SENATE

Tuesday, February 07, 2023

The Senate met at 1.30 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

FIREARMS (AMDT.) BILL, 2022

Bill to amend the Firearms Act, Chap. 16:01 and for other related matters, brought from the House of Representatives [*The Minister of National Security*]; read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Hon. F. Hinds*]

Question put and agreed to.

PAPERS LAID

1. Ministerial Response of the Ministry of Public Administration to the Third Report of the Joint Select Committee on Social Services and Public Administration on an inquiry into the Impact of Work-from-Home and Alternative Work Arrangements, Policies and Initiatives on Public Sector Productivity and Service Delivery. [*The Minister of Public Administration* (*Sen. The Hon. Allyson West*)]
2. Ministerial Response of the Ministry of Works and Transport to the Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2021. [*The Minister of Works and Transport* (*Sen. The Hon. Rohan Sinanan*)]
3. Ministerial Response of the Ministry of Trade and Industry to the Eighth Report of the Public Accounts Committee on the Examination of the Report

of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2021. [*The Minister of Trade and Industry* (*Sen. The Hon. Paula Gopee-Scoon*)]

4. Ministerial Response of the Ministry of Planning and Development to the Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2021. [*The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne*)]
5. Response of the Central Administrative Services Tobago to the Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2021. [*Sen. The Hon. Dr. A. Browne*]
6. Response of the Trinidad and Tobago Police Service to the Eighth Report of the Public Accounts Committee on the Examination of the Report of the Auditor General on the Public Accounts of the Republic of Trinidad and Tobago for the financial year 2021. [*Sen. The Hon. Dr. A. Browne*]
7. Report of the Auditor General of the Republic of Trinidad and Tobago on the Financial Statements of the Regulated Industries Commission for the year ended December 31, 2018. [*Sen. The Hon. Dr. A. Browne*]
8. Value Added Tax (Amendment to Schedule 2) Order, 2023. [*Sen. The Hon. Dr. A. Browne*]

URGENT QUESTIONS

Missing Mayaro Fishermen (Details of)

Sen. Wade Mark: Thank you, Mr. President. To the Minister of Foreign and CARICOM Affairs: In light of continued efforts at locating the four missing

fishermen from Mayaro who seemingly drifted near Venezuelan waters, can the Minister indicate whether the Venezuelan authority or the Bolivarian Republic authorities will be requested to assist in the search?

Mr. President: Minister of Foreign and CARICOM Affairs.

Hon. Senators: [*Desk thumping*]

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. President. This is a serious and ongoing matter. The question asked, whether the Venezuelan authorities will be requested to assist us, and I can inform this Senate that the Venezuelan authorities have been contacted and the relevant information and request conveyed in accordance with maritime protocols. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Mr. Mark: Can I ask the hon. Minister, outside of the Venezuelan authorities, would the Government be considering recruiting or seeking to encourage other countries, for example, the United States, in assisting in the effort or efforts at really locating these four fishermen who have gone missing outside of the Venezuelan authority, hon. Minister?

Mr. President: Minister.

Sen. The Hon. Dr. A. Browne: What I can indicate to the Senator posing the question is that, all available means of assistance are being pursued as guided by the coast guard of Trinidad and Tobago. Thank you, Mr. President.

Mr. President: Sen. Mark.

Mr. Mark: Yeah. Can the hon. Minister indicate to this honourable Senate, what is the latest report on our efforts as a country to locate these four missing fishermen? Can you give the Senate a little update as to where we are with our

collective efforts at locating these fishermen, hon. Minister?

Mr. President: Minister.

Sen. The Hon. Dr. A. Browne: Mr. President, the question and the response have indicated that this is an ongoing matter and that the searches are underway. I am not, as the Minister of Foreign and CARICOM Affairs, in a position to give the latest update on the search. I would recommend that the Member file the relevant question directed at the Minister of National Security and an update can be provided accordingly. Thank you, Mr. President.

Mr. President: Sen. Mark.

Vindra Naipaul-Coolman
(Missing Case File)

Sen. Wade Mark: Yes. Thank you, Mr. President. To the Attorney General and Minister of Legal Affairs: Given recent reports that the missing Vindra Naipaul-Coolman case file has been found, can the Attorney General advise as to where was the file found?

Mr. President: Attorney General.

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

Mr. President: Members, could you please allow the Attorney General to answer the question?

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr. President. I will answer that question as follows. The report that the file, the Vindra Naipaul case file, has been located is contained in a media release which was issued by the lead investigator appointed by me as Attorney General, the hon. Mr. Justice Stanley John, on the evening of the 6th of February, that reads as follows:

> "'In my capacity as the Lead Investigator into the…matter…I was this evening; the 6th February informed by the Solicitor General (Ag), Ms. Karleen Seenath that the file in question was today handed over to her. I have immediately instructed that the Solicitor General (Ag) secure that file for collection by the Investigation Team; the re-appearance of this file forms part of this continuing investigation.'"

Against the background of that last statement by Justice Stanley John, I do not propose to answer the question which is the subject of a continuing investigation.

Hon. Senators: "Ahhh."

Sen. The Hon. R. Armour SC: That is for the investigation team to investigate and to report on in due course.

Hon. Senators: [*Crosstalk*]

Mr. President: Sen. Mark.

Hon. Senators: [*Continuous desk thumping*]

Mr. Mark: Can I ask my question, Mr. President? Yes. Can I ask the hon. Minister if he can advise this honourable Senate—

Hon. Senator: Bring back Faris.

Mr. Mark:—who in the Attorney General's office handed that particular lost and found file to the assistant or the acting Solicitor General last evening that caused the lead investigator to issue the relevant release that the Attorney General has just read for this honourable Senate or to this honourable Senate? Can I ask the hon. Attorney General to clarify that?

Mr. President: Attorney General.

Sen. The Hon. R. Armour SC: May I answer that by saying there is nothing clarify. The subject of the reappearance and who handed that file or located it

continues to be part of Justice John's investigation on which he will report in due course.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Mark.

Mr. Mark: Can I ask through you, Mr. President, if the hon. Attorney General could tell magician Mumford—

Hon. Senators: [*Laughter*]

Mr. Mark:—exactly whether the documents that went missing and that were presented in that particular case—

Sen. Lezama-Lee Sing: On a point of order, that is insulting and offensive language.

Mr. Mark:—involving Vindra Naipaul-Coolman, whether those documents were contained in the file that was found and handed over to the acting Solicitor General? Can the hon. Attorney General advise this honourable Senate?

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

Mr. Mark: Do I have another question?

Mr. President: That is the end of supplemental questions and the end of Urgent Questions, Sen. Mark.

1.45 p.m.

ORAL ANSWERS TO QUESTIONS

Mr. President: Leader of Government Business.

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Thank you, Mr. President. Mr. President, there are three questions for oral answer on the Order Paper and the Government is prepared to answer today question Nos. 31 and 32. We request a deferral of two weeks for question No. 33.

Mr. President: Hon. Senators, the leave that the Leader of Government Business has requested on question No. 33 has been granted for two weeks. Sen. Mark.

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

Bill & Melinda Gates Foundation
(Reporting of donation 'fraud' attempt)

33. Could the hon. Prime Minister indicate:

Whether the donation 'fraud' attempt against the State, and using the name of the Bill & Melinda Gates Foundation, has been reported to the Police?

Question, by leave, deferred.

Animal Feed Price Increase
(Measure taken to provide relief)

31. Sen. Wade Mark asked the hon. Minister of Agriculture, Land and Fisheries:

In light of the price increases in animal feed for the third time in recent months and the negative effect this has had on farmers and consumers, can the Minister outline the measures being taken to provide relief to said persons?

Mr. President: Minister in the Ministry of Agriculture, Land and Fisheries.

Hon. Senators: [*Desk thumping*]

The Minister in the Ministry of Agriculture, Land and Fisheries (Sen. The Hon. Avinash Singh): Thank you, Mr. President, and I thank Sen. Mark for this question. Mr. President, I wish to begin by stating that Trinidad and Tobago is not immune to the effects of rising global animal feed prices. Several factors have contributed to the rise in international feed prices, notably the continuing disruptions in the global supply chain due to the COVID-19 pandemic, the

Russia/Ukraine conflict, increases in shipping, logistics and freight cost, rising fertilizer and energy prices, and adverse weather conditions. Local feed millers and importers utilize grain and other inputs in the production of concentrated animal feed for the local market. Notably, the international price of these inputs is directly affected by the price of wheat.

Mr. President, the Ministry of Agriculture, Land and Fisheries continues to provide dedicated supply to our livestock farmers through the Animal Production and Health Division, the AP&H Division. Forage is also made available to farmers without cost. Information is also disseminated to farmers on alternative feed sources to meet the nutritional requirements of animals, included information on silage and feed-making using a greater percentage of local forage. Livestock farmers are also informed of locally available or alternative feed sources such as coconut meal, spent grain, brewers grain, molasses blocks, urea blocks, use of fish and poultry meal and fish silage, as well as high nutritive value forage that can be planted and used as an alternative to imported grains and feed.

Mr. President, the Ministry, in support of the livestock industry, also provides various incentives which include; subsidies, loans through the Agricultural Development Bank, training and development, extension services, guaranteed feed arrangement—guaranteed feed price arrangements for milk, pasture, forage, bank establishment, milking system and bulk tank cooler, and importation of semen and embryos. Mr. President, despite the global increase in the cost of feed at this time, the Ministry remains committed through the AP&H Division to continue to provide support to our livestock farmers via information sharing on locally sourced material and systems that can be used to curtail the cost of the livestock production. Thank you.

Sen. Mark: Can I ask, through you, to the Minister: In light of the decline in

freight costs or charges, can the Minister indicate why there has not been a concomitant reduction in the cost of feedstock necessary for the farmers' input into their production process? Can the Minister clarify why the reduction in freight cost is not being reflected in lower prices and cost of feed to farmers in Trinidad and Tobago?

Sen. The Hon. A. Singh: Thank you, Mr. President. Mr. President, in this manner I want to join my colleague, the Minister of Trade and Industry. Since last June she had called to—she had good reason to call on retailers to have a heart as price gouging seemed evident. And I want to say this, Mr. President, the feed/grain importers and the feed producers, now that the shipping freights and all of these other inputs seems to be coming down, the grain prices still are at its highest, so that, Mr. President, we can only, and I join Sen. Mark, in calling on the feed manufacturers and the grain suppliers to allow for good sense to prevail and price their goods accordingly. Thank you.

Hon. Senators: [*Desk thumping*]

Sen. Mark: Mr. President, since we know from the evidence that these manufacturers and importers of feed and grain have no heart, and it is not being reflected in this regard in lower prices, can the Minister indicate whether the Government will be intervening directly in the marketplace so that those prices can be lowered for our farmers in Trinidad and Tobago? Can the Minister indicate to this Senate whether Government intends to directly intervene in the marketplace to address this situation?

Sen. The Hon. A. Singh: Mr. President, as Sen. Mark would know, the Government cannot tell feed suppliers or millers what price to sell their products at. But as a government what I can tell you is that we have been doing everything, and it is evident, because year after year I come and I read in relation to the budget

all livestock farmers are entitled to free forage from the Ministry's facilities. And also the Ministry of Agriculture, Land and Fisheries continues to subsidize the price of seed material, one of those mainly being our local corn varieties which many farmers are very much appreciative to buy at a very highly subsidized price, and plant to ensure that their forage and nutritional feedstock is maintained. So, we will continue to do that, Mr. President. I would also go into detail and say that I was very happy to see a lot of the livestock farmers, unlike Sen. Mark, I am not sure if he is a livestock farmer, but a lot of those farmers are benefiting from the $100,000 grant fund facility that the Government has in place for people like the ones referred to by Sen. Mark, who want to put down their own feed manufacturing facilities, who want to bring in their own machinery and equipment to make pellets from grass, and all of these supplemental infrastructure to assist in their cost of production, Mr. President. Thank you.

Sen. Mark: Mr. President, can I also ask the Minister, in light of what he has said, whether the Government will consider naming and shaming those grain and feed importers who continue to manipulate prices in this country resulting in our farmers being forced to pay higher costs for grain and feed in this country? Can the Minister advise this Senate whether the Government will consider naming and shaming these particular grain and feed importers, Mr. President?

Sen. The Hon. A. Singh: Mr. President, as done in the past where the Consumer Affairs Division of the Ministry of Trade and Industry would normally put out information on consumer-related activity, I want to say to the livestock industry and the farming community, that it is well within your right to shop around. It is well within your right to go. There is not thousands of feed suppliers or feed sellers in this country. You can check them on your two hands, Mr. President. So I am calling on the farmers and the livestock producers, shop around. You can

control what price you pay in terms of where you shop, and I implore you, too, apart from shopping for the alternative feed supplies, the manufactured feed, utilise this natural feed that we have in the form of forage, you corn stalks, your para grass, bull grass, none of which I am sure Sen. Mark knows about, but all of these are forages that can be used in the livestock industry efficiently.

Sen. Lyder: You have to fix the tractors in Munroe Road first to get the grass.

Mr. President: Sen. Lyder, please. Sen. Mark.

Sen. Mark: Mr. President, my final question to the Minister. Hon. Minister, through the President, can you confirm or deny that the Government has removed the subsidy granted to farmers as it relates to egg production? Because that is a—feed and grain is a very great input into that particular industry and therefore I would like to ask the Minister whether the subsidy supporting farmers who are in the business of producing eggs, has that subsidy been unilaterally and arbitrarily removed by the Government? Can you confirm?

Mr. President: Sen. Mark, that question does not arise from the original question. Next question on the Order Paper.

Heritage Petroleum Company Limited
(Attempt to raise US$1Bn via bonds and loans)

32. Sen. Wade Mark asked the hon. Minister of Energy and Energy Industries:

Can the Minister indicate whether Heritage Petroleum Company Limited has attempted to raise US$1Bn in the international capital market via a combination of bonds and loans?

Mr. President: The Minister of Trade and Industry.

Hon. Senators: [*Desk thumping*]

The Minister of Trade and Industry (Sen. The Hon. Paula Gopee-Scoon): Thank you, Mr.President. Heritage Petroleum Company Limited, a subsidiary of

the Trinidad Petroleum Holdings Limited Group, approached the international financial market in May 2022 to refinance Trinidad and Tobago—Trinidad Petroleum Holdings Limited's remaining debt that was inherited from Petrotrin. TPHL's debt which resulted from Petrotrin's debt comprised the US $850 million bullet bond from Petrotrin that was due to mature in August 2019; part of a US $750 million amortizing bond, plus certain costs of the restructuring of Petrotrin into the various companies comprising the TPHL group. This refinancing was first undertaken in 2019 and now subsequently in 2022.

In this current round of refinancing in 2022 Heritage closed a US $500million senior secured bond transaction, and US $475 million senior secured term loan, which enabled it to refinance the debt and implement a comfortable lower cost and longer-term debt maturity profile, as well as remove several restrictive loan covenants that were in place since the 2019 refinancing, such as covenants that limited or restricted the disposal of non-core real estate assets of the former Petrotrin. The 2022 refinancing also resulted in a two-notch upgrade of the TPHL group by Standard & Poor's Global Ratings from B+ to BB. Thank you.

Sen. Mark: Can the Minister indicate what was the rate of interest on the two loans involving $500 million US and another $475 million US? Can the Minister advise this honourable Senate what was the rate of interest on these two loans?

Sen. The Hon. P. Gopee-Scoon: Whilst I am not able to state the actual loan interest, what I can say is that they were able to secure in the round of refinancing, lower cost a longer term debt maturity arrangements.

Sen. Mark: When the Minister, Mr. President, says lower debt and longer—lower cost, rather, I beg your pardon, and the longer term time period for repayment of same, can the Minister indicate when would these debts that we have incurred of close to $1billion US mature?

Sen. The Hon. P. Gopee-Scoon: I do not have the maturity date, but what I can say again is that TPHL did in fact have a successful round of refinancing, and I am quite satisfied that the terms and conditions of the loan would have been done in the interest of the people of Trinidad and Tobago at the end of it all.

Sen. Mark: Can the hon. Minister, through you, Mr. President, indicate who were the financiers of this $1billion US refinancing loan to Heritage Petroleum? Who were these financiers?

Sen. The Hon. P. Gopee-Scoon: Whilst I do not have the details of who the financiers are, again I can just repeat that Heritage was able to close two transactions, being the $500million US senior secured bond and the US $475 million senior secured term loan. But details as to who these transactions were made with, that can always be provided.

2.00 p.m.

Mr. President: Sen. Mark.

Sen. Mark: Can I ask the hon. Minister whether this latest loan arrangement aimed at refinancing the debt of the former Petrotrin—could the Minister advise this honourable House whether every single piece of asset owned by Heritage, by Guaracara Refinery, as well as this company called Paria Fuel Trading, all of their assets have now been mortgaged to this particular loan as compared to what took place in 2019 and prior? Can the Minister confirm or deny?

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

Sen. Mark: Mr. President, that is the fourth?

Mr. President: Yeah, that was the fourth.

Sen. Mark: Mr. President, can I ask for your guidance?

Mr. President: Sure.

Sen. Mark: If a Minister is unable to answer questions because it does not fall

within that Minister's portfolio, I seek your guidance in the future to ask you whether that Minister should be answering these questions—

Hon. Senators: [*Desk thumping*]

Sen. Mark:—when she cannot provide proper responses to my concerns. I will seek your guidance privately on that one or you can indicate publicly now, what is your position on this matter, because the Minister clearly is not in a position to prosecute this matter.

Mr. President: So, Sen. Mark, as you indicated, that could be discussed at a later date in relation to the question that you have arisen.

FIREARMS (AMDT.) BILL, 2022

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Mr. President, as I beg to move:

> That a Bill to amend the Firearms Act, Chap. 16:01 and for other related matters, be now read a second time.

Mr. President, this Bill is 11 clauses long and offers amendments to several sections of the Firearms Act. These include:

- To permit prison officers to carry firearms while off-duty, where the Commissioner of Prisons considers that the life or safety of the prison officer is under severe threat or threat;
- To introduce a firearm user identification card for use by holders of a firearm user's licence;
- To allow municipal police officers to carry and possess certain non-lethal devices;
- To permit the Director of the Strategic Services Agency, and any employee of that agency hereafter to be referred to as SSA as designated by the Director, to carry government-issued firearms and/or ammunition

- during the course and performance of their duties;
- To expand the list of persons who are exempt from liability for being in possession of a firearm or ammunition in a public place;
- To hold liable municipal police officers, the Director of the SSA, and any employers designated by the Director for offences in relation to selling or transferring and purchasing or acquiring a firearm or ammunition to any unauthorized person; and finally of that critical seven is
- To vest in the Minister of National Security the power to extend the validity of a firearm user's licence beyond the three-year period stipulated in section 17(6) of the Firearms Act, Chap. 16:01.

Mr. President, the Government of Trinidad and Tobago and the public at large are in no doubt well aware of the fact that crime presents a serious challenge to the economy, our social living, all aspects of life of this Republic. We face it on a daily basis and the public records are replete with diverse cases of same. Criminals not only target law-abiding citizens of this country with the most heinous acts known to society, but they seem to do so without a blink, without thinking twice. The most recent example, and all of them qualify, most of them, but the most recent is where two citizens of our Republic lost their young lives on account of an alleged $200 difference between two parties.

It is no secret that the targets of the criminal pursuits are not limited to the ordinary citizen, but also extend to law enforcement officials, including police officers, municipal police officers and, in recent times, a matter to which this particular Bill is focused, prison officers, some of whom have unfortunately been mercilessly gunned down by these criminal elements.

Our law enforcement officers risk their lives to protect us, all of us as citizens, our properties, the country at large, the investor's property in Trinidad and

Tobago. And therefore, this Government, Mr. President, recognizing that it is our duty under the Constitution, morally, legally and in every wise, it is our duty to make laws, to protect the peace, order and good governance of Trinidad and Tobago, Mr. President. And it is incumbent on us, we find, we consider, to effect laws which can afford such officers protection against these horrendous and menacing criminal elements.

Notably, Mr. President, in Trinidad and Tobago, there is no inherent or constitutional right for any person to carry a firearm and this is in contradiction to other jurisdictions where that is part of their constitutional arrangement. That is not the case in Trinidad and Tobago. Notwithstanding that, thousands of persons, many persons are permitted to carry firearms, allowed to purchase them, to acquire them and to have them in their possession, but only if he or she holds the requisite licence prescribed by the statute of the Firearms Act, Chap 16:01. The Firearms Act thus, however, sets out the specific persons who are allowed to be in possession of a firearm without a licence, Mr. President, since the use of the firearm can be regarded as integral to the performance of such persons' duties and can offer protection should the need arise.

As you know, Mr. President, situations can arise which can illustrate that the provisions of the Act may not be wide enough to protect certain persons in circumstances where lives may be at risk as a direct consequence of their jobs. Hence, the need arises to make urgent amendments to our laws in an effort to control crime and criminality and, of course, to save lives. One of the critical aims of this Bill, therefore, Mr. President, is to provide a mechanism to afford statutory protection to certain officers by allowing them to have in their possession government-issued firearms and ammunition at specific times when there exists an imminent threat for their safety and the lives of others.

Allow me, Mr. President, to expand on this point before I speak to any other matters which this Bill seeks to address. There is the well-known, fairly recent case of Vishal Singh. And arising out of that, the need for further amendment to this legislation became very obvious, very apparent, after a ruling of the High Court in the matter, *Vishal Singh v The Commissioner of Prisons*. The claimant, Mr. Vishal Singh, is a police officer who, on August 10, 2015, was shot and injured by a prison officer during the course of exercising his, police officer Singh's, duty, when he responded to a call pertaining to an individual being in possession of arms and ammunition in the Guaico area in east Trinidad. The prison officer also filed a claim against Mr. Singh and the Attorney General of Trinidad and Tobago, claiming damages for assault and battery arising out of this shooting incident.

In his affidavit, in support of his defence, the Commissioner of Prisons stated that at the material time, the prison officer was issued with a 9mm pistol to:

> "'keep and carry' in his capacity as a Prisons Officer in 2015 because of an imminent threat that existed…"—upon—"his"—the prison officer's—"life."

The crux of the matter before the court, Mr. President, was the validity of the Trinidad and Tobago Prison Service Firearms Policy which stated that:

> "'The Commissioner of Prisons'"—had the power—"'under section 7(1) of the Firearms Act…to issue…'"—firearms and/or ammunition to prison officers who were either—"'constructively on duty by the operation of Law…'"—or deemed to be on duty and—"'acting in the capacity as a Prisons Officer.'"

Part of the policy outlined the establishment of a Prison Threat Assessment Committee:

> "…set up by the Commissioner of Prisons to determine the

authenticity of the threats made against prisons officers."

So a committee was established and is established, and it is that Committee that studies the threat against the prison officer, makes a determination as to whether it is sufficiently severe or otherwise, issues that report to the Prisons Commissioner and the Prisons Commissioner, largely on the basis of that, would decide on the course of action he would adopt.

Mr. President, and, of course, the policy recognized that and:

"To mitigate against these threats, Firearms and or other protective gears, where necessary…"—would—"be issued…"—under the policy—"in a structured and professional manner."

The Office of the Commissioner of Prisons claimed that the policy was permissible because prison officers are always on duty since they could be called out at any time in an emergency.

The High Court, Mr. President, disagreed with this contention that prison officers are always on duty and held that the said policy and the decision of the Commissioner of Prisons:

"to allow 'Keep and Carry' of firearms by prison officers who are not on active duty…"—was—"irrational…illegal and…ultra vires."

I might tell you, from my reading of the case, the court quite impressively identified what is to be meant by actively on duty. And the circumstances defined by the Commissioner did not embrace or were not embraced in that definition established by the court in accordance with its interpretation of the Act.

2.15 p.m.

The court opined that the policy conflicted with the provisions of the Firearms Act, and as well the provisions of the prison rules. It was further stated that the Commissioner of Prisons was not empowered under the Act to exercise his

discretion to decide who is or who is not constructively on duty to authorize the issuance of any firearm or ammunition to prison officers. Very importantly, Mr. President. The court did, however, give solid credence to the intent of the policy quite expressly, that being to protect prison officers while off duty. Given the numerous incidents of prison officers being murdered, it was noted that this was a matter for Parliament to treat with since the Commissioner of Prisons could not validly derive any discretion to issue the firearms to prison officers under provisions of the existing Firearms Act.

Mr. President, that state of affairs continued, or began and continued over many years, perhaps decades, coursing through different governments, all well intentioned until it arose before the court in the Vishal Singh case and the court made the pronouncements that I have just in part, rehearsed. Mr. President, I do not wish to go further into the matter. I think enough has been said upon that, but the ramifications of this decision have undoubtedly impacted on the personal safety of at-risk prison officers who would have benefited from that policy since certain officers who were issued with firearm and ammunition would now—well, would have been required to stand down, to return same, and the threats on their lives persisted, persists. As a matter of fact, I can tell you based on information raised with me only very recently, very, very recently, the police and prison officials had to come to the theatre of threat to deal with an imminent one against one of the officers. So the threat continues.

Mr. President, I need not remind this honourable and distinguished gathering, this House, because the newspapers as they are wont to do would have over many years with emblazoned headlines identified, shared with the national community and the world, a number of cases where prison officers lost their lives. One headline, Trinidad and Tobago *Guardian* by Rosemarie Sant, October the 4th,

2018, "22…"—prisoners, the headline said, "…killed in 28 years", and there are a whole number of other stories. December 2001, as far back as that, a prison officer age 32 shot dead in Cascade. In another case, 2003, another prison officer shot dead in Laventille. In 2010, another shot dead in Laventille; one in Arouca; one prisoner officer strangled in Gasparillo. And so the very sad story went on. Pointe-a-Pierre, Morvant, Diego Martin, all over the place.

And by virtue of this office, as Minister of National Security, in even a previous a dispensation between the years 2002 and 2007 where I had direct responsibility as Minister in the Ministry of National Security for the prison at that time, I recall most pellucidly, if you like, many, many, many concerns and complaints and problems, and fears expressed by officers in this regard. Officers of all ranks, superintendents have been taken down and, of course, that has a very demoralizing effect on the prison service. Because in some cases while we know that there are prison officers who have acted quite improperly, some have even broken the law and have had to be arrested by the police, in many cases reported by their own colleagues in the prison service, detained by their own colleagues until police reach, all of that, but there are some of the officers who would have lost their lives for whom the only crime or allegation against them would have been the upstanding pursuit of their oaths and the proper carrying out of their lawful duty, Mr. President, nothing less, nothing more than to have stood up in accordance with their oaths, and prisoners and others feel that they must pay for doing their duty.

So you can well imagine how this affects the prison organization, the service, how this affects the family members of those who would have been attacked and who would have lost lives including children and, of course, Mr. President, that has a very, very, numbing effect on the entire society. Because

when you see those who are sworn, and paid, and uniformed to protect the society, coming under attack, that makes the ordinary citizen, the civilian, feel particularly vulnerable and troubled, justifiably so, and, Mr. President, a society must fight back.

And I have come here today, as Minister of National Security, moving these measures, asking for this Parliament's support in our legislative fight back, for that is all this House can do, and thereafter it is up to those who will implement this legislation to ensure that it is properly implemented and effected. And, of course, it also carries with it a role for the national community, every stakeholder, every citizen, to be vigilant, to be watchful, to stand for what is right. It was Archbishop Jason Gordon who told us in his New Year address recently as far as he is concerned, and I subscribe to that, a large too many of us in the society do not stand on the side of righteousness as opposed to—

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds:—"wrongsiousness". Not enough of us are committed to truth and justice. We see people who are known miscreants, criminals wanted here, there, and everywhere, coming together, holding hands for ulterior political and other purposes.

But, Mr. President, we as a society, the law-abiding in the society, the right-thinking persons in the society who we represent in this House, appointed as we are, and elected as I am, we have a duty to gather ourselves together in the Constitution and in the law, and to fight back against those who do this kind of thing to all of us. None is safe. None is beyond their reach as this society, our history, and many other societies of the world have demonstrated. Mr. President, prison officers in the execution of their duties are often the recipients of deadly threats from inmates. The prison environment as you would imagine, Mr.

President, is one of volatility, which often manifest serious tensions between inmates and those who are paid by us in this society to keep them in order in accordance with the orders of the court. There are many variables that can be attributable to this tension. However, the lengthy time for judicial processes to take effect in our country, very unfortunately and too often, has been asserted as the main cause of some of these tensions.

I heard the prison association spokespersons actually say based on information coming from some of the inmates there is a tremendous level of frustration on the part of inmates and on the part of society as a whole when these processes take as long as they unfortunately do. But I am able to say, as a matter of fact, that there are many things that have been done in the last few years in this country and are being done as we speak—I mean as we speak—in an attempt to quicken the pace of justice. And if that is achieved, it therefore reduces the tensions that it contributes to, and I am particularly happy about that. It is not uncommon in our society, unfortunately, for a murder case to take 10 years to make its way through the judicial system, and I can elucidate as to the many things that have been done and are being done to quicken this process but I will leave that for another time, or if I have a specific request, I should do so at a later stage in this debate.

Mr. President, most of the inmates charged for murder are known gang members who have quite some influence, unfortunately, in their respective communities, and in some cases across the country. Serious influence, you would be amazed. Prison officers are often seen by inmates as oppressors when carrying out their respective lawful duties which sometimes entails, often entails, searching and confiscating contraband items and maintaining order in the prison environment. "It ain't no tea party in there, yuh know." The people who go in

there are people who have gone in there, alleged to have committed nasty crimes on the outside. No regard for human persons, no regard for the law, no regard for their mother, their father, their neighbour, elders, women, children. "They rude." And when they get in there and these officers who we pay to protect us in keeping them in accordance with court orders, they see them as oppressors, they issue serious threats and carry them out from time to time, Mr. President.

The jail house economy to which I recently made reference is real and it is no small economy. It is measured in hundreds of thousands of dollars. Big businesses are run from inside the jail through their friends, through illegal communications, and it is an ongoing battle not only in our prisons, in all prisons of the world. If we will be broad-minded, and open, and honest in terms of dealing with these illegal communications, some of which have to do with calling shots on the outside, get this one dead, get the other one dead. And as a result of that possibility and that reality, and the fear that it generates in people, there are victims, businessmen, and others outside, they get a message to pay extortion money, "and it pay, and it gone in a bank account, it gone below a mattress or under a bed", and there are prisoners who come out of the jail to meet cars, businesses, property and plenty of money, and more influence and so the story goes. And the beast is getting bigger and fatter by the hour, and it is our duty as parliamentarians to do whatever we can to lighten this society's burden in this regard. And this measure today, these measures, are designed to achieve just that.

During the period January 2021 to December 2022, it has been reported to me that 88 prison officers have reported being threatened by inmates. Statistical data from the Office of the Commissioner of Prisons revealed also that 16 prison officers were murdered over the last 10 years alone, all allegedly based on police reports after investigation, ordered hits from behind the walls. Mr. President, as I

indicated a while ago, illegal communications are a very part critical part of that. The State has invested money, and intellect, and technologies to deal with this problem. It had limited—or well, let me not say limited. It had some measure of impact, but, of course, technology being what it is, things have changed and circumstances so it continues. And I give you the assurance, Mr. President, that the State is at the moment continuing its efforts to ensure that these illegal communications are a thing of the past and I say with confidence we continue that struggle.

We also have the issue of prison officers allowing themselves rather feebly, weakly, unlawfully, shamefully to become mules. Some allegedly out of fear and some out of sheer complicity, because the jailhouse economy generates, as I told you, hundreds of thousands of dollars.

2.30 p.m.

Plenty, plenty, plenty, plenty of money. A cigarette sells in there for $100 at "ah pop", and a phone call could be that too, $100. Many mothers outside the prison and girlfriends and aunts spend a lot, a lot of money. One mother complained to me regularly the son, "he want $1,000 on ah phone card, $1,000 on ah phone card or he want plenty money" to buy in the cafeteria which they have access to. They have like a cafe where they could buy things they need inside of there and only after a while, she discovered that a lot of that money was being used for other reasons based on things that came to her knowledge.

So, Mr. President, these are the kinds of factual scenarios that we find ourselves having to deal with. We do have, of course, official telephones which inmates can use and do use to communicate with their relatives but there are those who those who want to communicate outside of that system, hence the need for illegal communications and that as I said is not unique to Trinidad and Tobago's

prisons and the struggle to deal with that continues.

The prisons service has also taken proactive approaches to reducing conflict between inmates and staff which result in many attempts to harm prison officers. Programmes have been introduced among our remanded inmates, such as needs programmes aimed at reducing institutional risk among remanded inmates. The needs programme includes spiritual religious programmes, anger management, adult literacy, education programmes, sports and cultural programmes. There was a time when these things were not available to remand inmates. But today they are and this is only a small sample of what is available to those who are incarcerated. Many young people go "inside ah there" and come out with five and six and CAPE passes, degrees, skills in radio presentation, broadcasting, skills in upholstery, animal husbandry, in all kinds of skills, all kinds of disciplines are available to the inmates in the prison. Some of them even receive stipends just as they would have on the outside in some of the training programmes that are available to them. So for those who think that this is only about lock and key and turnkey and—"Mm-mm". Since 2001, this State, this Government, adopted a restorative approach to justice as opposed to punitive or retributive posture and therefore these programmes fall smack bang inside of that.

In terms of legislation, we have reviewed the past and we have since reviewed the Interception of Communications Act, Chap. 15:08 which was passed by this Parliament to make these illegal communications which may be harmful to prison staff. We also passed the Miscellaneous Provisions (Law Enforcement Officers) Act, No. 25 of 2019, which was passed to expand the offences and to increase punishments to prison officers or persons who were found guilty of offences against prison staff and prison staff who were wilfully negligent in the execution of their duties. I do not have to elucidate on that, those are laws that

been passed and deemed to be known with perfection by all my colleagues in this House. So we have done what we have do in terms of legislation.

In light of the court's ruling in Vishal Singh and as well the high incidence of murders of prison officers, clause 8 of this Bill will introduce section 8A which seeks to empower the Commissioner of Prisons to grant a prison officer the permission to have in his possession a firearm or ammunition outside of the prison environment while off duty in circumstances where the Commissioner of Prisons considers that his life is under threat. This proposed amendment makes it a quicker and an easier way to solve an immediate problem.

The incident I told you about last week, the prison officer himself was unaware of the threat but it came to the attention of law enforcement and it was through the Commissioner that action had to be taken to protect him. He was completely oblivious. And in those circumstances, you cannot expect him to now go and make an application for a firearm user's licence. He has to get the forms online or whatever, he completes them and there is a whole process. By which time, he might well be in trouble and therefore this measure allows the Commissioner of Prisons to respond with promptitude, one o'clock in the morning if necessary, and that is the advantage of this.

Furthermore, not all prison officers may be able to afford the 8, or 9 or $10,000 to purchase a firearm because that has become big business in the world and not the least in Trinidad and Tobago, generating a lot, a lot of activity and a lot of money but that is a separate matter and therefore because a prison officer cannot afford to buy one if he gets himself a firearm user's licence, does not mean that he does not need protection and therefore this clause 8 is designed to be able to protect all comers when the Commissioner of Prisons comes to the position that he has come to.

So let me read with specificity and accuracy the clause that is being proposed in this regard. Clause 8, section 8A(1) says:

> "Subject to subsection (2), a prison officer may have in his possession any firearm or ammunition which is the property of the Government."

That is stressed because it means, not talking about his private one and "it eh talking about an illegal one", it is talking about one that is the property of the Government. Subsection (2) says:

> "The Commissioner of Prisons may grant permission to a prison officer to have in his possession any firearm or ammunition which is the property of the Government while off-duty when he considers the life or safety of the officer is under threat."

Subsection (3):

> "Where the Commissioner of Prisons grants permission to a prison officer to have in his possession any firearm or ammunition which is the property of the Government under subsection (2), he shall issue to the prison officer a Trinidad and Tobago Prison Services Firearm Identification Card."

This card will allow the holder to show it to a police officer so that the police officer would become aware that he is lawfully in possession of this, though it is not the usual FUL for the reasons that I have stated.

This card is necessary because at the moment a firearm user's licence—currently in paper-based form, a little booklet for those who will know, I am so advised—can be impractical for firearm holders to carry around on a daily basis and can easily become damaged and have become damaged. As such, this Bill seeks to introduce a firearm user's identification card which is likely to be similar in size and nature, expected to be similar in size and nature to national ID cards and driver's permits, which would present a practical and convenient means of

identifying and certifying that the holder of a firearm is appropriately licensed to carry same.

The use of the card would also allow for the use of more modern security features on the card which are not presently available in the current licensing regime with that booklet, which the records show have been tampered with, picture changed, all kinds of little things, page "tear out", all sort of things, Mr. President, and this card which this Bill invites this Parliament to approve will allow for an improvement in that to a better and more modern state with the security features so that the system will not be corrupted and duped as it has been in the past for the reason that I have stated. Clause 4 of the Bill seeks to amend the definition of "licence" under the Firearms Act to also include therefore the firearm user's identification card.

Additionally, clause 11 of the Bill seeks to amend Regulation 6(1) of the Firearms Regulations to provide for the form of the firearm user's licence, one of which is a firearm user's identification card that would contain particulars pertaining to the holder of the firearm and ammunition. And this card would contain matters such as the firearm user's licence number, the name and address of the holder of the licence, a photograph of the holder of the licence, such electronic security features as the Commissioner of Police may determine, such further particulars as may be stated on the firearm user's licence as the Commissioner of Police may determine and any other conditions which the Commissioner of Police may determine.

The municipal police to whom I made earlier reference are often charged, in fact I think always charged with duties that are familiar to us having been traditionally performed by the regular Trinidad and Tobago Police Service. They are very much involved in the law enforcement business and they have also the

mandate to keep peace and order within the municipalities that they serve. Certain operational capabilities which are carried out by the TTPS ought reasonably to extend to municipal police officers in furtherance of carrying out their very serious duties and responsibilities.

The TTPS, as part of its transformation and modernization, has recently revamped its use of force policy to include the use of non-lethal weapons which include Taser guns and pepper spray. So that the use of these non-lethal items graduated up as the circumstance, as the response requires, is very important. No longer does the police officer have to go for his gun to deal with a knife threat or a powerful man or a person of insane bent or some such thing. The use of these non-lethal applications allows much more and therefore the revamped use of force policy takes these into account.

And as I indicated earlier, municipal police function largely in the same environment. As for pepper spray before I proceed, let me say for any unwary minds or souls outside of this Chamber that might be listening, this is already up and running available to distributors, to importers and to members of the public and in fact, in all those categories, persons have applied to the Commissioner of Police as the law requires. So the pepper spray regime is on course.

Clause 4 of this Bill would amend the definition of "prohibited weapon" under section 2 of the Act to include weapons which are designed or manufactured or adapted for the discharge of any noxious liquid, gas or other thing. This definition thus encompasses Tasers which are designed or manufactured to discharge electrical energy.

Furthermore, clause 5 of this Bill would amend section 6 of the Act by introducing a new subsection (2B) which would allow municipal police officers to have in their possession, a Taser or pepper spray for the purpose of performing his

functions as a municipal police officer.

The main roles and functions of the Strategic Services Agency are outlined in section 6 of the Strategic Services Agency Act, Chap. 15:06. Again, it is deemed to be known by all.

Mr. President: Minister, you have five more minutes.

Hon. F. Hinds: Thank you very warmly, Mr. President. It is not surprising, based on these roles and functions and responsibilities, that some of these SSA officers, undercover and covert as they are supposed to be, are often to find themselves in situations where their lives may be at risk in the course of the performance of their duty. I did say recently that reports had come to me that they were there doing their work in a particular theatre of conflict or threat and risk, and shots were fired and some of these undercover people had to scamper like everyone else to safety.

2.45 p.m.

But, of course, it could be a situation where they are in a car. Police officers have reported sitting in a car, conducting surveillance exercises and because they were seen by somebody not knowing what they were doing and all of that, they were actually approached by gunmen, "Who is you? Wah you doing here? Move out de area. Get outta here". Police officers have had to encounter that. SSA personnel will encounter this.

And therefore, clause 6 of this Bill would amend section 7 of the Act by deleting and replacing paragraph 7(1)(a) with a new paragraph. The new paragraph makes it clear that only persons in the performance of their duty, and whose firearms and ammunition have been provided by the Government, are exempt from holding a firearm user's licence for the said firearm.

Mr. President, the amendment will:

"…allow the Director of the…"—SSA—"and any employee of that agency

as designated by him to have in their possession…"—government-issued firearms and/or ammunition—"during the course of performing their duties under the Act…"—at section 7(1)(a).

Mr. President, clause 7 seeks to repeal the current section 8 of the Act and replace it with a new section which provides for an expansion of the persons who are now exempt from liability for carrying firearms or ammunition in a public place. The effect of this is that more persons, including the Director, Trinidad and Tobago Forensic Science Centre—because sometimes by virtue of their work they have to move around with or have in their possession firearms—any scientific officer designated by the Director of the Forensic Science Centre; customs officers; and prison officers, in each case acting in the capacity as such in the performance of their duties, will be allowed to carry firearms or ammunition in public instead of only police officers and members of the defence force, which the current Act contemplates and allows as being exempt. So we are now broadening the category of persons who will be so exempt, Mr. President. The Director of the SSA and any employee designated by him would also be exempt from needing licences for the prohibition of having firearms or ammunition in their possession.

So, Mr. President, that would be—Mr. President, Mr. President, that would be the end of all of my speaking time or do I—

Mr. President: You finish at 2.49 p.m.

Hon. F. Hinds: I finish at 2.49. And therefore, Mr. President, I would like the clauses that I had the occasion to elucidate, as I might have done upon, I would like to commend these measures to my colleagues in this House.

Clause 11, just in closing, seeks to:

"…amend regulation 20 of the Act to delete the word 'President' and substitute the word 'Minister'…"

—in order to be consistent with similar amendments, including Act No. 10 of 2019, the Firearms (Amdt.) Act, which was previously inadvertently amended. So we passed in this House, Act No. 10 of 2019, and we were supposed to have made another amendment to that. As I have just described, that was not done. We take the opportunity in clause 11 to do that, Mr. President.

And with those few words, given the time constraints that we all face from these platforms, I beg the support of all of this House, all the right-thinking citizens of Trinidad and Tobago, for these measures, represented by those of us who are elected or nominated to be here, appointed and are here. I crave all of our support and commend these measures accordingly. I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

Mr. President: Sen. Lutchmedial.

Hon. Senators: [*Desk thumping*]

Sen. Jayanti Lutchmedial: Thank you, Mr. President, for the opportunity to contribute today to this debate on Act No. 14 of 2022, which seeks to amend the parent Act, the Firearms Act, Chap. 16:01.

Mr. President, we recognize that the issue of firearms and crime and criminality is one that requires our constant attention in the Parliament and because of the serious threat posed to the lives of, not just law enforcement but every citizen of this country. We are dealing here today with some proposals which have come forward from the Government to treat, really, with—primarily with the issue of threats against the lives of prison officers.

And, Mr. President, I have to say that since December of 2021, the judgment in the matter of *Vishal Singh v The Commissioner of Prisons* was handed down. And for the Minister to stand here today and talk about the urgency with which

they had to treat with the threat against the lives of prison officers, and the need for the Government to address the situation having regard to the judgment in the *Vishal Singh v The Commissioner of Prisons* matter, it has taken them more than a year to bring this matter here for debate. For one year, and a month, two months, there has been nothing in place to allow the Commissioner of Prisons or anybody to treat with threats against prison officers in the manner that they seek to treat with it here today. And that is something that I think we must understand when we look at this matter as a whole.

How could a threat and something that is seen as so pressing and urgent, and it is of such dire consequence, take an entire year to come to this Parliament for debate? I find that to be unacceptable. I thought, having regard to the *Vishal Singh v The Commissioner of Prisons* decision that was handed down in December2021, December 02, 2021, that urgent action would have been taken to correct the oversight—if that is what it was—an oversight by the Commissioner of Prisons who thought he had the authority to institute what is essentially a "keep and carry" policy. But it took us more than a year to come to this place to now stand here and deal with what is described by the Minister as such an urgent matter. And that these are urgent amendments—and I wrote it down while he was speaking—to save lives. But from 2021 to February 2023—December 2021 to February2023, it was not urgent enough for them to move an urgent sitting of this House and to bring this amendment in place. So that is one thing. And it might be a reason why, perhaps, we hear from time to time that the Prison Officers Association say that they are losing confidence in the Minister.

Now, I must also say—and I want to start off by saying I support measures to keep our law enforcement personnel safe, whether they be police, army, coast guard, prison officers. Once you work in that system, your life can be under threat,

and this extends to even members of the Judiciary, the DPP's Office, many other areas. Once you are any part of the criminal justice system, you can actually find yourself being on the receiving end of threats, of ill will and malice from persons who are involved in criminality.

And so, we must have an approach where we continuously assess what we are doing to keep people safe. You cannot arm everybody. We cannot turn into the *Wild Wild West*, where we decide, "well, listen, I cannot crackdown on the—or I cannot control the number of firearms on the streets that are in the hands of criminals, so I will give you a gun, keep yourself safe". But that is what this has amounted to.

I heard in another forum the Minister saying that there are now 12,000 illegal firearms on the streets of Trinidad and Tobago. We have come here today to say that we must give the Commissioner of Prisons authority to arm his officers when leave—when they are off-duty and when they go to their homes. But we are not being told what is being done to address the issue of illegal firearms on our streets. We are not being told—and, really and truly, this is an admission of failure because for the last seven years, the Government who has been in control of the State, has failed to secure the borders, the illegal ports of entry.

We heard recently before a joint select committee of Parliament how many containers were entering this country unscanned because of scanners not working on the ports. And we have heard several complaints from members of the business community, and otherwise, about illegal firearms being brought into the country through the legal ports of entry. Why? Because scanners "break down", they have to be replaced, they are not being fixed and they are not working.

