaker, for recognizing me to join this very important debate in which this Parliament, be it the Lower House, is asked to deliberate, consider and approve an Act to amend the Firearms Act, Chap. 16:01, a Bill that originated from the other place and which we are here now to consider. And, Madam Speaker, permit me to just rebut a few points that were made by the previous speaker, and the previous speaker said that the Government will not work with the UNC. Well, I hope that is not the view of the Attorney General because I know the Attorney General considers some of the amendments and the matters that we raised, and which we will raise at the committee stage for the consideration of the entire House in order to make best piece of legislation for the protection of our citizens, especially our women and young girls.

The Member also went on to say that this Bill originated and was passed and approved in the other place and that he does not understand why we are raising concerns here today. Madam Speaker, the drafters of our Constitution contemplated two separate Houses of Parliament and this House of Parliament has the right to consider this particular Bill in great detail. [*Desk thumping*] And there is a reason why there is a committee stage of this House so that we can go through the clauses, clause by clause. And the elected Members of this House who represent constituents, and be it the Opposition, over 300,000 persons, we have the right to bring their views to the table at this respective juncture, Madam Speaker. So I totally reject the Member for alluding that this place is just a rubber stamp in approving legislation.

And then the Member went on to talk about convolutedness; Madam Speaker, he cannot ascribe things that were said in this debate to other persons. The Member for Princes Town never said that pepper spray is deadly, Madam Speaker, it was other persons in the other place. I believe it was Sen. Welch who

would have made certain comments that the Member was in fact quoting. In this particular piece of legislation, Madam Speaker, it is very important in terms of how we deal with it because at the end of the day, many speakers went before would have identified issues such as the bureaucracy involved with respect to pepper spray and the obtaining of permits. But, Madam Speaker, my contribution today will focus on those matters relating to the drafting of the particular piece of legislation that is before us.

Now, Madam Speaker, there are several concerns when reading the Bill that was amended in the Senate, I saw. And I hope the Attorney General would in fact consider some of the issues that we are raising, because the fact that we raised concerns, Madam Speaker, it does not mean that we object to the particular piece of legislation. It is our job to ensure that the best piece of legislation is produced in this particular Parliament. Now, in clause 6, there is a clause that deals with the persons who, because of the duties that they perform, they would not require permits for pepper spray, and they are the Estate Police under the Supplemental Police Act, Special Reserve Officer under the Special Reserve Police Act, a Municipal Police Officer and any other person approved by the Minister.

Now, Madam Speaker, when you look at the parent law now, at section 6, it gives a list of persons who may have in their possession prohibited weapons in the capacity of a police officer, member of the defence force, Director of Forensic Science Centre. Now, what is a “prohibited weapon”? Under the definition of a “prohibited weapon”, it means:

- “(a) any artillery or automatic firearm;
- (b) any grenade, bomb or other like missile; or
- (c) any weapon of whatever description or design which is adapted for the discharge of any noxious liquid, gas or other thing;”

Now, based on the comments the Attorney General made in the other place, the interpretation of prohibited—pepper spray would fall within the definition of “prohibited weapon”.

Now, through you, Madam Speaker, to the Attorney General, when you look at the definition of “police officer” in the parent Act, a police officer includes:

“...a member of the Special Reserve Police established under the Special Reserve Police Act;”

So if the policy of the Government and the interpretation of the Government is that the pepper spray falls within the definition of “prohibited weapon”, then we would not require section 6—clause, sorry, (2A)(b) because it would already have been captured in the parent Act under section 6. So you may not need to specifically distinguish SRPs because they are already included in the definition of a police officer in the parent legislation; that is one, Madam Speaker.

Now, Madam Speaker, I looked also at clause 10. Now, clause 10, in particular, deals with certain matters relating to persons who may be prohibited from obtaining pepper spray and there are persons who are charged with scheduled offences, according to new Schedule II:

- “(b) charged or convicted with an offence listed in Part II of the Bail Act;
- or
- (c) charged or convicted with an offence under the Domestic Violence Act;”

Now, when I looked at Schedule II, it relates to some of the offences found in the Offences Against the Person Act, the Larceny Act, Kidnapping Act, Trafficking in Persons, Children Act and the Trespass Act.

Now, Attorney General, in the winding up, I do not know if would have missed it, but if a person is charged with an offence of illegal possession of pepper

spray or the illegal importation, manufacture, sale of pepper spray, are they captured in any one of these three subsections? Because the Bail Act specifically provides for persons who are charged or relate to the specific offence of firearm in the Bail Act; in Part II of the schedule of the Bail Act. So if a person is in fact charged or convicted of an offence under the new provisions and the new offences that we are creating here, whether or not it is captured within these three particular subsections. So that is one of the issues I would like to point out to just get some clarification on in the particular drafting.

Now, section or new clause, or new section 16C: 16C speaks to prohibited persons to return pepper spray permit or pepper spray import permit under the Act. Now, Madam Speaker, if you would allow me to read this particular section; it says:

“Where a holder of a Pepper Spray Import Permit or Pepper Spray Permit is charged or convicted for an offence under section 16B(1) or (2), that person shall, within seven days of becoming a person prohibited from obtaining...”—the permits—“return the...”—permits—“and pepper spray to a police station.”

Now, reading this as it is, Madam Speaker, it gives the impression as though section 16B(1) and section 16B(2) create an offence. Now, section B(1) speaks to offences that already exist in law. Section 16B(2) speaks to an undertaking, an interim order or a protection order that is made under the Domestic Violence Act.

So it is not an offence per se, it is an order made against a person. So I wonder if the Attorney General would suggest a better drafting, so it would read:

That a person to whom section 16B(1) or (2) applies and is the holder of a Pepper Spray Import Permit or Pepper Spray Permit shall, within seven days of becoming a person prohibited from obtaining a permit, return the pepper

spray permit.

And we keep the rest of the drafting as is that existed in the particular Bill. So that is another one of the areas that I wanted to point out in terms of improving the language in the legislation.

Clause 11: Clause 11 deals with the section 17 of the parent Act and the first amendment that is being made is to delete the word “President” and substitute the word “Minister”. Now, “President” in this case will be interpreted as being “Cabinet”. Now, what does section 17 of the parent Act say, section 17 of the parent Act says—and the section that we are amending is subsection (3)—17(3) says:

“No licence, certificate or permit other than a Firearm Disposal Permit shall be granted to, or held by a restricted person except with the prior permission of the President.”

Now, a restricted person is in fact defined in the definition section to mean that:

“...any person who has at any time within five years next before the event in relation to which the term is used—

- (a) been declared by a Court pursuant to section 3 to be a restricted person; or
- (b) been convicted of an offence involving violence and sentenced to a term of imprisonment exceeding three months;”

Now, this restricted person is in fact someone who is a “convictee” and the Cabinet will decide whether or not they waive the particular antecedent of this person and they would now be allowed to hold a permit under this particular legislation. Now, why are we removing the check and balance of the entire Cabinet deliberating on this matter and just placing it in the hands of the Minister of National Security? So that is one of the areas I would just like some clarification

on with respect to the policy of the Government relating to this. Because having the entire Cabinet deliberate on the matter, it is more of a check and balance exercise on this particular clause, Madam Speaker.

Now, Madam Speaker, going on to the other provisions in the Bill, it deals with the permit itself. Now, I looked through the entire Bill and there is no fixed distinction between the pepper spray permit and the pepper spray import permit. Now, under the existing firearms law, there are several permits that exist. So there is the firearms dealer's licence, the disposal permit, the import permit, the user's licence, the user's employee's licence, the gunsmith licence, and in the definition section each one of those licences, there is some level of restriction that is placed on it. So, for example, the firearms licence, dealer's licence authorizes someone to buy and sell; the disposal permit allows someone to dispose; the import; allows them to import; the users allow them to be in possession of a firearm.

Now, the terms "firearm user", "import permit" and "firearms permit, there are in fact used several places in the legislation—in the Bill, Madam Speaker. And in particular, it allows for the:

- “(a) manufacture, produce, import, export, divert, sell or distribute; or
- (b) purchase, acquire or have in his possession, pepper spray...”

And this is found at clause 11(b).

Now, the reason I am raising this issue, it is because there is no clear distinction because it means that someone who holds a pepper spray permit may in fact be allowed to manufacture, sell or even import, and a person who holds an import permit can in fact do all of the same things. So I understand that there is a distinction that the Attorney General wants to create with respect to the both types of permit but that distinction is not accurately reflected on the drafting of the particular Bill and that is something that we have to look at.

Now, Madam Speaker, there is another provision in the Bill that deals with the Schedule of the Bill—and, Attorney General, there are some typographical errors that we could probably fix at the committee stage with respect to scheduling. Because when you have consequential amendments at clause 31 of the Offences Against the Person Act, there is typographical error there. Now, in the Dangerous Drugs Act, which is also being amended, there is now going to be included under the precursor drug schedule, a new number 37 which is called pepper spray. Attorney General, I do not know if you think it is more wise that we use the scientific name there, the capsicum, simply because all of the other items that are contained in that particular Schedule are in fact the scientific chemical names were in fact given there.

With respect to the Domestic Violence Act, there was an amendment made in 2020, so there is no longer a 6(1)(c)(v), it is now 6(1)(b)(v). With respect to the Miscellaneous Provisions (Law Enforcement Officers) Act, I believe it should not be section 2 that we are amending, but in fact it should be section 3 of that particular law that we will amend. Those are things that we can always consider when we reach the stage of the committee of this particular Bill. And that is why it is important that we still have a second glance at this particular piece of legislation to ensure that all of us in this Parliament, at the end of the day, the policy is that we want to protect our citizens. We want to give, especially the women in this country a fighting chance against the criminal elements of what is out there because we have seen, and time and time again, the same names keep arising in this Parliament. We have to commend the movement that would have also pushed for this change and these pieces of legislation that are brought to this particular Parliament.

