

SENATE*Monday, June 26, 2023*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**ANTI-DOPING IN SPORTS (AMDT.) BILL, 2023**

Bill to amend the Anti-Doping in Sports Act, Chap. 40:56 to bring in compliance, the non-conformities of the Act with the standards of the World Anti-Doping Code, brought from the House of Representatives [*The Minister of Sport and Community Development*]; read the first time.

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe):

Thank you, Mr. President. I must say it is a pleasure to be here this afternoon.

This is my first time piloting a Bill.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: I started my—

Mr. President: One second.

Motion made: That the next stage be taken at a later stage of the proceedings. [*Hon. S. Cudjoe*]

Question put and agreed to.

TRINIDAD AND TOBAGO NETBALL ASSOCIATION (INC'N) (AMDT.)**BILL, 2023**

Question put and agreed to: That a Bill to amend the Trinidad and Tobago Netball Association (Inc'n) Act, 1979, brought from the House of Representatives, be now read the first time.

Bill accordingly read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Sen. Nigel de Freitas*]

Question put and agreed to.

**PENTECOSTAL ASSEMBLIES OF THE WEST INDIES INC'N
(AMDT.) BILL, 2023**

Question put and agreed to: That a Bill to amend the Pentecostal Assemblies of the West Indies Inc'n Act, 1965, brought from the House of Representatives, be now read the first time.

Bill accordingly read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Sen. Nigel de Freitas*]

Question put and agreed to.

**TRINIDAD AND TOBAGO NATIONAL COUNCIL ON ALCOHOLISM
(INC'N) (AMDT.) BILL, 2023**

Question put and agreed to: to amend the Trinidad and Tobago National Council on Alcoholism (Inc'n) Act, 1977, brought from the House of Representatives, be now read the first time.

Bill accordingly read the first time.

Motion made: That the next stage be taken later in the proceedings. [*Sen. Nigel de Freitas*]

Question put and agreed to.

PAPERS LAID

1. Annual Administrative Report of the Betting Levy Board for the period July 01, 2018 to June 30, 2019. [*The Minister of Foreign and CARICOM Affairs (Sen The Hon. Dr. Amery Browne)*]

2. Annual Administrative Report of the Betting Levy Board for the period July 01, 2019 to June 30, 2020. [*Sen. The Hon. Dr. A. Browne*]
3. Annual Administrative Report of the Trinidad and Tobago Creative Industries Company Limited for the year ended September 30, 2016. [*Sen. The Hon. Dr. A. Browne*]
4. Ministerial Response of the Ministry of Digital Transformation to the Ninth Report of the Public Administration and Appropriations Committee on the examination of the implementation of the 2021 budget with emphasis on the “Green Economy”. [*The Minister of Digital Transformation (Sen. The Hon. Hassel Bacchus)*]
5. Ministerial Response of the Ministry of Planning and Development to the Ninth Report of the Public Administration and Appropriations Committee on the examination of the implementation of the 2021 budget with emphasis on the “Green Economy”. [*Sen. The Hon. Dr. A. Browne*]

ANSWERS TO QUESTIONS

Mr. President: Leader of Government Business.

The Minister of Foreign and CARICOM Affairs (Sen. The Hon. Dr. Amery Browne): Mr. President, there are seven questions for oral response on the Order Paper and the Government is prepared to respond to six of those questions. We ask for a two-week deferral on question No. 125. Thank you very much.

ORAL ANSWERS TO QUESTIONS

The following question stood on the Order Paper:

Discrimination of Persons Living with Disabilities

(Concerns of)

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125. Given growing public concerns regarding discrimination against persons living with disabilities, can the Minister of Social Development and Family Services advise as to the following:

- (i) has the Government identified the critical issues for action in relation to such discrimination;
- (ii) what measures are being taken to address this situation in the short-term; and
- (iii) when will legislative amendment be brought to the Parliament to address such discrimination? [*Sen. Dr. P. Richards*]

Question, by leave, deferred.

Refugees and Asylum Seekers (Government's Policy)

126. Sen. Dr. Paul Richards asked the hon. Minister of National Security:

Can the Minister outline the Government's policy on refugees and asylum seekers and the way forward in this regard?

Mr. President: Minister of National Security

Hon. Senators: [*Desk thumping*]

The Minister of National Security (Hon. Fitzgerald Hinds): Thank you very warmly, Mr. President. Trinidad and Tobago acceded to the 1951 convention relating to the status of refugees and its 1967 protocol in November 2000. In 2014, a national refugee policy on refugees and asylum seekers was developed, but challenges were experienced with its implementation. This policy was intended to establish a transparent, fair and efficient national mechanism for refugee status determination in Trinidad and Tobago that adheres to international obligations. It was intended to provide a framework to address asylum seekers and refugees, and establish procedures for managing the determination process.

As it transforms, as it transitions I am sorry—as it transitions from the United Nations High Commissioner for Refugees, UNHCR, to the Government of Trinidad and Tobago, it was fraught with challenges. The Government has reviewed and continues to review the position with the intention of formulating a model that will best suit our circumstances considering contemporary migration trends and best practices. The implementation of a policy will require the support of all stakeholders in matters contributing to the refugee status determination process, the privileges to be extended to refugees and asylum seekers, and the subsequent voluntary repatriation, local integration or resettlement in a third country. I thank you.

Sen. Dr. Richards: Mr. President, can the Minister identify the main challenges as he identified in his response to the implementation of these treaties and conventions?

Hon. F. Hinds: As I indicated that was implemented in 2014. I do not have at my fingertip, with precision, the particular issues, but I am aware that it was sufficiently problematic to have required the review that is to be undertaken.

Sen. Dr. Richards: Can the Minister identify if there is a timeline in the resolution of these issues given the calls by several agencies including the UNHCR to classify, in particular, Venezuelan migrants as either refugees or asylum seekers as they have asked on some occasions?

Hon. F. Hinds: As I indicated in my initial and first blush, the process will require engagement of a vast array of stakeholders, and considerations of international trends, migration trends and best practice. So it is difficult. It will be risky for me to offer a particular timeline as is being requested. I give the assurance, however, that we are moving with due haste.

Sen. Dr. Richards: I have one more supplemental, Mr. President? I have one

more supplemental?

Mr. President: Yes.

Sen. Dr. Richards: Thank you. Can the Minister indicate if consideration given the responses and the issues to be resolved—given the calls by some of these agencies to identify the migrants given the challenges they are facing, under even the commendable Government registration process as it stands, but the challenges that still exist with these migrants as they are present classified, is the Government giving consideration under this condition to the classification of these persons even while the resolution is afoot as the Minister identified of the issues?

Hon. F. Hinds: I did hear passing reference to the migrant registration framework which we introduced for the protection of all who would come hither at that time in 2018, when the Government opened its arms to all persons who were in Trinidad at that time illegally including 16,500 Venezuelan migrants and they were invited to be a part of that process. Most, I presume, accepted it. Many did not. The bottom line is that we were able to classify them as economic migrants and, therefore, we registered them and they continue to be registered in that context.

As I indicated earlier as well, when we come to some finality going forward, the determination of who is a refugee or an asylum seeker would be able to be come to with ease, and that would be done by the Government and the people of Trinidad and Tobago in contradiction to what now subsist. I thank you.

Venezuelan Migrants Living in Trinidad and Tobago

(Details of)

127. Sen. Dr. Paul Richards asked the hon. Minister of National Security:

Can the Minister advise as to the following in relation to Venezuelan migrants currently living in Trinidad and Tobago, as at May 31, 2023:

- (i) how many persons are registered migrants;

- (ii) what are the immigration categories of said registered migrants;
- (iii) how many persons are non-registered migrants; and
- (iv) what measures are being taken by the Ministry to address the matter of non-registered Venezuelan migrants currently living in Trinidad and Tobago?

The Minister of National Security (Hon. Fitzgerald Hinds): Again, I thank you most warmly, Mr. President. According to information received from the Immigration Division as at June 2019, which is what the question posits, as a result of the migrant registration framework there were 16,523 Venezuelan migrants. Persons were invited to reregister as at April 2021. It should be noted that permit renewal has recommenced with effect from June 2023 for every one of them except those who ran afoul of the laws of Trinidad and Tobago and/or generated national security challenges, and indeed some have.

As noted above, all Venezuelan nationals present in Trinidad and Tobago were invited to register with the MRF, migrant registration framework, in June of 2019. This would have included legal migrants and illegal migrants. Non-registered migrants cannot be quantified; nevertheless the following persons will make up that unquantifiable group. Those Venezuela migrants who did not avail themselves to the MRF because they would have established immigration status by other means through the provision of employment, study, and by the applying for permanent residence in Trinidad and Tobago. Those non-registered migrants who have not yet otherwise engage the attention of the Immigration Division, they would have made unauthorized entries into the country and have not yet been detected, and there are some of them.

Those who are engaging the attention of the Immigration Division's Enforcement Unit on orders of supervision, the arrangement for this facility is that

persons must periodically report to the Enforcement Unit at scheduled dates and times until their immigration status becomes regularized or until they are repatriated.

1.45 p.m.

These are approximately 500 in number from what we have discerned thus far. Those who, at June 9th, 2023, are at the Immigration Detention Centre pending repatriation and there are 27 of them, that is to say 17 males and 10 females.

For the purpose of clarity, it should be noted that the non-registered migrants living in Trinidad and Tobago are Venezuelan nationals who did not avail themselves to be registered within the context of our MRF in June 2019; therefore, non-registered migrants comprise both legal and illegal migrants. Legal migrants are permitted entrance and include the following:

- Migrants who are pending the outcome of applications for permanent residence in Trinidad and Tobago.
- Migrants who are employed in Trinidad and Tobago under the provision of a work permit.
- Migrants who are currently studying in Trinidad and Tobago under the provision of a student permit.
- Spouses and dependents who are accompanying the persons I have just identified.

In this regard, the Ministry of National Security and the Immigration Division continue to process these persons and their specific applications following the legislative and operational procedures that obtain for the relevant status.

Migrants who are in the jurisdiction illegally include migrants without immigration status who are being processed by the enforcement unit and undetected migrants without immigration status. Illegal migrants engaging the

attention of the Immigration Division Enforcement Unit are those who have breached the Immigration Act by committing summary offences and those who have committed criminal offences. These persons are processed for removal from Trinidad and Tobago by the grant of voluntary departure or deportation. The management of undetected migrants can only reasonably be expected to be addressed if they engage the attention of the Immigration Division through one means or another. Thank you.

Mr. President: Sen. Richards.

Sen. Dr. Richards: Thank you, Minister, for the fulsome response. Can the Minister confirm—I saw a news report recently that indicated—I am not sure if it is accurate—that the Government has indicated that the presently registered migrants, those situations are extended to December 31st, 2023. Is that accurate?

Mr. President: Minister.

Hon. F. Hinds: It is absolutely accurate but more than that, we have extended it, notwithstanding that in 2021 only some of the 16,500 who had originally registered came forward in 2021 for re-registration, notwithstanding that, this Government has, rather kindly, and in keeping with international observations and the highest standards, extended that facility to every one of 16,523 who had originally registered in 2019, as we continue to extend the hand of fellowship to fellow human beings in Venezuela and wherever else they may come from in that particular programme. Thank you.

Mr. President: Sen. Richards.

Sen. Dr. Richards: Thank you, Mr. President. Can the Minister indicate if, through law enforcement or incursions with immigration officials, has the number of migrants who may have been identified by the State as non-registered, given the response you gave earlier regarding the reregistration programme as identified by

the Government or started by the Government?

Mr. President: Minister.

Hon. F. Hinds: I did indicate along the way, en passant perhaps that there are those who notwithstanding that very generous expression of our nationhood and friendship to our sisters and brothers in Venezuela, there are some, who are for reason or another, did not come forward. Once they did and they are in the programme, they are up for reregister subject only to the one thing that they created adverse national security challenges or would have run afoul of the serious laws in Trinidad and Tobago.

Mr. President: Sen. Richards.

Sen. Dr. Richards: Thank you. Finally, through you, Mr. President, to you, Minister, has the Government explored the issue of the non-registered migrants being in some instances exploited and used for the labour market in Trinidad and Tobago as an option for identifying non-registered migrants operating in the country?

Mr. President: Minister.

Hon. F. Hinds: When we extended that facility in 2019, we appended to it a work permit to allow every one of them to work, to maintain their human dignity, to support themselves and to support our economy. We extended it to all. We contemplate but we cannot take responsibility for those who, for one reason or another, did not come forward to enjoy that facility. Thank you.

ANTI-DOPING IN SPORTS (AMDT.) BILL, 2023

Order for second reading read.

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe):

Thank you, Mr. President. I beg to move:

That a Bill to amend the Anti-Doping in Sports Act, Chap. 40:56 to bring in

compliance, the non-conformities of the Act with the standards of the World Anti-Doping Code, be now read a second time.

Mr. President, I must say it is a real pleasure to be here today to pilot this Bill in the Senate. I started my career as a politician in the Senate—

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: —and it is a place of growth, of nurturing. It is in this place where I used to speak with a script and my then—the person who sat next to me, Mr. Faris Al-Rawi, now Minister of Rural Development and Local Government, he would snatch my notes from me and force me to speak without notes. So this is training grounds. I think that this is a good place to start and this is where champions are made, so it is a real pleasure to be here with you today.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: I think another benefit of being in this House is the input from the Independents. They provide very interesting and enlightening views on topics. They do the bulk of the research and add so much flavour and dimension to the debate. Trinidad and Tobago is a better place for having an Independent Bench as a part of our business.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: I think it is really unfortunate that the Opposition is not with us today. This Bill was first introduced to the House, to Trinidad and Tobago in 2013 by the then Minister of Sport, Mr. Anil Roberts and it was supported by the Opposition and the Independents. It is always good to pass a Bill of this nature with the support of not only the Government. We require three-fifths majority, we got it passed in the Lower House with both members of the Lower and Upper House. In this House, it would have been good to that signal to the world that Trinidad and Tobago is on board as it relates to clean sport.