So, in that context now, the solution is we must arm prison officers who are under threat. Well, what of the average citizen? What of the average citizen who

is under threat? What about all the other persons who work in the criminal justice system who are under threat? Are we going to simply arm everybody? That is not the solution. This is a measure simply put in place because they were doing something before that was deemed to be illegal by the court.

And I think the point that everybody has glossed over somewhat, almost every speaker in the other place—and today the Minister is talking about the case of *Vishal Singh v The Commissioner of Prisons*. But a point that was glossed over here is that a police officer, in the execution, legitimate execution of his duty, was wounded and injured, severely injured. He was shot in his back and his chest. Go back and read the file, if you could find it, on this matter, of the kind of injuries Mr. Singh suffered executing his duties, when he was shot by a prison officer who was given a firearm to carry home.

And after Mr. Singh was shot by this prison officer—and that is very clearly stated in the judgment. Subsequent to the incident, the Commissioner of Prisons published General Order 91 of 2016. Mr. Singh was shot in 2015. So subsequently, they came up with a policy that set up the Prison Threat Assessment Committee, et cetera, et cetera.

Now, the Minister tries to go into this issue of the procedure and so on, but at the end of the day, all this Act says is that the Commissioner:

> "Subject to subsection (2), a prison officer may have in his possession a firearm or ammunition which is the property of the Government."

And:

> "The Commissioner of Prisons may grant permission to a prison officer to have in his possession any firearm or ammunition which is the property of the Government while off-duty where he considers the life or safety of the officer is under threat."

So the criteria that has to be followed is not spelt out. Is it that the Government is going to ensure that the threat assessment is carried out? Because I am here listening—I assume that that is what was going to happen. That all of those things included in the policy, all of the rigorous vetting process that a regular citizen or even a police officer will have to go through if they are applying for their firearms user's licence, will have to go through, would also be followed.

But I am here listening to the Minister talking about, sometimes the threat is imminent and even if it is one o'clock in the morning, he has to go because by the time the prison officer goes through the process, he might be dead. So, the minute a threat comes to the attention of an official, whether it be police, or prisons, or somebody, that a prison officer's life may be under threat, your solution is to go and hand him a gun? That cannot be right. It simply cannot be right and the case of *Vishal Singh v The Commissioner of Prison*s makes the case for that. It makes the case for why you need—yes, prison officers are under threat, but it makes the case for why you still need to follow very stringent criteria to deal when you are giving out firearms.

It is not a simple case of you might be under threat and therefore you must arm yourself. What about police protection? What about witness protection that we are supposed to have, if it is that the prison officer may be somehow connected to matters in the prison and so on, and he may come under threat because of that? You must have other systems in place. You cannot simply say that the answer is giving the Commissioner of Prisons the authority to grant, essentially, an FUL to a prison officer. It cannot be that simple.

And I never thought I would see the day, but let me quote from the former Attorney General, Mr. Faris Al-Rawi, then Attorney General, Monday, November 06, 2017, article published in the Trinidad *Guardian*. Mr. President, with your

leave, I would like to read:

> "Attorney General Faris Al-Rawi has rejected calls from the Prison Officers Association…for off duty officers to carry firearms. He said that is not the answer to their security concerns."

3.00 p.m.

Not the UNC saying that, not me, not the people involved in the Vishal Singh case whose names they love to call. But the former Attorney General, at a time when the Vishal Singh case had occurred that incident had already occurred, when the general Order had been passed by the prison officers and giving them these firearms under this policy. This is what Minister Al-Rawi had to say. He went on to say in this article:

> "Al-Rawi said that there were many hardworking prison officers and he challenged the…"—Prison Officers Association—"to lead the charge in saying how illegal weapons and other illicit items like phones enter the prisons."

And I will get to that in a little while. And he continued and the article is quoting:

> "'Passing more laws to say everybody take a gun and go home may not be the only solution. Passing more laws to say everybody take a house and go home may not be necessarily be the best solution.'"

And of course, I think he was referring there to other recommendations made by the Prison Officers Association to assist prison officers with housing and so on, to ensure that there is secure housing for persons who are performing functions in this very high risk situation. And the article goes on to quote:

> "'Ensuring that the criminal empires do not continue to work inside the prisons is the solution...and let's be honest as a society.'"

Now, what the Minister I believe was referring to there, and again, it is not often I agree with him, but I will agree with him there, that you have a serious problem with threats against prison officers arising out of the complicity of some prison officers. And again, I can quote none other than the present Minister of National Security, saying in an article dated December 07, 2021, published in Trinidad *Express*. And the caption is, "Some prison officers part of the problem." And with your leave, Mr. President, I will read again:

> "National Security Minister Fitzgerald Hinds has placed some blame for the murders and attacks on prison officers at the feet of their own colleagues."

He said and they quote:

> "'It is a little unfortunate and a little unpleasant but there is sufficient information out there for those who seek it that, unfortunately, there are members of the protective services, and in this case the Prison Service in particular, who in some ways by their selfish and short-sighted posture contribute to the problem.'"

And again, I have to say, I am not arguing with the Minister there. That is a fact. We had a joint select committee meeting dealing with gangs in the prison, and I did not see it necessary to pull the entire—all of the minutes of that meeting and so on to read. But the Commissioner of Prisons is quoted in an article reporting on that committee meeting talking about:

> "A $25 pack of cigarettes sold in prison illegally for $500."

Who is bringing the cigarettes into the prison and selling it for $500? That is the question. He said, his officers were tracking the contraband trade. He lamented that a prison officer paid with his life for seizing a cell phone from an inmate yet so far for this year, some six to eight officers were caught attempting to smuggle in items when scanned by an X-ray at the prison gates.

So, Mr. President, when we come here to say that the prison service is under attack, and we must arm prison officers, we have to address the issue of what we are doing to really clean up the problem within the prison service. We have to also address our minds to what else is being done to protect prison officers, there are a number of recommendations coming out from the Prison Officers Association and from regular everyday persons who are familiar with what goes on in the prison and the circumstances under which prison officers work. And, you know, to say that the answer to a problem of gun violence and guns in the hands of criminals is to arm people to allow them to defend themselves, it raises a lot of questions as to what the Government is really doing to get illegal guns out of the hands of criminals. Because at the end of the day, what next? Are we going to empower the Chief Justice to give guns to judges who may be under threat? Are we going to empower the Director of Public Prosecutions to give guns to prosecutors who are under threat? Are we going to say that the people who work in the probation services department which I think falls under the Ministry of Social Development, are they going to be empowered to give guns to people who have to deal with persons on probation, and who have to prepare probation reports?

We cannot arm everybody. So where are the measures being put in place to deal with that? Let me also deal with the question of the Minister's involvement in the grant of FULs.

Mr. President, under no circumstances, I heard the Minister saying they are asking right thinking people to support this measure. Under no circumstance, can a right thinking person believe that a politician, a Member of the Cabinet, should have the authority to extend a licence—

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial:—granted by the Commissioner of Police who is supposed to be an independent person who has sole discretion under this law to grant, revoke and to set conditions in relation to a firearm user's licence? "Where de Minister coming into that?"

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: Where does the Minister enter the picture in such a structure? The Act clearly contemplates that the only person who should be involved in the granting of a firearm and who should determine whether a person should continue to hold a firearm is the Commissioner of Police.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: And in both the lower House and here today, in piloting the Bill, I have not heard the Minister proffer any justification whatsoever. In going on, and on, and on, about police officers and criminality and the "wrongsiousness" and lack of righteousness and all of that, the Minister is hoping that this point be glossed over. But what this is, is direct interference in the discretion of the Commissioner of Police by a politician.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: If you look very clearly at the structure of section 17, in the Parent Act, and specifically section 17(6), where they talk about the validity of the licence. Subsection 7 goes on to say:

> "An applicant for the renewal of a Firearm User's Licence under this Act shall submit with his application—
>
> (a) a certificate of competence issued by a licensed firearms instructor; and
>
> (b) such other documents as may be prescribed by the Commissioner."

So, the Commissioner when you go to renew, whether this is the practice or not, when you go to renew your FUL, the Commissioner could send police to your

home to check your strong box, as they call it, to see whether it is appropriate. The Commissioner could send police to talk to your wife to find out, you know, if you have been abusive. The Commissioner could make any number of enquiries, if you were charged with some offence or had something pending before the court involving domestic violence or any sort of violent behaviour. The Commissioner could ask you to produce, you know, a fresh record to say well now the matter has been dismissed or whatever it is. There is a lot of discretion for the Commissioner.

When you say that the Minister will now by order be able to extend the life of any FUL, what you are doing is you are taking that process away from the Commissioner. At any point in time if something comes to his attention he may, of course, revoke the licence. That is within his discretion. But why does a Minister have to get involved? And we have heard no explanation. And if there is one, and there is a good explanation, I invite any Member opposite, or even the Minister in winding up to say why he needs to have that discretion to extend the life of an FUL. If there is a good reason to extend the life—the three-year provision for an FUL, then that reason could be very well proffered to the Commissioner of Police and the Commissioner of Police could make that determination. What is it, you want to waive the fee?

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: Why is it necessary to remove the Commissioner of Police from that process? This reeks, it reeks Mr. President, of political interference in the process of determining who must continue to hold firearms, and why they should continue to do so. This, in essence, to me sounds like a way to protect somebody or some persons or some category of persons from having to go through the normal process every three years of presenting themselves to the Commissioner of Police and asking for renewal.

Sen. Mark: [*Inaudible*]

Sen. J. Lutchmedial: Is it a case where certain people will be given protection by the Minister and not have to go to the police station, present the firearm, answer questions and so on by the police officers in their district who may want to make enquiries about them? This is direct political interference in a system that has absolutely no room for political inputs.

Sen. Mark: [*Inaudible*]

Sen. J. Lutchmedial: No Minister, no politician, no elected official should be involved in the process of determining the validity of any licence.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: In every law—

Hon. Senator: [*Inaudible*]—struck down.

Sen. J. Lutchmedial:—in Trinidad and Tobago—yes, and I think it is ripe for being struck down by the court. But in every law in Trinidad and Tobago that deals with licences, whether you come from liquor licence, to gambling licence and everything, you have independent persons outside of the political arena making those decisions. No government, no elected official, no politician is involved in that. So, why is this being done? And again, it was glossed over, the manner in which it was just simply glossed over here today, lends, you know, makes me even more certain that there is something untoward here. That there is something that they are not telling us, some reason, some nefarious motive behind the insertion of this particular clause.

And so, I am very disturbed, and I will say, I put you on notice that a power such as this has no place in this law, and everything will be done by the Opposition to challenge it, and I say no more.

Hon. Senators: [*Desk thumping*]

Sen. J. Lutchmedial: Mr. President, when we consider the scourge of crime, not only against members of law enforcement, but also against regular members of society, it is important to determine where we want to position ourselves on the issue of firearms. Now, in other jurisdictions, you have a right to bear arms as they say, you have a right, a constitutional right to have a gun and the Executive, the Parliament can step in and prescribe, you know, the conditions and so on that have to be met. We have a different system here, where there is an absolute ban on firearms, unless you fall into one of the exemptions. And this law is seeking to really expand the category of persons who can possess those firearms and ammunition.

Now, I was pleased to see the insertion in the proposed section 8A that was placed there after the debate in the House of the words, "which is the property of Government". And the reason for that is because in recent times, we have seen an explosion of reports where government-issued property, including ammunition being found at crime scenes. So at least with this insertion here now when you say that they may have in their possession—the prison officers may have in their possession, firearm and ammunition, I presume that it being the property of the Government, that those shells will be properly marked and stamped, because we need to ensure that when we are issuing firearms and ammunition, in light of all that has already been said, where I have quoted Members opposite, who have acknowledged the problem of bad apples in the barrel, not only in the prison but in TTPS, regiment, all over, we need to make sure that these arms and ammunitions do not get into the hands of criminals.

There was a case a couple of years ago right in San Fernando, where a police officer was arrested for renting out his firearm to somebody. And we cannot turn a

blind eye to these scenarios when we are now expanding the categories of people who would be allowed to have government-issued arms and ammunitions.

Now, when we look at the amendments being proposed to section 7(1), it repealed the previous subsection (a) and I do not know if this is deliberate or not but I would like them to just clarify in the existing section 7(1)(a), where it speaks about:

> "The following persons are exempt from the provisions of section 6(1) that relate to having a firearm or ammunition in their possession:"

And they go on to list the categories of persons. The existing provision in the Firearms Act also mentions there:

> "...Special Reserve Police established under the Special Reserve Police Act acting in his capacity as such..."

3.15 p.m.

In this new proposed section 1(a), I see the listing of police, municipal police, defence force, customs, prison officers, Director of the SSA and an employee designated by the Director of the SSA. I do not see the SRPs included here. So, I do not know if that is an oversight or if it is that it is a deliberate decision to leave it out. So, I would ask for some clarification on that.

But, the interesting thing is that with the amendment being proposed here to section 7(1)(a), these persons: police officers and members of municipal police, defence force, customs, et cetera, being exempt when they are acting in their capacity as such, and then you introduced a special provision to institute the keep and carry policy for prison officers. So, all of the other persons listed in section 7(1)(a) have to go through the normal process. And, as the Minister just said, a short while ago, by the time he detects the threat and they go through the entire process, they might be dead. So, would the Government not think it more prudent

for all categories of law enforcement to have a proper system in place to treat with the arming of our prison officers, police officers, defence force, customs and everybody when they are off duty? Are we saying here that the threat against prison officers alone requires a section in the law that gives the Commissioner of Prisons this very broad and wide discretion to allow them to keep and carry their government issued firearm?

So, what of the police officer who detects at one o'clock in the morning that there is a threat against his life? He must sleep in the police station? Is he not going to also—should the Commissioner of Prisons, police then, not be able to take action? What about the customs officer who put down a big bust on the port—we could only hope that one day it will happen—and detects, you know, some illegal, you know, a big cache of guns and weapons coming in and a hit is called on him, should the Chief Immigration Officer not be able to make a very quick recommendation and allow for him for some kind of protection? You see, I am simply pointing out here that these kinds of "vaps" and stopgap measures do not align themselves to a proper policy. What you need is not to run to the Parliament because of the Vishal Singh judgment and say, "Okay, okay". "The Commissioner of Prisons was doing something illegal, let me insert a lil section 8A there and we go fix that." Because a prison officer shoots a policeman who was executing his duty and, subsequently, they come up with a policy, but then the policy was found to be illegal, "so let me take a year and come to Parliament and I will fix the problem with prison officers". "It is in the news every day that prison officers are being killed, so let me fix the issue with prison officers."

So what we are going to do? We are going to wait until custom officers get killed to come here with a next amendment to fix it? You are going to wait until—what is the other people here?—people in the SSA are attacked and in their homes

to say that we are going to put a section 8—that might be section 8(b), (c), (d), (e) and (f)—to treat with all the other arms of law enforcement? No. You need a proper policy position, a proper framework that will allow all members of law enforcement to be the subject of a proper threat assessment, proper checks and balances, a system whereby you can determine whether other forms of protection could be offered to them, whether it is in the form of—I know police officers who were threatened by persons before, and the Commissioner of Police determined that, "Look, we will have regular patrols at house, we will do this, we will do that". He did not give them a firearm to go home. Many of them, eventually, might make an application for an FUL, and it may be granted to them, but they will go through the process that every other citizen has to go through. They will perform the psychometric test. The spouse will have to come and agree that, you know, or give their consent, because you are bringing a firearm into the home—spouse and/or cohabitational partner—that you are bringing a firearm into the home. They have to come and check and see, you know, the set-up you have at home to secure the firearm, et cetera, and there are a number of things I could tell you about that whole system that currently is flawed. But you are adding to a flawed system now, by taking a discretion away from the Commissioner of Police, giving it to the Commissioner of Prisons, and really not drilling down into all of the requirements that need to be done, and you are also not addressing the problem as it relates to all other arms of law enforcement.

So, what you are saying to law enforcement today is that we have come here to treat with prison officers, because we understand, based on this judgment, that they cannot get firearms to carry home anymore, and the issue of police officers and how much ever years it takes them to go through the process to wait for an FUL, we are not treating with that. Whether police officers could afford to

purchase a firearm when they are granted the FUL, we are not treating with that today. We are not treating with the fact that municipal police might also be the subject of threat or that they may get themselves involved in a situation where their lives may come under threat as, you know, we take for granted the work that they do.

But look at the situation that the country saw just last week or the week before; a traffic warden being accosted and being, you know, treated with in a certain manner by a police officer. Is that traffic warden's life now under threat maybe? A police officer is charged with six offences before the court. He may lose his job, his pension everything down the drain. So what are we going to do? Are we going to say that all of these other threats to all different categories of people, we are not treating with it, we are treating with prison officers only?

So, in the absence of that policy, Mr. President, I say that this is just a Band-Aid, again. As usual, like most of the legislation that is brought here, there are just simple quick fixes. It is good public relations on the part of a government that has failed to really keep citizens safe. It is a way to buy a little bit of grace and goodwill with the Prison Officers Association and others who have been critical of the Government and it is, as I said, giving the position previously articulated by someone no less than the former Attorney General in 2017, it is interesting that the Government has come here, so strongly today, as proponents for arming our prison officers, when they themselves have acknowledged that it is not the solution.

Really and truly, unless the Government brings, you know, brings to the public a plan, a real plan to deal with the prevalence of illegal guns on our streets in the hands of the criminals; a real plan to deal with the issue of the contraband trade in the prison service; a real plan to treat with the, you know, the other issues that affect prison officers, such as secure housing and all of the other issues that

they have been asking for, then we are not going to get anywhere.

I was speaking to some people who are involved in law enforcement and I asked them, specifically, about the issues facing prison officers, and one of the things they pointed out to me, which I am sure should be no secret to the Minister, is that the messages and the hits that they talk about coming out of the prison, they are coming in two ways; one, they are encrypted in the form of like, song and poems and all sorts of ways that people are sending messages out of the prison to their affiliates and associates on the outside. Do we have analysts looking at these messages that are leaving the prison? Do we have them to determine whether or not they are threats that are coming outside? That is a legitimate question that they must say. They must say whether or not they are treating with that issue.

The other thing that they pointed out is really that prison officers themselves are bringing and carrying the messages; that they are bringing and carrying the money that is being used in prison; and they are bringing and carrying the contraband and until you tackle that issue head on, you will continuously expose the good officers to the wrath of the criminals who are conspiring with the bad officers. So, arming our prison officers and giving a wide discretion to the Commissioner of Prisons, in this case, to simply deal with the issue of issuing firearms, Mr. President, cannot be seen as a measure to stop the violence against them in any way possible. What it might very well lead to, and I will close off by saying this—

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

Sen. J. Lutchmedial: I will close off by saying this. People who work in law enforcement work under very strenuous circumstances. We are not a data-driven society, so it is difficult to find data and produce data as to how many prison officers and police officers and other members of law enforcement are before the

court on allegations of domestic violence. It is difficult to produce data on how many of them might be involved or may suffer from consequences of, you know, consequences of anxiety and depression and so on, and might turn to substance abuse, particularly, alcohol abuse. But let us be real, this is Trinidad and Tobago. Everybody "know" a police officer. I think there was a case some time ago of a police officer who shot and killed a female police officer who he was involved in a relationship with, and we cannot turn a blind eye to those instances and those circumstances when we are dealing with arming our men and women who are meant to protect and serve and to even serve in the prison service and so on. When people work under those circumstances, we must also address our minds to ensuring that they are mentally, psychologically and emotionally fit to have firearms when they are off duty and when they are in the home.

Again, I think it is incumbent on the Government and it is really important for them, to tell the population that in passing measures such as these, they will hand in hand—you "doh" wait until things go bad to try to fix it, you know, as in this case where after the Vishal Singh incident and the shooting of the police officer, they come and try to fix something. You must have hand in hand with a policy such as this, you must improve the EAP that is available to police officers and prison officers. You must improve the requirements for regular assessments to take place to ensure that our men and women who are involved in law enforcement are fit to carry out their duty and even more so, fit to be in possession of firearms whilst in their homes.

We are saying here that we do not know—the Minister says he does not know if the prison officers will be capable of purchasing a firearm and so on. Do you know if they are capable within their living arrangements to secure a firearm in a home where there may be young children? Are you aware whether they are

capable to afford the type of, you know, safe box, safe, strong box—whatever you want to call it—where that firearm—those things are expensive—whether they could secure it properly or is it that somebody determines that a legitimate threat against a person's life, you give them a firearm and you deal with the consequences after? For far too long, as a society, we are reactive and we are not proactive when it comes to many issues. But I think the issue of gun violence is one that we have certainly not been proactive, and I have no objection to ensuring that people whose lives are under threat can protect themselves. But I would like to see more done to ensure that we do not come to that point where we turn into the *Wild Wild West*: "You shoot at me, I shoot back at you", because that is not the society that I want to live in or that I want my child to grow up in or I think anybody wants the future generations of this country to have to live in and grow up in. Thank you very much, Mr. President.

Hon. Members: [*Desk thumping*]

3.30 p.m.

Mr. President: Sen. Richards.

Hon. Senators: [*Desk thumping*]

Sen. Paul Richards: Thank you, Mr. President, for recognizing me and allowing me to join this debate on a Bill to amend the Firearms Act, Chap. 16:01 and for other related matters. Let me begin by—and I am sure I speak for my colleagues in this honourable House by sending our prayers and sympathy and support to the people of Turkey and Syria who are experiencing a tragedy beyond imagination. My last view at BBC indicated 6,300 identified as dead so far; 15,000 injured, and the scale of this tragedy is unimaginable. So our prayers and our condolences and our support go out to the people of Turkey and Syria during this difficult time.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: I also spoke to one of our Trinbagonian brothers who is a journalist in Turkey, Reagan Des Vignes, who is marked safe; thank God, but he also indicated to me the scale of the tragedy. So I just wanted to start with that.

This Bill is very important because it is addressing the most critical issue to me, facing Trinidad and Tobago at this time. Some may argue the economy and crime are the two most critical issues facing any country or our country, but if you are dead the economy will mean nothing to you. So the preservation of life is critical. And it is interesting—I will get down to the details later on—this kind of omnibus Bill which is threaded together by several issues related to National Security and the variety of issues related to dealing with some of the issues that the hon. Minister has identified, to me, is interesting, because while I may have questions about some of the clauses, I generally support it, but there is one that I would identify later on that, to me, sticks out like a sore thumb and you have to ask yourself, "Why"? In the words of a popular song of decades ago, "Things That Make You Go Hmmmm".

So let me start; the first, clauses 1, 2, 3 and 4 are primarily procedural. Clause 4—1, 2, 3 are procedural—deals with the fact that the Bill would amend certain definitions in section 2 of the Act. The definition of "licence" would be amended to include a "Firearm User Identification Card", which I fully support and endorse. I think it is a productive move in terms of adding another layer of accountability to persons who would be granted FULs. The only thing I would ask of that is the Minister indicated that this would be a document, if this could not be made digital to add "portability" on one hand, and to move it into the 21st century in the digital age so that the person who is issued with this would have a digital

version of this on hand. I see the Minister of Digital Transformation is giving me a thumbs up, so that seems like it is a go. It would also amend the definition of "prohibited weapon" to provide for prohibited weapons to mean weapons which are:

> "designed, manufactured or adapted for the discharge of any noxious liquid, gas or…thing.".

I also, I am very happy to hear today that the pepper spray regime is fully active now. I had asked a question some months ago, given that we came together and agreed that it was a productive move, particularly to protect girls and women in Trinidad and Tobago. So I am happy to be able to scratch off a whole section of my contribution and save some time. Clause 5 of the Bill would amend section 6 of the Act by inserting a new subsection 2B. This new subsection would allow municipal police officers to have in its possession a Taser for the purpose of performing its functions. It is described as a non-lethal weapon by some, but if you do the research, if incorrectly used, a Taser can be a lethal weapon, whether we want to agree with that or not.

Look at the research online and you would realize that if used incorrectly or on someone who may have a pre-existing unidentified condition, a Taser can kill; I mean, generally it does not. And I did some calling around to see which of the new categories of persons who would have access to firearms and ammunition would be covered by the PCA and municipal police officers fall within that, so there is some level of oversight where that is concerned. And, yes, I agree with the statement by the hon. Minister that the municipal police are being called upon to

operate in an increasingly dangerous environment and their ability to be armed will provide a layer of protection, particularly in the municipalities in which they operate. So that is a plus in that regard, and the fact that it is a non-lethal weapon generally is a step in the right direction, in my opinion.

Clause 6 of the Bill will amend section 7(1)(a) of the Act to allow the Director of Strategic Services Agency, the SSA, and any employee of the SSA as designated by him to have, in their possession, a firearm and/or ammunition during the course of performing their duties under the Act. I listened to most of the debate in the other place and the reasons articulated by the Minister to me are plausible. My concern with this and the issue related to the prison officers, which I will get to later on is, what is preventing—if there is anything preventing this, I am open to the suggestion. What is preventing the Director of the Strategic Services Agency and/or the Commissioner of Prisons from identifying officers who may, in the pursuit of their duties, fall under greater threat because there are some jobs that put you at greater risk than others? We know that, police officers, in my opinion, based on what I know of the work of the SSA, members of the SSA, prison officers in the present context of criminality, their jobs put them at greater risk. I do not think anybody could argue with me with that. But what is preventing the Director of the SSA or the Commissioner of Prisons, having identified an officer whose life is under threat from making a recommendation to those principles and saying, "This person, I believe, is recommended for an FUL to use in their protection of themselves and their family", and that recommendation is prioritized as opposed to passing that responsibility or that option onto the Commissioner of Prisons right

now?

Is there something that prevents that from happening as a mechanism? I do not know but, I think, given the fact that the experience and/or competence of the office of the Commissioner of Police, for the most part in this regard, in identifying persons who may be so qualified, including, one, whether their lives are at more risk, which I am sure we can justify in some cases, and their families. Because threat to oneself as an officer is one thing; it is not only the officers' lives that are under threat, it is their families, including their wives or husbands and children. So in those cases—and we have seen the—I had a conversation with Ceron Richards, the President of the Prisons Offices Association in preparation for this contribution, and he said—and confirmed the Minister's information that in the last five years six officers have been killed. We saw that horrible situation of an officer off duty, holding his child's hand, shot dead; the child running in a frenzy, a baby, toddler. So no one can argue with me that prison officers' lives are not under threat, but what is preventing the Commissioner of Prisons from making a recommendation to an officer under threat to the Commissioner of Police to fast-track this because this person's life is in danger because the Commissioner of Police does it for ordinary citizens? What is preventing that?

Why do we need to now repose that option with the Commissioner of Prisons because certainly a cadre of persons, as identified by the Commissioner of Police or his or her office—congratulations to Mrs. Erla Christopher, by the way, on being unanimously appointed—in that office to decide this cadre has come from the Commissioner of Prisons; this cadre has come from the Director of the

Strategic Services Agency, or any other so agency designed to identify this person needs to be fast-tracked? Nothing in my opinion as opposed to putting a new responsibility on the Commissioner of Prisons to vet this person properly, because if I applied for a licence, I would have to be vetted properly to ensure that the proper psychometric tests are done. Even if your life is under threat, it does not necessarily follow that you are suitable to hold a firearm.

So while we acknowledge that your life may be under threat, you may not be of the mentally sound position to possess a firearm. Have we considered that? And while I am all for protecting the lives of prison officers, we must also understand that a firearm is a serious responsibility. Is the Commissioner of Prisons or the Director of the Strategic Services Agency going to ensure that an assessment is done on the emotional state of the home and there has not been a history of threats or conflict to the point where this weapon can be used on a spouse? Are those persons going to also ensure that there is a safe area to store this weapon so that children cannot have access to it? We have seen a number of situations, unfortunate situations in Trinidad and Tobago where, most recently, a coast guard officer turned the gun on his spouse; tragic—this is after she left—where police officers have turned the guns on each other in situations described as love triangles.

So giving someone a firearm, even in the instance of seeking to protect that person's life under threat should also come with a fulsome assessment on the suitability of that person to have a firearm and/or ammunition because there are other lives involved in a home that must also be considered and protected. And I

believe that the Commissioner of Police's office is the area that has done it and there is nothing preventing that office from getting a recommendation from the Commissioner of Prisons and the Director of the SSA to say, "These persons should be highly considered to own an FUL and have a weapon", unless I can be persuaded or otherwise. And are we going to ensure, or is the Director of the SSA and the Commissioner of Prisons going to ensure that the spouse has signed off on this?—because by my understanding, in the normal run of things with ordinary citizens applying for FUL licences, the spouse should sign off on it. Because, guess what? My husband or my wife is coming home with a weapon and I do not know that everybody is stable enough to handle that situation if they get into conflicts. So just something for consideration by the hon. Minister.

And also, whether or not—because the issue of oversight and independent oversight is extremely important where the police service and municipal police are concerned, the Police Complaints Authority has oversight to make sure that all the ducks are in a row if there is an untoward incident and do an independent investigation; that is not the case where prison officers are concerned who may or may not have access to firearms to take home if something happens. Does the Commissioner of Police or his office have that kind of investigative capability in an independent manner to identify if something goes wrong? Because we have to look at all possible scenarios while we try to offer what I consider, quite frankly, some productive remedies. And the institution, the independent institution of the PCA to me, is it that we are going to amend the PCA Act to now also include oversight over prisons, to ensure there is that independent possibility of investigation if something goes wrong because the PCA now can investigate officers who misuse weapons? Something also for consideration. And I think the

issue of psychometric tests to assess the suitability of someone is critical going forward. Not everyone who is threatened should have a weapon.

As a matter of fact, the threat itself may give you a higher possibility of discharging the weapon irresponsibly because you are so wound up that anything moves in your yard, you are shooting. Do we want that? A neighbour coming over to pick a mango, God forbid, because you are under threat and you hear the trees in the back of your house rustling, and you look out your window because you are under threat and you fire the weapon. These are things we have to consider. Also, Mr. President, the issue of the Bill, clause 9—I think I covered that, the issue of the:

> "…Municipal Police Officer and the Director and any employee of the Strategic Services Agency who sells or transfers…"

No, I did not cover this part:

> "…or transfers a firearm or ammunition to any other person who does not hold or who is not exempted from holding a Firearm User's Licence or who purchases or acquires any firearm or ammunition is liable on conviction on indictment to imprisonment for life."

3.45 p.m.

Now, the intellectual gymnastics we sometimes have to do because of how creative our criminal element is in this country is astounding, when you are thinking of whether or not the Bill is going to achieve the objective as intentioned. And while I saw and I commended the transfer or selling of a firearm or ammunition, have we considered inserting a part of this which would take into consideration whether or not the person is negligent in this scenario of having this weapon? Because I could not transfer or sell, you know. I could turn "meh" back conveniently for two days. I "ain't" transfer or sell, but somebody has access to it.

And you know how creative we are. So while I did actually transfer, as specified in the Bill, or sell, or loan, "meh padna" could know I have a weapon, authorized, and he or she could know possibly where it is stored and have access to it, have access to my house— "meh cousin, meh third cousin on meh mother side", and I "ain't" check it for two days, the person picks up the weapon, goes, uses it, brings it back, and it is not captured by this.

So negligent are operations that result in someone else having access to the weapon is something we need to consider. Maybe it is considered in other laws. I do not know, I am just asking a question. And, to me, moving on quickly, because I already know there are seven speakers on the Independent Bench, and several others on the two other benches, on the Independent Bench. And I was quite surprised that the hon. Minister did not address what, to me, is going to be a clause that stands out like a sore thumb, which is clause 10 of the Bill, which:

> "…would amend section 17 by inserting a new subsection (6A) to provide for the Minister of National Security to extend the validity of a Firearm User's Licence beyond the three…years specified in subsection (6)."

Now, if nothing else stuck out to me in this Bill, it was this: Why is a Minister, who is essentially a political element, being inserted in this process? Is it that we have information that the Commissioner's office is overwhelmed and she cannot deal with, or her team cannot deal with vetting an application through extensions to the point where the Minister has to now be inserted? I would love to know. And I would have thought, well, to me, an inclusion of a clause that, to me, is as potentially controversial as that could and should be addressed as to the rationale as to why this is being included. I will tell you it gives me shivers;

shivers up my spine.

Because what could the possible reason be for the Ministry of National Security, sitting in the Cabinet, being inserted in this process? Astounding, but maybe there is a good reason. I just have not heard it yet. It would have to be a very good reason for me to be comfortable with this, bordering on almost impossible, quite frankly. Because I do not know that the Commissioner of Police or her office has indicated that we are so overwhelmed that we need help in this regard. But maybe the Minister could give me the reason why this is a productive inclusion.

And what would be the process for the office of the Minister of National Security to vet persons who require an extension? Is it that all the persons who require an extension apply through the Minister of National Security? It is not clear to me here. Is it that a cadre of the persons, a special cadre—let me put on my radio voice, a special cadre? And what are the exigent circumstances under which the Minister of National Security is required to do this, that the Commissioner of Police or the office of the Commissioner of Police cannot entertain or continue, as by my understanding, is presently the case? So this is a huge red flag for me and something, I will say, unless a really good reason is proffered when the Minister is winding up or one of the hon. Minister's colleagues, I cannot and will not support.

Hon. Senators: [*Desk thumping*]

Sen. P. Richards: And you see, the thing about it, Mr. President, through you, what some members of the public may not understand is when Bills come before

you, usually for me, there are so many productive clauses that you could say, yes, I could support this. And then, there is one sore thumb that sticks out, that is so egregious without proper explanation that it just puts a full stop. So while, as I indicated before, from clauses 4, 5, 6, 7, 8 and 9, I understand the rationale, the background, the raison d'être of including them, that one befuddles me, and I await with eager anticipation a plausible explanation as to why it should be included.

As I indicated before, as I wrap up, I would like to know why we cannot modify or include in the remit of the Commissioner of Prisons or the Director of Strategic Services Agency to make/prioritize recommendations for persons in the prisons and/or the SSA because of threats to their lives. Because that is the main reason that these clauses are being considered, to protect persons who are under threat, who are in more dangerous jobs than the average citizen—although that may be debatable in this environment—to recommend to the Commissioner of Police and her office that, please, these persons are under threat and it is my profound recommendation that they be granted an FUL licence and an FUL identification card, once the checks and balances and the assessments are carried out and they fulfil the requirements of that.

There is no reason to reinvent the wheel as it were, unless we think there is some mischief that they are trying to remedy by moving that opportunity to those two offices, which already have their hands full, quite frankly, and may not be as experienced or competent as the office of the Commissioner of Police, or unless something has happened in the office of the Commissioner of Police, that we are not aware of, that has prompted this. And if that is so, we should be made aware of

it. And with those few words, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

The Attorney General and Minister of Legal Affairs (Sen. The Hon. Reginald Armour SC): Thank you very much, Mr.President. Mr.President, I am grateful for the opportunity to contribute to this important debate on an important piece of legislation. My colleague before me, the hon. Minister of National Security, has spoken very persuasively and comprehensively to the Bill in its entirety. And so, as I said in the other place, he makes my task that much lighter. And I hope that I will be forgiven if, to some extent, I repeat some of the things he has said, but it is not my intention to. So that I do not propose to visit many of the other areas that I might have otherwise visited, but for that comprehensive contribution.

The Bill before us, Mr.President, seeks to make eight critical amendments to the Firearms Act, and it is useful just to address them briefly, to amend the definitions of licence to include a firearm user identification card, and to:

> "…amend the definition of 'prohibited weapon' to provide for prohibited weapons to…"—include—"weapons which are designed, manufactured…for the discharge of any noxious liquid, gas or thing."

Section 2 of the Act.

Secondly, to permit municipal officers to have in their possession certain nonlethal devices such as Tasers.

Thirdly, to exempt the Director of the Strategic Services Agency, SSA, and any employee of the SSA, as designated by him, from the requirement of having a licence permit in order to have in their possession government-issued firearms and

ammunition during the course of performing their duties as prescribed under the SSA Act.

Fourthly, to repeal and substitute section 8 of the Act to provide that an officer listed in section 6(2), as well as:

> "…a Municipal Police Officer…the Director"—of the Strategic Services Agency—"and any employee of the…"—SSA—"as designated by him acting in their capacity as such, would not be guilty of an offence if they carry any firearm or ammunition in a public place."

Fifth, to include municipal police officers, the Director of the SSA as well as any employee of the SSA as designated by him under the category of offences in the Act relating to selling or transferring of firearms or any ammunition to any unauthorized person.

Sixth, to permit prison officers to carry firearms while off-duty, subject to the discretion of the Commissioner of Prisons, where he considers the life or safety of the officer is under threat by any member of the public.

Seventh, to grant the Minister discretionary power to by order extend the validity of the firearm user's licence.

And eighth, to provide a firearm user's licence to be in a form set out as a firearm user identification card for the purposes of production to a licensed dealer or police officer.

Mr. President, my remarks today will seek to touch on some of those bits which I have enumerated under the general purpose of the Bill. And secondly, to address the overarching reform process, which this Bill is part of, in the

Government's attempt, through a legislative agenda, to secure the citizenly of this country. And importantly, by this Bill, to make legislative provision for keeping safe our first responders, because we rely on our first responders to be out there in a very difficult societal context, at all hours of the day and night in difficult circumstances, very traumatic, very trying, and sometimes, as in the case of prison officers who are identified in this particular piece of draft legislation, at risk for their lives.

So if you will permit me, Mr.President, I will just look briefly, first of all, at the provisions which addressed the Strategic Services Agency, clause 6, seeking:

> "…to allow the Director of the…"—SSA and any employee of the Agency…"—to carry firearms—"during the course of performing their duties…"

What the current section 7(1) of the Firearms Act seeks to do, it details a list of agencies whose employees in the current Firearms Act are exempted from their requirement to have a firearms user's licence in order to have a firearm or ammunition in their possession, if the ammunition or the firearm are the property of the Government, and if the individual is acting in the normal course of his duty.

Mr. President, the SSA, we remind ourselves, is a very important part of our law enforcement network. It is provided for and created under this Strategic Services Agency Act. And without going into the detail of the functions of the SSA, which are all enumerated in the parent Act, it is sufficient to say that it provides for significant intelligence and analytical support for our law enforcement in this country.

The Government is of the view, Madam—Mr. President, I beg your pardon, that based on the statutory functions of the SSA, it is prudent to allow the Director and any employee of the SSA, as designated by the Director, to carry firearms and ammunition during the course of performing their duties. And therefore, Mr.Speaker—Mr. President, I beg your pardon, clause 6 of the Bill seeks to amend section 7(1) of the Act by deleting the previous sections 7(1) and replacing it with a renumbered section 7(1)(a)(i) to (vii) to allow for easier reading. This enables the Director of the SSA and any employee of the SSA, as designated by him, to have in their possession government issued firearms and/or ammunition during the course of performing their duties under the Act as stipulated.

4.00 p.m.

Secondly, I highlight, Mr. President, the fact that the Bill seeks by clause 7 to repeal and substitute section 8 of the Act. It seeks to repeal and substitute section 8 insofar as under that existing section there was a lacuna in which only police officers and members of the defence force previously were covered under the Act. Now, with the proposed amendment, the director, Trinidad and Tobago Forensic Science Centre, any scientific officer designated by the director, the TTFSC, customs officers, and prison officers in each case acting in his capacity as such will not be liable to the penalty prescribed in section 8. So the amendment seeks to fill a lacuna that currently exists under the present law.

Mr. President, I next highlight a critical amendment that is being brought to the Firearms Act by the Bill before you, and that is clause 8 which seeks to allow prison officers to carry firearms while off duty. A remark was made by the hon. Senator on the other side, Sen. Lutchmedial, to suggest that what this Act seeks to do is inconsistent with, contradictory even, with remarks made by the previous

holder of the office which I now have the privilege to serve in. But my information suggests that there may be a misunderstanding either, and I say this respectfully, in what the hon. Senator recalls, it may have been contributed to by a less than accurate report from which she read.

But my understanding is that what was said by my predecessor was that it would not be consistent with government policy for all prison officers to be armed. And that is in fact not what this amendment is seeking to do. Because what this amendment is seeking to do is to give to the Commissioner of Prisons a discretion to permit prison officers off duty to carry firearms if in his discretion he is of the view that their lives or safety are under threat.

So the amendment which is being brought to the House by this particular Bill is not an amendment to arm all prison officers, it is rather an amendment in the discretion of the Commissioner of Prisons to arm prison officers who, in his discretion, may be under threat to their lives or safety. And that is understandable in the context of the environment in which prison officers have to work. And we might remind ourselves, Mr. President, and with your leave if I might remind this honourable House and indeed the hon. Senator on the other side of a report that goes back to November the 22nd, 2013. It is the Special Prisons Committee proposal for an urgent early needed action. It was in fact appointed under another Prime Minister on Monday the 18th of November, 2013, and a Special Prisons Committee comprising the following persons was appointed:

Prof. Ramesh Deosaran—Chairman

Sen. The Hon. Emmanuel George—Minister of Justice

Sen. The Hon. Gary Griffith—Minister of National Security

Mr. Daniel Khan—Inspector of Prisons

Mr. Martin Martinez—Commissioner of Prisons

Mr. Stephen Williams—Commissioner of Police Acting

Mr. Wayne Sturge—Attorney at law

Mr. Gerard Gordon—General Secretary Prisons Service, Second Division Association; and

Mr. Dwayne Murray—Secretary to the Committee.

And that report then, Mr. President, the terms of reference were:

> To investigate, study and make recommendations to equitably and expeditiously resolve the complaints identified by the prison officers and prisoners.

And it is interesting to note at Paragraph 4.4 of that report which was tabled as far back as November 2013, and I read with your leave, Mr. President, paragraph 4.4:

> Though the Prison Officers Association have consistently expressed serious concerns regarding threats from prisoners and sometimes from members of the public, these concerns are being ignored. These concerns are accentuated by the very tragic fact that over the past 10 years over 15 prison officers have either been killed or wounded. After hearing representations by Messrs. Ceron Richards, President, and Gerard Gordon, General Secretary of the Prison Officers Association, the acting Commissioner of Police, Mr. Stephen Williams has agreed with the cooperation and recommendation of Prison Commissioner, Mr. Martin Martinez to give priority to applications made by prison officers for firearm user's licences.

The point there being that as far back as 2013 there was a cry by prison officers to allow them in certain circumstances to carry arms in the discretion of the Commissioner of Prisons. Those recommendations were not implemented, Mr. President. It is this Government by this Bill that is coming to this House today to ask the permission of this House to respond finally to the concerns that have been

articulated by prison officers in the discretion to allow them to carry arms whilst off duty. And I commend the Government for that initiative.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: So that to suggest as the suggestion has been made that the move to arm prison officers is somehow or the other one which can receive partisan political disfavour is to do a disservice to the prison officers who as first responders are putting their lives at risk.

We can recall, Mr. President, not too long ago there was a record from 1990 to 2022, the deaths have been reported of some 26 prison officers. Sen. Richards, the hon. Independent Senator, spoke to the fact of one of those prison officers being shot while he was holding the hand of his three-year-old daughter. That is the reality that this Government is seeking to address to be able to give confidence and assurance to our first responders that their interest is being looked after, that this Government understands the risks under which they labour and therefore we ask them to continue to attend to the task at hand.

Mr. President, another area that I emphasize for purposes of my brief remarks today is the Bill seeking by the clause 9 to include municipal police officers and the director of the SSA as well as any employee of the SSA as designated by him under the category of offences in the Act relating to selling or transferring of firearms or any ammunition to any authorized person. The point is that no one is above the law and the Bill seeks to ensure that when you put firearms into the hands of persons there will be the risk that those persons may not discharge or take as seriously as they ought to the very sacred trust that is being placed in them. And what this Bill seeks to do by clause 9 is to introduce penalties for persons who abuse the trust that is being placed in them. So it is not a free for all, it is not a get out of jail card free, it is not a licence to operate irresponsibly.

And again that is the hallmark of a responsible government.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Another clause which is of significance, Mr. President, is the clause which introduces the concept of a firearm user's licence card. And I will address two aspects of that; it has already been spoken to in detail by my colleague the hon. Minister of National Security. But I will address two aspects of it for the time being and there is another question which can be addressed I have no doubt in due course by the mover of the Bill. But two aspects which I will address immediately are:

One, a concern which hon. Sen. Richards, Independent Senator, has expressed that he hopes that the card will allow for digital features and I can give him the assurance if you look at the amendment that is being introduced, the regulation which is being amended, Regulation 6(1)(b)(iv) makes provision in that card for such electronic security features as the Commissioner of Police may determine and of course that is a work in progress as this Government move towards digitization. So the very call by the hon. Senator to ensure that the user cards, the firearm user's cards are properly digitized is something that is already contemplated in the amendment which we are asking this honourable House to pass this evening.

The other concern which has been expressed is the concern that the Minister of National Security is being given permission under the Act to extend the life of the licence. And it is correct that the hon. Minister is being given permission or power rather to extend the life of the licence. But what we have to bear in mind with respect if I may say so, and I mean this respectfully, is that two things. Under the existing legislation that legislation as it exists secures to the Commissioner of Prisons the power to issue, and by implication with the greatest of respect, equally

to revoke any firearm user's licences—Commissioner of Police, I beg your pardon, not prisons—any firearm user's licences which is issued within the rubric of this legislation. So that the fact that the Minister may have extended the life of a licence does remove from the Commissioner of Police in is discretion the power—

Hon. Senators: [*Crosstalk*]

Sen. The Hon. R. Armour SC: I am sorry, there is a disturbance, Mr. President. I beg your pardon.

Mr. President: Sen. Lyder. Attorney General, continue.

Sen. The Hon. R. Armour SC: Thank you. Thank you very much, Mr. President. When I was in high school, Mr. President, if I might be permitted to digress very briefly, I was taught rules of debating, and one of the rules that my teacher taught me, I have put his name into the record now. His name was Brother Lawlor, he was one of the Christian Brothers of Ireland, his name was spelt L-A-W-L-O-R. He said to me, "When you are debating, young Armour, always remember that when you are making a good point your opponent will bang the desk to disturb you".