Madam Speaker, these are the some of the issues that I wish to outline with

respect to improving the legislation. There are several more amendments that we also contemplate and for the fullness of time and rather more deliberate and more considered discussion at the committee stage of the Bill, Madam Speaker, I will now end this contribution, because I would want the Attorney General to consider some of the amendments that we are going to file, hope that they take it on board and we could have a fulsome discussion in terms of making the best piece of legislation for the protection of our young girls and our women of Trinidad and Tobago. I thank you very much, Madam Speaker. [*Desk thumping*]

**Madam Speaker:** Member for Port of Spain North/St. Ann's West. [*Desk thumping*]

**The Minister of Energy and Energy Industries and Minister in the Office of the Prime Minister (Hon. Stuart Young):** Thank you very much, Madam Speaker. Madam Speaker, the legislation that we are dealing with today is all geared towards the legitimization of what is commonly known as pepper spray. I think we have gathered that by now. There have been many calls by the public for access to pepper spray, however, this is not new. One of the points that I would like to make here today, Madam Speaker, through you, is to put this whole debate, the whole conversation with respect to pepper spray in a proper context so that we can understand the matter and the decisions that are being taken here today.

The first point is, for the record, this is certainly not a knee-jerk reaction by this Government. In fact, the record will reflect, without any fear of contradiction, that it was in early January of 2021, at the Ministry of National Security we asked that a position paper on pepper spray be prepared. That date is important, in early January 2021, before this whole movement that we have heard about here today. And what we did is we asked the Office of Law Enforcement Policy, familiarly known as OLEP, to provide us with a report; to set out for us the information that



we needed to consider with respect to pepper spray, to make sure that something as important as this—certain people may not understand it and may trivialize it, was something that the Cabinet—and before it reached the Cabinet that the National Security Council would give proper consideration to. And in my brief time here today, I think it important to put on the record, on the *Hansard*, through you, Madam Speaker, some of the points made by OLEP in their report.

And the first point that struck me is the effects of pepper spray. And the effect of pepper spray on humans includes acute eye pain, temporary blindness and acute ocular discomfort, respiratory symptoms, including wheezing, coughing, shortness of breath, rashes, blisters and burns, and it concludes in that part, it is therefore a dangerous weapon. So I thought it important to put that on the context that whilst we deliberate and we all, I believe, in support of going this way and liberalizing the access to pepper spray, people know that it is a dangerous weapon. Research in this area has associated a few deaths with exposure to pepper spray. However, in all cases the victims had underlying medical conditions, such as asthma, chronic obstructive pulmonary diseases or death was due to positional asphyxiation after deployment by law enforcement. So let us not fool our self, even as we take a decision here today to give access of pepper spray to persons as young as 16 years old that this is not something that is potentially dangerous.

They then did a SWOT analysis where the table showed an analysis of the strengths, weaknesses, opportunities, threats of the use of pepper spray as a self defence option for vulnerable members of society. And some of the strengths worth putting on the record are:

- It gives potential victims the option to use a non-lethal weapon to repel attacks.
- It can reduce the fear of crime in potential victims.

- It can deter potential attackers who are alert to the threat.
- Portable, concealable, ease of use gives the perception of being safer.

However, on the other side, Madam Speaker, the weaknesses that I would like to point out:

- Potential attackers will mitigate the threat with anticipation, stealth, great violence.
- The state will have to regulate possession and use by imposing licensing requirements.
- Effects are not universal.
- It may be difficult to deploy.
- User errors, especially during periods of anxiety or stress.
- False empowerment of potential victims.
- Use by criminals.
- Uncontrolled use by a mischievous populace.

It is important that persons out there who are calling for pepper spray understand that. It is more important, in my submission, Madam Speaker, that those who are going to use pepper spray or get access to pepper spray, through what we have come here today to do, bear these things in mind because I have a real fear that persons will have a false sense of empowerment. Some of the speakers before touched on what has happened in other jurisdictions. In the United States, not all states have access—civilians have access to use of pepper spray. In Brazil, civilians do not; in India, yes, with a background check and verification required; Malaysia, yes, only for self defence; Singapore, no; Ireland, no; Denmark, a permit required; Switzerland, yes. And a number of other countries: France, Italy; Austria, yes, but with different ages and no criminal record; Canada,

no; Australia, no, except in western Australia in limited circumstances; Greece, no; Jamaica, no; Spain, yes, over 18 years old; the United Kingdom, no; Holland, no. So we see in other jurisdictions some advanced Commonwealth countries taking a very different position to the one we are taking here today.

I thought it useful, Madam Speaker, to put that on the record so when persons come back to look at this, they will understand that we gave due consideration to the seriousness of the deliberations and the seriousness of the decision to liberalize the use of pepper spray. The National Security Council took a decision to go ahead and to liberalize it. The next step we had to take and the decision we had to make is, do we go with a highly regulated system or do we make it accessible to certain persons in the population? We took a decision to liberalize it because there is this cry, there is this move, a call for access to pepper spray. Having cautioned, this is the decision that we took. We then asked the Attorney General to draft the legislation.

When it came to Cabinet, we considered it. There was rigorous conversation, as I heard some of my colleagues talk about prior to, because we know that it has serious ramifications. And, Madam Speaker, it is important that as we take this decision, the country appreciates the new realm that we are entering. Some of the decisions that we took that are reflected in the legislation that is important to point out for those listening is, one, we decided to liberalize the access, Madam Speaker, to pepper spray and you see that in the legislation. I heard one of the previous speakers on the other side—I think it was a last speaker, the Member for Barataria/San Juan who said that it is a bureaucratic process. It is quite the opposite because we took a specific decision that is borne out in the legislation—and I will get to it—to not have it bureaucratic. Once you are not a prohibited person, you can make your application, as the Attorney General said, either online or go into

any police station. It is different to the FUL process where only the Commissioner of Police can grant a licence for a firearm.

We specifically decided in this instance that police officers at police stations, using forms that we would prescribe, would be able to grant the licence. You go in, you pay a fee, you are not in the prohibited class, your licence is granted to you across the counter. And that is why the legislation specifically says throughout, and I draw reference to it at clause 7, the new 6A(2)(b), where it says:

“...a person may—

(b) purchase, acquire or have in his possession, pepper spray, only if he holds a Pepper Spray Import Permit or a Pepper Spray Permit, as the case may be, issued by the Commissioner of Police or a police officer authorised by him.”

We were very specific in that deliberation to make sure, unlike the firearm user's licence regime where it is bureaucratic and a number of steps to be taken, obviously, because it is a firearm, compared to pepper spray, we have abandoned that. And once you are not in the prohibited class, you are above the age of 17, you can walk into the police station, apply, get your permit and then go to a licensed pepper spray dealer and get your pepper spray. So it is not meant to be complex or bureaucratic process at all. In fact, we have simplified it and it is not for the Commissioner of Police alone, it is for any police officer authorized by him and we expect it to be extensive.

The second decision—major decision that we took worth pointing out is we made a decision that anybody over the age of 18 can have access once you are not in the prohibited class. Some of the speakers before touched on who are in the prohibited class is quite extensive. We took time to deliberate and to say certain persons were accused, who are not convicted but even accused and have other

offences and charges against them should not have access to this. Another big deliberation that there was a lot of debate on was giving it to access to persons who are age 16. And persons between the ages of 16 and 18, your parent or guardian can apply for that licence for you or give authorization. I would like again to put down a marker here and issue caution to citizens and, more importantly, to parents out there as they consider going down that road.

Madam Speaker, the population needs to be cautious as we liberalize pepper spray. This is not the panacea to crime and criminality. And I join fully, as we say in the legal arena, I concur with the comments, the submission of my colleague from Tobago East when she said, we need to change mindset and we need to do what we each have to individually for accountability. I caution parents when taking the decision to arm their children because it is a dangerous product with pepper spray. And this also note—I noted the last speaker, as he ended, talked about, this is for women. It is not only for women in society. There is no gender prohibition here. So anyone over the age of 18, who is not prohibited, can get it. Any boy or girl between the ages of 16 to 18, once their parent or guardian says they can, they have access to it.

I caution, Madam Speaker, persons who think that pepper spray will empower them to be careful. And we have concerns about it being used against persons who may be attacked, so please get the necessary training if you are going down this road. We also built into the legislation, Madam Speaker—and it is worth pointing out, a caution again, at clause 26, and when you look at 26(2):

“A person who holds a Pepper Spray Permit and has pepper spray in his possession shall, when not carrying such pepper spray on his person, ensure that it is safely stored out of the reach of children.”

That is extremely important as we know how curious children may be with respect

to this.

**4.30 p.m.**

Another point that was made that is worth correcting very quickly is the reference by the former speaker, the last speaker, to us removing it from “President” to “Minister”. The removal of the President from this legislation is long overdue. In our view, the President should not be called at all in anything to do with the firearm legislation. It was already understood by the Constitution, it would have to be the Cabinet. The way that the Government operates is when you say Minister, in this case Minister of National Security, it does not empower him to just make regulations on his own. Every time there is reference to Minister in legislation under this Government, the Minister has to bring a Note to Cabinet to get the support of Cabinet, to persuade Cabinet and Cabinet takes that decision so as to alleviate any concerns with respect to that. Madam Speaker, may I ask how much time?

