

SENATE*Friday, September 18, 2026*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**JOINT SELECT COMMITTEES****(CHANGE OF MEMBERSHIP)**

Mr. President: Hon. Senators, I have received the following correspondence from the Deputy Speaker of the House of Representatives. At a Sitting held on Wednesday, September 16, 2026, the House of Representatives agreed to the following resolution:

Be it resolved that the House agrees to the following appointments to Joint Select Committees.

1. On the Joint Select Committee on Energy Affairs:
 - Mr. Clyde Elder, Member of Parliament, in lieu of Mr. David Lee, MP.
2. On the Joint Select Committee on Foreign Affairs:
 - Dr. Roodal Moonilal, MP, in lieu of Mr. Davendranath Tancoo, MP.
 - Mr. Barry Padarath, MP, in lieu of Mr. Wayne Sturge, MP.
 - Mr. David Joseph Thomas, MP, in lieu of Mr. Clyde Elder, MP.
3. On the Joint Select Committee on Human Rights, Equality and Diversity:
 - Dr. Narendra Roopnarine, MP, in lieu of Mr. Barry

UNREVISED

Joint Select Committees (Change of
Membership)
Mr. President (cont'd)

2026.09.18

- Padarath, MP.
4. On the Joint Select Committee on Land and Physical Infrastructure:
- Mr. Devesh Maharaj, MP, in lieu of Mr. Saddam Hosein, MP.
5. On the Joint Select Committee on State Enterprises:
- Mr. Hansen Narinesingh, MP, in lieu of Mr. Barry Padarath, MP.

Accordingly, I respectfully request that the Senate be informed of this decision at the earliest convenience, please. Thank you.

PAPER LAID

Gambling (Gaming and Betting) (Remote Gambling) Order, 2026. [*The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh)*]

ANSWERS TO QUESTIONS

Mr. President: The hon. Leader of Government Business.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, with respect to question No. 5, the Minister of Justice intends to attend this honourable Senate to answer the question. He is in the other place, and I ask that this item be deferred to a convenient point during today's Sitting. As it relates to questions Nos. 6,7,8, and 9 in accordance with Standing Order 27(14), we request that these questions be deferred for a period of 14 days.

Sen. Roberts-Radgman: Four days?

Sen. D. Allahar: Fourteen days. Not four, 14.

UNREVISED

ORAL ANSWERS TO QUESTIONS

The following questions stood on the Order Paper:

Reports of Serious Road Traffic Accidents (Enforcement of Road Safety Regulation)

6. Could the Minister of Homeland Security state:

Having regard to continued reports of serious road traffic accidents, many resulting in fatalities, can the Minister indicate what steps are being taken to actively enforce speed limits and other road safety regulations across the country? [*Sen. M. Roberts-Radgman*]

Recruitment Exercise for Police Constables (Details of)

7. Could the Minister of Homeland Security state:

With respect to the recent recruitment exercise for Police Constables in the Trinidad and Tobago Police Service, can the Minister state:

- (i) what measures are in place to strengthen the screening of applicants and reduce the risk of recruiting persons unsuitable for police service; and
- (i) what categories of enhanced integrity screening measures, if any, are utilised during the recruitment process? [*Sen. Dr. M. Attzs*]

Measures to Strengthen Integrity and Accountability in the TTPS (Details of)

8. Could the Minister of Homeland Security state:

With respect to measures to strengthen integrity and accountability within the Trinidad and Tobago Police Service, can the Minister state:

- (i) what institutional reforms have been introduced to promote professional standards and reduce the risk of misconduct among serving police officers; and

- (ii) whether an early intervention system or similar mechanism has been established to identify officers exhibiting repeated non-compliance, disciplinary infractions or other behaviours associated with misconduct; and
- (ii) if the answer is in the affirmative, how does such a system operate? [*Sen. Dr. M. Attzs*]

Strengthening the Operations of the TTPS
(Details of)

9. Could the Minister of Homeland Security state:

With regard to strengthening the operations of the Trinidad and Tobago Police Service (TTPS), can the Minister state:

- (iii) whether any recent reforms have been introduced in the areas of recruitment, training, supervision, performance management and accountability; and
- (iv) what measurable performance indicators are used to assess whether said reforms have strengthened professional standards and public confidence in the TTPS? [*Sen. Dr. M. Attzs*]

Questions, by leave, deferred.

PROTECTION OF NEW PLANT VARIETIES (AMDT.)

BILL, 2026

Bill to amend the Protection of New Plant Varieties Act, Chap. 82:75 [*Minister of Land and Legal Affairs and Minister in the Ministry of Agriculture and Fisheries*]; read the first time.

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

Question put and agreed to.

The Minister of Land and Legal Affairs and Minister in the Ministry of Agriculture and Fisheries (Hon. Saddam Hosein): Thank you, Mr. President.

Mr. President, I beg to move:

That a Bill entitled an Act to amend the Protection of New Plant Varieties Act, Chap. 82:75, be now read a second time.

Mr. President, it is always a pleasure to join yourself and the hon. Senators in the Upper House. We have a very important matter engaging the attention of the Lower House, but I am here to ensure that this particular piece of legislation is passed today in this honourable Senate. Mr. President, this piece of legislation, I dare say, is a very important piece of legislation; I will go so far as saying it is a landmark piece of legislation that was passed—

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein:—many years ago and we are now here for some amendments and some updates to the current structure as it relates to the protection of plant varieties. But, Mr. President, this particular piece of legislation, when one looks at the parent Act, is a very technical piece of area because it deals with genes, various varieties of plants, it deals with intellectual property rights and so on. So the Government has taken a decision and it reaffirms our commitment to strengthen the international or national intellectual property landscape through accession to the 1991 Act of the UPOV Convention of New Plant Varieties through the amendment of the Protection of New Plant Varieties Act of Trinidad and Tobago 82:75. And when we use the word UPOV, it means the International Union for the Protection of New Plant Varieties.

This Convention, Mr. President, represents a global framework for plant variety protection, standardizing how member States will provide national legal rights to breeders who develop new plant varieties while ensuring that farmers,

researchers and the wider agricultural sector benefit from innovation and improved crop performance. This accession constitutes part of Trinidad and Tobago's intellectual property office's—under the Ministry of Land and Legal Affairs—evolving

robust legislative agenda, which seeks to ensure our IP laws respond to the needs of our creators, inventors, innovators and a competitive global landscape. And, Mr. President, as the Minister of Land and Legal Affairs, I am proud to introduce this particular piece of legislation here today through the blessing of our hon. Prime Minister and the Cabinet of the Republic of Trinidad and Tobago.

With the creation of the Ministry of Legal Affairs and Land, Mr. President, I often explain this to persons that on the Land side we deal with real property, whereas on the Legal Affairs side we deal with things of intellectual property, the intangible property, but it has immense value. And later on, I will examine other jurisdictions to show how this has helped, especially with an economic boost to some of the various jurisdictions. Mr. President, I am happy to also continue the legacy of the hon. Prime Minister, Mrs. Kamla Persad-Bissessar SC.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Because when one examines the parenthood of this Bill, when she then served as the first Minister of Legal Affairs of Trinidad and Tobago, the hon. Kamla Persad- Bissessar was the one to introduce the Protection of New Varieties of Plants Act—

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein:—and have it passed, Mr. President. Mr. President, and with the introduction of various other pieces of IP legislation and our relationship with the World Intellectual Property Organization—I went to the General Assembly just

this year, and we boasted about all of the progress we have made so far in the field of IP in just being 18 months into Government. Because I would have come to this honourable House with respect to the amendments to the Copyright Act and so on, to extend the period of time for those persons who fall within the ambit of the legislation and Mr. President, we are here now to deal with the agricultural side of it. Because I am happy to also serve as a Minister in the Ministry of Agriculture and Fisheries, we are marrying the legal affairs side with the agriculture side in order to benefit our farmers, our breeders and by extension all of the people of Trinidad and Tobago. But when you look at the current framework, Mr. President, the protection in the parent Act currently applies only to a specific plant family which is listed in the Schedule to the Act, such as cocoa, orchids, heliconias, and I know some of my friends opposite might be very happy to hear that, that heliconias are protected.

Hon. Senators: *[Laughter]*

Hon. S. Hosein: The pineapple family, pigeon peas and so on, and in addition, the varieties are given an extended period of protection under the UPOV 1991 Convention, as opposed to the UPOV 1978 Convention to which Trinidad and Tobago is a party.

So the current legislation only reflects the 1978 Convention, which gives limited protection, but through the 1991 Convention, there is no restriction in terms of the protection anymore. Previously, the Minister would have to go by order and add to the list and take away from the list and so on, in the Act, now, the 1991 Convention is giving protection to all. So, Mr. President, what we are doing is expanding the protection in this regard. The UPOV 1991 Convention, Mr. President, must be understood within the broader context of the plant variety

protection. We had consultations with stakeholders from the private and public sector, we even had consultations with UPOV. I had an opportunity when we went to Geneva this year for the General Assembly in WIPO; they are actually housed in the same building as WIPO and they were very happy to know that this was the direction Trinidad and Tobago was moving in.

When we were drafting the amendments and so on, we would have had consultations with the UPOV technical team with respect to what we are doing here

today, so we are very happy to bring a good piece of legislation to the Senate.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Mr. President, what does this mean for the ordinary farmers? It means for the farmers that they will gain access to higher-yielding crops, climate-resilient crops. We have a problem right now; all of us are experiencing the heat. Today we are lucky to have some rain. We understand we are going through a period of El Niño, and so on, but, Mr. President, we understand that we have to have more resilient crops.

I will give one example, for example, with one of our indigenous world-famous plants here, which is the Trinitario cocoa. There are particular diseases that affect these crops, which is like the witches' broom and so on, my friend, the Minister of Agriculture and Fisheries, will go more into those details. But now, Mr. President, through active, active governance and participation we have enabled through the IP Office and so on and the technical teams at the University of the West Indies, the Cocoa Development Company of Trinidad and Tobago Limited and so on, 11 various varieties of the Trinitario cocoa were in fact examined by the TTIPO Office and I am proud to say eight of those were granted, eight.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Mr. President, when you go to different parts of the world, you will understand how valuable this product is. In consultations with several stakeholders in the industry, I am told that at one particular time one tonne of the Trinitario cocoa goes for about US \$15,000, \$15, 000. Then what happens is the big chocolate producers, they will use bulk cocoa, which you get in other jurisdictions, to make your product, but then they take the Trinitario cocoa to flavour the bulk cocoa. So therefore, you get the rich, rich flavour of the Trinitario cocoa all over the world, something that many of us did not even know. And that is why, Mr. President, we on this side are looking at various ways to protect it, that is one, two, but also to export, three and advertise Trinidad and Tobago on the world stage.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Because when the Prime Minister said, Mr. President, that Trinidad and Tobago is open for business, we mean it.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: And I may have to let a little secret out, now. Last year I had the opportunity of going with the Prime Minister to the United Nations General Assembly, and every single Head of Government or Head of State that she would have met with, she presented them with the local Trinitario cocoa as a gift, as a token. So it shows the emphasis, that the top of the Government understands how valuable this product is, and we will continue to place the emphasis—

Hon. Senator: [*Desk thumping*]

Hon. S. Hosein:—support the local farmers, support the producers, the chocolatiers, Mr. President and ensure that this particular market is sent to the

world. We are right now talking to so many of the big producers, we are speaking to many of the largest distributors and so on, and you will hear more ideas and projects coming out in the near future.

1.50 p.m.

So, Mr. President, when this particular piece of legislation is passed, it means that we will have access to cutting-edge plant genetics, increased agricultural productivity, and greater competitiveness in the export market.

Importantly, the 1991 UPOV Convention contains a complete breeders' exemption, which allows farmers, researchers, and breeders to use protected varieties as a basis for developing new ones, and to commercialize those new varieties, which promotes ongoing innovation and knowledge exchange. The experience of several developing countries demonstrates that UPOV 1991 can help create entirely new agricultural industries.

A notable example was in Kenya, where plant variety protection supported the development of the cut-flower industry, now a major export sector supplying markets in Europe. This industry employs millions of people across farming, packaging, logistics, and marketing, and such developments illustrate how plant breeding innovation can drive rural employment, agricultural exports, and value-added industries. In Trinidad and Tobago, we have the Trinitario cocoa, we have horticulture, we have fruits, we have vegetables, and ornamentals, that could similarly benefit from improved varieties and access to international markets.

Mr. President, I would have gone to a particular horticulture show that was held in Central a couple weeks ago, and you would not believe the level of innovation, the level of creativity we have right here in Trinidad and

Tobago with respect to breeding and varieties and so on, just in the horticulture industry, which is a very big industry. And you realize that they are using various technologies and mapping and so on to have more resilient plants to beautify within their folds, and they organize themselves into these clubs and associations and so on, Mr. President, and we have to lend the support and the protection to these young innovators.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Mr. President, I want to give one particular example. I said we would look at what is happening right here in Trinidad, so I give the example of the horticulture industry. There is something called the Wambugu apple. I do not know if anybody is familiar with that.

Sen. Roberts: No.

Hon. S. Hosein: So, that is actually a creation that came out of Kenya, where we all know—I mean, I was young just a few years ago, where you only get apples and grapes at Christmas time. Now, we get apples and grapes year-round, but we are told and we know that apples and—apples in particular—the environment in which they thrive, or they grow in is in colder climates. The Wambugu apple has now been modified in Kenya to now grow in tropical climates like ours. Right here in Trinidad and Tobago, it is happening, but it is not being grown from seeds, it is being grown from cuttings.

And there is a *Guardian* article that I will commend to the House that you all could easily access, where it is told to us by the producer, that 1,000 trees of this apple can grow on one acre of land, which can produce up to 500,000 apples annually just on one acre of land. So, we could have apples being grown right here in Trinidad and Tobago ut we have to give the

protection to the persons, agreed? And that is what we are doing here today as a government.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: I went through, Mr. President, the issues with respect to the Trinitario cocoa and so on. Mr. President, I am also happy, I could extend the argument here too, that recently you would have seen that we would have, through the IPO office, I see the Controller, the Deputy Controller, Mr. Acheng is here, very hard-working individuals who are pushing towards this thrust. We have recently used the Cocoa Development Company as the regulator, per se, for the certification mark of the Trinitario cocoa, which will set standards and so on. So, if anyone wants to advertise that their product contains Trinitario in it, they will have to be given that permission through the Cocoa Development Company, and you bear a mark on the product.

So, for example, the Angostura bitters, there is a cocoa bitters, they have the Trinitario mark, so you know that is an authentic product being used because we are setting standards.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: So, Mr. President, the Bill goes on to give many, many examples of protection and so on, and I will want to go into now a breakdown of the clauses of the Bill. As I said, it is a very technical piece of legislation.

So, clause 1 to 3, standard positions in the Bill, which is a short title, the commencement and the interpretation. Clause 4 amends the definition of the terms “breeder” and “convention”. The expanded definition of “breeder” would now include persons who have bred or discovered or developed a variety, their employers, persons who commissioned the work of persons

who breed, discover, or develop a variety or the successors and title of any of these category of persons.

Mr. President, the definition for “Convention” will now include the date of adoption of the International Convention for the Protection of New Plant Varieties in 1961 and the relevant revised dates of the Convention in 72, 1978, and 1991.

Clause 5 inserts a new section 2A to provide for the application of the Act to all plant species. Clause 6, amends section 3 of the Act to provide for plant breeders’ rights to be granted in respect of plant varieties. This is a consequential amendment based on the insertion of the new section 2A. Clause 7, repeals and replaces section 4 of the Act. This amendment considers that the plant variety is new where the:

“...propagating or harvested material of the...”—plant—“...variety has not been sold or otherwise disposed of...”

Mr. President, by the plant breeder with his consent by certain time limits before the filing date of his application for plant breeders’ rights. Clause 8, repeals and substitutes section 6 of the Act. This amendment clarifies that the plant variety would be considered “homogeneous” when it satisfies specific conditions.

Clause 9 repeals section 8 of the Act. The clause removes the requirement for the Minister to publish a list of all the plants because we are now saying that protection is given to all and not just a few. Clause 10 amends section 9 of the Act to remove all references in the section to “...successor in title” of a plant breeder as a definition of breeder now includes a “...successor in title” of a plant breeder. So, I do not want my

friends opposite to be too concerned; the heliconia will still fall within the new definition and amendment.

Clause 11 repeals and substitutes section 10 of the Act. The new clause provides for the provisional protection of an applicant for the grant of a plant breeder's rights during a particular period and that a plant breeder be entitled to equitable remuneration for any person who has carried out acts during a particular period which requires a plant breeders' authorization under section 15 of the Act.

Clause 12 replaces the term "owner" in section 12(1) with "breeder" as the amendment to the definition of "breeder" includes references to the term "owner". Clause 13 repeals and substitutes section 15 of the Act and in sections 15, 15A and 15B. The new section 15 increases the number of acts which require the prior authorization of the plant breeder in respect of A, "the propagating material of a protected..."—plant—"...variety", B, harvested material obtained through unauthorized use of a protected plant variety and C, products made directly from the harvested material obtained through unauthorized use of a protected plant variety.

The new section 15A introduces exceptions to the plant breeders' rights required under section 15. Moreover, new section 15B provides for the exhaustion of a plant breeders' right for materials of the protected variety except in specific circumstances.

Clause 14 repeals and substitutes section 17 of the Act. This sets plant breeders' rights for "twenty, and in the case of trees or vines, for twenty five...". Clause 15 amends section 19 of the Act. This clause amends section 19(2) of the Act to provide the reasons:

“...by which the Controller of the Intellectual Property Office shall declare a plant breeder’s rights null and void at the request of any person. This clause also amends section 19(4) of the Act to provide the grounds by which the Controller shall declare a plant breeder’s right forfeit.”

Clause 16, amends section 22 of the Act by strengthening the right of priority and evidence required requirements for applicants. The amended section 22(1) of the Act requires that:

“...an applicant for the protection of a plant variety who wishes to make use of the... ‘right of priority’...”—shall—“...also submit to the Intellectual Property Office samples or other evidence that a plant variety is the same in both applications. This clause also amends section 24 of the Act to provide for the length of time that an applicant shall be entitled to furnish the Intellectual Property Office with information, documents or material for the purpose of the examination of their application and the plant variety under sections 30 and 31 of the Act.”

Clause 17 amends section 24 of the Act and sets out the rules for designation, registration, and use of variety denominations as well as aligning the terminology. The amended clause 17 includes the following:

- “(a) provide that a plant variety...”—shall—“...be designated by a denomination which will be its generic designation.
- (b) provide that, subject is subject to section 27 of the Act, no rights in a variety denomination shall hamper free use of it in connection with a plant variety, even after the expiration of the plant breeder’s right;

Subsections 3(c) and 4 adjust the terminology from:

“‘State’ and ‘State party to the Convention’ to ‘Contracting Party’ as defined in section 2 of the Act.

- (d) provide...the Intellectual Property Office shall refuse to register the variety denomination or require the plant breeder to propose another denomination within a prescribed period, where the variety denomination does not meet the requirements of sections 24(2) and 3 of the Act; and
- (e) require a variety denomination to be registered by the Intellectual Property Office at the same time that the plant breeder’s right is granted.”

Clause 18, amends section 25 of the Act. Through this amendment:

“...upon the publication of a periodical required under section 25 of the Act, any Authority of a Contracting Party to the 1991 UPOV Convention may address its observation on the registration of a variety denomination to the Intellectual Property Office.”

Clause 19 amends section 27 of the Act. The new section 27(2):

“...provides that the Controller of the Intellectual Property Office shall require a plant breeder to submit any denomination for plant variety, in instances where, by reason of a right of priority, the use of denomination is forbidden to a person who is obliged to use a denomination in accordance with sections 26(1) of the Act.

Clause 20 amends section 31 and so on, Mr. President. Mr. President, we have clause 21 which:

“...repeals and substitutes Part X of the Act to remove the process for positions against a grant of a plant breeder’s right, and provide for a process

for the invalidation of the grant of a plant breeder's right by the Court.

Clause 22 amends section 34(1) of the Act to require that the proceedings for the forfeiture of a plant breeder's rights shall be initiated by the Controller of the Intellectual Property Office or a third..."—party—"...if any...conditions under section 19(4) of the Act are fulfilled.

Clause 23 is a consequential amendment. Clause 24 amends section 44 of the Act for:

"...payment of equitable remuneration by the holder of a compulsory licence under section 44 of the Act...

Clause 25 amends section 46(a) of the Act. This...amendment is based on the amendment to Part X of the Act to provide for process for the invalidation of the grant of a plant breeder's rights by the Court.

Clause 26 is a savings and transitional clause, which ensures continuity of existing orders and applications. The clause provides that "...The Protection of New Plant Varieties Order"—shall continue in force from one year of the date of commencement. And—

"This clause also provides that a plant variety belonging to a genus or species not listed in the Protection of New Plant Varieties Order shall be considered to satisfy the condition of novelty under section 4 of the Act under certain conditions. The latter only applies for applications of plant breeder's right that are filed within one year of the date of commencement of this Act."

Mr. President, that was a mouthful. It is a very technical piece of legislation. However, we are not alone. There are other jurisdictions that have engaged in this particular amendment. In 2007, the Dominican

Republic signed the IPOV and subsequently approved the plant variety registration law. In February 2020, the Ministry of Agriculture launched cooperation initiative with the IP Office and CARIFORUM Intellectual Property Rights and Innovation Project financed by the European Development Fund and managed by the European Union Intellectual Property Office.

Apart from the Dominican Republic, Mr. President, we also have the jurisdiction of Kenya. We have Peru also that would have also joined the 1991 Convention. And I want to give an example in Peru, Mr. President. In Peru, they have now been able to export blueberries with a firmer fruit, a longer shelf life, a more uniform fruit and a different flavour profile.

In Canada—the economy—around 110 million was invested annually in plant breeding before the adoption of the 1991 IPOV Convention. Surveys later found, Mr. President, that 2 per cent of the breeders increased research and development post the 1991 Convention. And they have in fact now been able, in Canada, to have a robust seed industry which generates over \$6 billion annually and has created in excess of 63,000 jobs.

Additionally, in Canada, plant variety protection has had very tangible impacts. It has enabled the development and commercialization of varieties tailored to local climates and growing conditions from drought-tolerant wheat to disease-resistant fruits in the British Columbia. These innovations help farmers improve yield, reduce input cost, adapt to changing environmental conditions, Mr. President. We have so much in which we can learn from in other jurisdictions.

I am happy to see, Mr. President, that recently the Trinidad and

Tobago IP Office has signed a memorandum of understanding with the Canadian Intellectual Property Office and that particular MOU will now strengthen our bilateral cooperation in matters of intellectual property, and establish a formal framework for collaboration between the two agencies to support and promote innovation, entrepreneurs, and business growth both in Canada and in Trinidad and Tobago, Mr. President.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Mr. President, in the Republic of Korea, their strawberry industry is cited as a success story and they have also engaged in various protections for their plant varieties. Mr. President, this piece of legislation, while it may not be as exciting as other pieces of legislation that have engaged your attention, is certainly a very important piece of legislation for our economy, for our farmers, our breeders, our users, and in particular, all of the stakeholders in the agricultural industry.

Mr. President, I beg to move.

Hon. Senators: [*Desk thumping*]

Question proposed.

Mr. President: Before I recognize the first speaker on the Opposition Bench, Sen. Dr. Margaret Rose, Leader of Government Business, would you want to report on the matter of the question?

Sen. Allahar: Thank you very much, Mr. President. Mr. President, sorry—

ORAL ANSWERS TO QUESTIONS

The Minister in the Office of the Prime Minister (Sen. Darrell Allahar): Thank you very much again, Mr. President. Mr. President, the Minister of Justice is currently before the other place and he sends his apologies, and he has asked me

to deliver the answer on his behalf.

Mr. President: Sen. Melanie Roberts-Radgman.

