

*Leave of Absence**Tuesday, April 12, 1994***SENATE***Tuesday, April 12, 1994*

The Senate met at 1.30 p.m.

PRAYERS[MR. PRESIDENT *in the Chair*]**PAPER LAID**

Engineering Profession (Registration) Regulations 1994. [*The Minister of National Security (Sen. The Hon. R. Huggins)*]

ORAL ANSWERS TO QUESTIONS**WASA****(Privatization of)**

27. Sen. Wade Mark asked the Minister of Public Utilities:

Could the Minister state:

- (a) Whether the Government has exhausted all channels aimed at finding a solution to the problems at WASA without the intervention of foreign managerial personnel?
- (b) Whether he is in support of the privatization of the utility and whether his Government intends to democratically involve the nation in whatever decision it may finally arrive at?
- (c) What form this "involvement of the people" will take?

The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes): Mr. President, in the face of the grievous problems that have beset WASA over the past several years, and the continuing deterioration in WASA's ability to provide an adequate and acceptable level of water supply and service to the country, Government is continuing to examine all realistic options that will provide the earliest possible relief to the situation in the short term, and will permit the restoration of WASA's capabilities to provide an acceptable level of service in the long term.

The current rigorous re-examination of the available options suggests that given WASA's and Government's current financial constraints and the technical/managerial inputs that will be needed to bring the earliest relief to the

current unsatisfactory situation, some form of private sector involvement may well provide the best available solution to WASA's difficulties.

As hon. Senators will know, the water supply of Trinidad and Tobago, and indeed WASA itself, has been the subject of several detailed studies, analyses and consultations over the last several decades, beginning in 1967—the Metcalf and Eddy Study; 1974—Caroni/Arena Water Supply Project; 1977—Northern Range Valleys Water Supply Projects; 1979—Sewerage Facilities, Eastern Main Road Communities; 1980—Port of Spain Water Supply System Improvements; 1982—Point Fortin Water Supply Projects; 1983—St. Patrick Water Supply Projects; and continuing with the most recent studies as follows:

1990-1991—the Study on the Improvement of Water Supply Supervisory System by Japan International Co-operation Agency;

1991—Feasibility Study to determine Methods of Leak Detection;

1992—Cost Benefit Analysis of Universal Metering.

Over that 27-year period, water demand has continued to grow beyond WASA's capacity to provide an adequate 24-hour supply, and WASA's distribution facilities have aged and deteriorated to the current position where service and reliability of supply are approaching critical levels—to the point where almost the entire population, either directly or through their parliamentary representatives, are clamouring for immediate action.

While Government is committed to the democratic process of widespread consultation, as has been manifested by the series of meetings which have been held with representative unions, other stakeholders and the public, Government is also strongly mindful of its obligation to seek to put in place urgent remedial measures to relieve the ongoing critically unsatisfactory state of affairs and to provide the earliest possible relief to the country.

Sen. W. Mark: Mr. President, could the hon. Minister indicate whether the Government has established a timetable for the privatization of WASA, either in part or in whole, and whether it will involve any foreign private interest?

Sen. The Hon. B. Barnes: Mr. President, nothing that I have said suggests that there is a programme to privatize WASA, if I understand what privatization means. The Government, as I have said, is looking at all possible options, and in recognition of the fact that there is need for critical measures to be taken, will certainly decide and take appropriate measures in the shortest possible time.

Sen. W. Mark: Mr. President, will the hon. Minister indicate to this Senate, whether there is a definite timetable for exploring and completing all those options that he mentioned earlier?

Sen. The Hon. B. Barnes: Mr. President, I can tell the Senate what I think the Government would like to see: that is, that we would have gone into the implementation of an appropriate solution certainly by the end of September this year.

Sen. W. Mark: Mr. President, could the hon. Minister indicate whether the round of discussions that started under the portfolio of the previous Minister would continue so that the democratic process would flourish and advance?

Sen. The Hon. B. Barnes: Mr. President, obviously the discussions will continue. I will digress because I saw in the newspapers over the weekend, a concern about what consultation in fact means. It was a meeting at the City Hall, a colleague of the good Senator, Mr. David Abdullah, raising a question on what precisely does consultation mean.