**Madam Speaker:** You have six minutes and 15 seconds.

**Hon. S. Young:** Thank you very much for the accuracy of time there, Madam Speaker. Madam Speaker, there are a couple things that was said previously that I cannot leave on the record. It would be remiss of me, it would be wrong not to correct the record in particular by some of the comments made by the Member for St. Augustine. The first one is this constant obsession by Members on the other side and I see it being picked up out there by some of their minions on social media and run with, with respect to CCTV. The Minister of National Security can attest to it. The CCTV camera system, the national CCTV camera system since April of this year has been functioning at over 85 per cent, well over 85 per cent, never give the exact figure, so it is working. So what had happened in the past was fixed; that is the first point.

The next thing that really was kind of ironic and full of hypocrisy was this, and it was said more than once. I was going to leave it if it was only said once but I have to draw reference to it. Allowing persons—this is again the Member for St. Augustine—to own pepper spray is not the answer; it was said repeatedly and I thought, mark the record how ironic and how hypocritical that is as some other speakers there acknowledged, they were the ones crying, arm the citizenry with pepper spray, it will fix everything. So to hear that admission today, we mark the record with it.

Now, Madam Speaker, one of the things that is absolutely necessary to end on and to correct is this naked, transparent, upsetting obsession that the other side—that is really spurned by the Leader of the Opposition, the absent Member for Siparia—has with the Member for Diego Martin East, and I could not let the record go today by the contribution of St. Augustine who launched an attack on the Member for Diego Martin West, sorry, for Diego Martin West, and talking the Member for Diego Martin West and his, calling, basically saying and attacking him and saying and marking the record with a number of lies. First of all—a number of untruths. Sorry, Madam Speaker.

First of all, it is quite ironic that when the Member for Siparia as the first female Prime Minister had the opportunity to choose certain leaders in this country, it was done in a certain way. Under the Member for Diego Martin West he has chosen and we have women leading as the President of our twin-island State. You, Madam Speaker, as the Speaker of the House, the President of the Senate, our Leader of Government Business, our Cabinet has quite a number of very strong women. So to come here and to attack his character once again as they continue to do, led by the Member the absent Member for Siparia, I had to put it on the record that we reject this continued attack on the Member for Diego Martin West. And his

record speaks for itself, and to remind the country through you, Madam Speaker, that not so long ago it was under the Member for Siparia that untruths were told about the Member for Diego Martin West by Vernella Alleyne-Toppin. So do not come here once again in a debate to deal with pepper spray to try and drag down the Member for Diego Martin West and his reputation and to try and continue painting him in that false light. [*Desk thumping*]

So, Madam Speaker, with those few words I would like to thank you for the opportunity to contribute on this pepper spray legislation. To end by just saying that I renew my call for caution as we go forward and we liberalize the use of pepper spray in Trinidad and Tobago, and to understand that it is not going to be the panacea for crime. Thank you. [*Desk thumping*]

**Madam Speaker:** Hon. Members, I think this is a convenient time. This sitting is now suspended for 15 minutes and therefore we will come back here at 4.50 p.m.

**4.35 p.m.:** *Sitting suspended.*

**4.50 p.m.:** *Sitting resumed.*

**Madam Speaker:** Member for Caroni Central.

**Mr. Arnold Ram** (*Caroni Central*): Thank you, Madam Speaker, for firstly recognizing me and for giving me the opportunity—

**Madam Speaker:** Member, one minute. I just realized that we have no Clerk. Right? So one minute.

**Mr. A. Ram:** Thank you, Madam Speaker, for firstly recognizing me and for giving me the opportunity to join this debate, very important debate, on a Bill entitled an Act to amend the Firearms Act, Chap. 16:01.

Before I get into by substantive contribution here this afternoon, Madam Speaker, please permit me and allow me the opportunity to respond to the Member for Port of Spain North/St. Ann's West. And I am happy that the Member was able



to clarify that it was only in April this year that 85 per cent of the cameras became functional, and whilst he was Minister of National Security for quite a number of years, five and a half years prior, the amount and the percentage of working cameras in this—

**Mr. Young:** On a point of order. On a point of order. There is the—I am referring to the Standing Order about conflicts and Members of Parliament who have conflicts. I believe that this certain Member of Parliament has a conflict with the provider TSTT, so I think he needs to declare that before he gets into any conversation about it.

**Madam Speaker:** So, Member, if that is so you, please, will have to declare your interest.

**Mr. A. Ram:** Madam Speaker, I am speaking in particular with respect to the number, the percentage of cameras that were under his Ministry as Minister of National Security.

**Mr. Young:** Again, Madam Speaker, on a point of order. As I just pointed out, and this is the second opportunity for the Member to declare his conflict with TSTT. He fully knows that TSTT is the CCTV provider and he does have a conflict with TSTT. This is the opportunity before we move to privileges for the Member to either back off or to declare his conflict.

**Madam Speaker:** All I can say, Member, is if—you will know if there is, then you should declare.

**Mr. A. Ram:** Madam Speaker, that aside, Madam Speaker, additionally the Member indicated that and made certain utterances and untruths in respect of the Member for St. Augustine, when the Member for St. Augustine indicated that pepper spray is not the answer must be taken in context, Madam Speaker. It cannot be made that that statement stands by itself. The Member for St. Augustine was

alluding to the fact that under his watch, crime and criminality grew, under his Government, the PNM Government and that is why this pepper spray and non-lethal weapons is really a plaster for a sore which ought not to exist. So allow me the opportunity to correct and put that on the record in this House, Madam Speaker.

Additionally, Madam Speaker, in response to the earlier contribution by the Member for Laventille West in that the UNC or the Members on this side were having difficulty in accepting the legislation which was brought from the other place that we are now having quite numerous concerns and we ought to have raised those concerns there. But, Madam Speaker, when you look at the contribution coming after from the Member for Baratavia/San Juan you will understand and the public will appreciate that his contribution was almost entirely based on amendments which ought to have been picked up in the other place, and it shows therefore, Madam Speaker, that we on this side, we have a duty and our duty is to present amendments and our concerns just as in the other place.

So, Madam Speaker, that aside I am very happy to see that this Bill has been finally been introduced in this House because this is something that the UNC has been clamoring for, for quite a number of years. However, Madam Speaker, it is sad to know that it took the tragic deaths of two young beautiful women in Andrea Bharatt and Ashanti Riley and the anger and fear of thousands of persons for the Government's knee to be jerked. And we were joined and the cry of thousands—the fear of thousands, we were joined by Members on the other side because we had the Member for San Fernando West joining a vigil in Marabella I believe, I stand to be corrected, in support on those on the ground who were clamouring for change in respect of non-lethal weapons to be provided to citizens in this country in the months of February and March, long before the spike in COVID. And,

Madam Speaker, this is what saddens me. It is the modus operandi of this Government to have knee-jerk reactions to everything, no planning, no foresight, no consideration.

The Member for Tobago East spoke about responsibility and accountability but when you look at some of the incidents happening and for us all in this House to work together and for us to be responsible and accountable, when you look at the incidents of just last week, there are persons who are not being held accountable. So it is—

**Madam Speaker:** Member, condescend to this Bill.

**Mr. A. Ram:** Thank you, Madam Speaker. So while in the rest of the democratic world you have a government for the people, by the people, in Trinidad we have a Government by vaps. You will see, Madam Speaker, the incidents of just last week and even this week you have one arm of the State, one arm of the State calling for persons to come out and have appointments for vaccination, and then you have another arm of the State—

**Mr. Young:** Madam, 48(1). You just warned the contributing Member about confining. We are now on vaccines? Maybe in his world vaccines have to do with pepper spray but not in this world or the Bill.

**Madam Speaker:** Okay. So, Member, remember. Okay? And I caution you to keep to what this Bill is about. Okay?

**Mr. A. Ram:** Thank you, Madam Speaker, for your ruling. Madam Speaker, it is an insult to both Ms. Riley and Ms. Bharatt and the women who were murdered and attacked for the Government to bring and rush this piece of legislation in the form that it is in.

Madam Speaker, I would like to let you know and for Members on the other side, that we are in support of non-lethal weapons, pepper spray legislation. We are

in support of it but the form in which it brought to this Parliament leaves much to be desired. We would certainly require a much simpler or we would certainly rather a much more simple piece of legislation that deals with pepper spray and not confine and have it convoluted in the Firearms Act amendment that we have here evening, Madam Speaker.

For me, it seems as though, Madam Speaker, that the Government just googled pepper spray and came up with the Bill which is the only form and purpose it is in, it is to make matters worse to the most vulnerable in our society.

Madam Speaker, let us look at clause 3(b) which seeks to introduce a definition of pepper spray and this is defined as:

“...any inflammatory agent which, when applied on the body of an individual, may cause the mucous membranes in the eyes, nose, throat and lungs of the individual to become inflamed resulting in the immediate closing of the eyes, difficulty breathing, runny nose, and coughing;”

That is the definition as per clause 3(b).

Now what is an inflammatory agent? That could mean anything. There are millions of things that are inflammatory agents that can cause the mucous membrane, et cetera, to become inflamed, for the eyes to become runny resulting in immediate closure of the eyes. In fact, Madam Speaker, any of the aerosol sprays and disinfectants out there and other liquid sanitizing sprays can have that effect.

When this issue was raised in the Senate, Madam Speaker, the hon. Attorney General said it is confined to order in clause 16. Now, Madam Speaker, what we are saying on this side is that laws ought to be to clear especially when you are dealing with matters of a penal nature and which are punitive and clarity starts with definition.