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: It is a rule that I remember, I remember it in court when I used to be in that other place, and I am reminded most recently here a few moments ago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: Thank you very much, Mr. President, for allowing me to continue. So I was making the point with respect to the enduring power of the Commissioner of Police to revoke, because we know, those of us who understand the law of statutory interpretation, and we understand the law. We know that the power to grant by implication even if it were not conferred,

expressly, includes the power to revoke. And therefore, to the extent that the Commissioner of Police under the Firearms Act has power to grant a licence, gives him in every appropriate case, the power to revoke that licence. And it does not matter, the life of the user's licence that may or may not have been extended by any particular Minister in the course of events.

Mr. President, just to continue a couple of thoughts that I was addressing, one of the comprehensive initiatives that this Government is about is its overarching approach to the reform of firearms legislation generally. That has been a work in progress for some time now and it continues to be a work in progress. And I can give this House the assurance that over a period of time the Office of the Attorney General and Ministry of Legal Affairs has been hard at work with our partners internationally and locally. Internationally we have working with the United Nations's Office on Drugs and Crime and locally we had been having workshops, workshops with stakeholders, the Ministry of National Security, the Office of Law Enforcement Policy, Customs and Excise Division, Trinidad and Tobago Police Service, the Public Defenders Department, Office of the Chief Parliamentary Council, Law Reform Commission, and the International Law on Human Rights Unit of the Office of the Attorney General and Ministry of Legal Affairs with a view to comprehensive reform of the firearms legislation of this country.

So that what is before this House today is part only of a very comprehensive firearm legislative package that will be coming to this House and to the other place to improve the quality of firearm use in this country.

4.15 p.m.

Before I close, Mr. President, permit me to just say a couple of remarks in answer to one or two things said on the other side, one in particular which—and

perhaps I will not go beyond that—concerned me. And, again, I hope, Mr. President—I have come from another place, I have studied a profession which has taught me that there is always value in the precision of your research and it is important, not only to do the research, but accurately and with a commitment to rectitude, to represent what is said truthfully and without unnecessary gloss or exaggeration.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Armour SC: And just for the record, may I, as I close, in supporting the Minister of National Security in the Bill which he has brought before this House, may I close for the record by reminding the citizenry who have listened to the contributions today and will listen to others, that the suggestion that there is an oversight in the Bill before this House—and it came from the other side—because there is no reference to the SRP is just fundamentally incorrect. Because when you go to—and in every piece of legislation, the first part of the legislation that one starts with is the definition section. Terms are used throughout the legislation and the draftsman finds it appropriate to assist persons who read the legislation to look at the definition section.

So if one were to ask the question, is it correct that this Bill is guilty of a grievous oversight of not including SRPs in its embrace, we only have to look to the definition of the term "police officer", which is defined at the section 2 of the consolidated Act, and:

> "'police officer'—I read—"has the same meaning as…the Police Service Act and includes a member of the Special Reserve Police established under the Special Reserve Police Act;"

With those few words, Mr. President, I am pleased to stand here today to give my support to this important Bill. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. John.

Sen. Jearlean John: Thank you, Mr. President, for the opportunity. Mr. President, it was last Friday the Government's nominee for Commissioner of Police received the unanimous vote of both sides of the aisle, right in this Chamber, sitting as the Lower House. Last evening, the Leader of the United National Congress, again, publicly congratulated Mrs. Erla Harewood-Christopher and wished her great success in her new assignments. Whilst the country generally—I mean, her appointment has generally been well received in the country and the people, citizens, have been wishing her well, the Government, by virtue of these amendments, is conspiring to give her a bit of a headache. Because, Mr. President, as part of the new Commissioner's role is the administration of the firearm user's licence and as the process is at this point in time, it is a single point of responsibility. So it is fairly easy to administer or to know who is in charge of this very important process.

The Commissioner, by virtue of the Firearms Act, Chap. 16:01, in section 21C it states:

> "The Commissioner shall establish and maintain a register, to be known as 'the Trinidad and Tobago Firearms Register', in which shall be kept, a record of—
>
> (a) every licence, registration certificate and permit that is issued, renewed or revoked by the Commissioner;
>
> (b) every application for a licence, registration certificate or permit or renewal thereof that is refused by the Commissioner;
>
> (c) every importation into or exportation from Trinidad and Tobago of a firearm and ammunition of which the Commissioner is

informed under this Act;"

And it goes on.

So, Mr. President, according to the Government or the media reports, this system, as it stands now, is a mess, requiring all kinds of the investigations. And the headline in the *Express* of January 23, 2022, in a Denyse Renne's article:

"'Bribes paid for gun licences'"

And I quote:

"The Stanley John Report has detailed interviews with several police officers who spoke of rampant corruption in the Firearms Permit Section...of the Trinidad and Tobago Police Service."

So, Mr. President, instead of fixing the mess or the issues, instead of taking illegal firearms off the street, instead of locking down the borders, instead of putting scanners on the port, disrupting the gangs, the amendments today serve to extend the availability of legal firearms and expand the number of persons with responsibility for the issue of these firearms, which incidentally now includes the Minister. And the Minister in his laying of the Bill here, he never mentioned the amendment contained in clause 10.

The hon. Attorney General did look at it or did speak on it, and basically what he advanced is that it does not take away from the Commissioner of Police's primary responsibility of revocation. But the question is: Why is the Minister taking unto himself that responsibility or that part of the process in the first place? As a matter of fact, Sen. Richards felt so strongly about it, he said it sent shivers up his spine. Well, I do not have shivers up my spine because I am in the political arena, and I think I understand this Government and everything about them has something that is very insidious. So I do not understand if it is this is a responsibility of the Commissioner to issue licences, why does the Minister—I

mean and I jump ahead to clause 10 very quickly—want to take away—in clause 10 it has:

> "Section 17 of the Act is amended by inserting after subsection (6) the following subsection:
>
> '(6A) The Minister may, by Order, extend the date of expiry specified in the subsection...'"

Now, under the Act, Mr. President, it has a licence, other than at clause 6—sorry, subsection (6), section 17:

> "A licence other than a provisional licence shall be valid for three years from the date of issue and may be renewed, upon payment of the appropriate fee for each renewal, by the Commissioner."

What is difficult about that? I am sure there is a process that will tell the holder of the FUL what kind of lead time they need with respect to applying for their renewal. What it says here is that they will have to pay a fee and:

> "An applicant for the renewal…"

At section 17, subsection (7):

> "An applicant for the renewal of a Firearm User's Licence under this Act shall submit with his application—
>
> (a) a certificate of competence issued by a licensed firearm instructor…"

So there are conditions. And:

> "(b)"—Any—"such documents as may be prescribed by the Commissioner."

I think it was Sen. Lutchmedial who spoke about, maybe they might do some additional work, investigative work and to find out whether there is something untoward during the period of the three years when the FUL user, licensee, would

have had this licence.

What is it—why is it the Minister wants to take up the job of extending this licence? I think that really needs some explanation and I am hoping that the Minister will do so when he is wrapping up. Because, Mr. President, if you cannot manage, oversee and account for FUL issuance for one place, as is the case now, which is currently the Commissioner of Police's office, how can you manage, control and account for who are the people getting licensed guns in four different cases. Because based on these amendments now, it has been expanded again from one single point of responsibility to three other access points.

Mr. President, clause 4 of the Bill, the amendment is to include the firearm user identification card, and this is a welcomed change because to many users it has become burdensome to carry a FUL booklet everywhere. Will this ID card be applied across the board, included but not limited to holders under the firearm user's (employee's) certificate? Because they too have this big bulk of documentation. This is in the case of security companies. Hundreds of employees may be FUEC holders and be required to walk with booklets, whereas the identification card would make it a lot easier to keep and it is more durable. So maybe the Minister will have to, or the Commissioner of Police—so this piece of—the amendments we pass will have to look at harmonization of this system.

Mr. President, clause 5 of the Bill treats with the—well, now the ability for municipal police to carry pepper spray and Tasers in the performance of their duties. The Tasers are known as nonlethal weapons but that is not necessarily the case, Mr. President, and basically the municipal police, they operate in places, such as cremation sites, recreational grounds, pavilions and in the market. And the market, particularly, is a huge crush in terms of a space that is not really—many times it is inadequate for its purpose and you find there a wide cross-section of

citizens, which include people who are mentally disturbed, people who are homeless, people who are in this place hustling to make a dollar, some to save a dollar. So one will want to know, what level of public sensitization will take place or whether it takes place for the now existent municipal police. We have seen many instances where members of the public, example market vendors, they get into heated argument with this segment of law enforcement, and arming them now with Tasers is perhaps a good move. But Tasers can also be lethal—can also have a lethal effect depending on whom it is used upon and for the length of time.

Mr. President, following the context, I want to quote from a *New York Post* article. The author is Seth Barron and the date is June 24, 2020. He said:

> "Following the shooting death of"—a gentleman by the name of—"Rayshard Brooks by a police officer…"—because—"Brooks stole the officer's taser and fired it at him…"—New York Police Department—"cops are seeking guidance…"
>
> The guy was shot dead by the cop and they were—"…seeking guidance…"—as to—"how to handle…conflicts."

And a gentleman by the name of:

> "Garrett Rolfe, the officer who shot Brooks…"—he—"is now facing felony murder charges that could get him many years in prison, even executed, if he is found guilty."

Mr. President, the district attorney who was prosecuting the case acknowledged, he said:

> "…according to Georgia law, 'a taser is considered…a deadly weapon.'"
>
> A—"…conducted electrical weapon or taser…"—is seen.
>
> "Tasers are extremely dangerous weapons, and the NYPD has only bought them into wide use among its patrol officers in the last five years or so."

So this is not something that—basically it is being claimed as nonlethal, but it is really not—depending on whom it is being used on, this weapon or instrument can be very dangerous.

4.30 p.m.

And used in the proximity of, let us say, marking that crush of market trading, things can and do get heated. So what kind of training is the Minister recommending or placing as a prerequisite for the municipal police? Because in their training, it is four months with daily commute to and from the barracks or the area of training whereas the police, they stay on for that entire period for the full time in the barracks.

Additionally, with the recent police aggression against what we would have seen was widely reported, this traffic warden, what about types of counselling services, psychological assessments will be provided to officers to assist them in dealing with the public. This is important because we do not want a situation where overly aggressive officers are armed with Tasers and abuse the powers given to them under the guise that it is a less lethal weapon.

Mr. President, routine assessments are part and parcel of constant evaluation in the United States and other jurisdictions for those who use Tasers as part of their toolbox of equipment or instruments and the New York Police department conducts psychological assessments on their officers prior to hiring in an attempt to assess the temperament and suitability for officers to interact with members of the public and often overly aggressive on suitably candidates are weeded out at this stage. So this is something we cannot just say we are going to hand over these instruments, of course, without the proper training and the proper assessment to ensure that we are being well-served by our municipal police.

Mr. President, clause 6 of the Bill is the amendment to allow for the director

of the SSA and or any employees directed by him to carry firearms and ammunition.

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

Now, this is another one that one cannot understand because the SSA director is a political appointment and giving this political appointee, parallel powers to issue firearm permits as he sees fit really is unacceptable. I do not—I mean, we have not seen the data with respect to why it is this cannot be part and parcel or continue to be part of the responsibility of the Commissioner of Police or indeed, the SSA can also be issued with firearm user's employee certificate which is similar to how security firms operate.

Now, when the Minister Stuart Young was Minister of National Security, he had indicated that the process is tedious and cumbersome and that in itself opens its own can of worms and of course, it points fingers at the entire process under the Commissioner's remit. It says that the system as a whole is a failure but instead of fixing it, the Government is now choosing to work around it and bringing a whole other set of problems and other folks who do not have the structure, they do not have the organizational structure, they do not have the experience to treat with something called a firearm, a very dangerous weapon.

So, Mr. Vice-President, the FUECs are issued significantly faster than that the FULs. I believe that the FUEC system should remain with the Commissioner until the system is reformed and allow the Commissioner to continue to have the power to oversee who is receiving permits under the SSA. This will prevent a free-for-all system because carrying a firearm and ammunition is a great responsibility which also requires proper training and what is required of the applicant or the licensee is well embedded in settled law. So we see no need to change this at this time.

Mr. Vice-President, additionally, the current Minister of National Security Hinds, in the other place, had stated as justification that persons who are doing recon and surveillance have been shot at. I think he said it today here in this place. But we have no data and reporting on these instances. Why have they not been given permits under the SSA, the FUEC certificate then? This is a poor excuse because the Government continues to use the FUL system to settle political scores and does not want to interfere with the Pandora's box it appears and that is the FUL issuance system under the Commissioner of Police and again, I state and that is the reason we are here today with them working enabling all the way around it and really maybe creating a much bigger problem.

Mr. Vice-President, in the clause 8 amendment to empower the Commissioner of Prisons to grant permission to off-duty designated officers to keep and carry firearms and ammunition where there is a perceived risk. The Minister has made the case that this makes it easier for the prison officer, but, Mr. Vice-President, the rationale or mischief that the Government is attempting to remedy is that prison officers have come under heavy attack with the criminal elements making hits at officers at their home or in public spaces. Similar to the SSA situation, the Government is admitting the failures of the firearms division in granting permits by once again bypassing the Commissioner and broadening the spectrum by which people can be issued firearms.

Now, I saw an online a document by Trinidad and Tobago Prison Service and it says:

"Why Do Officers Receive Threats?"

They receive threats for:

> "Doing the right thing - Reprimanding an offender, removing illegal or unauthorized items from an offender's possession and, refusal to traffic

items for/to an offender…"

And they also can receive threats for:

"Doing the wrong thing - contributing to trafficking of illegal or unauthorized items, denial of an offender's privileges or request, failure by corrupt rogue officers to deliver as promised and; abuse of force."

So this exposes the prison officers to threats. And, Mr. Vice-President, I believe the majority of prison officers are overwhelmingly dedicated and honest and do their best to instil safety and order in our jails. But there is a minority that we also have to look at who continue to engage in corrupt behaviour and I think speakers prior to me would have said that, even the Minister of National Security. And this corruption includes taking drugs and mobile phones into the prison and can extend beyond the prison walls, sometimes involving criminal kingpins orchestrating activity from their cell.

So, Mr. Vice-President, the Prison Officers' Association has pleaded constantly for mechanisms to protect the lives of officers who they contend are under constant threat from inmates under their charge. And I quote Prison Officers' Association Secretary Gerard Gordon when he lamented that nothing that has been implemented because in his view, nobody cares about the prison officers and their families. So one understands that the Government wants to do something and must do something because loss of a prison officer's life is totally untenable.

But Gordon says, in terms of what are they asking for—he said a key element is legislation which will send a signal to criminal element that the Government, the State is serious about the issue of attacks on officers of the security forces. He made the case that the murders being perpetrated are not against the prison officers alone, it is a complete disregard for the authorities and the State needs to respond in an extremely open and aggressive manner and the

Government needs to be strong and legislate and not just talk. However, you know, there are triggers to may be these threats and he spoke about the failure of the Judiciary to deal with cases in a timely manner and when they go to court and they come back with an attitude and rightfully so he says, "they come back vex and frustrated".

And I think the Minister of National Security would have referenced that in 28 years, approximately 22 prison officers have lost their lives and several speakers would have referenced prison officer Nigel Jones who was gunned down in full view of his little daughter and these incidents are truly untenable. But it is more than, again, just giving legislative permission to the Commissioner of Prisons to just hand out guns. Arming prison officers, just arming them alone will not solve the problem because even Mr. Gordon would have noted that there was a very senior prison officer Jackson, cannot remember what Jackson was his name and he gunned down—Superintendent of Prisons Wayne Jackson, he was shot 32 times in his head, back and other parts of his body as he exited his car in his Malabar home in October 2018. He was a superintendent of prisons and he was armed. He was armed so that did not solve his problem.

The issues facing or some of the issues facing the prison, it is an admission of the Government's massive failure to deal with crime in a holistic fashion. Even greater failure to deal with abundance of illegal firearms that are out on the street, that the SSA, they would have estimated at about 12,000 illegal firearms that are in the hands of people looking do harm. The inability of the Government to reform the FUL division and process by which deserving candidates are issued firearms and ammunition for personal protection.

The real issue, Mr. Vice-President, in the prisons is the ability to communicate. The smuggling of cell phones and contraband in the prisons allow

for prisoners to communicate hits against police and prison officers and coordinate criminal behaviour whilst incarcerated. And one must ask what is being done about that, what steps are being taken to weed out the rogue officers of the prison service who directly compromise the lives of their law-abiding colleagues.

The leakage of data that is the identity of officers means that the personal information of these officers are being leaked by their own colleagues or persons working in the prison system and the issuance of firearms when off-duty is placing a plaster on a bullet wound. The leaks can extend as to officers now who are in possession of legal firearms and these firearms can end up in hands of rogue elements so now the hits will be more coordinated and firearms can go missing.

And it is not if this happen or if that happen, we are certainly—it probably will bring some level of comfort if prison officers are given firearms but if it is phones are still being trafficked in the prison system freely, then what is the point? So Minister Hinds, in the another place, whilst piloting this Bill mentioned runaway crime and gun culture and prison officers being under attack and this is the direct admission of failure in treating and trying to bring serious crime under control. So again, putting a Band-Aid on this wound will not solve the problem and this type of piecemeal legislation—because the Attorney General spoke about bringing more expansive legislation or more expansive amendments relative to the Firearms Act.

So the piecemeal, as I said, legislation, once there is an outcry, the Government will try to do something or make this attempt at some PR stunt and basically what is needed is a serious crackdown in this issue of the very unfortunate and unacceptable murders of our prison officers. There needs to be a serious crackdown on prison smuggling and that is where really it should start and that will have a far greater impact than just granting these firearm licences to all

and sundry.

So, Mr. Vice-President, in conclusion, I share the great concern of my colleague Sen. Lutchmedial with the deliberate broadening and expanding of the categories of persons who can issue firearms and ammunition. Regulations and order and management and oversight and accountability is always the issue in this country and we try to close the stable door after the horse has well-bolted and I think now we have a good opportunity to do a little more for our prison officers. I think they really need the support and the assistance of this Parliament, but we need to go a lot further to save their lives.

4.45 p.m.

So when the person issuing the firearm is also the check and balance for the conduct of the firearm, will there be cover-ups in the cases of wrongdoing? Because at least with the Commissioner of Police you can see the various stages of responsibility, you know, there are different people doing different parts of the job of the issuance of FULs, all the administration, all the oversight as it were.

So we on this side support the right for qualifying citizens to bear arms and protect one's family and themselves, but there must be structure and full accountability. Why not fix the FUL system so that any applicant, any applicant, who fits the criteria can apply and protect themselves.

The general public, I mean, it is not only prison officers. Now you cannot go to Massy because they are out in the car park waiting for you. You cannot go to MovieTowne, they are there waiting for you. Wherever you go now, everybody is under siege. Everybody is under siege. So I expect maybe the next piece of the piecemeal legislation will probably be that maybe the President of the Senate will want to ask us if we feel threatened, right. Because every citizen of this country now, no one feels safe. And it matters not what the Government says, if you do

not feel safe, "yuh" not safe, right.

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

Sen. J. John: So the general public, Mr. Vice-President, is under attack just as much as the protective services. This today is an admission of failure by the National Security Minister, and an admission of the failing systems to acquire legal firearms or to put this process out maybe to all and sundry as it were.

Expanding who can issue firearms, the licence, without the necessary oversight will just give us a bigger problem. Do these segments featured in the Act have a problem? Most likely, it is likely that they do. You know, you cannot trifle with people's lives, people must feel safe at work and safe in their homes, but just coming and saying, we are going to give this department head the ability to issue licences without the necessary checks and balances, it is not going to work. We have to fix the system and not work around it. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Thompson-Ahye.

Hon. Senators: [*Desk thumping*]

Sen. Hazel Thompson-Ahye: Mr. Vice-President, even the word "firearm" makes me nervous. It is not a piece of hardware that I would ever wish to acquire. But duty calls, so today I say a few words on the Firearms (Amdt.) Bill, 2022. This is actually the 13th time that this Act is being amended. I trust and hope that this would be lucky 13. Before I begin though, I wish to recognize a historic event, and allow me to congratulate the new Commissioner of Police Erla Harewood-Christopher, the first woman in the post, well qualified and well deserving, no affirmative action there. I wish her well. If you want something said, ask a man. If you want something done, ask a woman, and we are asking a lot of her.

Hon. Senators: [*Desk thumping*]

Sen. H. Thompson-Ahye: One afternoon last week, I saw a man in civilian wear walking across Independence Square; he was carrying the largest gun I had ever seen outside of the movies, television, or newspapers. I could not help wondering if he was police or bandit. Is that the norm?

I was reminded of when I was a secondary school child in the process of purchasing a pen in a stationary store on Frederick Street, in walked the wannabe movie star, the then Commissioner of Police, Randolph Burroughs. He was impeccably dressed in a grey suit. For some strange megalomaniac reason, he saw it fit to raise his jacket to display his gun to my friend and me. I do not know if we were to be in awe or fear of him, but I bestowed on him my most withering stare, completed my purchase, and left the store. I do not like guns. I recall dropping to the ground in a drugstore in Nassau when a trigger-happy man was shooting off bullets outside the store. It was a traumatic experience that left me shaken and afraid.

On July 13, 2022, the *Express* newspaper carried a story by Elizabeth Williams, in which she quoted the Minister of National Security, the hon. Fitzgerald Hinds, as saying that:

> "…an analysis…"—of—"…the Strategic Service Agency (SSA) has determined there are approximately 12,000 illegal firearm in Trinidad and Tobago."

He said:

> "…the matter was being treated with, as 87 per cent of the murders…"—was—"…a result of firearms."

Last year Trinidad and Tobago recorded its largest ever number of homicides, over 600. The report did not include though the number of persons who were killed by

the police, or the number of persons who were killed by bullets issued to the protective services. Today we are debating a Bill, which, among other things, seeks to increase the categories of persons who may legally carry firearms. Let us examine that Bill.

Clause 4 presents no problems for me. It amends section 2 of the Act and creates a new document, a "Firearm User Identification Card." This should assist in the identification of persons who may legally be in possession of a firearm. I trust that this document will embody all possible security features. The Firearms Regulation in clause 11, if I may skip to that clause, seems to suggest that it is important that the card be not easily duplicated. It seems to suggest that and it is important that the card be not easily duplicated. We are well aware, Mr. Vice-President, of the creativity of our people as it extends beyond composing calypsoes, and chutney, and designing costumes for the "mother of all carnivals", or also arranging steel band music.

Clause 4(b) seems crafted to make assurance doubly sure and close any possible loopholes which a crafty lawyer may seek to exploit. We have many lawyers in Trinidad and Tobago who are too clever by half, having their eye always to the main chance. It is therefore useful to add the word "manufactured" to the definition of "prohibited weapons". I can envisage a lot of argument on the point otherwise.

As law students we learnt of the literal rule, the mischief rule, and so on. And as I speak of the use of words I would urge the newly minted Commissioner, not to get involved in semantics to score points. I took a keen interest in her discourse with the Trinidad and Tobago Promoters Association. The fact that the wrong word, "extortion", was used, which has a precise legal meaning, did not make their concerns any less valid. We got the gist of it, all is not well with the

police, and their numbers, and their presence at fetes.

I have been reliably informed, by a senior officer, now retired, that an Inspector was known to receive payment even though he never ever left his bed to go to a fete. I hope the conversation will continue and the parties arrive at a compromise. The police need all the allies they can get and the Commissioner should avoid alienating any sector in the society that can help her in this war on crime situation, which has reached epidemic proportions.

Clause 5 amends section 6 to insert a new subsection (2)(b) which empowers as member of the municipal police which is acting as such and performing such functions to have in his possession any weapon capable of discharging liquid or gas. This clause, therefore, clears the way for the municipal police to carry and use pepper spray, tear gas, and Tasers. Having regard to the 2012 study of the American Heart Association in their journal *Circulation*, on the risk involved with Tasers, I trust that there will be training for the police in its use. Also, the *USA Today* of April 26, 2021, spoke of 500 deaths by Taser used by the police since 2021. So that 2021 study should be looked at to avoid those things happening here.

Clause 6, I seem to recall a prediction by a modern day Cassandra that blood will flow in our streets or maybe that is why we are looking to increase all of those safeguards. Clause 6 amends section 7 of the Act to clearly specify the categories of persons who are exempt from holding a Firearm Users Licence, namely; a person whose firearm and ammunition are the property of the Government, and are required in the performance of their duties, and acting in their capacity as such. And those person are:

"a police officer;

(ii) a member of a Municipal Police…

(iii) a member of the Defence Force;

(iv) a Customs officer;

(v) a prison officer;

(vi) the Director, Strategic Services Agency…

(vii) an employee designated by the Director, Strategic Services Agency,"

Clause 7 is pretty straightforward. It repeals section 8 of the Act and creates a new section 8, which enlarges the category of persons who may carry firearms or ammunition in a public place.

Clause 8 enacts clause 8A which empowers the Commissioner of Prisons to permit off-duty prison officers to carry firearms and ammunition, if in his consideration their life or safety is threatened, and also to issue Trinidad and Tobago Prisons Service firearm identification card to the prison officer. Strange enough, the Bill essentials, I do not know if it is a Freudian slip, speaks not of the Commissioner of Prisons but the Commissioner of Police who is the one to issue these permits.

Mr. President, in 2021, it was reported that 27 prison officers had been murdered in the last 30 years. Last Saturday, February 04, 2022 an article in the *Newsday* newspaper written by Sean Douglas bore the headline: "Hinds: 88 prison officers threatened". Douglas reported that in piloting the Bill in the other place as happened today, the Minister of National Security had said:

"…that last year alone, 88 prison officers reported being threatened by inmates…"

The Minister said then, as he said again, that:

"…many 'hits' on prison officers were ordered by jail gang leaders, many upset at officers who opposed their jail rackets which annually net them

hundreds of thousands of dollars.

Cigarettes, marijuana and cell phones are the main contraband in jail, he said, with the latter being the worst contributor to illegal communications."

Mr. Vice-President, I myself once received a phone call from someone remanded to the prison. I was surprised, as I did not think he would have been granted bail, having regard to the charge. I asked him, how he was able to get bail? He told me, he was still inside. I asked him, "How could you be inside and calling me from Golden Grove?" He laughed and said, "Doh study dat".

Mr. Hinds made no mention of the prison officers who had been arrested and charged for possession of contraband items, including cell phones while on the prison compound. He said nothing about how this problem was being addressed. Interestingly, I also read in last Sunday's Newsday, February 05, 2022, Debbie Jacob article titled:

How prison changed my life.

It was the success story of a rehabilitated prisoner James. A lovely story it was, giving us so much hope. A part of that story struck a chord with me. It stated, and I quote, James said:

"…verbal and physical abuse by some prison officers causes problems.

'Inmates feel no one cares about them. They get bitter, lose hope and say, 'I hope I don't see him out there.'"

5.00 p.m.

Sometimes, unfortunately, in a few cases, prison officers may be authors of their own faith. I did say a few cases. I suggest, before we give officers guns to take home, that they be subjected to a psychometric evaluation to see if there are fit and proper persons to enjoy that facility. Under no circumstances are officers, who have allegations of domestic abuse made against them, to be issued firearms to

take home. If the allegations are made after they have been issued firearms, these are to be withdrawn immediately.

Mr. Vice-President, I have always endorsed the popular saying, "People go to jail as punishment, not for punishment". But we know that some officers treat prisoners unfairly. Perhaps it is the officer's nature or it may be the result of the brutal atmosphere and terrible conditions under which the officers work. The present Commissioner of Prisons is a very hardworking man, committed to the cause of rehabilitation and restorative justice. We have had many a conversation which has left me very heartened.

I spoke some time ago about a calypso I had sung at Royal Holloway Hall of London University, in 1999, at a penal reform international conference. It was translated into three different languages and earned me a standing ovation. It was entitled, "Prisoners are people too". I also shared it during an interview on i95.5 FM with my late dear departed friend, Wayne Chance. Not everyone recognizes as a prisoner does not lose his humanity when he enters prison.

I recommend the book, *Making standards work, an international handbook on good prison practice*, published by Penal Reform International and gifted to me by Baroness Vivian Stern, President of Penal Reform International, who came to Trinidad to open the Hugh Wooding Law School's Legal Aid Clinic and mediation centre in 2000. It should be required reading by the Minister of National Security, the Prisons Commissioner and all officials in the prison system. I recommend also, that they visit some open prison systems to see what aspects of those programmes can be adapted for use here.

We should also upgrade our prison conditions to a more humane state and introduce conjugal visits. Sometimes, unfortunately, in a few cases, prisons

officers may be authors of their own faith. I suggest that, as I said before, the psychometric evaluation should be done on all of them, who want firearms.

A story by Ricky Ramdass in the *Express* of July 28, 2022, told a prison officer who had stabbed his wife 19 times, allegedly because he had seen signs of infidelity on her electronic device. Had he owned a gun, it was not unlikely that he would have used it on her.

In a Janelle De Souza article in *Newsday*, April 17, 2022, it was reported, and we heard about it today, a coast guards man had killed his wife and then committed suicide.

Mr. Vice-President, we saw in a much publicized video, a police officer roughing up a traffic warden. A change of name from police force to police service has not brought about the desired response. There is still a lot more to be done to have police officers behave in a manner expected of their office that they hold and the responsibility with which they are entrusted. They are men before they are police officers. And army men and coast guards men, they bring with them a particular type of macho behaviour. They subscribe to the calypsonian's false and misguided fallacies, promulgated by kings of calypso, like my old CYO partner, Penguin, "Women doh like soft man", and the Mighty Sparrow's advice to them:

"Every now and then…"—you have to knock—"dem down,

They love you long and they love your strong.

Black up their eyes and..."—"buss"—"up their knee,

"And...dey"—would—"love you eternally."

I expect he would have changed that narrative even before his recent baptism.

Women would do well to follow instead, Francine's advice, and put wheels on their heels and run away. We women love generous, nurturing, warm and

gentle men, like Professor Gordon Rohlehr, that is why so many of us shed tears when he died.

Mr. Vice-President, the police officers have a number of problems, and prison officers too. When I was Director of the Legal Aid Clinic, they visited me all the time, they would waylay me in court and talk of their problems. I used to tell them, I am not professor—I am not Dr. Bonterre, but they came anyway. So we need to deal with them, to assist them with their problems, before this problem of their murders continue to escalate.

I look at the clauses and we wonder, and we have not been given an explanation, why the discretion must be removed from the Commissioner of Police with all the necessary safeguards. We would like to know, why we are going to put that on the Commissioner of Police—sorry, the Minister, who has such a wide Ministry, with so much responsibilities and people who may not be qualified to deal with that problem.

We agree, I certainly do agree, that we need to assist the police officers, the prison officers, because there is a real problem. They are under attack and the statistics show that. But we need to get it right. And we need to put in amendments that will make for getting it right. All of us agreed that what we want is a more peaceful society and the people who work in the prison service, they have their role to play, as do the police. So perhaps we need to take another look again and see what we can do. Hopefully and sadly, I must say, number 13 is not all well and we really would like number 13—would have hoped that they would have had it right.

So, Mr. Vice-President, with those few words, I thank you for allowing me this opportunity and I wish all of the society well.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Sagramsingh-Sooklal.

The Minister in the Office of the Attorney General and Ministry of Legal Affairs (Sen. The Hon. Renuka Sagramsingh-Sooklal): Mr. Vice-President, I thank you most sincerely for the opportunity to jump here into this debate. So much has been said by, of course, the Government Bench and Members of the Opposition and even the Independent Senators. So my intervention, Mr. Vice-President—of course, the hon. Minister of National Security and my learned senior would have gotten into the crux of the intention of the Government in, of course, moving this Bill today. My intervention, Mr. Vice-President, will, of course, be again to deal with certain things put on your record, of course, by the Opposition Senators. And as I go along, of course, any other concern—well, other concerns, of course one raised particularly by Sen. Paul Richards, I would just want to add my two pence to the debate and see if I can play a part in assisting Sen. Richards to understand perhaps why certain amendments are brought here today.

You know, immediately, Mr. Vice-President, I want to, again, address certain comments made by the hon. Sen. Lutchmedial. You know, Sen. Lutchmedial—I took copious notes—mentioned that, you know, the issue of firearms, crime and criminality requires a constant review, the Senator also said, to treat primarily with the issue of threats to prisoners. You know, but what is surprising is that the Senator also mentioned since December 2021, the decision was handed down in Vishal Singh and why we as a government, why we are here so late to bring forward this debate in an attempt to protect prisoners. And, you see, I know the hon. Attorney General mentioned it in his contribution but, again, for the record, I want to remind this country of a JSC, November 2013. And in that JSC—I know that the hon. Attorney General made mention, generally, about that JSC and the findings in that JSC.

But, you see, the Opposition came here today via Ms. Lutchmedial and asked the question, suggesting that this Government is late in treating with the issue of prison officers. But, you see, Mr. Vice-President, in 2013 JSC, we had three Members of the People's Partnership sitting in that JSC. We had Sen. Emmanuel George, who was the Minister of Justice—because back then they had a Ministry for everything. We had Sen. Gary Griffith, who was the Minister of National Security. And we have a Senator, who sat in this Senate, Mr. Wayne Sturge, attorney at law, who sat in that JSC, together with other Members. And what is surprising is, since 2013, recommendations were made relative to the prisons and I will summarize, eh.

One of the major recommendation was to give priority consideration to applications made by prison officers for firearm user's licence. These applications were to be prioritized by the Commissioner of Police. That was a recommendation made in 2013, in a joint select committee, in which three Opposition Members sat. And, Mr. Vice-President, in 2013, '14, '15—and I always calculate the days and time—we are a year late since the judgment. They were about three or four years late and did absolutely nothing to improve the conditions of prisoners during that time. There is a JSC report to that effect.

So, when they come here—when Sen. Lutchmedial constantly comes and she speaks about the lateness of the Government, she speaks about us being—I think we are intellectually bankrupt, I always put back a question to the hon. Senator, when your government, the government that you—your party, sorry, the one that you support and defend, when you all had an opportunity to make it right again—again, I am not saying—so this is not made up. The *Hansard*, the records of the Parliament show, when you all had the opportunity, absolutely nothing was done.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: So in my estimation, we come in a year later from the 2021 decision given by Vishal Singh. We are not too late in trying to bring amendments to, of course, improve the conditions and to put our first response officers in a position where they can better protect themselves. So I just had to, again, read into the record that particular JSC finding.

You know, Mr. Vice-President—and this is now a very serious matter. A question was asked by Sen. Lutchmedial, also paying attention to the case of Vishal Singh, she said, a police officer was severely shot and wounded by a prison officer. I agree, I read the entire judgment. She asked about the criteria for the granting of a firearm because, of course, the amendment that we have brought does not specifically speak to the criteria in which will be considered. But for the purpose of the public listening on, for the purpose of the Independent Senators in particular, Mr. Vice-President, what I must remind this honourable Senate is that, notwithstanding—so, we have this amendment that we are bringing in the law today but there is an Order 91, which speaks to the policy consideration that is still in existence and the policy consideration that, of course, is going to guide the Commissioner of Prisons in making a determination as to whether or not he is going to grant a firearm to an at risk officer who made the application to have that—to be allowed to keep and carry a firearm beyond his working hours.

So I want to read into the record—and that policy is critical because what it helps us to understand is that notwithstanding the fact in this amendment we are now giving—yes, we are giving to the Commissioner of Prisons the opportunity to make a decision as to whether or not he is going to grant an at risk officer the permission to keep and carry his firearm. Notwithstanding this fact, we must

remember this Commissioner of Prisons is not going to be acting on a frolic of his own.

In making said decision, the Commission of Prisons is guided by the General Order No. 26 of 2016. Sen. Lutchmedial just referred to it as Order 91. But that General Order No. 26 of 2016 is critical for the Members opposite and for the public to understand what is happening and what is going to be the guiding principle in policy, which is now married with the law, which are the amendments we are bringing here today, that will guide the Commissioner of Prisons in being able to make a decision in whether or not an officer, who makes an application to be able to use a firearm, whether he should be granted that application.

5.15 p.m.

So, for example, in this specific Order—and this is why I want to read it into the record, so that the public understands what this Order speaks to, and understands that we are not making law vaille-que-vaille. We have taken into consideration that this 2016, as I said, Order No. 26 of 2016, is still the guiding principle. Now, this Order came into effect on the 11th of July 2016 and it still remains the policy, it remains the Trinidad and Tobago Prison Service Firearms Policy. And let me read into the record a little snapshot of what this particular Order speaks to, Mr. Vice-President.

The Order created the Prison Threat Assessment Committee—and I know some Members would have generally mentioned it—but for the benefit of the public, let us understand what the Prison Threat Assessment Committee does. Now, this is a three-person committee, Mr. Vice-President, comprising of a member of the prison service executive, a member of the Strategic Operations Unit and a member from an organization either from the TTPS or the Trinidad and Tobago Defence Force.

So, yes, while in law, today, we are asking that a Commissioner of Prisons that he—the Commissioner of Prisons could then grant the permission to an officer to use his firearms beyond the working hours, we must remember this Order, the composition created in the General Order No. 26 of 2016, which speaks to the Prison Threat Assessment Committee, a committee who is going to be charged, Mr. Vice-President, with the responsibility, of course, advising the Commissioner of Prisons, before he makes a decision as to whether or not he ought to grant a licence or permission to the officer who may apply to use a firearm beyond working hours.

Now, this Order is so critical, because even in this General Order 26 of 2016, Mr. Vice-President, it even speaks to the timeline for decisions, and the timelines, for example, what was mentioned in this particular Order, is that decisions are to be made within a reasonable time. So, it means that if an at-risk prison officer makes an application to the Commissioner of Prisons, setting out his case stating that he believes that he is at risk and so on, the Commissioner of Prisons is guided by this policy—the contents of General Order No. 26 of 2016—which says that even in his deliberations and even in making his decision, he has to make that decision within a reasonable time. Of course, and reasonableness of time making that decision is critical, because it means that an application is not just going to sit on the desk of the Commissioner of Prisons for however long. The Commissioner is now guided, again, by acting on this application in reasonable time.

This particular Order, Mr. Vice-President, also speaks about the determination of decisions. What it says is once the Commissioner of Prisons finds that the risks associated with the threat is significantly high, the Commissioner of Prisons would give approval for the officer to be issued with a

firearm and ammunition as well as other protective gears. And, of course, the Order goes on to speak about where decisions are rejected and so on.

Now, again, Mr. Vice-President, why am I focusing or why have I focused on the General Order No. 26 of 2016? It is to specifically deal with some of the concerns that people may have, the public may have and Members of the Senate may have as to why are we giving a Commissioner of Prisons the power to make a decision on who he is going to grant this particular licence to, to use a firearm beyond their working hours. And I just want to remind this honourable Senate, remind this country that the policies that were created, the policies that are existing in the General Order No. 26 of 2016, this remains the guiding principles for the Commissioner of Prisons.

So, it is not that the Commissioner of Prisons is going to act on a frolic of his own. It is not that the Commissioner of Prisons—he is certainly restricted by the contents of the policy and what exists in the Order itself. And this, certainly, I am hoping it allays some of the fears that persons may have relative to, "Okay, well, now the commissioner, he is the one who is making the decision as opposed to the Commissioner of Police", understand that there is this Order 91 that is in existence that creates the policy and is going to guide the decisions. And, of course, it gets into the role of, as I said before, that Risk Assessment Committee, who is then going to say—and I mentioned the composition of that committee, upon whose advice the Commissioner of Prisons, of course, is going act in order to make a decision as to whether to grant a firearm or not.

Now, Mr. Vice-President, a critical question was asked by Sen. Richards, and I am glad that the hon. Senator is here and he asked it, I know, with a genuine concern about ministerial interference. Of course, the Opposition, of course, they would go ahead and create and try to promote the rhetoric that, you know, we are

trying to—the politicians again, this Government has some nefarious reason—because I think Sen. Lutchmedial said that—as to why, you know, when the question was asked, I think the Senator said, under no circumstances should a Minister interfere, and she suggested that there is some sinister plot by this Government to interfere in the issuance of the extension of these licences.

Now, Mr. Vice-President, of course, I know we have listened. I am sure that that is why the Attorney General and some other Members are in discussion. We are listening to what the Independent Senators, particularly, are asking, because it is from genuine place of concern. And, of course, a decision will ultimately be made as to how we will treat with this particular clause.

But what I want to do, Mr. Vice-President, especially, I want to debunk the suggestion or the inference that there is a sinister plot behind this particular amendment, and here is what I will do to try to attempt to debunk that view. Mr. Vice-President, one would think that an attorney-at-law as Sen. Lutchmedial, would know that there are other critical pieces of legislation that exist on our books, not created by the PNM alone, but from administration after administration, in which you have a Minister playing a hand in certain decisions, in extensions.

So, for example, the Senator spoke about the Liquor Licences Act. Mr. Vice-President, if I may look at section 5(1) of the Liquor Licences Act, for example, because she mentioned the Liquor Licences Act and suggested that the Minister plays no part there. Mr. Vice-President, section 5(1) of the Liquor Licences Act, section 45(1) of the Liquor Licences Act, section 47 of the Liquor Licences Act, section 59 of the Liquor Licences Act, section 68, section 82, section 83, section 83(8)(a) and section 83(a), all of these are sections of the Liquor Licences Act that speaks about ministerial intervention, and it speaks about ministerial intervention at different levels.

So when that law was passed—and mind you, this is an Act 27 of 1955, amended in 2014. Back then, I would not want to believe that there was a nefarious reason for ensuring that a Minister played a part and played his hand in certain licences or the grant of it or the extensions of it, recognizing, Mr. Vice-President, that we as the Executive and the policy drivers, of course, sometimes there is the need to intervene. And there is legislation on the book that is good law, that is "existable". The Opposite does challenge everything; challenge that. Challenge the Liquor Licences Act, if you have a problem with the Minister playing a part here, but that is in existing law.

Mr. Vice-President, if we look at section 36(1), section 36(1) of the same licences Act that the—so, clearly, Sen. Lutchmedial did not do her homework before she came, because she could not mention the Liquor Licences Act. Section 36(2) of the Liquor Licences, Mr. Vice-President, it says, and I read into the record:

> "The Minister may, in his discretion, authorise a"—and listen to this one—"licensing committee to grant a certificate for the issue or renewal of a spirit dealer's licence in respect of premises situated in any part of Trinidad and Tobago..."

Again, you see ministerial discretion.

Mr. Vice-President: Senators on the other side, kindly allow the good Minister to make her contribution. The level of crosstalk is a little too much.

Sen. Lyder: You are talking to them too?

Mr. Vice-President: Sen. Lyder, whilst I am on my feet, your prop you were using just now to engage humour, is not acceptable either.

Sen. The Hon. R. Sagramsingh-Sooklal: Thank you, Mr. Vice-President. So, I want to start from the place by debunking that ridiculous suggestion that the

purpose of this legislation and the amendment that we are bringing here is because we have some ulterior motive. My saying to that is, "Only if you have cocoa in the sun, then fraid rain", but that is not the reason why we are bringing this amendment here today, Mr. Vice-President. There is existing law on the books that you have seen ministerial interference and—not interference, but where a Minister has a discretion. That is the word I should use.

If we turn, for example, to Mr. Vice-President—and, again, I go back to the Senator, because she is the lawyer here. We have the Immigration Act, section 10(5) of the Immigration Act, you see ministerial intervention as well and a Minister being able to intervene again. Section 10(5), this deals, Mr. Vice-President, specifically, with entry permits. Under this specific section, Mr. Vice-President, it says, and listen to what it says:

> "The Minister may, at any time in writing, extend vary or cancel a permit."

This exists on our books as a piece of law, where you have a Minister being able to vary, he is able to extend and he is able to cancel a permit. It is on the books. So, again, Mr. Vice-President, and to come here and suggest the amendment that we are bringing is because we have some underneath—you see, the UNC judges us by their own standards, and they cannot get away from that. That is their biggest problem.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: Because every time they pass and they do something it is because they had an under-the-table reason.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Sagramsingh-Sooklal: But we do not operate like that, and that is why for the benefits of the sober-thinking people of Trinidad and Tobago,

the sober Members of the Senate, I want you to understand that even if at the end of the day, the decision is taken—

Mr. Vice-President: Members, the level of vicious crosstalk is a little too much. It is becoming vicious now and personal. Kindly desist.

Sen. The Hon. R. Sagramsingh-Sooklal: Mr. Vice-President, thank you for your protection, but do not worry, "Meh skin very thick and ah could take it". So, anyway, Mr. Vice-President, as I said, so we have the Immigration Act and then, again, we have the Gambling and Betting Act, Chap. 11:19, Section 40H(1). Again, in that particular section, Mr. Vice-President, it says:

> "Where the Board refuses permission to promote a contest, the applicant may, within two weeks, apply to the Minister to review such decision."

Again, you have ministerial discretion.

So, the point that I am making, Mr. Vice-President, by reading into the record exists—and there are so many more, but I have limited time and a lot to say. There are pieces of legislation that already exist on our books in which we have seen that a Minister has the power to extend, and it is not done with the purpose of a nefarious or an under-the-table reason, Mr. Vice-President. It is because, of course, the Executive, who are the drivers of the policy, their intervention would be required.

Now, Mr. Vice-President, now, if the question may be asked—and I know in the other place this was discussed briefly—we would have seen—and I want to put it on the record, again, here, with respect to the Minister having the power to extend. We saw what happened with COVID-19, Mr. Vice-President, and we saw with COVID-19, there was the need for, at that stage, for the Minister to intervene—different Ministers at different times to intervene to extend licences.

All right? So, for example, Mr. Vice-President, during the pandemic, the Government would have had to introduce via several miscellaneous provisions in 2020, several extensions, varying aspects, whereby you would have had the validity of certain licences were extended. We had, of course, our Trinidad and Tobago Driver's Permit. We had—well, I went through length and breadth, the liquor licences, some of it. We had even the Old Metal and Marine Stores Act. Certainly, those licences were extended by, who? Under the hand of the Minister. Right?