Mr. President: I would advise that you stick to the question.

Sen. The Hon. B. Barnes: Indeed, I am coming to that. The point I am trying to make is that the appropriate democratic process is having these matters discussed, a constitutional requirement, in this very Parliament. That is where the discussions really should take place.

Sen. W. Mark: Could the hon. Minister indicate whether the trade unions that are involved in WASA, and that were involved in previous discussions when the former Minister was alive, whether as the new Minister, he is committed to the continuation of the discussions, so that whatever solution is arrived at, the relevant parties would be involved and integrally aware?

Sen. The Hon. B. Barnes: Mr. President, I can give the Senator the assurance that WASA, in terms of any resolution, will in fact continue to discuss with the representative unions.

1.40 p.m.

Sen. Capildeo: I have a final question. Mr. President, does the Government have a practical immediate approach to the fixing of leaks which, they say, account for 50 per cent of the wastage in the water supply? While all these commissions, inquiries and negotiations are taking place, are they fixing leaks?

Sen. The Hon. B. Barnes: Mr. President, WASA is embarked upon a leak repair programme. I would point out, however, that the situation that WASA faces, over 4,000 visible leaks—

Sen. Capildeo: There are five in my area.

Sen. The Hon. B. Barnes:—that require to be repaired, and I shall merely again repeat for the benefit of the Senator that those are the visible leaks.

Sen. W. Mark: Mr. President, could the hon. Minister indicate, as the new Minister, what attempt his Ministry would be making to ensure that WASA becomes efficient and effective in the delivery of the water supply through the elimination of waste, corruption and mismanagement? What concrete steps is he taking to ensure that these things are dealt with?

Sen. The Hon. B. Barnes: Mr. President, the main drive at the present time is to ensure the delivery of water by seeking as far as possible to make sure that the equipment that is required so to deliver gets back into as proper a state of repair as to permit it to, in fact, do the job that is required.

Mr. President: Next question. Sen. Wade Mark.

Sen. W. Mark: One final question, Sir.

Mr. President: I said next question.

Sen. W. Mark: Sir, I have a few additional questions seeking clarification on WASA.

Mr. President: I have been very liberal with several supplementary questions. Some of them require notice, actually.

Sen. W. Mark: I thought we were entitled to an hour, Sir. Question No. 30. I have to pose some additional questions, Sir.

**Mora Field
(Disposal of)**

30. Sen. Wade Mark asked the Minister of Public Utilities:

Could the Minister state:

- (a) Whether he is aware that Amoco Trinidad Limited has disposed of its Mora field with its one million barrels of proven oil reserves and thirty-four million barrels probable oil reserves to a small select group of nationals?
- (b) If the Minister is so aware, could he state:
 - (i) On what basis has this group been selected?
 - (ii) Under what authority or legal basis has this disposal taken place?

The Minister of Energy and Energy Industries and Minister of Public Utilities (Sen. The Hon. Barry Barnes): Mr. President, Amoco Trinidad Limited has not disposed of its Mora Field and still holds the sole exploration and production licence for the Mora licence area, which has not been in production for several years.

For the information of the Senate, in 1989 Amoco indicated to the Ministry of Energy that due to the poor economic performance of the Mora field, they would be seeking formal approval to abandon the development as required under the terms of their Mora licence. Abandonment would entail plugging all existing wells and removing the platform and infrastructure down to the level of the sea bed. The Ministry urged Amoco, as an alternative to the proposed abandonment, to solicit interest from other companies who might be willing to take over the facilities and licensing obligations.

At the end of 1991, Amoco advised that after extensive solicitation of oil companies both locally (the state-owned companies) and in the United States, the only realistic proposal had come from Krishna Persad and Associates, which Amoco was prepared to pursue provided that in the event of success, Amoco would be relieved of all future liability to Government from any and all their obligations under the terms of their Mora licence. After review by the Standing Committee on Energy and with the approval of Cabinet in February 1993, both Amoco and Krishna Persad and Associates have been formally notified of the terms and conditions acceptable to Government under which the rights and obligations of the Mora licence might be transferred from Amoco to Krishna Persad and Associates.