Hon. Senators: [*Desk thumping*]

Police-Involved Shootings in Tobago

(Details of)

5. Sen. Melanie Roberts-Radgman asked the hon. Minister of Justice:

Can the Minister indicate:

- (i) the status of the Police Complaints Authority's investigations into the fatal police-involved shootings of Ronelle Marcelle and Frank Sandy in Tobago, in April and May 2025; and
- (ii) whether the police officers involved in those two incidents are currently on active duty?

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you. Thank you, Mr. President and to the Senator for the question. Mr. President, this question concerns investigations under the purview of the Police Complaints Authority, the PCA, an independent oversight body indirectly under the purview of the Ministry of Justice. The Minister of Justice has been advised by the PCA that the response to the questions posed are as follows:

Fatal shooting of Ronelle Marcelle. This investigation concerns the fatal shooting of Ronelle Marcelle by number 19887 PC Jasriel Jack, PC Jack, which occurred on the 25th of April, 2025 in the vicinity of Bethel, Tobago. At the last status update in or around May of 2026, further enquiries have been made and discussions held with the assigned Trinidad and Tobago Police Service Investigator, Assistant Superintendent of Police, Carlton Tang. ASP Tang has undertaken to furnish the PCA with the following documents in September 26, 2026, to which a statement from

police photographer WPC Baines together with 11 photographs; the emergency medical technician's report prepared by Mr. Dylan Scott; the medical report in respect of PC Jack; an additional statement from number 20279 PC Moses; an additional statement from PC Jack; a statement from Corporal Quamina, Crime Scene Investigator.

2.10 p.m.

The PCA has also reviewed the TTPS investigative file together with information obtained during its preliminary investigation. The PCA is awaiting the additional documents, which I have identified. Following which, the investigation is expected to be completed and the file submitted for legal assessment in October of 2026. The PCA has confirmed that PC Jack remains on active duty and is assigned to the Tobago Division. Correspondence was dispatched to the TTPS Human Resources branch on 13 May, 2026, and the PCA anticipates receiving a response within approximately 14 days. Further, a discussion was held with ASP Tang on September 16, 2026, and the officer indicated that he was unable to visit Tobago to complete his enquiries. However, he is due to travel to Tobago in or around the end of October 2026, at which time the enquiry should be completed, and the PCA will be provided with the outstanding documents.

I turn now to the fatal shooting of Frank Alan Sandy. This investigation concerns the fatal shooting of Frank Alan Sandy by No. 21455 PC Leon Roach on 30 May, 2025 in the vicinity of Windsor Road, Mt Saint George, Tobago. The investigative file has since been submitted to the PCA's legal department and is presently being assessed. The PCA has also confirmed that PC Roach remains on active duty and is attached to the Northern Division—North Central Task Force, and the PCA will provide a further update upon completion of its investigation into the fatal shooting of Ronelle Marcelle and the legal assessment concerning the

fatal shooting of Frank Alan Sandy. It is expected that a further update will be provided in four months. Thank you, Mr. President.

Mr. President: Sen. Roberts-Radgman, you have any questions?

Sen. Roberts-Radgman: No, thank you, Mr. President.

Mr. President: Okay.

PROTECTION OF NEW PLANT VARIETIES (AMDT.) BILL, 2026

Mr. President: Sen. Dr. Margaret Rose.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Margaret Rose: You all could do better than that.

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

Sen. Dr. M. Rose: Thank you, Mr. President, for the opportunity to contribute to this debate. I am startled by the presentation made by the hon. Minister here today. Startled and very concerned about what has not been said before us today. To cast this piece of legislation as one that is just a normal natural progression in the development of protection of the planters' breeding rights and the development of our farming industry and all of that.

I do not want to cast aspersions on my friend, but a lot has been left out, and we in the Opposition, as a responsible Opposition, are here to raise the issues of concern that are not Opposition issues. They are not PNM issues. These are issues of concern. This type of legislation is a very controversial and contested type of legislation within the geopolitical system that we are in. Within the global system, this particular piece of legislation is highly contested.

What I had expected to hear from the hon. Minister piloting this Bill, was a grappling with those issues that exist around this legislation and demonstrating, by reason of the evidence and consultation, that these issues

have been addressed by a responsible government.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Mr. President, as recently as the 16th of September, 2026, the same day, Members of the Opposition, I am not sure if the Independent Bench got it before us, the same day we received notice that this Bill is going to be debated, the United Nations has issued a press release, a press release about this very legislation. I am not making it up, and I will read from the press release about this legislation that we are all very excited about, and it is going to do so much for us, and we have so much to learn from other jurisdictions, and look what happened in Kenya and all of this talk, and he is so proud, and his Prime Minister brought this legislation.

Let me tell you what is happening in the world today. On the 16th of September, 2026, the United Nations issued a press release entitled:

“Penalising peasant seed systems threatens global food supply: UN experts.”

Now, you might think I am trying to bring something tangential into this debate. I can assure you I am not, Mr. President. Because in that press release they referred to a report, a comprehensive report done by a UN working group that was completed on 15th of July, 2026, which specifically addressed legislation being brought at a national level to align plant breeding rights systems with the 1991 UPOV Convention. They specifically addressed it, and this is what they said:

“The Working Group urged States to write article 19 of the Declaration into national law...”—

—and I am going to share what Article 19 is as we go on—

“...refrain from implementing UPOV 1991 in ways which contravene

the rights of peasants, repeal provisions criminalising peasant seed practices, and exempt traditional seed systems from industrial-market rules.”

I want to start my contribution here today by expressing alarm that in piloting this Bill before us, this Government has chosen not to address a very serious issue coming out of the United Nations with respect to the UPOV 1991 Convention.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: It is important. You are going around and handing Trinitario chocolate to the UN. You do not know what the UN thinks about UPOV 1991, and then speaking of consultation with UPOV. Speaking of consultations with UPOV, my colleague will come later and talk about whether there have been any consultations with Tobago farmers. But you are consulting with UPOV. Let me put on the record what UPOV is, and then I think we will understand the seriousness of the proposed legislation that is here before us. This is no joke. This Government seems, by Bills that are coming with every decision, to be ceding our sovereignty at every turn.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: And doing it willy-nilly in favour of business interests at every turn. Let me explain what UPOV is.

Sen. Smith: Mr. President, I stand on 46(1).

Sen. Dr. M. Rose: Let me explain what UPOV is.

Mr. President: No, no, no, just have your seat. Just repeat your Standing Order.

Sen. Smith: Mr. President, I stand on Standing Order 46(1).

Mr. President: Yeah. Sen. Margaret Rose, I understand that you are introducing what you are introducing. But the Minister made no reference to what you are

talking about. I am giving you an opportunity, and so on—

Sen. Dr. Browne: [*Inaudible*]

Mr. President: You want to interrupt me?

Sen. Dr. Browne: [*Inaudible*]

Mr. President: No, you said something?

Sen. Dr. Browne: Yeah, I have a concern.

Mr. President: No, you do not have a concern when I am speaking, okay? I am speaking to Sen. Margaret Rose. I am saying that I am going to uphold the point of order.

Hon. Senator: [*Inaudible*]

Mr. President: Allow me, please; take your seat and stay there. I am going to uphold the point of order, and I am asking you to connect your points. You are making an intervention. Refer to the clauses of the Bill and connect. That is the point I am making, okay? Continue.

Sen. Dr. M. Rose: Well, Mr. President, the clauses of the Bill are said expressly to be made to align to UPOV 1991, and I am speaking to UPOV 1991.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: Now, we need to ask, and I want to be clear because there is a listening and viewing public as well. UPOV—do not get confused. “U” does not stand for United Nations. So UPOV is not a body of the United Nations, and we need to make that very clear. We need to understand the geopolitical history and genesis of UPOV. UPOV was a group. It was first signed by six countries, negotiated by 12, discussed, and started to form in 1956. The six that signed, and then the 12, all represent our former colonizers. I say that for a reason. Because we have to put UPOV within its geopolitical historical context. UPOV was an

organization of—

Hon. Senator: Twilight zone.

Sen. Dr. M. Rose:—twilight zone—

Sen. Cummings: You go ahead. You go ahead. Do not let them distract you.

Sen. Dr. M. Rose:—an organization of countries that were in the midst of the independence movement, where African, Caribbean and Pacific States were all declaring their independence. No, you cannot just extract our land without paying us. You cannot just extract our labour without paying us. You cannot just extract our resources without paying us. UPOV was part of the movement of former colonizers to find another way to extract resources, to own resources.

I am sorry to offend the very hard-working people in our intellectual property office and all of that, but the time has come for us to start understanding the genesis of our laws—

Sen. Baig: [*Inaudible*]

Sen. Dr. M. Rose:—and the thinking—I am not.

Hon. Senator: Just ignore him.

Sen. Dr. M. Rose:—and the thinking behind the thinking of our laws. So that is what UPOV is. UPOV had an initial draft set of laws convention in 1978, and yes, the Kamla Persad-Bissessar Government—in 1997, we would have signed on to UPOV. Now, what we are saying in the Opposition today—

Sen. Roberts: “All ah allyuh saying that or just you?”

Sen. Dr. M. Rose: It could be just me. It could just be me.

Hon. Senators: [*Crosstalk*]

Hon. Senator: Do not let them distract you.

Sen. Dr. M. Rose: We will see. What we are saying today—

Hon. Senator: [*Interruption*]

Sen. Dr. M. Rose: Mr. President, can I have some support here?

Mr. President: You have my support. Continue.

Sen. Dr. M. Rose: So, we have already signed on and acceded to the UPOV 1978. I have personal problems with it, but as an Opposition, we do not. The question—we do not have a problem at this stage with 1978.

Sen. Swaratsingh: What about 1991?

Sen. Dr. M. Rose: The problem we have is with UPOV 1991. The question that we would want to ask this responsible Government is: What was the need to move toward the 1991 UPOV Convention?

Sen. Roberts: Ask Patrick Manning.

Sen. Dr. M. Rose: What was the need to move towards the UPOV 1991 Convention?

Sen. Roberts: Ask PNM.

Sen. Dr. M. Rose: You all will have a chance to respond.

Sen. Roberts: [*Inaudible*]*—*PNM policy.

Sen. Dr. M. Rose: We have no problem with the 1978.

Sen. Roberts: 1991 is PNM.

Sen. Dr. M. Rose: But 1991, the PNM never signed on to it. The PNM never signed on to UPOV 1991. What we must be very careful to understand, this is not any unique perspective that I am bringing. As I said, the UN has significant problems with UPOV 1991. It goes in a very dangerous direction. In fact, there are many countries in the world who have decided, quite a few have decided, we are not moving to UPOV 1991. I am alarmed that in the hon. Minister's presentation, these issues which I am about to share have not been addressed at all.

We have a country like Norway, a UPOV member since 1978. They considered the legislation. They held consultations. Did you all hold consultations? And expressly, Norway said absolutely not. UPOV 1991 expands breeders' rights in a way that unfairly restricts farmers' privilege. Norway did not proceed to accede to the 1991 Act. That is Norway. I will come finally to India because India is the big case study here, and I mean, I am surprised that you all are familiar with how India dealt with it.

Sen. Roberts: What does that mean?

Sen. Dr. M. Rose: Colombia enacted legislation approving accession to UPOV 1991. However, the Constitutional Court struck it down. Unenforceable because it affected indigenous and Afro-Colombian communities had not consulted with them first. Guatemala enacted the same plant variety legislation in 2014, and they repealed that law within months, a mid-significant domestic controversy.

Kenya, my goodness, and the Minister was at pains to talk about the apple plant variety and how amazing this is, and Kenya is a case study. December 2025 was just a few months ago. The Kenyan courts struck down provisions affecting farmers' seed practices that were brought on by aligning the Kenyan system to the UPOV 1991 Convention.

Sen. Roberts: But what are the facts of this case? You are not telling us.

Sen. Dr. M. Rose: Well, go and research.

Sen. Roberts: But you are the one who is making the point.

Sen. Dr. Browne: Mr. President, there is a running debate. Standing Order 51(1)(e), (f), and (g).

Mr. President: "Um, um"—

Sen. Dr. M. Rose: [*Inaudible*]

Hon. Senators: [*Crosstalk*]

Mr. President: Members, Members, hon. Members, I want to uphold that Standing Order. I myself have been hearing the running commentaries. So, I will ask Members to allow Sen. Dr. Margaret Rose to speak in silence. Continue, Senator.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: I am going to raise the case. I am going to give the facts of the case. I do not know if they think I am making these things up.

So, a landmark constitutional ruling by the High Court of Kenya in December 2025. They struck down punitive parts of the Seed and Plant Varieties Act (SPVA), delivered by Lady Justice Rhoda Rutto. The verdict fundamentally reshaped the balance between commercial plant breeders' rights and traditional practices of smallholder farmers.

2.30 p.m.

The ruling is regarded as a massive victory for continental food sovereignty, biodiversity and small-scale farmers. The core legal issue under stringent amendment made to Kenya's seed laws, specifically aligned to strict international UPOV 1991 Convention. It had become a criminal offence for farmers to share, exchange or sell unregistered, uncertified or unindexed indigenous seeds. Farmers participated in the informal seed swapping networks, risked punitive fines and jail terms, and the court held that it was unconstitutional. Right? You all can go and research the case further.

Let me just put on the record that in our parent legislation, section 38, there is a fine of \$10,000. And in this Bill, it is now been extended, not just to the six varieties, but to all plants, all genres, everything. Right? Under section 38, there is

a \$10,000 fine. It is an offence and a \$10,000 fine for:

“(1) Any person who wilfully offers for sale or markets propagating material of a variety protected in Trinidad and Tobago without using the registered variety denomination, commits an offence and on summary conviction shall be liable to a fine of ten thousand dollars.”

It goes on to other aspects of the offence.

So, it is not as if we are in a situation where our farmers, our local farmers, will not be in jeopardy of this. So let us just—let us be reasonable. You all have been very agitated while I have been speaking, because we on this side of the Opposition, it is hoped that it is clear—that it is clear that when certain legislation comes here, that we consider good—

Sen. Allahar: Mr. President, 46(1). We are not amending the offence section. I do not know what she is talking about.

Hon. Senators: [*Desk thumping*]

Mr. President: Yeah. Sen. Margaret Rose, I am trying to follow you myself on this matter. Again, I will appeal to you to try to connect your contribution to the clauses of this legislation, please.

Sen. Dr. M. Rose: Yes, well, they say they are not amending section 38, but section 38 is the enforcement mechanism. It is the offence for breach of the Act.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: This Bill, this amendment broadens the scope, enlarges the scope, and we are examining the consequences. So, I am entirely relevant to the Bill that is before us today. And so the question must be—there is so much controversy, and in the 40 minutes that I have, I hope that in the first few minutes I have been able to at least establish one fact. There is a lot of contestations and a lot

of controversy around this particular type of amendment.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: It is important—we had hoped that you would have grappled with it and assured us, and the people of Trinidad and Tobago, how the amendment that you are putting here is not going to fall into the same kinds of errors and fall into the same kinds of problems that other jurisdictions have.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: But you have not. So let us go to what I think we should be asking—further questions: Why do we have this amendment before us today? Why is this amendment before us today? Whose agenda are we fulfilling by having this amendment before us today? We are under no compulsion in law. No obligation, international, regional, or otherwise, to expand plant breeders' rights in accordance with UPOV 1991; absolutely no international or treaty obligation.

So, I want to say this, just because other states have struck down the law, just because other states have gotten in problems with the law, I, 100 per cent, will still be fair to this Government. Let us look at what they are trying to put in place and analyze if, for some reason—Trinidad and Tobago, for some reason, will be able to avoid and escape the issues that other countries have had with respect to this legislation. But I am asking the Minister to tell us why we are bringing this amendment here today. Because he gave a great success story about Trinitario, and has indicated that Trinitario just registered—took 30 years, or however long, just registered, and we are going and make so much money with Trinitario. Well, Mr. President, that is under the existing legislative framework that we have.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: So that if we want—if our breeders right now want to go and

commercialize seeds that they are working on, and that sort of thing, we have the legislative framework in place. So, I would have hoped that we would have had more of a forensic discussion of why these specific amendments, as opposed to just reading out the amendments and saying we are just progressing the law. We have not received that. We have not received a real explanation of why we are going from 1978 to 1991, when so many countries have chosen not to go that route.

In fact, I would commend those on the other side and those in the IPO who want to understand where I am coming from on this to read the report of the Association of Plant Breeding for the Benefit of Society; APBREBES, they call themselves. This report is an October 2021 report. And in that report—the report is called, “Searching for flexibility: Why parties to the 1978 Act of the UPOV Convention have not acceded to the 1991 Act”.

This is the Association for Plant Breeding for the Benefit of Society, making a report on why countries who have acceded to the 1978 Act are not acceding to the 1991 Act. It is a very serious issue. I would have hoped that we would have an opportunity to hear why we have decided to, because under TRIPS—those of us who understand a little bit about intellectual property know that Trinidad and Tobago became a member of the World Trade Organization in 1995, and TRIPS is part of that whole infrastructure. TRIPS, sorry, is the treaty with respect to recognizing intellectual property rights. TRIPS is what we call it.

Article 27.3(b) of TRIPS—so that deals with intellectual property rights and ensuring that we have a good patent system in our countries. That is what TRIPS is about. TRIPS expressly does not mandate that states have to implement, ratify the UPOV 1991 type of legislation. It excludes—so as we know, plants and animals, these phenomena occurring in our natural biological environment are not

necessarily, in the general state of things, patentable.

In the US, there is a different system. They can patent plants and animals, and all of that, but in our WTO framework that we are a part of, we cannot patent that. So, it is about creating a system to protect plant varieties, either by patents or by an effective *sui generis* system or by a combination of both. They do not go so far as to insist that the Member States of WTO sign up to this 1991 UPOV Convention.

Additionally, I heard a little mumble of a statement by the hon. Minister. He mumbled something about the CARIFORUM-EU. I did not catch all of it, right? It was just a very short statement. But we are part of the CARIFORUM-EU Economic Partnership Agreement, as we all know, and that is—I will say this. European countries are members of UPOV and when it became clear that many African and Caribbean, and particularly Latin American countries did not want to sign on to the 1991 UPOV Convention, you saw an approach by Europe to try to put these conditions into trade agreements. And what has happened is that in many trade agreements across Africa with the EU, in those trade agreements, in those regional blocs, the regional blocs in Africa, there is stipulated that they should adopt the 1991 UPOV Convention.

But in Trinidad and Tobago, we are part of CARICOM and CARIFORUM. And in our CARIFORUM-EU Economic Partnership Agreement, which we have to say kudos to our intellectuals and kudos to our professionals, they were able to negotiate that the 1991 UPOV Convention not be a mandatory criteria for accession into that agreement. And Article 149 does not say that parties should accede to the UPOV 1991 Convention, but it does say they should consider acceding. That was a big negotiating point because in other free trade agreements

between the EU and other countries in the Global South, it has been insisted upon and inserted. We in the Caribbean, our negotiators said, “No, we will consider it, and that is all we will agree.” So, I repeat the question again—this is not an unavoidable command of international law or regional law. This is a policy choice.

So, this Government has chosen to implement the 1991 UPOV Convention. Why this model? And these are questions I hope are answered. My questions hardly were answered in this place, but it is okay, it is on the record. Why this model? Why now? Whose identified need are we answering? Which farmers have been consulted? We definitely—there is an opportunity for farmers, and no one is saying there is no opportunity for farmers. But we must be mindful, because we are extending the reach of the 1978 Act to all genres, every plant variety.

The Minister has no purview anymore under the Bill to say, no or yes—okay, we have a nice thriving industry in scorpion peppers and we have some breeding going on. Let us add scorpion peppers. Let us, by ministerial Order, which can be done like this—[*Senator snap fingers*—add it to the existing system that already has a framework for protecting—you could do that, but no. You just, *carte blanche*, have opened up every type of plant species to this system.

And let me tell you the danger of that, because you have to look at section 12 of the parent Act. Because when you look at section 12 of the parent Act, who can bring an application for plant breeders’ rights? It is not just the local farmers in Trinidad and Tobago. It is not just the local farmers of Trinidad and Tobago. It includes nationals or residents of contracting parties, nationals or residents of any state, which, without being a contracting party, grants reciprocity or treatment to Trinidad and Tobago.

So, this amendment opens up every local plant variety that we have here to industrial breeding companies. Do we have the capacity to compete with that? And what you will find happening, and what has happened in other jurisdictions across the Global South because of UPOV 1991, is that corporate breeders, big multinational corporate breeders are going into countries, they are taking the plant varieties, they are quickly doing tweaks, the genetic sequencing of the plant varieties, putting it up in AI sequencing, a whole set of plant varieties, and the next day, the next week, the next month, after they have those registered patents, the local farmers now have to pay to sell, exchange. This is very serious. You know, we are talking about pro-business. We are in support of the local farmers.

Hon. Senators: [*Desk thumping*]

Sen. Dr. M. Rose: We are in support of farmers' rights. But let us talk about farmers' rights under this legislation.

There is no carve-out for farmers' rights in this legislation; no significant carve-out. And so, we now have in this legislation—but let me not jump around the legislation. Let me go through this systematically, which is why I actually wrote things down because there is a lot to cover here. I will say in respect of farmers' rights, farmers' rights organizations all over the world are lobbying against UPOV 1991.

They have different interests at the centre, including farmer-managed systems, where a farmer can take their seeds after they harvest and they can hold back some of those seeds and repropagate them, reproduce them, put them back to plant. That is now—we have to pay to do that now. Under the Bill, we will have to pay—this new amendment, we will have to pay—our farmers will have to pay to do that. Our biodiversity, traditional knowledge—and what is happening there?

You know, other speakers on the Opposition Bench are going to talk about what we have been producing.

We cannot just assume—we have indigenous cultures, we have incredible creativity with our foods and our plant varieties. Are we just allowing corporate breeders, multinational corporate breeders to come in here, when we are not ready to scale up and protect our farmers? What is the Government doing to scale up and protect farmers? What is the Government doing to identify which farming industries will be most threatened?

Sen. Roberts: “Rowley goat farm”.

Sen. Dr. M. Rose: Okay. Which will be most threatened?

Mr. President: You have three more minutes.

Sen. Dr. M. Rose: So, we have gone from a few protected categories to all plants, right? So, the existing section 8 allows the Minister to add or remove. Clauses 5, 6 and 9 of this Bill fundamentally change that architecture, and I think I have already expressed why that is an important consideration. Because maybe the corporate breeders were not attracted here before because of the limited scope of plants, genera or species that were incorporated under the 1978 Act. But now that you open it all up and you are having meetings with UPOV and you are having meetings all over the place, what can we expect? What can we expect?

Sen. Roberts: With those few words.

2.50 p.m.

Sen. Dr. M. Rose: Clause 13. So, the first thing I have identified is you are opening it all up, clause 13. We are moving from controlling commercial sale of the plant varieties to controlling the reproduction itself. Clause 13 is, in my view, a very important part of the conceptual architecture of the 1991 UPOV. Under the

existing section 15, authorization is required principally for production for the purposes of commercial marketing, offering for sale and marketing of propagating material.

The new section 15 goes much further. Authorization will be required for production or reproduction, conditioning for propagation, offering for sale, selling or other marketing, exporting, importing and stocking for those purposes. The breeder's right, it moves from the marketplace into the reproductive act itself. So, now you are encroaching upon the farmer's rights to breed, encroaching on the farmer's right to take their harvest and take some seeds out of that harvest and hold some back, even do some, whatever, and replant.

Mr. President: Sen. Margaret Rose, your time is up.

Hon. Senators: [*Desk thumping*]

Mr. President: I recognize Sen. Anthony Vieira SC.

Hon. Senators: [*Desk thumping*]

Sen. Anthony Vieira. SC.: Thank you, Mr. President. The Bill before us is a fairly technical piece of intellectual property legislation. It would not have been easy to draft, not only because the subject is dense and complex, but because it also has to satisfy the International Union for the Protection of New Varieties of Plants, UPOV, which in itself is exacting. But I am reliably informed that imprimaturs of both UPOV and WIPO have been stamped on this Bill. Both international institutions have critically examined this legislation, and they are in support of it. So, kudos for the work done by the draftsmen, by the IP Office and the Ministry of Land and Legal Affairs—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira, SC:—for all the intense work that would have taken place behind

the scenes to get us to this point, well done.