Today is nomination day in Trinidad and Tobago so the politicians are out in our numbers doing what we must. But, at the end of the day, the business of running the country is serious business for serious people.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: So it is important for the serious people to be in this House to promote the business of the Government, to promote the building of State and it is just really unfortunate that the Opposition has abdicated its responsibility today. The Opposition Bench provides an opportunity for the Leader of the Opposition or Prime Minister in waiting to say to the nation that if you vote for us, this is the kind of forward-thinking persons that you would have on board. So I think a population could tell who you are as a leader and what your party is going to give by who you place on your Bench.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: In the Lower House, we are left with whatever the decision of the last election was. Yes? So the people have to pretty much work with that because that is what the last election gave you. But in the Senate, the leader has the flexibility to use his or her wisdom, or lack thereof, to put people in the Senate to tell your story and to say to Trinidad and Tobago this is what “yuh going to get if yuh roll with us”.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: And again, unfortunately, the Opposition has sadly dropped the ball. We are here today to conduct the business of the people of Trinidad and Tobago. Sport is a very important part of our development. It is not solely about winning medals. It is about really maximizing the full potential of sport and clean sport. Promoting clean sport is important not only for our athletes but for the little children who are coming up, for us as a people, because sport unites us like

nothing else can and we get to show the world our good side through sport each and every time. So this is an opportunity for us to show up and to show out and to promote clean sport in Trinidad and Tobago.

Mr. President, the Trinidad and Tobago Anti-Doping in Sport Act, Chap. 40:56, Act 10 of 2013 provides for the implementation of the UNESCO International Convention against Doping in Sport, the establishment of the Trinidad and Tobago Anti-Doping Organization, the Trinidad and Tobago Anti-Doping Disciplinary Panel, and the Trinidad and Tobago Anti-Doping Appeal Panel, the promotion of an anti-doping environment which encourages positive behaviour among participants in sport and dissuades them from using prohibited substances and prohibited methods.

Mr. President, Trinidad and Tobago is a signatory to the UNESCO International Convention against Doping in Sport, which was adopted on October 19th, 2005 and entered into force on February 1st, 2007. Today, the UNESCO Anti-Doping Convention is the second most ratified UNESCO Treaty in the world with 191 state parties, the first being the 1972 World Heritage Convention. The main objectives of the UNESCO Convention are:

- To promote the prevention of and the fight against doping in sport.
- To help formalize global anti-doping rules, policies and guidelines in order to provide an honest and equitable playing field for athletes or, as we say, to level the playing field.
- To help ensure the effectiveness of the World Anti-Doping Code.

With these objectives in mind, Mr. President, it is now fundamental to amend the existing legislation to give proper and due effect to the spirit of the UNESCO Convention. Just like the laws we create in Trinidad and Tobago over the years, none of it was expected to be static. As you socialize, as you modernize, as things

change, we come to Parliament to update, to revise, to review, to become more relevant as times progress, and that is why we are here today to treat with this World Anti-Doping legislation.

When the legislation, the codes, and regulations were first created and adhered to in 2004, 2005, WADA was sure to say this thing was not intended to be static. It is a living, breathing, growing thing, and as science changes, as athletes and the athletic fraternity find new ways to develop competitive advantage, justly or unjustly, we have to return and review, hence the reason we are here.

So, Mr. President, the World Anti-Doping Code is the core document that harmonizes these objectives and seeks to promote anti-doping policies, rules and regulations within the sport organizations across borders and among public authorities around the world. So this is not only about Trinidad and Tobago, it is the Caribbean and the rest of world.

As an athlete, it is a part of sport to be the best, and after you are through being the best at the school, you want to be the best in all secondary schools, then the best in your island, the best in Trinidad and Tobago, the region. It is an international thing, so we have to harmonize these rules and regulations so that we can give our athletes the very best and we could provide a platform and an environment for other athletes to feel safe to come and compete against our athletes and to train on our grounds.

So the code is designed to ensure that the standards are the same for all athletes and to prevent an opacity of rules and regulations where no one knows what the other one is doing to gain advantage. According to the World Anti-Doping Agency, the purpose of the code is:

“...to protect the Athlete’s fundamental right to participate in doping-free sport and thus to promote...health, fairness and”—equality—“for Athletes

worldwide.”

To:

“Ensure harmonised, coordinated and effective anti-doping programmes at the international and national level with regard to...prevention of doping.”

Mr. President, over 700 sporting organizations have accepted the WADA Code to date. These organizations include: the National Olympic Committee, the International Paralympic Committee, international federations including all IOC-recognized international federations, national Olympic and Paralympic committees as well as national and regional anti-doping organizations called NADOs or RADOs.

2:00 p.m.

This includes the Trinidad and Tobago Olympic Committee, which is among the signatories of the code, and fulfils the responsibility of this country’s NADO, or National Anti-Doping Organization, under Code Article 20.4.6, which identifies one of our roles and responsibilities as:

“To cooperate with the National Anti-Doping Organization and to work with their government to establish a National Anti-Doping Organization where one does not already exist, provided that, in the interim, the National Olympic Committee”—or what we know to be the Trinidad and Tobago Olympic Committee, TTOC, as we call it—“or its designee shall fulfill the responsibility of a National Doping Organization. For those countries that are members of a Regional Anti-Doping Organization...”—like we have here in the Caribbean; many of our Caribbean islands states are a part of the RADO—“...the National Olympic Committee, in cooperation with the government, shall maintain an active and supportive role with their respective...”—RADO, like we have been doing with the Caribbean RADO,

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which has been so helpful to us over the years.

Mr. President, the TTOC has done an admirable job in fulfilling the responsibility, with limited resources, through the national anti-doping commission. I want to acknowledge and express my congratulations and appreciation to the TTOC for their work as the de facto NADO, or National Anti-Doping Organization, in this country. In the days preceding the country's hosting of the Caribbean RADO AGM last month, the TTOC held an education session for the Presidents and Secretary Generals of all national governing bodies. Education remains a very important part of promoting clean sport. Because, as I said, as science changes and the rules change, we have to make sure that everybody is on board and understands what is really taking place. Because most times athletes or members of the sporting fraternity would say, "I did not know", so keeping people in the know is a very important part of our role. It is not only testing. When you hear about NADO and RADO and anti-doping, people tend to put their minds totally on the actual testing. The education is a critical part of it. So the TTOC also hosted virtual education seminars with our athletes, awareness sessions with athlete support personnel and anti-doping training for all media attending major events like the Olympic Games.

In terms of legislation, the Government of Trinidad and Tobago has taken extensive steps over the years to support the de facto NADO, and commits to continuing annual government funding to support their testing programme, support for athletes in their development programme and all the other educational initiatives posed by the TTOC.

I want to thank Caribbean RADO. As I said, they have been very instrumental over the years. I want to thank them for their outstanding work they have been doing in the region for the past 17-plus years. I can recall when in the

midst of COVID-19, sporting in the world had been brought to a halt. I think I could even say a screeching halt because everything happened so quickly, and it was the Caribbean RADO that stepped in and helped us with developing a proper doping control process because we were adamant about still having CPL. We wanted to prove to the world, and to the Caribbean region, that we can deliver these games in a bubble. And the RADO was able to help us, and we developed a format or developed a way of having sports in a bubble that then became the template for sporting activities throughout the region. So the RADO is doing extensive work regarding sport science research as it relates to events like CARIFTA, CCCAN championships, along with working very, very closely, hand in hand, with cricket, West Indies.

The TTOC has benefited from the Caribbean RADO in the area of anti-doping research. Only recently, the TTOC as the de facto NADO signed a third-party agreement with the Caribbean RADO to delegate results management and Therapeutic Use Exemption application process to the Caribbean RADO. And this an important point, Mr. President, when we look at what ought to be adopted. I listened to some Members of the Opposition in the lower house and they think that because the legislation says you must have a, b, c and d, that means that every little Caribbean island country must have that. That is why Caricom was developed, that is why a RADO was developed. So that if it is more economically sound and if it makes better sense to do it together, we could make it more cost effective and deliver with a greater level of distinction as a unit in the Caribbean. So we signed the third-party agreement with the Caribbean RADO to deliver some of what is required of us and that has been working quite beautifully, because it is quite an expensive exercise, with each test costing US \$1,000, and you are testing in and out.

And then there are the different resources that you ought to have and equipment that you ought to have. Every single Caribbean island does not have it. We have to outsource some of it to Miami and to the US. Even Jamaica, that is as mighty as it is—I had the opportunity to see the Jamaican operations earlier this year and as much they take tests, they also have to outsource to send some of the testing abroad. So we work together as a unit. Caricom has worked out quite nicely for us, and especially working under the Caribbean RADO. So I want to salute Ms. Sutherland and her team at Caribbean RADO for their outstanding work.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: So, Mr. President, the TTOC is a signatory of the Code and the new amendments mandate the compliance of the Trinidad and Tobago anti-doping organization. We must do three things, Mr. President: accept the Code, which we have done; implement the Code, which relates to the amendment of laws, rules and policies to include mandatory articles and principles of the Code; and the enforcement. But we must do the implementation of the legislation, which is what we are doing today, before we get to that place of enforcement, and we are well on our way. Only with full implementation can we then begin enforcement, as I said before, and that is why it is fundamental that we adopt the most recent, the latest Code into law. That would be the Code that was done for 2021.

This is also in keeping with our national sport policy requirements for high performance sport, which is to prioritize the implementation and the institution of anti-doping and ethics in sport. Mr. President, Trinidad and Tobago has a long, strong history and legacy in international elite-level sport. We have won 19 Olympic medals, including three Olympic gold medals. And even before I go to that, in the area of parasport, we have done quite well, and I am pleased to take the

time out to congratulate our special athletes who have done us proud once again. They have racked up 42 medals. They are going to be returning home at 1.00 a.m. tomorrow morning and as I leave here this evening, I look forward to going there to welcoming them at 1.00 a.m. because they deserve a hero's welcome.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: These are special athletes, differently-abled athletes, and I think that the praise and glory goes out, not only to them, but also to the persons from the army, the defence force, national security, people who volunteer, because it is a lot of work and commitment, it is a labour of love. And I want to salute Special Olympics of Trinidad and Tobago because they remain in operation. They are active. They have competitions and activities in and out of competition season, because it is important to keep parents on board also.

In Trinidad and Tobago, especially in some rural areas, parents with disabled children or special children tend to hide them. And this is a way of encouraging parents to bring children out. This is a major part of our sport-for-all policy. So it is good to not only see parents on board or see these athletes racking up medals, but also going abroad and representing Trinidad and Tobago, flying the red, white and black. I am particularly pleased and extremely proud of Mr. Ferdinand Bibby and his team at Special Olympics of Trinidad and Tobago. They go the distance, they do the hard work. So I really wanted to take the time out to congratulate them.

Hon. Senators: [*Desk thumping*]

2.10 p.m.

Mr. President, we have produced world record holders in athletics, in cricket, in cycling, in swimming; among many other sports. We have produced world champions in athletics, boxing and netball. And I must mention in cricket,

where we have contributed to world champion West Indies cricket teams, in both the One Day and the T20 format.

Notwithstanding this, for all our successes and victories, we have been robbed, or should I say we have been denied moments of glory over the years due to drug or dope offenders. Let us take for instance, Mr. President, Cleopatra Borel, our female shotput legend. She was denied an opportunity to throw for the gold medal in the 2012 Olympic final by one place, by one place. Nadzeya Ostaphuk of Belarus won gold medal, tested positive for drug use and was disqualified. When the gold medalist was disqualified, the silver medalist was elevated to gold medal, the bronze medalist to silver metal, and the fourth place athlete to bronze medal. Cleopatra Borel did not get her six throws. All she can do, and all we can do is wonder now: What could have been if she had gotten the opportunity to get her six throws? It was retroactive testing of all samples that alleviated our 2012, 4 x 100 Olympic bronze medalists, as we knew and love them when this Act was passed in 2013, to Silver Medalists over the years, after the race. These athletes were Richard Thompson, Keston Bledman, Mark Burns and Emmanuel Callender.

Mr. President, when the Bill we seek to amend was passed in 2013, we thought we had two Olympic gold medals. It was retroactive testing of old samples that upgraded our 2008, 4 x 100 Olympic silver medalists, when this Act was passed in 2013, to Olympic gold medalists. These medals were received only last year. And so, these young men: Richard Thompson, Mark Burns, Aaron Armstrong, Keston Bledman and Emmanuel Callender were denied the opportunity to take their victory lap and hear their national anthem in a full Olympic stadium. And all the appearance fees and endorsements their Olympic gold medal merited, they deserved better than receiving those medals in the Olympic stadium, 14 years after they won.

And today, once again, they can only wonder and we can only wonder what could have happened. Because it is not only about having your anthem played or getting to do your victory lap or the celebration at that time, the endorsements and all the business opportunities that would have come through corporate Trinidad and Tobago, other stakeholders and private sector entities affiliated with the International Olympic Committee; all of that they would have missed out over the years. So, we celebrated our bronze, then silver, then gold.

And interestingly, Mr. President, I understand that today these young men, these young athletes who were upgraded to gold last year, they had a press conference. I did not get to hear the press conference. But the media reached out to me about what is going to be offered to these young men, that they are now gold medalists. And I had to remind the media that I met with two of the athletes last year, when they were upgraded to gold and they were proposing that we should now give them rewards and incentives since they have now been upgraded to gold. And when we did our research in the Ministry, we found that the rewards they received in 2008 for the medals they received then, what is being offered for gold now is less than what they got in 2008. So, it is upgrade from what to what?

Then, there was a proposal made that we pay them a stipend or an honorarium until the end of their life. Now, I must say in these economic circumstances, in these times, that is something that is challenging to do, because we as Government we have to make the decision and balance the support of athletes now; the ones who are young and up and coming, as we work now with the Government of Jamaica to upgrading or ramping up sporting schools to develop more athletes, and exactly the programme that we ought to do for athletes who have medaled and are now in their senior ages; some of them who are not living at home. You would hear people cry out we should be giving moneys to this

person who got a medal in “19-0 dis, or 1970-dis or 80-dat”. We also have to remember that it is not solely the responsibility of the Government.

We need corporate Trinidad and Tobago, corporate Caribbean to come on board also, as it relates to promoting sport and providing support to our athletes and endorsing these types of programmes. So, I want to say opportunity lost; that was an opportunity lost, all due to unclean sport or persons involved in doping that would have robbed them of what they could have gotten then.

Mr. President, I am not sure how many people in this country are aware that the same thing could have happened to Keshorn Walcott. The athlete Keshorn defeated by 7 centimeters, 7 centimeters on 11th August, 2012, that athlete from Ukraine, a re-analysis of his samples was done in 2016. Now that is four years after, Mr. President, which showed him to be positive for a steroid. He was disqualified, stripped of the silver medal, Mr. President, only for 7 centimeters, Mr. President.