As we understand it, negotiations are continuing between Amoco and Krishna Persad and Associates and have not been finalized. It should be noted that any transfer of ownership can only be made upon formal application to, and with formal approval of, Government. No such application has been received.

**Former Central Bank Governor
(Mediation)**

46. Sen. Everard Dean asked the Minister of Finance:

Could the Minister state:

- (a) (i) Whether an attempt is being made to have a former Governor of the Central Bank of Trinidad and Tobago mediate in the dispute between the Central Bank of Trinidad and Tobago and

the shareholders of the Trinidad Co-operative Bank Limited related to the value placed on the shares held by the shareholders of Trinidad Co-operative Bank Limited upon the merging of banks to form the First Citizens Bank?

(ii) If the answer to (a)(i) is in the affirmative, can the Minister say whether the value placed on the shares held by shareholders of Workers' Bank (1989) Limited and those of the National Commercial Bank will be included in the terms of reference of the mediator?

(b) Will the Minister make available to the Senate the "Due Diligence" Report of Ernst and Young or at least an edited version of it?

The Minister of Finance and Minister of Tourism (Hon. Wendell Mottley): Mr. President, the Central Bank agreed to Dr. Euric Bobb, a former Governor of the Central Bank, acting as conciliator with respect to discussions taking place between the parties in the High Court Action No. 3036 of 1993—Gulf Insurance Limited v. Central Bank of Trinidad and Tobago. Gulf Insurance Limited, a shareholder of Trinidad Co-operative Bank Limited, brought an action against the Central Bank on September 17, 1993 in respect of the decision of the Central Bank as published in the *Trinidad and Tobago Gazette (Extraordinary)* No. 226 of September 12, 1993, pursuant to its powers under section 44D of the Central Bank Act, Chapter 79:02 as amended to:

- "1. Acquire or sell or otherwise deal with the property, assets and undertaking of or any shareholding in the institution at a price to be determined by an independent valuer.
2. Appoint the Inspector of Banks as manager of the institution under section 44D(3) of the Central Bank Act.
3. Appoint such persons as it considers necessary to assist in the performance of the functions concerned by Section 44D."

Dr. Bobb's terms of reference deal solely with the High Court action between Gulf Insurance Limited and the Central Bank of Trinidad and Tobago.

The "Due Diligence" Report of Ernst and Young is a confidential document that has not been released. It would not be appropriate therefore to make it available at this stage. I should also remind hon. Members that this matter is subjudice. I also add, that the Ernst and Young Report deals with the confidential nature of transactions between banks and individual clients.

**State Loans
(Recovery of)**

47. Sen. Everard Dean asked the Minister of Finance:

Could the Minister state:—

- (a) What efforts, if any, have been made to recover the outstanding balances on loans due to the state as published on pages 195-205 of the Report of the Auditor General on the public accounts for the year ended December 31, 1992?
- (b) If the answer to (a) is in the negative, can the Minister say why these delinquent debtors are not made to settle their debts to the state?

The Minister of Finance and Minister of Tourism (Hon. Wendell Mottley): Mr. President, the Minister of Finance wishes to advise that the following courses of action have been taken with respect to the recovery of outstanding balances on loans made to final year students:

- (1) To advise the student/guarantor in writing of the default and to request that immediate action be taken to commence repayment.
- (2) Where efforts to locate student/guarantor at stated address failed, the assistance of the police was sought to ascertain the current address.
- (3) To request the Director of Personnel administration to advise whether the student has obtained employment in the public service.
- (4) To refer the matter to the Chief State Solicitor for necessary action where (1) to (3) have failed.

In addition, the Cabinet recently agreed that the final year student loan facility cease with effect from January, 1994 and that a comprehensive analysis be made of all existing loans and recommendations in respect of each loan be submitted to Cabinet for its consideration.

Sen. E. Dean: Sir, can the Minister state whether any one of these loans or all of them are statute barred? Because from looking at the information, some of these loans go back as far as 28 years, and we have magistrates, doctors, lawyers listed as not paying their debt.