Now, the Bill's stated purpose is straightforward. Trinidad and Tobago became a member of the International Union for the Protection of New Varieties of Plants under the 1978 Convention. And this Bill seeks to amend our legislation to facilitate access to the 1991 UPOV Convention. Sen. Rose has raised some very interesting points, and I will treat with them later on, but I think it might be helpful to first lay a little background to sort of say where we are, Trinidad and Tobago, in the grand scheme of things.

We should have no difficulty understanding the rationale for modernizing our legislation because, and this is what I hope to show, plant breeding matters. If there is one element that has brought about an evolution in agricultural production, it is the improvement of the plant varieties. Thanks to characteristics such as resistance to pests or better productivity, they have led to substantial increases in the improvement of all kinds of products related to agriculture, horticulture or forestry.

And this has particular significance today when the world is looking for new plant varieties that can resist algae, fungi, drought and floods. And, of course, the research and development of new plant varieties requires a great deal of time and effort and resources, and that is why it is so important to take their protection into account. If someone invests years of research, expertise and resources developing a new plant variety, perhaps one that produces greater yields, or it resists disease, or it tolerates drought or flooding, or it performs better in our climate, there is a legitimate argument that the breeder should have a reasonable opportunity to benefit from that innovation.

Now, there may be some who see this legislation and the whole topic of

plant breeders' rights as distant, even irrelevant, to us here in Trinidad and Tobago, and that would be factually incorrect and misleading. That would be a flawed sentiment. In fact, it is well to remember that this country has had a profound and celebrated legacy of innovative plant development—

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira, SC:—and agricultural science. Driven by our unique combination of historical accidents, exceptional genetic diversity and pioneering research institutions like the Imperial College of Tropical Agriculture, which incidentally was the first higher education institution in Trinidad and Tobago and which eventually became the nucleus for UWI, the Caribbean Agricultural Research and Development Institute, CARDI, and the Cocoa Research Centre at UWI, this little twin-island nation has helped shape global agriculture.

So, in terms of our wide agricultural footprint, the record is full of examples. Consider, for example, and as we have been hearing, our Trinitario cocoa is arguably our greatest contribution to global agriculture. That represents a master class in accidental hybridization and selective preservation. Our Julie mango, widely regarded as the queen of mangoes, that is the result of a grafting experiment. Many do not know or appreciate that Trinidadian horticulturalists have catalogued over 70 distinct varieties of mangoes, actively selecting traits for texture, shelf life and localised pest resistance. Trinidad has historically played an active role in testing and selecting high-yield, disease-resistant sugar cane varieties, which kept the regional economy afloat during intense global market pressures in the 19th and 20th Centuries.

We have won numerous gold and silver medals at the Royal Horticultural Society Chelsea Flower Show in London. This celebrated world-class event

showcases innovative plant debuts, breathtaking floral displays, often highlighting exceptional new plant varieties and emerging breeding trends. We are at the forefront. So, while this legislation may sound esoteric and somewhat alien, it offers a real incentive for our plant breeders, those who deal in seeds, grow seeds, our farmers, our horticulturalists, to breed in all genera and species, especially where there is demand.

And none of this should be new to us. For example, it is instructive to consider that when the witches' broom disease threatened to annihilate cocoa crops in the early 20th Century, Trinidadian researcher Dr. Frank Pound travelled to the Amazon. He gathered resilient strains and he established the Imperial College Selections. Today, Trinidad houses the International Cocoa Genebank, the most diverse cocoa repository in the world.

So, this is important legislation, and it dovetails with UPOV's mission statement, which is to provide and promote an effective system of plant variety protection with the aim of encouraging the development of new varieties of plants for the benefit of society. And incidentally, this form of IP, as Sen. Rose indicated, is unique because it concerns intellectual property protection for living organisms, namely plants.

Sen. Dr. Rose: Exactly.

Sen. A. Vieira, SC: Now, more to the point, this legislation will enable us to accede to the newest revised form of the UPOV Convention. But we should not be treating this Bill as perfunctory. It is not a perfunctory exercise in bringing the 1997 statute into conformity with the 1991 UPOV Convention. Because underneath the technical language, and as Sen. Rose has rightly pointed out, we in this Parliament are under a duty to strike the right balance between rewarding

innovation, protecting farmers and safeguarding our national interest in food security, something that you know I feel very strongly about.

Now, when Sen. Rose said this is highly contested legislation, her concerns are not imaginary, right. The controversy really relates around protected seeds, the effect on the smallholder, seed saving, exchange, biodiversity and farmers' rights.

As I see it, the key question is less about plant variety protection or none. We already have a UPOV-based regime here since 1997 with no side effects. I do not see how this legislation is going to constrain the existing regime. I would want to hear how many farmers rely on saved or exchanged seed and what crops exactly are we afraid are going to be affected. Without specific evidence, I am not convinced that this would cause serious food security harm in Trinidad and Tobago. On the other hand, there are identifiable benefits to this legislation. This Bill will give breeders substantially stronger and more predictable rights. As we have heard, it covers all genera and species. It protects essentially derived variants. It lengthens protection. Importantly, the breeders' exemption remains, the breeders' exemption remains. Protected variants can generally still be used to breed new varieties.

On the other hand, not updating this legislation, what would happen? It will make us a less attractive market for some breeders to release its newest proprietary varieties, particularly where they regard their available IP protection as inadequate.

This legislation and increased protection would allow greater availability of improved varieties, increased numbers of foreign new varieties and improved access to foreign varieties. The bottom line, plant breeders already have IP protection under UPOV for almost three decades in Trinidad and Tobago.

So, if it is a question, it is whether the stronger rights contained in the 1991

UPOV will produce significant benefits for us. It is whether the Government has really demonstrated the Trinidad and Tobago case for moving from the protection we already have to the stronger regime now proposed.

Now, having said that, I propose looking at the Bill through three lenses. The first lens is through the conventional intellectual property lens. From this perspective, the Bill undoubtedly adds value. Our existing legislation essentially reflects the UPOV 1978 model, and this Bill substantially moves us towards the 1991 model, and as referred, there are several important changes.

First, protection is no longer going to be confined to the genera or species specified by ministerial order. Now, by way of background, within the plant kingdom, the term “species” is used as a unit of classification, and within this label there are different types of plants with different characteristics. So, to group together more precisely those groups of plants that have common characteristics, the term “plant variety” is used.

As we have heard, currently we have a list of six plant families approved by the Minister that are protected. They are genera to the Act, and they are namely hibiscus, bodi, orchids, pigeon peas, anthuriums and cocoa. Clause 2A will broaden that list to include all plant genera or species, that is to say, everything under the sun once it meets the DUS requirements. And DUS is an acronym, D-U-S. The variety is distinct, it is uniform and stable, as set out in section 3 of the Act, and this is a substantial expansion.

Secondly, clause 13 greatly enlarges the scope of the breeder’s exclusive right. At present, section 15 is principally concerned with the production for commercial marketing, offering for sale and marketing of reproductive or vegetative propagating material. Clause 15 goes considerably further.

Authorization may be required for production or reproduction, conditioning for propagation, offering for sale, selling, exporting, importing and stocking, and protection can travel further down the chain.

In certain circumstances, it extends from propagating material to harvested material and then, under clause 15(4), to products made directly from harvested material. Now, that is a significant strengthening of the intellectual property rights.

Long story short, this legislation will enable our plant breeders to register and to track new plant varieties created here. It helps us. Registration will include getting on WIPO's official plant database, and that in and of itself will guard against people coming into the country and trying to take what belongs to us.

Hon. Senators: [*Desk thumping*]

Sen. A. Vieira, SC: Our registered plant varieties will be part of the PLUTO database, and the presumption of title will vest with the breeder. And if a con man were to try and steal somebody's rights, there is provision under clause 21 for invalidation, so you can go to court and you can set the record straight. I am going to come back to that. More importantly, with these rights, our breeders can sell or license their new plant varieties. Consider, for example, new varieties of cannabis for medicinal or recreational use. Can you imagine how valuable that new plant variety could be? Or if we could extract and calibrate bois bande, making it commercially accessible. The sky is the limit. Armed with this legislation, our breeders can go to other countries and get protection. But what grieves me when I am considering legislation like this is how tone-deaf we are to our own rich history in cultivating new plant varieties and the treasure trove we have in this country from a botanical and biodiversity perspective. I say this because, so far, the only entity who has used this valuable intellectual property right is the Government, and

that has been mainly with respect to cocoa.

So, I am hoping that the buzz circulating around this legislation is going to prove as an incentive for our farmers, our agro-industrialists and for the private sector to appreciate the opportunities we have here and to start getting involved.

Now, there are a lot of interesting IP aspects to this Bill that I would love to elaborate on, but I just do not have the time. So, for example, where the Bill introduces the concept of essentially derived variety, which, broadly speaking, means that somebody cannot necessarily take a protected variety, make a comparatively limited alteration to it, including through mutation or back processing or genetic engineering, and then escape the original breeder's rights simply because the resulting plant is technically distinguishable.

3.10 p.m.

Or where the Bill introduces provisional protection between the publication of an application and the eventual grant of the right. And last but not least, the increases in the duration of protection from 15 years generally and 18 years for certain trees and vines, to 20 years generally and 25 years for trees and vines. So, all told, I am satisfied that there is a genuine legal value being added by these amendments.

Now, a modern plant variety protection regime can provide greater certainty to breeders and potentially make Trinidad and Tobago more attractive to persons wishing to introduce new varieties. UPOV itself reports associations between plant variety protection and increased breeding activity. Availability of improved varieties, new varieties and access to foreign varieties, but as Sen. Rose points out, intellectual property law is always about balance, right? We protect innovation, not because monopoly is an end in itself, but because society expects something in return. Real innovation moves beyond what we do and know now.

So that brings me to the second lens. Here, I am looking at our farmers, food security and the public interest. As I mentioned just last week in one of the Matters on the Adjournment, food security is no longer an abstract subject for us here in Trinidad and Tobago. We are a small island developing State operating in an increasingly uncertain world. Climate destabilization, drought, flooding, extreme weather, disruption of international supply chains, and geopolitical instability, all of these things reinforce the importance of strengthening our domestic capacity to feed ourselves. Against that backdrop, we should pay particular attention to clause 15A; there are three compulsory exceptions to the breeder's rights:

“...breeding other varieties...experimental purposes”—and

“acts done privately and for non commercial purposes”

And these reflect the UPOV 1991 framework. And there is another provision that may be even more important to our farmers. Clause 15A(2), that provides that:

“...farmer's...”—may—“...within reasonable limits and subject to the safeguarding...the legitimate interests...of the breeder's...—they can—“use for propagating purposes on their own holdings...the product of the harvest which they...obtained—from—planting...the protected variety”—on their own holding.

So they are not going to be shut out; they are not going to be excluded. So in ordinary language, this legislation will allow our farmers to save seeds. They can save seeds from one harvest and replant them on their own farms. And this is a very important exception.

Now, the Bill, it does not tell us what the reasonable limits will be,

right? What clause 15A(3) says is that those limits and the means of safeguarding the breeder's interest will be prescribed by regulations. So that raises a concern that while we are establishing a principle, we are leaving an important part of the practical operation for another day. So I am hoping the Minister would elaborate in his winding up on what exactly is contemplated by those regulations. Will the exception apply to all farmers? Will distinctions be drawn, say acreage, crop, turnover or quality of seed? Will small farmers have to pay remuneration? Which crops will be covered? Will traditional practices involving the exchange of seed between neighbouring small farmers be affected? And as Sen. Rose has asked, what consultation has taken place with farmers and agricultural organizations? When will these regulations be available?

These are not peripheral matters; they will impact on how the legislation will actually work on the ground. UPOV itself recognizes a distinction between subsistence activity and commercial farming. Its guidance indicates that propagation by a farmer exclusively to produce food for that farmer and his dependents may fall within the compulsory exception for acts done privately and for non-commercial purposes. It separately recognizes the optional farm-saved seed exception for other circumstances. So I think there is room for thought for domestic policy and I hope that we will use that wiggle room astutely and fairly.

Now, there is another provision that I think is important. Section 44 of the existing Act permits compulsory licensing where this is necessary to safeguard the public interest in Trinidad and Tobago, the Bill retains that architecture and it changes the remuneration payable to equitable

remuneration. Now, that public interest mechanism should not be regarded as an inconvenient exception to intellectual property protection because it is an important part of the balancing of the system. UPOV 1991 itself permits restrictions on breeder's rights for reasons of public interest, subject to equitable remuneration where the restriction has the effect of authorizing a third party to perform acts requiring the breeder's authorization.

So suppose, for example, Trinidad and Tobago urgently required access to planting material possessing characteristics critical to our national food production, or suppose a protected variety became particularly important because it was resistant to a disease threatening one of our major crops, the public interest safeguard would be very important indeed in those circumstances. So the question that arises is what exactly does UPOV require? And what exactly are we choosing for ourselves?

And this brings me to my third lens. I think we need to distinguish between two things, what Trinidad and Tobago must do to comply with UPOV 1991 and what we as a country are choosing to do within the policy space available under the Convention, they are not necessarily the same thing. So, for example, the extension of the breeder's right to harvested material obtained through unauthorized use of propagating material, where the breeder had no reasonable opportunity to exercise the right earlier, forms part of the UPOV 1991 framework, but clause 15(4) goes another stage further; it extends the breeder's rights in certain circumstances to products made directly from harvested material.

UPOV's explanatory history of the 1991 Convention records that this further extension to products made directly from harvested material was not

part of the mandatory minimum scope of protection and so contracting States could choose whether to extend the breeder's rights in that manner. Now, if that remains the position applicable to our proposed accession, I would invite the hon. Minister to explain why Trinidad and Tobago has elected to exercise that option. What particular problem are we looking to solve? What assignment or assessment has been made of its implications, and what additional benefit does it provide to Trinidad and Tobago beyond what is necessary for accession?

There is another change I think worth mentioning. The existing Act allows for opposition to an application for a breeder's right, but clause 21 removes that opposition procedure and substitutes an application by an interested person to the court for invalidation after the right has been granted. Now, I think I understand the policy reasoning behind that change and I just want to put it on record lest it be suggested that there was something sinister, or invidious, or untoward here and let me also put on record that my understanding is that that particular change has the approval and support of the IP office.

Because an administrative opposition before the intellectual property office is very different to High Court litigation. High Court proceedings would involve lawyers, filing costs, delay, possibility of adverse cost orders, but the opposition hearings tend to be less expensive. It is basically an administrative mechanism, but the sad reality is that the IP office just does not have the capacity to be able to investigate and to treat fully with these types of rights. So that is why they are doing away with opposition proceedings before the controller and the matter will go directly to the court.

But that does not impose an additional burden on the court because already under the parent Act, at part 13, there is provision for appeals to the court and enforcement proceedings.

There is one final dimension I think deserving of attention and this relates to our own biodiversity and genetic resources. Plant variety production protection does not exist in a vacuum. Trinidad and Tobago possesses biological resources, traditional agricultural knowledge and locally adapted plant varieties. We have heard about scorpion pepper and then there is Moruga Hill Rice. The Bill understandably is concentrating on the breeder, but what happens when a new commercial variety has been developed using genetic material originating here? What arrangements do we have for access and benefit sharing? How does this legislation interact with our biodiversity obligations and with traditional knowledge? Are our farmers, our universities, and agricultural institutions being sufficiently encouraged to become breeders themselves? Because the objective surely cannot be just to make Trinidad and Tobago a better market for protected varieties developed elsewhere. The more ambitious objective should be to create conditions in which Trinidad and Tobago develops and protects varieties of its own.

The Bill and the parent Act are the map, but mistaking the map for the territory can lead to confusion. What I would like to underscore to our plant breeders, to our farmers, to our agro-industry through you, Mr. President, is that a window of opportunity is being opened? An opportunity for us to develop varieties adapted to increasing temperatures and climate destabilization; varieties better able to withstand drought and flooding; an

opportunity for us to cultivate varieties resistant to pests and disease; an opportunity to improve agricultural crops adapted specifically to Caribbean conditions? These are things that we have the ability to address if we are so motivated. We fall short if we look at this legislation in isolation or as just words on paper. Plant breeders' rights should be more than just an intellectual property obligation. We should not confuse measures with goals; these rights should be a component within our wider system of agricultural innovation.

So in conclusion, for all the reasons discussed, I see genuine value in modernizing this legislation. But I do not think our consideration should end with the statement that the Bill enables Trinidad and Tobago to accede to UPOV 1991 because that really is just the starting point. Accession explains why the Bill is here, but we as a society have to go further. We need to narrow the gap between intent and action. By all means, let us protect the breeder who invests time, knowledge and resources in creating something new, but at the same time, we need to be encouraging wider research and innovation. We should be facilitating wider access to improved plant varieties. We need to protect legitimate farming practices to preserve appropriate access to seed, to maintain meaningful public interest safeguards, to conserve our genetic resources and to place food security at the very centre of our agricultural policy.

The takeaway point is that this Bill has deeper and broader implications than may be apparent at first glance. Ultimately, this legislation is about much more than just protecting a new variety of plant. It is about who may grow it, who may reproduce it, who may control it, who benefits

from it and under what circumstances will the wider public interest prevail. At a time of climate uncertainty and food insecurity, these are not academic niceties; they may, in fact, be matters of an existential nature. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Agriculture and Fisheries.

Hon. Senators: [*Desk thumping*]

The Minister of Agriculture and Fisheries (Sen. The Hon. Ravi Ratiram):

Thank you, most kindly, Mr. President, as I extend my sincere gratitude for the opportunity to contribute to this debate. Mr. President, from the outset, I wish to thank the hon. Minister of Land and Legal Affairs and Minister in the Ministry of Agriculture and Fisheries, the hon. Saddam Hosein, for piloting this very important piece of legislation.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, I also wish to acknowledge the leadership and guidance of the hon. Prime Minister, Mrs. Kamla Persad-Bissessar SC, in ensuring that legislation of this nature forms part of this Government's wider programme of national development.

Mr. President, this UNC Government came into office with a clear commitment to transform agriculture through innovation, through science, using technology and through meaningful support for the people who produce our food. We came into office, Mr. President, understanding that food security cannot be achieved by maintaining the status quo upheld by the previous administration and, Mr. President, the Bill before this honourable Senate is consistent with that commitment. If we expect our researchers and breeders to innovate, if we expect farmers to adopt superior

planting material and modern production systems and if we expect agriculture to become a stronger contributor to our national economy, then, Mr. President, the legal framework protecting agricultural innovation must be capable of meeting those ambitions.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, this is therefore not simply a Bill about plant variety. It is about whether Trinidad and Tobago is prepared to recognize the value of its genetic resources. It is about whether we are prepared to protect agricultural innovation. It is about whether we here in Trinidad and Tobago, we are prepared to stimulate investment into plant variety breeding, whether we are prepared to strengthen our food security and to create new opportunities for agricultural export and earnings of foreign exchange with the utilization of the agricultural sector.

Mr. President, the Bill before us:

“...seeks to amend the Protection of New Plant Varieties Act, Chap. 82:75”

—to bring our legislation in line with the international Convention for the protection of new varieties of plants and to facilitate Trinidad and Tobago’s accession to the UPOV Convention.

Mr. President, there are 26 clauses in the Bill, but I wish to highlight clauses 13, 14, 15 and 16 because they go directly to the substance of the protection being modernised. But before I go into my substantive contribution, Mr. President, to address these clauses, I want to take a moment to respond to Sen. Dr. Margaret Rose’s contribution, where she made some remarks, I should say, with respect to resources. She spoke

about extracting our resources without paying us. She was talking about resources being extracted without paying us for it and I think, with the greatest of respect, Sen. Dr. Margaret Rose, she basically missed the essence of the entire intent of this Bill.

Hon. Senators: [*Desk thumping*]

3.30 p.m.

Sen. The Hon. R. Ratiram: Because, Mr. President, that is exactly what this Bill sets out to achieve.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: This Bill, Mr. President, recognizes the intellectual property of the plant variety breeders and the work that has been put for years, and years, and years to develop new plant varieties. So, when the hon. Sen. Dr. Rose speaks about extracting resources and not paying us, I think she seems to be a little lost and confused. And I think, you know, for some time, I recognized that when she asked the question, when the hon. Senator asked the question in terms of how our farmers are going to benefit, who is going to benefit from this, how are farmers going to benefit, I want to make reference to one of our local farmers.

And I want to recognize this gentleman, fairly elderly gentleman, but he is still forever young. He is a youth. His name is Mr. Ramdeo Boondoo. Mr. Boondoo is a renowned generational root crop farmer, researcher, and pioneer in Trinidad and Tobago's agricultural sector, often celebrated as the "sweet potato king". Mr. Boondoo actually received a Chaconia gold medal in 2022. I am not sure if the hon. Senator was around in Trinidad and Tobago during that period of time, because sometimes when the hon. Senator presents, it seems as though she was missing for the last 10 years.

Hon. Senators: [*Desk thumping*]

Hon. Senator: She was in England.

Sen. The Hon. R. Ratiram: But you see, this gentleman, Mr. Boondoo, we recognize him up to today because he is involved in the National Agriculture Training Initiative, NATI. And you will see him working closely with the Ministry of Agriculture and Fisheries, despite the political offices of the Opposition, the Government or whoever, Mr. Boondoo has contributed significantly to Trinidad and Tobago—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—and today we recognize him because he has cultivated and bred over 50 varieties of sweet potato and more than 20 varieties of cassava and yam, alongside produces eddoes, tannia, dasheen and cush cush. So, when we look at who is going to benefit from this, our local farmer right in Carapichaima, Mr. Boondoo, is going to be one of the farmers who is going to benefit from this because—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—we have consulted many stakeholders. The question is, who did we speak to in bringing in this Bill? We have consulted many stakeholders, Mr. President, including the university, including the Cocoa Research Centre, including CARDI, including members of the ASTT, including Farmers Association, Root and Tubers Farmers—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—including persons out there. And what the goodly Senator failed to recognize is that this Bill through clauses 5, 6 and, 9, for example, it makes the necessary amendment to section 2. And the hon. Senator did start

speaking about the “limited genera and species now that you have opened it all up, what are we to expect”? What are we to expect by opening up that based on the amendment that the, hon. Senator, Minister of Land and Legal Affairs put into this Bill, is so that things like cassava, sweet potato and other plant varieties being developed, these farmers will benefit from what this Bill is bringing. And that is why we are opening it up, to ensure that the work that they have put into this piece of legislation, that these farmers’ works are going to be protected, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: And I congratulate the goodly Minister on that. Mr. President, there is a lot more that I can respond to the hon. Senator, but I just want to move on to the essence of this Bill, because this Bill is such a very valuable piece of legislation to the agriculture sector. I am very happy and I am honoured and proud to be part of this House, and part of government to be associated with the Minister of Land and Legal Affairs, and to have him as a Minister in the Ministry of Agriculture and Fisheries.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, I want to go to clause 13, which repeals and substitutes section 15 and introduces new sections 15A and 15B. The amendment expands the circumstances requiring the prior authorization of the holder of the plant breeder’s rights in relation to propagating material for a protected variety. It also addresses harvested material obtained through unauthorized use. It addresses products made directly from such material, essentially derived varieties, varieties that are not clearly distinguishable, and varieties whose production require repeated use of a protected variety.

These may sound like technical provisions, but they address a fundamental principle that innovation must have value. A new plant variety may provide higher yield, greater disease resistance, earlier maturity. And I want to touch on that. I want to pause because I want to touch on the earlier maturity of plant varieties and just to share an example with you, Mr. President.

You see, within the Ministry of Agriculture and Fisheries, we have basically met agriculture on a significant decline. When we look at the figures and the People's Partnership Administration exited office way back in 2015, the contribution of agriculture to GDP in this country was \$1.4 billion. We had a decade of the former administration, and when we came into office in 2025, that contribution of agriculture to GDP fell from \$1.4 billion down to \$650 million. That is the legacy of the PNM to the agricultural sector.