Mr. President, I am sure you remember the country's euphoria when Keshorn Walcott won the gold medal mere weeks before our 50th Anniversary of Independence. It was just what we needed at, we can safely say, a divinely-appointed time. Can you imagine how we would have felt had that result been the other way around and Keshorn lost to him by 7 centimeters? I am sure we would have been very proud of that silver medal at the outset. But how would we have felt to find out four years later that Keshorn was robbed of his gold moment by a drug cheater? Yes?

It begs the question Mr. President, why do athletes cheat in the first place? Is taking performance-enhancing drugs even cheating? Because there is a school of thought, group of people who ask that. Is that even cheating? Some people may ask why spend all this time and money on anti-doping, when you can do away with

all the rules and let us see feats, previously deemed impossible.

Some may say let us see a human being swim 50 meters in 15 seconds or run 100 meters in eight seconds. Let us see how a man through a javelin from Hasley Crawford Stadium to MovieTowne, or the Courtyard Marriott, or even let us see if a man can really hit a ball from Antigua to Trinidad. Some people think if anybody and everybody are allowed to take prohibited substances, then the best athlete would win anyway. Believe it or not, Mr. President, that school of thought exists. We do not share that belief in this country. When we cheat, we rob sport of its ability to competently judge, based on fairness, commitment, integrity, and equal opportunities. Doping is deceptive and harmful to athletes, in addition to misleading spectators, organizers and sponsors in their belief that they are watching a fair sporting competition.

Mr. President, the public needs to understand that there is a set list of criteria for a prohibited substance or method to make it into the WADA prohibited list. In fact, there are three criteria of which at least two must be satisfied for a substance or method to be placed on the prohibited list. WADA lists them as follows: one, it has the potential to enhance or enhances sport performance; it represents an actual or potential health risk to the athlete; and it violates the spirit of sport. The list is updated annually as substances are constantly evaluated to determine if they should—

[Disturbance in Chamber]

Mr. President, the list is updated annually as substances are constantly evaluated to determine if they should be added to the list, based on satisfying two of the criteria, or if they should be removed from the list as a result of no longer meeting two of the criteria. Yeah? What we are seeking to do by amending the Anti-Doping in Sport Act is to demonstrate to the athletic world and international

sporting bodies that Trinidad and Tobago will not tolerate cheating or use of enhancement-performing drugs. When we cheat, we rob sports of its ability to competently judge, based on fairness, commitment, integrity and equal opportunities.

The WADA Code, which we seek to adopt at Schedule I of the legislation defines the spirit of sport as a celebration of human spirit, body and mind. And doping is antithetical to this spirit of sport. The spirit of sport is what we seek so arduously to promote to the athletes and to the wider public. We also have to admit that as a nation, while we have been spared the major embarrassment of systematic doping to date, we have not been absolutely perfect. We have had a few of our athletes sanctioned for whereabouts failure, filing failures, and positive test for recreational drugs or stimulants found in over-the-counter medication or nutritional supplements. While the sporting fraternity in this country can boast of world-class education, solid character, values and morals, competent coaching and honest leadership in most cases or for the most part, we cannot consider ourselves exempt or protected, because one positive test of an international athlete can quickly change our entire story, damaging the reputation of Trinidad and Tobago permanently and eroding our national pride, casting dark clouds over the dreams and aspirations of our hardworking athletes. These youngsters put in the work. Hence, the importance of amending this legislation.

Changes have materialized since 2013, 10 years ago in the anti-doping arena, spearheaded by the ultimate anti-doping code, which must comply as it ensures fairness and clean competition and will certainly spare Trinidad and Tobago from any attendant embarrassment due to doping.

Mr. President, our country has been engaged in negotiations through the Sports Company of Trinidad and Tobago, which is under the remit of the Ministry

of Sport and Community Development. This is our implementation arm, actually, and we have been engaging with the international governing bodies such as UCI and the ITF and FINA, to use our flagship facilities as satellite training centers.

You may note, Mr. President, that in November of last year, we received accreditation from UCI, as we became the only UCI satellite centre as a flagship development centre for training and development in the Caribbean. So, UCI is—yes, you want me to give way? Sure.

Sen. Dr. Richards: Thank you, Minister just two quick questions, which you may have included in your wrap up. One, given the fact that you have identified the importance of our compliance through this legislation for international standards, how important is this one, for us hosting events and being compliant? And two, you identified the cost of testing, given the increasing sophistication of the prohibited drugs, how much more resources, if any, are we pouring into that to keep our athletes in line? Thank you.

Hon. S. Cudjoe: Good. I was going to get to that later, but if you want to get to that now, no problem. Your second question was about how much are we pouring into that? Well first, we have to implement the law, have the law passed and implement it. And the law has some specific requirements where we must have the NADO. We have the compliance platform already operating and they meet fortnightly to come up with exactly how we are doing this implementation. Our hands are being held by the RADO and WADA. When WADA came in last month, we had deep technical sessions with them and even following that, they worked hand-in-hand with us, telling us exactly what they want and how they want it.

2.25 p.m.

Of course, it is a very costly exercise to test in and out of competition

season, hence the reason, we do a lot of our work through the RADO. We provide the yearly fees to the TTOC, which is operating as the NADO right now, and the Government is prepared to make the necessary investment. Just like Jamaica, it is going to take steps for us to get to a place where we are actually doing, running the full gamut of testing here in Trinidad and Tobago. When I went to Jamaica, I saw a trailer. They use a trailer as a testing site. They collect and then they send out to Miami.

We work hand-in-hand with Jamaica and the rest of region and hopefully we get to that stage where we ourselves can do that type of collecting and sending out. We must also admit that in Jamaica, many of their athletes are stationed at home. In Trinidad and Tobago, a lot of our athletes leave and go to university in the US or somewhere else where they feel like they have a better opportunity and then it is also part of our culture where we naturally think that there is a better life out there in any area. So we have some athletes who train here at UTT, we have some athletes based at home, but most of our elite high performance athletes are based abroad. So they do their testing where they are, anyway. Yes. Your second question had to deal with—remind me.

Sen. Dr. Richards: [*Inaudible*]

Hon. S. Cudjoe: Oh, what games—what games is this preventing us from hosting? Well we can host—it is important that we pass this legislation. It makes it better for us to be able to host. Because let us say somebody comes here and participates in games and they have broken a record. We want to make sure that was done so fairly and that if somebody broke the law or was not operating in compliance with WADA Code 2021 that they would face the necessary penalty because it is now a part of this legislation in Trinidad and Tobago.

It would be really unfair and I think even a shame for somebody to come

here, break a record due to doping or some kind of unfair practice and we are unable to do anything about it because we have not adopted the new legislation. So that is important not only for our athletes, for our reputation as a country where a major part of our mandate, our sporting policy and our drive as a Government is to develop these facilities so that we can be flagship facilities or training and development hubs for the region. We want to host, we want people to come here and train, so we must create an environment, which the legislation is a major part of it, that is conducive to attracting that type of business, that type of investment, and that type of interest. We want to say Trinidad and Tobago is a place to play and a place to practice sport in a clean way. It also sets a good example for the schoolchildren and the young ones who are coming up, yeah?

All right, so with the cycling centre we have already attained the support of UCI, the accreditation. We are the only one in the Americas, we are the fifth one in the world, and back then we used to always have to send our cyclist out to Switzerland. I mean it is going to take a while before we get to Switzerland's level but we know that we are working on a programme with UCI so that cyclists can come to Trinidad and Tobago and do the training that is just as good as Switzerland.

I had the opportunity to witness, I think it was last month, our national championships and countries like Barbados and Jamaica that do not have facilities of our standard they came to be a part of our national championship. So their pointing system and so on, was done by us here in Trinidad and Tobago because they are utilizing our facilities to have their national competitions too. And I think that that is good for business, it is good for sport, it gives our athletes the opportunity to compete against others right here on home ground and it gives our officials the ability to increase their ranking and their points by their engagement in

these games.

So we are doing the same thing with the National Aquatic Centre, with FENA, and we are well advanced in our relationship and processes of making the racquet centre up in Tacarigua a flagship training station or training centre for ITF. They have worked with us on the structure, on hiring the right people, and making sure that the right things are done. So Trinidad and Tobago, I say Government after Government, have been making that investment in our facilities. We are upgrading Hasely Crawford Stadium right now as we speak, not only—

Mr. President: Minister you have five more minutes.

Hon. S. Cudjoe: Oh wow.

Hon. Senators: [*Laughter*]

Hon. S. Cudjoe:—not only for Commonwealth Youth Games—thank you, Mr. President. Five minutes in the Senate. In the Lower House, we get 15 extra minutes.

Hon. Senators: [*Laughter*]

Hon. S. Cudjoe: But I am thankful for the opportunity to be here. This is important, Mr. President, as I close, not only for our athletes. It is important for the sporting fraternity. I want to—the sporting fraternity not only in Trinidad and Tobago but throughout the region. As much as we look to Jamaica as a big brother or a big sister in this area in athletics and in anti-doping, other countries, the smaller countries in the region, are also looking up to Trinidad and Tobago. And our athletes have been performing outstandingly and people are wondering, what is Nicholas Paul doing? Is he taking something? You know, people want to know. Out of nowhere this guy came and is ripping up all these records. Our cyclists are doing particularly well and a number—we are also breaking into different sporting disciplines that are not usually traditionally what we do. You have judo, you have

sailing, you have dragon boat, you have so many different areas that we had been accustomed to participating in and people want to know where these small folks from the West Indies coming from with all this skill? So the attention is on us. So we want to stand up to muster, we want to stand next to our brothers and sisters in the region and in the world and say, we are good, yes, we are really, naturally, world class good. We have been putting in the work and we have been doing so in a clean way.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: Yes? So I want to thank the Attorney General and his team at the Office of the Attorney General and—

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe:—the Ministry of Legal Affairs, my technical team here in the Ministry of Sport and Community Development. We have Gabre Jesu Mc Tair, he is our Director of Sport and he has been a part of this journey for a mighty long time, longer than I have been. He has been doing outstanding work as our Director of Sport. We have Rickson Powder who is now our national point person. We did not have one before. So this is the person that WADA calls, this is the person that the RADO calls, representing Trinidad and Tobago, and he has been focused on getting the business done. He has been with us for about, not six months yet, and we have a new legal officer who is really passionate about this work, her name is Ms. Sheriza Khan; outstanding, extraordinary public servants.

So I want to salute my team, I want to salute the different entities who have been supporting us in the compliance platform. TTOC, Mr. Ali from TTOC, all the folks. It is a labour of love and you see patriotism coming alive. People like Brian Lewis, who had been the former President of TTOC; Diane Henderson, Annette Knott; the list goes on and on and on. I tell you, I have been in youth, I

have been in tourism before, but sport has been a beautiful place to be because people come on board for the love of the sport and they understand the concept of fair play and they apply that positive attitude to all that they do and it is just a really beautiful place to be, in having people who work for the love of the industry.

So, Mr. President, members of the team here, fellow colleagues, we look forward to your support in passing this legislation so Trinidad and Tobago can truly be seen as a place for clean sport, not only for our athletes, but for the sporting fraternity not only in Trinidad and Tobago but for rest of the world. I thank WADA also for holding our hands and getting us to this point and I look forward to your support. Thank you very much.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister, before you exit there are four magic words.

Hon. S. Cudjoe: I beg to move.

Mr. President: Thank you very much.

Hon. S. Cudjoe: Thank you.

Hon. Senators: [*Laughter and desk thumping*]

Question proposed.

Mr. President: Sen. Dr. Deyalsingh.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Varma Deyalsingh: Thank you, Mr. President, for allowing me to partake in this discussion. I am proud that our country is gearing up to host the 2023 Commonwealth Youth Games from August 4th to 11th. So today we are rushing to pass this Anti-Doping in Sports (Amdt.) Bill and we are rushing because we have to get it in place for this event that we are hosting. So it was there before and since—I think it was since—the Minister at the time was Minister Anil Roberts, I think it was in 2013, I think it was, when he actually brought this law

and it was fully proclaimed in 2015. And we know that even though this was proclaimed there were other things to be brought into place. So we have been tardy but sometimes we need to be tugged from the outside to do what we are supposed to do. So even with the FATCA Bill we were mobilized into bring this forth. Even this, we mobilized.

So I have to thank the Minister of Sport and Community Development for bringing this and I wish she actually had more time because I was really enjoying her talk. But this Bill is really an anti-cheating Bill. It shows us globally we have a culture of cheaters and we need to address this. We have a doping epidemic. It affects every race, nationality; and sports is a big business. Sports even now we have categories where sportsmen started using testosterone since in 1950s and we remember sporting scandals. Now we are even faced with sex changes, the transgender movement who are now actually going into the female races, and even WADA may have to come out with some statement that chromosomal—our chromosomes determine our sex or either have a separate sort of racing field or movement where you could have transgender. So you are now moving to different things in sports.

And this is why WADA had to do their revision. They have a work in progress. So even though around 19—it was around 1999 I think they were actually pushed into bringing their views forward and they were pushed into this when there was some scandals in France, there was scandals in France where there was the Tour de France where the bicycle, the Festina Cycling Team had great—shocked the world, where they were using prohibited drugs.

So therefore, it was early 1990 the IOC convened the World Conference of Doping in Sports and there was—emerged the T and now we are here today with the different bodies that exists. And the bodies that exist did not come right away.

It was really an inconsistent sort of—inconsistent judgments handed out, inconsistent enforcements by the IOC, which led to them having now to be foremost in pushing for a world anti-doping agency, the WADA. They also now had some inconsistencies and persons actually cried out and they got the Court of Arbitration of Sport (CAST) and then again you found mistrust. Persons kept saying that they were cheated, persons kept saying that they keep moving the goal post and they have the ICAST now which actually serves as the arbitration body. So that is some of the history.

But the fact is we have to keep up and they have to keep up with the changing things that are facing them, the changing modalities that are facing us. Because we were looking at just drugs, and if you are looking at drugs that is one thing. We have mentioned hormones were there, testosterone was there since the 1950s and remember sporting scandals. But even after that we found that other things were being used. People were actually taking out your red blood cells storing it, freezing it and giving you back it. So it had reached to that level. They were using medication that was there for the normal public.

2.40 p.m.

And we know Trinidad, it is a country where even in Carnival, doctors, healthcare givers have been approached by persons, “Doc, I want tuh buff up fuh Carnival”. They have been asked to get anabolic steroids. Some ladies come, they want weight loss medication. So even here in Trinidad, we have to be careful. There are things out there circulating that we would be surprised that is given.

I remember once there was a patient who came to me, telling me they got an anabolic steroid that was actually a veterinary medicine. It was made for, I do not know if it was cows or pigs, and they got that and they were using that. Quite willingly, the doctor told them this is what was available. And we have to be

aware, there are the things out there that—we have to look at what people may be willing to put themselves through to look good or even to win—to win competitions.