Hon. W. Mottley: Mr. President, I am not in a position to say whether they are statute barred. But, certainly, the Government has been pursuing these loans

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but is having a lot of difficulty tracing because many of the beneficiaries are now resident abroad. But it is a sorry feature, in that a number of beneficiaries of these loans have not felt the onus of responsibility to repay them.

1.50 p.m.

**PRIVILEGES AND IMMUNITIES
(CARIBBEAN FINANCIAL ACTION TASK FORCE) ORDER**

[Second Day]

Order read for resuming adjourned debate on question [March 29, 1994]:

Whereas it is provided by section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01 (hereinafter referred to as "the Act") that the President may by Order declare that any international or regional organization or agency named or described in such Order shall, to such extent as specified in the Order, be accorded the privileges and immunities set out in the Fifth Schedule therein:

And Whereas it is also provided by section 9 of the Act that every Order made under that section shall be subject to affirmative resolution of Parliament:

And Whereas it is expedient that the Order now be affirmed:

Be It Resolved that the Privileges and Immunities (Caribbean Financial Action Task Force) Order, 1994 be approved. [*Hon. R. Huggins*]

Question again proposed.

Sen. Wade Mark: Mr. President, the Motion before the Senate seeks to provide the legal basis for the local operations of some nebulous, loose and clearly temporary creature and its faceless secretariat, including its interim executive director, with certain privileges and immunities normally granted to diplomatic, consular and international organizations. Even the hon. Minister, in his opening statement at an earlier sitting referred to the secretariat as being able to temporarily source accommodation in Port of Spain with the Office for Strategic Services. Further, he spoke about some degree of funding being granted to the secretariat by the parent organization, namely, the Financial Action Task Force.

We also learnt from the hon. Minister that an operational budget and the instalment of an interim executive director was also part of this arrangement,

hence my reference to loose, temporary and nebulous, in order to describe this new phenomenon called the Caribbean Financial Action Task Force.

Section 9 of the Privileges and Immunities (Diplomatic, Consular and International Organizations) Act, Chap. 17:01, especially in the Fifth Schedule intends to vest in the Caribbean Financial Action Task Force certain immunities and privileges to the relevant representatives and staff members.

For example, the interim executive director, who heads the Task Force Secretariat in Trinidad and Tobago, by virtue of the Order, shall enjoy immunity to suit as well as legal process. That same privilege is accorded to an envoy of a sovereign power. He would also enjoy inviolability of residence as is accorded an envoy and he would also enjoy exemption from income taxes. These, Mr. President, as you would no doubt be aware or agree, are sweeping privileges being conferred on this regional agency that is being established. Indeed, these privileges that we are asked to confer on this regional agency are privileges that are usually granted to diplomatic missions, United Nations organizations and specialized agencies.

We on this side note with some interest the history of the development of the Caribbean Financial Action Task Force, an offshoot of the Financial Action Task Force founded by the group of seven at some summit in Paris in 1989. The Caribbean Financial Action Task Force was established in Aruba in 1990. Its main task is to address the problem of money laundering and in the process implement a series of recommendations through a programme of regular reporting and international self-evaluation of the laws and regulations by member states.

The Caribbean Financial Action Task Force is to act as a training agency, sourcing funds for anti-drug activity and also to serve as a liaison with other international organizations involved in the policing of policy involving money laundering. As the alternative Government, the United National Congress supports any legitimate attempts to address any aspect of the fight against the scourge of the illegal drug trade in our country, but this support cannot be given on blind faith or trust. We need to have access to information for us to make decisions.

As you are aware, Sir, the Opposition had absolutely no access to information on this new body called the Caribbean Financial Action Task Force prior to the Minister's presentation in the Parliament. We had no information, although we sought via the Ministry of Foreign Affairs and the Ministry of National Security. We got absolutely no assistance from those sources. Even after the Minister's

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presentation, little light has really been shed on this new creature that has been created called the Caribbean Financial Action Task Force.