So, when we came into office, we had to treat and deal with a significantly declining agricultural sector plus a growing and a swelling food import bill. So, we had to look at areas where we could target the food import bill, and I will touch on soya bean in a little while, I will touch on the corn and the importation of corn. But in terms of early maturity, one of the pilot projects that we have already completed is the cultivation of black-eyed peas because black-eyed peas—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—black eyed peas is one of the main legumes used in the school feeding programme. We import close to 300,000 kilogrammes of black-eyed peas on an annual basis, and along with the help of CARDI and ICA and

FAO, we completed a pilot project under the guidance of course of the hon. Prime Minister, because we were going through a matter at the Cabinet, and the Prime Minister says, “Why are we importing all these things”? “Minister of Agriculture, you need to address this.” We embarked, and we went and we planted the black-eyed peas. And the leader of the Senate, he himself was there for the harvest. The wonderful thing about that is the variety that was chosen and that was shared with us. The Minister of Trade, Investment and Tourism was there with us to plant the first black-eyed peas pilot project in the country. When black-eyed peas normally will take 90 days to mature, the premium variety that was provided, we were able to harvest in 65 days.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: The yield that normally will produce 1,500 pounds per acre, we got close to 2,500 pounds from our pilot project. So, we have a significant agronomical support, plus the research and the support, and the understanding of using premium varieties to increase yield, to get earlier maturity, to improve quality and better adaption to environmental conditions. That is what the new plant varieties may offer. The value of that innovation does not necessarily end with the seed or the planting material.

The new sections 15A and 15B provide exceptions and provisions concerning exhaustion of rights, helping to create a framework that protects innovation while recognizing legitimate uses.

Mr. President, I want to move to clause 14. Clause 14 increases the period of protection of a plant breeder’s rights to be granted for “twenty years” and “twenty-five” years for trees and vines. This is moving away from “fifteen” and “eighteen” years to “twenty” and “twenty-five” years.

That is important because plant breeding is not an overnight process. It involves research, it involves selection, testing, evaluation and investment to come up with that premium quality new plant variety

I want to use another project that is currently happening that we are working closely with CARDI on, which is the formulation of the proper Moruga Yellow variety to ensure that we have uniformity in the yield, we have maximum yield, we have wall thickness, cellular thickness in terms of the pepper with the Moruga Yellow. But to come up with this proper variety, it takes years, it takes cycles, actually it takes close to six cycles of selecting the right seeds, the right fruits, the right vegetable, investing time into that, planting it in an isolated environment, giving it the right attention that it requires to ensure that there is no sort of pollination that you do not want, but you formulate from generation to generation and generation, the right variety in the controlled environment to ensure that over that six-generation cycle, we get a premium variety that we are working towards to achieve. So, it takes time for us or for plant breeders, I should say, to come up with that plant variety and that premium plant variety. So, by extending the time for trees and vines from “fifteen”, “eighteen” to “twenty”, “twenty-five” years, it is something that we definitely welcome.

The modern protection regime must recognize the time and resources required to bring new varieties from scientific development to commercial application.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Because you see, at the end of the day, the work that our breeders do and that our farmers do and the entire sector, we have to find ways

of monetizing this work, so that it can stimulate the economy and also it creates windows and opportunities which the hon. Minister of Trade, Investment and Tourism will share a little more with us in due course, of how we can trade our plant varieties now to earn foreign exchange.

Mr. President, clause 15 strengthens the provisions governing the nullity and forfeit of plant breeder's rights. And clause 16 strengthens the evidence requirements associated with priority claims and the examination of applications and plant varieties.

Mr. President, these amendments strengthen the integrity of the system. Rights of our breeders must be protected, but the basis upon which those rights are granted must also be properly established and must be capable of scrutiny. That is what the modern legislation should do, Mr. President. It should create certainty, it should protect legitimate investments and it should ensure that the systems operate on evidence.

Mr. President, our existing legislation dates back to 1997, and in 1997 agriculture did not stand still. Agriculture would have advanced from then to now, science would have advanced, plant breeding would have advanced, biotechnology would have advanced, markets would have changed, climate risks would have changed. Right now, we are in the middle of the rainy season and the Met Office would have issued last month or so, drought alert. So, the climatic condition of the entire agricultural sector would have changed, the production system would have changed as explained earlier with respect to using premium varieties to increase yield and reduce maturity, also utilizing varieties for drought resistance, et cetera.

So, the question before us is not whether plant variety protection is

relevant to Trinidad and Tobago. No, Mr. President, we answered that question decades ago when we enacted the legislation way back in 1997, and we became a member of the International Union for the Protection of New Varieties of Plants, since 1998. And of course, 1997/1998, all of this would have happened under a UNC Government and that piece of legislation itself, the first order that was placed, that order was put out by the former Minister of Legal Affairs, the hon. Prime Minister of Trinidad and Tobago, the hon. Kamala Persad-Bissessar.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: So, Mr. President, the question is whether the framework established almost three decades ago is sufficiently equipped for the agricultural economy we are seeking to build today. Mr. President, the answer is that it must evolve. Our genetic diversity is part of our natural heritage, but it is also an economic resource that we possess. Our genetic diversity is something that we have to now value, because it can contribute significantly to the economy of the country.

For example, let us look at cocoa. I want to touch on cocoa a little bit. Because you see, in Trinidad and Tobago, we being the custodian according to the hon. Sen. Vieira, of the International Cocoa Gene Bank here in Trinidad and Tobago, where Trinidad is regarded as the largest and most diverse cocoa collection in the world. The value of the collection cannot be leveraged if it is not converted into valuable varieties for our country, and perhaps export the varieties globally to derive royalties and income for our country.

At present we have seven TSH, Trinidad Selective Hybrid, developed,

and it has been registered under the UPOV Convention to provide intellectual property protection for these varieties. However, Mr. President, more importantly is that the Cocoa Research Centre of UWI, they have developed an ambitious breeding programme using molecular marker technology to develop high-yielding, disease tolerant, cadmium adapted varieties. Already variety resistance to witches' broom diseases have been identified and are undergoing evaluation.

Mr. President, just last week I had the opportunity to visit that farm there at the Cocoa Research Centre and meet with some of the master's and the postgraduate students, and I want to congratulate these postgraduate students.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: I want to congratulate Prof. Umaharan and those at the Cocoa Research Centre for the work that they are doing to develop the entire cocoa industry here in Trinidad and also across the globe. We are talking about 60-plus families will yield varieties that can greatly provide for our farmers reduced risk of climate change, cadmium, and disease, as well as improve yield.

What is happening there is that through the use of molecular marker technology and breeding of these cocoa varieties, they are developing cocoa plants that other than being highly resistant to the witches' broom, in terms of the absorption of heavy metals—we have varieties that actually restrict how the plant itself operates at a molecular level where the root itself does not absorb. So, in some parts of the country where they may have cadmium, they will use those plants that restrict the absorption of heavy metals and have it distributed in those areas, but in other areas where we can boast

about like in Gran Couva, which is cadmium free, we do not need to basically utilize these plants because of course—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: That is the kind of science, that is the kind of technology, that is the kind of innovative energy that is being placed into our cocoa sector. And this is why I want to say thank you to the hon. Prime Minister for promoting the cocoa sector—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—when she went to that UNGA and distributed our Trinitario. The hon. Sen. Dr. Rose had a little challenge with—

Hon. Senator: At the molecular level.

Sen. The Hon. R. Ratiram:—a little challenge at the molecular level of our Trinitario cocoa being presented as gifts outside there. But you know, it is so lovely to see our Trinitario in a little steel pan container actually, in the little steel pan container being promoted and distributed out there.

There is a lot of work that is happening in our cocoa sector in the formulation and the development of varieties to address all the different challenges that the sector has faced.

3.50 p.m.

The cocoa sector at one point in time in this country had over 19,000 hectares in this country that was being cultivated. That was in the early 1900s. That number has fallen now, down to close to 4,000. We moved from 90,000, down to 4,000. And as the hon. Minister of Land and Legal Affairs would have indicated, the price of cocoa, our Trinitario cocoa, fetches thousands of—US \$15,000 per tonne—between six/eight to \$15,000 a tonne. More than the price of

steel, more than the price of oil. So, it is something that we must be very proud of, and it is something that we must protect; the intellectual property.

When we look at our peppers, when we look at our peppers, when we look at our Moruga red, when we look at our scorpion peppers developed right here in Trinidad, when we look at pumpkin—Mr President, I had the opportunity to go down by the Deputy Speaker's constituency of Princes Town and visit a farmer. I am talking about big, big pumpkins. I could hide behind the whole pumpkin; the size of that pumpkin down in Princes Town. I am telling you, a massive pumpkin like that. And that is the kind of work our farmers are doing when it comes to the development of new premium varieties. We are talking about pumpkin.

These are not merely commodities, Mr President. They represent genetic material, farmers' knowledge, scientific knowledge and commercial possibilities developed over generations. Plant breeding is where those resources can become agricultural innovation. It can produce varieties with great disease resistance, high yields, improved quality, early maturity or greater resistance to challenging climatic conditions. But genetic material does not automatically become economic value. Research must convert knowledge into innovation. Breeding must convert genetic resources into improved plant material.

Farmers must be able to adopt that material. Production must feed into processing and value addition, and those products must ultimately reach markets. Agro-processing and value adding is another big thing that this Government is focused upon. Because we had a packaging house sitting down there in Brechin Castle for 10 years, abandoned by those on the other side. The PNM took that packaging house at BC and just abandoned it for 10 years. In less than one year, Mr President, we have been able to transform that packaging house into the BC

Agro-Processing Facility, with the support of Prime Minister Modi—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—with the vision of our Prime Minister to get that packaging house up and going so that we can have value-added products. We can take the same cassava and convert it now into flour. We can take fruits and vegetables and process it. We can take pineapple, and we can do several things with the pineapple, whether we actually take out the chunks, whether we take out the slices, whether we take out the dehydrated aspect of it to improve life.

Another area of agro-processing is our Sugarcane Feeds Centre, where we have the milk pasteurization plant, another processing facility abandoned by those on the other side. The pasteurization plant at the Sugarcane Feeds Centre sat idle for 10 years, and all we had to do was just dust it out and fire it up.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: And within the first year, a 300-litre pasteurization plant is now operational.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: And we have already tested it with ice cream. We are talking about milk being tested. We have smooth ice cream, yoghurt and other things coming out of that pasteurization plant.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr President, production must feed into processing and value addition, and those products must ultimately reach to the market. That is the agricultural value chain. Researching, breeding, propagation, production, processing, value addition, commercializing, markets and intellectual property

protection is one component of the infrastructure that allows that value chain to function.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr President, we do not have to speculate about whether improved plant varieties can have an economic impact. International experience provides evidence for this. If we look right next door to Argentina—and I want to thank my colleague, the goodly Sen. Brian Baig, who also would have served at the IPO office many years ago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. Baig would have contributed to some research at the IPO office, and I want to thank him for the work that he would have done.

And right there in Argentina—according to the International Union for the Protection of New Varieties of Plants report, examining the impact of plant variety protection, Argentina became one of the world's major soybean exporters, even though soybean was a relatively new crop across there in Argentina. I did mention earlier that I will touch on soybean, because soybean is also one of the pilot projects that we are doing because it is the number one contributor to our food import bill.

In this country, at present—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—we import—\$314 million goes toward the importation of soybean oil, when, right next door in Guyana, we are talking about over 3,000 acres of soybeans being cultivated. We are running a pilot project for the cultivation of soybeans, and we are hoping, in the future, we can move forward towards bringing down that food import bill with respect to soybeans in this

country. Because in addition to the soybean itself, it can be used for animal feed with respect to the meal, and we can do the extraction to have the soybean oil produced right here locally. So that is something that we are working on.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Swaratsingh: Best Minister of Agriculture and Fisheries ever.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Going back to Argentina. In Argentina, soybean production increased from just 957 tonnes—yes, it did increase. It increased from 957 tonnes, back in 1961, to approximately 26.9 million tonnes in 2001, roughly a 20,000-fold increase over four decades. The report specifically identifies the introduction of new high-quality varieties as an important factor in maintaining the competitiveness of the Argentine soybean industry in the world market.

Mr. President, I am not suggesting that plant variety protection alone produced that transformation. That would be an inaccurate conclusion. However, the lesson is that improved variety can become part of a much larger agricultural production and export system. Research, genetics, improved planting materials, technology and, of course, the most valued person, the farmers, investment, infrastructure and markets must all come together and must all work together to achieve the desired goal.

If we look internationally again across at Kenya—and the goodly Sen. Dr. Rose would have spoken about Kenya, but the same UPOV evidence documents the relationship between the introduction and the protection of horticultural varieties in the development of the Kenyan flower industry. Kenyan cut flower exports to the European market increased from approximately €129 million in 1999 to €208 million in 2003. The UPOV report notes that the introduction of

foreign varieties contributed to the competitiveness of the Kenyan flower industry and that the expansion of this trade provides foreign exchange earnings and income for the rural economy.

So that is why I want to take a moment to highlight the work of the Horticultural Services Division in the Ministry of Agriculture and Fisheries, because many a times over the years gone by, the Horticultural Division is taken for granted. But within the Ministry of Agriculture and Fisheries, we also have a very important division, and I want to thank the workers, the staff at the Horticultural Services Division for the work that they have been doing—

Hon. Senators: [*Desk thumping*]

Sen. Alexander: Cutting the grass.

Sen. The Hon. R. Ratiram: [*Laughter*]*—*in addition to cutting Wild Flower Park.

But, Mr. President, the Horticultural Services Division—this is also strategically important to this country. Horticulture is not simply about beautification. It is about protecting the plant resources on which our agricultural future depends. Through the propagation and conservation of native, rare and economically important plant species, the maintenance of plant germplasm, scientific research and the introduction of appropriate varieties, the division is helping to preserve our genetic resources, while creating opportunities for future agricultural production. And those on the other side will be happy to know that they have some—what they call heliconia, I believe. We have some heliconia there.

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

Sen. The Hon. R. Ratiram: Thank you most kindly, Mr. President.

So, Mr. President, I will move swiftly across to Canada in terms of

making some reference there. Because Canada gives us another important perspective where Mr. Anthony Parker, Commissioner of Canada's Plant Breeders' Rights, has described how plant variety protection has supported:

"....development and commercialization of varieties tailored to local climates and growing conditions, from drought-tolerant wheat in the"—Canadian—"Prairies to disease-resistant fruit trees in British Columbia."

He has also highlighted the role of protected varieties in helping farmers to adapt to drought, to pest pressures and to other environmental challenges, while supporting public breeding institutions, private sector seed development and collaboration across the agricultural value chain. Mr. President, that is particularly relevant to us because climate resilience is no longer an abstract concept.

Our farmers are dealing with changing weather patterns, pests, diseases and production risk. If science can produce varieties that use inputs more efficiently, withstand drought or disease, and perform more consistently under difficult conditions, then that science must have a pathway from research institutions to our farmers, and the law must support that pathway. That is what this legislation itself does, Mr. President.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram: Mr. President, so as we move across here to Trinidad and Tobago, Trinidad and Tobago already has evidence of the value of agricultural intellectual property, with geographic indications of our Montserrat Hills cocoa in 2017. Trinidad and Tobago first geographical indication for our Montserrat Hill cocoa and became the first agro-related GI in the English-speaking Caribbean. That achievement demonstrated that the characteristics associated with an

agricultural product can carry commercial value when they are properly identified, protected and marketed.

So, the question now is, Mr. President: What can improved plant varieties do for our cocoa sector? What can they do for the rice sector, as we have in Moruga Hill Rice? What can they do for the hot peppers, or the pumpkins, or the cassava, or sweet potato? And what can they do for the next agricultural innovation developed by Trinidad and Tobago researchers? Mr. President, we should be asking those questions because the economic opportunity is not limited to producing more raw commodities. It is about capturing more value from the agricultural system. It is about genetics. It is about research. It is about breeding. It is about intellectual property. It is about commercialization and it is about market access.

Mr. President, it is about ensuring that the intellectual capital developed here in Trinidad and Tobago does not simply remain in research papers or in laboratories. It must reach our farmers. It must reach all our stakeholders. It must reach the marketplace, and where the opportunity exists, it must also reach the international market.

With this piece of legislation that is before us, what the hon. Minister of Land and Legal Affairs and Minister in the Ministry of Agriculture and Fisheries, under the visionary leadership and the guidance of the Prime Minister, with the support from our hon. Attorney General and the drafting team, what our hon. Minister has done is he has now revolutionized this whole agricultural sector when it comes to opportunities available for plant breeders by ensuring—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. R. Ratiram:—that the intellectual property of our breeders is protected. What our Minister of Trade, Investment and Tourism will do is ensure that it is now sold to the world to generate foreign exchange for our country. With those few words, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Melanie Roberts-Radgman.

Hon. Senators: [*Desk thumping*]

Sen. Melanie Roberts-Radgman: Thank you, Mr. President, for recognizing me at this time. Now, Mr. President, both the Minister for Land and Legal Affairs, and the Minister of Agriculture and Fisheries presented the Bill to the Senate in the context of supporting and encouraging innovation in agriculture. So, they spoke about rewarding persons who invest their time and their expertise and, of course, their resources in developing better plant varieties.

Let me just say that definitely in Trinidad and Tobago, we could benefit from having more of a modern intellectual property framework that encourages the sort of agricultural innovation, research and investment that the Government has spoken about. I would have also heard Sen. Vieira also praise this move.

Now, the Minister of Agriculture and Fisheries in particular, he spoke excessively about formal innovation, and he spoke about some of the innovations that are currently taking place in various segments throughout Trinidad. I will give you that. It is good, right? You sound like you are plugged into what is happening.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: I am not going to take that away.

I think what I expected to hear a little bit more of—I know that from the Minister

of Land and Legal Affairs, we would get more of the legal aspect of it, the intellectual property rights aspect. I was hoping that from the Minister of Agriculture and Fisheries, I would have gotten just a little bit more of an inclusive contribution. When I say “inclusive”, meaning that I would have hoped that he would have spoken almost as intently on the impact that these expanded protections have on our smaller farmers.

So, your farmers that may not get to the stage or be interested in the breeding itself, they are not looking for that. I do not understand the “hissing ah de teeth”. Nonetheless, I would have hoped that he would have spoken a little bit more about what does this mean for them and hopefully, we are not leaving them behind. The thing is, Mr. President, with this piece of legislation, we have to be mindful that we are performing a balancing act of sorts, and I heard one previous speaker allude to this balancing act.

On one hand, we want to incentivize the plant breeding and your innovation, but we also need to ensure that this piece of legal architecture, this legislation, the regulations that would come out of it, that it does not necessarily make the basic means of food production less accessible to some of the very farmers who must produce their food.

So, you know when you go sometimes into your smaller—the shops in your villages, those shops are sometimes supplied by your village farmers; the people who are doing small-scale farming. They bag out the little tomatoes, the onions, the potatoes, and they take it in. So, in the Tobago context, you have your places like Bill Brown, you have Ms. Agnes, and these smaller shops, where you have just these village farmers supplying food on a very small scale.

So, we have to ensure that while we are creating this sort of

innovative framework on one end for breeders, for more formalized and organized and commercial farmers and innovators, that we are also taking along our smaller farmers with them and we are not leaving them out, because they are a very important part of our agricultural architecture. They do support, and they do—what do you call it?—contribute to food production across the islands. So, when we look at this, we need to understand—and I think the words that Sen. Vieira used were that these rights do not just exist in a vacuum. “Vacuum” was the term I think he used.

So, we are dealing with legal ownership and commercial exploitation of plant varieties from which food is produced, and then we are dealing with intellectual property law, and that obviously intersects with aspects of food security, the livelihood of farmers, the price of food, and ultimately, our national interest.

I have heard from time to time Members of the Government speak broadly and intently about food security being high on the list of priorities coming up from the Government. So, I imagine and I expect that my contribution on this matter will be given very fair consideration.

4.10 p.m.

Now my colleague, Sen. Dr. Rose took us through the differences between the 1978 Act of the UPOV Convention and the 1991 Act. We need to be mindful that the 1978 Act is not simply an older version of the 1991 Act. So, we are not saying that the 1991 Act just brings the 1978 Act up to date. For countries like Trinidad and Tobago and a lot of other developing islands, countries on a whole, developing states, what remaining under the 1978 Act has done for us is that it has been very carefully preserving that balance between breeders, proprietary rights and, of

course, local farmers and national interests. And I am not going to go into all the differences, because I feel like those have been laid out, but there are two that I want to place on the record, because my contribution today is going to be very narrow, it is very tailored and I am very happy that the Minister is still here because there is a question, a kind of technical question that I will ask towards the end of my contribution and I am hoping that we could have some more development of how that plays out if this piece of legislation is subsequently implemented.

So, the first distinction upon which I want to hinge my contribution is, one, the 1978 Act, it provides greater room for farmers to save and reuse seeds. So, under the older Act, the 1978 Act, if a farmer only intended to use the propagated material on his farm, then that kind of use fell outside of breeders' rights and the farmer did not have to seek authorization. So he would only have to seek authorization if he used that propagating material for commercial marketing purposes. So there was this implicit farmer's privilege and I think I heard one previous speaker allude to it.

Now, the 1991 Act, because it expands protection, what it does is that it significantly erodes this farmer's privilege by subjecting it now to the legitimate interests of the breeder. So you have the legitimate interests of the breeder here and you almost have the farmer's privilege falling under. So that is one distinction I want to make and I want to plug that one there. And then the second distinction I want to make, and excuse me, this one is key because this is where my question at the end is going to hinge.

The second distinction is that the 1991 Act, and Sen. Vieira actually went here, I was happy that he did. That Act introduced the concept of essentially

derived varieties. It introduced that concept. And why this jumped out at me and raised the questions that I will raise later in the debate is because a breeder could simply develop varieties or a variety using genetic material or resources originating here in Trinidad and Tobago. And the broad question, and I will get down to some detailed questions, but the broad question is, who controls those varieties that are developed from our genetic resources?

So it is through those lens, those two particular distinctions that I really want to examine this Bill, especially because as we have heard mentioned right here today, we are not examining this piece of legislation while agriculture is operating under ideal conditions. We have heard the Minister of Land and Legal Affairs speak about, and I think even the Minister of Agriculture and Fisheries would have spoken about the fact that our farmers are confronting things like water shortages, irregular rainfall, increasing heat, and other climate-related risks. And I know that the Minister of Agriculture and Fisheries mentioned the drought advisory from last month, and actually I think it was yesterday or day before. So for September 16th to 30th of this—well, yeah, this month, so the rest of this month, the meteorological service actually forecasted—well, obviously we are experiencing it, a below normal rainfall. But they also said we are going to get warm to hot conditions and then they specified possible heat stress for crops and livestock, and then they talked about the elevated risk and increased evaporation and they got technical with it.

So basically, the point is, at this point in time, and it may persist for quite some time, we have our farmers, including our very small-scale farmers being asked to produce more food with less water and obviously under more difficult climatic conditions. And then as the Minister mentioned, we are facing a

significant food import bill. So that when we start talking about expanding our agricultural IPO regime, we are not just talking about some sort of abstract policy objective, we need to pin it towards the challenges, we need to pin it or consider it within the framework of, or through the lens, I should say, of the challenges that our farmers are facing presently.

So we are talking about things like, well, how does our farmers—how are they able to access? When I refer to farmers, in my contribution, my focus is really on our smaller farmers, so not our big formal breeders, our smaller farmers. When I look at this expanded regime, I ask the question, how does the regime—so this expanded protection, more rights of breeders, how does this impact our farmers, smaller farmers' ability to produce food? How are they able to easily access seeds and plants and material? How do these changes necessarily impact our domestic productive capacity to feed ourselves? Because I feel like a lot of the conversation at this point in time, especially coming from the Government focuses so much on the more formal modes, the more formal entities, the more organized entities on your formal breeders, but we have not necessarily considered the impact on our smaller farmers. And as I said, those who would not arise to the level of breeders' rights, they have no interest in that, but, of course, they are still participating in agriculture across the country.