Madam Speaker, you do not want when this Bill is passed that persons out there are having difficulty especially the persons in enforcement, the police officers and so forth, having difficulty with the interpretation of what an inflammatory agent is. We will end up in a situation like—and this is just an example, I know the Members will want to jump up on 48(1) but this is just an example, Madam Speaker. You will remember—the public will remember and you will remember too, Madam Speaker, when we had the issue of private versus public property for the instances of this regulations, we had quite a difficulty—

**Mr. Young:** I have to disappoint the Member, Madam Speaker, but on admission before he said it, his preamble was that he knows he is irrelevant, 48(1). I mean, if he has nothing to say on pepper spray, go. [*Desk thumping and crosstalk*]

**Madam Speaker:** I have to uphold the objection. You yourself appreciate it.

**Mr. A. Ram:** Madam Speaker—

**Madam Speaker:** I am sure you can bring a closer example.

**Mr. A. Ram:** So we are leaving this thing to interpretation and the persons enforcing this piece of legislation will certainly have difficulty, and what we are asking for is clarity, Madam Speaker, clarity in definition.

Permit me to refer to a well-known and defining case in our jurisdiction post-independence where one word, Madam Speaker, A-N-D was paramount. In *Thomas v Baptiste* the courts found that Thomas' use of slop pail did not infringe his constitutional rights. The courts agreed that it was cruel but it did not infringe his rights because it had to be cruel and unusual.

So for those who are not aware what a slop pail is, it is basically a pig tail bucket that is used as a toilet, that an inmate uses and it is emptied once a day. So did we have the difficulty of interpretation by just of the use of the word A-N-D. Anyway, and *Thomas v Baptiste* is one of the hundreds of cases I can tell you right

now that there is one matter before the court in which the State will be liable to pay millions of dollars because of the interpretation, whether a certain piece of equipment is classified as a heavy equipment under the vehicles Act. And that is why we are calling for clarity in terms of the definition of what an inflammatory agent is as defined by clause 3(b), Madam Speaker.

So, for example, Madam Speaker, when again I lead by example to say, you know sometimes we use the word “liming” in Trinidad to mean that we are hanging out. So when we go back to this normalcy and let us say, for example, someone makes liming—a couple people liming and they make mango chow, everyone here knows what chow is, and you add a little scorpion pepper, right, to add a little sting to it. So you have scorpion pepper mango chow and you get into a fight because these things happen. It is not beyond persons who are what we call hanging out/liming, it is not beyond them, and someone throws at a person the chow sauce and it goes into their eyes, that can be defined as an inflammatory agent and therefore, what are you going to charge the person for? The person can now be charged and fined \$250,000 and five years or \$750,000 and 15 years depending on whether the matter is heard in which court, the lower courts or the higher courts. So that is really open to interpretation again, Madam Speaker.

So we would rather, Madam Speaker, a much simpler definition, something that makes sense, something, for example—[*Interruption*] you had your time. Pepper spray is defined as an aerosol spray containing oils from pepper. A simple definition would suffice but we have gone into this realm of inflammatory agent, Madam Speaker. And we have gone there with the full view the Firearms Act already makes it an offence to use noxious substances such as gases. So we need not worry about that. The definition of pepper spray in this Bill demands specificity.

Now let me turn my attention, Madam Speaker, to clause 10 of the Bill. The proposed section 16(b). I share the view of the Law Association to exclude persons charged but not convicted is to infringe on the right to innocence.

Madam Speaker, by letter dated 10<sup>th</sup> of May, 2021, the Law Association wrote to the hon. Attorney General and I itemize eight—this is what the Law Association had to say.

We note that the proposed 16B prohibits persons charged with or convicted with certain offences from obtaining pepper spray permits or pepper spray import permits. Apart from imposing a penalty on persons who are presumed to be innocent, the requirement that persons charged with offences under the Domestic Violence Act be prohibited from obtaining pepper spray, creating incentives for domestic violence abusers to trump up a charge against their victims and so disable them from obtaining the necessary protection.

That is very instructive, Madam Speaker, and it goes on to say:

The Association therefore proposes that the prohibition under section 16B be imposed only on persons convicted of specified offences. In deciding whether a person charged with an offence is to be granted a permit, the police may take the charge into account ensuring that they make an assessment of the cogency of the evidences supporting the charge.

Very instructive, Madam Speaker, because persons under the Domestic Violence Act and now under this legislation, persons who were charged or charges laid against them under the Domestic Violence Act are now precluded from having a permit issued to them, and that is very dangerous. We have the presumption of innocence and that is what the Law Association is alluding to, presumption of innocence, as well as, you know, and the be all and end all for the Attorney

General the bail presumption and we know we have support on the other side, Member for Laventille West, Member for Port of Spain South who are on record in certain places, and I know they support the right to bail, and we also support the right to bail, and we additionally support, Madam Speaker, the presumption of innocence.

So the Attorney General said in the Senate that he disagrees and I could understand why. I could understand why because he was part of a Government that tried to convict the hon. Leader of the Opposition who was then Prime Minister based on fake, made-up emails.

**Madam Speaker:** Member. Member, that part of your contribution is not relevant.

**Mr. A. Ram:** Madam Speaker, thank you for your guidance. Madam Speaker, in this jurisdiction someone is considered charged when information or a complaint is laid. So legally the person is charged when the information is laid, even sometimes before they know it, even before they are arrested and brought before the courts, and I will come to this in a bit.

I wish to turn specifically, Madam Speaker, to section 16B(1)©, charged or convicted under the Domestic Violence Act. Unlike many cases involving the police where crimes are investigated and charges brought by officers laying information or a complaint after an investigation, interviewing of witnesses and so on, a domestic violence complaint, Madam Speaker, is brought by someone taking out a summons, yes, a private complaint. You know what that means? It means that there is no police investigation, not even a report lodged at the police station, not even sometimes a medical certificate is necessary. No police gathering of evidences, nothing like that, a private complaint. And how is this private complaint is laid, Madam Speaker? For those who are unfamiliar, you go to the Magistrates' Court, no appointment required, you sit at you wait to see the JP, now it is the



registrar of the Magistrates' Court, you paid \$3 you take out a summons and you get a DV, a domestic violence based on the information you would have given to then JP now registrar, and then boom, the person you are making the complaint against is charged for the purposes of this Bill and therefore precluded from obtaining a pepper spray licence. Depending on the severity of the complaint, Madam Speaker, the court will normally hear this within three to 14 days. Many times police officers wait until the last minute to serve someone especially if it is 14 days, you have to give them 48 hours' notice, so they wait until the last minute to serve the summons on you.

And even though this summon has not been served on you, Madam Speaker, for the purposes of this Bill, you are considered charged.

**Madam Speaker:** Your time is now spent. [*Desk thumping*] Member for D'Abadie/O'Meara. [*Desk thumping*]

**The Minister in the Ministry of Education (Hon. Lisa Morris-Julian):** Madam Speaker, it would be remiss of me as a woman not to share these experiences. I would like to share with this august Chamber four numbers, 17, 40, 14, 67. My grandmother was 17 years old when after attending her first political meeting she arranged to meet her sister in the Botanic Gardens. Suddenly a man came and started to drag her while slapping her and claiming that she was his wife and she left the children home alone. Thankfully and luckily her sister appeared and they managed to chase the man away.

At 40 my mother was returning home at 2.00 p.m. when a man jumped out of a drain and attempted to drag her into the drain. Luckily for him my mother was able to fight back leaving him with very little battle scars and only losing a purse in the process.

Madam Speaker, at 14 I was in the habit of staying until the wee hours of the

morning to read when, again, out of nowhere an arm appeared and started to strangle me. The only sound I could make, Madam Speaker, was a gurgle and I heard a whispered conversation as my parents decided if it was a nightmare and if they should check on me. Thankfully they did. Luckily for me I survived. Unluckily for him, my parents dealt with him severely.

Sixty-seven, Madam Speaker, my neighbour in a little house, she burglar proofed her entire house, doors, windows, to ensure her safety, but she forgot one thing, Madam Speaker, that her floors were wooden floors and someone came in and it was a week before the neighborhood realized she was murdered.

### **5.15 p.m.**

Madam Speaker, the facts are men are stronger than women. Madam Speaker, an amendment such as this Bill gives strength and empowerment to the vulnerable. It is said that the female of the species is more deadly than the male. However, global statistics will show one in three women have experienced domestic violence or non-partner violence. Madam Speaker, this does not include women—young girls under the age of 15. In the Economic Commission of Latin America and the Caribbean reported that:

“...from six countries in the region, between 60% and 76...% (2 out of every 3)”

—experienced some form of violence. In 2010 to 2015, 11,441 reports relating to domestic violence and incidents.

Madam Speaker, I searched to see what the now Opposition and the then Government put in place. I searched to see if there were any amendments to the Firearms Bill to bring in pepper spray. I look to see the anti-gang amendment, I looked to see what gender-based legislation was put into place, and I found none.

[*Desk thumping*]

Madam Speaker, I heard the Member for St. Augustine speak about misogyny, and I would like to inform her that women are capable of misogynistic behaviour. For example, with the largest Cabinet having only five women represented in the Cabinet, versus our Cabinet where eight women are firmly entrenched. Madam Speaker—

**Mr. Indarsingh:** Madam Speaker, while I am listening attentively, 48(1).

**Madam Speaker:** Overruled.

**Hon. L. Morris-Julian:** Madam Speaker, if you claim misogyny you cannot claim it from this Government, from this Prime Minister or this Attorney General [*Desk thumping*] because as a Member of this Government I have benefitted from their very valiant acts to save the women of Trinidad and Tobago. [*Desk thumping*]

With any power comes responsibility, Madam Speaker. Legalizing this tool will put comfort by a level of power in the hands of the user, of the vulnerable. Madam Speaker, you see, this was a thought-out discussed Government response, not a kneejerk reaction. This is not a Government that feasts on the sorrows of others. Death is a not a delight to derail democracy to this Government. [*Desk thumping*] Madam Speaker, we will not call the names of all who have suffered from heinous crimes. In fact, we come together to make it a little bit easier, not just for our children, for their children also. Madam Speaker, what I wish for in all my research, I learned that the pepper spray will give you a sense of strength. It will give you courage. It will enable you to react in an aggressive manner quickly. But, Madam Speaker, I wish that in 2010—2015 we had pepper spray permits for all those who needed it then. For the vulnerable who visited the Ministry of the People, for the women in carpark and offices.