Having regard to the nature of the organization and the proposed privileges and immunities being suggested, it is absolutely necessary that this Senate be provided with greater detail. For instance, how many people will benefit from the proposed privileges and immunities? We have no information from the hon. Minister on this issue. How will these people be selected? What qualifications will these people possess or require? What will be the precise role of this body? They are asking us to confer immunities and privileges on this body and we do not have any information.

We should like to know the precise authority that this body will have. How is it going to ensure implementation of the so-called 59 recommendations? Can it coerce member states into compliance by threatening trade sanctions? These are matters that we need to discuss and to have some information and deliberation on. We do not support matters blindly. I need to repeat that.

What about this so-called executive director who we understand is already working? Who is this gentleman? Where is he from? How was he selected? What financial contribution, if any, is expected from the Trinidad and Tobago Government to this new body that has been formed? Is this the PNM's response to dealing with, or addressing the issue of, money laundering, or is it part? If not, what body will investigate the serious scourge of money laundering in Trinidad and Tobago?

2.00 p.m.

We recently learnt of a case of money laundering in which a particular individual is reported to have laundered an estimated US \$130 million, using some 82 companies and other accounts in 16 countries, including the member states of this Financial Action Task Force, countries like the United States and Britain. This, of course, raises the issue of Government's seriousness and commitment to the elimination of the drug menace in the country.

We are hearing about a list of known drug criminals and traffickers being in the hands of the authorities, according to some public relations officer associated with the Drug Enforcement Agency of the United States, a Mr. Robert Shed. But Mr. Shed is a bit late on this so-called list. We were told by our distinguished and esteemed Minister of Finance in October 1992 that his Government knows who the drug barons are—since 1992. So Mr. Shed's telling us they have a list is late news. The question really is: What is this Government doing about this list that it

has in its possession since 1992? We suspect that this Government is not serious about fighting money laundering or fighting the drug trade. And the records are speaking loudly and clearly.

Recent reports from the United States State Department, as well as statements issued by the US Embassy in Port of Spain, expressed grave concern over this Government's poor drug interdiction record, particularly for 1993. So it is not only the trade union movement that is being scolded, but the Government is being told in no uncertain terms that it has to act in good faith if it wishes to get future financial assistance from the United States Government.

Indeed, the country is being penalized, virtually, for not adopting a more aggressive stance in the fight against the drug trade. Only low level operatives are being targeted for arrest in the war against the drug trade, while the well-known drug criminals continue to walk freely in our society. And they are allowed to continue their nefarious activities among the population, particularly the younger population, in Trinidad and Tobago.

Money laundering is a very serious matter. We understand, according to the United States' State Department Report entitled: *International Narcotics Control, Strategic Evaluation Report*, of April, 1994, that this Government has in its team today, three persons who are trained in money laundering investigations. We would like the hon. Minister to let us know whether their duties have been fully established.

The banks, the insurance companies, real estate agents etc. are becoming some of the main agencies and conveyors of this dangerous scourge called money laundering in our country. We do not support, for one moment, the gentleman's agreement that was arrived at between the major commercial banks some time in late 1992, indicating that there would be some voluntary arrangement where excessive amounts of moneys are being deposited in the banking system. We believe that where any excess amounts are determined, it should become mandatory. We should not leave it up to the commercial banks in this country to determine how the issue of money laundering is going to be addressed, having regard to the fact that one of the agencies responsible for the promotion of money laundering is, in fact, the commercial banking sector. We have to pay particular attention to their *modus operandi* in that particular area.

The United National Congress is not happy at all with the Government's commitment in its fight against the drug trade. It seems as if the Government is

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part of the problem. If you are a part of the problem, you cannot be a part of the solution. Too many dark clouds hang over the heads of leading officials of the PNM administration, including the Prime Minister and the Attorney General. We are not saying that they are involved; we are saying that allegations have been made against the Prime Minister of the Republic of Trinidad and Tobago and we are saying that these allegations involving prominent citizens and leading officials of the state must be cleared up or they will continue to generate concern amongst the population.