Now, I want to look at three, maybe three or four, aspects of the Bill that I think affects what I have been talking about so far and Sen. Vieira mentioned it as well. I want to go a little more into detail where it is concerned. Now, this is the removal of the administrative opposition process. And I think it is clause 21 of the Bill that repeals and replaces Part X of the existing Act. Yes, Part X of the existing Act. So that the existing opposition process is now removed, and Sen. Vieira

mentioned the justification for this.

He mentioned that the IPO Office does not have the capacity at this point in time to really take on the administrative objection process, and he said, this is not an additional burden for the cause. But then my question for the Government and maybe even for Sen. Vieira, how then do we ensure having acknowledged the very real cost, time, resource considerations that go into having to go through the court process? You are talking about maybe doing testing; you are talking about maybe calling expert witnesses; you are talking about retaining specialized counsel, perhaps. How do we consolidate the fact that the IPO Office might lack the capacity at this time to carry out that process, the more informal and accessible process? How would you, how do we consolidate that against the farmers who may be deprived of the opportunity to assert their rights?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Because as I mentioned, it is a balancing act, right? On one end, of course, you want to ensure that you are not overburdening the IPO Office, but I want to submit that it may be easier, it may be more feasible to outfit and to resource the IPO Office to be able to manage this administrative process. It might be easier, more feasible to do that than it would be, or even more justifiable to do that than to actually expect farmers to have to go through the court process or be completely cut out of the process itself. Or maybe consideration could be given to having maybe a bifurcated process of sort, where you may do it based on the size of the farmer, the capacity of the farmer, or you may do a two-prong process where you have an administrative opposition process, and if you get a result there that you are not satisfied with and you want to then challenge it and you have the means to challenge it, then you go to court.

But I, at this point in time, just have a bit of a challenge with the complete removal of that process, which appeared to be quite accessible, especially to the smaller farmers that I am talking about and now impose this formal, likely time-consuming and expensive process, thereby cutting out smaller farmers from being able to assert their rights and their interests by virtue of this new piece of legislation.

Now, Mr. President, the next aspect that I want to have a look at is the increased period of protection and the possible impact on the cost of seeds. So, under the proposed section 17, the plant breeders' rights, as we have heard the Minister mention, will last 20 years, and in the case of vines or trees it goes up to 25 years. And I must admit I understand the policy rationale especially from the perspective of encouraging innovation and ensuring that when—excuse me, a breeder makes the effort and places the resources into developing these species, these genera, that they are adequately protected. And I know that the Minister of Agriculture and Fisheries spoke to the timelines that it actually takes to breed a stable and a premium variety. So, I take that. My statements around this expansion, they take the form of questions really and truly.

Now, the breeders' rights is an exclusive commercial right. That is what it is. Under the Bill, prior authorization is required for a wide range of activities involving your propagating of material; your production or reproduction; your offering for sale; your selling or marketing; your conditioning for propagation; your importing; your exporting and your stocking. And then it extends protection in certain circumstances to the harvested material and products that is made directly from the harvested

material, at least through unauthorized use.

My question here is, has the Government, through you, Mr. President, done—what does this mean for the cost of planting material available to our farmers? Have we done any sort of assessment to know what the long-term economic impact looks like for our smaller farmers? So, let us think about a smaller farmer whose margins are already squeezed by your fertilizer costs; your pesticides; your labour; your transport; electricity and now they have increased costs of getting water. These things are all connected, right? But then at the same time they have to deal with and impose a longer protection period for breeders.

So, essentially, the Government is telling farmers, all right, on one hand, produce more locally to reduce our food import bill. But we need to satisfy ourselves that whatever intellectual property framework we are choosing to implement, it does not necessarily or it does not inadvertently increase the cost of the inputs upon which the very policy objective of increased domestic production depends. And I am not going as far as to say, and I have been very tempered with my words here, because I am not going as far as to suggest that every single protected variety will necessarily become more expensive.

What I am saying is that there is a possibility of increased cost, and I believe that because there is a possibility of increased cost, this is important enough that the Government should have or possibly has undertaken and should disclose to us an assessment of the potential effect of the new regime on seed and plant and material prices. And actually, let me, rather than assume, I will ask, because we have both the Minister of Land and Legal Affairs and we have the Minister of Agriculture and Fisheries present, so I

will ask and hope to get something in response. Has either Ministry modelled the likely impact of the 20-year and 25-year protection on the seeds and propagating material? Is there going to be monitoring of prices for protected plant and material? Is the Government going to consider safeguards where the cost of protected varieties creates some sort of barrier to agricultural production? I am not expecting the worst, but I am asking these questions in the context of the Government's own stated food security objectives, objectives that I know that we all endorse.

Now, I want to return and connect with the first distinction that I highlighted earlier in this matter of farm-safe seed. Now, the new section 15A expressly provides that within reasonable time limits and subject to the safeguarding of the legitimate interest of the holder of the breeder's rights, farmers will not infringe the breeder's rights by using for propagation of their own holdings the product of the harvest obtained from planting the protected variety of their own holdings.

Now, I welcome the fact that the Bill recognizes this issue. I also note that subsection 15A(3), provides that the reasonable limits and the means of safeguarding the breeder's legitimate rights and interests are actually to be prescribed in regulations. But what this means is that while we are considering these amendments in here, an issue that would materially affect farmers' ability to reproduce planting material is actually being left to subsidiary legislation. So, at this point in time, we do not know what those regulations are going to look like.

So, I would ask that the Government or maybe the Minister in his winding up would at least very briefly share with the Senate some of the broad strokes as to what relates to this, what the regulations will look like. Is it that farmers will be

able to save seed indefinitely? Will there be restrictions according to crop? Would the restrictions be based on farm size? I believe these were some of the questions that Sen. Vieira was also asking in his contribution. Because we do not know what the regulations would look like, we would hope that we would get some broad strokes at least as we consider this piece of legislation before us.

Even, you know, small farmers, are they going to be treated differently from large commercial farms? Will the regulations be developed in consultation with the farming community? Not the formal breeders, not the innovators, not the labs, not agri, but the actual farming community before the regulations are brought into force.

Now, UPOV itself describes farm-saved seed as an optional exception under the 1991 Convention, subject to reasonable limits and safeguarding the legitimate interests of breeders. So, it means that here in Parliament we do have some flexibility regarding the policy choices that we are going to make by virtue of implementing our own local regulations. So, I hope that the Government would at least speak to that at some point during this debate.

Now, Mr. President, I want to come to the issue that concerns me most from a local perspective, and that has to do, and again I heard Sen. Vieira go here, and I want to take it home. I want to bring it down to real experiences and how it affects us in a very real way. And that has to do with the relationship between these plant breeders' rights and our own plant genetic resources.

Now, this is not a new concern. I think when the original legislation was debated back in 1997, the Government itself actually recognized that plant genetic

resources provide raw material for plant breeding and for biotechnology. When I looked back to the *Hansard*, I think I have it up here, March 6th, 1997, the *Hansard* identified, the *Hansard* showed that several issues were actually identified. So:

“...ownership of plant genetic resources, farmers’ rights, access to plant genetic resources and technology...equitable distribution of benefits...derived from the exploitation of plant genetic resources...”—all of these considerations were examined.

Now, these concerns remain relevant today because, excuse me, while we recognize that a plant variety may be developed through years of scientific work, as the Minister for Agriculture took us through what the process sometimes looks like, we know that that kind of development often does not happen in isolation. So it might involve some genetic material that originates from our local crops, and then it might involve varieties that were maintained by local farmers, or it may involve plant material that adapted, and this is the key part here, that adapted over generations to our local climate, our soil, even pests in the soil, and of course to environmental conditions.

I see that my dear friend from Tobago just exited the Chamber. I know he would have liked this one. Local perspective, because I heard about the, I heard about the Moruga Hill Rice, I heard about, I think, scorpion pepper, but nobody can talk “bout we Blue Food in Bloody Bay”, right?

Hon. Senators: [*Desk thumping*]

Sen. Dr. Browne: Tell us now.

Sen. M. Roberts-Radgman: Now we have—“I will tell all yuh bout we Blue Food”, and I will be backed up, I am sure, by my friend from Tobago, my dearest cousin. Now we boast—“yuh didn't know that? Yeah, hear ting.” Anyhow, in

Tobago, no, now, seriously, in Tobago we boast of having our very own special variety of dasheen, and we have a whole celebration, the month of October, where we celebrate that variety of dasheen. We call it the Blue Food Festival, because that dasheen, it blue, it is properly blue.

4.30 p.m.

So, this special blue dasheen, it grows up in Bloody Bay, which is on the northern range in Tobago, and it would have evolved due to the precise soil conditions, the temperatures up there, the dampness and, basically, the ecological balance that exists in Bloody Bay. I invite you all to come up next month and experience it for yourself. Bloody Bay is a different kind of area, right. Yes, you are more than welcome to come. There is only one person who cannot come there. Anyhow, now, over the years, you would have local farmers in Bloody Bay developing specialty dasheen, and then, of course, you have your dasheen products that come from it. So, you have your dasheen flour, and we use it to make cakes. I think at one point I saw dasheen ice cream, dumpling, obviously, and I think I saw dasheen “koo-mar”. I am trying to remember where I saw it.

Hon. Senators: [*Crosstalk*]

Sen. M. Roberts-Radgman: “Koo-mar”.

Hon. Senators: “Kurma.”

Sen. M. Roberts-Radgman: I am Tobagonian. “I am Tobagonian and we does say “koo-mar”, right.”

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: “Koo-mar”. I am Tobagonian. There we go. “Sen. Jack, how we does say koo-mar?”

Sen. Jack: “Koo-mah, koo-mah.”

Sen. M. Roberts-Radgman: Alright. Good.

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Alright, but let us focus. So, this is what I am talking about.

Hon. Senators: [*Crosstalk*]

Sen. M. Roberts-Radgman: Divali coming up, I have to be careful. Sorry, I will toe the line. But seriously, listen, listen.

Hon. Senators: [*Crosstalk and laughter*]

Sen. M. Roberts-Radgman: All right. No, no, let me bring it back. So, this is what I am talking about when I flagged the issue of the plant genetic resources and, Minister, I am actually getting to the question that I think needs further exploration.

Now, with this Bill proposing a much broader and stronger intellectual property framework, it means that the Bill applies to all genre, all species, so that it protects even essentially derived varieties in specified circumstances, and it means that breeders' rights now will extend to various acts involving propagating material, harvested material and certain products that come from it. So, for instance, again, dasheen flour, the dasheen ice cream. So, that makes the question of genetic resource governance even more important.

So, Mr. Minister, one flag in here is what I see in this Bill as a lack of safeguards to ensure that the grant of a breeder's right does not result in private control over genetic resources that are part of Trinidad and Tobago and, in Tobago's particular situation, example, the Bloody Bay agricultural heritage. So, how do we then ensure that a breeder does not derive an essentially same or a variety of the same Bloody Bay dasheen, go ahead and obtain the breeder rights,

exercise private control over what we know to just be our Bloody Bay blue dasheen, and then—

Hon. Senators: [*Crosstalk*]

Sen. M. Roberts-Radgman: Yes, correct, yes. How do we ensure, how do we safeguard against that happening, and then it blocks what we thought we knew about to be part of our local agricultural heritage?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Right, as I mentioned, the beauty about this blue dasheen is that it comes from the soil conditions. So, Bloody Bay and the soil is a “wetty-wetty” kind of rich soil because of the cooler—because of the cooler temperatures. So, suppose a breeder comes now, obtains that material, develops a new variety from it, satisfies the statutory requirements and then goes ahead and receives plant breeders’ rights. What protections do our farmers now in Bloody Bay have?

And remember, we are taking this into the context that these are guys that simple means, modest living. They no longer have the administrative objection process available to them. They now have to go through a very rigid and formal, expensive, time-consuming court process to, after the fact, come and challenge the grant of this right. What kind of protection? What kind of recourse would these guys have?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: And then what does it even mean for, let us say, the THA, for instance, who usually hosts the Blue Food Festival? Now, is there any mechanism under the Bill—because I have gone through the clauses, and what I have not seen is a very clear mechanism for recognising the contribution of the

farmer or the community whose genetic resources form the foundation for what would then become the commercial variety.

And the predicament here is, can we really determine, if we are looking at this through the lens of intellectual property rights, how do we really determine who is deserving of the breeders' rights for a variety of any food? It could be the dasheen, it could be the Moruga rice, it could be any variety, but who really and truly is deserving? Who is able to lay ownership to genetic resources developed by environmental conditions? It was not a deliberate thing. The environmental conditions over years would have developed a variety, and then someone exploits it. Who really and truly is deserving of those breeders' rights?

Hon. Senators: [*Desk thumping*]

Sen. M. Roberts-Radgman: Can we even grant breeders' rights or private rights under those kinds of circumstances? And, as I mentioned, I am sure there are other examples across Trinidad where a similar situation may occur, and which I think is very worthy of further consideration and ventilation before we think about rolling out regulations as pertaining to this Bill.

Now, Mr. President, the Bill before us is primarily an intellectual property piece of legislation. That is what we are doing; we are dealing with IP rights. So, it is understandable that not all these questions will be answered as we debate this Bill, but I believe it makes it even more important for us to flag these concerns at this point and for the Government to consider these concerns and explain what complementary framework exists.

Now, as I said, back in 1997, when the Senate first considered the parent Bill, the Senate then, even the Government, which was the then Government, recognised the importance of equitable benefit-sharing and, of course, the

importance of conserving farmers' varieties. So, now that we are expanding these protections, we really need to address the concern once and for all.

Now, Mr. President, I want to return to the larger picture here, which is pretty much where I started. The Minister of Agriculture would have mentioned that Trinidad and Tobago has a very high food import bill, and, if I recall, last year's budget statement also spoke very boldly about strengthening food security. So, there is a clear national objective. We have to produce more of what we consume. But, of course, this production requires inputs such as seeds and planting material. So that when we change the legal ownership structure around seeds and planting materials, we cannot just come here and say, yes, we are increasing our way, we are improving our way, expanding intellectual property rights for breeders. We also have to ask, we have to consider and we have to address how those changes interact with every other part of the food production system. Because I have heard a lot of discussion about the plant breeders and, yes, the Bill is about breeders' rights, but within the broader context, we also have to consider what this means for our smaller farmers, who are, without a doubt, part of our food security infrastructure.

We cannot want farmers to produce more, but then we are creating a system where access to commercially protected plant material might become more expensive for them because of extensive private rights. We have to consider intellectual property rights together with food security. So, it is not just about, you know, being able to have these nice varieties and exporting. We have to think about what it means for us here. We have to consume the food as well, we have to live.

So, I am asking the Government whether it has considered certain

safeguards as this legislation is implemented. And, in winding up, these are the questions I will ask. What is the likely impact of the new plant variety protection regime on seed and planting material costs? Has there been any assessment of what it means now for farmers to be able to access these? What is the cost to them in the long term?

Second, I will like some clarity on whether, with the regulations to be established later—these regulations that would govern farm-saved seed—there is going to be consultation, not just with your breeders and your labs, but also with your farmers. I know that the Minister of Agriculture would have mentioned some consultation already with the agricultural organizations and with the researchers. So, I would want to hear also about consultation with the smaller farmers.

And then my third question will be, well, would consideration be given to what I mentioned, having an accessible administrative mechanism for challenging plant breeders' rights? So, as I said, maybe a bifurcated process where persons are able to—especially smaller farmers who might not be able to access the courts very easily—maybe give consideration to the administrative process, and then, for those who want to go on, or the bigger, the more formal breeders, they then go through the courts to challenge grants of breeders' rights on the back end.

And then, of course, the big question for me, having brought up the blue food, blue dasheen example is: What mechanism exists, or would exist, to protect our own plant genetic resources? And then, of course, stemming from that would be our farmers' varieties, and I think Sen. Vieira would have mentioned even your traditional knowledge and knowledge-sharing.

I want to place on the record that the Opposition is not approaching this Bill as a rejection of intellectual property protection or as an argument against plant

breeders. We will wholeheartedly support both. What we are trying to do is ensure that this piece of proposed legislation supports a system where you have your innovation, you have your investment—those are properly supported—but, at the same time, your farmers still have access, especially your smaller ones, and we ensure that we are still advancing national food security causes, and that these two can interact with each other and reinforce each other.

So that, if we are being asked to consider this Bill and to give support to this Bill, if the Government wishes, at this point in time, to create a stronger framework for private rights over plant varieties, then I am hoping that we would also see, alongside this framework, a national framework that protects our genetic resources and also ensures that the benefits of those resources are not divorced from the farmers and the communities that have helped to preserve them.

So, in terms of recommendations, as I wind up, Mr. President—I think I am still all right on time—I have three recommendations that I would want to place on the record on behalf of the Opposition. One would be, if the Government has not done the assessment that I have asked about—and I know you are going to hear the usual groan—but that it really and truly, I think, is one of those that would be an excellent subject for a joint select committee, where you could get more of a holistic consultation. It really is one of those that would be really good in a joint select committee. You not only hear from your formal breeders, you not only hear from agri, but you also are able to hear from your smaller farmers within your communities. So, I think that would be one of the things to consider.

My other recommendation would be for us to maybe have a look at what currently exists in Trinidad and Tobago. So, document—

Mr. President: You have one more minute.

Sen. M. Roberts-Radgman: Oh, jeez. All right. So, protect what is already there and build a living heritage register. And then my third recommendation would be to ensure that, while we are enacting this piece of legislation, we also have complementary legislation that protects farmers' rights, particularly the rights of smaller farmers. Mr. President, I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Courtney Mc Nish.

Hon. Senators: [*Desk thumping*]

Sen. Courtney Mc Nish: Thank you very much, Mr. President, for recognizing me. However, I stand today not as a Senator, but as a farmer.

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: It is okay.

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

Sen. C. Mc Nish: I stand before this Senate as an interested party. I farm Moruga Hill Rice. I farm two varieties of the five varieties of Moruga Hill Rice. I own the Moruga Hill Rice. And let me, therefore, go back and give this Senate a little context of how I, as a farmer and as a direct descendant of the Merikins, own the Moruga Hill Rice.

Hon. Senators: [*Desk thumping*]

Sen. C. Mc Nish: On the 20th of August, 1815, my great-great-grandfather, Pollinore Mc Nish, arrived in Trinidad with his wife and two children. He was a sergeant-at-arms of the Colonial Marines. He was a slave in Camden, Georgia. He ran away and boarded an English ship and, therefore, got his freedom. Obviously, the name McNish is not his original name; it was his farm's name.

He came with two varieties—he, as well as several others of his company,

came with two varieties of upland rice. Upland rice was different from lagoon rice. Lagoon rice is grown in water; upland rice is grown in dry lands, hilly terrains, does not require much watering, and depends on tropical nature, natural runoff from water off the lands.

Over the last 200-odd years, three varieties of this upland rice emerged. And I say “emerged” because it was not because of any scientific effort, but it was generally because of adaptation to the soil. You know what sapote is? Sapote is that clay. When rain falls, you “cah” walk in sapote, right? Your foot will stick in the mud. And that sapote soil runs from Rio Claro straight down to Moruga, Princes Town, and that is the heartland of Moruga Hill Rice. Raegan and his people know this. Yes, he does. Documentation on the varieties is well listed in the IPO’s office.

I planted two and a half acres of Bongo Toffee and Long Beard Rice, and I got almost 2,000 pounds. But I owe Mr. Elliott 70 pounds of seeds from Edward’s Trace. He plants rice also; his family plants rice. My traditional movement would be to call him: “Eddy, when you want to come and pick up your rice?” He will say, “Courtney, I coming tomorrow.” He has to pay for that rice? Or would I be committing a crime? Would I be in breach of these amendments by exchanging my rice seeds, my Bongo Toffee Long Grain, with Mr. Edwards?

I own the rice. This is my rice. It is my hereditary rice. We brought the rice to this country. Mr. Edwards is a Merikin also; he could make the same claim. So, now we have this difference between a breeder, a farmer, an owner, and what do we tell our farmers in Fourth Company, Sixth Company, Fifth Company that actually grow this rice?

4.50 p.m.

I therefore look forward—I am not going to be very long, Mr. President. I really look forward to the regulations because it is important, particularly when one speaks about the traditional seed management practices in Moruga, for that Hill Rice. What happens if, I would not call any company name, some big company comes, buys up 20, 40, 50 acres of land and starts to grow rice and then says, “Well, I have now developed a new variety”. What happens to my five, six acres? He can just now come and plant rice and blow me out of the water, I do not know, Mr. Minister. I think UPOV '91 is an improvement from '78, but I believe it subjects the traditional farmer, the traditional grower, to a much lower standard or level when compared to what the '78 Convention envisaged, and this is why I believe some countries are now saying that UPOV '91 is not mandatory. This is why some courts are now saying it may be unconstitutional; that does not matter to me very much.

What matters to me is that as a farmer, our rights are protected; our ties, our ownership, breeders' ties, particularly to the Moruga Hill Rice, are preserved; it is ancestral and it is hereditary. So who owns it, as Mr. Vieira asked, who controls it; as he asked, who benefits from it, as he asked. Mr. Minister, I hope you can answer those questions because they are important to me if you are going to get my vote. I thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Trade, Investment and Tourism.

Hon. Senators: [*Desk thumping*]

The Minister of Trade, Investment and Tourism (Sen. The Hon. Satyakama Maharaj): Thank you very much, Mr. President. I rise in support of the Protection of New Plant Varieties Bill, 2026 and I promise to be very brief. I stand

in the footsteps and on the shoulders of two great men, our hon. Minister of Land and Legal Affairs, who piloted the Bill, hon. Saddam Hosein, and has to be the best Minister of Agriculture and Fisheries.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: You see, when I was appointed into the Government, I went to my first Cabinet meeting, the hon. Prime Minister, she said, wait a minute, we have a \$7.2 billion import food bill? She said, “Ravi, I want yuh cut dat down by \$1 billion every year for the next 5 years”. And I want to tell you something, Ravi gets scared very easily, like most of us, because the hon. Prime Minister is very powerful, and she is very decisive and she makes you account, she always wants to know, what the objectives are and what you plan to do in one year, two years and five years and she wants to see the results.

Hon. Senator: [*Desk thumping*]

Sen. Dr. Swaratsingh: He just got two acres of rice.

Sen. The Hon. S. Maharaj: Yeah, two acres of rice. Like my brother, Sen. Courtney Mc Nish, it may surprise you, I have an interest in farming, very peripheral, not as historic as you and I have been experimenting in different areas. But I would get to that very shortly, I will be very brief. Others have addressed the legal issues and the details of the Bill. I thought it was a very simple Bill, when I heard the first speaker, I got confused and I said—

Sen. Roberts: Not only you.

Hon. Senators: [*Laughter*]

Sen. The Hon. S. Maharaj: And then I heard from probably the top intellectual property lawyer in the country, Sen. Vieira, and I was edified, very educating.

Then I heard from Minister Ravi Ratiram and I knew the Ministry of Agriculture and Fisheries is in very good hands.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: So I “doh” have to say much more except that I came from the business sector, and I know this country is a country of innovators.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: We have created, as my learned friend here, one thing we have in this country, we have “ah vibe”. We have created the only musical instrument of the 20th Century, the # steel pan and we lose it. We have created Soca, Chutney. You know, I like to travel around, go in restaurants abroad. I go into restaurants, I hear background music and almost one in four, one in five songs playing, it is Soca. And I ask myself, how come we “doh” have multi-millionaire Soca artistes, because people have come to this country and taken what we have and not rewarded us for it and it is all around.