Now, a question may arise, why not give the power to extend by the Commissioner of Police rather than a Minister having the power to extend? Now, Mr. Vice-President, most respectfully, I am almost—I could address this particular issue if that question arises, by reading into the record, Mr. Vice-President that, in my respectful submission, I believe that the only time the Commissioner of Police would have the autonomy and the authority to extend time, that can certainly be found, Mr. Vice-President, when a state of emergency, for example, is declared under the special emergency powers.

5.30 p.m.

Now, under this particular—under the special emergency powers, for example, most recently, Mr. Vice-President, in Regulation 3(11) of the Emergency Powers Regulations, 2021, Legal Notice 142, dated the 16th of May, 2021, we saw that the Commissioner of Police was then granted the power to extend time as opposed—and this to my mind, respectfully, Mr. Vice-President, are the only circumstances in law, in existing law that I believe that a Commissioner of Police, is while we are under a state of emergency that a Commissioner of Police has the power to extend time, as opposed to a Minister where we could create statute and allow it. But as I said before, Mr. Vice-President, I know ultimately the

Government Bench will take into consideration some of—all of the submissions made by, especially the Members of the Independent Bench relative to this particular issue of ministerial, for want of a better word, "interference", as they have put it, and I am sure that we will make a prudent decision of course that is good voting law and policy, but I had to address the issue, especially to debunk the notion that this was being done with some ulterior motive in mind.

Now, Mr. Vice-President, you know, Sen. Richards asked another very important question. The hon. Senator asked, what is preventing the Director of the SSA or the Commissioner of Prisons from making a recommendation to the Commissioner of Police for the at-risk prison officers to, of course, be allowed to keep and carry a firearm? And most respectfully, my two pence to, of course—and I am sure the Minister of National Security in his winding up will deal in more detail with this issue, but, most respectfully, I can foresee that if we placed this again on the—even though, yes, we know the grant of FULs and the grant of these licences already falls squarely on the Commissioner of Police in the current incarnation of the law, if we have a lot of applications, added applications from prison service, from prison officers, we could look at the issue of course of another administrative bottleneck existing on the desk of the Commissioner of Police. And this was one of the particular reasons why I, personally, supported moving this responsibility from the Commissioner of Police to the Commissioner of Prisons who is equally qualified, who is charged with the responsibility of running, administratively, the prisons, and more so, I would have read into the record, Order 91; he is now supported by this risk assessment committee. There is the policy from 2016, a copious document—maybe the Opposition should take some time and read it—which of course gets into detail as to what will be the guidelines in issuing a prison officer the opportunity to carry—keep and carry a firearm beyond

working hours.

So I personally, through you, Mr. Vice-President, to Sen. Richards, I believe that the Commissioner of Prisons, of course supported by the provisions provided in Order 91, can certainly make a decision that will be in the best interest of his officers. And why I spoke about the administrative bottlenecking as well, remember the Commissioner of Police, together with their ordinary responsibility, together with her ordinary responsibility, we have other applications that fall on the desk of the Commissioner of Police. We see it most recently with the sex registry; we see it with pepper spray applications. There are other—yes, we know by certain administrative orders, we know the Commissioner can delegate responsibilities; we know all of that, but to my mind, most respectfully, Mr. Vice-President, even in assisting the Office of the Commissioner of Police from having to deal with these applications, because, mind you, in that same policy "eh", that same policy spoke about the fact that prison officers who are making these applications, they would also be subjected to the same kind of mental assessment. This is the kind of review that this committee who would advise, of course, the Commissioner. This is the kind of investigation that they do. Imagine that now resting with a Commissioner of Police who already has their ordinary responsibilities. You have increased responsibilities with pepper spray applications, sex registry, and the list goes on.

I respectfully believe, Mr. Vice-President, that a Commissioner of Prisons, who is equally qualified, should be charged, most respectfully, with the responsibility to make such a decision. So that is with respect to, of course, that concern. Now, Mr. Vice-President, I know Sen. Jearlean John spoke about the municipal police, and actually in the crux of my contribution, clause 5 of the Bill was just something—clause 5 and clause 7 of the Bill, which speak about the SSA,

those are two areas that I want to briefly be able to address. Mr. Vice-President, can you tell me how much more time for full time?

Mr. Vice-President: You are to finish at 5.48, so you have about 11 minutes remaining.

Sen. The Hon. R. Sagramsingh-Sooklal: Okay. Thank you very much, Mr. Vice-President.

So, Mr. Vice-President, if I may now look at clause 5 of the Bill that, you know, that appears before us, and of course, clause 5 of the Bill speaks specifically to municipal police officers. And I have to of course say that the Assistant Commissioner of Municipal Police, I know he is very, very hard-working; he is none other than my father, and I know he is assisted quite ably by a lot of—I know he is quite ably assisted by a lot of hard-working officers of the municipal police. Now, in dealing with this particular clause, Mr. Vice-President, I know others before me would have gotten into detail about the municipal police and the municipal police, of course, they are very much charged with similar responsibilities and tasks as the ordinary TTPS, the Trinidad and Tobago Police Service. There are only two distinctions, Mr. Vice-President, that exist between municipal police and regular municipal; and, one, municipal police are limited relative to their investigative powers and the capacity they have to investigate criminal offences, serious criminal offences, and other that than—so that is one of the major distinctions that exists and, of course, they are not allowed to use automatic weapons.

Mr. Vice-President, I want—and the reason why I am making this point is because municipal police officers, this amendment, I lend support for it because, of course, they are also at-risk officers. I want to debunk any view that members of the public may have if the belief is that municipal police, they primarily are "rotten

tomatoes police" or they are "market police", I want to debunk that view, Mr. Vice-President, and that is why we would have read into the record some of the responsibilities. So some of the responsibilities—I want to read into the record—sorry—Mr. Vice-President, some of the responsibilities of municipal police are

> "To facilitate the maintenance of law and order"—of course—"within the Municipality.
>
> To provide security at Corporation Meetings and ensure the safety and protection of staff and individuals as well as the Corporation's property and assets."

Municipal police are:

> "To adequately enforce the Municipal Bye-Laws, Regulations…"—of the—"…Council.
>
> To facilitate the prevention of crime and infraction…"

—and there is a list of responsibilities. Why I have gotten into just a few—of course there is a list and there is not enough time to get into it, it is just so that the members of the public understand how critical even these municipal police are to policing in Trinidad and Tobago, and as a consequence, I support the amendment in which we are trying to—we are not trying—because, mind you, we are speaking about pepper sprays and Tasers here for municipal police. This is simply to even the odds.

This is not to put municipal police officers in an advantageous position, but it is to simply even the odds that should an officer find him or herself in a position where he is now or she is now required to defend themselves, at least they have a different level of protection, and that is the protection of course, Mr. Vice-President, that this particular Bill provides; that the amendment that we are seeking here today will provide.

I know Sen. John spoke about whether or not—and of course Sen. John would have gone into Tasers and I believe she would have made mention to a research that she would have done that spoke about the seriousness of Tasers. Now, I am pleased to read into the record, Mr. Vice-President, in July2016, the Government agreed to the creation, as we all know, of 1,107 additional positions of the municipal police—to the municipal police and that was to be spread across the 14 municipalities. Right? But beyond that, Mr. Vice-President, what we also have in existence today is the Municipal Police Training Academy which was established in July 2018, in the old Marabella South Secondary School. And why I am bringing up this particular academy, Mr. Vice-President, is because Sen. John would have spoken about Tasers; she would have spoken about whether or not training—well, of course, the seriousness of the Tasers as well, and what I am pleased to remind the people of Trinidad and Tobago, and the Senate, is that we have at the old Marabella South Secondary School, Mr. Vice-President, a Municipal Police Training Academy that is up and running and it is functioning, and that once this amendment of course is brought in the law, what you can rest assured, and I am certain, is that the level of training at the academy will be increased in order to allow these officers the training that is required in order to treat with these Tasers to deal with pepper spray.

Now, to that end, Mr. Vice-President, I understand that Mr. Curtis Belford, Senior Superintendent, who runs that academy, I understand that he is very hard-working, and he is actually one of the persons who spearheads the various levels of training that the academy provides. And mind you, some of the levels of training that the academy provides, Mr. Vice-President, is in the area of operations. We have operations task force unit. There is the police skills section. There are the quartermaster stores. There is the development training section. And why I am

getting into this, Mr. Vice-President, is to allay any fear that the public may have, that even the Opposition may have, about putting Tasers in the hands of municipal police officers, whether or not they would be trained, whether or not they would be able to deal with this, and my answer to that is that I am certain the municipal police officers, once the amendment to the law comes into being, this school, this academy that is already up and running and that is so critical in the training of municipal police, I am most certain that under one of these units that are already in existence that this additional training will be provided to the municipal police, Mr. Vice-President, to be able to allow them the opportunity to be able to, of course, properly handle Tasers, properly handle pepper spray, so not to put the public in harm's way if and when, God forbid, there is a need for the officers to have to use the pepper spray or the Tasers, you know. That is important, Mr. Vice-President, of course for us to understand. So on that point of training, Mr. Vice-President, I am sure that, you know, the necessary amendments will be brought.

Now of course, Mr. Vice-President, again, one of the major reasons why I also support the amendment being brought in the interest of the municipal police is because, apart from having all of the roles and a lot of the similar roles and responsibilities of police officers, remember municipal police are really the ones who spearhead, for want of a better word, community-type policing; the softer side of policing. And of course, being in the communities, Mr. Vice-President, God forbid again, if for some reason the municipal officers find themselves in a position where they also have to protect members of the communities in which they exist in, the amendment that we are seeking to bring in the law, Mr. Vice-President, will again, not put them in an advantageous position but simply even the odds and allow the officers the opportunity to of course be able to protect, not just themselves but to protect the communities in which municipal police officers are

working, of course. And this, Mr. Vice-President, in essence is one of the major reasons why I would certainly support the amendment that proposed clause 5 of this Bill seeks to bring.

In closing, Mr. Vice-President, I just want to briefly put on the record why I support clause 7 of this Bill, and clause 7 of the Bill seeks to:

> "…repeal and substitute section 8 of the Act to provide that an officer listed in section 7(1)(a) and (aa), which would now include…"—"…Municipal Police"—Officers—

—and this is the specific part I want to focus on:

> "…and the Director and any employee of the Strategic Services Agency…"—the SSA.

5.45 p.m.

Mr. Vice-President, very, very briefly, why do I support the SSA and the amendments that—not the SSA, but the amendment that we have brought today relative to the SSA, Mr. Vice-President. I just saw that it is pertinent for me to read into the record the amendment that we are bringing today. And the allowances that we are providing to the Director of the SSA, it is no different from what exists in countries in the Caribbean region. So—and most similar to Trinidad and Tobago and the amendment we brought today, I found, when I turned to Jamaica.

Mr. Vice-President, in Jamaica this agency has similar duties—there is as an agency that exists in Jamaica that has similar duties, such as the SSA in Trinidad and Tobago, such as to promote and protect public safety and national security, and to promote and strengthen measures for the prevention, detection, investigation and prosecution of serious crimes.

But what is important, Mr. Vice-President, to read into the record—and this section in the Jamaican law is very similar to the amendment that we are bringing

here today. Section 46 of Jamaica's firearm Act, it states, Mr. Vice-President:

> "…an officer designated by the Director-General of the Major Organised Crime and Anti-Corruption Agency under the Major Organised Crime and Anti-Corruption Agency Act…"—is exempt from the requirement of holding a firearm licence.

And this, Mr. Vice-President, I believe it was critical, because, you know, again there is always the belief that is promoted by those opposite that we create law vaille que vaille. This is to show the Members of this honourable Senate that even in bringing forward this particular amendment, as seen in clause 7, it is very much aligned with the law that exists in section 46 of Jamaica's firearm Act, and that particular section, that Act, Mr. Vice-President, of course, speaks to giving the director of these agencies the opportunity to now be exempt from having to go through the rigorous process of obtaining a firearms—a regular FUL licence, recognizing the line of duty, their job, what their job entails.

There is also another comparative, if we look outward at Australia, we look at Canada, we look at South Africa, Mr. Vice-President, the Australian Security Intelligence Organisation, known as the ASIO. In Australia, Mr. Vice-President, what we see is that there is also existing legislation that allows officers who sit in these organizations to be exempt from holding a firearm licence. In Canada, the Canadian Security Intelligence Service, if we get into the legislation and regulations that govern that organization, who is similar again to the SSA, we have that their directors and members who sit there, again, they fall under an exempted list. South Africa, Mr. Vice-President, the State Security Agency, similar again to the SSA, we have that, officers who form part of that organization are similar to what we are hoping to achieve today with the support of those opposite, with the support of the Independent Senators. They have similar provisions as clause 7 in

the Bill that appears before us. And I believe it was critical to read that into the record so that one can understand, the public can understand that by the amendment which we have brought here today, it is much in alignment with, not just regional comparator, Jamaica, but Australia, Canada, South Africa.

So, Mr. Vice-President, of course, I want to again add my support with the Members of this side to the Minister of National Security and, of course, commend this Bill to Members of this honourable Senate. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Sen. Wade Mark: Thank you. Thank you very much, Mr. Vice-President. After listening and consuming what can only be described as the incoherent, convoluted and downright contradictory ramblings—

Hon. Senators: [*Desk thumping*]

Sen. W. Mark:—of the last speaker, I would want to say to her, that is the hon. Minister, "wheel back and come again". "Wheel back and come again". You have been unconvincing, completely, in your ramblings.

And, Mr. Vice-President, I want to indicate to my friend, that a little knowledge is a dangerous thing. And to cherry-pick from the Jamaican firearms Act, which I have, and to go to 46 and say, yes, the Anti-Corruption—no, the Organised Anti-Crime and Anti-Corruption Agency of Jamaica, which is similar to the SSA in Trinidad, yes, they have access to weapons; yes, they are exempted, according to the hon. Senator, but she did not tell you all. There is an independent firearms authority run by an independent board in Jamaica that is responsible for issuing weapons and ammunition, and firearm licences to people. No Minister in Jamaica has the power to extend the licence of any other member of the public. Let us be real.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So, Mr. Vice-President, as I said, you know, a little knowledge is a dangerous thing.

Hon. Senators: [*Laughter*]

Sen. W. Mark: And "doh cherry-pick nah", because you are coming around the wrong person, because I have all the documents here.

So, Mr. Vice-President, let me say very early that this is a very complex matter and I do not understand how the hon. Minister in the Office of the Attorney General's office can attempt to compare apples with oranges, to tell us in this Parliament that a Minister has the power under the Immigration Act to do that, and the licensing is given here by a Minister in some other Act. You are talking about guns. You know what is a gun? A gun in a wrong individual's hand can kill you. You know Mao Tse-tung, the former communist leader of China, once produced a red book, and one of the famous quotes in that red book, Mr. Vice-President, went like this:

"Political power grows out of the barrel of a gun."

Understand what we are talking about. Where does a Minister get involved in police business to the point where he is inserting himself to determine and to give the authority to extend someone's licence? Where does he come in there? Look, Mr. Vice-President, what I would like to say this evening, I would like to look at a few clauses of this Bill. We are not and will never be party to the undermining, the subversion of the Police Commissioner or the police service in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: And any government that brings legislation that is designed to interfere with the independence and the autonomy of the police service and the Commissioner of Police will not find any support from the UNC.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: And that is what these several measures that is before us are all about. Mr. Vice-President, I want to deal with four clauses in the brief moment I have this evening. I want to deal with clauses 8, 9, 10 and 11 of this Bill.

You know, this Bill came in November. It was on the 11th of November,2022, it was laid in the House. Three days from today or four days from today, Mr. Vice-President, will make it exactly three months since that Bill was laid. Only last week this Bill was debated in the other place and it is being debated here today. One would have thought, because of the significance of this piece of legislation, the Government would have taken some time off to hold some consultation with some of the stakeholders. No such consultation was held.

So here it is, in clause 8 of the Bill, Mr. Vice-President, the Government is seeking to empower the Commissioner of Prisons to issue a card, a Trinidad and Tobago Prison Service card, which would give his men the right, if their life is threatened or their safety is threatened, to be issued with a firearm—property of the State, of course—and the appropriate ammunition. But this poses a problem. The Commissioner of Prisons is not accustomed to issuing a card to allow a prison officer, whose life has been threatened, a firearm licence, literally speaking. That was done before in consultation with the Commissioner of Police. But the Government, in its haste to undermine the office of the Commissioner of Police, because of whatever bacchanal they had and issues they had with a former Commissioner of Police, have now said we are going to give this power to the Commissioner of Prisons.

Mr. Vice-President, we have a Bill here giving the Commissioner of Police a certain power to issue firearms to his officers. But nowhere in the legislation are guidelines, are there checks and balances. What we are being told in this clause 8 is

that subject to the discretion, if someone approaches the Commissioner of Prisons, that is a prison officer, and says, "Look, my life is under threat. My safety is under threat," where in the legislation, Mr. Vice-President, are there guidelines to address the fundamental issues that must be addressed before a firearm licence or identification card can be issued? Where is that? Is the Government now going to equip the office of the Commissioner of Prisons with the necessary resources and the necessary guidelines to carry out his functions? But that is being done right now by the Commissioner of Police. Why are you going there?

Mr. Vice-President, the Prison Officers Association of Trinidad and Tobago has not been consulted on this legislation even though, purportedly, it is supposed to protect them, but they have not been consulted. They are asking for an independent board to be given the power to issue firearms to them. They do not want the Commission of Prisons to do it because it will be subject to his discretion, and it will be riddled with subjectivity.

[MR. PRESIDENT *in the Chair*]

So they want an independent board to be established to determine, Mr. Vice-President, when a prison officer comes to that board and says, "My life has been threatened or my safety has been threatened," there is a process that will be undertaken by the independent board rather than, Mr. Vice-President, a Commissioner of Prisons who is going to be operating purely on a subjective basis, purely on a discretionary basis.

6.00 p.m.

"Look nah", this is a Parliament, you know. This is no parlour. You cannot come here with legislation to give power to a Commissioner of Prisons and do not come with the appropriate checks and balances and safeguards and guidelines. Law has to be precise. My friend Anthony Vieira will tell you and my friend who

just spoke—

Hon. Senator: [*Crosstalk*]

Sen. W. Mark:—my friend who spoke, the lawyer will tell you that.

Sen. Mitchell: [*Interruption*]

Sen. W. Mark: But Sister Thompson-Ahye would also tell you that.

Sen. Mitchell: Senator.

Sen. W. Mark: Senator. The law must be precise, it must be clear, it must be unambiguous. So you cannot tell me you are giving the authority to the Commissioner of Prisons and you have nothing in the law to tell this Parliament how he is going to execute his duties. So this man could become a rogue. This man could pick and choose who he want to issue the licence to or guns to. Is that what we want? Is that what we are saying Mr. President? It cannot be. And not every prisoner—or prison officer's, rather, life, might be threatened in a way that would call for that kind of issuance of an identification card.

So what is to determine, what are the criteria, Mr. President, to constitute a threat to one's life and safety? Who is to determine that? The Commissioner of Prisons? This is sheer madness. We have to be serious. And, Mr. President, I thought that, you know this Government ought to take this Bill to a special select committee of the Senate and let us invite all the stakeholders involved in this. But instead they are rushing it, Mr. President, they are rushing it.

Mr. President, I looked at several reports in clause 9 and I am dealing with the SSA. I would like to say it from the outset, I have nothing against the SSA. It is an intelligence agency and they do public duty on behalf of the taxpayers of T&T. So we have to welcome and thank them for their services. But, Mr. President, if you are going to give to the Director General or the Director of the SSA the power to issue arms and ammunition to his employees—and Attorney

General you may direct and the Minister of National Security, my information is that the SSA has an employee base or a staff compliment of between 350 to 450 employees. I would ask you to tell me if I am wrong or right on that.

Now, Mr. President, if it is that the Government has taken a decision through this piece of legislation to give the Director of the SSA the authority not only to arm himself, but 350 to 450 employees, the question that we ask, is on what basis? What basis? Look I went through five reports, annual reports from the SSA, from 2017 to 2021 and I have not seen in one of those reports any threat, any report, Mr. President, any threat assessment that would tell me and tell us that the employees of the SSA have come under direct threat. So I must take it from the Minister's mouth that people have threatened them. And that is enough for us. No, we have to get a proper risk assessment and threat report before this Parliament so we can properly understand what we are dealing with. We just cannot give out or give power to a director who is a civilian.

And by the way, Mr. President, let me just advise this honourable House, that the equivalent agency of the SSA in Jamaica is the anti-organized crime and anti-corruption agency. And you know how the secretary, how the Director General is appointed in Jamaica, by the Governor General after recommendation from the Prime Minister and consultation with the Leader of the Opposition and he is appointed for five years and if they move him illegally a tribunal will get involved. That is the kind of safeguard you have for a Director General of the local version of our SSA in Jamaica.

In Trinidad and Tobago the Prime Minister and the National Security Minister, they appoint, along with the Cabinet. They appoint the Director of the SSA. So the SSA Director is a political stooge and tool of the ruling party. That is what it will boil down to. They will say the same thing. Not only that, his contract

can be terminated at any time. So what kind of security of tenure, Mr. President, does the Director of Strategic Services Agency have? What? He has none, because he can be moved at any time and he does nothing without the direction and consultation with the Minister of National Security. That is in the law. So you want to give a person the power to arm 300 to 450 employees and this individual is a creature of the political directorate. Does that make sense? What you want to do—create a private army. You want to arm a private army? You want to create a mongoose gang? Or you want to create a Tonton Macoutes. That is your objective? Well, if that is your objective, Mr. President, where are the checks and balances? Where is the threat assessment report? And, Mr. President, I never knew that the SSA was involved in combat activities. I never knew that. But I have no problem, "eh", in giving these people what you call arms and ammunition you know, and guns. But I am saying there must be justification for it. But what is the justification? And not only that you have to amend this law. You have to amend the law.

In Jamaica, I want to tell you, Mr. President, there is an oversight committee that looks over the activities of the SSA. And if you as a Jamaican have a complaint you can go to that oversight committee and lodge a complaint and they will investigate it. We have any such oversight committee in Trinidad and Tobago overseeing the activities of the SSA? No. I raise the point rather about my phone being tapped. Who can I complain to? To just the President. If we had an oversight committee like they have in Jamaica I could have gone to that committee and give them my phone and say, "listen to this, listen, listen", and they would investigate it for me. But you have an agency that has been conducting activities bordering on illegality and you want me to engage them and give them arms.

Not only that, Mr. President, I have to write to the Auditor General today to

get from the Auditor General, after I searched fruitlessly in the library to get the audited financial accounts of the SSA. Mr. President, the last time this body was audited or accounts were audited by the Auditor General was 2008; 2008. We are now in 2023 and no audited accounts from that agency. Between 2017 to 2022 they spent almost $1.7 billion of taxpayers' money without any accountability and I have not taken into account, Mr. President, what took place between 2009 and 2016. That must be under $1 billion. And you are telling me this rogue organization that is spending taxpayers' money without any accountability we must now give them the power through the director to arm 350 to 450 employees. On what basis? On what basis?

Mr. President, I want to invite my colleagues to go to the Strategic Services Agency Act, go under section 10 and it tells you that they shall have their books audited by the Auditor General.

Sen. Mitchell: Mr. President, this is irrelevant, 46(1), please. It has nothing to do with the audited accounts.

Mr. President: Yes, Sen. Mark this is not a debate on the Strategic Services Agency. It is a debate in relation to the Firearms (Amdt.) Bill. So I would ask you to either connect it once again to what is in front of us and move on to another point.

Sen. W. Mark: So, Mr. President, what I am simply advising this honourable House is that what we are being asked to do today as it relates to this particular clause 8, the Government needs to bring greater justification and greater rationalization for its proposal. Because right now as we look at it, it just does not make sense what is being suggested in this piece of legislation that is before me. Mr. President, I would also like to let you know that the Minister in clause 10 of the Bill gives himself the authority. The Minister, under clause 10(6A) it reads:

"That the Minister, may by, Order extend the date of expiry specified in subsection (6)."

6.15 p.m.

Now, this is the first time in the history of an independent Trinidad and Tobago that a Government is seeking to give a Minister the power to extend your licence when it has expired even though the Attorney General has indicated that the Police Commissioner still retains the power to issue, approve, that is, and revoke. But if he has the power under the Firearms Act to approve your application for a firearm user's licence, and he also has the power to revoke it, where does the Minister come into the picture to extend that time? Where? Look, we are asking that this clause be deleted completely—deleted completely. Politicians have no business in police operations.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: The doctrine of independence, police independence from non-interference, from interference rather, by politicians, is well established, and I do not think the time has come unless there is comprehensive reform of the Firearms Act for us to consider this insertion. So much so that the nappy Minister did not even speak to that issue. It took the Attorney General to come to the podium to justify this clause that the Minister did not even promote. So scared was the Minister. He knew what this was about, and he knew that this Parliament will interrogate him on this so he did not mention it at all.

Where in the law in the Caribbean—my honourable friend who spoke from the Office of the Attorney General and Ministry of Legal Affairs did not explain to this Parliament, properly speaking, in those jurisdictions, particularly Jamaica that she mentioned, there were checks and balances. It was not a vaille-que-vaille arrangement, Mr. President. And by the way, Mr. President, in clause 9, SSA, has

the Government taken a decision to side line the Commissioner of Police when it comes to the issuing of fire user's licences to the SSA Director and his employees? Is that what the Government is proposing in clause 9? The Police Commissioner will no longer have the authority to oversee the issuing of firearm user's licences to the SSA. That is now in the hands of the Director of the SSA. Well, I want to ask the question: If that is so, does the ordinary police officer including the SRP have the authority to have their Commissioner of Police issue as a matter of course firearms licences for them to take home and for them to have in public places? Show me that in the law.

Hon. Member: Yes.

Sen. W. Mark: "Doh tell me yes."

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So, Mr. President, I have been advised this is the first time we are putting into law a power not only for the Commissioner of Prisons, but also the Director of Strategic Services Agency the power to issue firearms and ammunition to their workers, to their employees, to their officers. I do not believe and I stand corrected, that the Commissioner of Police has that power. He might be exercising a discretion, but I do not think in law he has that power. And if it is good for the SSA, if it is good for the prison association and the prison body, prison service, through the Commissioner of Prisons, why are you discriminating against our police officers; why are you discriminating against our SRPs? Because they do not have the right.

When they leave the Parliament, for example, to bear arms at home unless they get a firearm, the user's licence, and if they do not get one, what happens to them? Some of them I am told have applied for 10 years and they cannot get a firearm user's licence, but you are going to give the SSA, a civilian organization,

the power to issue arms and bullets to their employees. But you have hardworking policemen including the SRPs who do not have access to that particular privilege. Is that fair? These are matters, Mr. President, that we need to confront, and what game is this Government up?

You put something in the legislation that we will certainly look at favourably or sympathetically. Yes, because in the last two decades, Mr. President, over 30 prison officers have died, have been murdered. It is the most amount of prison officers murdered in the entire Commonwealth. So I can understand, Mr. President, why we must look favourably at providing the prison officers with some protection, but it cannot be done willy-willy, or willy-nilly. It has to be done in an organized systematic legal framework.

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

Sen. W. Mark: Mr. President, 11, gone from President to Minister. I want to tell this Government, when you are legislating you are not legislating for tomorrow, you know. You are not legislating for next year, you know. You are legislating for the next hundred years, and when the UNC gets into office in 2025 or before we will have to inherit this law.

Hon. Senators: [*Desk thumping*]

Sen. W. Mark: So when you are making law, make sure you protect yourself because we will come for you and we will show you this is your legislation. So think carefully when you are making laws. So we do not support any power going to any Minister. And by the way I want to ask the Minister of National Security: Did you at any point in time, Minister of National Security, approach the former Commissioner of Police Gary Griffith to get licences for your friends, your supporters and family? I want the Minister to tell us that. And is it because of the fact that the Commissioner of Police carried out his duties and responsibility

independently, you bring a piece of legislation to give you power? Is it that?

Mr. President: Senator—

Sen. W. Mark: I am asking.

Mr. President:—just—

Sen. W. Mark: I am just asking. I am not making any accusations. I am just asking. And I am entitled to ask so. I am not accusing him of anything.

Mr. President: Senator, I am on my legs. Just be careful about the line that you are going down.

Sen. Mark: I am—

Mr. President: Just be careful of the line that you are going down.

Sen. W. Mark: Mr. President, I am just asking questions and I am entitled to. Mr. President, all I would say in the few seconds I have that you have granted me, I would like the Government to think carefully what they are doing. This Bill ought to be subject to a special select committee of the Parliament, and let us invite our stakeholders to comment on the provisions or the clauses of this Bill.

The Bill in its current form is flawed, is deficient, is contradictory, is discriminatory, and it is unworkable. It is bad law. It is bad law and we need to revisit what we have here and we must maintain the independence of police service. We must maintain the independence of the Commissioner of Police. We do not want any politician interfering in the business of the police in Trinidad and Tobago. Politicians must make policies through the Cabinet, but do not get into operational matters, which is the domain of the police unless you want to get jail.

So, Mr. President, I call on this Government to look at this document. It is called *Guide on Firearms Licensing Law*, dated November the 21st, Home Office, the UK. I have it here. I want to make it available to the Attorney General so that he can understand what a real check and balance system is and not the kind that

they are seeking to promote here. So I leave this document with the Attorney General and the Minister of National Security to deal with the whole issuance of firearms and how it is done in the United Kingdom for their consumption, and not to come here with a half-baked piece of legislation seeking our support which, Mr. Vice-President, we will want to tell the Government in closing, we have some amendments for your consideration at the committee stage and we hope that the Government will consider these amendments so that we can strengthen the legislation that is before this honourable Senate at this time. I thank you very much, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Deyalsingh.

Sen. Mark: [*Inaudible*]

Mr. President: Sen. Mark. Sen. Mark, you do not have to take off your—

Sen. Mark: Mr. President—

Mr. President: Have a seat. Sen. Mark—

Sen. Mark: Sorry, sir. I apologize to you.

Mr. President: But I am on my legs. I am speaking.

Sen. Mark: Oh, sorry.

Mr. President: If you have to take off your mask to get your point across over the floor, then you are doing it wrong. Please do not shout across the floor.

Sen. Mark: Sorry. I thought I was speaking. Oh, sorry.

Mr. President: No. It does not matter what you thought. Please do not shout across the floor. Thank you, Sen. Mark. Sen. Deyalsingh.

6.30 p.m.

Sen. Dr. Varma Deyalsingh: Thank you, Mr. President, for allowing me to partake in this discussion on the Bill:

"An Act to amend the Firearms Act, Chap. 16:01 and for other related matters".

Mr. President, there are 12,000 illegal firearms out there and these are figures that we would have gotten from, I think, the Minister of National Security, and it seems more are coming in through our porous borders despite numerous attempts by various administrations to curtail this. And certain travel advisories from the United States, UK, give an unsafe picture of our paradise and the criminals seem to now have the upper hand. So we now would have to look, how we can somehow take back that balance, take back our country, our paradise from the criminals and any sort of legislation that may come forth to help, you know, I would try to support it. So we all need to come together to see if we can help alleviate the problems that citizens have.

Now, we have a ray of hope because finally, we have gotten a new Commissioner of Police, not acting again, but in the role. And we know that she may have some improvements that, you know, that could probably help us in our fight.

We had our last Acting COP, Mr. McDonald Jacob, who looked at the younger generation and also looking to give life skills, looking at mediation in the community. That was his style. Then, the Commissioner of Police we had before, Mr. Gary Griffith, had a frontal attack on the criminals; attack with full force. And the point of view here now is that we have different points of view, and I hope that our new Commissioner of Police may now blend in this, look at the generations coming up and attack criminals with full force. And this legislation here seems to be giving us that power, giving the certain persons that power to arm themselves, to go out there, to defend themselves, to attack the criminal elements which seem to be creating havoc.

So, therefore, I would like to say that Mr. Gary Griffith had an idea that if you had criminals coming to you and you had a firearm, you know, you have to keep up with the times. You need to keep up with the times. And persons who would have had firearm user's licence, who would have a pistol or a revolver, after you have home invasions, Mr. President, with four or five, six persons coming in, he had elevated his permission to get a variation where persons could now have other weapons, like shotguns and also carbine pistols, where they can take down a greater number of persons, four or five people coming in your home. And this is how we need to think.

We need to think now, how can citizens arm themselves to protect their family and homes? How can off-duty personnel, persons who are even trained, like even the SRPs that were mentioned here, police officers can even go home with their firearms and they may be able to take down a situation. They may see something happening and be able to use that firearm. And in the past, that has happened—the power to defend themselves and even cases where they may use the firearms, not just to protect themselves but to other persons.

So when you look at clause 8, which came about to try to see if we can somehow give the use of firearms to the customs officers, I see a benefit if customs officers are out there and they may be able to assist the public, to take down a situation where other persons are at risk. And sometimes, I dare say, we may have to develop a reward system for those officers who have firearms to actually intervene in that situation, where he is not just protecting himself and his family, but also protecting the public out there who, you know, he would now be vested with that power to have that firearm. So I am thinking we have to look at that, so that at every corner we may have a person with a firearm, working on the side of national security who may be able to help.

So, therefore, I must say, we are here today, mainly I think, due to the Vishal Singh case and the Vishal Singh case certainly was a challenge to the Commissioner of Prisons who, in his judgment, had given a prison officer a firearm and would have had the habit of doing that to protect those officers when they were out there. And this is an old piece of—I think it was 1992 this was recognized, where the Firearms Act would have been expanded then, amended then, to give him that power to give prison officers prohibited weapons and it was in his discretion.

But this case actually brought to the point that it was really due to, you know—it was an officer on duty or not working at a time, will that officer have that right to bear that arm outside. And I think the case actually brought some light to the legislation we had. It showed some faults. So I think the judge in the judgment said the Police Commissioner acted ultra vires and therefore, we needed to come to change that. The Government, I think, had a choice to say, let us now go and address it. I heard that it was a year later that—I think Sen. Lutchmedial mentioned, but I say, better late than never. At least now we can come to the forefront and say, we have studied this, we have decided, let us bring this to the forefront, let us legislate for it.

So, therefore, the question remains: Does our prison officer need protection? And no one can doubt they do. They are at risk and, as I said, the 1992 changes recognized this. And even a committee, which was set up, I think, by the previous government, the previous administration and this committee was mentioned by our esteemed AG where he said that the Kamla Persad-Bissessar regime had to set up this committee and this committee was actually a committee to look into the—to give recommendations on the situation that occurred. I think it was in 2013 that Andy Rogers was murdered in Malabar. This was a prison officer. And that caused

concern amongst the prison officers then. So since 2013, some things were started at least.

And Professor Ramesh Deosaran recommended that a building of new remand facility was recommended and installing full body scanners, cell phone jammers. So all these are recommendations that were made but things still continued. So even though we would have had jammers in place to prevent people calling hits from the prison, prisoners calling hits on customs officers or, you know, organizing crime, you found that there were still a lot of shortcomings. And I mentioned that sometimes even though you have all that in place, you would have still had contraband going in and sometimes the greatest risk to a prison officer is another prison officer who is not taking their duty and oath properly. So the phone contraband still exists. There are still drones dropping out stuff in prisons. These things exist.

And despite all these things, we had to say that it is not just here. The USA has challenges and there are studies that show that even their system, there are hits called from within the prison, there are challenges with their correction officers and even—there is an article that I would like to read in, Mr. President. September 26, 2022, it is David Montgomery's article in *Pew*, and this article is captioned:

"Prison Staff Shortages Take"—its—"Toll on Guards…"

So it actually speaks to the fact that it is an endangered environment these officers have to live in. It is an ever-present threat of violence and some of the prisons there are privately owned too but they are still getting problems, even though they are paid well, because they are also endangered. And the situation is a bit different in the United States because there persons have the right to bear arms, so those prison officers could have the arms and go out with it. Here, we are in a more dangerous situation where persons can go out there, prison officers can go out

there and be at risk of death and dying.

So, therefore, did the Government stay put and do nothing? I say, no. We had in this same Chamber, the Interception of Communications. So this came about and we had this Bill debated here, and this is something the Government did to look at the proper lockdown of the prison to prevent these hits from being made. But, you know, there will always be some shortcomings and we also have the need to legislate. So that is one piece of legislation that I have to commend the previous AG for bringing this.

And also, we also realized that since there was still a problem, there was the miscellaneous provisions Bill, 2019, where it gave powers to the law enforcement officers and it looked at dismissing rogue officers, prison officers, and it looked at specific crimes against the police, immigration officer and customs officer. So it actually tried to give some more teeth, tried to give some more powers to the prison officer, even police officers, it expanded—immigration officers and customs officers, so crimes directed towards them would take a new level. So, again, we have to commend the Government for bringing these pieces here.

You see, we have to remember that what was occurring at the time. And Trevor Serrette, Mr. President, he was killed in his food stall in Valencia and after he was killed, three days after, Nigel Jones was killed. And the memory still plays on my mind where Nigel Jones, if one remembers, he was holding the hand of his three-year-old daughter when the vehicle pulled up alongside them and persons opened fire at him. Now, a video shows Jones' daughter scampering about erratically before somebody held the screaming and traumatized child, to prevent her from running in the road. This image keeps playing in my mind and no child should have to endure this. One minute, the child would be feeling loved and safe, holding the hand of her protector with the happy memories of a birthday party she

just attended, to next, her whole world is turned upside down. So we have all failed this child. We have failed to protect this father, we have failed to protect the endangered prison officers and we are failing to protect society.

But the thing I want to make mention, Mr. President, is Nigel Jones had a firearm but he was not able to draw his licensed firearm to defend himself. So even though we may give these officers firearms, they may not be able to use it when the element of surprise comes about. So we have to realize that having a firearm is not the only solution. We have to have an all-out approach on how to get the criminals from they not having guns and also the off-duty officers being more alert.

So, therefore, after this Nigel Jones incident, we had five officers actually resigning. And, you see, the situation that occurs in the United States, we may have to see how we can protect our officers. Do they need to wear masks when they are in prison? Do they need to be anonymous? Do we have to have a Caricom sort of exchange with these officers so they would not be at risk and get hit? So these are things, not just giving a firearm.

I want to make mention that after this case, a third officer was targeted at her El Dorado home and, thankfully, an off-duty police officer used his licensed firearm to thwart the attempt. So, again, off-duty firearms would help in certain situations. So, in that case, the off-duty police officer assisted. In the Vishal case, it was a different case. It was two national security officers at each other.

Mr. President: So, Senator, you are going through several cases to justify clause 8. Number one, you do not need to go through all the cases, several Senators before have spoken to some of those cases. And secondly, you are running into tedious repetition right now as it relates to clause 8 because several Senators have spoken to clause 8 and the justifications therefore. So I would ask you that if you

have any new points in relation to that clause that have not been spoken to thus far, that you could continue now. If not, then you would have to move on to another point.

Sen. Dr. V. Deyalsingh: Thank you, Sir. What I am guarding at is even though Senators spoke to clause 8, even though in my heart I want to support clause 8, because I am thinking you are arming the population out there, population of law-abiding citizens with FULs, prison officers, off-duty police officers, you can help crime, and this is my take on it. However, what I would want to say is if we had probably—remember, there was a 2014—I think we were supposed to review the prison officers regulations. And I am thinking if we had reviewed it and looked at the definition of "off-duty", expanded it, would we really need to be here? Would we not have looked at that regulation and see if somehow we could have expanded it to use that regulation now to give these prison officers their permission to go out there?

6.45 p.m.

So while I look at clause 8, and I am saying that the Commissioner of Prisons before had the power to grant the prison officers licences—the permission to carry these firearms. After that judgment I think he was a bit tied up, and I think here we are trying to see if we can somehow give him that legislative power.

Now, the thing I want say, Mr. President, we need clear guidance on how you are going to give the prison officers this permission to go with this firearm. Because you see, you may find that I am a prison officer who speaks out against the conditions there. I may not be friendly with the Commissioner of Prisons, and he may now use this to deny me having a firearm outside. And this level of cliquism could occur. So, we always have to guard against the fact that some officers may have a grievance with the fact that the Commissioner of Prisons may

not grant them, because they might be a thorn in his side.

And therefore, I think we need some guidance where in cases where a prison officer thinks he is unfairly treated and his life is at risk, and he goes there, that whole procedure that you have to know that if a risk, but he is still denied, what is there for him to do? Who can he appeal to? And this is something that I would have to—you know, how will that come into play there.

So I must say that the job of a prison officer—and this is another thing why I am looking at supporting it. If you are a prison officer, police officer, a hazard of the profession would be you can be killed. And I am looking at the fact that even OSHA guidelines should be demanded that personnel like prison officers be offered a—you know, the means to get a FUL or a firearm users employee certificate when they are coming in for that job.

So therefore, you have a safe environment for me because I am now being afforded to this. So, while I am trying to say the powers of the Commissioner of Prisons to grant me a firearm, and I heard it mentioned that sometime in a situation it is so—it is a situation that may arise very quickly where you may get knowledge that a prison officer is at risk. And if this prison officer is at risk you now have to apply for the FUEC which may take time.

But that shows that there is a failure in the system. We should have a faster way of being able to access these FUECs as well as, if I am applying for a job as a prison officer, automatically I should have to go through and be precepted, and automatically I should have to apply to get a FUEC. And if I do that, then I not really having to wait because I am already granted one for the government-issued guns and ammunition. And in that way I do not have any delay. I am at risk, I can now go and get it because I would have already gone through the checks and balances where a normal person will go through—while you are looking at the

home, you are looking to see spousal approval, you are looking at safety, you are looking at training, psychometric. So I am thinking we could have a different way of handling this by those persons getting the FUEC the minute as a part of the job application.

So I want to look now at the fact that if part of Ramesh Deosaran's recommendation is to expedite FULs to officers, I think this is something we need to look at. This is something that we need to look at also where we would have that time line expedited for these individuals and other individuals who would be coming into these professions.

So I hear also another argument that the cost of prison officers—some cannot afford firearms that cost $7,000. Good. So you may not be able to afford that. Some prison officers could and have applied, and some prison officers have had their FULs. Those who cannot afford it, I am suggesting that the Government could give them a loan. Just as how we in this House have a car loan for our cars, you afford those officers a loan to purchase their weapon to get a FUL that they can keep. So even after they have retired from duty, if their life is at risk, they meet a prisoner down the road, you still have that weapon and it is not dependent on the State when you are just working for that. Danger could occur years after their retirement where some irate criminal looks at them and remembers, you know, they were in prison and decides to take advantage of them.

So therefore, I am suggesting that loans be offered also. And I am also suggesting looking at the fact that you know, giving officers guns, mistakes could occur. We know that, we have domestic violence, we have you know, certain elements where people may misuse it. But if I look at the general picture and I think it is a greater good by being able to protect the public, I see that I may want to support this, in the sense that I think the officers are in need of protection and I

would certainly want to ensure that our officers can do their jobs properly.

However, a member of the public may look at this and say 26 officers' lives were lost since 1990. So 26 officers in 32 years. So .81 per year. So we want to protect them. What about the average citizen? The average citizen could come now and say, listen, 26 to 32 years. But if you look at the figure from 1990 that was quoted from the other side, 1990 until 2022, it is much more persons in the public that are victims of crime and have been shot at and have been murdered. So therefore, every citizen and not just prison officers are in danger and should be afforded a firearm. So I make the point that I would like to support this.

But I also now would turn to clause 6 of the Bill, which seeks to:

> "…amend section 7(1)(a) of the Act to allow the Director of the Strategic Services Agency and any employee of the Agency as designated by him to have in their possession a firearm or ammunition during the course of performing their duties under the Act."

Now, Mr. President, the SSA now has found its way into this legislation, which I thought was mainly stimulated by the *Vishal Singh v the Commissioner of Prisons* judgement. So suddenly now, I see another element now where we are trying to expand the Strategic Service Agency. And I must say, the Strategic Service Agency Act, section 6, Chap. 15:06 shows the important function of the SSA. They are monitoring criminal elements, they gather information, and you know, in the interest of national security very important, they can go there and they have an important role to play in protecting us against terrorists, looking at elements with gangs. Those are hardworking individuals.

And I would be saying that with those hard working individuals, the Minister of National Security even mentioned a case where while they were staking out, they were on a stakeout looking at some individuals, they were

observed and persons approached them. So when you get that idea, you know the dangerous job they have. They are there and they could be ambushed, they could be shot at, you know, and I mean if you see a strange car in my neighborhood all the neighbours would be up in arms trying to figure what is going on, what is that car there?

So imagine you go to an area where there is a drug den, you go to an area where they are staking out certain criminal elements, gangs, it is easy for them to be, you know, compromised. But the question remains, should we go this way or can they not ask for the police to accompany them, armed police to accompany them when they are going into these areas. This is a suggestion. If we are not looking at giving that power, we have something else we could do.

Now, the Director of the SSA would now have the power to give his employees the firearms. Now, an intelligence agency like the SSA, my problem in it, Mr. President, is do I trust these agencies. Do these agencies have public trust to say that they have the confidence? I go back in time a bit where if you look at another agency, the SAUTT before under the regime of the late Patrick Manning, they were there to provide information, but it was misused. It was clearly that, journalists, judges, politicians, and others, information was garnered from them without their permission. So we have that mistrust for the SAUTT before.

Also, in the People's Partnership Government there was concern of a former director being appointed, and this caused some major concerns where members from the press, letters to the editor, would have written letters to say they were not comfortable with a director who was there, had no experience. So we had in my opinion, both administrations somehow not you know, being up to standard in terms of what is going on in these intelligence agencies.

And why I am belaboring this point, you see, while these organizations were

supposed to protect us, you found that they were you know, somehow not having that level of confidence. So if we do not have that level of confidence in these organizations, should we now have that confidence now for a director to be given permission for persons to have firearms?

Somehow, I feel a bit uneasy about this. And I really would not like a director, and I am looking at, you know, to be usurping the role of the Commissioner of Police, and you know, I have more confidence in the Commissioner of Police to grant licensing, than say, if you had a telephone operator occupying the post of a director there.