But I remember the days when Hasley Crawford graced our screens and the pride that I got from him years ago when we saw him there as that gentleman winning the 100-metre race. And I always looked at him, as you know—we did not have our Trinidadians using any sort of medicines, anabolic testosterone. So he won the 100 metres, but regrettably he could not manage the 200 metres because he was forced to pull out mid-race. Not only that, someone who occupied the same chamber actually won in 1964—Wendell Mottley, who served as a Senator, he won the 1964 Summer Olympics, and he won silver medal, he won the bronze medal.

So therefore, we have seen in Trinidad and Tobago persons who made us proud; proud without using anything. We have heard the Minister of Sport and Community Development tell us about persons being cheated and this was so, you know—persons being cheated. And months after, or even four years after, Keshorn realized that he was being cheated—he was cheated.

And, you see, this serves to look at WADA, this serves to look at these international bodies, are they doing their checks quickly enough? Is there some sort of discrimination? And this is where we have to remember the Minister, and Ministers of Sport worldwide, may need to look at these bodies to see are we getting what we really are in for?

So we have to realize WADA has tried and attempted to bring some fairness and transparency back into sports. But even though they have been existing since around 1999, the figures are still increasing, where people still flout the laws, people still go and use it. So they are not getting their message through. The fact

remains is that there are still having persons using it, and up to 2022 there was a major corruption in the skating event in the Chinese Olympics.

So even when I read, “Obstruction of Justice: The Arbitration Process For Anti-Doping Violations During the Olympic Games” by Andrew Goldstone, he says:

“The sharp increase in positive substance test results among Olympic athletes makes it clear that the campaign to eradicate doping has had little effect thus far.”

So I have to agree with him. So therefore, winning seems to be such big factor that the cheaters come in and use anything possible to try and see if they can win.

So persons behind the scenes may try to control who will enter, who will have a chance. You find that geopolitics may also play a big part with nations wanting to show their citizens are the best. The Cold War saw a race for the moon. We saw Russia sent a dog Sputnik when the US had the first man, Neil Armstrong’s footprint on the moon. So geopolitics—we found that nations, like Russia, was trying to compete. Other countries were trying to say, “Our citizens were the best.”

We remember Germany had their times when they wanted to create their superhuman during the Nazi era. But even in the Cold War era, East Germany, there were young female athletes who were injected with male hormones and anabolic steroids, all in the name of international prestige through success in sports. And 20 years later, many still are suffering from the after-effects, severe physical illness and disabilities. They were doping for gold to show the world they were better.

So competitive sports were infiltrated by politicians, secret service. It became a war and not a healthy competition. They had to win at all costs, even if it

meant cheating. So while we try to teach our youths that training and hard work is the way to go—and I even give lectures to young cricketers. I was so disappointed when, you know—I give them talks about discipline, nutrition, positive thinking. But I remember even recently when John Campbell, our 28-year-old West Indian, left handed opener, he actually was banned for four years because he refused to give a drug test. So the drug test—he never had a drug test but, you know, he had to make himself available.

So this is part of the analysis that WADA had is that we do drug testing but sometimes other things may also make you—also red flag you or make you also be frowned upon. So there is what we call a non-analytical positive violation which is not based on the result of a drug test and it was like failure to submit to a drug test; possession of prohibited substances—just possession of it, eh, not finding it in your body; tampering with the sample collection process. So all those are other ways that WADA is trying to expand its way to catch these individuals.

So we live in a cheating culture. We know about legal fees inflated from attorneys, over padding contracts, tax evasion. We know about our CAPE/CXC leaked papers too, our youths are taught they can cheat. So yes, this is about cheaters, but we need to set the social compass. We need to set it back. We need to show that match fixing, corruption, all these things we need to show that we are frowning on this and criminals. We need to actually commend WADA for trying to update its codes. But, you know, there is a system in Italy where they actually criminalized some of these actions and I think we have to head there.

Now, even though WADA came out with their revised, you know—they had a code review in—that they started in 2017 and it reached its final form in 2021. And you found that when that came out, persons said, now they will have to adopt this code. And this is what we are attempting to do here. This is what the Minister

says she is doing here.

Now, India, a beta state, it passed the Bill in 2021. As soon as it came out, the Lok Sabha debated after three and a half hours and they brought it in. But, you see, India was in a perilous position because they were known for cheating before. They had five ladies or five persons were charged ahead of the 2022 games, and they realized they needed to come back into good stead. But even though they passed this Bill in 2021, and they were accused of cheating before, in 2022 we still had five persons charged even though they had the legislation. So the legislation alone does not seem to be deterring the persons from trying to win.

And the Minister did not want to go into the reasons why people would want to use these drugs. And there is a variety of reasons. You remember, these are persons who are on the competitive stage. They would want to win. Sometimes they are pushed by their managers and sometimes they may give in; sometimes they may use it; sometimes that success that they would get, that rush, this is something persons would think that, okay, it is normal, other people are doing it, and they would tend to do it also and use it also.

So therefore, I am saying that I would have to support this Bill because we have to rush it in time for our games, which is coming on board. But I would have rather more time to be able to add in other factors that I think would have helped this Bill. So I am hoping somewhere along the line, somewhere in the future, this will have to make a turn back where we would be able to now push in some other ideas. Because I think WADA needs to be looked at all over the world in terms of, are they keeping to the standards? In the past it has shown that, they have not kept the standards and I have some samples I would quote.

Now, I heard some people say sport builds character and the idea that sport builds character. But honestly, Sir, I have to quote from Sharon K. Stoll. She is

from the University of Idaho. And she and her colleague, Jennifer Beller of Eastern Michigan University, 10 years they have been studying—more than 10 years actually they have been studying ethics in competitive populations. She has a book on sport ethics. And the thing is, she found in her research that sports can build bad moral character. This is what she found. This shocked me because I would be telling my patients, “Get involved in sports, learn to lose as a team so when later on you have to face life, you have that collective thing”. But she is actually, this research person—so therefore, what she found is that when she looked—she has a PhD in Sports Philosophy and she said, and this is her termination:

“...many jocks are deficient in moral reasoning, which governs honesty, fairness, and responsibility.”

So she said:

“In sports we have moved away from the honourable behavior...”

And people now have the:

“...emphasis of winning at all costs...”

So she did studies—a 17-year-study with 72,000 athletes to find out—questionnaires about them. So she is operating from the Center for Ethical Theory and Honor In Competitive Sport. And one of her studies actually showed—even though her study showed:

“While athletes have traditionally scored well for values such as teamwork, loyalty, self-sacrifice and work ethic, they have not done as well in moral values such as honesty, fairness and responsibility.”

And she said:

“...prominent athletes”—are—“behaving badly.”

They have:

“Rapes, brawls, drug abuse...”—are very common.

So she studied it.

And she did a study in 28 countries and she looked at a sixth grade student, those involved in sports and those not involved in sports, and she followed them when they reached twelfth grade. And when they reached twelfth grade, she found that the ones in sport had lower moral reasoning score, which was shocking. And also, her study showed that those in a team that was actually gaining money in team sports, scored lower in moral reasoning. Individual sportsmen scored higher than a team, probably because an individual is not influenced by trying to win amongst his colleagues so he would not want to take something to outdo them. Females had a higher score than men. But we know that females are generally less corrupt, which we have seen in the idea of corruption index. So therefore—and law—persons who are involved longer in sports, they tend to cheat more, they tend to have the usage of this more. Sometimes to hang on to the game they may now think, let me use something. So this is very interesting, this study.

And why I want bring this study is really to show that—this study shows us that, you know, to me, the corruption is pandemic. We cannot just look and see that it is in a certain profession; it is in a certain, you know—certain times when people look at and say, well, you know, you have corruption in business, in contractors, in whatnot. So even sports will have sporting individuals, this study shows that. So what that shows us is that human nature, persons—it does not matter your profession, how you look, what you do, anybody will have that ability or the idea that they would want now to cheat, that they would want to try something illegal. Therefore, this Bill prevents that. Procurement legislation looks at another aspect. So the whole idea we have to look at is human beings on the whole, they need laws like this to keep them in check. Right?

So I want to go on now showing that sports itself—and do not look at

sportsmen as the pinnacle. I mean, we had good examples of our sportsmen who served. We had Derek Murray who came out, he went into business. We had some cricketers who went out—we had sportsmen who actually made us proud. And the Minister actually mentioned that some of the sport personnel did come to her and say, “Listen, we want to get something to continue, we want to get some other sort of grants, we want to somehow be able to be paid for our services”. And she did mention where we are in hard economic times. But I want quote something where I would want to give an idea that even in sports we have to realize that a sporting individual’s lifespan is not much. After 30, most of them are not useful again in their field. So you find that some of them will suffer in terms of their mental state and even Sugar Ray Leonard, after his boxing career finished, he went into depression, and other sportsmen said their world was their whole sporting activity.

So therefore, with due respect, Minister, I am thinking we may have to provide something for these sportsmen who are retired; either they teach, they coach, something to keep them busy, something to give them life after their sport conditions. Because Sugar Ray Leonard said he had a loss of identity. And imagine that you serve your country, at the age of 30 you have nothing to do. We have to retrain them. We have to teach them how to do economic—how to use their money and save it. And this is what we need to do, market them properly. This is what we need to do with tourism.

2.55 p.m.

So therefore, if I look at the WADA and what it is attempting to do. Now, WADA had different sorts of retreats where they tried to see if they could improve it because they knew that even though they were trying since 1999 people were coming up with new techniques. People coming up with the new drugs,

people were doing things just to get away, just to cheat, managers—and managers abusing children and this is why I get angry about because in the 2022 China Olympics, there was a 15 year-old skier and she was put on drugs. She was put on a heart medication and this is frightening in the sense that if—this was Kamila Valieva. So she entered the Beijing Olympics and she was put on a drug called trimetazidine which is for heart, it improves the blood flow for the heart, is used for dizziness and they put her on this. So this to me is child abuse. Would they be charged, would the UN come and say protection of children come out and speak out about this? Was her parents also involved in this, or was it just the manager's influence in this.

So this is where sports has reached, where our children are abused. And in this case, I want to go a bit on the 2022 scandal with this person—because you see this brings in that even though we have WADA and we think WADA is the ideal thing, there were a lot of problems before with these organizations, these overseeing organizations. So this girl, I said she—it was found that she won her medal but when we looked at the history, some time before she had taken a drug test and when she took that drug test, the results were not forthcoming. You have according to the directives, you have to give the results of that blood test in 20 days. So the 20 days elapsed. She went on to go in other competitions and she won a European competition, she tested negative for that and then she went on to win this competition. If we had seen that blood test before she would have been disallowed. And even after, when that blood test came back WADA—actually she appealed to her organization, which was the Russian body was RUSADA. And she appealed to RUSADA because they said they going to suspend her. She appealed to RUSADA and actually RUSADA, their body, allowed her to continue and then the American body actually objected and then you found that, again, she now

appealed to the arbitration body and they allowed her. They say because of her youth they cannot deny her that. They say because she is a minor and she is protected under code and the damage, you know, her reputation will be damaged if she is not allowed to continue. And the test result came back late, not giving her an opportunity to respond.

So here we are different organizations now, agreeing and disagreeing and obviously, the American organization had every right to do that because they had, at one stage, banned their own sportspersons and now look what happened to the Russian girl.

Remember, Sha'Carri Richardson, this Afro-American sports person, excellent person, but she was banned because of marijuana in her system six weeks before. So that is unfair, she is banned. But here you are Russian, you were allowed to continue. Jessica Callahan, eight months wait, she had to wait eight months wait before because they found a substance in her and eight months she had to wait, before they came back and say that substance was really due to some cream you used went to her body. What did I do? It destroyed her career, it destroyed her teammates, it prevented them from going forward. So this is why RUSADA had every reason to now say and be angry how the discrepancies been treated. So we have to look at this thing. Even there was a 13 year-old Korean Yelim Kim.

Mr. President: So Senator—

Sen. Dr. V. Deyalsingh: Yes Sir.

Mr. President: —we have enough examples—

Sen. Dr. V. Deyalsingh: Sure.

Mr. President: —that you have given in relation to how you know, doping can occur—

Sen. Dr. V. Deyalsingh: Yes.

Mr. President: —and the effects that it has on the athletes themselves. So I invite you now to move forward in your contribution.

Sen. Dr. V. Deyalsingh: Thank you, Sir. So I just wanted to clarify there that we need to be looking at these organizations who treated persons unfairly, even though they are here, we have to keep an eye on them. We have to keep an eye on them, because you do not know, suppose one of our athletes are treated badly. So therefore, I want also to make mention that even when I looked at the list of drugs that you know, you have the list of drugs that were banned and so what was strange that even the list had expanded, because you have now certain medications that were not on the list, and it changes in the body to actually a substance that could actually enhance the performance.

So all these are difficulties that the WADA had to face, had to know to go ahead, to change their whole way of doing things and we have to realize that the fact remains that there was even a case where in the 2002 Winter Olympics in Salt Lake City, Alan Baxter, British athlete—his bronze medal was taken away because he used a Vicks inhaler. So this is why we need to keep up to the—what is going on.

Now, I tell myself, if my child is an asthmatic and with the dust we are having now, the Sahara dust et cetera, and he uses a Ventolin inhaler, he might be treated badly. But we see that the section 4 (3), 1.3 actually realizes according to the ADAMS list, we are looking at data provided for therapeutic use is allowed. So persons who are on a medication, they have to provide that information before.

But when I realized that even the fact that WADA did revise some of its policies because remember WADA changed its policies and its codes in 2003, 2009, 2015 and in 2015, they realized marijuana is now a recreational drug and I

think the Minister did mention something about marijuana. So they actually—their threshold of 50 nanograms has now gone up to 150 nanograms. So therefore, you know, but athletes have to know they have to stay off this for a month and also, WADA now, increased their non-analytical assessment to intelligence gathering from police, from postal, from defence, which is you know, so it is not really just testing, you are looking at other avenues. Someone who wants to come back and retired, they have to give six months' notice and testing has to be restarted.

So therefore now, a very difficult—what I consider difficult—position for some of the athletes, they have to actually give where they would be in three months before an event, one hour a day. So they will have to say, well, you can find me at this hour at so and so place. This is a very difficult thing to do. So I think this to me, is something that is a heavy burden but again, to try to get the corruption under control, I think WADA has this. So imagine if a young athlete goes partying one night, and he is tired next day, you cannot find him. So this to me is a burden but they had put this in.