Look at, I went to North Carolina, and I found a way to meet the people who developed Carolina Reaper, “ah fass” I know something is going on. You know the base for that is the scorpion pepper and we get nothing out of it and we have created so much in this country that we get nothing out of it. So if we are protecting our farmers and the intellectual property—now, I want to tell you, Sen. Mc Nish, I had a passion for this, for, “paw paw,” papaya, they call it, some, so I planted a little field. All got the disease called bunchy top and lost the whole crop. So I travel around, and I go to Cuba, and I am seeing nice big, nice “paw paw,” so I thought—and they are selling the seed in, big business, eh, they are selling that all over the world, so I am saying, did you find a cure for the bunchy top? They said nobody in the world has come up with that yet. And we have agricultural

scientists in this country, I think about the best in the world. When I talk to those cocoa people—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: Those people are world-class, you know. We have some of brightest people in the world and I am sure if we put our minds to it and we could develop a variety that is immune to the bunchy top disease, oil and gas would be second in this country, we can sell seeds all over the world. But we cannot let somebody—you invent, you invent it, you invest and you invent and you develop the intellectual property, and somebody walks in and takes it, another Steel Pan again.

Do you know, “I fass, you know ize travel, eh”, but I always have trips looking for business ideas, so I go to Scotland and I go to see where they make their scotch whisky and “ting,” because that is what they are famous for. And I walk inside there and I see they have a rating system. So I said scotch has a rating system, and what would happen? “We does produce rum. ” So there is no official rating system for rum until I discovered in my research that there was a body that started rating rums and they talk about the one in Guyana. I would not call the names, one here, Jamaica and Barbados, and they are giving a rating of these rums and then they said unlike scotch, that has a maximum rating of five. There is a seven-star-rated rum in the world made by Caroni from Trinidad and Tobago. The only seven-star rum ever in the world was sitting there in the Caroni, well, they shut down Caroni. Somebody come and “musbe buy it for \$100 ah drum,” and, you know what, they are selling it for minimum, the cheapest one is US \$5,000 a bottle, and we just give it away, we give it away, they come in the country and we give it away.

So I am passionate about intellectual property. Moruga Hill Rice, that could be world-class, but you see, first of all we do not protect our innovators and inventors, our people who create the intellectual property, we give away that, we give away pan, we give away every—

Look at this country, you know, France has gotten baguettes UNESCO certified, Neapolitan pizza in Italy, UNESCO certification. You see, those things, kimchi, South Korea, UNESCO certification, and people come because you invent these things there and UNESCO certifies it.

Sen. Alexander: We have doubles.

Sen. The Hon. S. Maharaj: And people come just to witness that and look at what we have. We have doubles, we have bake and shark, we have crab and dumpling and we have the best one-pot dishes in the world, pelau.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: That is our intellectual property, if we can combine that intellectual property with a vision, which we are doing in the Ministry of Trade, Investment and Tourism—

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: We are going to make Trinidad and Tobago the number one foodie nation in the world.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: And that is how you promote your country by protecting the intellectual property. So I promised to be very brief, I promised, the Minister of—

Sen. Dr. Swaratsingh: The Leader.

Sen. The Hon. S. Maharaj:—the Leader of Government Business that I would be brief and—

Sen. Alexander: [*Inaudible*]

Sen. The Hon. S. Maharaj: Not to mention, you know, too much about the actual parts of the Bill. But I want to tell you that I give this Bill my full support, but I want everyone to go further, and this is just an example.

Sen. Alexander: A tip of the iceberg.

Sen. The Hon. S. Maharaj: A tip of the iceberg, because I want to tell you when I look and we all must look and see what we have in this country in terms of opportunity to trade, investment, tourism and we have oil and gas too, you know. This is the greatest country on earth.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. S. Maharaj: I thank you very much.

Mr. President: Sen. Vishnu Dhanpaul.

Hon. Senators: [*Desk thumping*]

Sen. Vishnu Dhanpaul: Thank you, Mr. President, and as usual, it is good to see you again, I will be brief. And thank you, Mr. President, for allowing me to contribute to the debate and I hope to take the debate along a slightly different perspective.

The Opposition, Mr. President, did not come to this debate with a closed mind. We recognize the Government's stated intent to modernize our plant variety protection framework to open doors to accession that may assist trade facilitation and to align ourselves with the majority of UPOV's current membership. But strategic legislation of this kind must be weighed against its real economic consequences for this country.

Mr. President, let us be honest about where we stand, and Minister Ratiram mentioned it before, agriculture in Trinidad and Tobago has for years contributed less than 1 per cent of national gross domestic product despite the fertile lands that we possess. The Government's proponents will argue that UPOV 1991 accession, sorry—

Mr. President: Members, I am hearing this—I am trying to listen, but I cannot because I am being interrupted. So I just ask everyone to listen. Continue, please.

Sen. V. Dhanpaul: Thank you, Mr. President. Should I start over?

Hon. Senators: No, no. No.

Sen. V. Dhanpaul: All right fellas, all right. Right, the Government's proponents would argue that UPOV 1991 accession attracts foreign plants breeding investment, brings improved high-yielding varieties into the local market and over time lifts agricultural productivity and with it, as we would like, its contribution to GDP. Mr. President, that is the optimistic case, and it is not without merit. Countries that strengthen breeder's rights sometimes do see an increase in the number of new varieties registered and improved varieties can raise yield per acre but, Mr. President, the Government has provided this Senate with no economic impact assessment.

Hon. Senator: [*Desk thumping*]

Sen. V. Dhanpaul: And as we call that in Trinidad and Tobago, the word we use “shooting in the dark,” without economic assessment, “spinning top in mud”.

Hon. Senator: [*Desk thumping*]

Sen. V. Dhanpaul: No modelling of the GDP effect of this transition and no timeline by which any GDP benefit is expected to materialize. Minister Hosein and Minister Ratiram, you are developing a model here and a model must have

some level of checks and balances, some level of review. I have seen none of that in this model. We have been asked to legislate a 20 to 25-year exclusive right, a generational commitment on the strength of assertions rather than analysis. There must be some form of scientific analysis underlying the narrative.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: Before this Bill proceeds further, the Government owes this country a costing projection of the GDP impact, not a one-paragraph Explanatory Note. On the concept of employment generation, Mr. President, the picture is similarly two-sided, new plant varieties better suited to the climate and pests could support expansion of horticulture, as mentioned previously, greenhouse production and value-added agro-processing. Sectors this Government has itself identified as job creation priorities in the 2025/2026 budget, \$1.13 billion and you can correct me, Minister Ratiram, if that figure is wrong, \$1.13 billion budget allocation to the Ministry of Agriculture and Fisheries. But I ask this honourable House to look closely at clause 13 of this Bill, the new section 15 and the accompanying sections 15A and 15B. These provisions dramatically expand the list of acts requiring a breeder's prior authorization. Production, conditioning, stocking, exporting, and importing, even in defined circumstances acts touching harvested material and products made directly from it. For the small farmer, the backyard gardener, the community nursery operator who has, for generations, saved, exchanged and multiplied planting material informally, this is a materially tighter regime than what exists under the current Act.

Clause 13, farmers' privilege in the new section 15A(2) is narrower than what many of our small farmers currently rely upon as customary practice. It is

confined to reasonable limits to be fixed later by regulation. Regulation, Mr. President, that this Senate has not yet seen.

5.10 p.m.

If those regulations are drawn too tightly, we risk criminalizing practices that, today, sustain rural livelihoods, particularly in market gardening and root crop production.

The employment gains—and this is the macro concept here. The employment gains the Government promises in commercial agriculture must be weighed against the employment and livelihood risk to the informal and small farmer sector, which remains a backbone of rural employment in this country.

The case for investment promotion, Mr. President: The investment case for UPOV 1991 is the strongest plank in the Government's argument, and I will not pretend otherwise. International seed companies and plant breeders have, in jurisdictions, cited stronger 20 to 25-year exclusive rights, as provided in clause 14's new section 17, as a precondition for introducing their most advanced proprietary varieties into a market. There is credible argument that accession could attract greater foreign direct investment—and we hope so—into the local seed multiplication propagation facilities and license local production of protective varieties.

However, there is always the converse. This Senate must also weigh the other side of the investment equation. Stronger breeders' rights mean higher royalties and licensing costs flow outward, disproportionately to breeders based in developed UPOV 1991 member states, the very foreign exchange outflow that I will come to shortly.

Local investment in indigenous varieties and public sector breeding

programmes at institutions such as UWI's Faculty of Food and Agriculture could be crowded out, especially if our national breeding effort cannot compete on the same commercial terms as multinational breeders. And that is something, Minister Hosein, I think you should take note of, the multinational breeders, who are now empowered to enforce their rights more comprehensively.

As mentioned earlier, Mr. President, Trinidad and Tobago's food import bill reached approximately—and you can correct me again, Minister Ratiram—\$7.3 billion in fiscal 2024, a figure the sitting Minister of Agriculture and Fisheries himself has described as placing the country under real economic pressure by depleting our foreign exchange reserves. Vegetables, fruits and cereals alone have historically accounted for roughly \$2 billion of that annual bill.

A stronger intellectual property regime for importing proprietary seeds and planting materials with royalties, licence fees and technology payments flowing through to breeders overseas adds a new category of foreign exchange demand on top of an already strained forex position. I am sure that the Government's response will be that improved varieties can, over time, substitute for imports and therefore, reduce net outflows. I would love to see that. That may prove true in the medium to long term for some crops, but in the short term, during the transitional period, this Bill itself contemplates in clause 26 that Trinidad and Tobago will be paying both for continued food imports and for licensing access to new protected varieties; double whammy.

This Senate should demand a foreign exchange impact assessment

statement—

Hon. Senators: [*Laughter*]

Sen. V. Dhanpaul: I do not want to have to start over again, you know, Mr. President. Mr. President—

Hon. Senators: [*Interruption*]

Sen. V. Dhanpaul: Should I sit?

Mr. President: [*Inaudible*]

Sen. V. Dhanpaul: Okay. This Senate should demand a foreign exchange impact assessment from the Central Bank before this Bill is passed into law.

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul: There is absolutely nothing wrong with asking for that.

Sen. Roberts: Yeah, but not from you.

Sen. V. Dhanpaul: Mr. President, directly linked to the forex question is the food import bill itself. The stated national policy, repeated across successive administrations, and reaffirmed in this year's \$1.13 billion agriculture budget, is to reduce our dependence on imported food. UPOV 1991 accession is being sold in part as a tool toward that goal. Better varieties, higher local yields, less need to import. I do not dismiss that logic entirely, but this is a much broader-reaching regime than the one it replaces.

If the intended local seed and propagation infrastructure to capitalize on this broader access is not built in parallel—extension services, certified multiplication facilities, farmer training—we risk ending up with the compliance cost of UPOV 1991, without the import substitution benefit it is meant to alter. That is why I mentioned shooting in the dark. There must be a model.

Food inflation: This issue touches every household in this country most directly. The same Minister of Agriculture and Fisheries has publicly linked our food import bill to exposure to global supply chain disruption and price volatility that fuels inflation. Correct. The Government's argument is that domestically adapted, higher yielding protective varieties will, over time, ease supply pressure and moderate prices at the market stall.

The countervailing risk, Mr. President, is that royalty and licensing costs embedded in the price of protected seed and planting material get passed down the supply chain to the farmer, and from the farmer to the consumer. It is a vicious cycle. At the very moment, we are asking working families to absorb a higher cost of living. Nowhere in this Bill, nowhere in the Explanatory Note, is there any provision addressing seed price regulation, nor any mechanism to ensure that any productivity gains from improved varieties are shared with consumers—nothing is passing down—through lower prices, rather than captured entirely as breeder royalty and importer margin. I was going to speak about food security, but Sen. Vieira already discussed that, and I do not want it to be repetitive.

Mr. President, the Opposition is not opposed, in principle, to Trinidad and Tobago strengthening the plant variety protection framework of pursuing UPOV 1991 accession. We recognize the potential upside for investment, for access to improved varieties, and for our standing among trading partners.

But this Bill asks the Senate to commit the nation to a stronger, longer, more commercially restrictive intellectual property regime, with real and largely unquantified consequences for smallest farmers, our foreign

exchange position, the price of food on people's tables, without the accompanying economic impact assessment, regulatory detail on farmer's privilege for forex, and price monitoring that change of this magnitude demands.

I therefore call on the Government to refer this Bill to a joint select committee so that the farming community—

Hon. Senators: [*Desk thumping*]

Sen. V. Dhanpaul:—the Trinidad and Tobago Manufacturers Association, agricultural economists, and the Central Bank may be heard before we bind this nation to 20 to 25-year exclusive rights, whose full cost to our GDP, our jobs, our foreign reserves, our import bill and our grocery prices, this Senate has not yet been shown. I thank you, Mr. President.

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

Sen. Roberts: [*Inaudible*]

Sen. Dhanpaul: [*Inaudible*]

Mr. President: Please, Sen. Dhanpaul, do not get into his crosstalk. I think this is a good time for us to suspend, and we can have some light hors d'oeuvres and refreshments. Okay? I would like to suggest we resume and Sen. Francis Lewis, you are next. Okay. When we resume and we come back at around five past six. This Sitting is now suspended until 6.05 p.m.

5.20 p.m.: *Sitting suspended.*

6.05 p.m.: *Sitting resumed.*

Mr. President: Sen. Francis Lewis.

Hon. Senators: [*Desk thumping*]

Sen. Francis Lewis: Thank you, Mr. President, for the opportunity to contribute

on the debate on the Protection of New Plant Varieties (Amdt.) Bill, 2026. I support innovation. It is an area of my own research and scholarship. I support intellectual property. I support giving plant breeders the protection they need to develop new varieties as they bring them to market. And more especially, as both Ministers have pointed out, I support the goal of strengthening our entire agricultural sector. Yet, I am discomforted. I found myself more heartened to the contributions of Sen. Rose and Mc Nish, and less so to my colleagues Sen. Vieira and the Ministers. Not that I am disagreeing, it is an inclination, but allow me to explain.

At the discomfort, I wondered what was causing it. And I wonder if the major vulnerability in this legislation is that the system it proposes protects the breeders, not necessarily the farmers and the communities that develop the traditional crops. Mr. President, a word that came up, as I am researching this, is a word that was coined in the 1990s, “biopiracy”. It was coined in the early 1990s by a Canadian activist, Pat Mooney, and amplified globally by an environmental thinker, Vandana Shiva. Consider one of the major cases that led to that. It is often discussed and presented as the “basmati controversy” involving RiceTec, a Texas company, and India.

In 1997, the US Patent Office granted RiceTec Inc. a broad patent titled, “basmati rice lines and grains”. RiceTec had been to India, or sent their researchers. They talked to the farmers, they took samples, and what they sought to do was cross-breed traditional Indian and Pakistani basmati seeds with American long-grain varieties to create a semi-dwarf, high-yielding hybrid strain.

However, RiceTec went beyond talking about the product that they

developed. They sought and were given, at least initially, exclusive ownership over the hybrid lines and specific breeding methods, and monopoly rights over the specific characteristics of basmati, such as its unique aroma, and all that goes with—and grain texture, and all that goes with what we know of as basmati rice. And they sought, under that, the right to market any rice grown in the Western Hemisphere possessing these traits under the name basmati. In other words, they wanted to own the name. All hell broke loose in India.

Basmati rice had been meticulously bred and cultivated for centuries, millennia, by farmers in the foothills of the Himalayas, spanning both India and Pakistan. The economic threat was that Indian basmati exports, if this claim was being honoured, could affect and be worth hundreds of millions of dollars. If an American company held a patent on basmati characteristics, the potential meant that Indian farmers could be blocked, unless they paid RiceTec a fee, from exporting to major US and European markets.

The outrage was expressed in India, with activists and NGOs calling the patent a blatant, “theft of collective biological heritage”. What that basmati controversy, dispute, forced was that developing nations needed to realize they could not rely on assumptions of tradition to protect their resources. It took the might of the Indian Government. This is a country that led the Green Revolution in the 60s and 70s. It took the might of this entire Government, with the resources required, to fight this case, and ultimately, of the 20 claims that RiceTec sought, I think they retained five, if I recall correctly.

That leads me to this. As we modify our laws, as we sign up to these

conventions, do we create exposure in ways that are unintended? I believe that the intentions are good. Who will stand with our breeders and our farmers when others seek to exploit that? And that concern was not just with basmati rice. There was a turmeric battle about the healing properties of the plant. There was a neem tree dispute about the antifungal monopoly that was thought to be created around neem. And one could research the *Monsanto v Schmeiser* case in Canada, where Monsanto is growing their crops next door to a farmer and claims that the GM crops that inadvertently seemed to cross from their fields into his, that he could not market it. It created legal burdens, and I think that is in part where my discomfort is coming from.

I appreciated the hon. Minister's opening presentation, in particular the questions which he raised, which had been rattling around when I first read this Bill. If Parliament is being asked to modernize agricultural intellectual property law, should we also simultaneously not be, as a Parliament, connecting this to demonstrate how this reform will help reverse, as many speakers have indicated, the underlying decline in domestic agricultural production, and to transform the sector?

In other words, I am positing that it is not simply enough to change this law—and I do not want to stray into irrelevance. But the law is a means to an end; it is not an end in itself. And that end has got to be greater food production, self-sufficiency.

Mr. President, we have to be careful not to confuse protecting agricultural innovations, as worthy as that is, with strengthening agriculture itself. They are related, but they are not the same. This Bill modernizes our

plant variety intellectual property regime. It seeks to bring Trinidad and Tobago in conformity with the 1991 UPOV Convention. It is legitimate. It provides greater certainty for breeders who use it. It can encourage investment. It can create opportunities for commercialization. And as the Minister pointed out, it can give Trinidad and Tobago's breeders, our innovators, something of real value to protect.

What some of these earlier cases, as I am looking at it—and let me say that I felt somewhat not a fraud, but I felt a question whether I should speak. I am not a farmer. I am not a lawyer. But if and when somebody finds something of value, and it needs to be protected, somebody here has developed this, a scientist here, a farmer, an agriculturalist, who stands with them when others seek to exploit it, whether inadvertently with them, unfairly, or whether they decide, “Well, take me to court and we can see what will happen”? Who stands with it? That is my first big concern.

But the Minister—both Ministers raised another fundamental question in their earlier contributions: How will this Bill help us to produce more food, more competitively in Trinidad and Tobago? It is not directly an IP issue, but it is at the heart of what it is about.

6.15 p.m.

The realities, as speakers have mentioned, are sobering. Agriculture, forestry, fishing, accounts for only a very small fraction of our national economic output, and the latest indicators, for over 15 years, have indicated a contraction. The question, and I am sure this is one that is of concern to the Government, as it is to many citizens, is: How do we reverse the decline in agricultural production? I think that is a very worthwhile effort, and if we can use initiatives such as this, all

to the better. A stronger legal framework is useful.

As farmers and our citizens, however, cannot eat intellectual property rights. A farmer has many needs, whether it is seeds, affordable inputs, water, land, technology, finance, extension services, markets, and ultimately finding a reasonable return for the work that they do.

So, my hope is that this Bill is not seen as a destination, but as one piece of a much bigger strategy, and in connecting the various assets that we have, whether it is CARDI, the University of the West Indies, the Ministry's own agricultural research capacity, the National Seed Bank and valuable germ plasm, and farmers with generations of practical knowledge.

The question I have is, who will develop a focused national plant breeding programme around crops where Trinidad and Tobago has a realistic opportunity of increasing production and reducing imports? And inside of there, I am not looking to do that for a hundred crops, maybe 10, and to concentrate the research and the seed multiplication and extension and market development around that, because there are many calls on government and national resources. How does this fit as one of the building blocks to enable that to happen, where public money funds the research to help ensure the resulting intellectual property serves a very real, clear public purpose?

You know, there is another opportunity here. The Bill expands the protection of plant varieties. How do we ensure that Trinidad and Tobago varieties become more valuable in terms of intellectual content? How do we turn this economic potential, economic development tool, into an economic development tool, rather than simply legal protection? The Bill mentions farmer exception, and here details matter.

It is not fair to ask the Minister to bring the Bill to bring the regulations required, but it is in those details where the regulations that follow have to provide farmers with reasonable limits and subject to safeguards, for using harvested material propagation on their own holdings, as mentioned by my colleague. Those limits will be determined through regulations. How will we engage farmers meaningfully before those regulations are finalized? In other words, how do we get, Mr. President, the balance right? How do we reward the breeder, protect the innovation, but keep the farmer in the system?

Mr. President, I do not want Trinidad and Tobago to become simply a country with modern agricultural legislation, as useful as it can be. I want us to become a country with modern agriculture, and therein lies the difference. In deciding on this Bill, we are required to make choices, and there will always be trade-offs. This Bill can become one of the better choices, but only if we connect it to the regulations to follow, and to the production that it must enhance.

So, I support the strengthening of the protection of genuine agricultural innovations, and I would challenge all of us with, how do we show the bridge between intellectual, or better, intellectual property reform that we are debating today, and the agricultural transformation that Trinidad and Tobago also needs today. Rome was not built in a day. It will take one step at a time.

So, I am looking forward to seeing substantive measures and initiatives developed in much greater detail in the appropriate forum, and the first one that comes to mind is in the 2026/27 national budget, which we expect to see in the coming weeks. Mr. President, let us, as we carry forward with this legislation, bring this debate forward. How do we provide for the investment and the effort to not simply protect varieties on paper, but for more food to be produced in Trinidad

and Tobago? Thank you, Sir.

Hon. Senators: [*Desk thumping*]

Mr. President: The Minister of Planning, Economic Affairs and Development.

Hon. Senators: [*Desk thumping*]

The Minister of Planning, Economic Affairs and Development and Minister in the Ministry of Finance (Sen. The Hon. Dr. Kennedy Swaratsingh): Mr. President, thank you very much, and thank you for allowing me to contribute to this debate. My leader has given me 15 very precious minutes.

Hon. Senators: [*Laughter*]

Sen. The Hon. Dr. K. Swaratsingh: And I intend to try to use all 15 of them. I wish I had a longer time, because I had so much to share, but I am being harassed by the rice farmer opposite, Mr. President. But let me just say, Mr. President, I thank all my colleagues for contributing to this debate, and I find myself more, of course, in line with my colleagues on this side, and Sen. Vieira, than three colleagues opposite.

Biopiracy is what this Bill seeks to protect against, so that persons who are innovating and innovative in their development of specific things—so they can be protected. When Sen. Lewis talked about how we develop more food, I know Sen. Vieira would have spoken about food security and so on. At the end of the day, you have to create an ecosystem, and it starts with this legislation. If we do not modernize and change the legislation, we cannot build the ecosystem.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: In fact, when you and the Minister of Agriculture and Fisheries reminded everyone that the contribution to GDP for the

agricultural, forestry and fishing sectors over the last five years has been dwindling, and until we have had a very innovative Minister of Agriculture, not just focusing on agriculture, but focusing on agri-processing, now we have a more meaningful contribution to the GDP.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: But I will talk a little bit about that. But I also want to say two other things. I had the privilege of visiting an agri-processing factory in central Trinidad, and in fact, the owners of that factory were invited to Barbados by the current Prime Minister, and she said to them, what do you need to build this factory here? So, whatever you need, write it down, and it is yours.

They gave them a building, gave them all the incentive they need to build a factory. Why? Because in Barbados, the UN is building warehouses to stockpile foodstuffs, so that in the case of natural disasters, they have a place in this part of the world, and they used to use what is called in the military, called MREs, Meals Ready to Eat, but we have a factory for producing dehydrated products that they want to produce in Barbados to be used there. The beautiful thing about that factory is that they have developed machinery that they have designed themselves, because the dehydrated food has no preservatives in it.

What they do is that they use every aspect of that. If it is, let us say, sweet potato, they would clean the potato, skin it, and whatever else, make sweet potato fries. All the products coming out of it, they will then use to make mashed sweet potato, and then they will further process it into sweet potato wine. So, they use everything coming out of that. That is the type of innovation we already have here in Trinidad and Tobago.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: So, Mr. President, there is a simple principle at the heart of this legislation. When a citizen, a farmer, a scientist, a researcher, an entrepreneur creates something new through knowledge, skill, and investment, our legal system should provide a credible mechanism for that innovation to have value. And that is what this Bill seeks to do.

Hon. Senator: Monetize innovation.

Sen. The Hon. Dr. K. Swaratsingh: To give value and the ability to monetize innovation.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And that is why Senator Mc Nish should be encouraged by this legislation, because this legislation is for persons like him.