So the confidence in these organizations had me a bit perturbed in the sense I want them to succeed, I want them to do something good. But if you had instances in the past where you had some sort of clique partisan things occurring, you would have to guard against this. And it is not just us, Mr. President, because even the United States it shows that remember the CIA and the FBI, they had and have mistrust in the US House Committees where certain members would have mentioned that they do not trust the CIA and the FBI. And this is in the paragon of democracy, this is in United States. And in the April01, 2023—no April the 1st, 2021, an article on NBC News, House Republican in public hearing—House Republican in public hearing had a lot of mistrust in these organizations.

So this article actually served to make mention that a member of the Republican Party said that you know, he has problems with the objectives of the CIA. So we have that mistrust occurring from different sides on their intelligence agencies. So my problem is, yes, even a DecemberIPSOS poll, 37 per cent of the persons there said the "deep state" was working against the President Trump at the time.

So we have a mistrust among members of the public. So I want know,

would the public trust these organizations, or trust a director to be given that power? And I most respectfully have to say, I do not support this piece here because of the past history that I still feel uncomfortable with. The fact that other worldwide organizations, other organizations globally, intelligence organizations, people also question their motives, how they operate and if there is any sort of agenda.

7.00 p.m.

So therefore, I must say, I also, besides the Director, being given that power, again, I look at the powers—would those people in the SSA be screened properly—would they have been screened, when they came for that job? Screened properly, in terms of knowing their house situation, domestic violence history, drug history. And this is another problem I have with a Director, just saying, hey, you take this firearm, you are going to stake out somewhere. So, this is a concern I have and I think that we had made—I think it was made mention, I think it was November 22, 2022, in the *Guardian*, where the Minister of National Security may have mentioned a report that there were legal firearms which are now causing problems, also. I think there were 81 legal firearms causing problems and that is now before them, I think it is 100, sorry, 108.

So therefore, if then we had concerns about legally issued firearms causing problems, if we are now expanding this list here today, in this Firearms (Amdt.) Bill, we may be now expanding the amount of persons who would be falling into this category. So we have to be careful, if we are not saying just take this, I am your friend, I am the Director take this, we do not even know how some of those persons would be employed. And I heard Sen. Mark say that he would not like to have that as a kind of, you know, an agency that can take advantage and could have—be a power onto themselves. So, we may have to guard against this. And

even, you know, people may say we may be getting another Flying Squad or whatever, we have to guard against it. So I must say I do not support that clause 6 of the Bill and I now come on to look at clause 5, which amends section 6 of the Act by inserting new paragraph (2B). And this new subsection would allow municipal police officer to have in possession a Taser for the purpose of performing his functions.

So therefore, it seems to be realized that hey, there is an important function for the police because sections 53 and 52 also give of the Police Act—also gives similar powers to these officers serving in the corporations as the police. And therefore, we see there is a function, we see as a means to expand them where I heard it was 771 of these officers exist and the Government has a plan to double it to around 1,500; excellent plan because you now would have additional persons out there in the community working to crime.

Now, if these officers are reacting to certain situations, we have to realize a Taser in this day and age, I think that is not adequate. I think that is not real, that is not a good thing to have an officer going out, probably going next to a drug den, trying to make law and order. I think we should have to seriously consider these officers also being trained and also being actually given firearms for the FUEC and even more lethal weapons, not just the fact that you have a non-lethal weapon in Tasers. So, I agree a Taser has its function, the pepper spray has its function, so you have to have a graduated sort of takedown when people are attacking you. But you have to realize the climate we are living in, normal pistols and upgrade again to other weapons that I think once these officers are trained, I think we have to now, do not do a disservice to them, but give them heavier weapons. Gangs live in the community and you see, when they are making their beat, and a real gangster could just say, "Let me teach him a lesson, they are coming around here tomorrow,

and we could shoot at them". So therefore, pepper spray and Tasers cannot really match up against an AK-47.

Now, I am even seeing some private companies, security companies with lovely shotguns that they go guarding the banks, they will have these Remingtons and lovely Benelli guns. And I am saying we have to look at the officers nowadays.

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

Sen. Dr. V. Deyalsingh: Thank you Sir. So, we have to look at these officers and decide if we can graduate them up to meet this, okay.

Now, I would also like to make mention to the fact that the section 9 which looks at the liabilities that would be given to persons who breach this, so therefore, person:

> "…who sells or transfers a firearm or ammunition to any other person who does not hold or who is not exempted from holding a Firearm User's Licence...who purchases or acquires any firearm or ammunition is liable on conviction on indictment to imprisonment for life."

So it serves to give some comfort to us, hey, we are now giving more firearms to certain individuals, therefore, we should now have a greater degree of monitoring them and giving us a comfort that, you know, they would less likely to be able to give out and disperse of these firearms. But Mr. President, sanctions are good. But you see if no one is held for breaches, is it just pity legislation. And why I make mention to this is various crimes in the recent past where people got shot, various homicides. We had shells that were issued from the police and army. And if no one was held accountable then, what comfort do I have that clause 9 would hold somebody responsible if you are seeing these shells and ammunitions or misuse?

So I would have liked somehow, if we could get a comfort that persons who are issued these weapons and ammunition, when they are coming back to lodge it, you have to lodge it. Because if you are going to be lodging these bullets, how come some of it is finding its way into the crime scene? So we have to get a system to check these ammunitions, we have to realize who will guard the guards. So, therefore, I see what this clause is attempting to do but I still, at the end of the day, you know, it does not leave me much comfort because we are still seeing things unanswered in recent criminal activities we saw.

Clause 10, I think, which serves to insert a new subsection to provide the Minister of National Security to extend the validity of the firearm user's licence beyond the three years specified in subsection 6. I see this has brought some discomfort among certain Members and it also—I feel a level of discomfort. I heard that legislation with the bar licence, et cetera, you have ministerial oversight. But you see, in this case, to me that function is a function of that independent creature. The Commissioner of Police in the Constitution, she has that function. And I think by us trying to encroach that domain, it is not like—it is something that we should tread very carefully, and therefore, clause 10, I have some discomfort with this and I am still not comfortable in supporting this.

And as I look at clause 11, clause 11 it looks at giving the user an identification card instead of the booklets and the booklets are really cumbersome, they tear, sometimes they—it is a problem to have those booklets in pieces sometimes and so I suppose this, it was an initiative given by the last Commissioner of Police, Gary Griffith and I think this is a good idea in modernizing all the information in the card, which could be read in a moment's notice. So, thank you, Mr. President, for this I support some but not all pieces of this legislation and I thank you for allowing me to speak.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Sookai.

Hon. Senators: [*Desk thumping*]

Sen. Richie Sookhai: Good evening all, Mr. President, fellow Members of the Senate, members of the viewing and listening public, members of the media, thank you.

Mr. President, through you, as I begin my contribution to this hon. Senate, I want to thank the hon. Prime Minister, Dr. Keith Christopher Rowley—

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: —for this opportunity to serve my people of this country.

Hon. Senators: Yes.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: As well, through the hon. Prime Minister, I would like to express my gratitude to the people of Trinidad and Tobago, and for them—

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai:—I will always remember my position as their humble servant in this august Chamber.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: Mr. President, my journey from the heart of one of the largest—

Mr. President: Senator, one second. Members, Members—

Hon. Senators: [*Crosstalk*]

Mr. President: Members—

Hon. Senator: Be quiet.

Mr. President: I am on my legs, Sen. Lyder, when I am on my legs, there will be silence in the Chamber. When a Member is making the maiden contribution, we expect quiet to allow them to do so. Senator, continue.

Sen. R. Sookhai: Thank you, Mr. President. Mr. President, my journey from the heart of one of the largest business communities in Trinidad and Tobago provided me the platform to advocate for the people for the betterment of business and the betterment of this society as a whole. With that, during that time, I have gained the knowledge and experience and understand the plight of the people and the concerns they may have. Now, that I sit as a legislator in this Chamber, I intend to utilize my new position to assist the Prime Minister and my Government to serve the laws—

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai:—to help shape the laws and policies that will ultimately better the lives and livelihoods of our people. One such concern, Mr. President, is that of crime, and hence, the proposed amendments of the Firearms Act demonstrates this Government's fortitude, and willingness to take the necessary steps to put a handle on the burgeoning crime situation.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: My contribution today, Mr. President will focus specifically on three of the clauses. I am looking at clauses 4, 5 and 11. In summary, clause 5, and I do not want to bore the entire Senate because we have been through it 100 times, but in an essence it is to amend the Act to allow Municipal Police to have in their possession non-lethal weapons. Clauses 4 and 11 will amend the Act to legitimize the Firearm User Identification Card, which will ultimately replace the current permit.

Mr. President, at my time as head of the Chamber of Commerce in Chaguanas, it allowed me to sit on various committees, committees that were held within the borough corporation in Chaguanas. Those committees entitled, safety and security portion, where stakeholders such as the Municipal Police, TTPS,

NGOs, the Chamber of Commerce—So you had business entities, religious entities, and the borough corporation came together to be able to provide certain initiatives. And many a times the TTPS or Central Division were not able to handle the whole situation altogether, and they needed assistance from the Municipal Police. With that being said, some of those incidents or those occasions were like during Carnival time when the roads were packed and visitors were flooding. Also during peak time, like Christmas, for instance, when you know, you have illegal vending taking place, and the Municipal Police were there on the ground combing the market. So they play an important role in our society, in the prevention to protect the citizens and the burgess from the elements of crime.

7.15 p.m.

But, you know, more so now, I see the importance of empowering the municipal police with these non-lethal weapons. Right? And with that being said, I would like to draw reference to an article in US Department of Justice, in their *National Institute of Justice Journal*, Issue No. 267, dated December 2010, an article entitled: "Police Use of Force: The Impact of Less-Lethal Weapons and Tactics" by Philip Bulman. It states:

> "Advances in less-lethal technology offer the promise of more effective control over resistive suspects with fewer serious injuries. Pepper spray was among the first of these newer, less-lethal weapons to achieve widespread adoption by police forces. More recently…"

You have something call the CEDs and the acronym stands for "conducted energy devices", which encompasses your Tasers and other popular devices that fall within that category. The article continues to state that:

> "If injury reduction is the primary goal, agencies that deploy pepper spray and CEDs are clearly at an advantage. Both weapons prevent or minimize

the physical struggles that are likely to injure officers and suspects alike."

So, again, the article states clearly, you know, the use of these non-lethal weapons in such confrontation will help save or even prevent loss of life. And while there may be medical concerns and some fears about the use, either with the pepper sprays or the CEDs, the pain caused from these elements are less serious than the injuries that could be caused by a lethal weapon. So:

"…according to…"—the—"medical research, death or serious harm associated with…"—these devices are rather—"rare."

So, Mr. President, I would like to also state that in 2020, after much consultation, the United Nations Human Rights published a "Guidance on Less-Lethal Weapons in Law Enforcement" which, timely enough, will be utilized by this Government in terms of the roll-out initiatives, and it already has helped shaped what some of these policies that are going to be implemented in the future. And, again, with proper consultation and proper training, these devices could safely be placed into the hands of the members of municipal police.

Mr. President, I stand here today, and I understand the importance of crime and the issue the Government of the day has when—in terms of combating crime. And I do believe that all key stakeholders, those who sit here and those who are on the outside, are all important in terms of empowering everyone to be able to solve some of these issues.

According to the Minister of Rural Development and Local Government, Mr. Faris Al-Rawi, stated that the population of the municipal police should increase or will be increasing from a number of 700 to almost 1,500. This is really a positive step in that direction because I know for a fact and from experience, sitting amongst that community, especially in the borough corporation, there was always a lack of manpower, especially in the central division. So this will

definitely add to their fight towards solving crime.

Mr. President, clauses 4 and 11 of the amendment reference and legitimize the introduction of a new firearm identification card. The card will be a game changer for both authorities and FUL holders. And l say, coming from a background as a computer engineer and an information technology specialist, digitization of these processes will help lay a solid foundation for a digital society.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: Allow me to commend the works of the Minister of Digital Transformation and the Minister of Works and Transport, the hon. Hassel Bacchus, who has many new processes in the pipeline, such as digitization of government services that will help eliminate bureaucracy and red tape that is already in the system. We have been talking over and over about the ease of doing business, this is one step forward, and the Minister of Trade and Industry is here.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: This is definitely a step in the right direction, because as we introduce this new card, it will not only allow greater due diligence being done on the individuals, but like a concern that Dr. Varma had, was understanding whether or not these individuals are sound minded and maybe their backgrounds will all be imprinted within the biometrics—well, the electronics behind that card, because with the scan, a whole database could be profiled on that individual.

Mr. President, I would like to also recognize the hon. Minister of Works and Transport, Mr. Rohan Sinanan, because under his tenure, a new driver's licence has been implemented.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: And with that new digital driver's licence, licensing is able to have proper records of the individuals going forward.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: And I would tell you, his team, led by the Commissioner Clive Clarke, have been doing an exceptional job and I could give you first-hand account of this.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: Think about it as such, let us say you are in an accident and one of the victims in that accident is an FUL holder. The police arrive on the scene and they need to ascertain whether or not the situation of the FUL, the firearm itself, is actually on the holder of if a firearm is present. When you scan the driver or when they identify the individual, a database will pull up with identifying whether or not that individual is actually an FUL holder. It will give the officers the confidence and also the knowledge to know that they need to secure that firearm before it gets out into the public sphere and it is lost.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: These are great initiatives, and it is what the purpose of digitization is for. This is the thrust and this is the direction that this Government is going to be able to build a digital society for Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: The possibilities are endless and a digital society could help play an integral role in the fight against crime in this country.

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: Let us not forget also, the Ministry of Trade and Industry, and we also have the hon. Minister here, Mrs. Paula Gopee-Scoon—

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai:—and the initiatives that they have been the champion. And I would like to identify it because I have also worked with Mrs. Gopee-Scoon as a

chamber head, especially in terms of digitization and also providing a single electronic window that has made the access for business owners to be able to access important information when it comes to trade and conducting business along her privy.

Hence, Mr. President, I will like to say that the roll out of this firearm identification card will help regularize the industry that we have seen in past years to become a free for all, where individuals have been granted licences and we are not too sure what due diligence was done behind it. However, this new card will ensure that individuals are properly certified, and that every year they could check in with appropriate stations or facilities that will ensure that they are equipped or continue to be equipped to handle these devices going forward. And these records will be all electronic and it could be pulled up with the mere scan or the touch of a bottom.

Robert Kennedy once said:

> "Every society gets the kind of criminal it deserves. What is equally true is that every community gets the kind of law enforcement it insists on."

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai: In closing, Mr. President, I will like to take this opportunity to express condolences to the family and loved ones of Mr. Anil Bheem. He was a stalwart in the promotion of culture in Trinidad and Tobago, and may his soul find peace and be ready for his journey into the next. Mr. President, this would be the conclusion of my maiden speech and I support the amendment—

Hon. Senators: [*Desk thumping*]

Sen. R. Sookhai:—of the Firearms Act as proposed by the hon. Minister of National Security.

Hon. Senators: [*Desk thumping*]

Sen. Mark: He is in trouble.

Mr. President: Senators, before I call on the next speaker, permit me to congratulate Sen. Sookhai—

Hon. Senators: [*Desk thumping*]

Mr. President:—on his maiden contribution in this Chamber. Sen. Lyder.

Sen. Damian Lyder: Thank you, Mr. President. Mr. President, let me first start off by congratulating the newly minted Senator on his maiden contribution. I join you in that congratulations and, as such, given that it is his maiden contribution, I will give him a free pass on this particular one. However, Mr. President, it will be remiss of me if I do not say and recognize the fact that when the hon. Senator was starting his contribution and he was thanking his Prime Minister, that I saw him stutter in the beginning. He almost said Kamla Persad-Bissessar, when he was about to thank and I saw he caught himself quickly and he said his Prime Minister.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: That, along with the praise of all the Ministers in the Cabinet, you know, I saw—I do not think he left out one, but he gets a free pass on this one.

Mr. President, I thank you for acknowledging me at this time to rise and make this targeted contribution, comprising a precise intervention into this Firearms (Amdt.) Bill, 2022. And, Mr. President, it is at a time when we see our nation reeling from an onslaught of crime in this country, criminal activity, that is binding the citizens of this nation.

Mr. President, it is the Minister of National Security who piloted this Bill, who reached a milestone, and not one to be proud of, but a milestone of a thousand murders under his tenure in office. And it is through this lens that I will treat with a few of the material clauses in this Bill from some of the angles that may not have been touched by my hon. colleagues. I do not want to be repetitious.

But, Mr. President, when I look at clause 5, and I examine clause 5 as it pertains to Tasers for municipal police officers, this clause will enable the municipal police officers, in their various municipal corporations across the country, to use non-lethal weapons, such as Tasers and pepper sprays, et cetera. And I am content that municipal officers will have something now at their disposal, with the exception of a baton on the one end and a gun at the next end. I am content with that. But, Mr. President, several questions raised when we see this level of legislation coming before us. And one of the questions that I have is: What training do these officers have in using the Tasers? Have the officers been trained in knowing the appropriate time to use these Tasers?

7.30 p.m.

I heard the hon. Minister, Sagramsingh-Sooklal, state that, you know, she is almost certain—quoted that she almost certain—

Mr. President: So, Senator, just a reminder, when you are mentioning a Minister you use the title, so Minister in the Ministry in the Office of the Attorney General.

Sen. D. Lyder: Yes. Minister in the Ministry of the Attorney General—let me get my Tylenol out. Minister in the Ministry of the Attorney General, where the goodly Minister indicated that she was almost certain and listed a plethora of various training agencies that she was almost certain that one of these agencies would provide the training for the pepper spray and the Tasers, et cetera, but the Minister cannot just come to us and tell us that she is certain. What we would want to hear is exactly which one of those agencies would be responsible for it and what are the programmes. Give us the examples of the programmes and the types of training that will be provided, because many of us on this side and outside of this Parliament do not have the trust that they will follow the necessary steps to ensure that training is provided.

Mr. President, another question is, are there already any sort of required standard operating procedures in place to prevent the abuse or at least the overuse of Tasers? Is there a force policy to govern these municipal police officers in place? I heard nothing about a policy. So maybe the Minister of National Security can enlighten us if there is that. So I raise these questions, Mr. President, because of the experiences that we see when the Tasers were introduced in other jurisdictions, such as in Canada, in Ottawa and in Toronto. Mr. President, the following was reported that the Department of Justice conducted a study on the impact of making Tasers widely available for the police officers, and the evidence showing that the use—and I quote:

> The use rapidly overtook other force alternatives and in some cases were being used at rates that exceeded that of officers using a soft empty-hand tactics.

So I ask myself the question, has a similar study been conducted in Trinidad and Tobago? Basically what is informing this roll-out of Tasers in this law, including how much Tasers to procure, where they will be used, and how they must be used. Also, has the Government taken the time to review any of the studies done in other jurisdictions?

We in the Opposition, let me make it clear, are not against non-lethal weapons for police service. The question is, has the purchase of the equipment been enhanced by the appropriate research of the use? And in the context of Trinidad and Tobago it is not farfetched that without rigor in training, you can see a copycat scenario happening here as happened in Canada with the overuse, and this is worsened by the report that Tasers became a go-to tactic beyond the sort of softer approach to calm down perpetrators. In other words, Taser use is not associated with de-escalation on the site, rather, from this research, it has the

potential to embolden officers, ramp up aggression. Mr. President, in Toronto the argument advanced was that Tasers save lives, and this was supported by various coroners' inquests. And the coroner's inquest recommended that Tasers be deployed to all frontline officers.

My attempt today is not to present an argument to, or for or against, we in the Opposition, as the government in waiting, have always advocated for alternatives to lethal force. Therefore, I am not coming here with a roadblock here today for clause 5. In fact, our advocacy for non-lethal weapons used in society underpin the reason why we have pressed this Government to bring into being the pepper spray legislation though they continue to fail woefully in putting it—enacting it and to help protect the women in our country. So we are in support of non-lethal weapons by police. The issue is that the argument cannot simply be, well, the officer did not kill so we should be satisfied with that. The use of force policy must not amount to the thinking that once you live it is okay.

Now, Mr. President, one way that this Government could use to prevent excessive force even with Tasers is to ensure that there are other mechanisms, such as body cameras for police in their operation. But, Mr. President, it was only last Friday when we looked in the other place when the Prime Minister was questioned under Prime Minister's Questions about the use of body cameras in the TTPS, and the Prime Minister in the other place stated that there were some 1,120 body cameras in use currently with the TTPS. The Prime Minister also indicated that that was a mere 12 per cent of police officers in this country using this and this cannot be a sufficient quantity. And when the Opposition pressed further and asked: "When do you intend to procure more body cameras?"—so that we could prevent the misuse of things like Tasers or firearms, the Prime Minister gave no comfort in terms of a time frame to supply them. And he simply stated that he was

confident that they will be procured; the cameras were being placed. Mr. President, body cameras ensure that officers—

Sen. Mitchell: Mr. President—

Sen. D. Lyder:—conform to the required professional standard in their daily operation—

Sen. Mitchell:—I rise on a point of order, 46(1).

Sen. D. Lyder:—but they cannot even support body cameras—

Mr. President: Senator, there is a point of order.

Sen. Mitchell: 46(1), please, we are not considering body cameras.

Mr. President: So, Senator, I think you have made your point in relation to the body cameras and protection against misuse. There is no need to elaborate further so you can move on.

Sen. D. Lyder: The hon. Minister of Tourism fears my response, but he will not break me today. He will not break me today.

Mr. President, I am simply stating that if they cannot roll out the body cameras, how do we expect them to roll out the Tasers properly in this country. But anyway, I will move on with your advice, Mr. President. Mr. President, the Independent Office for Police Conduct in the United Kingdom issued its five-year review on the IOPC cases involving the use of Tasers, between 2015 and 2020, and so, Mr. President, there are some lessons that the municipal police could learn and benefit from this study, given our deliberations in this clause 5 here this evening. Three of the key recommendations, Mr. President, that they outlined surrounded around improving guidance in the public domain in relation to, firstly:

> "the types of situations in which Taser use would and would not be appropriate, including for particular groups, for example vulnerable people and children";

Secondly:

"the risks of Taser and how officers can assess risks and mitigate them";

And thirdly, Mr. President:

"reinforcing that Taser should not be used to elicit compliance with instructions or procedures where there is no threat, or the threat has been substantially reduced"

So what do these recommendations mean? The risk factors associated with Tasers use are outlined in this UK Office for Police Conduct include multiple or prolonged discharge or on vulnerable people and on children. Because as you know, Mr. President, you can fire that Taser several times, eh, or you could keep the finger on the trigger to keep the electricity striking the person, but, Mr. President, this means that the standard procedure should make it clear to the police and to the public the amount of times an officer can tase someone safely. This is important; we have heard nothing about that today. Let us ask some questions related to some of the risk factors, because there is a risk, eh. Will the municipal police be able to use the Taser for crowd control? Can they use the Taser on children? Can you imagine if a child was struck with a Taser and died? Can the Taser be used on a pregnant woman who is acting irrational? Those are serious questions. And what pre-existing medical conditions someone may have that would make it difficult for a municipal police officer to use a Taser? You see, these are the grey areas that open up the officer to the potential risk, Mr. President, of something happening to a citizen when they deploy Tasers. We have heard nothing about that here today.

And, Mr. President, regarding the persons being tested, the UK Office for Police Conduct reported, and I quote:

"Of the 94 people involved in Taser discharges, over half were tasered more

than once and just under a third was subjected to prolonged discharges."

So this is worrying when roughly one in three persons were subjected to prolonged discharges, and dare I say, potentially death. And this means that it is insufficient for officers to be just given a Taser without undergoing rigorous training in the effect of safe use without having properly enforced standard operating procedures in place or a force policy. The report went on to state, and I quote:

"Mental health, drugs and alcohol were common features of our investigations."

And so, this raises the questions as to the police use of Tasers when confronted with persons who may be street dwellers right out there in Port of Spain, or who are mentally ill or substance abusers. It is necessary for these persons not to fall victim to overuse of the Tasers by prolonged discharges.

Finally, Mr. President, the UK report pointed to the result that:

In almost a quarter of the cases the Tasers were used for non-compliance.

They pointed to the need for officers to properly identify their course of action and to be clear of someone's vulnerability, how it may impact them and their ability to understand and comply with instructions when facing a Taser. Mr. President, as I conclude on clause 5, on the municipal police and on and non-lethal weapons, it must be said that the Government must include a comprehensive education programme, as well as potential fines and penalties for wrongful use of Tasers. This is for fines for police, you know, not for the State to pay for it but for police that may misuse this device if they go beyond operating procedures and the force policy. They must be held accountable when they have this device in their hand, as they should with a firearm. So we agree with the Tasers under these conditions and we hope that the Government takes heed on this here today.

Mr. President, I move on to clause 8 of the Bill and this clause allows for

prison officers to possess firearms when off duty when their life or safety is under threat as the clause states. Mr. President, the clause also creates the opportunity for Trinidad and Tobago Prison Service Firearm Identification Card to be issued to these officers. But this raises the issues in the prison service and that we see in the media, and that has been ventilated here today in this Senate where we hear of hits being called from behind prison walls; corrupt officers working with inmates in illegal practices, and scanners and jammers not under the purview of the Trinidad and Tobago Prison Service but under another agency. So the general question I have is, why not just allow these prison officers to get their FULs and have it expedited by the Commissioner of Police? That way it provides them with privacy, a level of privacy, and it cannot be taken away by the arbitrary action of a senior Commissioner of Prisons.

The hon. Minister of National Security indicated that the FUL process could take a long time and that many of these officers may not be able to afford the firearms, five, six, to $10,000. Why not provide them a government grant to protect themselves? Why not have the process expedited and allow them to get their FULs if they are under risk? The Minister of National Security indicated that you have to sometimes react very fast because of the threat. Can you not react fast through the Commissioner of Police? And what then when the prison officer retires, he hands back his firearm, is he at any less risk? He goes straight home to that neighbourhood, he is not forgotten; an FUL can fix that. And when we listen to the corruption that happens in the prison service and there are officers who may be aware that he is given this firearm to go home, what happens when they leak that out to the criminal and he is ambushed and killed for his firearm?

Would an FUL not protect him, Mr. President? Would it not give him privacy? And let my just clear it up for the hon. Attorney General, that the

Deosaran report, the recommendation was that they prioritize prison officers to get FULs through the Commissioner of Police, not to remove the Commissioner of Police's discretion, but I move on, Mr. President. The jurisdiction that our jurisprudence follows from is the United Kingdom, and whilst the circumstances surrounding prison officers would be unique in our local case, it is still instructive to examine how this is dealt with in other jurisdictions. And so in the UK we noted and I quote:

> Prison service officers do not carry firearms, weapons when carrying out their normal duties, however, understanding the risks associated with Northern Ireland, a significant number of officers there have been trained to use firearms and issue with a personal protection weapon.

7.45 p.m.

Mr. President, this is not Northern Ireland. This is Trinidad and Tobago. We do not have the Republican army here, the Irish Republican army here. But we have cases where hits are being called from inside the prison walls. We have stood by haplessly as a nation and witnessed prison officers being gunned down in the street under the CCTV cameras. And therefore, no one in sound mind can ask the question, whether or not it is a clear and present danger that prison officers face on a daily basis? One only has to look at several newspaper articles. I will just mention a couple. On the 30th of November 2021, Loop article, entitled—

Mr. President: No, Senator, there is really no need to mention the newspaper articles specifically because several Senators up to you would have mentioned several incidences that would have occurred. You have made the point. If you have something new to bring to the point—

Sen. D. Lyder: Yes, yes.

Mr. President:—by all means.

Sen. D. Lyder: Thank you, Mr. President. So I would not quote the article, but I will say that in 2021, just at the end of 2021, if I read these articles to you, you would have seen five persons—prison officers—gunned down in 2021. And when I listened to Sen. Mark speak about 30 persons—prison officers gunned down in two decades, and when I hear five gunned down under this People's National Movement Government, I tell myself it is an indictment on this Government and their inability to control crime in this country.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: Mr. President, 2021 alone, seeing these prison officers perish, we in the Opposition believe that prison officers deserve to be properly equipped and protected themselves. But the problem is bigger than that in this country. The problem is that we are experiencing the worst crime wave in our history today. So as I heard another Senator say, it is a plaster for a sore. However, when we reflect on the fact the last case in the article if I was allowed to read it, was that of a case of a prison officer who was killed before he had a chance to draw his firearm and answer in response. And why that is pertinent is because it draws the question about the training necessary for a prison officer to properly use his firearm.

You see unlike police officers, Mr. President, the better part of operations of prison officers is conducted without the use of a firearm. And whilst there are some officers that may use a firearm in the performance of their duties, many others are ordinary officers, they do not have firearms. And then it raises the question as to the training levels of the general prison population. You see, so what we are seeing here today is you just slap a gun. We get a threat, slap a gun on the prison officer, let him go home with that. That is the solution. Where is the training to ensure that he uses it properly? Where is the assessment? Sen. Lutchmedial spoke about it. The assessment done, the proper assessment. The

psychometric testing done to ensure that prison officers are of sound mind to go home with a gun in the house with his wife or husband. Where is the agreement of the wife or the husband that that prison officer could come home with that gun? These things are serious things, we are talking about life or death.

The ones that may approach the Commissioner of Prisons for a personal protective arm would need to undergo this training. So where is the conversation about the roll out of a programme to ensure that the entire pool of prison officers are trained, so that if at any point in time they get a threat they know how to use the firearm. Where is the ongoing training programme, because you could get trained once but then you need to have ongoing training? I know the Prime Minister would understand that, like golf, if you stop playing golf for a "lil" bit, you know, so it is the same thing with firearms, if you stop practising you do not shoot the hole.

Mr. President, the Minister of National Security mentioned that a committee was set up. I heard him in his presentation that a committee was set up initially to make recommendations for those who may be vulnerable and those who require personal protective firearm. But yet in this legislation here in clause 8 we are seeing that the process for firearms is now apparently left up to the sole discretion of the Commissioner of Prisons. So I am simply asking the question, does the committee still exist? Maybe the Minister can elaborate on that. Does the committee still exist, or are we once again put in the hands of the power of one person? This has been a common trend by this Government. Every piece of legislation I have been—almost every piece of legislation I have to hear about some Minister getting extreme powers, or somebody who is appointed by a Minister getting extreme powers in here. Legislation after legislation here we are again. Here we are again. But I will tell you what, eh. You see in 2025, Mr.

President, we have such a clean-up job to do when we come back into power, when we put this PNM out of office.

Hon. Senators: [*Desk thumping*]

Sen. D. Lyder: And when we reverse all of this bad legislation, Mr. President.

Mr. President: [*Desk thumping*]

Sen. D. Lyder: Mr. President, another question I have to ask is whether or not a prison officer can use his personal protection weapon—

Hon. Senators: [*Interruption*]

Mr. President: Sen. Mark. Sen. Mark, please. Allow Sen. Lyder to make his contribution.

Sen. Mark: My apologies, Sir.

Mr. President: Sen. Lyder.

Sen. D. Lyder: Another question is that whether or not a prison officer can use his personal protection weapon when his life is not at risk, but the life of others around him may be threatened? That is a pertinent question. For instance an off-duty police officer, if he is in the vicinity of a robbery, or an assault with a deadly weapon, one may expect him to exercise his discretion in the use of this firearm. So I am just simply asking, is an off-duty prison officer, if he is presented in the same scenario, will he or she be looked at in the same light as the policeman? Maybe the hon. Minister can clear that up.

So I am asking for clarity here, is this form of immunity for prosecution considered here in this instance? Because as Sen. Lutchmedial alluded to and she indicated with the case of Vishal Singh, the prison officer who was given a gun and shot the police officer, and now the State is facing liability. So I want clarity here. Has that been thought about here in this legislation? What is the level of power given to the prison officer when he goes home? Mr. President, if an off-

duty prison officer enters a restaurant, for example, and there is a robbery ensuing, how will it be treated with when they use their firearm to enforce protection of citizens in a scenario? What if the assailant survives the shooting and is able to try to convince the court that he was shot in his leg or back as he was fleeing the scene? Will the State now be sued? I am just asking.

So there needs to be legislation broader than the parameters of this Bill to give clarity as to the use of these weapons, especially when we consider, Mr. President—we have experienced one of the bloodiest times in our history under this Minister of National Security. Mr. President, it is not unlikely for a prison officer to walk into a bar, a restaurant somewhere and encounter this, 600 murders, 61 in January. Highest in history in January. But I move on, Mr. President, to clause 10.

Once again it has been the norm of this Minister of National Security and the Government where instead of the Government focusing on stemming the inflow of illegal firearms, the same Minister inserts himself into the process pertaining to user's licence by way of clauses 10 and 11 in this Bill, which I would treat with slightly.

This clause grants the Minister of National Security the powers by order to extend the three-year period for the validity of the licence. Mr. President, how can that be acceptable? It is not the Opposition alone speaking. I have listened to Sen. Richards, Sen. Deyalsingh. The Independent Bench also has a concern with this. So it is not us alone. We in the Opposition believe that there should be parliamentary oversight. Once more this is a creeping trend, Mr. President, of Members in the Cabinet inserting themselves into processes where they should not be interfering. This amounts to Executive overreach. My colleagues have treated with this deeply, so I am not going to go, but I will take a different angle, Mr.

President. So with similar measures contemplated by the way in clause 11 regarding the power of the Minister to extend the time by order.

Now, Sen. Mark, as he was wrapping up, mentioned a Minister by his portfolio. And I know you cautioned him, Mr. President, so I do not intend to have you stop me and caution me by calling a Minister by his portfolio. But who the cap fits, or in this case who the tank fits, let them wear it. Mr. President, but I have to ask the question. I had to listen on a Tobago radio station about last month, I had to look at various social media platforms, even WhatsApp, to see the past Commissioner of Police, Gary Griffith, to be exact, because I know there is another one who took quick leave. But I had to listen to this Minister on this radio talk about some Minister who had been contacting him to pressure him into getting firearm user licences for "he" partners. Now, that is a dangerous thing. When you contemplate that this clause 10 gives the Minister powers—

Mr. President: So, the context of what you are saying, put together with the second part, can give the impression of imputation of improper motives. So I would just caution you about your wording, the phraseology, and the context all coming together.

Sen. D. Lyder: And I appreciate the advice. I really do. So therefore, I will try to put it differently, you know. I will try to put it differently. But I still want to know who is that Minister that he is talking about? It is important because this Bill we see a Minister being injected into a process circumventing a Commissioner of Police, and now it appears that the Minister wants to have undue influence over the process here pertaining to this Firearm User Licence for persons, or the extension. And I am asking this question now, and I impute no improper motives here today. Is this the beginning of various legislations being brought to this Parliament? You have to be careful, eh.

We need to be mindful. Is this the beginning of legislation being brought to this Parliament that may eventually see the hon. Minister of National Security completely circumventing the commissioner? But whoever the Minister of National Security is at the time—lord knows how much longer this Minister may be there. But is this the beginning of things to come where we see a Minister of National Security getting full access to providing firearm user licence. Is this? And I cast no aspersions, but when we see this intrusion in this bill here we must ask the question. This is highly improper given that there is no parliamentary oversight. This is "wrongsiousness", man. "Wrongsiousness." I think that is a word created recently. But I am curious also as to who, Mr. President, the same way I was curious about that, who is the senior government official that requested a licence being granted for explosives for a dear friend of his in Tobago?

Sen. Dr. Browne: Mr. President, 46(1) and 53(1)(b) on this particular section, please.

Sen. D. Lyder: I called no names.

Mr. President: 46(1) is upheld. You are asked now to move on to your next point.

Sen. D. Lyder: Okay. Well, Mr. President, I am just closing by simply stating that when you have a situation where we see these things happening, where people are pressured for these things, or firearm dealerships in Tobago, for example, again, when you see those things you have to be concerned when you see in this, clauses 10 and 11, the Minister creeping his way into this type of legislation to circumvent a police commissioner. Because, Mr. President, the Commissioner of Police is tasked with ensuring that proper policies and procedures are adhered to, when any form of granting, extending, anything you want. This one is extension. As I said, we could see a creeping intrusion. But the Commissioner of Police is

tasked with ensuring that he or she follows the correct and proper procedures.

8.00 p.m.

Therefore, Mr. President, when I see the Minister of National Security now inserting himself in this law with the powers given to him in 10 and 11—I am wrapping up this point, Mr. President, I am wrapping it up.

Mr. President: So, Senator, there is a point of order.

Sen. D. Lyder: "People jumpy, boy."

Mr. President: Senator.

Sen. Dr. Browne: Come on, man.

Mr. President: Could you raise the point of order again, please?

Sen. Dr. Browne: 53(1)(b).

Mr. President: So, Senator, once again, choose your words carefully in relation to the point that you are making.

Sen. D. Lyder: I am simply stating, I have taken your advice, and I am simply stating that, is the Minister of National Security now inserting himself in the law under this clauses 10 and 11 in the Bill? I ask myself, again, is the Minister or, by extension, the Government trying to circumvent the Commissioner of Police?

Sen. Dr. Browne: Mr. President, Standing Order 53(1)(b)—

Sen. D. Lyder: I have to ask the question. How—[*Inaudible*]

Sen. Dr. Browne: Mr. President, I am moving a point of order, tedious repetition.

Mr. President: So, Members, okay, all right. So there is a proper way by which things operate here. When a Member raises a point of order they must be allowed to do so with silence in the Chamber so that the Chair can rule on said point of order. A point of order has been raised, Sen. Lyder, the problem is, is that it is walking a very thin line in relation to imputation of improper motives because the commentary is specific to the holder of the office and not the office. The

legislation goes past the holder of the office, as you rightly stated in your contribution earlier. Hence the reason that that particular Standing Order is being upheld. I would ask you to move on.

Sen. D. Lyder: Mr. President, thank you and I will take your advice. I know that when the Government hears the name Gary Griffith, they jump and skip and hop. So I would not want them to do that today. So I will move on, Mr. President, and I will conclude.

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

Sen. D. Lyder: Thank you, Mr. President. I will conclude, I will conclude. I think I have done enough—I think I have done enough to discredit this particular clause 10. So I have confined my contribution to three clauses of the Bill, clause 5, pertaining to the granting of non-lethal Tasers to municipal police; clause 8, regarding personnel weapons for off duty prison officers; and clause 10, with the insertion of the Minister of National Security in a process that ought to have parliamentary sight on behalf of the Government.

And in summary, when accessing the policy implications of any legislation, amendment, we must ask ourselves, what will be the outcome. Results are important. Will the issuance of firearms to prison officers stem the hits from being called behind the jail walls? The answer is, no, not if they do not fix the jammers and scanners and empower the Commissioner of Prisons with that; not if they do not treat with the basic issues. It must not escape this House that the Government has blocked access to the control of jammers and scanners from the purview of the prisoner officers and placed them under the SSA. So the PNM jammed the prison officers from the jammers. Actions speak louder than words, Mr. President. This action alone means that this Government can be held accountable in some of the hits being done from behind prison walls.

Mr. President: Again, Sen. Lyder, I have asked repeatedly about the phrases that you are using that are constantly running afoul of the Standing Order as it relates to imputation of improper motives. I will ask, again, as you wrap up, be careful.

Sen. D. Lyder: Thank you, Mr. President. So, with regard, to the issuance of Tasers to municipal officers, it is necessary to ensure that they are adequately trained and the public is aware of the risks and dangers for proper use of Tasers.

Sadly, Mr. President, without the operationalization of body cameras in its entirety which this Government, after seven and a half years has failed to bring on stream, this measure opens the door for abuse of the Tasers. And I cast no aspersions on any police officer, they provide yeoman service. But everyone on all sides has spoken about the fact that there may be a few bad apples in the bunch. So we have to be mindful of the importance of body cameras when it comes to these Tasers.

We saw a perfect example—it was somebody else cited the example that happened on Fredrick Street, and I will not go into the details of it because it already has been said. But that traffic warden got justice while this errant officer was removed on suspension.

Finally, the Minister of National Security ought to remove himself from this legislation and retain the separation of the Executive from the process. Anything short of these matters raised will reduce these measures to a wish list rather than a set of remedies. Such remedies are sorely needed as citizens buckle under the weight of the worst crime wave in our history and, in my opinion, a most incapable Minister of National Security. And with those few words, I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

STANDING ORDER 11(1)

Sen. Mark: Standing Order—[*Inaudible*] Hon. President, in the absence of 14(2) being invoked, I seek to invoke at Standing Order 11(1) and I seek your ruling on this matter.

Mr. President: So, Leader of Government Business, there is a procedural matter to take care of.

PROCEDURAL MOTION

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, I beg to move that this Senate do now continue to sit until the conclusion of the matter at hand.

Mr. President: Hon. Senators, the question is that this Senate continues to sit until the completion of the business at hand, inclusive of the matters on the adjournment, Leader of Government Business?

Sen. The Hon. Dr. A. Browne: Yes.

Question agreed to.

STANDING ORDER 11(1)

Sen. Mark: Mr. President, I sought your ruling on a Standing Order which I invoked and you did not rule on my Standing Order but instead you allowed the Leader of Government Business to proceed with this matter. So I, again, seek your ruling on my Standing Orders that I have—

Hon. Senators: [*Desk thumping*]

Sen. Mark:—sought clarification for. The Government failed to invoke at the appointed time, 7.50 p.m., 10 to eight, the Standing Order. I have invoked the other Standing Order to cut the sitting immediately.

Mr. President: So, Sen. Mark, in relation to the point that you have just raised, the procedure was moved and the question put to all Members of the Senate by way of the established procedure that the business of the Senate will continue until

the completion of the business at hand, inclusive of the matters on the adjournment.

All Senators, by way of voicing, indicated "Aye" which was louder than "Nay" and therefore, the procedure was passed. As such, the procedure has been put and properly dispensed with. The business of the Senate will continue, inclusive of the matters of the adjournment. Any other question, Sen. Mark?

Sen. Mark: Mr. President, I do not understand—

Mr. President: Go ahead.

Sen. Mark: No, I am still seeking your ruling on my particular Standing Order, the invocation, whether, for instance, I was right and you were supposed to immediately adjourn this sitting until another day or whether by I, invoking these Standing Orders, you took that as a cue to put it to the House because that was supposed to come from the Government side, not from me. So that is why I raised the matter and I sought your guidance.

Mr. President: So, Sen. Mark, in relation to, again, the question that you have asked, the procedure was conducted in the proper fashion, was put to the Senate, the Senate agreed that the business will continue, inclusive of the matters on the adjournment. And therefore, it has been properly done. So we shall continue the business—

Hon. Senators: [*Desk thumping*]

Mr. President:—until completion, inclusive of the matter—

Sen. Mark: Rip Van Winkle. They seem to be sleeping.

Hon. Senators: [*Laughter*]

Sen. Roberts: [*Inaudible*]

Mr. President: Okay, Sen. Mark.

Sen. Roberts: They lost the Standing Orders—[*Inaudible*]

Hon. Senators: [*Crosstalk*]

Mr. President: Can we continue?

Sen. Roberts: Please, Sir.

Mr. President: Sen. Welch.

Hon. Senators: [*Desk thumping*]

FIREARMS (AMDT.) BILL, 2022

Sen. Evans Welch: Yes. Mr. President, thank you for giving me the opportunity to speak on this Firearms (Amdt.) Bill, 2022, and to make some brief observations on it and also to avoid repetition, because several of the points I intended to make have been addressed by many of the Senators who have already gone.

Mr. President, let me say that, in principle, I agree with the effect of these provisions, the philosophy behind it, the information that influences it and what it is intended to achieve. In principle, I agree generally with it. However, I do have some concerns with respect to some particular provisions, in that, I think there is one that is totally unnecessary and cannot be justified and should perhaps be considered being deleted or rephrased to avoid its offending effect. There is one which I think is too restrictive and there is also one which I think does not perhaps go far enough.

I am also concerned that for simple provisions of the law, it should be drafted in such a way that the ordinary individual can sometimes look at it and understand its effect, someone who is perhaps out of the country or the ordinary man who wants to know what the law is in relation to a particular issue and who does not have to resort to legal guidance because he wants to know if he can act in a particular way or not. So if drafting can be simplified as much as possible I think that would be a commendable achievement as well.

So I would go through the clauses to illustrate the points which I have just

identified, in a general way, go through the clauses in a chronological sequence and deal briefly with each of them. Now, if I may begin by looking at clause 4 of the Bill. Clause 4 of the Bill, the effect of expanding the definition of "prohibited weapon", the effect of it is that Tasers would now be included within that definition of "prohibited weapon" which, as it stands, it is not on the present provisions of the Firearms Act.

However, the proposed provision I think could be simplified and could simply read:

> Any weapon of whatever description or design which is designed, manufactured or adapted for the discharge of any noxious liquid, gas, electrical energy or other thing.

8.15 p.m.

By the use—if one had incorporated the word "electrical energy" into it one can fully understand that this is intended to include Tasers, because from what the Minister of National Security himself had said, a Taser involves the discharge of electrical energy. However, electrical energy is not included in the proposed amendment to the definition. There is no mention of Taser in that proposed definition, and one is left to infer it by adding two and two together and understanding that the word "other thing" now includes Tasers. So it involves an interpretation which an ordinary individual looking at it will not readily understand that this definition now prohibits what we know as Tasers because it does not really specify that. It is somewhat clouded in legality—legalese I should say, sorry. So that is my first observation.

I would have preferred a specific definition which the ordinary person can look at and understand it. However, that having been said, I think now that we

know prohibited weapon includes Tasers by implication, I think that it is a very important inclusion. And I think say that because quite apart from the prison officer aspect and municipal police and police officers being able to use it, I think it is important because as the law stands without Tasers being a prohibited weapon, what governs a Taser? What is the present provision of the law that makes it illegal? From my research the only law which can cover it by implication is the Prevention of Crime (Offensive Weapons) Act, and that Act, really the penalties under that Act are really minimal. On summary conviction it is a fine of $1,000 or six months imprisonment, conviction on the indictment it is a fine of $6,000 or two years imprisonment.