Madam Speaker, I am happy that it is happening today for women in a

certain hotel in central, that they would be able to protect themselves. I wish as a mother to say that this is a step in the right direction, and as a human I understand that this is not a fix. I understand that the attacks against women, it is of global importance. And, Madam Speaker, I want to restore faith in the Parliament. I want us not to be ashamed, and not to put political gain before the vulnerable in this society. I applaud the Attorney General for his great efforts. I applaud the Prime Minister of Trinidad and Tobago for restoring, [*Desk thumping*] for ensuring that the 14-year-old me, that I have a voice today to ensure what once happened to me would not happen to another young woman in the future. Thank you very much. [*Desk thumping*]

**Mr. Davendranath Tancoo** (*Oropouche West*): Thank you, Madam Speaker, for recognizing me to contribute—to make a brief contribution in this afternoon's proceedings and in this debate.

I think it is critical that we put to rest some of the statements made by the former speaker, and to put on the record some corrections to some of the things that she would have said. The Member, the hon. Member spoke about this not being a kneejerk reaction this legislation not being a kneejerk reaction, it has taken five years plus to get to this point. The Member congratulated herself and her Government for having placed women in significant positions in the Parliament. I congratulate all who have been placed in significant positions, not just in Parliament but elsewhere in Trinidad and Tobago, as women rise in this country above and beyond what they used to be before. The Member also spoke about not being able to identify situations of misogyny in her Government. I will not engage further with that. I think a lot of that is actually in the public domain already.

Madam Speaker, my intervention today though is to appeal for the hon. Attorney General to expedite implementation of this legislation. There have been

several instances before where legislation was rushed to the Parliament and through the Parliament, and in actual implementation the Government has failed miserably. There have been errors in terms of the documentation itself, in terms of the legislation itself, and there has been delay in implementation. There has been partial implementation in some of the—one particular instance has been the procurement legislation which continues to be incompletely implemented, and therefore we have not had the benefit of what the potential of that legislation should have been.

As a result, I appeal to the Attorney General today to take in mind the proposed amendments that we have, that we will propose at committee stage, so that we can fast-track the actual implementation of this legislation, and give to women in this country, and it is not just to women, it is to all citizens in this country, another ability to protect themselves. We are where we are today, and we must recognize that we are where we are today essentially because the State has failed to provide security for the citizens of Trinidad and Tobago, hence we have to get to these supplementary measures. Had citizens been sufficiently protected, I think, Madam Speaker, we would not get to this point. With that brief intervention, Madam Speaker, I want to thank you very much for the opportunity, and I look forward to early implementation by the Attorney General. Thank you all. [*Desk thumping*]

**Mr. Keith Scotland** (*Port of Spain South*): Madam Speaker, good afternoon. I want initially to endorse the caution advanced by the hon. Member for Port of Spain North/St. Ann's West, in that this piece of legislation and this amendment, although it brings needed protection, must be approached with caution.

Madam Speaker, as I rise in this debate, I want to speak directly to the youth and young people of Trinidad and Tobago, specifically ages 16 to 38. And I

want to do this because my focus and my thesis is that this Bill is directly beneficial—this amendment—to young people as they go about their daily lives, but also looking at the concept of caution and not being too overwhelmed and too arrogant and too self-assured with it. But to use this as a means of protection and self-defence as the Bill envisions.

Madam Speaker, to that end I would like to recommend some learning that people can educate themselves as to what it is the pepper spray legislation brings to the fore. I would want to recommend, Madam Speaker, from the International Journal of Industrial Ergonomics, an article entitled “Civilian pepper spray for self defence: Understanding user perception and impact of design on user performance.” That is by David Strybel. I want to recommend the article, “What is pepper spray, and is it dangerous.” by Amy Smith. Madam Speaker, there is an article from the United States Department of Justice, entitled “The Effectiveness and Safety of Pepper Spray”, April 3<sup>rd</sup>, 2020. There is also an article by Carol Runyan and Carri Casteel, entitled, “Women’s choices of strategies to protect themselves from violence.” There is also, Madam Speaker, an article entitled “Use of pepper spray in policing”, coming from Lund University, and there is one that I found most instructive and I want to recommend it both for young people and all persons who may want to avail themselves of this legislation, “Pepper spray”, and that comes—it is an article that I pulled from Wikipedia, and the short title is “Pepper spray, the use of this device and how to dispense it.”

Madam Speaker, I say that I want to address young people because it is my respectful view that this Bill can be beneficial to young persons as they go about their daily lives in Trinidad and Tobago as Trinidad and Tobago has become. This Bill for young people I want to tell you it seeks to regulate the use and possession of pepper spray in Trinidad and Tobago. Because now in Trinidad and Tobago the

importation, manufacture and sale of pepper spray is illegal. This Bill seeks to make it legal and the amendments will allow someone to apply and enable them to get an import or a permit to hold and use pepper spray. The caution again I want to bring to the table is that it is not a *carte blanche* solution, and it will not be a *carte blanche* distribution, and I want to thank the hon. Attorney General for—and the Government for being responsible and having this introduction supervised, [*Desk thumping*] supervised and controlled. And the permit will allow an individual to purchase and acquire pepper spray and have it in his or her possession. But it for the sole purpose of self-defence, and that is important.

Why I am saying, Madam Speaker, that this Bill concentrates on young people, in my respectful view? This Bill has behind it, Madam Speaker, years of learning in the sphere of criminology. The criminologists will tell you, Madam Speaker, that as it relates to behavioural patterns that it is young people between the ages of 16 to 38 to 40 who normally frequent outside after hours, when we reopen, and go to the bars—in my constituency it will be either St. James or Ariapita Avenue, and thereafter would become susceptible to a certain type of crime.

I say, Madam Speaker, that before the introduction of this Bill, there was a restriction, even on firearms, and there was an age restriction. Clause 12 of this Bill allows a person who is 18 years of age to apply for a permit in their own right. Also, clause 12 allows persons between the ages of 16 and 18 the ability to obtain a permit with the permission of their guardian or parent. I repeat, persons between the ages of 16 and 18. Hon. Attorney General, where did you get that from? How come we have focused, Madam Speaker, on young people and their protection with all the cautions that have come here? This Bill focuses on young people. They cannot obtain a firearm. We say okay, as you are young you have

things going for you, go out and you lime. You are susceptible. You are in a maxi-taxi, you are in a taxi. But this Bill allows young persons to have a tool that can buy them time and give them some measure of security. [*Desk thumping*]

It allows, Madam Speaker—and what this Government has done, it says look, although we are allowing it, it comes with responsibility. Because a young person cannot in and of themselves apply, they must do so through their guardian and parents, and also it will be used for self-defence. Here is what I have to say: Madam Speaker, hon. Attorney General, Members of this House, this Bill and this clause gives young persons the ability to be able to defend themselves, and it puts to end the myth, the lie, or—sorry, Madam Speaker, the blatant mendacity. Sorry, sorry. The blatant mendacity that a PNM Government does not concentrate and care about young people. [*Desk thumping*] Once and for all, we have it now in black and white, it shows then that this Government is about actions and just not about vigils and candle lights. We are about something more substantial. Because whilst that is going on, in the night no one is sleeping in this Government, and we are passing legislation that will actively and meaningfully assist young people.

It shows, Madam Speaker, that the Government has zeroed in on persons between the ages of 16 and 18 and offered them some form of protection. And we want to say that the protection is not absolute. But in the article that I have just read, the learning says, Madam Speaker, that the benefits would be that the pepper spray in acting as an agent of self-defence, because it is inflammatory and it attacks the eyes and the respiratory system, it can give the user, if used properly, a temporary respite in order to escape danger. It creates temporary blindness and will allow a person in danger to use this pepper spray as self-defence, and thereby give an avenue of escape. It will impede pursuit for a while and allow, whilst creating shortness of breath, allow the would-be victims, young victims, to have



some hope of escaping persons who are ill-intentioned.

Madam Speaker, this Bill ascribes to international standards. Most of the speakers who went before have cited the international uses of the Bill, and I do not wish to get into that. But what I say is young people therefore do not believe the hype. This Government, a PNM Government, in my view respectfully, has always focused on young people, and I want to talk to them. I want to continue in the context of this Bill to talk to them, and say to you that this is just one of many pieces of legislation that has gone before. The gang, the anti-gang legislation focuses on young people to tell them move away from a life of gang and try to go and walk on the straight and narrow. But it did not start there, Madam Speaker. The policy of concentrating on young people started 58 years ago, on the 30<sup>th</sup> of August, 1962, the eve of Independence, when the late Dr. Eric Eustace Williams in addressing a rally at the Queen's Park Oval, had this to say to young people:

“To your tender loving hands the future of the nation is entrusted. I call on every one of you that you carry the future of Trinidad and Tobago in your school bags.”