We believe that it is necessary for the Government of Trinidad and Tobago—we have called repeatedly for an independent inquiry into the so-called car sale involving the Prime Minister and a criminal drug lord in this country, but the Government has refused. We are saying that we are not accusing anyone in the Government of being involved in the drug trade; what we are saying is that allegations have been made, and we call on this Government to institute an independent commission of inquiry to look into those allegations so that the Prime Minister's name could be cleared, if he is not guilty. We would not say any more on this matter at this time.

The report entitled *International Narcotics Control, Strategic Evaluation of April 1994* does not present a happy picture of our country in the fight against the drug trade, both on the demand side and the supply side. I have a summary of this report which was recently published, and on page 33 there is a section which deals with "Demand Reduction." I want to read this section so that you can understand the serious problems that our country is faced with when these reports make international circles. It is not only the crime situation that is causing Trinidad and Tobago to get a negative international image; reports like these which are published in the United States and which are circulated internationally can also contribute to our country getting a very bad and negative international image.

2.10 p.m.

The report states:

"The National Alcohol and Drug Abuse Prevention Program (NADAPP), funded mainly by a grant from UNDCP,..."

that is a United Nations agency—

"is largely ineffective, and the second phase of the grant is still being negotiated. NADAPP spent almost \$500,000 in phase one of a two-part UNDCP

grant, but little was accomplished. UNDCP is now looking carefully at NADAPP's phase-two design before releasing any further funds."

It goes on to say—

"In contrast, local NGOs,..."

non governmental organizations—

"which receive USG..."

United States Government—

"support appear to deliver drug awareness education, counseling, and rehabilitation more efficiently with much fewer resources, although on a relatively small scale."

What the United Nations agency responsible for promoting drug prevention programmes is claiming here is that although they invested \$500,000 in this agency, which the Government has some influence and control over, it has not performed. I am saying that we need an explanation on this. We need the Minister to tell us what is happening with respect to the on-demand reduction issue, because we are talking about drugs and money laundering which is the proceeds of the deadly and serious drug scourge.

We need to understand what is happening with moneys that are given to the Government to set up rehabilitation programmes to get young men and women off the streets of our country, and bring them back on course. The money seems to be jumping up either in somebody's pocket or it is just wasted. We need an explanation. This is a serious indictment against the Government of Trinidad and Tobago which needs to clear the air on this matter.

The Privileges and Immunities (Caribbean Financial Action Task Force) Order 1994, under section 9(2) of the Privileges and Immunities (Diplomatic, Consular and International Organisations) Act Chap. 17:01 declares that the Caribbean Financial Action Task Force and its secretariat be a regional agency; be given regional agency status and consequently, they, or the body in question, would enjoy the necessary privileges and immunities as set out in Part I of the Fifth Schedule of this particular Act.

The Privileges and Immunities (Diplomatic, Consular and International Organisations) Act, Chap. 17:01, the Fifth Schedule, Part I, Privileges and Immunities of the Organisation, states what this organisation is going to enjoy once this Order becomes law. This is not a United Nations agency; this is not the

International Labour Organization; this is not the Inter-American Development Bank or the OAS; this is a regional agency. This organization will have:

1. Immunity from legal process.
2. The like inviolability of official archives and premises occupied as offices...
3. The like exemption or relief from taxes and rates, other than taxes on the importation of goods...
4. Exemption from taxes on the importation of goods directly imported by the organisation for its official use in Trinidad and Tobago or for exportation,...
5. Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organisation...
6. The right to avail itself, for telegraphic communications sent by it and containing only matter intended for publication by the press..."

This is only Part I of the Fifth Schedule that is going to confer these rights and privileges on this new body.

It goes further. It does not only confer on the head and members of his family, as well as persons employed on missions on behalf of the Caribbean Financial Action Task Force the same privileges and immunities that are granted to the heads of international organizations, it also confers the same privileges and immunities on other officers and servants of the Caribbean Financial Action Task Force as set out in Part II of the Fifth Schedule.

In Part III of the Fifth Schedule, the officers, servants would be immune to any legal process in the country; they are going to be exempted from income tax in respect of emoluments received as an officer or servant of the organization.