So then, if you remember Sir, that the scandals that came about for this, was the Festina scandals in—where they had the cycling team in the 1998 Tour de France. And why I want to bring this up, because in that case, the Soigneur of the French Festina team was arrested. And I want to read how his arrest—on Thursday, the French Belgian border, the customs officials held him for having banned substances. Now the Minister did say our whole country, our name, could be sullied if this is so. So before we have all of this event, I am saying we may need to beef up our customs officers. We need to brief them on what may be coming in, things come in—I mean, our custom officers have a lot to be desired, we know guns and arms come in, but they have to be on the lookout for any team coming in that we would be able to make sure that they are not bringing in these

prohibited substances. So this is something that I think we need to also work with this Ministry.

The other thing I have to look at Sir, is the fact that you know, under the list of prohibited medication you also have, I am seeing like diuretics, Lasix, people use them to clear the drugs from their body. You have anabolic steroids, I had mentioned the Ventolin spray and hormones that are available.

So those are things that we have to look out for people coming in with it would have to give a reason why they are having it and clause 4.3(1) looks at the prohibited persons. But remember, it is easy in Trinidad where people could mail order stuff, suitcase traders can bring in stuff. So therefore, we have to be able to tell our youth that you know, that it is not okay to cheat and the damaging substances, you know, people who do that should be punished. And this is why I love this legislation that we have to send that message. But it is really an education to the Ministry of Education, along with Ministry of Sport to start in schools. Because the study I mentioned before, shows it is a mindset where people who, you know, their moral judgments may be corrupted even though they are in sports or whatever so we have to look at that mindset of these things.

So therefore, I must make mentioned Sir, that even there were difficulties before with WADA, where people would have not trusted the IOC and WADA and in cases like this I think we need to keep looking at them, keeping nudging them that they may need to change their laws, they may need to bring their codes up to date. And even look at in 1987, when Ben Johnson, loved, Canadian sprinter, Jamaican born, again he slipped through with this. So our difficulty remains, who do we test for? It is costly to test for everybody. What I think WADA has tried to do is look at the winners, they test the three winners and the two others after so, in

case one has somehow, you know, tested positive, that gold or that bronze or that silver could go to the other.

So, I think this is something but then, you see we have the criticism where, let us say, you know, we are supposed to give —the medical board was supposed to recommend a doctor to go on one of these panels, two panels before and I always look—let us say you are there, you want Trinidad to excel, you want this athlete to reach the Olympic gold. Sometimes you know, you may be hesitant to testing, it has to be guys with great fortitude and you might find that is unfair if you testing your people, doing the correct thing but the United States and other countries are not doing it. So we need something here, where our local bodies, the regional drug testing authority, you know, could go to other countries and do spot checks, not just we depending on us because to be quite honest, you are now asking somebody to take your athlete and prevent him from going forward while you are looking at other countries might do that. So this may be something that we have to look at in future where there is a roving body of experts going and doing their testing and seeing how we can test.

Another problem that persons actually said is that there is this strict liability for anti-doping violations and the criticisms came from the American, the United States Olympic Committee saying that, you know, sometimes you find a substance and you just suspend them. So I think this was something that they did not like this idea and I think this is where the law may need to develop how you know, is the rights of the accused athlete really respected. So I think slowly, we will have to know if that will change, if you will show that because strict liability rules did come up in the past where certain persons— there was a girl, I think, again, a gymnast, Andrea Rada Khan. She got an over the counter decongestant and she was banned. Now the manager gave her that, but the manager also gave a bigger

person on the team that but because of the person was a bigger size, it did not show to the level in the sample to say that person was using it to enhance the performance.

So therefore, WADA has to continue developing proper labs because in the past, they were criticisms about some of the labs that they had, where they actually put some labs there and the people questioned the laboratory accuracy. Something I have to warn, India in 2010, they were now going to host the Commonwealth Games and in 2010, there was a lot of rush.

3.10 p.m.

They said we had to rush this for urgency, and it created a sort of false—oversight was not there, because they said the exigency—and we found there were a lot of cases of corruption. There was a Swiss timing company to time the races, which charged 30 million—20 million more than it was supposed to actually charge. So therefore—there was even Suresh Kalmadi who was charged. He was an ex-minister.

So we have to appreciate, we may be rushing but we have to make sure we are transparent. Because there was the UK company that actually wrote to the Indian company to say, “Listen, you all hired a video company”, that there were no bills given, no sort of assessment, no sort of contract.

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

Sen. Dr. V. Deyalsingh: Thank you, Sir. So we may be under some sort of scrutiny—so any sort of contracts we are giving, persons we are bringing in, I beg that we can do it in a way that we would not get any sort of criticism, because that was a corruption scandal that India had to face for years.

The other case I would like to mention is that—the WADA I mentioned had a case, which I think I want to just bring up here. It was in Italy. Italy had laws

criminalizing doping, and probably we need to look at these laws in the future. So the adoption of law No. 376, they had in Italy—what they actually looked at in Italy is that law No. 376 on December 14, 2000, radically amended previous legislation where they established doping as a criminal offence. While most of the language and definition are quite similar to the Code and rules, two sections stand out, that:

“Drugs containing doping substances,’ require all producers, importers and distributors of drugs included in the classes of the Prohibited List to ‘provide the Ministry of Health with data containing the amounts produced, imported, distributed...”—also:

“packaging of any product which contains a drug on the prohibited list must have a special symbol,...”—a special symbol that identifies:

“the presence of a prohibited substance and the instruction sheet...”

So athletes would not be going to use something, and:

“A conviction of doping imposes a prison sentence anywhere from three months up to three years and is coupled with a fine of between 2,500 and 50,000 Euros.”

Why I wanted to quote this, because in 2006 Italy, one of its cities, Turin, hosted a 2006 Winter Olympics, but the Italian police would have had the authority to arrest and try and imprison any athlete who has a positive test. But the Presidents of both the IOC and WADA applied significant pressure on the Italian Government to relax its doping laws in the game. The IOC’s justification for the press involved an ethical—that this is an ethical issue and not a criminal issue. Well, this to me shows that is some of these companies really—what we may look at—it is inconceivable to me that the self-interest of these organizations came about there, rather than looking at the individuals, I mean, when 15-year-olds are

given some things, when young persons are involved, I was quite disappointed that those bodies had to appeal to the Italians to do this.

So I welcome this Bill, because we need it for our sporting activities, and I am saying I support it. I gave some of my hesitant—you know, little areas that I saw that gave concern. Again, I am hoping we have a very productive Commonwealth Games for our youths, and I hope the country will really enjoy it. Thank you, Mr. President.

Mr. President: Sen. Vieira.

Sen. Anthony Vieira SC: Thank you, Mr. President. Before I begin I think I should disclose I am a certified sports arbitrator.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: I am also a member of the Trinidad and Tobago Association for Sports and Law, and I come from a family that has played sports.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: My mother captained the netball team when she was at St. Joseph's Convent.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: More recently my niece Hannah captained the St. Joseph's Convent football team—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: —and she played for the women's national under-17 team at the CONCACAF women's World Cup qualifier.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: My brothers and I played rugby at school, club, national, regional and international level.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: My brother Bernard was captain of the national rugby team for five years.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: My nephews Andrew and Jordan have both played for men's national hockey team. In fact, Jordan is presently in the Dominican Republic playing in the CAC games.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: We have won medals, trophies and prizes in martial arts and golf.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: So sport matters very much to me.

Hon. Senators: [*Laughter*]

Sen. A. Vieira SC: Now this Bill has as its primary objective the curtailment of doping in sports, to which end the World Anti-Doping Code at Schedule I is being promulgated. The body which has given rise to the Code is the World Anti-Doping Agency, WADA. According to WADA, their role is to develop, harmonize and coordinate anti-doping rules and polices across all sports and all countries.

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

WADA's activities include ensuring and monitoring effective implementation of the Code and related international standards, scientific and social science research, education, intelligence and investigations and building anti-doping capacity with anti-doping organizations worldwide. Simply stated, WADA's role is to ensure that sports competitions are kept clean.

Now as would be seen at Article 22 in Part II of the Code, when Government ratified the UNESCO Convention, it committed to take all actions and

measures necessary to comply with the Convention, including putting into place legislation, regulation, policies and administrative practices relating to doping control.

Now we have had anti-doping legislation since 2013, when the Anti-Doping in Sports Act took effect. These amendments are necessary to update our anti-doping laws and practices so that they remain in compliance with the World Anti-Doping Code. This is a required standard for all countries across the world. All countries are required to have disciplinary rules in place to cooperate fully with WADA, and to implement anti-doping rules and policies which conform with the Code and international standards, thereby effectively covering the world of sport.

Now WADA's designated agent in Trinidad and Tobago is the Trinidad and Tobago Anti-Doping Organization, TTADO, or as the de facto body is known, NADO, the National Anti-Doping Organization. Name differences aside, the salient point is that under the proposed legislation, TTADO must be able to operate independently so that it may properly carry out its functions on behalf of WADA and, more specifically, when ensuring compliance with the World Anti-Doping Code. Accordingly, there is provision for the independence of board members, and as per the Code, Government's organizations and agencies must respect the autonomy of the National Anti-Doping Organization, and not interfere in its operational decisions and activities.

Since the Code refers to the National Anti-Doping Organizations, and with a view to avoiding confusion in the marketplace, my recommendation would be for the Bill to refer to NADO, which is already known, tried and tested, rather than the new designation "TTADO". TTADO or NADO, will be responsible, among other things, for uploading decisions of the Therapeutic Use Exemption Committee, as required by the International Standard for Therapeutic Use Exemption. Now, that

is the process whereby an athlete who has a medical condition can apply for a therapeutic exemption, of which more will be said later.

The Bill also amends the parent Act by expanding best practice guidelines now include all WADA documents, which may be relevant or applicable.

Significantly, the Code sets out detailed procedures and guidelines for testing and investigation, for the right to a fair hearing for any person who is asserted to have committed an anti-doping rule violation, for sanctions on those found guilty, including financial consequences and for appeals, including appeals to the Court of Arbitration for Sport (CAS) in Switzerland.

Recently we passed legislation regarding an updated arbitration law for Trinidad and Tobago. Well that dovetails nicely with this aspect of the Bill, and applicable provisions of the Code, as it is now established beyond doubt that proceedings in sports for certain matters now fall exclusively under the CAS arbitration process, as opposed to the jurisdiction of the domestic courts.

Article 24.1.8 of the Code makes clear that decisions made by CAS are final and enforceable with immediate effect. Article 24.1.9 provides that decisions by CAS are applicable worldwide, and must be:

“recognized, respected and given full effect”.

Where it comes to the Code and international standards, the applicable law is Swiss.

Under the Bill the requirement for athletes to submit information to TTADO regarding their whereabouts is expanded. The back-story to this, of course, is that when athletes are competing they are required to submit to testing, including random testing. So it is necessary for their whereabouts to be known.

These are some of the main features of the legislation before us today, which seeks to establish global rules and procedures. This is technical legislation. It is

born out of international sports law and practice, which by its nature is highly specialized. This is not legislation one can easily walk through, more so for those who lack an understanding about sports governance in general and anti-doping in particular. So for the viewing public I will try to put the Bill in context and make it user friendly, highlighting some of the more important provisions, and if time allows, I would like to share some thoughts on how this legislation will impact our athletes.

For most national athletes the anti-doping requirements are, or should already be, on their radar. However, as indicated at Part III of the Code, anti-doping is not restricted to athletes. It has application to the National Olympic Committee, the National Paralympic Committee, to TTADO, to major event organizations and to Athletes Support Personnel. All concerned should be knowledgeable of, all concerned should be able to comply with the anti-doping policies and rules adopted by the Code, which are applicable to them.

Now there is a lot to unpack in this legislation, and in particular the Code. However, we have little if any wiggle room as to how it is written, given that it involves implementation of a model law, setting out international standards and procedures which must be consistent. Moreover, if we want our athletes to be able to compete internationally and at the highest levels, this is not legislation we can avoid. Article 26.3 makes clear that the Code:

“shall be interpreted as an independent and autonomous text and not by reference to any existing law or statutes of the Signatories...”— to the UNESCO Convention—“or governments”.

Of course, we are always under a duty to ensure that there is nothing unconstitutional or improper in legislation brought to Parliament. However, in this instance, besides being a law which the country has committed to giving full effect

to as a signatory to the UNESCO Convention, it may be useful to bear in mind that when it comes to athletic and sports competitions, the law of contract, the law of contract plays a central role. Indeed, one may argue that the law of contracts is the corner stone upon which sports law is built.

In other words, since athletes participate in competitions voluntarily, and more often than not, even when they may not even fully appropriate what is in the fine print, they do so on a contractual basis. Accordingly, concerns regarding the constitutionality of this Bill ought not to be an issue.

3.25 p.m.

In the final analysis, as I said, this is model legislation and there is not much we can say or do in terms of veering off the prescribed path where the code and international standards are concerned. In the final analysis, this is necessary legislation if our athletes want to continue competing at the regional and international level. In the final analysis, this legislation is inescapable and with a view to putting the legislation into context, I hope to make some brief comments about anti-doping and how doping occurs. But before getting too technical, it might be worthwhile reminding this Senate and the viewing public that our Caribbean islands, though small, have been blessed with a disproportionately high number of world-class champions and exceptional athletes.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira SC: Usain Bolt from Jamaica; Formula One champion, Lewis Hamilton, whose roots are Grenadian; closer home, Claude Noel, Leslie “Tiger” Stewart, Giselle Salandy for boxing; George Bovell, Dylan Carter for swimming; Bertram Manhin, Roger Daniel for shooting; Keshorn Walcott for the javelin throw; Gene Samuel, Nicholas Paul, Roger Gibbon for cycling; Hasely Crawford, Ato Boldon for running; Dwight Yorke, Russell Latapy for football; Brian Lara,

Sir Learie Constantine for cricket. Now, I have left out a lot of people and I could expand on that list, it is not exhaustive, but time and the Standing Orders do not allow.

And while our sports heroes have earned honour and respect for our country, it is should also be remembered that fundamentally sport is also big business. Indeed, at time when traditional jobs are being lost to automation and to the new technologies, the sports sector offers exciting opportunities for citizens of Trinidad and Tobago to earn an income, whether as athletes, coaches, referees, administrators, athlete support personnel, sports lawyers, sports nutritionists, sports doctors. If we hope to develop sports as a sector, not just national athletes, but all stakeholders need to be knowledgeable about the rules, the regulations and procedures regarding anti-doping.