I do not think for something such as Tasers that is a sufficient deterrent and, therefore—but its inclusion under the definition of prohibited weapon, it now attracts the larger penalties associated with prohibited weapons under the firearms legislation and, therefore, by its inclusion there it can now serve as a more serious potential deterrent. And I say the importance of deterrence because as we know crime is rampant in our society, it is now the bane of our existence, and a Taser can potentially be used by the criminal element to further their objectives, be it by way of coercion, be it in domestic violence situations, be it to effect robbery, be it to incapacitate, be it to facilitate a kidnapping. And therefore, because of its potential usage and its potential consequences, it warrants a more serious treatment by the penal provisions of the law which is achieved by bringing it within the firearms legislation under the definition of prohibited weapon once this Bill becomes legislation and, therefore, attracting the penalties which are applicable to prohibited weapons under the Firearms Act. And therefore, that is one important effect of this change in definition to include Tasers.

Another important effect of expanding the definition of prohibited weapon

to include it is with respect to police powers. Because at present under section 6(2) of the Firearms Act a police officer who is acting in the capacity of such is authorized by existing legislation, once he is acting in his capacity as such, to have a prohibited weapon. Now that prohibited weapon would include Tasers, his authority to have such a weapon is now derived from statute, from legislation, and I think a Taser is of such a nature that its use and permissibility by police officers, prison officers, municipal officers is such that that authority should be derived from legislation passed by this Parliament. Because the present position is that police officers have been using Tasers as a result of departmental order and use of force policy put into place by the Commissioner of Police. This is such a significant piece of equipment, it should not be treated in my view like a handcuff or your regular police baton. Although it is called non-lethal by nature it causes excruciating pain from all reports, you have seen it incapacitates. It is an electrical shock to the body and pain is pain no matter how transient it may be and, therefore, let its use be governed by legislation. And if its use is to be governed by legislation, one implication that follows from that is that you may have regulations pursuant to that proposed legislation governing its use and governing the accountability of officers who deploy it.

We have to ensure that it is not abused, and the Commissioner of Police, rather than simply departmental order or use of force policy, should be able to put in place regulations which give rise to accountability. So that an officer who deploys a Taser should be required, for instance, on his immediate return to station or as soon as possible be able, required to record its use, to record the circumstances which justified it, and to report to his superior regarding it. It is an important piece of equipment as far as I am concerned because as pointed out by one of the Senators here, it can often lead to the avoidance of the physical injury

which may have to be used in circumstances of restraint of a person. That direct physical force which has resulted in injuries, which has resulted in law suits, et cetera.

So it is an important tool and it is important that it be used, but that its control—because it is different from non-lethal weapons, because of its potential consequences, and that is also a potential consequence if it is abused, then it should be regulated. And as pointed out by several Senators, there should be requirements for training in the use of it apart from the requirements of accountability which I have already spoken to. So this legislation allows municipal officers to use it.

The proposed clause also allows it to be used by prison officers, and I think those expansions of its use to those category of persons are important. Because municipal officers are the ones who are commonly on the ground and who may face breaches of the peace, fights, violent situations at parks, at parties, in the market, on the streets every day. They are the ones in touch and on the ground and if police officers—it is recognized that they need to use it, then far more important that municipal officers also have that available to them as one of their tools. So I support the clause wholeheartedly which speaks to municipal officers having it as well, as well as including prison officers in that clause because we know of the number of allegations in the prisons about prison officers brutality. We know of the responses to those allegations by prison officers who would just seek to justify their actions or respond to allegation by saying a prison officer was acting unruly, resisting arrest, being violent, and we know from the several lawsuits in which the State has lost and has asked to pay taxpayer's money, that it is in fact a problem, and perhaps if we have the use of Tasers by properly trained prison officers with its ability to incapacitate not on a permanent basis, not with the infliction of permanent injury, but in a transient context, then I fully support the legislation

which gives that power to prison officers and the municipal corporation officers as well.

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

As pointed out, and I will not elaborate on it, it is necessary to put the mechanisms in place for proper training, accountability, and so on, to ensure there is no abuse of it. But the fact that abuse can take place is not a reason not to put these measures in place. The principle is required but you need to act also to ensure that it is done in a proper manner.

8.30 p.m.

With respect to the firearm aspect of the provisions, clause 6 of the Bill would seek to amend section 7(1)(a) of the Act to allow the director of the Strategic Services Agency to be exempt from having to have a firearm user's licence and allow him and a designate to carry such a firearm. There has been a lot of comments on this, there has been a lot of criticism whereby it is stated that the director should not have that power and it should be referred to the Commissioner of Police.

But where a person has such responsibility as the director of the Strategic Services Agency and the persons employed, I think it is important that they have the tools available to them to feel safe to carry out their functions and when one looks at the functions under the Strategic Services Agency Act, to me, it calls intrinsically for such persons so employed to be able to have firearms without necessarily going through the long process that is involved if they are to do so by way of a firearm user's licence.

Because under the Act, it says the responsibility of the agency is centralising information to facilitate detection and prevention of illicit trafficking in drugs; co-ordinating operations for the suppression of drug trafficking; delivering strategic

intelligence and making recommendations to Government with respect to counter-narcotics matters; preparing drug interdiction strategy and stipulating the implementation of a policy in that regard; providing intelligence and analytical support.

So this is a form of sensitive operation. This is a form of almost gathering intelligence. This is a way of being actual police informants and this is an activity which involves an attack on the drug trade. Once you are involved in an attack on the drug trade, you are exposed to the risk of injury and the elements involved in drug trafficking and therefore, I would think it is reasonable that they should have access to the use of firearms in the execution of their duties.

Hon. Senators: [*Desk thumping*]

Sen. E. Welch: And it has been pointed out and I have no reason to doubt by the Minister of National Security that they have even recently come under fire during surveillance exercises so that is an example and an illustration of the very point which I am making which is derived from their duties and responsibilities under the Act. So I do agree with the Government's proposal in this regard.

However, that very same clause 6 which allows the director and a designate to have, to be exempted from the requirement of a firearm user's licence and to have a firearm in the execution of their duty, eliminates SRPs in the proposed list. I heard the Attorney General's justification saying well SRPs under the legislation are equally regarded as police officers and therefore qualify and therefore there is no reason to list them and that was the response to a criticism or not a criticism but an observation that they have been removed from the list. But the existing legislation, although it mentions police officers, it mentions—the drafter of the legislation saw it fit to specifically mention SRPs as well and therefore it is only right that an explanation be required as to why they are now not included in the

proposed legislation because when one looks at 7(1)(a) of the Firearms Act as it is, it says:

> "The following persons are exempt from the provisions of section 6(1) that relate to having a firearm or ammunition in their possession:
>
> (a) a police officer acting in his capacity as such or any member of a Municipal Police Service…"—and also—"a member of the Special Reserve Police established under the Special Reserve Police Act acting in his capacity as such…"

So under the existing provisions, although police officers are included in section 7(1) of the Firearms Act, the drafter found it necessary to specifically mention municipal officers as well as special reserve police officers.

So this proposed new Bill, however, this new section 7(1)(a) which replaces the 7(1) which I have just read, mentions police officer, a member of the municipal police, member of defence force, customs officer, prison officer, director of Strategic Services Agency and an employee designated by him are all the persons who are excluded and special reserve police officers are not. Therefore, having regard to the history of how the legislation is currently phrased and what its proposal seeks to do, the observation made by the Opposition and, I believe, also one of the Independent Senators is a justified one calling for an explanation which is above and beyond a flippant one in response because special reserve police officers do carry out to a large extent, the same functions and duties and are exposed to the same risk as regular police officers.

And they need, as I made the point at the beginning, sometimes it is the ordinary citizen who is going to be affected by legislation, needs to understand the provisions and the changes and the special reserve police officer is entitled to understand the changes without too much legalese surrounding it.

I move now, Mr. Vice-President, to clause 8 of the Bill which empowers the Commissioner of Prisons to grant prison officers to have in his possession while off-duty if he considers the life and safety of the officer under threat. I think this is a very important provision. I do not need to be repetitious by going into the reasons in detail because it has been covered by several Senators but suffice it to say, the number of prison officers who have been murdered as a result, no other reason but in many instances for carrying out their duties conscientiously, diligently and sometimes only to show an example, warrants, measures which can assist in their protection. It may not be a fool proof measure, no one is saying it is a panacea to have them carry firearms but it certainly may help and it is better than not having any while off-duty.

Having stated that, my concern with the proposed provision is its wording. If the Commissioner considers the life and safety of the officer under threat. A Commissioner of Prisons having regard to the decision in the Vishal Singh case which has been referred to and the facts of which I would not rehash in any way, but a Commissioner of Prisons having regard to this decision can be forgiven for applying the wording of this provision very strictly and very inflexibly and giving it its literal interpretation so that he can only provide a prison officer if he considers the life and safety of that officer to be under threat and there is evidence of the life and safety of that particular officer being under threat.

In reality, that is not the situation which always occurs. A prison officer may be at risk without actually being threatened. He may be carrying out his duty diligently, he may refuse to comply with a request of a prisoner, he may apply the rules strictly in carrying out his duty and without any threat being made to him, he can be regarded as a target simply for the position he has taken on an issue. Such a prison officer would not qualify to be granted permission to carry a firearm while

he is off-duty because he has no evidence of any threat to provide. So while I agree that if the Commissioner of Prisons has reason to believe that the particular prison officer, his life and safety is under threat, that is a circumstance in which he may allow the use of a firearm while off-duty. I am thinking that it should not be strictly restricted to such a situation.

In addition to an act evidence of a positive threat, factors which should influence the exercise of the discretion is a risk factor, even if there is no evidence of an active threat.

8.45 p.m.

Risk factors which influence the discretion of the Commissioner of Prisons and which should also be reflected in the provisions would include such matters simply as the department you work in. If you are assigned to a department in which there are gang members and members who are known to engage in gang violence and have connections on the outside, then even though you have not been threatened, this is a factor which should influence the discretion.

The locality in which a prison officer may reside. We have heard of many of them asking for houses in certain areas. Many of them perhaps may live in what are considered to be hotspot areas. And even though there is no active threat on their lives, by reason of the very location where they live, they may feel unsafe. So that is a factor which should also influence the discretion.

I am also saying, the hours of work, and the route to be traversed, and the shifts you are on, all of these matters may go into the influence of the discretion. Because there have been reports of prison officers who have been gunned down and there has been no evidence of any active threat in their case. Granted a firearm, as I said, may not be foolproof protection because if you are ambushed and taken by surprise, your lights may still be outed. But certainly having it in

their possession affords them a measure of protection in other circumstances where they may come under attack and where there is a margin of time to allow a response. So I am in full support of this measure but I think it should be expanded to include the factors which I have identified.

This is not to say that the concerns expressed by the Opposition Members are being ignored or that they are not valid. They are, in fact, valid concerns because prison officers remain members of society. Some of them have the same vulnerabilities as other persons. Some of them may be in situations where there are domestic violence abusers. However, that is not a reason not to implement the provisions, but that is a reason to when—

Mr. Vice-President: Senator—

Sen. E. Welch:—it comes to the actual issuance—

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

Sen. E. Welch:—to put measures in place regarding it. However, what I wish to say to the—an observation I would wish to make to the prison officers who have been clamoring for the use of firearms, I wish to observe that no matter if this policy is implemented, you are still not protected if your own colleagues are your worst enemy. Because there are cell phones in the prison, there are cell phone chargers in the prison, there have been prison officers who have been charged with carrying such items into the prison, there have been prison officers who have been convicted. And you cannot look outside and simply blame the executive or members of society, we are within your own camp. It is being facilitated where your colleagues may be your own worst enemies. So there is a need for colleagues to act responsibly, to put humanity before money because, no doubt, the prison officers who facilitate this kind of behaviour and facilitate prison are not just doing it for so, but probably for some kind of financial reward. And therefore, you must

care about your own colleague.

Mr. Vice-President, in the last bit of time that I have, I want to see how I can quickly address this matter of the Minister having the power to extend—under the legislation, a firearm user's licence is issued for three years. This proposal contemplates that the Minister may have the power to extend the period beyond the three years. My concern with that provision is this, if it is that that provision is to be interpreted as a class provision, a general provision, which means that the Minister makes a decision which applies to all firearm licences, then that is perhaps acceptable given certain circumstances. But when one looks at this provision, it is not so restricted. It can be interpreted and applied to mean that in a particular instance, the Minister has the power to say, "John, your licence is going to be extended beyond the three years," which amounts, indirectly, to a usurpation of the power of the Commissioner of Prisons who may, for some reason, not wish to renew that licence. I agree that this provision is unwarranted.

Mr. Vice-President: Sen. Welch, your time has come to an end.

Sen. E. Welch: Thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Nakhid.

Sen. David Nakhid: In the name of God, the most gracious, most merciful. Mr. Vice-President, I must express my concern to you, as we debate this matter of such importance, that I would notice, Mr. Vice President, that what is a very delicate matter, that the mover of this Motion, the Minister of National Security and the hon. Attorney General, should be holding a caucus in the cafeteria with Independent Senators about this Bill. I heard them discussing the merits of this Bill in the cafeteria and I think that is disconcerting, I think it is of grave concern. There is a certain protocol and anything that needs to be aired, Mr. Vice-President,

should be aired in this Chamber.

Hon. Senators: [*Desk thumping*]

Sen. Gopee-Scoon: Point of order 46(1).

Mr. Vice-President: Sen. Nakhid, 46(1) upheld. Kindly proceed with your contribution.

Sen. D. Nakhid: But I felt it necessary to bring that that to your attention, Mr. Vice-President.

Mr. Hinds: Mr. Vice-President, I too was about to stand on the very Standing Order. Since you ruled as you did, could that be extracted from—

Sen. Mitchell: Expunged from the record.

Mr. Hinds: Expunged, I am sorry, from the record.

Mr. Vice-President: No need to extract but if it can be expunged from the records. Proceed.

Mr. Hinds: Thank you vey much.

Sen. D. Nakhid: Mr. Vice-President—

Sen. Mark: [*Inaudibl*e]

Mr. Vice-President: Sen. Mark, please, with haste, take your seat and allow your colleague to make—

Sen. Mark: "Yuh cyah" expunge from the record.

Sen. D. Nakhid: So, Mr. Vice-President, this Government has the remarkable ability to speak about the ills of the society, as the Minister of National Security did with righteous indignation, talking about crime. And he spoke about it as if this Government is above and disparate from the society itself. We have news for this Government, Mr. Vice-President, most of societal ills that we are experiencing presently are a result of this Government and its policy.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: So should one be able to maintain focus, summon the internal capacity to listen to that presentation from the Minister of National Security? The Minister spoke about crime as though the PNM Government inherited the problem of crime rather than, which is the reality which shows that the PNM, they are the architects of this horrendous crime surge, and the statistics bear this out.

Mr. Vice-President: Sen. Nakhid, on 46(6), I ask you to get away from that point and focus on the 11 clauses at hand.

Sen. D. Nakhid: Mr. President, I am responding directly to what has been said in this Chamber, by not only the Minister of National Security, who spoke about crime, but also Sen. Sookhai who spoke about crime, as indicated by his contribution about the United Nations. This is a direct rebuttal. I do not want to go into tedious repetition so I am responding directly.

Mr. Vice-President: It is not about tedious repetition, Sir. What I have cautioned you on is improper motives of saying that the Government is the architect of crime. I ask you to desist from such statements and focus on the Bill at hand.

Sen. D. Nakhid: But I will clarify, Mr. Vice-President—

Mr. Vice-President: There is no need to clarify, Sir. I am asking you to move on.

Sen. D. Nakhid: So I cannot clarify the statistics? Is that what you are saying?

Mr. Vice-President: No, you can clarify the statistics.

Sen. D. Nakhid: Okay.

Mr. Vice-President: But to state "architect of the crime" is wrong.

Sen. D. Nakhid: Okay. Well, by coincidence, Mr. President, it seems that every time this Government is in power, crimes goes up.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And when the United National Congress is in government,

crimes goes down.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: And the Minister of National Security spoke about, his Government had begun a policy of restorative justice and they were not only focused on punitive justice. I challenge the Minister of National Security, Mr. President, to give the people of Trinidad and Tobago the data verifying what must be a vacuous statement. Because I want to know exactly what policy has this Government put in place to support his claim that they have been focused on restorative justice is since the 2000s. This is what he said.

Mr. President, this Government knows as much about restorative justice, as they know about the sports and culture, social and community development, trade and industry, and as we have seen with their overplayed hand on the Dragon gas deal, energy and energy industries. This Government knows nothing about proper governance.

Sen. Gopee-Scoon: Standing Order—

Sen. Mitchell: 46(1).

Sen. Gopee-Scoon: 46(1).

Mr. Vice-President: Senator, in your preamble to your points, I ask that you to curtail and—[*Inaudible*]

9.00 p.m.

Sen. D. Nakhid: I was about to do so Mr. Vice-President, I thank you very much. So we go directly to clauses 10 and 11. The PNM continues to fluff their lines, Mr. Vice-President. They did so in appointing the Commissioner of Police and they have received the Opposition support in appointing this new Commissioner of Police, Erla Harewood-Christopher. They appointed her, Mr. Vice-President, and by clauses 10 and 11, do you know what they did? They immediately usurped her

authority, undermined her power. Is that not a contradictory position by this Government? I mean, this Government is topsy-turvy all the way around.

You just appointed this lady to much fanfare, first COP, female COP, and then you turn around now and want to give not one, the Commissioner of Prisons, but two, not even someone substantively in law enforcement, he is a Minister of National Security, a politician. You gave not one, you gave two people the power to usurp, undermine the authority, of who? The Commissioner of Police.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: In other words, Mr. Vice-President, this Government is in the unique and embarrassing position of having three Commissioners of Police. Wow. Only the PNM could do that.

Mr. Vice-President, under this Government, we have become almost immunized to their constant overreach—constitutional overreach. And this is what I will come to my substantive base in discussing these things, because based on a report by ECLAC which is the Economic Commission for Latin America and the Caribbean since 2008, they were very pointed in their statement that you cannot look at crime and measures to combat crime in an abstract way. And this is what they said, Mr. Vice-President.

> "Crime and violence threaten individual safety and affect the social, economic and political life of a country and its citizens. As one of the most critical issues affecting Caribbean societies today, crime and violence have a significant impact on the achievement of development goals. Lower levels of life satisfaction, the erosion of social capital, intergenerational transmission of violence and higher mortality and morbidity rates are just some of the non-monetary costs of crime and violence."

And I will tell you why I bring this up. This is a government and I have said this ad nauseam, Mr. Vice-President. This is a government that focuses on the punitive side of things, how—crime? More guns in society. Give this one more authority to issue guns, give this one more authority to issue guns. I say, again, to this Government, the root causes of crime is poverty. Let me repeat that. The root cause of crime is poverty. You want to get rid of crime, Mr. Vice-President, and I think Sen. Sookhai mentioned what the United Nations said about crime. I repeat, poverty alleviation is vital to curbing the scourge of crime, not increasing guns, or the gun supply in a country. And this is where the Government falls short time and time again. And let us take a look Mr. Vice-President, even closer because we are speaking to the people here. Who are the perpetrators and the victims of crime? They belong to the majority shareholders of this country our African and Indo Trinbagonians. Why then, will this Government not deal with the root cause of crime? Why is it easier for these majority shareholders to get a loan for Carnival outfit or for a car, than to get a loan for a small business? Bring legislation that could change those laws, that could have more access for our poor and working class people to get access to loans, to start building their lives, to bring them out of the poverty cycle.

Sen. Gopee-Scoon: Point of order.

Mr. Vice-President: Sen. Nakhid, I ask that you focus on the Bill at hand and not go as wide as you are going, please?

Sen. D. Nakhid: Well, Mr. Vice-President, I am guided by you but I just thought that or I know when I look, for example, as I piggyback on what Sen. Sookhai said, he mentioned United Nations. The United Nations Office of Drugs and Crime, they also mentioned—they mentioned it and they were pointed, and this was in the 7th October, 2005, that crime is the cause and consequence of poverty. They did

not say that you get rid of crime, Mr. Vice-President, which is our purpose of being here, by increasing the gun supply, they actually talk about curbing the gun supply. But when you have a visionless, leaderless, rudderless government, these are the kind of solutions that they propose here in the Parliament.

Hon. Senators: [*Desk thumping*]

Sen. D. Nakhid: It is easy to come here and bring this legislation because it does not affect them, Mr. Vice-President, or their communities. But it affects the communities that our people are living in. I will give you an example. The UNODC spoke about underdevelopment being such a major cause of crime. What is underdevelopment? Underdevelopment, Mr. Vice-President, is when you cut things like GATE.

Sen. Gopee-Scoon: Point of order.

Sen. D. Nakhid: I thought we had one Vice-President in Chamber.

Sen. Gopee-Scoon: Point of order, 46(1).

Mr. Vice-President: Sen. Nakhid, this is the fourth time that this Standing Order is being invoked.

Sen. D. Nakhid: But is it properly invoked?

Mr. Vice-President: Of course, by procedure.

Sen. D. Nakhid: I am responding directly to Sen. Sookhai.

Mr. Vice-President: Sen. Nakhid, I ask that you keep your points relevant to the 11 clauses as pertains to the Firearms Bill, at hand.

Sen. D. Nakhid: Guided, Mr. Vice-President. So when we look at the clauses that they seek to bring here without any rationale, without any logic, giving the Minister of National Security, this ambit, wide ambit to decide who gets firearms and extension of time. And you know, we have we have to ask ourselves, why would a Minister as has been said before, why would he want to involve

themselves in such a process, when he knows there will be backlash? Because it is all about, you have to take everything in context in our time. We are very much right now in a position where this Minister of National Security is under fire. I mean, we make no bones about it. He is under fire, under pressure, very much. The perception is that he is doing a poor job. Why then would we want to give him that power to put himself in a position to make even worse decisions than he has already made?

I think this legislation has not been well thought out, Mr. Vice-President, because we are almost in agreement with some of it. But these little tidbits that can be so dangerous, that have been explained before. Why? Why? He has not given us any reason when he moves the Motion. As a matter of fact, as has been said, he totally, not glossed over it, he totally—I do not know if he forgot, he totally did not mention it, what powers he would have and why would that be? This is not a game. This is not a joke. This is accountability, we have to speak to the people. Why this Minister of National of Security, who under his watch, has seen the most murders, again, I repeat, perpetrator and victim, the majority shareholders of this country, African and Indo Trinbagonian people. Why would he seek then? Rather than bring serious legislation, him and the Attorney General that could eliminate—alleviate poverty? They seek to bring more guns into the supply of the country.

I mean, how obtuse is that? Mr. Vice-President, how retro grade that thinking. When all other countries who have progressed on a societal level, economically, they are moving forward. They are saying, you know what, let us face this problem head on. So we do not have to have clauses like 10 and 11? You know what we will bring? We bring legislation that could perhaps could address sports and culture, and that is most appropriate right now. Our pan men are steel pan men, as the Minister of Tourism, Culture and the Arts will know, in a season,

where they work hard right now, we are in Carnival season—three and five thousand, that is the maximum they are making. What do you expect these people to do when they have to feed their families? Would it not be better to have legislation that addresses maybe that? We want to bring more guns in the society, give people more guns?

Mr. Vice-President, this reactive legislation and as was said by Sen. Lutchmedial, bereft a vision, lacking in ideas, non-existent framework is mediocrity exemplified. And I think, Mr. Vice-President, as I come to a close I will be brief—we ask, the United National Congress asks, we implore this Government to consider the majority shareholders of this country. The shareholders that you have not addressed in any of your legislation so far in this Session. Rather than pander to the elitist characters in society, think about the people that you were meant to serve. Think about those people that this legislation would negatively impact and affect. For once, we ask you, the PNM, to somehow get out of your own way and benefit the citizens of this country, Trinidad and Tobago. I thank you, Mr. Vice-President.

Hon. Senators: [*Desk thumping*]

9.15 p.m.

Sen. Anthony Vieira: Thank you, Mr. Vice-President. It has been a long day, I will try to be bring in some new points and fresh perspectives where I can and I will endeavour not to be angry, mean and ill-tempered.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira: Let me begin by acknowledging and congratulating Minister Browne—he is not here—on the highest honour recently bestowed on him by the People of Chile. Well done Minister, on this outstanding achievement.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira: Before turning to the specific amendments, proposed under this Bill, legislation inviting us to consider the Firearms Act and the firearm regime in Trinidad and Tobago, permit me to make a few general observations and, particularly, having regard to the hon. Attorney General's comment that comprehensive, overarching reform the firearms legislation is in the works and Sen. Mark's observation that the time has come for comprehensive reform of the Firearms Act.

My first observation pertains to the fact that it is not lost on members of the public that while we debate the limited circumstances under which firearms and a firearms user's licence may be lawfully obtained, every Tom, Dick and Harry in the underworld, seems able to get hold of and to use illegal firearms, often times, packing more firepower than those by our security firms and law enforcement. Now, this is a serious disconnect that needs to be remedied, and it also makes consideration of the firearms Act and the proposed amendments a multi-layered conundrum.

My second observation is that if I had my way, the issuance of a firearms licence would not be left solely to the police, and inherently problematic situation for more than one reason. Left to me, firearmslicensing, like in Jamaica, would fall under the purview of a statutory board or a licensing committee, whose membership would include representation from the police, of course, representation from the Ministry of National Security, representation of the private security sector, representation from the Law Association, a psychologist or a psychiatrist, a criminologist or social scientist and a firearms expert. The issuance of firearms and user licences would not be informed solely by a police view, but from a holistic perspective.

However, our Firearms Act, which came into effect in 1970, is modelled

after the UK Firearms Act of 1968, where the issuance of a firearms user's licence and the ownership of guns, lies solely in the discretion of the police. And even though in the UK their laws have changed somewhat, with the issuance of new regulations, new firearms rules and controls, guidance from the Home Office, they even had a public consultation, our law remains rooted in the 1970s. Our colonial past continues to have a cultural imprint on us.

My third observation relates to the need for strict enforcement of restrictive gun controls. I agree with Sen. Lutchmedial that the legislation is flawed. We need real plans and proper policy, and proper policy would ensure that the regulations are designed to prevent anyone who is violent or incompetent from owning a gun; extensive training for everyone who has a gun, including the ability to pass an examination covering a variety of topics, including responsible gun handling; there would be annual licence renewals, based on certifications and regular gun training and strict rules in relation to the storage of firearms and ammunition, including the necessity for approved gun safes at home and in cars of all gun holders.

Unfortunately, the Bill before us is not asking us to reimagine the firearms regime and, in any event, it would be remiss of me not to acknowledge that all the countries I have looked at, seem content to leave the issuance of firearms user's licences to the discretion of the police. Now, this may be a timely opportunity to segue into the concept of that discretion, because that point is going to assume importance when looking at some of the proposed amendments.

Section 16(1) of the Firearms Act requires that a person who wishes to get a firearms user's licence for the first time, must first obtain a provisional licence from the Commissioner, authorizing him to discharge a firearm for the purpose of training in the use of such firearm. Now, that provisional licence is like a driver's

permit, and it allows the applicant to get firearms training, and during such training to be able to use firearms at a specified shooting range under supervision.

Section 17 of the Firearms Act makes it clear that:

"…the grant of any licence, certificate or permit shall be in the discretion of the Commissioner of Police.

And in the definitions at section 2 the:

"'Commissioner of Police'…means the person appointed to hold or to act in the office…in accordance with section 123 of the Constitution"

My last observation, before turning to the proposed amendments, relates to the hodgepodge of original provisions and previous amendments under the Firearms Act, some of which seem, to my mind, rather arbitrary and not based on empirical data and science. Take, for example, section 17(2A), which provides that:

"No licence, certificate or permit shall be granted to a person under the age of twenty-five years."

Now, what is the magic? What is the science in that number? A person attains the majority at 18, and I could think of many 20-year-olds who are more mature than people many times older than them. So, the effect of this arbitrary provision is to preclude young businessmen and young people who may be involved in the security business, from being able to get a firearms user's licence, even if they were proficient marksmen and responsible individuals. And it is all the more ironic when juvenile delinquents have no problem getting hold of illegal guns. So, just as a matter of interest, because as the hon. Attorney General says, this is an ongoing evolution of the law, as a matter of interest in the UK, Sweden, Switzerland and Singapore, the age of restriction is children under the age of 18. And, so, this is one of the sections I feel should be revisited.

A second example relates to the arbitrary limit on calibre. This may have made sense back in the day when you could only get firearms from licensed firearms dealers. But, today when criminals have no problem getting assault weapons, extended magazines, semi-automatic weapons and higher firepower than what law enforcement licensed firearms users and security personnel can lawfully carry, the effect of these arbitrary caps only serve to put lawful firearms users at a disadvantage. So, that too, should be revisited.

And my third and final example relates to the arbitrary ratio under the Firearms User's Employee Certificate where the amount of precepted officers in a security firm gets to determine how many officers can actually carry firearms in that organization. So, instead, of every well-trained officer, who is fit and able to carry a firearm being allowed to do so, it boils down to this arbitrary ratio, how many people in the firm? And so, again, a time for form over function, arbitrary numbers over ability needs and circumstances.

Mr. Vice-President, left to me, I would scrap the Firearms Act and come up with an entirely new regime, one that would redefine our relationship with guns in this society, but that is not why we are here today, and so, I now turn to the proposed amendments. Clause 4. I have no problem amending the definition of "licence" to include a Firearm User Identification Card. I have no problem expanding the definition of "prohibited weapon" to include weapons which have been designed or manufactured. The current definition assumes that all prohibited weapons are made by external agents. And so, the law's focus was on adapting already made weapons. However, it is now possible to design and manufacture guns and other weapons using 3D printing and new technologies. So, the proposed amendment, which caters for the design and manufacture of weapons, should plug that loophole.

Clause 5. I have no problem expanding the list of persons who may carry a prohibited weapon to include members of the municipal police service. Given their important role in maintaining law and order throughout the city corporations and the municipalities, municipal police should be able to carry prohibited weapons such as firearms, non-lethal weapons such as pepper spray and Tasers while on duty.

I have no problem with clause 6(b) and (c) which are unexceptional, basically, housekeeping provisions, and the same applies to a limited extent to the parts of clause 6, which expand upon and clarify section 7 of the Act regarding the list of persons who may lawfully carry firearms and ammunition in the performance of their duties. Specifically, I have no problem with the following persons being allowed to carry firearms in the performance of their duties: Regular police, municipal police, members of the defence force, which according to section 5 of the defence Act, includes members of the regiment, coast guard and such other units as the President may declare. Now, this assumes that the police, municipal police and defence force, all have measures in place to ensure that their officers are psychologically fit, have not been convicted or charged with any crime, have had extensive training relevant to the intended use of their weapons and that proper logs are always kept.

But, I am yet to be persuaded about the need for custom officers and members of the Strategic Services Agency to carry firearms in the performance of their duties. In the first place, while the hon. Minister spoke at length about the need for prison officers to be able to carry firearms when not actually on duty, he said nothing about customs officers, and he glossed over the need for members of the SSA, relying on section 6 of the Strategic Services Agency Act. The hon. Attorney General says that the SSA is a very important part of our law

enforcement network and that based on their functions, it is prudent that they be allowed to carry firearms in the performance of their duties. But, again, he did not elaborate on what those duties were.

My understanding of the Strategic Services Agency, established under Act 24 of 1995, is that it primarily relates to information gathering, providing strategic intelligence, strategy development, policy formulation, analytical support, the establishment of channels of communication between—with domestic and overseas services, and generally helping law enforcement. Section 6 of that Act sets out the functions of the agency in specific and very clear terms. My reading of that section suggests that SSA agents are, essentially, intelligence and analytical support operatives.

9.30 p.m.

So given the lack of evidence before us that firearms are integral to the performance of their duties or that their lives are at risk when carrying out their jobs, I fail to see why they need to be armed. And if there is a need for such persons to carry firearms, then let them apply to the Police Commissioner on an individual basis. Let the police ensure that they have done the requisite training and they will conform with the firearms regulations like everybody else. Prudence is not enough, the movers of the Bill have to show how and why these clauses are relevant and needed.

Now, I am more inclined to accept that a case can be made for prison officers, especially in light of recent events, but I share the concerns of other Senators, regarding the ability to bear arms by prison officers vesting solely in the discretion of the Commissioner of Prisons, not only because of the lack of assurances that appropriate guardrails and systems are in place to ensure that those officers are psychologically fit, they have had extensive training in firearms and

that proper logs will be kept, I am also concerned that we are also delegating unto the Commissioner of Prisons a discretion which vests solely in the Commissioner of Police. And without such assurances, and without getting into the legal minutiae on whether the proposed amendment conflicts with the Police Commissioner's sole and exclusive discretion under the Act, I must ask, why can the Commissioner of Prisons not just present a priority list to the Commissioner of Police with a request for it to be expedited?

Clause 7, I have no problem increasing the fine for unlawfully carrying firearms in a public place from $40,000 to $250,000 and imprisonment for 10 years. That is a good amendment but it will require strict and consistent enforcement. It makes little sense to increase the fine if there is no determination to enforce it. It is high time we get all these illegal guns off the streets and people need to understand that if they are caught with an unlawful firearm, they face crippling fines and serious jail time. For persons involved in organized crime, a fine of $40,000 is an acceptable business risk and this amendment should make them feel the burn.

Clause 8, I have no problem with clause 8, as mentioned earlier. Our prison officers are at risk and they should be given the means and the resources to protect themselves and their families, but I have, and other Senators have identified certain caveats and concerns in this regard. I have no problem with clause 9 which, again, is another housekeeping provision.

Clause 11, I have no problem with clause 11(a)(i). In fact, I fully support ditching the old firearms book which was cumbersome to carry and prone to wear and tear associated with paper, including water damage. The firearm user identification card is a vast improvement. It will be more discrete, durable and user-friendly, especially where it bears a photograph of the holder of the licence

and it contains electronic security features.

Clause 10, now I have a problem with clause 10, which seeks to amend section 17, by allowing:

> "…the Minister of National Security to extend the validity of a Firearm User's Licence beyond the three…years…"—granted by the Commissioner of Police.

In the first place, and just from a draftsman's point of view, there is no limit on the proposed extension. What are we talking about, three months, six months, three years, 10 years? This is problematic for me because it falters on the requirement for certainty. Secondly, in piloting this Bill, the hon. Minister of National Security said nothing about this particular amendment. We do not know, we are left to speculate on why he might want to extend the three-year time limits and under what circumstances. There are no criteria set out for the exercise of the Minister's judgment. But my third issue with this amendment, and perhaps my most important concern, relates to whether the clause is proposing an improper delegation of decision-making powers unto the Minister.

Now, I listened to the hon. Attorney General's explanation that the proposed amendment does not affect the Police Commissioner's implied power to revoke at will any firearm user's licence. And it is a very attractive proposition but, respectfully, I think it misses the point. The point is that the Police Commissioner has sole power and authority under sections 16 and 17, which relate to the granting of any licence, certificate or permit. And for the Minister of National Security to insert himself into the process, in any form or fashion, seems to me irregular and potentially unlawful. This proposed amendment, if considered within the structure of the Firearms Act, violates the central policy, the central plank, not just under our Firearms Act but with the firearms laws in many other countries where the

legislative intention as the paramount criteria is that it is the police, and only the police, who determine the issue and life of all firearm certificates and permits.

So I urge Senators to give this matter thoughtful consideration and to be careful not to place these or any other clauses outside the provisions of the law. As I said at the beginning, perhaps the time has come to consider a different firearms regime, one where a multidimensional panel or board will get to determine to regulate who can and cannot carry firearms, and under what circumstances, but that is not where we are. Right? Where we are in absence of such a board, the Police Commissioner is the only one who gets to speak on the issue. And so, my preference would be to leave it to the Police Commissioner to issue or deny firearms licences, subject, of course, to the right of appeal under section 22. As was alluded to earlier, this Parliament only recently approved the appointment of a new Police Commissioner. We should not be looking to undermine her powers and authority within the first week of her historic appointment.

In closing, may I share some food for thought. In my research on gun laws and policies across the globe, I was struck by the fact that there are countries like Sweden, Norway, Switzerland and Singapore where gun ownership is very high but firearm offences, firearm deaths, firearm injuries are very low. And in those countries the secret of success seems to be based on the following mix, tight firearm laws which ensure that only law-abiding, well-behaved and responsible people can carry guns; extensive training for all firearm users with a strong focus on gun responsibility; stringent background checks, including psychiatric assessments; and strict enforcement of gun control laws and policies, including mandatory rules to be followed when carrying and storing guns and ammunition.

In both Switzerland and Singapore, owing to their mandatory national service, nearly half the civilian population have the experience and are well trained

in operating firearms. In both those countries, strong gun laws have been linked to fewer gun deaths. In both those countries, citizens have guns at home but they are kept for peaceful purposes. In both those countries, firearms training is taken very seriously. And in both those countries, in particular Switzerland, gun ownership is seen as part of a patriotic duty to protect their homeland.

In this country, unlike the United States of America, there is no right to bear arms. And if I had my way, there would be no guns at all in Trinidad and Tobago. However, given the high incidence of illegal guns, given our porous borders and given the high incidence of gun-related murders, robberies, home invasions and the like, what if, as occurs in Switzerland and Singapore, every able-bodied citizen has the experience and is well trained in operating firearms? Would that lessen the likelihood of attempted armed robberies and home invasions, knowing that there is every likelihood that the intended victim is probably armed and well trained in the use of firearms? As I said, it is just a thought but at this time, when there are more murders than days in the year, it may be that the solution lies in some out-of-the-box thinking, perhaps even counter-intuitive thinking. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Minister of Tourism, Culture and the Arts.

Hon. Senators: [*Desk thumping*]

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you very much. Thank you very much, Mr. Vice-President. Thank you for allowing me to lend my voice to this Firearms (Amdt.) Bill, 2022, and allow me also to congratulate Sen. Sookhai on his maiden contribution.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: Mr. Vice-President, the PNM continues to attract the

best and the brightest.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And we know how much this country depends on the PNM, and the country and the future of Trinidad and Tobago is in great hands.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: Mr. Vice-President, I join with my colleagues on this side in supporting the Minister of National Security in the passing of this Firearms (Amdt.) Bill. This Bill, as many others have said, seeks to improve the administration and management of firearms and the firearms regime in Trinidad and Tobago, and the Bill does a number of things—a number of simple things. But before I get into my brief contribution, let me touch on a number of things stated before, and I will start with Sen. Lyder.

Sen. Lyder asked whether the police or the municipal police, whether they have a use of force policy and the answer is, yes. Sen. Lyder made a lot of weather about the purchasing of Tasers and the training of police with Tasers, and he touched on a number of things, asking where are these things, why are they not in the legislation, but these matters are operational matters. In the legislature here, we do not get involved in the operational matters. What we are doing here today is giving the municipal police, through legislative clothing, the ability, provisions to allow them to use non-lethal weapons in the execution of their duties. The police themselves as an organization, they will have, as they do, their training policies, their purchasing policies. They will determine the specifications for purchase, and that is what they would do. But we, at this level, we do not get into the operational matters.

9.45 p.m.

Sen. Welch made the point, why are the special reserve police officers not

included in the amendment to section 7? And, Mr. President, if I could go to section 7 and the amendment that we are including. We are seeking to include the Director of the Strategic Services Agency as well as an employee designated by the Director, Strategic Services Agency. But the section also speaks to a police officer being exempted from possessing a firearm and ammunition, property of the Government that are required in the performance of his duty. And Sen. Welch when you go to the definition section—and the AG made the point before, the definition section defines a police officer, police officer has the same meaning as in the Police Service Act and includes a member of the Special Reserve Police established under the Special Reserve Police Act.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And what that means is not only are the special reserve police officers exempted, but they also benefit from the provisions similar—they benefit similarly to police officers. They are allowed to possess prohibited weapons, which include automatic weapons. So the special reserve police officers are also exempt and taken care of in the Act.

Sen. Lyder also made the point, well, he made a strange point, that Government should issue grants to persons within the security services so that they may be able to go and purchase weapons. I am not sure where he got that policy. I do not know if that is a policy of the UNC, but that is a very, very strange policy. He said why not simply give the prison officers an FUL? Why not simply give them? But for as long as the Firearms Act has been in place, prison officers, they have always been under a specific type of threat, and they have not received their FULs in the requisite time periods where the threat would obtain. And an FUL, the grant of an FUL, while the Commissioner of Police does have the power to revoke it, FULs are not usually revoked. What the amendment allows for is for a specific

threat assessment—a specific threat to exist, a threat assessment to be conducted and the permission by the Commissioner of Prisons to allow a prison officer to carry a concealed weapon to his home while off duty. And it is for when that threat exists. So where the threat no longer exists the Commissioner of Prisons would simply eliminate such permission, revoke such permission. So it is very different from the construct of an FUL.

Sen. Mark went on to conflate a number of things, as he usually does. He tried to give the impression that we were somehow favouring prison officers in the national security apparatus, and we were also favouring the Director and officers of the SSA while, of course, in his usual way, undermining that institution, that agency that is the SSA, and he was very confused in his thinking.

With respect to the amendment whereby the Director and employees of the SSA are exempt from holding an FUL in carrying a firearm or ammunition, it is specifically, and it is specifically stated in section 8—I am sorry, it is specifically stated that it is in the course of their duty. So the SSA officers are not allowed to carry home while off duty, their government-issued weapons. Sen. Mark conflated those issues. With respect to Sen. John, Sen. John made the point, and so did Sen. Lyder, that prison officers are part of the problem, and there are rogue officers in the prison service and they are contributing to the problem of crime, and they are contributing to the threat against prison officers. These rogue officers in the prison service. And that is correct. We accept that. There are rogue officers and there are rogue elements in a lot of organizations.

Mr. Vice-President, you would recall just a few weeks ago that we held in this Chamber a meeting of the Electoral College, and at the end of the voting of that meeting we discovered that three of the UNC MPs did not vote for their candidate of their choice. So there are rogue elements everywhere, including in the

UNC.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: But what is taking place, Mr. Vice-President, is with the assistance of the SSA, with the assistance of the police as well as the prison service, intelligence gathering and intelligence operations, sting operations are being carried out, and these rogue officers are being weeded out time and time again, and we will continue to do that.

Sen. Lutchmedial spoke, that nothing was done for one year between Vishal Singh and now, and then spoke about a joint select committee that we were a part of. And on that same Joint Select Committee Sen. Lutchmedial, we received in-camera evidence that indicated that the SSA, the police, Customs and all of the security apparatus in Trinidad and Tobago, they collaborate, and during that time the SSA, the police, the defence force had put in place mechanisms to protect prison officers understanding that prison officers are under very specific threats. Sen. Lutchmedial also spoke about these strict criteria that must be followed before permission is given by the Prison Commissioner to allow for permission to carry and to possess, while off duty, firearms. And Sen. Sooklal touched on the Prison Threat Assessment Committee. But what was not read into the record was the prerequisites in the policy, General Order 91 of 2016 Policy. Trinidad and Tobago Prison Service Firearms Police.

And Mr. Vice-President, not everything needs to be in the legislation. Not everything needs to be in regulations. We also have policy and the prerequisites:

> "The Prisons Officer would be informed in writing by the Assistant Commissioner of Prisons 'Administration' that he shall be provided the under mentioned stipulations before the weapon is issued.
>
> A performance report from his present Supervisor, (not the

performance appraisal form).

A statement from their spouse supporting the Officer possessing a Firearm…

A secured safe must be established at the Officer's home to secure the firearm when not in use, (…subjected to verification by inspection from a senior Prisons Officer).

A report from the Superintendent of Prisons 'Training' that this Officer is capable of handling a firearm.

A document of certification from a psychologist/psychiatrist that an evaluation has been done on the Officer and the Officer is deemed a responsible person to keep and carry a firearm."

So following the Prison Threat Assessment exercise, these are the prerequisites that must be done. It is not vaille que vaille. It is not capricious. As a matter of fact, Sen. Lutchmedial is listed as one of the attorneys on that Vishal Singh matter. And Sen. Lutchmedial is an attorney who works in that area of law where decision-making is reviewed. And Sen. Lutchmedial is very well aware that decision making in a public body by a public authority cannot be unreasonable, irrational or capricious, or arbitrary. The policy is there. A lot of weather, Mr. Vice-President, was made about the amendments to allow for the extension of time in clause 10, amendment to section 17 of the Act.

But, Mr. Vice-President, I would remind this House that we just went through a period where the entire country was under a public state of emergency, and during that public state of emergency COVID-19 pandemic, quite a number of pieces of legislation were amended to allow for the Minister by order to extend the period of time to do a particular thing. Sen. Sooklal spoke about liquor licences, orders within the Companies Act, within various tax Acts, Minister, and there is a

process to do this. The Minister cannot arbitrarily do it. It has to go to Cabinet and then it has to be gazetted. There is a process by which you do it. And this Parliament was moved in 2020, and it is now in section 39(4)(a), and here is what section 39(4)(a) says:

> "Notwithstanding subsection (4), in the year 2020, the full amount of the appropriate fee shall be payable on or before 30th September, 2020 or such later date as the Minister…by Order, prescribe."—In that particular year.

So it is entirely reasonable for a Minister to be given provisions to be able to do this thing administratively. It will not be done arbitrarily. It is not one person, one person. It will be a category of persons, without having to disturb the whole Parliament to extend the period of time. And there is much to be said about that particular provision, Mr. Vice-President, subsection (6), because and I know it every year what you do is in order to have your licence renewed, every year you take your weapons along with your booklet, along with your licence, you go to the police station nearest to you, the police officer checks your booklet, checks the weapon, checks the serial number, counts the number of ammunition you have, you pay your prescribed fee, you are given a certificate, and then you go home.

10.00 p.m.

And if there is another public state of emergency in this country where persons are not allowed by reason of whatever emergency exists in the country, they are not allowed to go to the police station, have their books and weapons inspected and pay the prescribed fee, then they can all be charged. They can all be charged under section 6 and liable to 10 years imprisonment. So it is entirely reasonable.