Madam Speaker, this piece of legislation is linked to more than two generations of PNM policy of concentration on the young people in Trinidad and Tobago. And I want to ask all Members in this August Chamber, which one of us have not benefitted from this PNM policy? Can any Member on the opposite side, after I have finished speaking, get up and say that they have not benefitted, and put it on *Hansard*? I do not dare, but I say, Madam Speaker, I put it out there. We then say that this Bill—I am hearing an utterance, I do not know if the hon. Member wants to say he has not benefitted. The point I am making is that I dare them, because this piece of legislation forms a history, forms part of a very rich history, as the Member for Laventille West will tell me when we speak, it is a rich

history of focusing on the young people. [*Desk thumping*] We speak up to Sunday morning. Whilst people were sleeping, we spoke about this. Do you know why, Madam Speaker? Because there is a narrative, you know. It is a narrative. And if you hear it more and more and more you begin to believe the narrative. There is a narrative that they want to say that we do not concentrate on young people. [*Desk thumping*]

Madam Speaker, I am closing up my books, and here is what I want to do. I still have some time on this Bill. I can point to every Member on this side. I am “extemporizing” now, and show how in their contribution in this Parliament and in this Government they have contributed to young people. I start with the hon. Leader of the House.

**Madam Speaker:** So, Member—

**Mr. K. Scotland:** Yes, Ma’am.

**Madam Speaker:**—I want you in your contribution, and focusing on everybody, to also place focus on this Bill. Thank you.

**Mr. K. Scotland:** Madam Speaker, as I look at clause 6 of the Bill, which focuses on young people between the ages of 16 to 18, [*Desk thumping*] I look at each Member in the House, and I start with the hon. Leader of the House, who nurtures every young Member in this Parliament. [*Desk thumping*] I go to the hon. Attorney General, who introduced the gang—

**Dr. Moonilal:** Madam Speaker, 48(1), if the Member would extempo on the Bill.

**Madam Speaker:** Okay. So, Member again for Port of Spain South, while I understood the nexus you have used, this is not a Bill about youth development or anything like that. And you have referred to clause 6, so let us deal with clause 6, please.

**Mr. K. Scotland:** Madam Speaker, I will deal with clause 6 as I focus a little

more on what has been transpiring with this Government as it relates specifically to young people. Madam Speaker, this Bill as it seeks to address—again, I go back, Madam Speaker, the issue of a permit, it gives the parent or guardian an opportunity to view his or her child for their fitness to carry or to have a permit that allows them to carry the pepper spray.

Madam Speaker, what I would want to do now is to continue, just, Madam Speaker, as I look around, to show how this policy, this position in the Bill is something that is done by each Member on this side as it relates to young people. Madam Speaker, permit me and I will not go beyond one minute. The hon. Member for Diego Martin North/East, the hon. Minister of Finance, I do not know where he gets the time, but he focus on our future, financial and otherwise, to ensure—[*Desk thumping*]

**Madam Speaker:** Again Member, please. And this hopefully would be the last time I will have to stand on 48(1).

**Mr. K. Scotland:** Yes. Madam Speaker, your every word commands my obedience. But, Madam Speaker, I know that they will not want us to continue to show how we have focused on the young people of Trinidad and Tobago. But what I want to say—

**Madam Speaker:** No, it is not they. I have ruled.

**Mr. K. Scotland:** Yes, Madam Speaker.

**Madam Speaker:** Yes.

**Mr. K. Scotland:** Madam Speaker, what I do want to say, however, is that I would ask the young people of Trinidad and Tobago to grasp this opportunity that is being provided for them to have security as they go about their daily lives, just as we ask them to grasp the opportunity provided at the University of the West Indies.

**Madam Speaker:** Member, please. As I said, as I said, you have a few more minutes, please condescend on the Bill. Thank you.

**Mr. K. Scotland:** Madam Speaker, what we ask the young people to do is to grasp the opportunity provided by this Bill to be safe as far as is reasonably practicable. To use the pepper spray in a way, if they are granted a permit, that will allow them to go about their daily lives and not unnecessarily attacked by others. Madam Speaker, I say that there should be no more talk about this Government not focusing on the young lives and the young people in Trinidad and Tobago, because this Bill puts paid to that untruth, and it is the epitome of a piece of legislation that focuses on the young people. So, Madam Speaker, not at all wanting to incur any more of the Speaker's intervention, as the young people will say, when it comes to the youth, this Government is "cray-zee". I thank you, Madam Speaker.

**5.45 p.m.**

**The Attorney General and Minister of Legal Affairs (Hon. Faris Al-Rawi):** Madam Speaker, I thank you for the opportunity to bring conclusion to this debate. I do not propose to detain the House for any period of time, Madam Speaker, permit me therefore to dive directly to the chase. Just let me say that the Government is very pleased in moving this law through this House after having had support in the Senate to say that this is but one further step in the many steps that we have taken.

In answer to the Member for St. Augustine, in particular, who believes that this Bill originated, much like the Member for Princes Town, as the result of the exhortations of the Leader of the Opposition. Let me just completely reject that submission, out of hand, because if the hon. Member for Siparia was deeply concerned about this law, not only would she be in the House today, but certainly

as the Prime Minister of a Cabinet that had five years and three months at the helm of Trinidad and Tobago, [*Desk thumping*] the hon. Member for Siparia surely could have found some time to treat with pepper spray.

Surely the hon. Member for Siparia when she served as the Attorney General of the Republic of Trinidad and Tobago, in a previous Government, could have found some time for pepper spray. This Bill, Madam Speaker, as you are aware, articulates along with laws treating with, for instance, the package of protections brought by this Government. Where is the Member for Siparia in relation to failure on the amendments to the Domestic Violence Act? It is this Government that amended the Domestic Violence Act. It is this Government when we look to the consequential amendments set out in the clauses of this Bill that amended not only the Firearms Act and the Domestic Violence Act, but it is this Government that birthed the Family and Children Court where child matters for possession of pepper spray may be heard.

It is this Government that brought about the child rehabilitation rules, regulations, the children's homes regulations. It is this Government that saw to the protection and the utilization of electronic monitoring through the operationalization of that law. It is this Government that brought the DNA legislation which is consequentially amended here again to protect the vulnerable in matters including rape. How dare the Member for St. Augustine come in a make up as you go contribution to reinvent the wheel and reinvent the fabric of history in Trinidad and Tobago. No, Madam Speaker, we reject the submissions coming from my learned friends opposite, because, Madam Speaker, the point is, no matter what they say or do it is only this Government that has brought to life the most packaged, purposeful, built number of laws to treat with the most vulnerable in society.

It was the Member for Laventille West who stood up and piloted as we see inside of the connection to this law, the amendments to the Trespass Act. It was that hon. Member that sought to protect vulnerable people in homes where there is home invasion, where you can now use pepper spray if this law is passed. It was the Member for Laventille West who did that. Not the Member for Siparia who is again absent from the Chamber, Madam Speaker. Madam Speaker, what I can say, time for trading of who did what and who “shoulda do what” is going to be measured over time. I would like to address one further submission coming from the Member for St. Augustine.

Madam Speaker, I am genuinely tired of the untruths. The hon. Member for St. Augustine stood up and said that I chastised people for shedding crocodile tears at vigils. No, Madam Speaker, I chastised the Members of the Opposition for shedding crocodile tears when they could have been in Parliament passing laws to protect the vulnerable, the exposed, our children and women. That is what I did. I did not publish the UNC’s web page “Kick out the PNM” which purposefully truncated a video of mine in this Parliament. It is a breach of the Privileges of this Parliament to take a video of a contribution and cut it up violently and untruthfully and put it into the public domain to have a victim’s relative reduced to bawling tears at the savagery done to that victim’s family at the hands of the UNC.

Where is the voice for St. Augustine, then and now at that untruth? It was open to St. Augustine to stand up and say, no, that is not true I was there. No, Madam Speaker, that is as good as making it up, in saying the Attorney General is a defendant in a matter when the Attorney General is not. Fabrication has no room in this society and no room in this Bill. And the fake news offered by the Member for St. Augustine is tragic. Perhaps it is fitting that I saw on a Facebook post, a comment in relation to the contribution of the Member for St. Augustine made the

other night, where one of her supporters said in celebration, “to their extinguished Member of Parliament for St. Augustine”. Perhaps, Madam Speaker, that is really what we are trying to say. [*Desk thumping*] Perhaps that is what it is all about.

**Ms. Ameen:** You really have nothing to say.

**Hon. F. Al-Rawi:** So, Madam Speaker, this Bill—do you want me to give way, Member for St. Augustine?

**Ms. Ameen:** You have—

**Hon. F. Al-Rawi:** Oh, I see. I thought the Member for St. Augustine had—I offered to give way but clearly has nothing further to add. When caught telling untruths and when given the opportunity to say something when I gave way, let the record stand that the Member for St. Augustine could not even rise to defend herself. [*Desk thumping*] So, Madam Speaker, that is put to bed.

Madam Speaker, I want to thank the Member for Barataria/San Juan for putting forward some very interesting reflections on the Bill. I had an opportunity to speak with the hon. Member at the break and I undertook to look at the submissions made by him. I think that there is merit in some of the submissions, but unfortunately I do not think that we have the space in light of what has been passed to look at it. There is another Bill that we intend to bring to amend the Firearms Act shortly and I do undertake to have further inspection there. May I say in relation to this law before us and in addressing as I come to a close now, the submissions of my friends opposite, this is only stage X, there are more stages to come. And let me say why X, because it is a continuing run.

Madam Speaker, I give notice that we have had wide-scale consultation on further amendments to law, including the Sexual Offences Act, which run in tandem with this particular law. We are anxious to criminalize revenge pornography; we are anxious to criminalize voyeurism; we are anxious to protect

the vulnerable wherever they may be in society. It is why, Madam Speaker, I in particular, as Attorney General, will stand up every time for all members of society, it matters not to me where they stand, it is a privilege to carry out the job given and rest assured, Madam Speaker, I ask the hon. Members of this Chamber, you, Madam Speaker, and to the listening public, to be assured that every effort in moving further protections will be given so that the many cries in our society can be met with demonstrable solutions. Sexual offences amendments, further bail amendments, and further process reforms that will redound to the benefit of the people of Trinidad and Tobago. With those few words, I beg to move. [*Desk thumping*]

*Question put and agreed to.*

*Bill accordingly read a second time.*

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

*House in committee.*

*Clause 1.*

*Question proposed:* That clause 1 stand part of the Bill.