Now, the focus of this legislation is on one of the dark sides to sport, specifically the doping of competitors, a practice which is unfair to other athletes and which runs counter to the ideal that the best shall win in a clean and fair competition. Athletes who run afoul of the anti-doping laws and requirements are disqualified; they lose the right to compete; they forfeit their medals, their victories; they lose sponsors; they lose the opportunity to make a living; and they bring shame and disgrace to themselves, their loved ones, their teammates and their countries. Consider, for example, Ben Johnson who was stripped of his 100-metre gold medal; Diego Maradona, one of the greatest athletes of all the time, whose use of cocaine triggered a tragic downfall; Lance Armstrong, who—after it was discovered he had been using steroids in a very sophisticated doping programme, he lost reputation, sponsors and medals in one fell swoop.

Article 10 of the code lists the sanctions which can be imposed on individuals, while Article 11 sets out the consequences to a team where one or

more of its members have been found guilty of a doping violation. Anti-doping matters because athletes have a right to compete in clean sport. And anti-doping rules and regulations are necessary, because while the vast majority of athletes respect the rules and compete cleanly, for those who have a “win at all costs” mentality or for whom defeat in competition can be difficult to handle, the use of artificial enhancement may be seen as a risk worth taking.

Further, while it may be tempting to think that anti-doping applies solely to athletes who set out to cheat, the sad reality is that the anti-doping environment is much wider. Indeed, within that wider environment, sports managers, doctors and even countries have pressured athletes or duped athletes into taking banned substances. The fact is when we consider what drives sportsmen to dope, there are many factors at play, ranging from recovering from and treating with injuries, the pressure to win, being told that everybody is doing it and they cannot get caught, concerns about making the team, concerns about getting to sign an important contract, concerns when funding is under threat, concerns about not making the cut or just wanting to get stronger, bigger or faster. Under Schedule 1 of the Code:

“Doping is defined as the occurrence of one or more of the anti-doping rule violations set forth in Article 2.1 of the Code.”

And this includes when an athlete takes a banned substance which enhances or improves performance in any number of ways. And as we have heard, doping may occur by taking anabolic steroids, like testosterone to increase muscle bulk; taking stimulants to increase heart rate, blood flow and speed; taking diuretics to lose weight or by using masking agents to flush drugs from the system; taking narcotics to mask pain or to compete through the pain; taking beta blockers to lower heart rate and to reduce trembling; taking human growth hormones to increase exercise capacity, bone density and muscle mass.

And besides non-approved or prohibited substances, there are also what are known as prohibited methods, such as the manipulation of blood and blood components through the use of blood doping or blood transfusions to increase oxygen delivery capacity for greater endurance; chemical and physical manipulation; gene editing and using genetically modified cells.

Doping can also occur accidentally, when athletes take nutritional or dietary or supplements; when athletes who are recovering from injury use certain medications bought over the counter; when athletes use over-the-counter stimulants; when athletes use cannabinoids and narcotics for recreational purposes.

So in the event, athletes and support personnel need to be mindful that several banned substances have their use in treating medical conditions and there is always the risk of inadvertent doping. Athletes and their support personnel need to be constantly vigilant that nothing on the prohibited list gets into their system. Because for athletes, the harsh reality is that once banned substances are found in their system, they are responsible, regardless of how it got there.

In legal language, doping is a strict liability offence. Banned substances and banned methods are set out in a comprehensive document known as the Prohibited List. This list is published annually by the World Anti-Doping Agency and it is continuously updated. The Prohibited List is published as an international standard. The Prohibited List is mandated by WADA and it serves as a key component of the Code.

Interestingly, research suggests that more often than not, the individual athlete is not solely to blame. Research suggests that doping is a complex behaviour and as mentioned previously, often the result of environmental factors. As such, attention will need to be paid to the circumstances and conditions surrounding our athletes. It is simplistic to assume that doping is always the result

of a poor personal choice.

3.35 p.m.

It should also be remembered that under the Code doping offences are not just about testing positive. Other offences include being in possession of a banned substance, refusing to provide samples, aiding, tampering and failing to provide whereabouts notifications.

So in the event, doping is a very large term which encompasses multiple situations, and that is why the provisions allowing for therapeutic use exemptions and why the provisions relating to hearings and appeals are so critical. It is why athletes and their support personnel should play careful attention to this legislation to the relevant processes and to sanctions around doping in sport. It is why athletes and support personnel need to know what to do, they need to know what not to do. Not just when athletes are training and competing but also off field because they can also be tested for banned substances out of competition.

It is not sufficient to just pass laws on paper and commit to international standards. If we hope to prevent doping, a wide and integrated approach is needed, one that understands the needs of the athlete, the desire on the part of the athlete to improve performance and the pressures associated with sport. One that reinforces the values against doping, one where targeted education is a priority. One where sports organizations, sport administrators, athlete support personnel and our leaders commit to anti-doping. One which recognizes doping as a complex social problem not just an individual personal choice. And that is why the education and research programmes at Article 18 in Part II of the Code are so critical.

Mr. Vice-President, it has been said that the practice of sport is a human right. Sport offers the pursuit of pleasure, skill, health and fitness. Sport offers healthy competition, recreation and entertainment. It offers fellowship and

camaraderie with team members, community development and it can play an instrumental role in effecting positive change in individuals, in our communities and in society. Sport encourages people to develop their life skills, character, values and the enjoyment of life. It fosters national pride. The happiest moment I can recall in Trinidad and Tobago when we came together as a country was on the “Road to Italy”, and transcends national borders, religions, belief and politics. These anti-doping rules are important to sport because clean sport matters. As has been said, doping undermines the fundamental values of sport such as health, fairness, integrity and equal opportunities. This legislation will protect clean athletes and will go a long way towards preventing cheating in sport. Mr. Vice-President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. The Hon. Randall Mitchell.

The Minister of Tourism, Culture and the Arts (Sen. The Hon. Randall Mitchell): Thank you. Thank you very much for allowing me to catch your eye, Mr. Vice-President. Mr. Vice-President, let me start off by saying, how grateful we are on this side for the experience, the wisdom and, of course, the qualification of Sen. Anthony Vieira’s contribution here today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: My colleague here, the Minister of Sport and Community Development, spoke earlier on in her presentation about the quality and the experience and the contributions of Independent Senators and today I am very grateful, not just for yours but also for Sen. Deyalsingh’s. But, Mr. Vice-President, today I want to start off on a different track. Today, we have realized that the Opposition has carried out their promise of being absent from the Senate Benches today. But I want to take issue because, of course, we learnt about

it early this morning of the Opposition's plan to skip the Senate sitting today. And we learnt about it in the *Daily Express* and allow me, please, to quote from the *Daily Express* an article by Khamaria Rodriguez. And next to the article we have a picture of Sen. Wade Mark with the apt caption "absent: Wade Mark". But, Mr. Vice-President, I want to take issue with what was stated by Sen. Wade Mark as is reported in this article and reported of some news conference that they had on Sunday, I believe, it was.

"The UNC members will not be present at the 25th sitting of the Senate today, Opposition Senator Wade Mark said yesterday.

He said yesterday that members will instead be performing their constitutional duties.

He said that members will be instead be partaking in the 'sacrosanct' nomination day duties for the August 14 local government elections."

Hon. Senators: [*Crosstalk*]

Sen. West: It is not constitutional duties.

Sen. The Hon. R. Mitchell: Mr. Vice-President, I have to take issue with that because thankfully I have a copy of our Constitution here today but without even referring to the Constitution, I know that a part of the Opposition Senator's constitutional duty is not to supervise any nomination duties taking place today.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: Because we too are a party, the strongest party in Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—and we have been since 1956. We too could have been there supervising nomination activities but it is not a part of the Constitution. Those are not constitutional duties.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: Mr. Vice-President, let me quote for you what the Constitution says. In Chap, IV Part I the “Composition of the Parliament” and it speaks in section 40(1) of the Constitution:

“The Senate shall consist of thirty-one members...(in this Constitution referred to as ‘Senators’) who shall be appointed by the President in accordance with this section.”

And in 40(2)(b) it says:

“Six shall be appointed by the President acting in accordance with the advice of the Leader of the Opposition...”

And then it goes on. Mr. Vice-President, we are all sworn in here to do the work of the people Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—to legislate on behalf of the people of Trinidad and Tobago and in doing so, Mr. Vice-President, we swore an oath. And let me take you to the oath. It is attached to the First Schedule of the Constitution and it goes:

“Form of oath for Member of House of Representatives or the Senate
 I”—opposition member—“having been...appointed a member of Parliament do swear by...”—whoever they swear by—“...that I will bear true faith and allegiance to Trinidad and Tobago, will uphold the Constitution and the law, and will conscientiously and impartially discharge the responsibilities to the people of Trinidad and Tobago upon which I am about to enter.”

Mr. Vice-President, the entire Opposition Bench here today, they have abandoned the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: They are in breach of the Constitution of the people

of Trinidad and Tobago. And we know them. The Opposition here, I believe, in this Senate, must be the most indisciplined Opposition ever in the history of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: Now, Mr. Vice-President, we are understanding people. Now, we understand that the Opposition, United National Congress, are struggling to find 141 candidates but that does not mean that the persons who have sworn an oath to do the work in this Senate, must be all about the country like candidate catchers, trying to catch candidates to act on their behalf. It is absolutely abhorrent. But more than that, Mr. Vice-President, because we are dealing anti-doping in sport, they have given up an excellent opportunity to speak to the young people of Trinidad and Tobago, to speak to the young athletes in Trinidad and Tobago. The Opposition Bench here today has given up a beautiful opportunity to tell the young people of Trinidad and Tobago, the athletes of Trinidad and Tobago to say no to drugs, to say no to cheating—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—to say no to prohibited substances.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: Of course, we in the PNM, we will stand in the gap for the young people and the athletes of Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—led by our hon. Prime Minister and the Minister of Sport and Community Development, who we stand behind. We will do that.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: But they have missed that opportunity to say, yes to healthy competition, to say yes to fair competition. That is what they have given

up to the young people. And, Mr. Vice-President, I particularly looked forward because not all of them had to be absent. Two persons or three persons could have been present here today. But I in particular, I looked forward to hearing the contributions of the two persons who rate themselves as athletes par excellence—

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell:—in Trinidad and Tobago. Now, we know one, Sen. David Nakhid. He is an athlete. He is an excellent athlete—was excellent athlete. I looked at him as a young person on the television. We looked up to him. He played mid-field. I played mid-field. And then we have Sen. Anil Roberts who, I believe, his real claim to fame is that he looks at too much ESPN but he is a coach of some repute. But we looked at it—Sen. Dillon-Remy said, he coached your son. Okay. I remonstrate with you.

Hon. Senators: [*Laughter*]

Sen. The Hon. R. Mitchell: Mr. Vice-President, we looked forward on the Oppositions side to hear from the Opposition, to hear about especially the two sportsmen because they are here by that reason and by that reason alone that they were outstanding sportsmen and they are here to speak to sportsmen and women in Trinidad and Tobago and to the young people in Trinidad and Tobago. And I really looked forward to hearing what they had to say about these prohibited substances that are highlighted in the Code. There is a list of prohibited substances and I looked forward to them identifying and giving their experience in—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell:—how you deal with prohibited substances. Mr. Vice-President, if you examine the list which is posted on the WADA's website you will see cannabis and cannabis oils, I think it is called cannabidiol, they are listed. And I looked forward especially to Sen. Anil Roberts telling us what is the

effect of these prohibited substances on athletes because one of the things with cannabis is that, you could also test positive having not been a user but having gotten—testing positive from second-hand smoke. And it gave them opportunity to speak about, as young people, the company you keep because a lot of our young people they fall prey to the liming on the block and to these other people on the block who encourage in these nefarious activities. And once there is a young person who has that interest in sport, they had the opportunity to speak, to say listen, stay away. We looked forward to hearing what they had to say about stimulants such as cocaine and heroin all of these things. It gave Opposition Members a chance to stand together with the Independent Senators and with the Government to say to our young people and to our athletes to say no to drugs, say no to cheating, say no to harmful substances. But they are not here, they have abandoned their duties. Maybe they did have nothing to say or maybe they could not say it with a straight face.

3.50 p.m.

Mr. Vice-President, I stand with the Minister of Sport and Community Development. Of course, as was said, the primary aim of this amendment Bill is to bring the Bill in compliance with the new revised code on anti-doping in sport. It is a worldwide-accepted standard, and this is what we have to do. It is a convention, and this is what we have to do to bring our own sporting regime in line with the international standards.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: And one of the new inclusions that I would speak about, very briefly, is I welcome the introduction of the operational independence requirements. Because, of course, this anti-doping regime, I see it as analogous to the administration of justice where you have the police and you have the Judiciary,

and, of course, the Privy Council, all of whom must be independent. Because the Trinidad and Tobago Anti-Doping Organization, who will do this work on behalf of Trinidad and Tobago, to WADA, they must of course conduct, similar to the police, stop and search procedures where they check you, either mandatory testing or random search type testing. They have to check you. They have to, of course now, bring that evidence to TTADO and make a pronouncement. They have to do a judicial function and they must adjudicate upon these testings, these adverse findings. And, of course, there is the appeal process as well all of whom must be independent, and of course to the Court of Arbitration, and all must be—all must abide by these operational standards. Mr. Vice-President, I commend this to the people of Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Mitchell: I stand with the Minister of Sport and Community Development, I stand with the Government, and I stand with the people and the young people of Trinidad and Tobago. We say no to drugs, we say no to prohibited substances, and we say no to cheating, and of course, we say no to the Opposition, United National Congress. Thank you very much.

Hon. Senators: [*Desk thumping*]

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

Sen. Dr. Maria Dillon-Remy: Thank you, Mr. Vice-President. The only disclosure that I have is that I participated in two triathlons—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Dillon-Remy:—doing the swim leg in a relay—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Dillon-Remy:—and my brother did do swimming nationally. And, yes, Sen. Roberts did coach my son when he was with the swim team and he did go

to CCCAN as a representative. Having said all of that, Mr. Vice-President, I am humbled to speak on such an important legislative matter engaging the Parliament's attention at this time.

I note the enthusiasm of the Minister of Sport and Community Development. I mean, oh gosh, she could have spoken for another hour.