Whilst foreigners who are coming from different parts of the Caribbean are going to be entitled to exemption from income tax in respect of emoluments received, we have no exemption, surprisingly, for nationals. From this particular matter, and according to the Minister's statement, we understand that Part III, section (2) will not apply to nationals of Trinidad and Tobago; so foreigners are able to enjoy exemption from income tax in respect of their emoluments, but nationals are discriminated against. We will deal with that later on, because there is a link between that particular discrimination and other problems that arise.

These privileges and immunities being granted to the Caribbean Financial Action Task Force have implications for this country's sovereignty and property rights. I believe that Caribbean governments are guilty of abusing and misusing privilege and immunity laws which are traditionally accorded to international organizations in order to deny and openly violate the human constitutional and trade union rights of workers throughout the Caribbean who happen to be employees of these regional institutions.

I say so conscious of the fact that this Order we have before us is going to actually immune this agency to any action that may be brought against it by workers who may be employed by it, so their property rights are infringed as a result of this particular arrangement. This organization will be vested with the status of a body corporate in accordance with section 37 of the Interpretation Act.

According to section 37 of the Interpretation Act, when an organization is vested with the status of a body corporate, it means that the agency is conferred power to institute legal proceedings; the capacity to contract; acquire and dispose of movable and immovable property. There are a number of Caribbean agencies that have inherited that particular status. I refer to organizations like CAREC—the Caribbean Epidemiology Centre; the Caribbean Food Organization; the Caribbean Telecommunications Union; the Caribbean Agricultural Research and Development Institute among others.

2.20 p.m.

What we want to ensure in this debate when the Minister responds, is that the Government is taking into consideration when it brings this Order to the Parliament the fundamental, human, constitutional and trade union rights of workers, nationals and citizens, who may be employed with this particular body called the Caribbean Financial Action Task Force. Our citizens are called upon to pay taxes according to the Order and according to this law, and, at the same time, you deny them their human, constitutional and trade union rights. We want the Minister to address this issue. This is a very serious matter.

You cannot take status, privileges and immunities and confer these onto any particular body without making a comprehensive assessment of its implications for workers' rights in such an arrangement. You are going to create a kind of juridical personality, organization or animal, as a result of conferring all these immunities. Their properties and assets wherever located and by whomever held, shall enjoy immunity to every form of legal process.

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We have to understand what we are involved in here. This is not a simple Motion. This is a Motion that can challenge the sovereignty of Trinidad and Tobago. It can challenge property rights in this country. It is not an ordinary Motion on which we just get up and say 'aye', and the ayes to have it.

In 1989 a Peruvian diplomat abused his diplomatic privileges in this country by importing and selling illegal weaponry on the local market, and then shipped himself away when the police were on his trail. So immunities and privileges can be violated, abused, and misused. We need to have the necessary mechanisms to protect the rights of the citizenry of our Republic. This is not a banana republic, although the PNM wants it to be that. We want the hon. Minister to take this matter into account very seriously. We will await his response before we take a position on this matter.

We on this side are saying that this Order before us has serious implications for the human rights of workers in these organizations. It is, therefore, absolutely necessary that a clear policy be developed or a commitment be given by the Minister of National Security, that a policy is going to be developed in order to ensure the protection, promotion, and the safeguarding of the status of workers rights, workers who are citizens of this country, and, workers who may be employed in this agency that is being developed.

Nationals usually enter into contracts at their own risk with these organizations when they are employed by them because the drafters and framers of the law did not take into account these possibilities and developments that have taken place in many Caribbean organizations.

Workers who are employed in these regional agencies that the Government is seeking support for here today, have no recourse to the property of the organizations and cannot institute legal proceedings. Not even the Retrenchment and Severance Benefits Act can be invoked in the case of a worker who is employed with one of these agencies if they are treated unfairly because they are immune to the laws of Trinidad and Tobago. You cannot even go to the Industrial Court to challenge these people.

The Minister of National Security, who I understand is becoming more and more creative and flexible in his public image—remember he had an arrogant, backward and ugly image which he is trying to curb now. We hope in trying to do so he take into account the rights of workers and the rights of the citizens of our country to protection. We need to protect our people.