Sen. Lutchmedial also spoke about, what about the average citizen. These measures, especially the measures that allow for persons in the Strategic Services

Agency as well as prison officers to arm themselves, prison officers to arm themselves off duty, that redounds to the benefit of the average citizen, because who is there protecting the average citizen? It is members of the state security apparatus, it is the police service, members of the police service, members of the municipal police service, the SSA, the prison service, these are the persons who are in the first line of defence. So why not give them some additional tools to protect themselves, why not.

Sen. Mark also made the argument that, what about police officers? Why police officers cannot take their weapon home. What is so special about prison officers? And across the floor I told him, yes. And he said, show me. Well, I will show him. Section 18, it grants the sole discretion to the Police Commissioner to grant firearm user's licences. And it is here in paragraphs 72 and 73 of the judgment. And in paragraph 73 it says by the learned judge:

> "The Firearms Act clearly provides that the only person entitled to grant that license is the Commissioner of Police."

And, Mr.Vice-President, the way the permission, the licence is granted to police officers who are off duty to take their weapons, to be in possession of their weapons, concealed and carry, is through a similar threat assessment exercise and the Commissioner of Police, through a specific clear and rational procedure, the Commissioner of Police gives the permission to allow police officers to take their weapons with them while they are off duty. That is a normal thing, we know that. Police officers are regularly called upon while they are off duty to spring into action with their weapons.

So, Mr. Vice-President, those are my points in response. I would just touch on the concept of the firearm user identification cards that are now being introduced. The amendment to the firearm regulations specifically allows for the

use of technology. And what this new introduction of the firearm user identification cards will do is through technology tie the licence into the firearm registry that was created. And firearm user's licence, the ones that were already—some were distributed, of course not in accordance with the law, it is now being brought into force through this law, through this Bill. There was a QR code so that when you are stopped and you identify yourself as being in possession of a firearm, an officer now, what I expect, would be able to scan your QR code on your firearm users card, it will now take you into the firearm users registry. And you are able now to see a photograph of the user, the weapons they carry, the serial numbers of the weapons they carry, how much ammunition they are allowed to carry, et cetera. So it reduces, through the use of technology, through the use of this new firearm user identification card, it eliminates the potential for fraud.

Of course we know the firearm user's licence is a little booklet; it is paper; you could easily leave it in your pants; you wash it in the washing machine, it is easily lost; destroyed, et cetera. And of course what you do with your firearm user's licence as well is you keep your receipts which are paper; you keep your receipts that you pay every year while you renew your licences; you keep that with your firearm user's licence to prove, and that is what has to be done, you keep your receipts to prove that you were renewed. Now, with the firearm user identification card all of that is eliminated, everything is on the registry, in real time.

But I also want to touch on, lastly, because everything else was touched on, the amendment to section9(4) which is extremely important. And 9(4) now creates a sanction where persons who are exempted in 7(1)(a) and 7(1)(aa):

> "…who commits an offence under subsection (1) or (2)…"—is liable on conviction on indictment to imprisonment for life.

That is to say, Mr. Vice-President, if you are exempted, you are a police officer,

you are a prison officer, all the way down to what is now, what we are introducing now, the Director of the SSA or an employee of the SSA and you are guilty of transferring or selling your firearm or firearms and ammunition you are liable on conviction on indictment to imprisonment for life.

And this is very important because the Minister of National Security, the police services, the security services, are now finding themselves where—Sen. Lutchmedial touched on it—where there were reports of a police officer renting guns. Now on crime scenes you are finding, as it is alleged, ammunition, spent shells with police service markings on them. What I expect is the ammunition that in future will be distributed would be marked, would be marked, would be recorded and will be distributed accordingly. So that if it occurs in the future, persons within the state security apparatus, those who are exempt from carrying firearms and ammunition in public, in the course of their duty, will now be liable to imprisonment for life. You often hear about police uniforms and vests and so on, but, of course the more serious, more heinous crime would be the selling, the transferring of firearms and ammunition for the committing of crimes.

So, Mr. Vice-President, I commend these amendments to the Firearms Act through this Firearms (Amdt.) Bill to this House. I support the Minister of National Security in what he is attempting to do and in particular I support giving this extra measure to members of the prison service in protecting themselves, in protecting their families as they are exposed to very, very, serious threats to their lives and the lives of their families. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Roberts.

Hon. Senators: [*Desk thumping*]

Sen. Anil Roberts: Thank you, Mr. Vice-President, control. This PNM

Government is obsessed with control. Every piece of legislation they bring, piecemeal as it may be, shows that they want to control every aspect of life in Trinidad and Tobago. "If pothole was controlled, all ah de roads in Trinidad and Tobago will be smooth."

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: A firearm makes killing easy. They may have other weapons that are available, knives, stone, wood, cutlass, [*Inaudible*], these are less deadly. There is an inherent danger with a firearm. Firearm users or ownership or possession requires responsibility, training and vigilance. Firearms are terribly dangerous and even experienced FUL holders may accidentally discharge a weapon inside of an armored vehicle endangering the entire security detail. Weapons are serious and dangerous.

But what is the philosophical position of this PNM Government when it comes to firearms? Clearly by this piecemeal reactive Bill it is non-existent. The Government is reacting to a judgment rather than effectively fighting crime and criminality in a holistic manner with a policy. I must agree with Independent Sen. Vieira who, after hours of debate, I listened to Government Senator after Government Senator come forward and I could see no cohesive plan, no concept, no discussion, no legislation with some sort of formality, no consultation. Trinidad and Tobago is in a different position now. There are many people, some we have heard today who feared the word "firearms", others believe that a firearm should be a constitutional right like in the USA. But in Trinidad and Tobago we now require a discussion about firearms, because crime and criminality is at its highest level in our history. People cannot feel safe anywhere.

Could you imagine being a father in your house, your home, you pay your mortgage and people with guns run up inside your house and you only have a pot

spoon or a pan? Could you imagine how it feels to not be able to protect your wife and children when arms wielding bandits with illegal weapons—I am hearing a number of 12,000, who knows what is the truth. How do these people feel? How do our citizens protect themselves? There has been no consultation about firearms in this country. We cannot continue like this is 1956 or 1965 or 1970. The situation requires consultation, a policy and a government caring and moving forward.

I heard the hon. Attorney General say that there is a slew of legislation to come. Well, I hope that it reaches and it does not get lost because the legislation needs to be here. But we must consult because firearms are dangerous. Some people may believe that it will add protection, others may believe that having a firearm at home will put more people in danger, that having firearms in the possession of more people may create the *Wild, Wild West* scenario. These topics require expert evidence, expert opinion, consultation and moving forward. Not coming here piecemeal because of a judgment, to come one year—the PNM has innate ability to be slow and rush at the same time. A year late and coming to rush a piecemeal amendment here before us, because there is no policy.

This policy, these amendments here, Firearms (Amdt.) Bill, 2022, they give selective people the opportunity to carry firearms. Yet another carrot to offer selected citizens to fall under the control of the PNM, be a good PNM, do not criticize the PNM, do as I say and you get your gun, and you get your gun extension. Just like bursaries, not scholarships; calypso, "doh" sing bad about the PNM; MC a Carnival show, "doh" make PNM jokes and get—to go in front and sing in Skinner Park, you must not bad talk the PNM. This is the policy of the PNM and this is why we are here—

Hon. Senators: [*Desk thumping*]

10.15 p.m.

Mr. Vice-President: Sen. Roberts.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: Sen. Roberts, albeit you may be the last speaker on the other side, I am asking you to keep your arguments as relevant as possible without exhausting what has already been said. Thank you.

Sen. A. Roberts: Thank you. Nobody talked about that except Sen. Vieira, who brought up the point that this requires a slew of legislation, a policy position; where it requires a concept and a belief that has been garnered by a government who has accessed information and comes to a position of how citizens are going to be able to protect themselves when the Government is incapable of protecting the citizens.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The situation is dire. Let me start by saying—I have waited probably two and half years to say this, but I agree with the Government on clause 4. They could press record. That is a very useful clause. It brings some clarity to a situation where FUL holders could have a laminated card instead of a booklet that they have to walk around with in their pocket, whether rain, sunshine or flood, with the picture rotting off and keeping it. The police cannot see what is written on it, when they paid, if they paid, how many bullets they are supposed to have. So having a laminated card with high security features, I 100 per cent agree with that. You are not going to clap that, PNM? You all not happy to hear that we agree with something? That is about it there.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: That is the end of the agreement because—I want to commend the hon. Minister of National Security though, definitely earlier today, for his

entire 45 minutes. He managed to stay awake and I know that took a lot of effort, but he comes here to tell us about prison officers and that the Commissioner of Prisons must determine whose life is under threat. Some committee will determine whose life is under threat and then they will determine if that person could be granted a firearm. Well, let me tell the hon. Minister of National Security, every single citizen's life is under threat under your watch. Everybody is afraid—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—not only prison officers. Every prison officer, every fire officer, every teacher, every citizen fears for their life going to the grocery, going to the market, going to the beach, going anywhere. Every single citizen is under threat. This is the state of insecurity that you have this country under.

I want to quickly thank Independent Sen. Evans Welch for correcting the record and correcting the Attorney General of the Republic of Trinidad and Tobago who, in his brazen, arrogant, lost style, attempted to ridicule the pertinent point made by hon. Sen. Jayanti Lutchmedial about his omission in this legislation of the specific word, "SRP". So thank you, Independent Sen. Evans Welch. Maybe he will listen to you and correct the record to make it flow seamlessly with other parent legislation.

Crime presents a serious challenge in all aspects of life. Those words were uttered by the hon. Minister of National Security of Trinidad and Tobago. I thought I was sitting here in a twilight zone, as the man who is in charge, whose responsibility it is to keep us safe, was trying to convince us today that crime is out of hand, that people are so unsafe, that prison officers are under threat, that SSA officers are under threat, that all of these people need guns because the crime situation is out of hand. I could not believe that the Minister of National Security was trying to convince the Senate that crime is so terrible, we must pass this Bill.

Well, if crime is so terrible, Sir, I agree with you. Then you should have just said, I hereby resign and give somebody else—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—who has enough adrenaline to stay awake at the wheel, the job to keep us safe.

The Minister of National Security came to tell us how terrible crime is, tried to convince us that it is bad. After seven and a half years, nearly 4,000 murders—614 last year, 72 in 2023—and we now start to sing soca, "Minister Nappy, doh frighten, we know the crime bad". The citizens are aware, the people are terrified like never before.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: There is no constitutional right to bear arms. There is no right for people to protect themselves at home. We have a government based on Westminster system and the norm is for the Minister of National Security, the National Security Council, the Prime Minister and the Government to take the responsibility to ensure that the citizens are safe to enjoy their property and protect their families. We have a Minister of National Security who goes on TV and says that is not his job, but you come here with a piecemeal legislation to say you come to protect some, "but de rest ah all yuh, yuh on yuh own, and who dead, dead, and who live, live". That is not good enough for the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: On a point of order, Standing Order 53(1). You are approaching abusive and insulting language and I ask that you bring your contribution towards the 11 clauses of the Firearms Bill.

Sen. A. Roberts: If the situation is so dire, why did this Government not bring legislation to allow private citizens to protect themselves? Why has this

Government ceased and stopped a process that was already slow with law-abiding citizens applying for firearms? They stopped the issuance of FULs. They slowed it down, all to proceed on a witch hunt against someone they lost confidence in. The people need help and they are not seeing it coming from the Government.

Some Members of the Senate spoke about the prison officer who was shot in broad daylight while holding his little daughter's hand. But what many of us forgot to speak about was that 16 seconds after there was a police vehicle that appeared to be escorting, to those who watched the video, the murderous assassins. In traffic, in broad daylight, the perpetrators evaded police officers in a faster vehicle with communication equipment and the murderers got away. There was to be an investigation into that incident. Time has passed and we know nothing.

Why do I say this? Because the Government is coming here, without sorting out their house, without dealing with rogue officers, without presenting this country with an explanation of why we are in our darkest times, where we can see defence force ammunition at a murder scene, TTPS ammunition at a murder scene; that the most amount of coast guard officers, defence force and police are on charges for murder, kidnapping, extortion, yet the Government comes here, not to protect citizens but to give these organizations, under their watch that are rotten to the core, more guns, more ammunition to attack the innocent citizens.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: So we await, and maybe in the wrap up the hon. Minister of National Security could tell us how was it possible for a police car to be so close to a murder and the perpetrators escaped. What has become of that investigation? But there were silence. Silence then and silence now.

The hon. Minister of Tourism, Culture and the Arts talked about 9.4, life in prison for anybody in the service who is caught giving out, renting out their gun or

ammunition. Life in prison, it sounds very good. That is very good law, clause, written on paper. There is one problem. You have to detect the crime, you have to catch, you have to indict and you have to convict, and that is the problem with this PNM Government. For seven and a half years, the detection rate has wallowed at a low 9.8 per cent. So while we may have very strong laws, the laws are not enacted, the policies do not bring people to justice, the DPP's Office is still understaffed, the Judiciary is understaffed, the wheels of justice turn so slowly. So 9.4 may be good, but will it have any impact on keeping the people safe?

We now have a piecemeal legislation which gives the Commissioner of Prisons the opportunity to play God amongst his officers. So he will determine who will get a firearm to live and who will face the bandits alone. Why do we do this? Why do we try to segregate and make selections about who will live, and who will get this, and who will get a job, and who will get a scholarship? All lives matter. And if there is a policy for one; and if, as the the Minister of National Security said, the gang leaders are evil and wicked and malicious, and I believe him, but then why not give all? Why not protect all of those officers who swore their oath to do their job? Because he makes the point that all prison officers swear on an oath to protect and do their job, and some of them are being attacked for just doing their job, so why make it selective? Why hold a carrot out? Why hold this power over individuals about life and safety and limb?

This gives the Commissioner of Prisons the ability to discriminate against other officers. All officers are under threat, but we must not control and pick and choose who gets jobs and contracts. The Minister of National Security listed officers attacked and killed, yet he does not bring blanket legislation. The PNM claims that granting of FULs to private citizens led to corruption in the Trinidad and Tobago Police Service, but yet they are now extending the selective process

for officers rather than overarching legislation to protect all prison officers and all people.

The Minister argued against his own clause by showing that all prison officers upholding the oath are under threat. Prison officers looked at as oppressors. Gang leaders—this is quoting from be hon. Minister, that the prison officers are looked at as oppressors. Then why are some oppressors—some given guns and others not given? If they are seen as oppressors and they are doing their duty, they deserve to be safe wherever and whenever they go, and selective favouritism about protecting one's life and family could never be right. The PNM tries to create a reality of being half pregnant. They say that the shot called from inside the prison, that it is evil, malicious inmates. But the PNM only comes to protect those selected few, who a committee decides to recommend to the Commissioner of Prisons, those who face a legitimate threat. Who is to determine what is a legitimate threat? We live in the real world. This law here, brought here today, makes absolutely no sense in reality.

PNM half measures again, like the Minister was half awake when he produced this Bill. Eighty-eight officers under threat; 16 murders, claimed the National Security Minister, in less than 10 years, of prison officers but yet he is in charge of keeping people safe, but comes here with statistics that would make anybody's eyes water, and yet he does not want to resign. His own contribution today shows that he has failed and if you have failed, you must resign and move on. Give someone else an opportunity, even on your team, until the election is called to try to keep people safe. The Minister said he speaks with confidence. Well, that is an amazing thing. That must be a very lonely place for the hon. Minister of National Security because not one citizen in this country shares any confidence whatsoever in his ability to keep us safe.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The Minister of National Security then went on to state that the FUL process was so long, that prison officers might be harmed or die. But what about law-abiding citizens? Because the FUL process is very long and it is being made longer by your good self, as you pause and look for those officers who the PNM deemed were involved in FUL corruption.

10.30 p.m.

They say that the guns that will be given must be the property of the Government. Once again, PNM must control everything. Why must it be the property of the Government? Some people are left-handers, some people right-handers. Some hands are small, some hands are big. People need for their skill level, different types of weapons. This is why there are manufacturers who create and produce different types of weapons. Whether it is 9mm Sig Sauer, whether it is an automatic, whether you have a safety, no safety, you leave one up in the chamber. Every human being is different.

So why does the Government say that these FULs must only be owned by the Government. Why? Because they want to procure without procurement. They want to thwart business and thwart choice of citizens and officers alike and this must stop. This is an autocratic and shuts down legitimate business opportunities for entrepreneurs there who can produce and create and develop and want to make profit on weapons. The Government does not know all and there is no one size fits all so only the Government can control the procurement without procurement legislation being proclaimed. Another tenet of this corrupt PNM regime, control all the procurement without procurement legislation.

The municipal police will have Tasers. Well, I want to warn all my vendors "selling watermelon and cucumber, portugal, orange and banana, baigan by the

road, watch out because yuh coming to get shock" because the PNM treats vendors with disdain. "They treat them and they take dey stocks and throw it in van. Now, yuh go geh shock before yuh loss yuh wares." They talk about pepper spray for the municipal officers but our ladies are still waiting for their pepper spray. Waiting, waiting in vain like Bob Marley said. Promised two years ago by one Attorney General who lost 31 cases, brought here now by another Attorney General who is confused and "losing file, losing case" and no legislation here, no enactment for our citizens, our mothers, our daughters, our girlfriends, our wives to get pepper spray to keep them safe but "yuh coming tuh gih police pepper spray".

Mr. Vice-President: Sen. Roberts, at the eleventh hour of the debate, I ask that you keep your points relevant to the 11 clauses of the Bill please.

Sen. A. Roberts: Thank you. So if I am not relevant, it means that my colleagues on the other side were not relevant because I am responding exactly to every word uttered by the Government. The hon. Minister of National Security spoke about a revamped use of force policy. Well, maybe the hon. Minister in wrapping up could elucidate about this policy because what the people would like to know, does this new revamped use of force prevent the police from using tear gas on ladies, the elderly and children protesting in the savannah against the wicked oppressive PNM regime?

Hon. Senators: [*Desk thumping*]

Sen. Mitchell: 46(1).

Sen. A. Roberts: The hon. Minister said the Strategic Services Agency requires firearms because of their activities and I was a little confused, maybe he could explain to me. I did not know that the Strategic Services Agency used to go in cars and "maco people with two milo pan and ah string". I thought that they were using technology at the highest level. I thought they had Pegasus' brother and they were

sharing it equally and they were high tech. I did not know that they go out there and they are open to be fired upon while they are looking and listening, "eh boy, who old talking outside there". So could the Minister of National Security explain to the population how SSA which is supposed to be a high-tech unit comes out to be at risk in "ah van park up" in an area where "gang men talking to dem". Please explain to us, we really want to know.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: And then again, the SSA director must pick and choose who lives and who dies, who could protect their wife and family and who cannot.

Clause 11 says replace "President" with the "Minister". Well, this clause will be unnecessary in a little while because the President will also be a PNM so it will be no need to change or interchange between Minister.

Sen. Mitchell: No, no.

Mr. Vice-President: On a point of order.

Hon. Senators: [*Interruption and crosstalk*]

Hon. Senator: The President-elect is not the President so, nice try.

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

Mr. Vice-President: A process has passed. I just referred to 46(6), please abstain from such language.

Sen. A. Roberts: Tell the hon. Member do not get excited, it is President-elect, they have no Standing Order about President-elect of the PNM. Clause 10, the Minister can extend, this is an attempt to make sure that a PNM Minister never again has to send requests via WhatsApp to the Commissioner of Police for friends to get FULs and "get caught in ah joint select committee" with WhatsApps being presented.

The hon. Minister in the Office of the Attorney General, the hon.

Sagramsingh-Sooklal said in responding to the hon. Sen. Paul Richards, she suggested that allowing the Minister to approve extensions of FULs was to share the workload. This is an amazing postulation by the hon. Minister that the so overworked Minister of National Security who is often so exhausted, "he cyah stay awake", would somehow have time to help somebody else to do their job.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: The Attorney General regaled us with a story. He said he talked about the rule that he was taught by Brother Lawlor to him in high school about the rules of debate. Well I ask the hon. Attorney General, I wonder if Brother Lawlor taught the AG about the rules of perjury.

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts: Last week, Mr. Vice-President, last week was—

Mr. Vice-President: Sen. Roberts.

Sen. A. Roberts: Yes, Sir.

Mr. Vice-President: 46(1), relevance to the Bill at hand and it is 11 clauses. Please.

Sen. A. Roberts: Thank you, Mr. Vice-President. Last week was Read Aloud week for the children of the world and of Trinidad and Tobago. I enjoyed listening to my eight-year-old daughter read aloud. I did not know that today in the Senate was also read aloud day because they would have been observed read aloud day by the new PNM Sen. Sookhai as he read off his iPad with great difficulty. Sen. Sookhai, on debut, decided to "big up" the hon. Minister of Works and Transport for a new digital licence. That was excellent. However, at 7.20 pm while the hon. Sen. Sookhai was speaking, was he aware that in San Fernando, there was a line of over 200 cars parked up since 6.00 p.m. for 8.00 a.m. appointments the next morning? I want you to "big him up" with that also.

Hon. Senators: [*Laughter and crosstalk*]

Mr. Vice-President: Senator Roberts, you are stretching the parameters of the debate in response. Your comments are absolutely irrelevant in context to the Bill at hand. 46(1) upheld, kindly proceed.

Sen. A. Roberts: Yes, I will move on.

Mr. Vice-President: Thank you.

Sen. A. Roberts: As I said, if my comments are irrelevant it is because the Government is irrelevant. Responding exactly what they said. I too might "big up" the hon. Minister of Works and Transport despite the infrastructural degradation of potholes, traffic, collapse of bridges, landslides, devastating flooding. If I had—

Mr. Vice-President: Sen. Roberts, I think you are little confused at the platform that you stand.

Hon. Senators: No, no, no. [*Interruption and crosstalk*]

Mr. Vice-President: Yes, yes, yes. I have asked for relevance.

Hon. Senators: [*Interruption and crosstalk*]

Mr. Vice-President: I am on my legs.

Sen. Nakhid: No, you cannot say that.

Sen. Mark: No, "yuh cyah" say—

Sen. Nakhid: You cannot tell a Senator that, Mr. Vice-President.

Mr. Vice-President: I am on my legs. I have asked the good Senator to be relevant as it applies to—

Sen. Nakhid: [*Interruption*]

Mr. Vice-President: I am speaking.

Sen. Nakhid: [*Interruption*] —disrespectful—

Mr. Vice-President: I am speaking.

Sen. Nakhid: No, no, no.

Mr. Vice-President: He is rambling.

Sen. Mark: You cannot say that.

Mr. Vice-President: He is rambling and he is being irrelevant to the debate at hand.

Hon. Senators: [*Desk thumping and continuous crosstalk*]

Mr. Vice-President: I am still—I have called relevance of 46(1).

Hon. Senators: [*Continuous interruption*]

Mr. Vice-President: Kindly allow your colleague to finish his contribution if he can keep it relevant.

Sen. A. Roberts: Mr. Vice-President, I thank you, I require no protection.

Hon. Senators: [*Continuous interruption*]

Mr. Vice-President: I am on my feet. I ask for silence if the Senator can remain relevant.

Sen. A. Roberts: Mr. Vice-President, how much time does the Senator have please so I can ramble some more in response to the PNM?

Mr. Vice-President: Senator, you have 10 minutes.

Sen. A. Roberts: Ten minutes. Well, as I go rambling because you—I love the word because the PNM Government is a bunch of ramblers. They came here and they are talking, I am dealing exactly with what they said and even their own Vice-President is saying that they are rambling but I can too "big up" the hon. Minister of Works and Transport. I certainly would do that if I also got lucrative contracts from the Ministry. Mr. Vice-President, reading this piece—

Sen. Mitchell: This is ridiculous, Mr. Vice-President!

Sen. Gopee-Scoon: Point of order.

Sen. Mitchell: They are undisciplined!

Hon. Senators: [*Laughter and crosstalk*]

Mr. Vice-President: 46(6) upheld, 46(6) upheld.

Hon. Senators: [*Desk thumping*]

[MR. PRESIDENT *in the Chair*]

Mr. President: Senator, continue.

Sen. A. Roberts: Thank you. Thank you, Mr. President and let me take this opportunity as I make my debut in front of you as the President of the Senate, let me say congratulations, hon. Senator and—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—I venture to proffer, I proffer without fear of contradiction that no other Senator in this honourable Chamber celebrated your ascension to the Chair more than me. That being said, at the end of my contribution, I shall determine whether my happiness was well placed or merely a fleeting sensation.

Mr. President, reading this piecemeal, rushed, haphazard Firearms (Amdt.) Bill, 2022, brought to the Senate by this failed PNM Government in an atmosphere of runaway crime, pain and fear in the hearts and minds of the citizens of Trinidad and Tobago, I am left asking myself if Trinidad and Tobago is in fact a real place and I am not going to Ukraine. I along with my UNC colleagues will be right here fighting tooth and nail against the tyranny—

Hon. Senators: [*Desk thumping*]

Sen. A. Roberts:—and oppressive nature of this PNM Government until they are resoundingly removed from office by a united people. Satan, move, "leh we pass". God bless. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Deonarine.

Hon. Senators: [*Crosstalk*]

Sen. Mitchell: You all are a bunch of miscreants.

Mr. President: Senators, Senators. Sen. Lyder. I understand that it is a little bit late but there is no reason to behave in such a manner. Senators. Sen. Deonarine.

Sen. Amrita Deonarine: Thank you, Mr. President, for the opportunity to contribute to the debate on an Act to amend the Firearms Act and other related matters. Mr. President, it has been a long day but I beg to indulge this honourable House for a few minutes to place on the record the issues that I have with this piece of legislation.

Now, we all agree in here that there are law enforcement officers whose lives must be protected. These law enforcement officers risk their lives every day in the line of duty. But, Mr. President, is the solution to give them guns to go home?

10.45 p.m.

Mr. President, in my mind I remain very unsettled with the arguments put forward by the Government, because while listening attentively to all contributions, I have not heard any sound justification from the Government as to, one, why it is necessary to interfere with a process that is currently under the purview of the Commissioner of Police?

Hon. Senators: [*Desk thumpin*g]

Sen. A. Deonarine: To me it introduces unequal criteria across law enforcement officers. It creates a parallel system flawed with subjectivity. Two, how are we going to prevent favouritism from seeping into the process as there is now room for subjectivity for the Commissioner of Prisons and the Director of the SSA to exercise.

Three, what is going to happen with the requirement for a psychometric assessment and spousal approval for these law enforcement officers? Now, I

understand that there is going to be a prison threat assessment, but I did not hear that it will go as far as seeking spousal approval, and also I did not hear of any threat assessment policy being established within the Strategic Services Agency. Number four, why an electing member, in this case the Minister of National Security, has to get involved in the extension of a licence beyond three years?

Now, allow me to elaborate very shortly, why is it necessary to interfere with a process that is currently under the purview of the Commissioner of Police. What I have heard is that it is too long, the process is too long, it is too timely. That is the answer that we were given. The Commissioner of Police has too much on her plate. Then if the current system is inefficient to grant law enforcement officers the requisite permissions that they need, why can we not fix the inefficiencies in the current process to grant a firearm to law enforcement officers? Why are we creating a parallel process which dissolves the power to grant firearms to law enforcement from the hands of the Commissioner of Police? This appears to me like another quick fix to circumvent checks and balances built into the present system, Mr. President.

Hon. Senators: [*Desk thumpin*g]

Sen. A. Deonarine: Why does it have to be something that moves away from what already exists? Why not create an expedited process? What this does, Mr. President, is create another subset of law enforcement persons who are able to carry around a firearm in a manner in which is not consistent with every other law enforcement officer, including police officers who still have to go through the Commissioner of Police. Why not simply fix the existing process, I ask again, rather than create a parallel process that introduces unequal criteria across all law enforcement officers?

There are prison officers whose lives are at risk. The Director of the SSA

and some employees of this office lives may very well be at risk, I agree. Just like Sen. Richards said, I too am wondering, why can the Commissioner of Prisons or through the Director of the SSA not make representations to the Commissioner of Police to have them get a firearm or prohibited weapon. Mr. President, what is being proposed is riddled with subjectivity.

The second thing I want to elaborate on is how are we going to prevent favouritism or ambiguity from seeping into the process? Clearly, there seems to be a problem with the Firearms Unit under the Commissioner of Police. Is that the case? I am trying to find out. Are we trying to create a parallel process to dissolve the powers because there is some sort of corruption or illegality that is emerging within the office of the Commissioner of Police? I am asking, I do not know.

Number three, will the Commissioner of Prisons or the Director of the SSA, are they going to ensure that an assessment is done on the emotional state of the home, the individual's home? Are they going to speak with the spouse of that individual? Are they going to speak with the neighbours to get a sense of the individual's general disposition? So, while we acknowledge that the life of these law enforcement officers may be under threat, just like Sen. Richards said, you may very well not be in a mentally sound position to possess a firearm.

We need to be cognizant of the fact, Mr. President, that in the case of *Vishal Singh v The Commissioner of Prisons*, I am just looking at this very briefly. Vishal Singh was the police constable who was shot by a prison officer who was allowed to take home their firearm, approved by the Commissioner of Prisons. But Vishal Singh, this constable who was shot, he was shot while executing a search warrant at the prison officer's home. He was executing a search warrant, Mr. President.

Let us move on to the fact that Police Complaints Authority referrals, the referrals to the Police Complaints Authority for 2021, and also 2022, have

increased significantly. There has been a high number of reports but also referrals involving police officers harming family members and spouses as of 2021 and 2022. I checked, between quarters one, two, and three, there has been over 40 referrals in those three quarters of police officers.

Mr. President, we cannot deny the fact that there is corruption and dishonesty in the police service and the prison service, and this Bill has the potential to empower those already corrupted law enforcement officers. What are we doing to purge the system? The number of laws that have passed since I have been in this Senate, that is since November of 2018, Mr. President. The number of laws that have been passed in this Senate to enhance the power of law enforcement officers have been many, and still we do not have a handle on crime in Trinidad and Tobago.

There are situations where higher rank officers are involved in criminal elements, and lower ranks are coming in into the system very well ready to fight crime and save Trinidad and Tobago. But higher ranks, there are higher ranks who are very well involved in criminal elements.

Now, I am not casting any aspersions here. Mr. President, when you hold an office such as mine, people reach out to you. When people see something is wrong, they reach out to you anonymously in confidence and they tell you about the inefficiencies and the corruption that exists in the system. So I am not casting any aspersions here today as I stand.

The final thing, Mr. President, why has a member from an elected office now become involved in the work of what should be the work in an independent office in granting the extension of firearm user licence? The reasons provided thus far are not justified to allow a Minister to grant extensions for FULs that will politicize the arming of citizens which may become party based and—

Hon. Senators: [*Desk thumping*]

Sen. A. Deonarine:—is potentially dangerous and discriminatory. It reeks of political interference. No politician or elected official should be involved in this process.

We cannot compare, Mr. President, extending a liquor licence or driving licence under a state of emergency with granting an extension of a firearm user licence. With those few words, Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of National Security.

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very much, Mr. President, as I take this opportunity to respond to some of the issues raised in the course of this debate. It is quite a long one, a lot has been said. Let me begin with the last speaker for the Opposition, Sen. Roberts. He did, among other things, say that I should resign. I just want to record that all my life, starting from when I was a police officer I fought against crime, and as a Minister of National Security, I now provide support to those who fight against crime.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: "I never call no shot on no footballer, farmer, gardener, or no DJ."

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: I never killed one person yet. In the course of my work as a police officer, I engaged in a couple of incidents but I never killed anyone. I contribute in the fight against criminality and illegality in this country.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: Not too long ago, LifeSport I am aware, Mr. President killed many young people in Malabar and in east Trinidad and otherwise. Led to the

killing of a high-level personality in this country.

Hon. Senator: "Hmmm."

Hon. F. Hinds: I am not ever accused of having secret meetings with gang leaders anywhere in this country to the extent that the police had to follow me. Police "eh" looking for me nowhere. And I "doh" pay criminals to go and deal with "nobody". So I am not prepared to take any lecture from the Senator who spoke for the Opposition last. Sen. Vieira—and I "doh" waste no more time on "dat." I move on.

Sen. Vieira made reference to the UK, a land with 60 million people, 1.5 million firearm licences granted in their history to date. No handguns in that society, that is off the agenda. All of the guns are long ones for hunters, for sports marksmanship, and what have you. I visited the Nottinghamshire Police Force recently, just before the Christmas holiday. They police, 1 million people just slightly less than Trinidad and Tobago, with 2,238 officers. They never discharged in that society, just showing the differences, a single round in all of their existence. And they came into being as a police force. I mean, they had institutions before but essentially in 1965 I think it was, '68.

Sen. Vieira mentioned Singapore and said that there was a high number of persons with licences in Singapore. I did some research and I have not found that. In fact, the records show that there are two firearms issued, licenced firearms to every 200 persons in that country with a population with about the 5.64 million people, one firearm—sorry, for every 200 people in that society.

11.00 p.m.

I can tell you, Mr. President, as it now stands, the police will confirm that there are about 34,000 applications for firearms in front of the police service and that is in addition to the existing licences which exist, which are on the books in

Trinidad and Tobago, in the region of about 25,000. And I can tell you, those are licences but with the recent madness, in respect to variations, we have—some people have 40 weapons, 35 weapons, 26, 14. You just call any number, you are talking about thousands of legal firearms. So when I hear questions about, what about the ordinary man, I could talk a lot about ordinary men and women, but this is not the time for that. That will come.

Mr. President, someone said across the floor today that a firearm is no guarantee of safety and the example of a prison officer who was armed at the time he was shot, that is real and that is true. But that is good for everyone, not just for the prison officers who we contemplate here today; everyone.

Not too long ago, a police retired—recently retired police inspector, in a bar, they came in and they took his gun. Fortunately, they did not take his life. But I can tell you, from information available to me, the possession of a firearm does help. Because there is a case recently, a few months ago, where a prison officer was attacked shortly after they killed two. He was, in the company of a friend, by a shop, from the reports that I recall, and he was able to use his firearm. I think he killed one and warded off the other. It works. But the criminals always have one advantage, and that is the advantage of surprise, which no one else will have. He picks his time, he picks his place.

I know of a woman police sergeant who was killed in her home with her husband and two other people. Four of them in one go. When law enforcement went in, they found the four of them crouched in the last room of the house, in the last corner of the house, because these criminals were banging down the door, coming in recklessly almost, because they knew or they believed, and they were right, that she was unarmed. It helps.

But I realize, you know, in this country, a lot of people speak, and speak glibly and loudly, and gain laughter and support, sometimes even in here, without complete understanding and knowledge of the ground reality, a lot of it based on emotions, and what they read in the paper, and how they feel, and who they like and who they "eh" like. All matters that are irrelevant to the reality of the reality.

So let me venture into clause 5, which is intended to amend section 6(1) of this. And I will read, in particular, 6(2B) which says, and for the consideration of all of us:

> "'A person who is and is acting in the capacity of a member of a Municipal Police Service within the meaning of Part III of the Municipal Corporations Act may have in his possession for the purpose of performing his functions any weapon of whatever description or design which is designed, manufactured or adapted for the discharge of any noxious liquid, gas or other thing.'"

We put that in there because we said and we offered the police service uses these non-lethal applications. The municipal police are doing the same kinds of things, dealing in the same places, with the same population, with the same risks, with the same behaviours, and largely, with the same training. Because they are trained, they use the same use of force policy that the regular TTPS uses. And we make it available to them so that they can carry out their duty without having to resort to a firearm.

I heard a long lecture today about Tasers and how it works, and all that. That is fine. Nobody is taking that away. But that is not the point. It is providing municipal police officers, who operate in the same country, in the same circumstances, with the same responses, as the regular police. Because if something happens to one of us, and we see blue and grey and a cap and a

bulletproof vest marked "police", we "eh" want to know if it is SRP, municipal police or regular police, "we calling for police help". But a lot of us just get here and talk and talk and carry on. But this is Trinidad, where you ask three people their opinion, you will get five.

Sen. Lutchmedial pontificated very glibly today and got to the point of telling us, and it was repeated much to my shock and horror, that we overlooked the inclusion of the SRPs in our considerations here. So much so, you know, that the Opposition filed an amendment, calling on us to include as a new subsection, a member of the special reserve police established under the Special Reserve Police Act. That, Mr. President, is like negotiating for what you already have.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: Because the Attorney General and several of my colleagues on this side, and I in an earlier time, explained carefully that the definition sections in the Firearms Act clearly states that a:

> "'police officer' has the same meaning…in the Police Service Act, and includes a member of the Special Reserve Police…"

That was made very—and I mean, clear. And section 4(2):

> "The Commissioner may, whenever additional police may be required for the preservation of good order, the protection of persons or property or the performance of any other duty exercisable by members of the Police Service, call out members of the Special Reserve Police on full-time, part-time or temporary service."

Therefore, in light of the inherent duties and powers vested in SRP officers, under the Special Reserve Police Act, Chap. 15:03, the mention of special reserve police officer in this clause would be redundant. So that that amendment that is now being proposed has to be rejected.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: It has only to be offered and stated to be rejected as a waste of time. Mr. President, like "dey head hard".

Hon. Senators: [*Laughter and desk thumping*]

Hon. F. Hinds: "Doh" take it from me. The law is right there. The Police Service Act is right there on your phones, on your iPads, on the Rotunda platform, in the iPads the Parliament "geh yuh".

Mr. President, section 7(1) tells us:

"The following persons are exempt from the provisions of section 6(1) that relate to having a firearm or ammunition in their possession…"

And it goes on to say:

"(a) a person whose firemen and ammunition are the property of the Government and are required in the performance of his duty as—

(i) a police officer;

(ii) a member of the Municipal Police Service within the meaning of...the Municipal Corporations Act;

(iii) a member of the Defence Force;

(iv)…Customs officer;

(v)…prison officer;

(vi) ...Director..."—of the SSA—

"(vii) an employee designated by the Director..."—of the SSA

"in each case acting in..."—the—"capacity..."

That is what we propose. Broadening the category of those who are exempt as at today's date before this is passed into law.

In respect of customs officer, I heard it was said, why would customs officers carry firearms? They do not know anything about the preventative branch.

There are customs officers whose business it is to go all over this country looking for uncustomed goods, and goods that might have slipped out of the loop on the ports, and to arrest and charge people under customs law. There are customs vessels they use to patrol our coastlines. But a lot of emotional glib, ignorant, empty talk in Trinidad and Tobago.

Customs officers two/three o'clock in the morning could encounter someone stealing some thing, frittering some thing off the port, direct confrontation with criminals. And for all, as long as I could remember, they are allowed to carry weapons.

As for prison officers, they undergo basic training before they pass out so-called and that includes the use of firearms. Prison officers use automatic weapons in the course of their work around the prison. Firearms are not new to the prison service. The difference on this occasion is prison officers, as a subset of law enforcement or our security platform, have come under attack to the point where they are losing their lives and they have asked the Government for years and they have asked this country to give them the support that they need in order to protect themselves. That is all.

So you hear all kind of talk about psychometric and training. In the police service today—and they are already exempt, there is no quarrel about that—police officers carry arms routinely. I was a police instructor, I trained thousands of them. But I will tell you this, Mr. President, they are allowed, in some cases, to keep and carry weapons too. That happens when the Commissioner of Police considers that it is necessary, it is helpful, based on the work they do. And also, when police officers come under threat, a report is made to the Police Commissioner, an investigation ensues and if it proves—if the Commissioner is satisfied—I "eh" talking about FUL now, eh, I am talking about "keep and carry" police guns.

If the Commissioner comes to the conclusion that the threat is real and the officer is in danger, he or she authorizes the officer, having looked at the officer's domestic circumstance, have a word with the spouse, make sure that the safe box is in place and all the other things, and that officer is allowed to keep and carry his service weapon. It is the same thing that has been happening for prison officers. In fact, it replicates what the police do. And I told you a while ago, there are 34,000 of those applications sitting there. And I am sure by next week, it could easily be 36,000 the way Trinidad and Tobago is going now. Yeah?

And, Mr. President, threat assessment team—when this matter, Vishal Singh, went to court, the Commissioner of Prisons produced the policy that guided it, you know, and the court took note of it. There is a policy. It is simply that the court found that the policy was inconsistent with the law and suggested, by implication, since it upheld the validity of the idea and the intention that we come here to make it legal and constitutional, so to speak. But psychometric testing, communication with the spouse, and all of that is put in place. A lot of people here would not know that, but you hear all kinds of commentary and we understand that, Mr. President.

10.15 p.m.

So, we offer a broadening of the category. Sen. Mark, like he has a fixation with the SSA. I do not know what is the bee under his bonnet, if I may be permitted a metaphor. He has issues with the SSA, but I am not surprised. There are some people—mark my words—in this country who do not like police, law and order. They have issues.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: I mean, Sen. Mark got to the point of calling the SSA a rogue institution and organization that was born under the laws which still exist since

1995 in this country, when I became a parliamentarian, 1995; which began with a responsibility to the deal with precursor drugs, precursor chemicals and drugs. And we also had the SIA, at that time, and you had SAUTT, a little bit behind it, and these were merged, and it is that merged organization where the UNC Government took a rookie at age 23, a clerk, and put her at the top of it, and now I am coming to hear about director at the SSA, highly qualified, highly skilled, a retired Major from the defence force, not to personalize "nothing".

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: And they work very closely with the defence force. So, when it comes to the question of their training and their ability to use weapons, that is not an issue. In fact, someone acknowledged here that a lot of them are former members of the defence force and police service and other institutions, and they get training. And as to why they should have—I explained the danger they find themselves in.

I want to compliment Independent Sen. Welch, he took the time to read the law and demonstrate the responsibilities of the SSA, and easily demonstrated why they could be directly in the fray, and I do not have to waste any of my time dealing with that. He did it quite succinctly and quite adequately.

And the SSA, we propose, should be allowed to use firearms in that context. I cannot understand what the issue is. And the director, just like the commissioner, just like the prisons commissioner, will decide based on the information available and the duties and the circumstances, what would be required, because he better than anyone of us would know where the officer is to go today, the kind of work he or she will be required to perform. Again, all the elements will be looked at and the training would be assured. This is a responsible organization protecting this country against terrorists—

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds:—transnational criminals who bring ketamine or "ketamine" and cocaine and other drugs and guns and ammunition into this country. Violent extremism are some of the challenges we face.

I heard Sen. Lutchmedial asking about, what is the Government's plan? Well, I just want to say this, eh. The police service has a strategic plan and the police service has anti-crime plan, not the Minister. My job is to provide policy direction on behalf of the people of Trinidad and Tobago through the Cabinet, and my job is to provide the resources that they need. I do not come up with any plan. I am no police officer. I am not patrolling anywhere. The things they do, I do not. So, to ask me about crime plan, it just demonstrates the paucity of information and a kind of emotional overflow, spurring.

Mr. President, I even heard talk about what about houses for police officers. Little does the speaker, Sen. Lutchmedial, know that a long time ago, this Government put in place a policy where 10 per cent of the homes in respective HDC developments should go to law enforcement personnel. Up to last week, I received a list from the enforcement platform and forwarded it dutifully to the Ministry of Housing and Urban Development, recommending that these officers be considered in the circumstances. What does that have to do with this? What does that have to do with this? In fact, I heard one Independent Senator say sometimes based on where the officer is living, there is greater risk.

I sit in my office as Member of Parliament and as Minister of National Security, and I have had diverse requests for support from officers from law enforcement, because they are being targeted where they live—and I am not talking about prison now. Prisons have their problems in the jail too—and, of course, described the attempt—well, described the power, the responsibility we

seek here to put for the Prison Commissioner, described that as wide discretion. Now, when you hear the word "wide", we are not talking about Tom, Dick Harry and several organizations. We are talking about one organization of the many in national security; that is the prison services and we are talking about a subset of those officers who could demonstrate that they have come under severe threat and who need protection of this state. And the best person to know that is the Commissioner of Prisons, not even the Commissioner of Police will know it so well. It is the Commissioner of Prisons will know, and he is guided by a policy starting with a threat assessment committee. It is not whimsical. It is not emotional. A report is brought to him.

There is an assessment committee that looks at it and makes recommendations. And all of this could be done in quick time, as I have suggested, as opposed to the longer process that it will take if one applies for a firearm and gets logged into the 34,000 that are there. And, of course, recent times other circumstances, a matter to which sometime not too long from now, I shall return.

The question was asked: Could the Prisons Commissioner not make recommendation to the Commissioner of Police? The answer is yes. That is being done now for decades, but because of the exigencies of the situation, because of some of the prison officers who come under attack, already applied for firearms, you know. "They ain't get it yet." Letters have been written. And talking about that, I have heard some snide commentary today about some Minister. And I understand, you know.

I went as Minister of National Security, boldly and courageously, before a joint select committee to field questions from the joint select committee on the business of illegal firearms in this country. And when I was giving my testimony,

one member of that—a certain Member of Parliament for Oropouche East, I saw him on his cellular phone, getting messages and what he read to us in the committee now, having read this phone, suggested to me that it was a message I sent to a former Commissioner of Police and who like a wimp, untrustworthy wimp—

Hon. Senators: [*Laughter and desk thumping*]

Hon. F. Hinds:—would share that with him, and I would hear that from time to time coming from the Opposition, like if it is some issue. I, let me tell you, I am a very experienced politician and man and lawyer. I defended cases in the criminal courts for years from murder, right down to obscene language. I am a very experienced man. I know good when I see it, and I know rubbish when I see it.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: And I want to tell you this. I, Mr. President, "never ask nobody to give no licence to none of my partna or no family". Several members of the law enforcement platform, the protective services, about four or five of them, indicated to me that they had applied for firearms and that the process was being delayed, and I asked the then commissioner to look into those applications already made. I did that—

Mr. President: Okay. Members, the level of noise in the Chamber is getting a bit too high. Could we drop it a bit so that the Minister can make his contribution? Continue, Minister.