**Madam Chairman:** AG.

**Mr. Al-Rawi:** Madam Chair, I noticed that my colleague, the Member for Barataria/San Juan has circulated some amendments to clauses 1, 2, 6, 10, 11, 12, and 31 and 32, new clause 32. Madam Chairman, if I could just by way of management and for your guidance, say that I note the submissions coming from my colleague and I wish to give an undertaking to look at these. We have—I have just been speaking with the drafter from the CPC's department who tells me that we wish an opportunity to have a better look at these submissions coming. We do not have a proclamation clause in this Bill, however we do intend to move with alacrity.



So, we have another Bill, if I can give notice, to amend the Firearms Act. There is a proposal coming from the Minister of National Security that causes us in a different way to cause an amendment. And what I would like to do is to have the opportunity to consider the Member for Barataria/San Juan's submissions when we come to that, which would be almost immediately. So I do not know if the Member wished to put his submissions on the record and then perhaps if you could guide us, we could then agree to deal with the Bill in a different way, with several clauses together.

**Mr. Hosein:** Thank you, Madam Chair. Madam Chair, I observe what the Attorney General has said and when we circulate amendments I know it would not form part of the *Hansard* record. So just for a matter of record I would just like to place the various amendments that we propose as part of the record so it could be reflected for future reference.

**Madam Chairman:** So I guess we will have to go through the individual clauses and the Member for Barataria/San Juan will put his amendments and then we take it from there. Right? It cannot be done en bloc like how it is presented.

**Mr. Al-Rawi:** I understand, Madam Chair. We are guided by you. I thought that perhaps the Member could have just said, I had proposals in respect of A, B, C, D, E and put that on record and then we could take the clauses. But I am guided.

**Mr. Hosein:** If, Madam, please, I can just go through all of the amendments now, basically what they are, per clause—[*Crosstalk*]

**Madam Chairman:** The point about it is, usually—remember how we do it. We call a clause, you put your amendment, we vote on it and then the original clause remains.

**Mr. Hosein:** Sure.

**Madam Chairman:** Just putting it like this, it is just like putting a piece of—

**Mr. Al-Rawi:** Madam Chair, we are guided. Let us just press on. Thank you so much. Appreciated. [*Crosstalk*]

**Madam Chairman:** So we start with clause 1. Okay, so, Clerk, if you could just call clause 1 again for me, please.

*Clause 1 reintroduced.*

**Madam Chairman:** Member for Barataria/San Juan, and because we understand the procedure we would not be too lengthy, okay?

**Mr. Hosein:** Sure. Thank you very much, Madam Chair. Madam Chair, the proposal is to include a new subsection which is a proclamation clause for the legislation because we realize that within the clauses of the Bill there are certain things that need to be done in terms of the establishment of the register and also the regulations and the permits and the prescribed forms. So just for administrative issues we realize that there may be need for a proclamation clause.

**Madam Chairman:** AG.

**Mr. Al-Rawi:** Sure. Madam Chair, the Interpretation Act allows us to actually bring to life things which are not yet brought into effect in law. By way of an example, we did the electronic monitoring devices and the speed guns, et cetera. They were all done prior to assent and proclamation because the Interpretation Act allows that. Clause 28 of the Bill allows us in this Bill to amend the regulations and also to begin the work on the registers. But I do understand where the Member for Barataria/San Juan is coming from and for those reasons we propose that we will look at that a little bit later pursuant to my undertaking.

**Madam Chairman:** All right, so that, would you therefore withdraw the amendment or do you want me to put the amendment?

**Mr. Hosein:** Madam Chair, we could just put the amendment.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 1 ordered to stand part of the Bill.*

*Clause 2.*

*Question proposed:* That clause 2 stand part of the Bill.

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much, Madam Chair. Madam Chair, this is an amendment to the definition of pepper spray in the particular clause 3 and we are just asking that we insert the scientific name for the active ingredient within the spray, which is, oleoresin capsicum. So the amendment will read that after the word “agent” the words “containing oleoresin caps”—[*Crosstalk*] Madam Chair, may I—

**Madam Chairman:** Members, the noise is disturbing to the contribution.

**Mr. Hosein:** Thank you.

**Madam Chairman:** Yes.

**Mr. Hosein:** Madam, after the word “agent” we include the words “containing oleoresin capsicum that is carried or possess by a person for the purpose of being used in lawful defence and which”—and then it continues with the definition that the Attorney General proposed in the Bill. This is so that we can ensure that the pepper spray active ingredient and the dimension of the lawful defence and proper use of the pepper spray is captured within the definition of pepper spray in the particular Bill. Thank you.

**Madam Chairman:** Attorney General.

**Mr. Al-Rawi:** Madam Chair, we were invited to look at the classic current definition of pepper spray in that regard. In fact, the term that is representative of the chemical in its natural form, “pepper” as it is referred to, which is the oleoresin capsicum. What we were advised, and the drafter is in fact, right here, because we

had a long debate on this is that because there are synthetic versions that may be invented over time, that we did not want to be technologically specific to a chemical and therefore what we did is we took the generic definition of the thing that causes the concern to the mucus membrane, nose, eyes, et cetera. So I thank the Member for the recommendation, but I respectfully believe that we ought to stick with the generic as opposed to the specific.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 2 ordered to stand part of the Bill.*

*Clauses 3 to 5 ordered to stand part of the Bill.*

*Clause 6.*

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

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much, Madam Chairman. Madam Chair, this is one of the points I had raised in the debate relating to the definition within the parent Act of police officers, because the definition of police officer in the firearms parent Act captures both the regular officer and the special reserve officer. Now, Attorney General I just want a clarification here, whether or not it is the intention of the drafting that pepper spray is considered a prohibited weapon under the definition of the Firearms Act?

**Mr. Al-Rawi:** Thank you. Madam Chair, the reason why we put this category, well, there are two issues that the hon. Member has raised. One, whether Special Reserve Police officers are necessarily to be listed insofar as they fall within the definition of police officer within Chap. 15:01. That is the first one. And then the second one is the prohibited weapon.

The reason why we have included them as a class here is specifically

because we intend for law enforcement agents to have the quantum which may be above pepper spray. So they may in fact be prohibited weapon because remember if you are not within the type that is ordered by the Minister, then you are a prohibited weapon. So it would, specifically because it contemplates that law enforcement or military may have more potent versions of the pepper spray than the average person in society.

With respect to the first issue, if I could answer that, we intend to cause some amendments very shortly to the Special Reserve Police Act that we are looking at. The Minister of National Security and the Commissioner of Police have already written on that and in anticipation of things that are to come we chose to segregate the two issues.

**Madam Chairman:** Yes, Member for Barataria/San Juan.

**Mr. Hosein:** AG, so with respect to that then, is it that the SRPs will now only be allowed to carry what we consider the approved pepper spray, but the regulars will be able to carry the pepper spray that is considered as a prohibited—

**Mr. Al-Rawi:** They can carry both.

**Mr. Hosein:** They can carry both?

**Mr. Al-Rawi:** Yes.

**Mr. Hosein:** Okay, thank you.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 6 ordered to stand part of the Bill.*

*Clauses 7 to 9 ordered to stand part of the Bill.*

*Clause 10*

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

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Madam Chair, this was something I also dealt with in the debate relating to the language of new proposed section 16C with respect to offences that are found at section 16B(1) or (2). In terms of section B(1), (2) especially where it does not reflect in the drafting, that is, an offence that this Bill creates. So that is why I propose that we change the language to:

Any person to whom section B(1) or (2) applies and is the holder of a Pepper Spray Import Permit or Pepper Spray Permit, that person shall, within seven days of becoming a person prohibited from obtaining a Pepper Spray Import Permit or Pepper Spray Permit, return the Pepper Spray Import Permit or Pepper Spray Permit and pepper spray to a police station.

So it captures accurately those matters that are outlined in clause 16B(1) or (2) as they are not offences that are created but in one instance undertakings, interim orders and protection orders made against a person.

**Mr. Al-Rawi:** Thank you, Madam Chair. I do understand what the Member is driving at. We went for the very plain expression that we have in 16C purposefully. So 16C(1) sets up:

“Where a holder of a Pepper Spray Import Permit or Pepper Spray Permit is charged or convicted for an offence under...16B(1) or (2)...”

That was intended to capture in 16B(1) and (2) we are looking at the people who are charged or convicted in the circumstances set out in 16B(1).

It was not that they were charged for an offence in 16B(1) or (2). It was once they had clothed themselves with the category that a person or becoming a—and here it is in the second part:

“...that person shall, within seven days of becoming a person prohibited from obtaining a Pepper Spray...”

So it is to be interpreted by that language:

“...or Pepper Spray Permit, return the Pepper Spray...”

So, I could understand where the Member was going to say well, is this saying that this is an offence, is it the offence of 16B(1), but what this is really saying if you look to the language in the middle of the paragraph is that, once you are clothed as a prohibited person and you had the permit in your possession you have seven days to give it back. So, we will have a better look at this going forward to see if there is merit. Sometimes, you know, you pick these things up only when you are in court. Again, I do give that undertaking that we will look at these things with some sobriety to see if there is anything in it, but for now I would prefer that we stay right where we are having passed through the Senate as well.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 10 ordered to stand part of the Bill.*

*Clause 11.*

*Question proposed:* That clause 11 stand part of the Bill.