Hon. Senators: [*Laughter*]

Sen. Dr. M. Dillon-Remy: Yes, thank you Minister, and also the submissions of Sen. Vieira and Sen. Deyalsingh. I note Sen. Deyalsingh's point about this being done kind of hurriedly before the Commonwealth Youth Games. I am not so sure that this is the aim, but the fact is that it has to be done before the Commonwealth Youth Games, and the fact that it is being done in a manner that is in keeping with international standards. And as I heard in the presentation in the other place, when the Bill was presented, there were some amendments that were made only recently, I think in May, and therefore my understanding that the timing of this is in keeping with those—whatever WADA had brought to the attention of our local administrators. So this amendment to the Act, which aims to bring our country into a place of compliance with the world—international standards as set out by the World Anti-Doping Agency created by the World Anti-Doping Association.

In clause 4 (1) of the Bill, it states that the:

“‘International Standard’ has the meaning assigned to it in the Code”

—and as the amendment showed that the code is incorporated into the Act so that it is a part of one of the Schedules of the Act.

“...the World Anti-Doping Code (Code) is the core document that harmonizes Anti-Doping polices, rules and regulations within sport organizations and among public authorities around the world. It works in conjunction with eight International Standards which aim to foster

consistency among anti-doping organizations in various areas.”

Our need for compliance is by virtue of the fact that Trinidad and Tobago is a signatory to the Code and as such full implementation of its particulars is required. The Code will cover all in competition and out of competition testing arrangements.

This is a necessity in terms of maintaining and upholding transparency and fairness practices in the sporting world, and it is not a farfetched idea or inapplicable to our territory. Trinidad and Tobago is no stranger to doping scandals as has been mentioned before, and yes it is not very widespread but at least it is a reality. As we know in 2013 Trinidad and Tobago Athletics Federation confirmed that sprinter Kelly Ann Baptiste was involved in a doping case and that is why she withdrew from a 100 metre in the world championships, and Michelle Lee-Ahye, an Olympic 100 metre and 200-metre finalist was provisionally suspended for anti-doping violations in 2019. And some of the other speakers before me would have mentioned others. And I do endorse what Sen. Mitchell said, that we do not want to have those violations with our athletes and also throughout the Caribbean, as we seek to continue to impact the sporting arena as we have been doing over the years. Even though as a people we are so small in the Caribbean, we want to be known as the ones who do it right and do it without being helped by substances—

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Dillon-Remy:—and it is a very commendable approach. From my reading of the Bill, and what was said in the other place, the clauses that have been affected, the 11 clauses, namely clause 4—they amend 4, 6, 9, 11, 13, 15 to 19 and 22 and that is a part of the WADA Code and an appeal board must be in place and in adherence to the separation of powers as Sen. Vieira would have spoken about

and also Sen. Mitchell.

The board and the presence of the appeal board and those functions being independent—being carried out in an independent manner, I must talk about again, because it is very important in the whole process to ensure that what is being done is above board. The board is appointed by the President, by the advice of the Minister, and the functions that they carry out are very important, and therefore this business about being independent I think is very important. The amendments also cover evasion, control presence of metabolites and markers as well as actual substance in the specimens. It also aims to support the prosecution of UNESCO's anti-doping conventions and will include amendments for transparency to treat with the independence of office holders and appeal panels that will consider claims that will arise with appeal of decisions.

Trinidad and Tobago is one of the many countries making changes to their legislation to implement WADA's best practices, and I was reading recently where a Private Member's Bill was brought in the Parliament of Uganda, which was seeking to promote the World Anti-Doping Code along with the associated international standards as we are doing here. Additionally, the Caribbean Region Anti-Doping Organization, RADO, based in Barbados, acts as a secretariat for anti-doping issues for more than 15 Caribbean territories, and aims to illicit excellence from athletes by ensuring that all sport is free from doping and is played fairly. This amendment is timely, as I said before, as it is especially is coming in a timely manner for the Commonwealth Youth Games, just days away.

I would like the Minister to—I do not know if she could address it in her wrapping up, whether, when this Bill is proclaimed, whether they will have in place a functioning board. I am not sure if the board is functioning, the board is already there and this—because it was present in the Act before, but whether we

will have a functioning board to adjudicate over what has to happen with the Commonwealth Youth Games. And I would also like her to talk about the fact that she said this is going to be a very—much more costly exercise when this Act is passed, because the testing will be much more rigorous now in competition and out of competition, and as the Minister said the testing is not—is costly, and therefore who will be supporting this in terms of going forward.

Clause 8 of the Bill will amend section 17 of the Act principally to make Trinidad and Tobago Anti-Doping Organization responsible for uploading each Therapeutic Use Exemption Committee decision to ADAMS as required by the international standard for therapeutic use exemption. And it was noted about the athletes having to—persons with medical conditions having to apply for therapeutic use exemption to the committee and that committee will be consisting of medical personnel and stuff like that, and they will have to adjudicate on those requests. I think that is also very important.

Clause 11 of the Bill would amend section 20 of the Act by repealing and substituting subsections (1) and (2). These new subsections will provide the process by which an international level athlete who has a medical condition requiring the use of the prohibited substance may apply for therapeutic use exemption.

Mr. Vice-President, our country's reputation of professionalism on a local and international scale is of utmost importance. There must be evidence that our country holds and operates with the value of adhering to industry's best practice, transparency and fairness. To date anti-doping measures have been overseen and administered by the Trinidad and Tobago Olympic Committee in accordance with the World Anti-Doping Agency practices, and these amendments would—the amendments that are being made now would differ from what is currently being

held and we have to now be held to higher standards. As such, implementing these measures as they bolster our professionalism and they send a message about the standard which we intend to operate in Trinidad and Tobago, and for that reason, Mr. Vice-President, I do endorse the Bill you. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. Vice-President: The Minister of Sport and Community Development.

Hon. Senators: [*Desk thumping*]

The Minister of Sport and Community Development (Hon. Shamfa Cudjoe): Thank you, Mr. Vice-President, for the opportunity to close this debate. I want to thank all the Members of the Independent Bench for your stellar contributions, and to my colleague on this side, who usually acts on my behalf whenever I am not in the country, Mr. Randall Mitchell. He has a good appreciation for sport.

Hon. Senators: [*Desk thumping*]

4.05 p.m.

Mr. Vice-President, I am happy that we are at this point and that the Senate has understood the assignment. The Members who have contributed have all offered to support the legislation. This is what we need at this time. Mr. Vice-President, we are passing this legislation, not only because of the Commonwealth Youth Games, but to fulfil our international obligation to WADA, to UNESCO, to remain compliant. As a country with such a stellar record in hosting, and in having outstanding athletes breaking records all over the world and so on, we want to always make sure that we have a clean record and we are in compliance, and as Sen. Dr. Dillon-Remy said, that we are doing it right, that we are winning because we are practising clean sport and for no other reason.

You know, Mr. Vice-President, as we welcome the world to Trinidad and Tobago in August 4th to 11th, over 1,000 athletes, supported by about 500 officials,

Trinidad and Tobago will showcase the best of, not only our athletes, but our facilities. So we want to be that place to host. Some may say we are tardy in doing this. I would say, developing countries have always been tardy because we are more sceptical and we are more cautious.

When the WADA codes and regulations came into being and the conversation started many, many years ago, it was basically among the developed countries with the science, the technology and the capacity to make it work. So they developed rules and regulations that suited them. And then we, as developing countries with less resources and a smaller voice, had to pretty much just jump on board. So we have always been cautious and we have always accused the bigger countries, “You are not taking us into consideration. You have to provide some assistance to us so that we can catch up”. It is difficult to walk that road at this time because it is an international code, it is international regulation. And as an athlete himself, Sen. Vieira SC has said to us, there is no getting away from it, you have to catch up. You have to run the distance. You have to do your very best to remain on par for your country, for your athletes, for sport, in the true sense and spirit of sport.

So you would note that even though the first code came around about 2004/2005, many countries did not come on board until 2007. And when we passed the legislation in 2013, conversation had already started about updating, upgrading and amending, because it is a real living, breathing, moving thing.

Even right now as we, in 2023, adopt rules and regulations from 2021, Sen. Dr. Deyalsingh raised the whole issue as to how is WADA going to deal with this issue of transgenders in sport. Although they have touched on the issue, I do not think that they have delved into that issue as deeply as they should. Right now, transgender athletes are still subjected to the same type of testing and rules and

regulations as others. The conversation right now is more about what sex is going to be the person who is witnessing the test. You know, we have not really gotten down and deep into the issue as to the performance, enhancement and so on. So right now, the regular general procedure is being used for everyone.

Now, we, in March 2022, received the notice from WADA. They came right on board and started assisting us, and here we are today doing our very best to complete this before the end of June. And I am happy by what I have witnessed here today, that we have gotten to this point. Sen. Dr. Deyalsingh raised the issue about, is WADA doing their testing on time. I think we can always do it sooner, but as just like law here, sometimes somebody does a crime today and you do not get to the bottom of it until five, 10, 15, 20 years later. I do not think it is as that bad because we are seeing solutions or we are seeing results coming four, five years later. It is because of how science moves, and law moves, and there are people who are going to challenge the results and so. And so it takes time. And I think over the years, we have gotten from not only having in-competition testing to also out-of-competition testing.

Now, legislation is never enough. The enforcement is what is going to really matter in bringing this thing to life and making sure that it works. Sen. Dr. Deyalsingh spoke to wanting the opportunity to come back again. With the way sport is going, and science is evolving, and athletes and their support staff are finding ways to get beyond, and to run faster than the science, I am sure we are going to be back here soon, especially as it relates to that matter in dealing with transgender athletes. Because all around the world sporting organizations are speaking to and promoting inclusiveness in sports. I guess, in some point in time, we are going to get to that I think sooner than later.

An athlete's lifespan: Sen. Dr. Deyalsingh also touched on the issue of—no,

I want to move to Sen. Vieira SC and Sen. Dr. Dillon-Remy. Let me take Sen. Dr. Dillon-Remy first.

Sen. Dr. Dillon-Remy had questions about the board. Well, we have to pass the legislation today to then establish the board. We have already reached out to the different entities because we are serious about maintaining the independence of the board as is required by WADA. Our Ministry has already written to, like the Law Association and so on, so that they can recommend representatives for the board. We have the non-compliance platform already in operation and we have already reached out to members of the TTADO to come board. You have Customs on board, you have members of the medical fraternity, pharmaceuticals and so on, on board. So we look forward to that inclusive approach to fulfilling our obligation and, of course, we have to make sure that the board remains independent.

Now, Sen. Vieira SC, I think, did a really good job of bringing it to life, coming from a family that has a very rich and strong sport background. He was able to bring this to life, and I think there is not too much to say after Sen. Vieira SC had spoken. I think that the general public now has a better understanding, especially coming from the perspective of an athlete. My mother was an athlete too. She was a runner, a sprinter, and she got as far as to CARIFTA. She still has her running shoes at home.

Hon. Senators: [*Desk thumping*]

Hon. S. Cudjoe: Now, I am no sprinter, Mr. President. I do some long-distance running for my own personal health. I have done some half marathons and road races, and I will stay right there. But, Mr. President, it is more than just for medals and so on. It is about your personal well-being and health—Mr. Vice-President, I am sorry.

So, Mr. Vice-President, the legislation and the code regulations and so on, it is not perfect, but it is relevant and we have to always come back here to make sure that we are in keeping and compliant with what is required of us from WADA.

I want to touch on the issue of—Sen. Dr. Deyalsingh raised the issue of providing support for athletes into their retirement. Mr. Vice-President, an athlete's lifespan of that period of time that they can compete and actually really earn, it is pretty short. It is very short and the things to which they have to subject themselves, like giving up their privacy and all the things that we enjoy as regular people, it is tough but it is a part of what they do. I think a brilliant thing that our Government would have done is to establish a national framework for incentives. So separate and apart from the moneys you are given for grant support, for development, when an athlete medals at international and regional games, our Government had developed a national framework in 2017 in order to reward and incentivize athletes who would have medalled at these international and regional games. And that is starting from as low as Commonwealth Games, CAC Games, Olympics, Paralympics, you name it, Mr. Vice-President.

Other countries in the Caribbean cannot boast about the same thing. Not even Jamaica has a reward and incentive framework like ours. As a matter of fact, the rest of our region and the Olympic committee region for the Americas call on Trinidad and Tobago to always share our stories with them as to how our Government support these athletes, not only in their development, but we incentivize them.

Mr. Vice-President, I have seen in this country—Sen. Dr. Deyalsingh brought to the fore another issue. He said it is important that we train them in managing their funds and managing the moneys that they earn during that short period, and that is very critical. We have a programme right now for girls in sport

that helps them in life skills development, communication, planning their moneys and so on, and we often do it for the general sporting public. I think we have to do it more often as it relates to helping them to manage their moneys because that is very, very important.

[MR. PRESIDENT *in the Chair*]

I have seen in this country, athletes who received their rewards and incentive during their heydays and then afterwards it is a whole different story. I have seen in this country athletes rewarded handsomely after winning medals and international titles, given a home by the Government, and social support to the day of their death. I have seen athletes given a home by the Government, who took that specific house and turned it into an apartment complex of some sort, receiving income from the apartment complex along with social support from the Government. And then their children, or nieces, or nephews collect the funding and do not use it to help them, but then they would post pictures and videos of them on social media. And we have to turn back and ask these families, what are you doing to your family member?

Mr. President, we are at the stage right now, where if you win a gold medal in—an individual athlete wins a gold medal to get \$1 million dollars along with Unit Trust units, and the list goes on, and on, and on. I have been bombarded by the media in the short time I sat there, about this issue relating to the 2008 relay team, as I mentioned before. When these youngsters won the silver medal in 2008, they were given \$500,000 each, along with, I think, \$500,000—no, \$250,000 in Unit Trust units. Now they have been upgraded to gold and they want to be compensated for being upgraded to gold. But the policy of today speaks to, if you have gotten gold, you get the same \$500,000, but less units. You now get 50 Unit Trust units. So what a gold medallist in Olympic relay is receiving now is less

than they received in 2008.

We developed the national policy for incentives and rewards in 2017, because different athletes wanted different things and we have to be mindful of the economic situation of the country. At that point in time, there were those who wanted houses; there are those who said, “I do not want a house, I want cash”; there are those who said, “I want to bring in a Mercedes-Benz or a fancy vehicle”. And so, the wants or the demands across the floor were just very, very different. So we had consultations with athletes and their national governing bodies so we could come to a place of one, so we can develop a harmonized framework. And we all agreed to the framework that now exists, that we are going to give them a cheque along with Unit Trust units, and that is valid from 2017 to 2027.