Hon. F. Hinds:—knowing full well that at the beginning, during and at the end of the day, the wholesome discretion was for the Commissioner of Police. I might tell you up to today, as we speak, the licences were not yet granted, but yet I have to hear folly from some of my friends on the other side, childish folly. I was about to say effeminate, but that would be a disrespect to the proud strong women of this

nation and world. So, I can only confine myself to saying childish, immature, petty and untrustworthy. So, much for that.

So, Mr. President, very quickly, clause 10. Clause 10 is a provision that suggests that the Minister would have the power by Order to extend the validity, the life of a licence, once it is granted by the Commissioner of Police, who is the sole officeholder under the Firearms Act to grant licences and according to the Interpretation Act, by extension, to revoke them. No Minister gets involved in that.

The validity, the licence as it now stands is valid for three years. We have had, in our recent past, because largely of COVID-19, the experience of it. We have had to extend the driving permit. A permit is valid for three years, we have extended that within recent times. We extended the deadlines for paying fines and penalties to the court, the Judiciary. We did that in the interest of good governance, based on the COVID experience. The limitation period, meaning, the time you have to file a particular action outside of which it would be statute barred and not ordinarily allowed, we extended that. Ministers did that. We extended the life of ID cards, registrar of companies regime for filing documents and so on, in relation to companies, pharmacy licences, pharmaceuticals and many other matters, just to name a few. We did that. And I would tell you this, we got support for it from a number of speakers here today. We are now proposing to come away from the paper-based booklets for firearms to a card system with security features and what have you. You see the transition from paper-based to card-based, electronic, that could require an extension of the time. Wait and you will see.

So, the measure today was simply to allow the Minister, if and when the circumstances—I heard a Senator here today talk about the earthquake in Syria. If we suffer an earthquake and it throws down a building where you have records,

fingerprint records, firearms records, what have you, we will end up with a problem. Now, I understand it is all possible and people would probably want to hear it is more probable. We did not expect COVID-19. And at the beginning begin of COVID-19, we extended these licences and the things I have described for a particular period, and then we realized it was going on and on and on. We learn from our experience.

11.30 p.m.

And by the way, Mr. President, even the existing firearm licence—Mr. President, the existing firearm licence, once granted by the police commissioner, there is no cut-off date, you know. You are supposed to renew it intermittently every three years. But there is no cut-off date; there are many people who grow very old with their firearm and when they die, their family call in the police sergeant and hand it over. There is no deadline date. But even if you extend the validity period from three years to three years and a quarter, or three years and a half, if any time inside of that the Commissioner of Police wanted to revoke that licence, he or she could do that. It has nothing to do with the Minister. And some people wrongly thought in this House that that provision would have given the Minister an opportunity to look over the fence into police headquarters and say, "Mr.X or Mr. Y, I want you to extend his licence". Well, that blew my mind. I could not understand that, but it came to Sen. Richards, and I listened to his tone and I realized his was a sincere call for further information, with the emphasis on the word "sincere". No game, no play, no political folly, because the way it was worded Senator wanted to hear more, so I am now displaying a little more in answer to those questions.

So this question about the Minister picking out this one and that one, and I heard somebody submitted up to a few moments ago about political interference

and politicizing that. So when you extended drivers' permits you politicized it? And it was so ridiculous; I heard Sen. Mark, when he realized the folly of that argument, he went on to say, "The difference between all of those other things where we extended it and the firearms is that this one is a gun. Mr. President, this one is a gun". You know how he gets on. And the argument, the more it went on, the more foolish it became. Please, let me withdraw that word. The more UNC it became.

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

Hon. F. Hinds: But let me say, moving on from that, Mr. President, very quickly, when you extend the validity of the period, that does not wreak any disadvantage to the licence holder. If anything, it is an advantage; no disadvantage to the licence holder, none.

Further to that, as I already intimated, it does not take away from the sole authority under section 17 of the police commissioner. I could quote section 17 but the Attorney General did exactly that. I need not detain myself and waste a moment of my precious time. In addition to that, Mr. President, as I explained ad nauseam, this question of extending the validity of licence periods has happened several times before. I only say that to remind us it is not novel, not new. It is well known to us in Trinidad and Tobago in very recent times, and therefore precious little else needs to be said about that.

Mr. President, just to make reference to it again since it triggered my mind.

Mr. President: Minister, you have five more minutes.

Hon. F. Hinds: I thank you very much. I thank you very much. So, Mr. President, I dealt with this matter on the SSA and Sen. Mark's fixation with it. I dealt with Sen. Mark's very wasteful proposed amendment dealing with the SRPs, and therefore, Mr. President, in light of the fact that you have reminded me that I

have five more minutes, I would like to suggest that the Government, all things considered, would propose a couple amendments to these measures which I have asked to be circulated. And, Mr. President, we do so—we do so, Mr. President, because of some of the very sincere expressions as directed from the Members of the Independent Bench, and, Mr. President, because we understand the importance of these measures to the prison officers who have to face this beast on a daily basis—and I used the word "beast" in metaphor—on a daily basis and who have to confront persons who want to hurt them, who want to even kill them ruthlessly, simply because they perform their duties.

So I am quite happy to commend these measures to all Members of this House, giving the assurance that this Government is not about any overreach. We are far too accustomed to governing this country. Since independence this country has allowed us to govern for about 78 per cent of the life of this nation. This is not new to us. And on the occasion—the few occasions when we went to Opposition, we did that and we did it with dignity.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: We regrouped, we re-energized and came back to take it all over again. Mr. President, I commend these measures and therefore I beg to move.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Okay. Hon. Senators, the Bill before us has 11 clauses, as we are all aware. We have had amendments circulated, one, two, three, four amendments circulated. Is everybody in possession of them? Okay. Let me ask, is there

anybody who is not in possession of the circulated amendments? You should have amendments circulated by the Minister of National Security, by Sen. Wade Mark, by Sen. Paul Richards, as well as Sen. Evans Welch. Is everybody in—

Sen. Welch: I do not—[*Inaudible*]

Mr. Chairman: One second, one at a time. Leader of Government Business, you do not have which one?

Sen. Browne: Sen. Welch's.

Mr. Chairman: You do not have Sen. Welch. Sen. Welch, you were saying?

Sen. Welch: Sen. Mark's—[*Inaudible*]

Sen. Mark: [*Inaudible*]

Mr. Chairman: One second, Sen. Mark. Sen. Welch?

Sen. Welch: I do not have Sen. Mark's—

Mr. Chairman: You do not have Sen. Mark's?

Sen. Welch:—or the Minister's own.

Mr. Chairman: Okay. So, again, all of these amendments were also circulated by email, so just do a quick check of your devices to see if you have it in your email.

Sen. Welch: My device on which I would normally get it has died, the battery. [*Inaudible*]

Mr. Chairman: Okay. Well, Leader of Government Business, are you checking your device? Sen. Welch, are you okay now?

Sen. Welch: I am trying to get National Security Minister's own, but I will manage.

Mr. Chairman: Okay. So I will ask one more time, is everybody now in possession of the circulated amendments before we start? Yes? Okay. We may now begin.

Clauses 1 and 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.

Mr. Chairman: And we will start with amendments as proposed by Sen. Welch.

Sen. Welch: Yes. I am withdrawing that proposed amendment having regard to certain omissions made during the contribution.

Mr. Chairman: So withdrawn, Sen. Welch.

Amendment withdrawn.

Mr. Chairman: We have further amendments to clause 6 as proposed by Sen. Mark. Sen. Mark?

11.45 p.m.

Sen. Mark: Yes, Chairman, we on this side maintain that there is no need at this time, given the absence of solid data, convincing reports, and particularly dealing with threats and threat assessments on this organization, known as the SSA. And in those circumstances what we are saying is that in the absence of credible information before the Parliament and before us, it is very, very, very difficult to support a proposal that is intended to give the Director of the SSA, where there is little or no oversight and complete violation of the law under the Strategic Services Agency, in terms of the inability to submit audited financial accounts since 2009 to the present time, we believe, Mr. Chairman, that this is not the moment or the time for the SSA and its Director to be invested with this power to give arms, guns to the 350 workers and above in a loose way.

So, in those circumstances, Mr. Chairman, we are proposing that we delete completely from the legislation that provision that will give the Director, and through him, his employees, the right to bear arms without any concomitant

oversight, checks and balances and supervision. So that is our position, I recall, for the withdrawal, the removal or deletion of that completely.

Now, as it relates to the SRP, I think that Sen. Welch had initially proposed that we incorporate the SRP, as was outlined in the parent legislation, in the Firearms Act. And we were of a similar view.

Sen. Mitchell: That is not in the clause.

Sen. Mark: Yes, it is done at clause 6, man. Are you sleeping like Rip Van Winkle?

Mr. Chairman: Sen. Mark, Sen. Mark. And the Minister—

Sen. Mark: No, no, but I am not saying this is clause 6—

Mr. Chairman: No. No, no, no, no, no. No, no, no. No, we are dealing with clause 6 and your proposed amendment.

Sen. Mark: Yeah, well, that is what I am doing.

Mr. Chairman: Put your comments in relation to that and could we have silence otherwise. Continue, Sen. Mark.

Sen. Mark: So what I am suggesting, Mr. Chairman, is that in terms of the special reserve police officer, that was outlined in the original Act, and having regard to the submission made to this honourable House and Senate by both the Attorney General, and subsequently by Sen. Welch, that the provision "police" is contained in the interpretation section of the Firearms Act, which would incorporate the special reserve police officer. I, like Sen. Welch, would like to withdraw this proposal as we have put forward.

Mr. Chairman: So you intend to—

Sen. Dr. Dillon-Remy: Chair.

Mr. Chairman: One second. You intend to—

Sen. Mark: Just the special reserve, eh. The special reserve police officer,

because we do not want to have things ambiguous. But at the same time, you do not want to be redundant. But as it relates to—may I make it very clear, as it relates to the Strategic Services Agency, that provision remains, and we would like you to put that for adoption.

Mr. Chairman: So to be clear, Sen. Mark, you withdraw the second part only—

Sen. Mark: Only.

Mr. Chairman:—of the proposed amendment—

Sen. Mark: Right.

Mr. Chairman:—to clause 6 and you keep the first proposed amendment.

Sen. Mark: Yes. Thank you.

Mr. Chairman: Okay. I heard—

Sen. Dr. Dillon-Remy: Chair.

Mr. Chairman: Sen. Dillon—

Sen. Dr. Dillon-Remy: Yes.

Mr. Chairman: One second. Before I allow you to contribute, I would ask the Minister of National Security—unless you want to add something to Sen. Mark.

Sen. Dr. Dillon-Remy: I just wanted clarification on the—in terms of the same point Sen. Mark was making about the SSA Director and the other persons, the Minister was very clear in terms of the training that is given to the prison officers and also to the municipal police. But he said nothing about the training and monitoring of the SSA. So I just wanted to know what is in place for that.

Mr. Hinds: Thank you very warmly, hon. Senator. The SSA has always been and continues to be engaged in a strict training system supported by both the Trinidad and Tobago Police Service—they have investigators inside of there too—as well as members of the defence force. So they are very much engaged in ongoing training.

I also would like to add that while they may have a certain number of

employees, not all are intelligence officers for gathering information in the way I would have described.

And further, I would like to say the records will show that the CIA, another intelligence agency in another part of the world; MI6, which I visited some time ago; MI5; the Canadian intelligence; the Australian Secret Intelligence Service; the Colombian NID, who we just sent some officers to interface with; the Jamaican intelligence services, just to name a few, they all carry arms in the course of their work, as Sen. Welch took pains admirably to suggest.

Sen. Welch: Absolutely.

Mr. Chairman: [*Inaudible*]—response to Sen. Mark's comments.

Mr. Hinds: And therefore, I cannot accept that we delete (vi) and (vii), as suggested by Sen. Mark, on the basis of his lack of understanding—

Sen. Mark: No, no, no, no.

Mr. Hinds:—of the facts and circumstances.

Sen. Mark: Listen, do not patronize me and do not—[*Inaudible*]

Sen. Mitchell: "What we want to patronize you for?"

Sen. Mark: No, no, no, do not put words in my mouth.

Mr. Chairman: Okay. So, Sen. Mark and the Minister of Tourism, Culture and the Arts, there is absolutely no need to engage in a conversation at this stage of the proceedings. Sen. Mark, before I ask you to respond, Sen. Richards and then Sen. Vieira.

Sen. Richards: Thank you, Chair, through you, to the Minister of National Security, can you identify the mechanism for training for the SSA Director and the employees who may be eligible for this new paradigm? Is there a specific oversight mechanism for this in the SSA?

Mr. Hinds: Well, as it now stands, the law that sustains, gave birth to and sustains

the SSA, requires that they make annual reports to this Parliament, which they do, up to date. And that apart, once you are dealing with firearms, of course, you are subject to the same Firearms Act as everyone else dealing with them. And therefore, there are, to my mind, those checks and balances.

Sen. Mark: Mr. Chair—

Mr. Chairman: One second, Sen. Vieira.

Mr. Hinds: And, of course, finally, yes, just to be reminded, yes, and they do account to the National Security Council, that is to say, a subset of the Cabinet on behalf of the people of Trinidad and Tobago.

Mr. Chairman: Sen. Vieira.

Sen. Vieira: Yes. Thank you. I hear you, Minister, they account to the National Security Council. But just to expand on Sen. Richard's concern, because I share the same concern. A police officer is part of the police service, that is an Act, and there is a Police Complaints Authority. Members of the defence force fall under the Defence Act. That is military law, they are answerable under that jurisdiction. Customs officers, you could argue, well, they are civil servants and they fall under the civil service—

Sen. Richards: Customs Act.

Sen. Vieira:—Customs Act as well as the Public Service Commission. But the Strategic Services Agency, not police, not civil servants, they fall under just this statute. And there is nothing in this statute dealing with the kind of oversight provisions and concerns that we have. So apart from annual reports to Parliament and accounting to the National Security Council, there is a very real concern to whom are these armed agents answerable. And I do not know if you could help me with that, because it is going to have bearing on this amendment proposed.

Mr. Hinds: As I was intimating a while ago, they are expected to comply with the

laws of Trinidad and Tobago, answerable therefore to the, in that sense, courts for breaches of the law. I mean, there are other Acts that govern their operation, OSH, the OSHA Act—well, the OSHA law and others.

The point is, if someone—the PCA, as you suggested, that has the responsibility for the police service insofar as serious corruption and serious misconduct. That is how it is defined and that is where it is limited. The PCA investigates, in respect to the police, serious misconduct and corruption. But, of course, the police, they are answerable to the Constitution and to the constitutional courts, so-called, and to all the other laws of Trinidad and Tobago.

Police officers have done many things for which they have been charged and the PCA had no involvement whatsoever in it. If an SSA officer misuses his firearm, the regime of the Firearms Act will govern how he should handle that and how it should be done.

Sen. Mark: Mr. Chair.

Mr. Chairman: Sen. Mark.

Sen. Mark: [*Inaudible*]

Mr. Hinds: Before you go, one second, permit me, private security firms are granted the use of firearms through the mechanism of an FUL and several FUECs, and they too are not subject to the PCA or anything. They are subject to the laws of Trinidad and Tobago more generally.

Sen. Vieira: Except, Minister, that they—

Mr. Chairman: One second, Sen. Vieira. Sen. Mark just wanted to add to the discourse, and then I understand—

Sen. Mark: No, no, I will give way to him.

Mr. Chairman: Okay. So he gives way. Go ahead.

Sen. Vieira:—except that the private security firms fall under the supervision of

the police, because it is the police that are giving them the—[*Inaudible*]

Mr. Hinds: No, not all private security officers are supplemental police officers—

Sen. Vieira: No, no, no.

Mr. Hinds:—under the jurisdiction of the Police Commissioner.

Sen. Vieira: You see, they were given a firearms user's licence issued by the Police Commissioner that can be revoked, that can be—the problem is that the SSA is not operating under firearms user's licence.

Mr. Hinds: But we are saying that with the passage of this, they, by virtue of what they do, by dint of what they do, on behalf of Trinidad and Tobago, will be exempt from the need to have these licences, just like the police, just like the defence force and the others in that category.

Sen. Richards: Is that not exactly why, Mr. Chair, that there should be independent oversight?

Mr. Chairman: So let us just have a little bit of order because we are starting to—

Hon. Senator: So—

Mr. Chairman: No, we are starting to talk over one—each other, sorry. So, once again, the Minister of National Security has made his comments in relation to the concerns raised. So I am going to allow Sen. Richards—Sen. Vieria, if you want to say something, again, to make your point more potent to the Minister of National Security, I will do so. Sen. Mark, of course, you want to join the discourse. And I had Sen. Dillon-Remy whose hand was up, are you still interested? Right. So, Sen. Richards.

Sen. Richards: Thank you, Chair. Just quickly, because I just want to end on this, because we could go on forever. Following the hon. Minister of National Security's presentation on the differences in the regime for the TT Police Service,

et cetera, because this new regime is intended to exempt the members of the SSA from applying through the Police Commissioner for an FUL, and the other regimes have that type of oversight through the Commissioner, in addition to the Parliament which you described, hon. Minister, who is going to independently investigate if there is suspicion of malfeasance? The SSA is investigating itself?

Mr. Hinds: No, no, no. The defence force does not get a firearms user's licence. The law said, for a long time past, that they are exempt from the need for that by virtue of what they do. They use arms in the course of their work. So the defence force does not get a firearms user's licence and FUECs. And that was so initially because of what they do and it is deemed, as I explained in my presentation, that the use of arms is an inherent part of what they do. A tool of what they do. And the SSA, the position is, we are submitting that the SSA is similar based on what they do.

12.00 a.m.

As an intelligence gathering unit in the theatre of confrontation and conflict in this country and therefore they to, just like the defence force has to use the firearms in their possession in accordance with the general laws and expected to abide by them.

Mr. Chairman: Sen. Vieira—

Sen. Mark: [*Interruption*]

Mr. Chairman: One second, Sen. Mark. Sen. Vieira, you wanted to add to Sen. Richards or you concur?

Sen. Vieira: Well, just as Sen. Richards said, you know, because we are, if this law is passed they will now be exempted, but we are exempting them with nothing in place whereas all the others, police, municipal police, defence force, customs, have an oversight mechanism in place. There is a lacuna here that really is of

concern to us.

Mr. Chairman: One second, Minister of National Security. Sen. Mark.

Sen. Mark: Mr. Chairman, the issue of accountability is absolutely critical when addressing the matter before us. Now, I do not know if the hon. Minister is aware that the SSA has refused to be audited by their failure to submit their statements to the Auditor General since 2009. Now, Mr. Chairman, we are talking about close to 13 years; the SSA has spent over $2.5billion without any sense of accountability. That is why I called it a rogue organization. Over $2billion with no oversight, Mr. Chairman, no oversight.

I have before me a copy—

Sen. Dr. Dillon-Remy: Nooo.

Sen. Mark:—of the anti-crime—Organised Crime and Anti-Corruption Agency of Jamaica and if you see the system of accountabilities in this piece of legislation. The Director of the SSA is a creature of the Cabinet—

Mr. Chairman: So Sen. Mark, just to advise you, you do not need to re-debate—

Sen. Mark: Yeah, I know.

Mr. Chairman: Because you have stated it in the debate.

Sen. Mark: No, the point I am making is we cannot give an organization that power without any systems of accountability. There is no system of oversight. In Jamaica there is an oversight committee with independent members. So if there is a complaint by any citizen of Jamaica dealing with the excesses of this agency in Jamaica they can go before that oversight committee and they will investigate their complaint. What I am saying, Mr. Chairman, is that this SSA has no supervision, has no oversight, they account to the Minister and the Cabinet. And this is—and we are now going to be arming close to 400 people and we have no system of accountability for them.

Mr. Chairman: Okay, Sen. Mark.

Sen. Mark: That that is a dangerous—

Mr. Chairman: Sen. Mark.

Sen. Mark:—disturbing and troubling development.

Mr. Chairman: Sen. Mark so the point has been made and as I indicated we are not attempting to re-debate the point. I think the point has been made by Sen. Richards, Sen. Vieira, Sen. Mark. I will allow Sen. Dr. Dillon-Remy to make her point and then I will allow the Attorney General and then the Minister of National Security to have his final say on the matter before we put the question. Sen. Dr. Dillon-Remy.

Sen. Dr. Dillon-Remy: Chair, all I am asking is if the—because of what has already been said, if there could be something put, now that this is going to be, now that this is going to be changed that there be something put. I do not know if they will have regulations that they will have to meet in the same way that the Commissioner of Prison and what happens in terms of the Commissioner of Police. So something must be put so that the SSA Director reports and accounts on a yearly basis as the others do. That is all I am asking.

Mr. Chairman: Attorney General.

Sen. Armour SC: Thank you, Mr. President. Just three points that I think are relevant, all of which have been said already, I think, but I would just like to emphasize them. And it has do with the question which Sen. Mark asked originally. His premise is lack of oversight. And when you look at the SSA Act there are three features of oversight that are built-in to the SSA Act. One is the primary oversight. Section 13 of the SSA Act makes provision for the mandatory report by the SSA to Parliament by an annual report which has laid before Parliament. So it would be an understatement of the reality to suggest there is no

oversight because the Parliament has oversight through that annual report.

Secondly, section 7 of the SSA Act provides for the fact that the police officers are seconded by the Trinidad and Tobago Police Service to the SSA. Those police officers by reason of being seconded remain subject to the jurisdiction of the Commissioner of Police. And the third point is, given the proximity of the working relationship of the SSA to the police, if there is evidence before the police in their working relationship with the SSA that there is any misconduct on the part of any member of the SSA the general oversight of the police service can be brought to bear to provide for control of abuse of power.

So that I think that we are in the context, the real context of the function that is played by these trained officers who are trained by the defence force and the police to conduct law enforcement surveillance and intelligence gathering. I think it is an understatement to suggest that there is no oversight. Thank you.

Mr. Chairman: Minister of National Security.

Mr. Hinds: Just for whatever value it carries I will say this and I know most Senators here would regard this question of audited accounts as separate to this. I understand the importance of accounts, but that does not really have bearing on what is in front of us today in a direct way. However, just for the record, I have had conformation from the SSA, not long ago, a moment ago, to suggest that it is not correct to say that they have refused to have their accounts audited. In fact, the SSA is in a position to produce now as we speak several letters to the Auditor General requesting their engagement with the SSA.

They do, as the Attorney General reminded us, submit annual reports to the Parliament and have appeared in Joint Select Committee of National Security and before this Parliament in that way in the past and that will continue. Once the Parliamentary committee summons them as they normally do, the SSA had

appeared in the past and will do so again on the call of the Parliament.

So there is no complaints authority in respect of the defence force nor indeed the customs as the Attorney General suggested. And I had said earlier as well, they are subject to the general Laws of Trinidad and Tobago, all the laws, whether it is the OSHA law; whether it is the firearms law; whether it is the, whatever the Laws of Trinidad and Tobago. If an SSA officer commits murder the common law will take its course. If he commits an assault the necessary law, Offences Against the Person, they are subject to all the laws of Trinidad and Tobago and in that sense accountable.

Sen. Mark: [*Interruption*]

Mr. Chairman: Sen. Mark, is it a new point entirely?

Sen. Mark: Yes. It is a new point. Mr. Chairman, this is the danger of the hon. Minister being misled by the SSA. I have a letter signed by Lorelly Pujadas—[*Senator displays letter*]—the Auditor General, today's date, because I enquired into this matter. And this lady is saying in the last paragraph here, that the SSA have not submitted according to law to her office any financial statements for the year, look it here, 2011 to 2021. It is here, signed by Lorelly Pujadas.

Mr. Hinds: Let me see that.

Mr. Chairman: Okay so—

Sen. Mark: No, no, yeah, yeah, I was saying—

Mr. Chairman:—hold on, Senator. Members, Members, Minister of National Security and Sen. Mark—

Sen. Mark: [*Interruption*]

Mr. Chairman: Sen. Mark! I did not ask you to speak. Now, the Minister of National Security has asked to see the document are you inclined to allow him?

Sen. Mark: But I—

Mr. Chairman: In relation to this clause 6, it is simple. He has asked to see the document—

Sen. Mark: I will circulate it to every Member. I am not giving it to him alone. I will circulate it to every Member.

Mr. Chairman: Okay, so as it relates to clause 6—

Sen. Mark: Everybody must get it!

Mr. Chairman: Sen. Mark, Sen. Mark, I—

Hon. Senators: [*Crosstalk*]

Mr. Chairman: Sen. Mark—

Mr. Hinds: Let me see the signature.

Mr. Chairman: Minister.

Sen. Mark: It is here, it is here!

Mr. Chairman: Minister of National Security and Sen. Mark, I am speaking! And if you would allow me we would follow along the proper procedure in order to continue with the business that is before the Senate. Minister of National Security is it that you require that you need to see this document in order to properly treat with what is proposed by Sen. Mark, yes or no.

Mr. Hinds: Mr. Chairman, I did indicate that as far as the issue of their safety and their ability to protect themselves and their officers I see the question of audited accounts as a separate matter. We have parliamentary committees, we have the Auditor General that can deal with that important as it is. But I do not see that bearing in on this discussion in the context of the Bill in front of us.

Sen. Mark: [*Interruption*]

Mr. Chairman: No, Sen. Mark, Sen. Mark, we follow procedure here. I am having a conversation with the Minister of National Security, so I ask the question.

Mr. Hinds: And I would like to repeat that I had recent contact with the SSA and

I have been told that there are letters in their possession where they have written to the Auditor General asking for their intervention and that remains the case.

Mr. Chairman: Okay. So, that being said, Sen. Mark, you have said what you said. You have read into the record the document that you have, the Minister of National Security has responded in such. I will now put the question as it relates to the proposed amendment to clause 6.

Hon. Senators, the question is that clause 6 be amended as circulated by Sen. Mark and further amended to withdraw the second part thereof only.

Question put.

Sen. Mark: Division.

The Committee divided: Ayes 14 Noes 16

AYES

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Lyder, D.

Roberts, A.

Richards, P.

Vieira, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye, Mrs. H.

Dillon-Remy, Dr. M.

NOES

Browne, Dr. A.

Armour, R.SC.

Gopee-Scoon, Mrs. P.

Sinanan, R.

Hosein, K.

West, Ms. A.

Mitchell, R.

Cox, Ms. D.

Bacchus, H.

Singh, A.

Sagramsingh-Sooklal, Mrs. R.

Ibrahim, Dr. M.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Sookai, R.

Welch, E.

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

Question put and agreed to.

Clause 6 ordered to stand part of the Bill.

12.15 a.m.

Clause 7 ordered to stand part of the Bill.

Clause 8.

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

Sen. Lutchmedial: Chairman.

Mr. Chairman: Sen. Lutchmedial.

Sen. Lutchmedial: I just want to ask a question because several speakers would have raised the issue of the discretion when we raised it and made reference to General Order 91 of 2016 as the policy that will guide the Commissioner of Prisons in exercising this discretion. Is it not the case that the Commissioner of Prisons himself is the person who passed General Order 91 of 2016 and, therefore, developed this policy and also has the discretion to amend this policy at any point in time?

Mr. Chairman: Minister of National Security.

Mr. Hinds: It was found in the Vishal Singh case and has been adumbrated by the court, a policy must be consistent with the Act from which it is derived. In this case, the court found that that aspect of it, that is to say, the discretion of the Commissioner to allow persons to carry firearms while—he called it active duty but the court found it was not active duty, and the court found that that policy was therefore inconsistent with the Firearms Act. And therefore, the policy will always be, ought to be, consistent with the Firearms Act, and if it is not—that is why I say it is accountable to the court. Just like in the Vishal Singh case, some litigant would go to court and the court will pronounce upon it. It is a pronouncement in Vishal Singh that brought us here to correct that, and to ensure that the policy is in consonance with the law.

Mr. Chairman: Sen. Vieira.

Sen. Vieira: Thank you, Chair. So I understand about policy and policy must be consistent with the legislation. Now, we have, for example, policy dealing with state enterprises, the State Enterprises Performance Monitoring Manual. That policy, it is very rational, it is proportionate, but it is soft. It is not law. So my question is: Because of the concerns about the possibility for subjectivity, would it not be feasible for this policy to be put in regulations form perhaps at so some

point under the Prisons Act with fixed criteria that are open and transparent to avoid the risk of subjectivity?

Mr. Hinds: Let me just say the Commissioner of Prisons who administers the Firearms Act has a tremendous amount of subjectivity capacity if I may put it like that. But again, the policy and the law is what guides it, and if anyone has a difference with that then it is subject to the jurisdiction of the court. I am not saying that there will not be amendments to the Prison Service Regulations going forward. I would not say that. But as far as we stand today, the very policy that they have practiced for years, which was challenged in the court recently in Vishal Singh, will and ought to always be consistent with the law. If the Parliament with the instigation of the prison service chooses to amend its regulations and prison rules more generally, we are always going to be open to that. We will follow the Vishal Singh case and all that the court had said, and assure the court and assure this country that we will be consistent with it.

Mr. Chairman: Sen. Lutchmedial.

Sen. Lutchmedial: Minister, you will recognize though that the policy that stands, that you have referred to as the sort of safeguard to guide the Commissioner of Prisons was itself developed by the Commissioner of Prisons, could be changed by the Commissioner of Prisons, and no one has oversight over that policy and the power of the Commissioner to make that policy expect the Commissioner himself. So if tomorrow—and you are saying that it will go to the court if it is that someone has a problem with it and does not agree and feel that it deviates from the overall intent of the legislation and so on. If, for example, tomorrow the Commissioner of Prisons amends the policy and says, for example, that you do not have to have a secured safe at the officer's home, that is not one of the criteria and that will be completely taken out of the policy, you are leaving it to somebody to then

challenge this policy of the Commissioner of Prisons before the court?

Mr. Hinds: Not necessarily, you know. If in the management of a firearm an individual breaks the law—let me put it blandly. If an individual acts in a manner now by virtue of now holding a firearm—for example, the prison office who was involved in the Vishal Singh matter, if the police found sufficient criminally incriminating evidence, he would be charged. The point I am making is even if the—I do not anticipate that the Commissioner will remove an element like that to say well, you ought not to have a strong box. That is something that the police will expect, safekeeping, otherwise, you subject yourself to negligent handling of the weapon and, therefore, the risk of it being confiscated by the police and criminal charges to flow. If an officer discharges the firearm within 40 yards of a public space and breaches the law, he or she is subject to the laws, the general criminal laws of Trinidad and Tobago and in the particular the Firearms Act. I do not see too much of a complication in that.

Mr. Chairman: Attorney General.

Sen. Armour SC: Thank you, Mr. Chairman. Just a couple of thoughts to share with the committee following on what I understand to be the concern of Sen. Lutchmedial. The concern I understand Sen. Lutchmedial has is the possibility that tomorrow the Commissioner of Prisons could change the policy, and the policy as I understand it is articulated in the Prisons Service General Order, No. 91 of 2016. So that is the context in which I am about to say what I will say. I first of all accept the point that has been made by Minister of National Security that, of course, regulations can be brought into effect in due course, and I have already said that there is a general oversight in the Attorney General's Office to look at general legislative reform including regulations. So in principle that is an option. But if we limit ourselves for the time being to the present, and the present is the existing

firearms legislation, the existing Bill which is before this House, and the existing Prison Order, No, 91 of 2016, that is an existing frame of rules that is governed by well-known principles of law that are embedded in our constitutional structure.

One of the most important of those principles which applies in two respects here is what is known as the presumption of regularity. In the first case, the presumption of regularity must be presumed to apply to the responsible discharge by the Commissioner of Prisons that he is not going to tomorrow wake up and exercise the powers that he has as Commissioner of Prisons irrationally simply to change the entire scheme of the existing policy. So we have to accept as we go forward into the future that that presumption will apply and continue to apply. Secondly, that the rules which exist—and this is important—that is to say the policy which exists came before the High Court in the Vishal Singh matter. What was challenged in the Vishal Singh matter was the application of only one rule, Rule 217. That Rule said:

> "Male officer shall be instructed in the use of firearms. The Commissioner may order officers in charge of prisoners within or without any prison to carry firearms."

That was the rule that the judge, Mr. Justice Devindra Rampersad ruled at Paragraph 88 and 89 of his judgment. He said:

> "Issuing permission to 'Keep and Carry' firearms for their personal safety is not within the remit of the statutory provision or the Rules. Clearly, if they are home and/or off duty, they cannot be said to be 'in charge of prisoners' as highlighted in Rule 217 above."
>
> Paragraph 89:
>
> "That is not to say that such a concern and intention is not noble and…"—trustworthy. "The stark reality of the unfortunate demise of prison officers

> by murderers suggests there is merit in the safety aspect and concern." The thing that can be given—"The thing is, can the Commissioner of Prisons bypass the law by…"—his—"…deciding that firearms can be given to prison officers…"

And that is what led the judge to then say at Paragraph 92 that that Rule 217 did not have statutory force and:

> "Parliament may want to look at this very serious situation in great detail urgently."

That is why we are here today, to give parliamentary effect to the rule by asking this Parliament, this Senate, to allow the "keep and carry" rule to be embedded in the legislation, but we cannot forget that the rest of the Prison Rules, 91 of 2016, continue to exist and will continue to apply and are not going to be deleted capriciously and they fall within the body of the existing legislation.

So to meet the concern of Sen. Lutchmedial, we must not assume that tomorrow the Commissioner of Prisons is going to act outwith the law, and capriciously, and the presumption of regularity must be presumed to continue to apply. And if something were to happen tomorrow, the very basis on which an applicant went before the High Court to protect the rule of law can also be availed and, therefore, there is no reason why we should decline to address the powers of the Senate today in the anticipation of some aberrant, flagrant, presumption of irrationality on the part of the Commissioner of Prisons.

Mr. Chairman: Sen. Richards.

Sen. Richards: Thank you, Chair. Just a question based on a thought that just occurred to me. There have been quite public utterances regarding potential excesses in the granting of FUL licences in the police scenario, and we are seeking to give similar paradigm to the Prison Commissioner now. Are we not setting

ourselves up for a similar scenario?

Mr. Chairman: Minister of National Security.

Mr. Hinds: No. I do not want to go too far along that path, but the answer is no. This is a—as I indicated earlier, we are dealing here with a subset of the prison service that are deemed by the threat assessment committee to be under threat warranting the intervention of the Prison Commissioner pending sometimes their application which is with the Police Commissioner.

12.30 a.m.

And if the Commissioner of Prisons determines that the threat is no more, for example, A was threatening to kill prison officer B, and A meets his demise, or A is out of the jurisdiction, or prison officer moves out of that district and is now living in Toco, far removed and does not feel that immediate threat, then the Commissioner of Prisons assessment committee would constantly be reviewing this thing and decide—for example, people who enjoy security protection, they have regular threat assessments to determine whether that should continue or whether it can taper off. That is basically how it will work. And if, of course, the person got himself a firearm licence later on, then there will be no need for this intervention. So it really is about that.

And the question of the runaway situation, as you called it, which I understand in respect of the general licensing regime, I do not anticipate that would be the case here. Because, as I said, this deals with particular scenarios where a report is made about a threat—listen, a report is made about a threat and a threat assessment committee comes to bear, decisions are taken to assist the prison officer to protect himself in swift order and in the shorter term.

Mr. Chairman: Okay. So I shall now put the question.

Question put and agreed to.

Clause 8 ordered to stand part of the Bill.

Clause 9 ordered to stand part of the Bill.

Clause 10.

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

Mr. Chairman: Minister of National Security.

Mr. Hinds: I propose, as I intimated in the course of my winding up, that we propose for ease and simplicity and with some considerations of submissions made by elements of the Independent Bench that we would withdraw that provision and we so suggest.

Amendment, [*Mr. F. Hinds*] *by leave, withdrawn.*

Hon. Senators: [*Desk thumping*]

Mr. Chairman: Thank you, Minister of National Security. Hon. Senators, in light of the proposed amendment by the Minister of National Security, I see Sen. Mark, it is a similar proposal.

Sen. Mark: Chairman—[*Inaudible*]—withdraw.

Amendment, [*Sen. W. Mark*] *by leave, withdrawn.*

Mr. Chairman: And Sen. Richards?

Sen. Richards: Chairman, I also withdraw.

Amendment, [*Sen. P. Richards*] *by leave, withdrawn.*

Mr. Chairman: Okay. Hon. Senators, the question is that clause 10 be amended as circulated by Minister of National Security. Those in favour say aye, those against say no. I think the ayes have it. Hon. Senators, the question that clause 10 as amended now stand part of the Bill. Those in favour say aye, those against say no. I think the ayes have it. Clause 10, as amended, now stand part of the Bill.

[*Chairman confers with Clerk*]

Mr. Chairman: Okay. Hon. Senators, as a matter of procedure, I will specifically

state what the amendment refers to, so we shall do it again just for clarity. So hon. Senators, the question is that clause 10 be amended as circulated which is to delete clause 10.

Question put and agreed to.

Clause 10 deleted.

Clause 11.

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

Mr. Hinds: Mr. Chairman.

Mr. Chairman: Minister of National Security.

Mr. Hinds: I propose an amendment consequential on the deletion of 10 in respect of clause 11 as circulated.

Sen. Welch: I do have a comment with respect to that. As circulated, what you would end up with is the word "and" being the only provision in clause 11. And what I think you perhaps want to do—sorry, this is, yes, 8(2), I think perhaps what might be more feasible would be adding the word "and". Deleting it from (4) and putting "and" at the end of subregulation (3). I think that is what you would wish to really do because it would be a subsection with a word "and" being the only provision in it.

Mr. Hinds: I am advised by the drafters that if I adopt the suggestion that you have properly made, the effect, from a drafting standpoint, would be identical to the position if I adopted mine. In other words, the "and" will find itself there, it will not be "(4) and". It will move with now the (4), then the "and" will come right after the full stop following the word "Regulations" in sub (3).

Sen. Welch: But, you see, grammatically speaking, you cannot have "and" coming after a full stop.

Mr. Hinds: No.

Sen. Welch: So you remove the full stop at the end of the word "Regulations" in (3) and simply have the word "and"?

Mr. Hinds: Right. Yes, yes, yes. So if you take a closer look, hon. Senator, you will see that you have 11(a)(i), and then you have (ii), and then, of course, a (b) follows. You with me?

Sen. Welch: Yes.

Mr. Hinds: Yes, so in that case, the position is to be maintained without the difficulty that you had anticipated. The drafters have assured me that it works and I should be so guided.

Sen. Welch: So if I am to understand you, where you would have—

Mr. Hinds: After the word "Regulations", you would have full stop, closed quotes, semicolon, "and", and then (b) would follow. It would work, hon. Senator, so say the drafters.

Sen. Welch: So under that bracketed (4), all you have in that paragraph is "and"?

Mr. Hinds: No, when you remove that (4), you will get the word "Regulations", full stop, closed quotes, semicolon, "and", because the bracketed (4) will disappear.

Sen. Armour SC: Mr. Chairman, may I try to assist?

Mr. Hinds: Yes.

Mr. Chairman: Yes, Attorney General.

Mr. Hinds: Senior Counsel would now intervene.

Sen. Armour SC: Mr. Chairman, if I may try to assist Sen. Welch. Clause 11, in regulation 6—so (a) begins—this is at page 4 of the Bill. You are with me?—(a) begins:

"in the regulation 6 by—"

And then there is (i). Yes?

Sen. Welch: Yes.

Sen. Armour SC: And then everything that is on page 5 remains because we have (1)(a)(b) going over to (v). Are you with me?

Sen. Welch: Yes.

Sen. Armour SC: Then (ii) remains:

"inserting after subregulation (2) the following new subregulations:"

And you read to the bottom which ends with "Regulations". You turn the page and from (4) down to the word "period" is struck and the word "and" remains simply to carry over to (b). Are you with me?

Sen. Welch: Yes, yes.

Sen. Armour SC: So it follows. The "and" connects (ii) to where you now go to (b).

Sen. Welch: I see. So that "and", which is really part of (4), really ends up falling at the end of (3).

Sen. Armour SC: Yes, yes, indeed. Yes, precisely.

Sen. Welch: And then connects to (b).

Sen. Armour SC: Precisely.

Sen. Welch: Yes.

Mr. Hinds: Chair, in furtherance of that—and thank you very warmly, Sen. Welch. But in furtherance of that, rather than on page 6 where we have towards the bottom (ii):

"inserting after subregulation (2) the following new subregulations:"

I propose as well an amendment to delete the "s" because it will now be "regulation".

Mr. Chairman: All right. Sen. Thompson-Ahye, you have a comment in relation to the proposed amendment by the Minister of National Security?

Sen. Thompson-Ahye: I am just pointing out, Sir, that should 11 now not be deemed 10 since 10 has gone?

Mr. Chairman: I am being advised it is a consequential amendment, so it will come subsequent.

Sen. Thompson-Ahye: Yeah, I will not like you to miss that, it happens sometimes.

Mr. Chairman: Thank you. Sen Mark, you have a proposed amendment on clause 11?

Sen. Mark: Yeah, Mr. Chairman, consequent upon the deletion of clause 10, I think the hon. Minister would agree with me that the word "Minister" should be deleted and be referred to the status quo of the President which is the Cabinet.

Hon. Senator: [*Inaudible*]

Sen. Mark: No, I am talking about subclause—

Mr. Chairman: Sen Mark's amendment—

Sen. Mark: I have an amendment there where I am proposing that upon the deletion of clause 10, I am suggesting that there be a consequential amendment to subclause (b), so instead of having the word "Minister", we revert to the word "President".

Hon. Senator: [*Inaudible*]

Sen. Mark: No, well, the President is the Cabinet, the Minister is the Minister.

Mr. Hinds: [*Inaudible*]—so the use of word "Minister" there has to do with the previous amendment which I alluded to in my presentation, not the question—

Hon. Senator: Speak into your mike.

Mr. Hinds: I am sorry. Yes. So the use of the word "Minister" here, bears no reference to clause 10 which was deleted but rather a previous amendment which was left undone and we are taking the opportunity, in the spirit of tidiness, to

resolve that problem on this occasion, Sen. Mark.

12.45 a.m.

Sen. Mark: I do not know what previous amendment the hon. Minister refers to—

Mr. Hinds: I will tell you. I will tell you. I will tell you. I will tell you. Right. Yeah, we are talking about the Regulation 20 of the Firearms Act that was done in—well, that amendment was No. 7 of 2021, where section 8 was amended by Act No. 7 of 2021. So we are just tidying up from that occasion, Sen. Mark. And I did say so in my presentation.

Sen. Mark: Mr. Chairman, I understand what the Minister is saying, but I would like to ask the hon. Minister to consider, it is a cleaner cut to have the President, I believe which is the collective Cabinet, be responsible for matters of the kind that we are discussing, rather than having a Minister even though we know the Minister ultimately will have to take it to the Cabinet. But I still maintain that we should have the Cabinet installed here, and in the persona of the President rather than the Minister. So if that was what was there before and they were trying to clean it up, I think that they should rethink that position. And our position is that that is what we would like to advance, that we do not believe the Minister should be involved, but the Cabinet which is the President.

Mr. Chairman: Okay. So, would you like me to put the question, Sen. Mark.

Sen. Mark: Yeah.

Mr. Chairman: Okay. So I shall now put the question.

Question put.

Sen. Mark: Division.

Clerk: Dr. Browne.

Sen. Dr. Browne: Mr. Chairman, what is the question?

Mr. Chairman: The question is, Dr. Browne, that the clause be amended as

circulated by Sen. Mark.

Sen. Dr. Browne: No.

Clerk: Mr. Armour, SC.

Sen. Mark: [*Inaudible*]

Sen. Armour SC: But I would like some assistance. What is the amendment circulated by Sen. Mark?

Mr. Chairman: Members, hold on. Hold on, hold on, hold on. I understand that it is 12.48 a.m. in the morning and therefore we may not be as focused as we could be. So I shall repeat just for clarity of all. There is a question being put as it relates to clause 11. Sen. Mark has proposed an amendment to delete subclause (b). I am therefore putting the question as it relates to that amendment. And the question reads, that clause 11 be amended as circulated by Sen. Mark, and there is a Division taking place.

Sen. Armour SC: I understand now, thank you, Mr. Chairman. Mr. Chairman, my answer is no.

Mr. Chairman: So we will restart the Division just for clarity of procedure.

The Committee divided: Ayes 6 Noes 24

NOES

Armour SC, R.

Browne Dr. A.

Gopee-Scoon, Mrs. P.

Sinanan, R.

Hosein, K.

West, Ms. A.

Mitchell, R.

Cox, Ms. D.

Bacchus, H.

Singh, A.

Sagramsingh-Sooklal, Mrs. R.

Ibrahim, Dr. M.

Lezama-Lee Sing, Mrs. L.

Hislop, L.

Sookhai, R.

Richards, P.

Vieira, A.

Deyalsingh, Dr. V.

Deonarine, Ms. A.

Seepersad, Ms. C.

Teemal, D.

Thompson-Ahye Mrs. H.

Dillon-Remy, Dr. M.

Welch, E.

AYES

Mark, W.

John, Ms. J.

Lutchmedial, Ms. J.

Nakhid, D.

Lyder, D.

Roberts, A.

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

Mr. Chairman: I shall now put the question as it relates to the amendment circulated by the Minister of National Security. Hon. Senators, the question is that

clause 11 be amended as circulated by the Minister of National Security, and further amended to remove the "s" at the word "Regulations" positioned at clause 11(a)(ii).

Question put and agreed to.

Clause 11, as amended, ordered to stand part of the Bill.

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

Senate resumed.

Mr. President: Minister of National Security.

Hon. Senators: [*Desk thumping*]

Hon. F. Hinds: Mr. President, I wish to report that the Firearms (Amdt.) Bill, 2022, was considered in the committee of the whole and approved with amendments. I now beg to move that the Senate agree with the committee's report.

Question put and agreed to.

Bill accordingly read a third time and passed.

Mr. President: Leader of Government Business.

Hon. Senators: [*Desk thumping*]

ADJOURNMENT

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, I beg to move that this Senate do now adjourn to a date to be fixed.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 12.56 a.m.