Sen. Rose: [*Inaudible*]

Sen. The Hon. Dr. K. Swaratsingh: Not you, Sen. Rose, not you, but Senator Mc Nish.

Sen. Rose:—[*Inaudible*]—1991.

Sen. The Hon. Dr. K. Swaratsingh: If you plant rice, you will feel like Sen. Mc Nish.

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

Sen. The Hon. Dr. K. Swaratsingh: The purpose of this Bill is not to answer whether we should recognize innovation. We already do through the UPOV.

Intellectual property, Mr. President, must be—and Sen. Vieira pointed this out to me some time ago—an instrument of economic diversification and prosperity. So, the amount of money we are leaving on the table by our failure to recognize the innovations we have in Trinidad and Tobago, especially in the agricultural sector, as it can lead to agri-processing, food security, increased supply

chain, you name it. What we are doing is not allowing citizens of the country to monetize.

I want to say one more thing before the rug is pulled from under me. Because one of the things that is also important in that whole ecosystem is support for the SME sector. The Minister of Labour and Small Enterprises, and I do not want to misquote him, but from my memory, the Minister of Labour and Small Enterprises would have said to me that, in NEDCO, I think that falls under the Ministry of Labour and Small Enterprises. That in NEDCO, over the last 10 years, you know what they have been financing? The purchase of cars, vehicles.

What we should be financing is creating an incubator for the SME sector to develop so that we can provide the right kind of support for young entrepreneurs, especially in the agricultural sector, to develop the skills and the requirements needed in order for them to become meaningful participants in growing the whole ecosystem that we are talking about.

And, so for far too long, the conversation about economic diversification, Mr. President, and transformation has sometimes been framed only around replacing one industry with another. But true economic transformation, especially in this modern era, requires us to build an economy that can create, own, protect, and commercialize knowledge.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: One of the other things that I think is coming, especially in modern business today for food and food security, is countries of origin. And that is one of the things that I think Trinidad and Tobago has also become benchmarked on. For example, the Scorpion pepper we talked

about earlier on, and geographic identity about a product whose name itself points, like in this case, to a rural community, as in the case of Moruga, whose reputation has become international. Geographical identity and country of origin—Angostura, for example, is known as a product of Trinidad and Tobago.

Mr. President, I had quite a few more things to talk about, but I just want to end on a couple of things. UPOV provides a legal framework for intellectual property protection of new plant varieties to safeguard breeders' rights. Its main purpose is to encourage innovation by granting legal protection, to ensure availability and access to improved and diversified plant varieties, to support agricultural market growth and international trade, to foster cooperation and harmonization among member states.

Mr. President, this framework is an important ingredient to the pillar that we are trying to develop in finance and in planning. And that pillar encourages, through empowerment of entrepreneurs, the focus on research and development, where we can unlock opportunities and strengthen new and existing industries. It is through efforts such as these, and through legislation such as this, that we can secure macroeconomic stability and ensure prosperity for generations to come.

Food security, agriculture, and enhancement are core components of this Government's economic transformation plans. And while Sen. Lewis would like to create the whole tapestry, we do it one frame at a time, with one piece of legislation at a time, and I want to thank my colleague.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: That is precisely why we have broken up some of the—to create a special focus on areas such as land and legal affairs, an

area that needed special focus that did not have it before.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: And when we talk about the contribution of our Prime Minister, because she was the first Minister of Legal Affairs, so when she speaks to us about these matters, she knows that of which she speaks.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: So, Mr. President, innovation in agriculture and horticulture, and by the way, when they decimate the Horticultural Society, I hope they go back now after this and say mea culpa. Production of diverse high-quality varieties of fruits, vegetables, ornamental and agricultural crops provide increased income for farmers and employment of persons. I cannot but commend my colleagues, especially the Minister of Agriculture and Fisheries, and the Minister of Land and Legal Affairs, because this was prefigured in our manifesto.

When we campaigned in the 2025 election, we spoke a lot on the campaign trail about agriculture and food security, stating that it would become a cornerstone of our economic diversification, job creation, and food sovereignty strategy. And that is why we are committed to bringing legislation such as this. We are committed to making sure that we are proactive and urgent in our strategy.

We talked about what we need for El Niño, where the world is going from a geopolitical perspective, and where we are going in terms of climate change. So, this is an important pillar, and that is why this legislation is so critical to what we want to do.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. Dr. K. Swaratsingh: So, Mr. President—I am not so sure if I have

used 15 minutes yet. But, Mr. President, it would be remiss of me if I did not address one or two things that Sen. Dhanpaul would have spoken about.

Sen. Dhanpaul: *[Inaudible]*

Hon. Senators: *[Laughter]*

Sen. The Hon. Dr. K. Swaratsingh: Should I say, Kumar?

Hon. Senators: *[Laughter]*

Sen. The Hon. Dr. K. Swaratsingh: I am only kidding, Senator; my apologies. No, but it is important, and I think Sen. Dhanpaul did talk about the contribution of the agricultural sector to GDP—I am feeling cold, Mr. President; my apologies, I am shivering.

To GDP, and I think that is an important contributor. That is the reason why I hope that we will have your support in this piece of legislation, because the contribution to GDP cannot only be from the farming sector. We have to go further and encourage the agri-processing sector. For example, milk production dropped from 4 million to less than 2 million.

In all these sectors, in all the agri- and agri-processing sectors we have, there has been a significant drop from 2020 to 2025 to now. So we have to really do more to encourage farms to get back into production. We have to do more to encourage the SME, the small and micro-producers. Right now, we are making ghee, ice cream, yogurt. In fact, one of the producers of yogurt in the country credits CARIRI with helping them build the yogurt industry here in Trinidad and Tobago.

We have an opportunity now, as Sen. Vieira would have indicated, and I agree with him. We are almost at a tipping point where we need to go full steam ahead in encouraging persons to get into farming, agri-processing,

and to start to build the framework of food security, and it starts with legislation such as this. So, I want to commend the Minister, commend this Bill to the House, and hope we get the support of everyone.

Hon. Senators: [*Desk thumping*]

Mr. President: Sen. Faris Al-Rawi SC.

Hon. Senators: [*Desk thumping*]

Sen. Faris Al-Rawi SC: Thank you, Mr. President.

Mr. President, this is a very interesting debate, a topic which really has different perspectives. In particular, it is a balancing of rights. It seeks to amplify the protection of new plant varieties, existing law, Chap. 82:75, to move it away from its original treaty base in 1978, and to take us to a 1991 Convention. It has, therefore, a legitimate aim. It is intended to deepen innovation and thereby spark economic activity by allowing for a broader spectrum of protection. On the other hand, there is another legitimate aim which we must focus upon, which I think Sen. Rose and several others have raised this afternoon into this evening, and that is those who will be affected by the widening of the gate of protection.

Sen. Mc Nish asked a very important question. He premised that he was, by way of declaration, an owner, as he put it, Merikin in descent, of Moruga Rice. He described the situation of having been on the land together with others, and he asked a very pointed question. He said, will I, as the owner, have a treatment under this Act that I can understand? I am paraphrasing, of course. What is the effect of this law going to be on persons such as him who are owners, i.e., for 200 years in descendency, working the land with two variants coming to five in the type of rice, as I understand he has explained to us?

6.35 p.m.

What I can say when I look at the Bill is that clause 10 certainly removes the concept of owner because we have harmonized in clauses 4 and 12 a particular approach. So if I look at clause 4 of the Bill, a breeder whom we are now protecting by this Bill means:

“(a) a person who has bred, or discovered and developed, a variety...”

Perhaps that fits Sen. Mc Nish’s hypothetical, albeit pointed one in a declaration. Hypothetical, insofar as it applies to others, but pointed insofar as that it applies to him. But it goes on now in a broader way, this new definition in clause 4 to say, 4(a):

“(b) a person who is the employer of the person referred to in...(a);

(c) a person who has commissioned the work of the person referred to in...(a); or

(d) the successor in title of the person referred to in...(a), (b) or (c)...”

Now that is not uncommon in intellectual property rights.

This law articulates with the Patents Act, insofar as certain procedures are expressed in the Bill to operate under the Patents Act. It has a connection to the trademarks law, insofar as the utilization of designations has an impact on trademarks that can apply at the same time. It says so in the Bill. It obviously would have certain aspects of copyright attached to it. It may have industrial design as a corollary and a spin-off on it. So, it is within the pack of intellectual property rights.

Sen. Vieira put it forward in a very interesting way to say, this is the first—this law is unique because it protects something that is living. But to answer Sen. Mc Nish, the fact is that unless there was a demonstration of novelty, something that is new to fit within the clauses of this Bill and that is clause 7. Clause 7 sets

out a new concept of novelty and that novelty must be something which is outside of that which is already known.

So, to answer Sen. Mc Nish, that which he has right, now will not be protected, is not currently protected under the existing law unless he registered it under the law as it is. But what this Bill does, and I am grateful to Sen. Mc Nish for putting the platform for discussing the specific clauses of this law, what it does is that it allows the entity which is first in time, and by that, I am referring now to clause 10, for the purposes of entitlement to protection. You can be a natural person, meaning an individual or a legal person. But anybody coming into the definition to capture the label of breeder, coming to capture the entitlement to protection under clause 10, which is new to section 9 of the Act, the modifications to it, anybody who takes genetic material within the parameters of the new section 15, 15A and 15B, which clause 12 brings to us, anybody that modifies that existing position taking material, of course, under section 15A will not be an infringement to the breeders' right.

Because you are taking something like the Moruga rice, you do not breach anything there even if it was registered, you are allowed to genetically interfere or manage or innovate upon that, and once you apply for protection and you have met the conditions set out in the Bill, that is, you have not been longer than one year on the market or four years on the market elsewhere, there are conditions both in Trinidad and Tobago and outside of Trinidad and Tobago, once it becomes something that is new and novel and capable of registration and meeting the satisfactions, that person who innovates it is now the winner.

Now, what does that mean? Does it stop the production of the example of the Moruga rice? No, it does not. But this Bill is really talking about the

economies of scale. Because as Sen. Dr. Rose was saying earlier, really and truly we must bear in mind that the persons who are entitled to protection can be global entities. Anybody that is a participant under this Bill, it says anybody who is a participant in the Convention, which we are putting in by way of amendment of section 4 of the Act. Clause 4 deals with the amendment to section 2 of the Act. Anybody who is a convention member who was to come to Moruga, by way of example, take the rice without breaching section 15 rights, under the cover of section 15A which is new in this Bill, thanks to clause 12, and develops it, from what I am going to use now is big farmer, F-A-R-M-E-R, this time, big farmer on the back of a world that is now on steroids on artificial intelligence and the rapidity of development.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: If that person under this law that we are doing today, and we go to clause 10 and we look at the amendment to section 9 and section 9(4) says, the priority is the person who files the application first. So once you have the ability, the talent and the pocket to come into our jurisdiction, because all species and genera are now covered, once you are first in time you are good to go.

Now I heard somebody opposite say, what is stopping them now? That person clearly did not read the law as it is

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC:—or the law as it is proposed to be read because only scheduled items have protection right now. So, unless you are in the cocoa, heliconia or certain other aspects, there is no protection, so the gateway is extremely narrow. Now there are pros and cons.

Mr. President, as I am speaking to you I cannot help but notice the very hard-

working team from the Intellectual Property Office here. They have worked, some of them for four or five different Cabinets in this country.

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC: They are the epitome of professional competence in this country and once you see them and you have had the pleasure of working with them you know hard work went into this law. So, it is not an easy thing to stand up and look at learned Senior Counsel, Regan Asgarali, who is the head of the IPO right now, and say that this thing has sinister purpose. Not when you know the quality of people in that office and you know that they come here with sincere effort. So there is a legitimate aim.

Any law must be analysed upon its impact and today part of the impact that we must look at in the very vivid example that Sen. Mc Nish has brought forward is, what is the breadth of opening this door to big farmer capable of becoming big breeder, capable of becoming first in time registered under the provisions of this law and registration then gives you some very traditional looking intellectual property rights. The right to exploitation, the right to commercial advantage, all of that is perfectly permitted. It is a legitimate aim, but, Mr. President, are we in that league where today we should be deciding to open that door. That is the real other legitimate aim that we are speaking to.

I have addressed the first legitimate aim and I recognize it. The Bill is rationally connected, a legitimate aim to the proportionality argument. It does not go beyond the measures that it should go. There is a fairness and a balance, that is when you look at it as a pure lawyer. When you apply it to the field—let us go to the SME example that Sen. Dr. Swaratsingh mentioned.

Sen. Swaratsingh was talking about the SMEs, et cetera. The SME sector has

literally crashed in today's world. Sen. Dr. Swaratsingh was speaking about milk. I wondered if he was going to tell us that there was a replacement for Nestlé closing down which everybody associates milk with. I am not saying this to be pejorative but the market is under pressure. And when you look to the swinging of these doors in its breadth, we have to ask ourselves that question. Are we at the appropriate state and time? Perhaps we are, but it really must be dependent upon the data which stands behind this argument.

I understood that that is what Sen. Lewis was saying, I understood that is what Sen. Roberts-Radgman was saying, I understood that is what Sen. Dhanpaul was saying, all of the Senators that spoke here this afternoon are saying, listen, the data must speak to where we are because in particular if you look to the United Nation's publications on peasant farmer interests it is not too far a remote a conversation. You can substitute the UN article that Sen. Rose referring to "peasant farmers" and you can simply use what Sen. Mc Nish put here today Moruga farmers as an example, just putting it in context.

But, Mr. President, what was interesting, if you go, and I want to compliment the Intellectual Property Office for the excellent material that appears on its website. Its website has a very fair and proper balance of articles and information available. And there was one article in particular that I thought was very useful and it is called, "UPOV: Report on the Impact of Plant Variety Protection". And with your permission, Mr. President, I would like to read from that as it relates to several clauses in this Bill, Mr. President, in particular, if I go to clause 12 of the Bill, clause 10 of the Bill, clause 4 of the Bill. At pages 4 and 5 of this article, it says:

"In order to provide a meaningful study on the impact of PVP—that is Plant

Variety Protection—it is important to understand the purpose of such...intellectual property rights and, equally important, aspects which are not appropriate to be included within the realms of such a system. With respect to the purpose of a PVP system, UPOV clarifies that its mission is “To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.”

It says that:

“...UPOV system ...is...to encourage innovation in the field of plant breeding...”

But listen to what this says:

“In an effective system of...”—Plant Variety Protection—“the development of new varieties of plants will be encouraged where there is commercial viability, but in cases where there is no existing or potential, commercial market for varieties, the presence of...”—plant variety protection—“system should not be expected to encourage the development of new varieties...”

Stick a pin.

Is that apposite to us? Does it relate to our circumstance? Surely it does. The Minister of Agriculture and Fisheries has told us, the Minister of Trade, Investment and Tourism has told us. We know that the food importation bill is close to \$7 billion. Sen. Dhanpaul raised a critical issue associated with this Bill, and I am going to speak on a different aspect of it now. If you look at the food importation bill raised by the Members of the Government, with the allegations that this is somehow going to assist that. When you read the UPOV analysis of itself, the question is, can it really

happen? Because where it says:

...there is no commercial market for a particular crop but where plant breeding is still considered to be necessary, breeding may be supported by the public sector.

Now, in treating with the Bill now, Mr. President, and in looking at this it is important when we get to the remedies approached in the Bill. The Bill says, instead of damages, we are going to amend that, and we are going to put equitable compensation. The Bill provides that in the context of compulsory licensing, because compulsory licensing can be used as a method to treat with the farmers, the Moruga farmers I am going to say this afternoon as an example. When we look to part 14 of the Act licences and legal proceedings by licence. When we look at clause 24 of the Bill and we look to compulsory licences and the amendments that we are putting in here, Mr. President, what we are asking the population to do is to accept, take the widening of the door, allow international breeders to come into the context, give those that have the money and power, the persuasion, the financial backing to come to our jurisdiction, enter through the door by the new definitions, by the association with the treaty, come in first in time and lock out the market.

But it is only if it is in the public interest that this Bill says that you can cause a compulsory licence to happen. And where does a compulsory licence and this amendment that we are proposing says that there is to be equitable compensation, what currency do you think that is going to be, Mr. President, to an international agency that owns the breeders' right, that is commercially exploiting it elsewhere on the back of Trinidad and Tobago's

innovation, we are talking in a forex conversation exactly as Sen. Dhanpaul flagged.

So, whilst there is an intention and a legitimate aim in seeking to cause innovation, we must as a small nation economy that has largely been dependant on our oil and gas sector and that desperately wants for decades and decades to diversify, we have to be conscious of the reality that it is more likely than not going to be the case that big farmers are going to enter the market access legitimately the innovation breeder categorization—

Sen. Smith: Mr. President, I rise on Standing Order 53(1) (b), he mentioned big farmer already. Tedious repetition.

Mr. President: Yeah. Well, I think you make your point, so you could continue, but just—you made that point so let us move on.

Sen. F. Al-Rawi SC: Sure. Mr. President, in assessing the privileges of this Bill we are in a situation where we have to ensure that we are not on the road to the inferno with the best of intentions.

Mr. President, I turn to a couple more points. We have in our laws associated with this Bill, articulating with this Bill, quite an interesting potential. If you look at the accession of UPOV and you look to St. Vincent and the Grenadines and you look to Jamaica's intended accession and utilization of 1991 UPOV Convention, the first thing that everybody will tell, St. Vincent and the Grenadines went for it on the back of cannabis. We have a Cannabis Control Act. It is not yet proclaimed; here is a potential there. But when we are looking at the clauses in this Bill that tell us the criteria to become a breeder, to access protection under the law, the question raised in my mind, should we be borrowing from that which we put by way of protection in the Cannabis Control Bill, now, Cannabis Control Act?

Should we be insisting on local content? Should we ring-fence and mark our territory, not only by the pride of our geographical indicator and geographical origin, but should we also be saying if you want to qualify in the definition of breeder which we are putting in to clause 4 of the Bill, and if you are going to be a convention member, an international organization member, a contracting state member, that is not an individual in Trinidad and Tobago, notice not a legal personality I am saying, an individual, should you be in this law contemplating minimum content, local content by way of law. Guyana has done it. We did it in the Cannabis Control Act. Should we be in a precautionary measure seeking to amend clause 4, seeking to amend clause 12, should we be introducing local content ring fence?

Should we be equally considering, as we did in the Cannabis Control Act, should we be looking at the mandatory participation of by express legal language, not only local content, but impoverished local content? Should we be taking advantage of the advice given to us by UPOV itself in the report that I just referred you to and saying that the State should underwrite the involvement of impoverished local farmer content in accessing breeders' rights. This becomes extremely important if you look at clause 21 of the Bill.

Clause 21 of the Bill has removed the opposition Part X proceedings. It has instead, in clause 21, introduced the concept of invalidation. And when we look at that, Mr. President, and I am going to take it from a very different angle as touched on by others. When we look at the replacement invalidation, who qualifies as an interested person, the new section 32(1) starts of:

“An interested person may apply to the Court for the invalidation of the grant of a plant breeder's right

Mr. President, Court is defined in this Act, and it remains undisturbed, but it is relevant in that amendment—

“‘Court’ means the High Court established by the Supreme Court of Judicature Act...”

That, Mr. President, is a move in a direction of unaffordability. And the access to justice which we seek and must have our eyes on, particularly as we look to the impoverished potential breeders, falls for consideration in the new Part X invalidation.

6.55 p.m.

The question lies in section 32(1), as it is going to be replaced now. Who is an interested person? What is the locus in that?

Now, Mr. President, if you go to the new sections 15A, 15—15A, 15B, and you have a look at clause 13, Mr. President, and you recognize the provisions inside of here, the question stands: What are going to be the conditions of “reasonable limits” in clause 15A(2)?

“The breeder’s right shall not be deemed infringed by farmers who, within reasonable limits and subject to the safeguarding of the legitimate interests of the holder of the breeder’s right, uses for propagating purposes on their own holdings, the product of the harvest which they have obtained...”

So, in answer to Sen. Mc Nish, this is not you, Sir. You cannot pay your neighbour with your propagation; that is a breeder’s propagation, something that is protected. You are out. Do not look for this. You would be in breach of the law. And when we get to the reasonable limits, and we get now, Mr. President, another clause of the Bill, and we get to savings and transitional, which is clause 26, and we go to clause 25 by cross-reference here now—clause 25, which treats with

regulations and registers—Mr. President, it struck me: We are amending the Act, but when you read the regulations, the regulations would still exist. They lie unamended, refer to opposition proceedings and refer to a number of things that are being removed from the parent law.

So my question is: Why have we come today and not amended the regulations expressly, particularly when we have transitional provisions that apply by virtue of clause 26? Perhaps it can be answered by saying that the regulations can be promulgated after, Mr. President. The Minister may make regulations to be prescribed in this Bill, in addition to the following matters. But, Mr. President, there is no prescription trigger in the new section 15A brought on by clause 13. So, the “reasonable limits” and “subject to safeguards” are not to be prescribed.

So that means, if you want to even pay yourself—because we have answered Sen. Mc Nish. He has no protection here. By “he”, I do not mean him; I mean in the hypothetical example. But, Mr. President, the reasonable limits which Sen. Vieira looked at and said that the regulations hopefully would speak to that—there is no trigger for prescription of reasonable limits here. So, we cannot put it in the regulations.

Do we intend to put it in the regulations, or are we bound to go to court? Because you are going to run afoul of an offence here. So, Mr. President, these are not small issues. There is an excellent intention on the part of the Government. Hopefully, someone is taking notes for the Minister because he has not paid any attention to a word of what is being said right now.

But when we look to the fact that, under section 53 of the Constitution, we are here to make laws for the peace, order and good governance of this country, when we accept that there is a legitimate aim on the table on the one hand, but

when you come to another aspect of it and you look to the impoverished farmers, and then you look to large-entity entrance by virtue of qualification as a breeder under the clauses that we are putting here, Mr. President, there is a huge problem as to whether our market can survive this law being assented to.

I accept that there is a bona fide purpose. I am immediately, by the mere fact of who drafted it from the IPO's office, the involvement of the World Intellectual Property Office, the fact that there are other positions—I am immediately attracted—

Sen. Rasheed: Standing Order 53(1). Tedious repetition. He has been doing this over and over.

Mr. President: Yeah. Yeah. I uphold that Standing Order. Continue.

Sen. F. Al-Rawi SC: Thank you, Mr. President, for your protection. So, Mr. President, I am on the point of section 53 of the Constitution, not mentioned by anyone at all, now mentioned by me for the first time until I was interrupted, Mr. President. Maybe I need to speak in a different way so that the English language is understood by my colleagues opposite. But, Mr. President, in looking at this law, Mr. President, it is incumbent upon us to understand where we stand. Therefore, by way of an attraction to the argument, I find it a very persuasive, the recommendation from Sen. Roberts-Radgman, that this type of Bill would have the advantage of benefit if it were to go to a special select committee or a joint select committee.

Now, Mr. President, Sen. the Hon. Dr. Kennedy Swaratsingh, and then the Minister of Trade, Investment and Tourism—the Minister of Trade took us through a wonderful discourse on the benefits of trade and industry and of our potential and entrepreneurship in things like Moruga pepper and other examples, et cetera. But,

Mr. President, on the practical side of this law, therefore, I must ask: How do we intend, if you look at the UPOV recommendation, that the public sector ought to step in? If you look at the clause that treats with compulsory licensing and the fact that the public sector—that the State may, in the public interest, cause a compulsory licence—Mr. President, how do we explain the shutdown of shade houses, of agricultural outposts—

Hon. Senators: [*Desk thumping*]

Sen. F. Al-Rawi SC:—of the firing of hundreds of people, of the non-delivery of agricultural—

Sen. Rasheed: Standing Order 46(1), irrelevance.

Mr. President: I think—yeah, I think you are getting irrelevant here. Just wrap up. I think you only have—how many more minutes? So, I think you stop at 7.11. You have nine more minutes, Sen. Faris Al-Rawi.