When we get to 2027, we go back again and do consultations to hear what are the athletes saying, how did this thing work out for us, how are we going to move forward. But for now that is the policy that is being implemented, and that is what our Government and our Ministry goes by. There is no change because if we go from athlete to athlete, different athletes are going to be requesting different things and some of these same athletes, they receive their cash every time a world record is broken, every time they have medalled.

4.20 p.m.

If an athlete goes to a competition and they have won three medals, they get paid for each medal and that is separate and apart from elite funding. Yes. Sometimes they receive their monies and then still come and asked for a house and then there are athletes who have not medalled yet that just want “ah house”. So I am saying we have a stated policy that came out of widespread consultation with these athletes and the national governing bodies and we are going to operate by that policy until consultation comes around again and the policy is changed.

And, Mr. President and the Members of this House, I must say I am very thankful, I am very grateful for your support, for your contribution. I think we have gone the distance and put in the work, especially as it relates to what is being required of us by WADA. I want to thank the technical teams once again in the different Ministries, Ministry of Sport, Attorney General and you who have taken the time out to read this legislation. It is long and it is complicated but we got the job done. I want to thank you for your support and 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. So Senators, we have 22 clauses in this Bill and four Schedules. There have been no circulated amendments prior to committee stage so we will shall move accordingly. Clerk.

Clauses 1 to 22 ordered to stand part of the Bill.

Schedules 1 to 4.

Question proposed: That Schedules 1 to 4 stand part of the Bill.

Mr. President: Sen. Vieira.

Sen. Vieira: Chair, I just wanted to point out on page 126 of Schedule 1 under Part III, I think there is a typo there where it says:

“RESULTS MANAGEMENT - PRE-...”

I think that should be “adjudication”. Now I only draw it to your attention because I do know that there is usually a mopping of exercise so I am not going to make a big deal but just in the event that there are similar typos.

Mr. Chairman: Sure. You want to repeat exactly where the typo is just for the—

Sen. Vieira: At page 126 of the Schedule 1, just underneath Part III.

Mr. Chairman: Got it? Okay.

Sen. Vieira: Yeah? Thank you.

Mr. Chairman: Okay. So just go a little bit further to specifically indicate the word, the typo, what is left out.

Sen. Vieira: Under Part III, “RESULT MANAGEMENT”, it says “PRE-...”—D-J-U-D-I-C-A-T-I-O-N. It should be adjudication.

Mr. Chairman: So in the title. Okay. Perfect. So everybody has that and everybody is quite clear. So I will put the question again.

Question put and agreed to.

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

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

Senate resumed.

Hon. S. Cudjoe: Thank you, Mr. President. I beg to move that a Bill entitled an Act to amend the Anti-Doping in Sport Act, Chap. 40:56 to bring in compliance the non-conformities of the Act with the standards of the World Anti-Doping Code, be read a third time and passed.

Mr. President: Hon. Senators, the question is—

[Clerk speaks with the Minister]

Hon. S. Cudjoe: Mr. President, I wish to report that the Anti-Doping in Sport Bill, 2023 was considered in the committee of the whole and approved without amendments. I now beg to move that the Senate agree with the committee’s report.

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

TRINIDAD AND TOBAGO NETBALL ASSOCIATION

(INC’N) (AMDT.) BILL, 2023

Order for second reading read.

Question put and agreed to: That a Bill to amend the Trinidad and Tobago Netball Association (Incorporation) Act, 1979, be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Hon. Senators, there are two clauses and a preamble in this Bill. So we shall now begin. Clerk.

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

Preamble approved.

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

Senate resumed.

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

**PENTECOSTAL ASSEMBLIES OF THE WEST INDIES
(INC'N) (AMDT.) BILL, 2023**

Order for second reading read.

Question put and agreed to: That a Bill to amend the Pentecostal Assemblies of the West Indies Incorporation Act, 1965, be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Hon. Senators, there are two clauses and a preamble in this Bill. So we shall now begin.

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

Preamble approved.

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

Senate resumed.

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

4.35 p.m.

**TRINIDAD AND TOBAGO NATIONAL COUNCIL ON
ALCOHOLISM (INC'N) BILL, 1977**

Question put and agreed to: That a Bill to amend the Trinidad and Tobago National Council on Alcoholism Incorporation Act, 1977, be now read a second time.

Bill accordingly read a second time.

Bill committed to a committee of the whole Senate.

Senate in committee.

Mr. Chairman: Hon. Senators, there are two clauses and a preamble in this Bill. We shall now begin.

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

Preamble approved.

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

Senate resumed.

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

Mr. President: Leader of Government Business.

ADJOURNMENT

The Minister of Foreign and CARICOM Affairs (Sen Hon. Dr. Amery Browne): Mr. President, I to beg to move that this Senate do now adjourn to Tuesday June 27th, 2023, at 1:30 p.m. and I would request that the Leader of the Opposition bench give an indication of the matter that they would wish—or any Member of the Opposition.

Hon. Senators: [*Laughter*]

Mr. President: Hon. Sen. before I put the question on the adjournment, leave has

been granted for two matters to be raised on the Motion for this Adjournment of this Senate.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Dillon-Remy.

4.45 p.m.

Tobago House of Assembly
(Shortfall in Budgetary Allocation)

Sen. Dr. Maria Dillon-Remy: Thank you, Mr. President, for allowing me to be able to bring this matter on the adjournment: the need for the Government to address the pattern of shortfall in budgetary allocation to the Tobago House of Assembly over the past five years and its resulting challenges. Mr. President, the shortfall is not in the budgetary allocation, but in the releases. And I will go through what has happened over the years, that I bring to the attention of the Minister.

The Appropriation Act each year identifies the quantum of moneys budgeted to various Heads and Sub-Heads. In the mid-year review, further allocation revisions are made as seen fit by the Minister. Tobago gets its funding for recurrent and developmental expenditure from three sources: the Consolidated Fund, given directly to the THA as a result of the Appropriation Act; moneys spent through Ministries and other bodies in Tobago, example, WASA, T&TEC; and from the borrowing, which is possible, after approval by the Minister of Finance.

The dispute resolution council indicated that Tobago should be allocated between 4.03 per cent and 6.9 per cent of the national budget for each financial year. Over the years, usually the allocation tends to be at the lower 4 point something per cent of the budget. After the budget allocation, the Ministry releases sums of moneys in the mid-year review. And it is in this context that the

Tobago House of Assembly, in reviewing the actual releases over a five-year period, between 2016, 2017, up to 2021, has looked at the allocation, and what finally was released at the end of the financial year. And I will go through them.

For budgetary year 2016/2017, the original appropriation was \$2.045 billion and the total releases for that year was \$1.988 billion. The financial year 2017/2018, appropriation of \$1.85990 billion during the supplementary allocation of \$100 million, and the releases for that year was \$1.927 billion; 2018/2019, \$1.979 billion; no releases during the supplementary, at least not what I saw here, and the total releases for that year was \$1.962 billion; 2019/2020, the allocation for that year was to \$2.033 billion; supplementary during the midterm review was \$50 million, and the total releases for that year was \$2.057 billion; 2020/2021, original appropriation of \$1.916 billion; supplementary in the midterm review was \$50 million, and the total releases for that year was \$1.957 billion.

For these five years, when you looked at the difference between the releases and what was originally appropriated and what was added for the supplementary allocation, for the 2016/2017, there was, I would say, a shortfall—the Minister may call it something else—of \$56.577 million; of the year 2017/2018, \$32.88 million; 2018/2019, \$16.25 million; 2019/2020, \$25.176 million; and 2020/2021, \$8.06 million. Adding up to \$138.925 million.

Given the fact that Tobago has lacked sufficient moneys for its development over the years, and given the fact that the THA currently owes contractors/suppliers up to—about \$600 million is what I was told, I am asking the Minister of Finance to indicate what can be done about these, again I would say, outstanding sums to Tobago.

Before I end, let me say that this issue I bring here has nothing to do with whichever government is in office in Trinidad and whoever is governing in the

Tobago House of Assembly. So whether it is PNM in Tobago, PNM in Trinidad; whether it is UNC or partnership in Tobago, and PNM or whoever is in Tobago, the thing has been the same. So it is not—I do not think it has anything to do with party. I am bringing it up here because it has been—this is a matter that has been brought up by many Chief Secretaries or previous Finance Secretaries over the years and being—particularly given now with what is happening in terms of Tobago and the developmental thrust, not just now but over the years, I am just asking for—whether the Minister would be able to explain.

I am just saying also, usually what happens is at the budget allocation, there is normally an indication that Tobago has got a specific portion based on the—a specific percentage of the budget and it is usually, as I said, in keeping with what was suggested to be allocated from the DRC. I am not sure that that is done in the midterm and I am not sure if it is, when you look at the end of the year, in terms of the releases, what is the particular percentage that has been released based on what was given for the year. So I am asking the Minister to consider that, please. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: Minister of Finance.

Hon. Senators: [*Desk thumping*]

The Minister of Finance (Hon. Colm Imbert): Thank you very much, Mr. President. Mr. President, I have a letter written to me in September of 2022—September 23, 2022, from the Office of the Chief Secretary of the Tobago House of Assembly. And some of the information in the Senator's contribution is similar to the information presented to me in this document, in this letter. But quite a bit of clarification and explanation is required, because there are some serious misconceptions with respect to this complete issue.

Let me just deal with Sen. Dr. Dillon-Remy's contribution. When one looks at this letter written to me by Mr. Farley Augustine, the hon. Farley Augustine, on September 23, 2022, the total releases in this letter is misleading. Because Tobago collects revenue on behalf of the Government, collects income tax, value added tax, and so on. And by virtue of the relevant laws, that funding is kept. It is not remitted to the Consolidated Fund. So that if one looks at this correspondence, you will see a column called "Non-cash Releases". It is really a kind of sleight of hand maybe. But you have to add the two. So that the actual releases to the THA in 2017 fiscal was not \$1.988 billion. It was really \$2,045,000,000, and so on. So that you have to keep looking at the revenue that was retained by the THA and not remitted to the Consolidated Fund. So that all of the numbers would turn out to be different in terms of the actual cash available to the THA. So I think I needed to make that point.

The other numbers: the \$56 million in 2017, the \$32 million in 2018, and the \$16 million in 2019 and so on, those numbers are accurate. But you need to take into account what is called the non-cash releases. Anyway, let us move on.

The fact of the matter is that I responded to Mr. Farley's letter and on January 16, 2023, I told—sorry, Mr. Augustine's letter—him the following, that in response to his contention, that there had been shortfalls—and by the way, I may need to correct what I just said in terms of the numbers. But in terms of the shortfalls that he referred to, I made this point to him in my letter to him, that for the period 2017 to 2021, the Government experienced serious financial constraints as its revenue collection fell significantly below the amounts projected due to the drastic fall in the global prices of oil and gas. The situation was further exacerbated by the impact of the COVID-19 pandemic over the period 2020 to 2021, as economic activity in the country was virtually at a standstill.

So the point I made to him is that you will appreciate that this shortfall in revenue severely affected the Government's ability to meet all of the commitments envisaged via Appropriation Acts issued over the period. And therefore, exigencies necessitated the reprioritization of activities as well as a rollback of funding to all Ministries and departments, inclusive of the Tobago House of Assembly.

I informed that the Chief Secretary that according to the Exchequer and Audit Act, the Minister of Finance is given this authority. Part II, section 5(2) of the Act states:

“Notwithstanding any general or specific authority which may have been given by him, it shall be within the discretion of the Minister to limit or suspend any expenditure charged under any Appropriation Act or by virtue of section 18 and so authorised if in his opinion the exigencies of the financial situation render such limitation or suspension necessary.”

The point of all of this is that if one looks at the actual estimates of revenue for the fiscal years 2017 to 2021, which was the subject of the Chief Secretary's letter, one will see that in 2016, the first budget that this Government was required to deal with when we came in, in September of 2015, we essentially, at that time, used the budget documents prepared by the outgoing administration. We had three weeks to prepare a budget. And the budgetary revenue, the revenue that we estimated in fiscal 2016, was \$60.3 billion. That is a matter of record.

However, oil prices had been dropping from \$100 in 2014. By the time the budget was read, oil prices had crossed \$40 and kept going down. And in the following year, oil prices dropped as low as \$26. So the actual revenue received in that fiscal year, 2016, was \$45 billion. So that the estimate was 60.3 and the actual revenue received was \$45 billion. As a result, the Government had to cut back on

expenditure. So the expenditure, in 2016, dropped from an estimate of somewhere in the vicinity of \$62 billion to \$52.9 billion. And we in fact had to run a fiscal deficit that year of \$8 billion in fiscal 2016, because a tremendous amount of money—\$15 billion in revenue just disappeared because oil prices had dropped from \$100 to \$26.

In the following year, 2017—that is a 25 per cent drop, by the way, between the estimated revenue in 2016 and actual revenue in 2016. In 2017, the estimated revenue was \$47.4 billion. The actual revenue was \$36.1 billion. So there was a 23.7 per cent reduction or shortfall, if one wants to use that word, in the estimated revenue and the actual revenue collected. In fact 2017 was one of the most difficult years for this Government. So we saw a situation where actual revenue was more than \$10 billion less than estimated.

Now, the THA's allocation is based on the estimates of expenditure and revenue.

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

Hon. C. Imbert: Sure. So at the beginning of the—[*Technical difficulties*]*—*the Minister of Finance will use the formula that the hon. Senator referred to, will estimate expenditure and revenue. But if things do not work out, as occurred in 2016 and 2017—we had a catastrophic decline in revenue because of fiscal concessions given to oil companies, catastrophic falls in the price of oil and gas. Gas dropped from \$12 per MMBtu down to two. So that the Minister of Finance had to exercise that section in the Exchequer and Audit Act. And I want to say, even though there was a 23.7 per cent reduction in expenditure for the whole country, for the THA it was only 2.4 per cent; that is all. That \$56 million, when you look at it in the context of the original allocation to the THA of \$2.3 billion, it is only 2.4 per cent. So the THA got only a 2.4 per cent reduction, but the country

got a 23.7 per cent reduction in allocation.

So I hope you understand that we have been very generous. It follows right through in all the others. We have been very generous to the THA. The following year, there was a 6 per cent drop in expenditure. The THA allocation only dropped by 1.5 per cent. The following year again, a significant drop in national revenue and expenditure, THA allocation dropped by 0.7 per cent. So understand, there is a lot of misinformation and miscommunication. I am not accusing the hon. Senator, because the document that the hon. Senator is using is this letter, I presume. But one needs to understand that if we dropped 20 per cent in the country and we only dropped the THA by 2 per cent, then we have been very generous to the THA. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.58 p.m.