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you, Madam Chair. Madam Chair, there are two amendments that we are proposing to clause 11 and I will deal with the both of them. So the first one is to delete subclause (a) as proposed for the reasons again I gave during the contribution with respect to Cabinet now being converted to the Minister’s discretion. So I outlined the reasons so I would not go into the reasons again. The second amendment that we are proposing is the inclusion of a new subsection 9 in the parent Act which would read:

The Commissioner of Police or such police officer—

**Madam Chairman:** Sorry, this is a new subsection?

**Mr. Hosein:** To amend section 17 of the parent Act. So the parent Act has up to

section 17(8). So it is to include a sub (9) now, Madam Chair.

**Madam Chairman:** All right so, one minute. Okay, so Member for Barataria/San Juan we will proceed on your new subsection (9).

**Mr. Hosein:** Okay. So it would now read, Madam Chair:

The Commissioner of Police or such police officer as may be authorized by the Commissioner, shall take reasonable steps to enable an applicant to be notified of the approval or refusal of his application for Pepper Spray Import Permit or Pepper Spray Permit as soon as practicable, but in any case not later than twenty-eight days after the day on which the request is duly made.

Now, this amendment springs from a recommendation by the Law Association and also the language is taken from the FOIA Act, so that there will be consistency with respect to drafting. And we would understand the merit of this particular amendment, Madam Chair, is that, the persons who apply for these pepper spray permits are really, their lives are in danger and they really need protection. So we spoke of the bureaucracy and it is really to ensure that these permits are granted in a very expeditious manner for the protection of those who really need it.

**Mr. Al-Rawi:** Thank you, Madam Chair. Madam Chair, we think that the deletion of clause 11(a) would be dangerous. Clause 11(a) is to remove the reference to “President” and substitute the word “Minister”. Why? Because President as utilized there has no qualification for consultation or independent discretion within the confines of section 80 of the Constitution. Therefore, what we are doing is axiomatic and has been accepted for decades, if not longer, that “President” means “Minister”.

Secondly, in respect of the second submission, the Law Association’s comment was considered and we had some debate in the Senate over this. The



reason why we did not put the time frame in, Madam Chair, is that this is going to be an inundation in the first run. And to put a prescriptive time frame now, is to put an undue pressure on the Commissioner of Police immediately.

**6.15 p.m.**

We are digitalizing the processes. We are having things moved ahead. Whilst we are the first Government, since the passage of the Firearm Act, to take the step to introduce pepper spray, we have to be mindful about the operationalization. Now, I do not want to be pejorative but, Madam Chair, as Attorney General, I must take—I cannot use the word “judicial notice”. I will say Attorney General notice of the fact that the vast number of judicial review applications and freedom of information requests that I get, come from Members of the Opposition where, for instance, a Member of Opposition, who was a Government Minister, upon leaving office as Government Minister, promptly sued the Government for not producing the annual reports whilst that Member was a member of the Cabinet for the SSA. So I have to be careful about opening Pandora’s Box.

Imagine that, Madam Chairman, just to put that clear, imagine a member of a Cabinet sitting down for five years, watching no reports from the SSA, leaving as the member of Cabinet and then suing the Government and taxpayers having to pay to produce the reports from 2010—2015. I mean, people might think I am not telling the truth but it is in court. It was in court. It is all finished. So bearing in mind where we are right now, Madam Chairman, I respectfully say that we ought to not put time frames in because that could be an administrative Pandora’s Box immediately. They still have alternate remedies in pre-action, in other letters, in FOIAs, in other factors, if not in JR and section 14 of the Constitution.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 11 ordered to stand part of the Bill.*

*Clause 12.*

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

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Madam Chair, when we made some amendments, AG, if you remember, that there was an offence for the use of imitation firearms that was also included in the Bail Act and also in the Firearms Act recently. So it is just to be consistent with respect to that very particular matter, in terms of imitation firearms, that this amendment was born.

**Mr. Al-Rawi:** Madam Chair, I just cannot resist this one and I mean no disrespect to my friend. We heard about mango chow pepper spray here today from the Member for Caroni Central. If we just reflect for a moment here on the submissions coming, not from Barataria/San Juan, but we had a Member of Parliament on the Opposition Bench talk to us about mango chow pepper chow.

**Mr. Hinds:** Chutney, chutney.

**Mr. Al-Rawi:** Oh, chutney. Chutney pepper spray. So all humour aside, I just think it important that we confine this to pepper spray, as it is approved in reference to the order that the Minister will give, so that that chemical composition could be on a very narrow basis. Imitation pepper spray, if we were to introduce it, then everything will have to be tested otherwise and that will be a whole other spectrum. I want to remind, we walked away from plant-like substance. We walked away from that because of the volume. It took 75 per cent of analysis at the forensics institute. There were plant-like substance records everywhere and we had to be careful about that. So we want to make sure that we do not overburden or kill the goose that lays the golden egg by ruining the forensics division with the

inclusion. So, Madam Chairman, respectfully, I suggest that we do not accept this amendment.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 12 ordered to stand part of the Bill.*

*Clauses 13 to 30 ordered to stand part of the Bill.*

*Clause 31.*

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

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you very much, Madam Chair. Madam Chair, there are four particular amendments that are being proposed here, the first one being the Offences Against the Person Act. I believe that the placing of the word “pepper spray” is in wrong place in that provision. It should be placed after the words “any other person” for it to read properly. That is the first amendment.

The second amendment would be to the Dangerous Drugs Act where instead of using the word “pepper spray”, we use the scientific term “oleoresin capsicum” but the Attorney General, he dealt with that in the definition section earlier.

The third amendment deals with the Domestic Violence Act. AG, when we amended the Act in 2020, we deleted what we know as 6(1)(c) and I think it is now only 6(1)(b). So there is an error there that has been to be fixed. And with respect to the Miscellaneous Provisions (Law Enforcement Officers) Act, 2019, I believe it not section 2 that has to be amended, but in fact, section 3.

**Mr. Al-Rawi:** Madam Chair, I want to thank the Member for Barataria/San Juan, some of the observations are indeed correct. However, there are three other things that we have picked up that we need to double check. We do have, for instance, a referenced back to the Prisons Act; not only the Miscellaneous Provisions (Law

Enforcement Officers) Act, but the Prisons Act. We do have an amendment which has come to us from the Commissioner of Police, via the Minister of National Security, to consider an amendment to the Offences Against the Persons Act and the Prevention of Crime (Offensive Weapons) Act, Chap. 11:09, which is not mentioned here.

So because we have a further bit of consideration to do, I can squarely undertake here to look at the hon. Member's recommendations and harmonize it at the same point that we come back in a miscellaneous Bill, which we have in the making, to attend to the some of these issues. So I thank the Member for his submissions in the regard.

**Madam Chairman:** Member for Barataria/San Juan.

**Mr. Hosein:** Thank you. AG, I am glad you raised the Prevention of Crime (Offensive Weapons) Act because if you look at that Act, also at section 3, just for future reference, they have in fact exempted persons who hold firearms under the Firearms Act lawfully. So I think we will have to also create the exemption there for persons who hold pepper spray lawfully under this in Firearms (Amdt.) Bill.

**Mr. Al-Rawi:** Yes. Madam Chair, that is what I was referring to, together with the fact of designed for as opposed to compromising because as we look to criminalize the position of Tasers. So there are further things in the work. We are constantly revising the laws. So I am just giving notice that we had intended to pick up on a few other amendments and we can capture the reflections then.

**Mr. Hosein:** Sure.

*Question, on amendment, put and negatived.*

*Question put and agreed to.*

*Clause 31 ordered to stand part of the Bill*

*New clause 32.*

*Question, on amendment, [S. Hosein] put and negatived.*

*Question put and agreed to: That the Bill be reported to the House.*

*House resumed.*

*Bill reported, without amendment, read the third time and passed.*

### ADJOURNMENT

**Madam Speaker:** Leader of Government Business.

**The Minister of Planning and Development (Hon. Camille Robinson-Regis):**

Thank you very much, Madam Speaker. Madam Speaker, I am about to move the adjournment but I just wanted to make it clear, Madam Speaker, that the Members of the Opposition had no need to get their knickers in a bunch—

**Dr. Moonilal:** Madam Speaker, what is this? Is it a Motion to move the adjournment or a speech?

**Hon. Member:** Look, look, look. Shh. Both.

**Hon. C. Robinson-Regis:**—with regard to the absence from the House today of the Prime Minister, and that the questions, as you rightly said, will be answered when the Prime Minister is next here. I noticed that they have put out a media release on this. So I just wanted to make it clear, Madam Speaker, that there was no need for them to behave like that. Sometimes I think they behave like “neenies”, Madam Speaker.

**Mr. Indarsingh:** Madam Speaker—[*Crosstalk*]—at the end of day, we sought clarification under the appropriate Standing Orders at the time, and if the Leader of Government Business provided the answer that she is providing to the House, there was no need for the Opposition to seek further clarification. [*Desk thumping*]

**Madam Speaker:** Okay. So, Leader of the House.

**Hon. C. Robinson-Regis:** Thank you very much, Madam Speaker, and you did get that clarification.

Anyway, Madam Speaker, I beg to move that the House do now adjourn to Wednesday the 23<sup>rd</sup> day of June at 1.30 p.m. Madam Speaker, on that day it is our intention—sorry, at 10.00 a.m. Madam Speaker, on that day it is our intention to move that all stages of the Gambling (Gaming and Betting) Bill be taken at that time, on that day, that it will be taken through all its stages.

Madam Speaker, it is therefore our intention to—when the Bill is sent to Senators, to send the Bill at the same time to Members of this House with a letter confirming what I have just said. Thank you very much. Madam Speaker, I beg to move.

*Question put and agreed to.*

*House adjourned accordingly.*

*Adjourned at 6.28 p.m.*