Sen. F. Al-Rawi SC: Thank you, Mr. President. So, Mr. President, in answer to my learned colleague, distinguished gentleman, Sen. the Hon. Kama Maharaj, Mr. President, I too share his view that Trinidad has entrepreneurship in its soul, innovation in its soul. But, Mr. President, we must, if we take the Minister seriously—this Minister of Trade, Investment and Tourism seriously—we have to bring back into our conscious reflection, our support for everything that this Government has shut down.

Mr. President, I turn to one more point, and, Mr. President, that is the recommendation, in conclusion, that the hon. Minister genuinely reflect upon the jeopardy that this Bill will cause to the farming community of Trinidad and Tobago. I would recommend, if the hon. Minister is serious about this, that it goes to perhaps a special select committee of the Parliament. And, Mr. President, let us

bring the Merikiins in and have a chat with them. Let us talk to Fourth Company, Fifth Company, Sixth Company. Let us talk to the Moruga farmers.

Sen. Rasheed: Standing Order 46(1), irrelevance.

Mr. President: He is wrapping up, I think.

Sen. F. Al-Rawi SC: Yeah. Let us bring in the Mason Hall farmers. Let us bring in all the YAHP graduates. Let us bring in the shade-house people who were put out. Let us bring in the Grande Riviere people. Let us bring the people who have been prejudiced by this Government in the shutdown of our agricultural sector, so that at least they can get some relief and find that they are not put out by big farmer interests. Thank you, Mr. President.

Mr. President: The Hon Minister of Land and Legal Affairs and Minister in the Ministry of Agriculture and Fisheries.

Hon. Senators: [*Desk thumping*]

The Minister of Land and Legal Affairs and Minister in the Ministry of Agriculture and Fisheries (Hon. Saddam Hosein): Thank you very much, Mr. President. Mr. President, from the outset I will tell you I am not attracted to the idea of this Bill being committed to any joint select committee, at all.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Especially when that recommendation comes from Sen. Faris Al-Rawi because everybody knows what happens in joint select committees and the PNM. I do not need to go any further, Mr. President. Mr. President, this Bill will not be going to any joint select committee, especially when the PNM is involved.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: I think it is because of a joint select committee that Sen. Dr.

Margaret Rose now has a seat in this House.

Hon. Senator: Yes.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: You see, Mr. President, I heard, when one of my colleagues was speaking, Dr. Rose said, “Well, Sen. McNish will be affected in terms of rice and so on”. But I am very slow to take any advice from Dr. Rose, and I will tell you why.

I listened to an interview with her outside of the Parliament a couple days ago. The media said, “The Government is going to introduce a Bill in this Parliament. Do you support it”? She said, “Absolutely not”. The next question was, “Did you see the Bill”? “No.”

Hon. Senators: [*Laughter*]

Hon. S. Hosein: So I have serious difficulty in believing whether or not the goodly Senator would have in fact even read this Bill before us.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Because if the Senator had read the Bill before us, we would have had maybe a more constructive contribution or debate coming from her.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Much more constructive. You see, Mr. President, they did nothing for the last 10 years. But when they were in government in 2004, the only plant that they could have seek to protect was the heliconia—the heliconia. Who is buying heliconia in this day and age? “Who buying that?” Why, if you cared so much about the Moruga farmers, you did not put, or amend, the Schedule to the Act to put the Moruga Hill Rice?

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Why? If you cared so much for the scorpion pepper, why did you not amend the legislation, and place it there?

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: It takes a UNC government, Mr. President, to do that.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: Because it was a UNC government in 1997 that passed the Protection of New Plant Varieties Act under the hon. Prime Minister, Kamla Persad-Bissessar, the then Minister of Legal Affairs—

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein:—and in her incarnation now as the Prime Minister, and I, serving as the Minister of Land and Legal Affairs, we are coming to fix it and expand the protection to all.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: All, all, all. All, Mr. President, all, all, all. But I want to immediately dispel a particular argument in this place, in terms of people getting caught up, and this will answer my friend, Sen. Courtney Arthur Mc Nish, who I now know as a rice farmer. The Bill is very clear. The parent Act is very clear, Mr. President, when you look at it and Sen. Al-Rawi touched on it, although he believed I was not listening to him. But section 3 of the parent Act, Mr. President, talks about this will only protect new—new, novel plant varieties. So, Mr. Mc Nish, when you leave this Chamber, you can call your friend and tell him you have the plant seeds for him.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: You will be breaching no law. If you develop a new species and you want to register it, go get it registered. You will now be able to monetize the

ownership of that particular species, plus your crop that you are planting. So, you will have two streams of revenue.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: And that is the innovation that this Government is engaged in. I heard another argument with respect to, why are we using the courts, Mr. President, to deal with objections and so on? Because the courts are the right people to do it, because the court can grant injunctive relief. When you have matters of intellectual property, you would want immediate injunctive relief. But the Controller of the IPO Office has no power to do that. So, therefore, you want to maintain the status quo until an independent judicial body can determine who is the owner of the rights. Very simple answer.

Then Dr. Rose spent most of her contribution on a case in Kenya, yeah? I, up to now, Mr. President, did not get the citation of the case. I do not know what is the name of the case, but I did some research, Mr. President, and I pulled up a case that seems to suggest what she was saying. It is Petition No. 11 of 2022, which is *Samuel Wathome v Kenya Plant Health Inspectorate Service*, the Attorney General and other parties. And, Mr. President, I just did a quick search on the entire judgment. I could not find UPOV. I could not find 1991 mentioned one place in the judgment—not one place in the judgment. The judgment deals with a specific piece of legislation in Kenya that deals with seeds and plant varieties, and there were specific, specific controls, specific restrictions when it comes to dealing with seeds in Kenya. Totally, totally distinguishable in the jurisdiction of Trinidad and Tobago, because she did not read the Bill.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: They are not reading. I believe that the Parliament gives

everyone an iPad with internet access in and outside of the Parliament. I think you should use it, Dr. Rose. It is a very good device, and I would like to commend that to you.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: You see, the PNM, Mr. President, has a culture where they do not care about intellectual property. They do not care, you know. I will tell you why. I have a *Guardian* article here, Mr. President, dated the 10th of January, 2026, from the Trinidad *Guardian*, I think. They are very familiar with that media house: “PNM threatened with legal action over alleged unauthorized use of song.”

They were—there is an unparliamentary word, but, Mr. President, I have to say—they were stealing somebody’s song, and the person had to send them a pre-action protocol letter to say, “That is my song, you cannot use it”.

Sen Al-Rawi SC: [*Inaudible*]

Hon. Senators: [*Desk thumping*]

Mr. President: Overruled.

Hon. S. Hosein: Thank you, Mr. President. Thank you, Mr. President.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: You see, Mr. President, this deals with intellectual property and copyright. You said, by your own words, Sen. Al-Rawi, that this Bill touches and concerns copyright laws and copyright rights. So, therefore, Mr. President, I can use an example of their conduct and why they are not supporting this.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: If you cannot or do not have the intellectual capacity to invent anything, do not deny the inventors from their protection. Do not deny them. Do not deny them. Do not deny the inventors.

And then, Mr. President, I heard that Senator Dr. Rose also said something about the colonizers are the ones who would have joined the UPOV 1991. I mean, that was an absurd argument. I have a list here from the UPOV website of all of the members of the 1991 Convention. The first group that appears on the list: the African Intellectual Property Organization. July 10, 2014, they are a party to the '78, and July 10, 2014, a party to the 1991. Albania, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Canada, Chile, Croatia, Denmark, Dominican Republic, Egypt, Estonia, the European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Ireland. You want me to go again? You are looking at articles all over the world, but you fail to go on the UPOV website to see who are parties to the particular Convention.

You see, I do not think my friend—if she read the Bill, she would have understand, because, you see, they are so fixated that they have done nothing for agriculture except import two yam seeds from Ghana and say that is going to boost the agriculture industry.

Hon. Senators: [*Desk thumping*]

Sen. Roberts: “Where de yam and dem?”

Hon. S. Hosein: It is only yam seeds they have given this country. We are protecting farmers, breeders and, in fact, exporters, Mr. President. We are opening up the entire industry and economy. The agricultural sector will be booming in 2030, Mr. President. We are right now cleaning up the mess. We are cleaning up the mess that they have left us in.

Then I heard Sen. Roberts-Radgman. She said we must give some protection to the Tobago Blue Food. I agree. I love Tobago. I love Tobago. But you see, what Sen. Roberts-Radgman did not do is proper research, because the

Tobago Festival Commission already has a trademark for the Tobago Blue Food Festival, and that was registered on the 17th of May, 2022, under a Farley-led THA Administration.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: So, Mr. President—Mr. President, my friend could ask her cousin sitting behind me, and he will give her the answer.

Mr. President: Listen. Listen. Sen. Browne, I am getting a running commentary from this front Bench. Could I ask the front Bench to listen to the Minister in silence please, continue.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Brown: Mr. President, point of order.

Sen. Roberts-Radgman: Mr. President, I rise on 42(9), please. I would like to reserve my right to respond and clarify something that I said that has been misrepresented by the Minister.

Mr. President: I will determine that, okay? So, continue.

Hon. S. Hosein: Thank you very much. Thank you very much, Mr. President.

So, Mr. President, I move on. I move on to the contribution by Sen. Dhanpaul. And I want to just indicate to Sen. Roberts-Radgman—maybe she could clear up this if she wants to respond or so on. It is not “koo-mar”, it is “kurma.”

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: “Koo-mar” is the name of a person, “kurma” is the name of the sweet.

Sen. Dhanpaul said that we should have done a study through the Central Bank to determine whether or not forex will come out of this country and fly out of this country. He said that, you know. I know there was one bank who was trying

to fly out some forex recently in a “crocus bag”. But, Mr. President, what I can tell you is this, that I immediately went to the Central Bank, on the website, and I found some figures. In 2015, we left the PNM with about 12 months of import cover of forex. When they left government in 2025, they left us with about 6.3 months of import cover, and then want to come here with the gall to talk about forex. Mr. President, we are trying to bring back forex into this country—

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein:—through foreign direct investment. And that will in fact happen under the Kamla Persad-Bissessar Government.

Mr. President, I also want to address one very simple matter, also that Senator—

Hon. Senator: Lewis.

Hon. S. Hosein:—Lewis would have raised in terms of the basmati rice. And I want to just inform the Senator that that particular matter, with the basmati rice and RiceTec and so on, that dealt with a patent, which is separate from what we are dealing with respect to the protection of a plant variety. So it is two separate, different legal principles and two different procedures and so on. So therefore, that case really does not apply to what we are doing here. So it is two different systems that we are dealing with. This is the protection of new plant varieties and so on. That one was dealing with trade, and so on, in terms of trade use and names, and so on, with the patent office that was registered in the United States of America.

Mr. President, Sen. Al-Rawi would have raised some points with respect to—although he said I was not listening, I listened. He talked about the big farmer and so on. But, Mr. President, what I want to say to the goodly Senator is this, that he is trying to say, “You know, the big farmer, we have to be cautious with the

protection and so on.” But if we do not live with respect to the changing climate, with respect to modern inventions, and so on, Trinidad and Tobago will be left behind. We are no longer going to be left behind. They took this country back about 20 years, you know, Mr. President; about 20 years in development. We are now trying to bring back Trinidad and Tobago to a place where we once left it, Mr. President.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: We were the beacon of the Caribbean. We were the beacon of the Caribbean, and we intend to go back there.

Now, Mr. President, I have in my possession—and Sen. Al-Rawi SC raised it. There are two programmes that he talked about: The YAHP programme and the YASHP programme. I do not know if Sen. Cummings will want me to go into those two programmes.

Sen. Cummings: Yes—[*Inaudible*]

Hon. S. Hosein: He does not—I could go into it.

Hon. Senator: He said, yes.

Hon. S. Hosein: Oh, we could go into it then. All right, let us go.

Mr. President, in the YASHP programme, this deals with some shade houses and Chaguaramas. There were issues with respect to a particular company called Guardsman Security Services Limited in terms of the procurement, receiving a contract of close to \$625,000 to guard “two yam seed, two yam stem”. That is what they were getting money for. SAS Marketing & General Contractor Services Ltd, Mr. President, \$3 million—\$3 million for some, what? Perimeter security fence. A \$3 million fence, Mr. President. Four shade houses, contracts were awarded for

Bill, 2026

Hon. S. Hosein (cont'd)

\$2.1 million. They did not—Mr. President, if I go into the procurement issues here, you all will be very scared, you know, with respect to the YASHP Project.

And with respect to the YAHP programme—tell me if you know these names, Mr. President. There are some real familiar names to them next door, you know, Mr. President. They built, Mr. President—

Hon. Senators: [*Crosstalk*]

Hon. S. Hosein: I & You Limited—I do not know if they know a company called I and You Limited. That is one—

Hon. Senators: [*Continuous crosstalk*]

Mr. President: Let us stop this crosstalk. I have been on my legs, this is the third time, advising Members to stop the crosstalk. Observe the Standing Orders. I think I have given everyone sufficient warning. I do not want to rise again. Continue, hon. Minister.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: You know what the commitment was for this particular programme, YAHP, that they left, Mr. President? A total commitment of \$157 million.

Hon. Senators: Wow!

Hon. S. Hosein: And ask them how many houses they built. Ask them how many starter houses that they have built, Mr. President. And ask them who the contractors involved were. Why was one Bickram Ramnarine from I & You Limited getting contracts? A very good and close friend of the former, former Prime Minister, Dr. Rowley. We want to know, Mr. President, why contracts were given to—I do not know if I could call these names, you know, Mr. AG.

Sen. Jeremie SC: Go ahead.

Hon. S. Hosein: I am very careful with these things because I am seeing some names that may be familiar to the Balisier House, Mr. President.

But, Mr. President, I will leave these matters up to the Attorney General because they are very serious matters that we are involved in. And these names are very, very familiar to us in terms of who the contractors are; \$156 million, and you “cyah” give people starter homes before you are left government? We will tell you where the money went because the Attorney General is following the money.

Hon. Senators: [*Desk thumping*]

Hon. S. Hosein: But, Mr. President, I do not wish to go down this road this evening. We are dealing with a very, very important piece of legislation that deals with the protection of new plant varieties in Trinidad and Tobago. They forced me to go there, Mr. President. I did not want to go there. I came prepared as a very good lawyer, but, Mr. President, we have some very balanced—and Sen. Al-Rawi SC did admit it. We have a balanced Bill, where the legitimate aim meets the legislative measures, and therefore, Mr. President, this is a Bill that, I believe, will gain the support of this particular Chamber. I thank you very much, and I beg to move.

Hon. Senators: [*Desk thumping*]

Sen. Dr. Browne: Mr. President—

Sen. Roberts-Radgman: Mr. President—

Mr. President: No, no, no, hold on.

Sen. Dr. Browne: I am reminding you—[*Inaudible*]

Mr. President: Yes. Yeah, but listen, I have to think about this. You see, “people does get up here” and make speeches, and I have no control over this. That is why I told you, I have to think about it. The Standing Order is very clear. Now,

I will give you one minute to respond, and I will go immediately, so you can make your—*[Inaudible]*

Sen. Roberts-Redgman: Thank you very much, Mr. President. Just to clear the record, there is a distinction between the Tobago Blue Food Festival and the blue dasheen, which is the plant variety that I referenced in my contribution.

Hon. Senators: *[Desk thumping]*

Sen. Al-Rawi SC: The festival is trademarked.

Sen. Roberts-Redgman: The festival is trademarked. I asked a very pointed question regarding genetic material verified from the dasheen itself, the plant itself. Thank you, Mr. President.

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: Hon. Senators, there are 26 clauses in this Bill and a preamble. We have no amendments. I propose to take all 26 clauses as a group. Do I have your support?

Hon. Senators: Yes.

Mr. Chairman: Okay.

Clauses 1 to 26 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

ADJOURNMENT

Mr. President: Leader of Government Business.

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Mr. President, before moving the Motion, and for the information of all Senators, I wish to announce that the Special Operations Bill, 2026, will be introduced and taken through all its stages on Wednesday, the 23rd of September, 2026, at 10. 30 a.m., subject to its passage in the other place.

So, Mr. President, I beg to move that the Senate do now adjourn to Tuesday, September 22, 2026, at 1.30 p.m.

Mr. President: Before moving for the adjournment of this Senate, a Motion on a matter for the adjournment of this House has been raised, and I now call on Sen. Anthony Vieira SC.

Temporary Acting Appointments of COP (Reform of Constitutional Procedure)

Sen. Anthony Vieira SC: Thank you, Mr. President. I wish to raise what may be a small provision of law, but with potentially large consequences, and this concerns the procedure for appointing someone temporarily to act as Commissioner of Police. I came to this matter in a somewhat unusual way. On the 16th of August, 2026, I listened to a commentary by former Commissioner of Police, Gary Griffith. Mr. Griffith made the point that under our present constitutional arrangements, if the Commissioner of Police is unable to perform the functions of the office, even temporarily, a person cannot simply be appointed to act as Commissioner. Instead,

the appointment must go through a constitutional process, including approval by the House of Representatives. Mr. Griffith questioned whether that made sense. Now,

I thought it was an interesting point, but rather than just accepting what he said, I decided to investigate the matter for myself.

Having looked at the Constitution and, importantly, the judgment of the *Ravi Balgobin Maharaj v The Attorney General*, a 2021 case, which dealt with Mr. Griffith's own acting appointment, I have concluded that Mr. Griffith is essentially correct. In this event, I believe it is only right and proper that Parliament should address this problem.

What does the Constitution say? Section 123(1)(a) of the Constitution gives the Police Service Commission power to appoint persons to hold or act in the offices of Commissioner and Deputy Commissioner of Police. Section 123(2) to (5) then establishes the appointment procedure. The Police Service Commission nominates the person, the nomination goes to the President, the President issues a notification, and that notification must be approved by affirmative resolution of the House of Representatives before the Police Service Commission can make the appointment. For the appointment of a substantive Commissioner of Police, it is easy to understand the reasoning because the post of top cop is one of the most important offices in the country. The Commissioner of Police has enormous powers and responsibilities.

Indeed, section 123(a) of the Constitution gives the Commissioner complete power to manage the police service. He is the accounting officer who is personally responsible for the proper management, financial control and use of funds. So

there are good reasons, therefore, for having constitutional safeguards surrounding the appointment of a substantive Commissioner.

7.35 p.m.

But here is the difficulty. The Constitution does not adequately distinguish between appointing someone substantively as Commissioner and appointing someone to act for a short period because the Commissioner is temporarily unavailable. And this is not just my interpretation of the Constitution because in the Balgobin case, Mr. Griffith's appointment as Acting Police Commissioner was declared unconstitutional. The court held that the procedure contained in Section 123 of the Constitution applies not merely to substantive appointments but also to persons appointed to act as Commissioner or Deputy Commissioner.

So, simply put, there is a clear legal precedent that the Constitution requires parliamentary approval and a specific nomination process for both substantive and acting appointments to the top police post. An appointment process used without an affirmative resolution of the House of Representatives will be illegal and unconstitutional. The procedure applies whenever the office is vacant or the holder is unable, whether by absence, infirmity of mind, body, or any other cause, to perform the functions of the office. So, we need to consider the consequences, the practical consequences here.

For instance, when a substantive Commissioner travels, or he requires emergency medical treatment, or he has to deal with an event that could not reasonably have been anticipated, the country finds itself in a bizarre legal grey area. The most senior Deputy Commissioner often has to assume practical leadership or day-to-day oversight of operations, but without a

formal parliamentary mandate, that officer is not legally the Acting Commissioner. So, this leaves a concerning void, and yet the Police Service must continue to function. Crime is not going to adjourn because Parliament competes a constitutional procedure and national security does not go on vacation when the Commissioner does.

The safeguards which are appropriate when Parliament is considering who should occupy the office of Commissioner of Police for a substantial period are unnecessarily cumbersome where somebody simply needs to perform the Commissioner's functions for just a few days. And that is an anomaly that should concern us all. Suppose, for example, an emergency arises when Parliament is in recess. The Commissioner suddenly becomes incapacitated, and an acting appointment is required at once. Is it reasonable? Is it practicable that the Police Service Commission cannot ensure continuity of command until the President issues the appropriate notification, and the House of Representatives assembles and approves it? I do not think so.

Now, I accept that when the court declares a high-profile public official's acting appointment unconstitutional, as occurred in Mr. Griffith's case, it does not automatically invalidate all official acts and decisions made by the improperly appointed official. Because under the *de facto* officer doctrine, the official acts of a public officer performed under the colour of authority are treated as valid and binding regarding third parties and the public. And I am also mindful of the maxim, *omnia praesumuntur rite et solemniter esse acta*, which establishes a working presumption that all official and formal steps required to execute an action were properly done

unless proven otherwise.

But in my opinion, the presumption of regularity cannot cure—

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

Sen. A. Vieira SC: Thank you. An explicit structural unconstitutionality. Given Madam Justice Kangaloo's explicit ruling that a previous acting appointment was unconstitutional, the presumption that similar later appointments were regularly made is soundly defeated.

So, as it stands, the current situation is less than ideal. Given the sharp tension between strict constitutional adherence and practical governance, it seems to me that Parliament should streamline the process for short-term acting appointments to prevent institutional paralysation and to avoid the appearance of short-circuiting the law.

Now, I am not suggesting that Government should be given the power to choose an acting commissioner. The Privy Council has repeatedly recognized the principle that the police service should be insulated from political interference. For example, in the *Ravi Balgobin Maharaj vs The Cabinet of The Republic of Trinidad and Tobago, No. 2*, the board emphasized the importance of the Public Police Service Commission's independence in appointing and removing the Commissioner. And that independence, I think, must be preserved.

So, the cure is not the transfer of power from the Police Service Commission to the Executive. The Police Service Commission should remain the appointing authority. But really, the question boils down to whether every short-term acting appointment needs to travel through exactly

the same parliamentary procedure as a substantive appointment. And, I respectfully suggest it does not. Parliament recognized the problem previously. They brought a Bill; the Bill did not pass. I am not suggesting that the Bill that was brought then is necessarily the way to go. There are different ways you could formulate a mechanism for acting appointments. But that is a matter for careful drafting, for consultation.

In conclusion, Mr. Griffith has resurrected a seemingly minor but important issue that we cannot brush aside casually. So, I am respectfully inviting the Government to revisit the issue as a matter of constitutional housekeeping. Bring forward the necessary constitutional amendment after appropriate consultation with the Police Service Commission and other stakeholders, and let us establish a simple, transparent and constitutionally protected mechanism for temporary acting appointments of the office of Commissioner of Police. Thank you.

Mr. President: The Attorney General or the Leader of Government Business.

Hon. Senators: [*Desk thumping*]

The Minister in the Office of the Prime Minister (Sen. The Hon. Darrell Allahar): Thank you, Mr. President. Mr. President, I want to thank Sen. Vieira for raising this very important matter, and I want to respond a bit to some of the things you have said. Mr. President, this Government is always guided by the rule of law. And Mr. President, the rule of law, I agree, Sen. Vieira, the rule of law does not exist in legal grey areas, neither is it promoted by pulling back a merit list from the big house in St. Ann's.

Mr. President, the parliamentary records will show that while the UNC was in Opposition, we had agreed to exactly this, to the need to reform

the constitutional procedure governing temporary acting appointments to the office of Commissioner of Police. And Mr. President, now that we are in Government, under the leadership of the hon. Kamla Persad-Bissessar SC, we will do it.

Hon. Senators: [*Desk thumping*]

Sen. The Hon. D. Allahar: Mr. President, we will do it. So, Mr. President, through you to the hon. Sen. Vieira, the short answer is an emphatic yes. I thank you.

Hon. Senators: [*Desk thumping*]

Mr. President: Hon. Senators, the question is that this Senate do now adjourn to Tuesday, September the 22nd, 2026 at—

Hon. Senator: [*Inaudible*]

Sen. The Hon. D. Allahar: No, no, Wednesday is notice. Wednesday is notice. We meet on Tuesday for private members business, and we come on Wednesday to deal with the other Bill. Okay?

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

Mr. President: Can I have silence please? Please.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 7.44 p.m.