I must tell you, Mr. President, that the hon. Minister is the president. He did not tell us this but we must let the population know that the hon. Minister of National Security is the first president of this Caribbean Financial Action Task Force. I discovered this in a United States' State Department Report. The Americans know it, but we do not know it. That is how I discovered that the hon. Minister is the first president.

The Minister of National Security is the founding father of the Caribbean Financial Action Task Force. As a father, you have a responsibility to your children. As a father he has a responsibility to those children and those citizens who are going to be employed in this agency to ensure that their rights are protected. The hon. Minister should take this contribution very seriously because many organizations are victims of this particular abuse of which we are conscious.

We on this side will do everything in our power to support Government because we know that the Government is under extreme stress and pressure. We see their numbers are dwindling daily. We do not know, for instance, if what they could not achieve through reasonable discussion, they will achieve through circumstances of the moment. We have always called for a government of national unity, but when their numbers continue to dwindle they may have the need for it at that time.

Let us deal with the issue of the immunities which are granted to this agency insofar as workers' rights are concerned. I am aware, of an institute called the Caribbean Agricultural Research and Development Institute (CARDI). If there was ever a classic case in point where workers have been denied their fundamental human rights, CARDI is it.

2.30 p.m.

CARDI was given the status of a regional agency—the Order we have here today is the same Order that was brought to this Senate some years ago, and nobody took the time—in their haste to establish that agency—to look after the interest and welfare of the workers. Maybe, if I was here at that time it would not have been passed, but I am here now, so I am making up for history and time. We are saying that this Motion would not pass this Senate—on this side anyway—until the hon. Minister is able to give us a clear commitment, appreciation and undertaking, because, you see, they like to give undertakings, especially this hon. Minister who is going to speak later. We are prepared to consider those things.

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There are nationals at CARDI who are treated like modern-day slaves. There are 70 workers employed at CARDI and even though they have a union that gained recognition from a legal institution called the Registration, Recognition and Certification Board, CARDI management refuse to meet and treat with the union because of this same privileges and immunities status that they enjoy. They are not going to the Industrial Court because they have pulled out a certificate and said that this is something that was granted to them by the Minister of External Affairs. They have all these immunities and they cannot be touched.

I am trying to get the Minister to understand. It could never be the intention of the hon. Minister to bring a piece of legislation to this Parliament to get our support and in the process, deny workers their fundamental human rights. I do not believe he is such a Bokassa. I think he is a more honourable gentleman than that. I want the Minister to understand the implications. When I say workers are functioning in virtual slavery at CARDI where the management can get away with murder on workers' terms and conditions of employment, it is against this background I am talking about the issue of immunities and privileges.

Why should nationals be denied their constitutional, trade union and human rights? Why should they be denied collective bargaining status? Why should industrial relations be part of any kind of arrangement where you are going to grant people immunities and privileges?

There is an organization called the North Atlantic Treaty Organization (NATO) and even at that headquarters—workers under the same immunities and privileges—a tribunal is established. If the Minister of National Security and I are involved in negotiations I represent the workers and he is representing management—that is all he would always be doing—and we cannot agree, there is a tribunal that is established to resolve issues. That is what obtains at NATO.

Whether you look at the Caribbean Food Organization, the Caribbean Telecommunications Union, CARDI, CAREC or this new order that is being formed today, the workers are denied their fundamental rights. The powers that be do not even have a tribunal. They do not even want the workers to have a trade union. These are the same workers who have to pay income tax. This is a very serious issue. I want the Minister to understand the severity of this matter, because it is not a matter that we are going to treat lightly.

I think that the Government of Trinidad and Tobago, with our Minister of National Security, has an obligation to insist that certain provisions to waive are

made in this Order. We can make exceptions to these Schedules if we wish, as a law-making body.

Sen. Huggins: The Opposition supported it downstairs.

Sen. W. Mark: I am not interested in that at the moment. I am dealing with fundamental issues. I hope that the Minister is taking my contribution in the context in which it is being made and not dealing with some other place. We are not in another place at this time. I should like the hon. Minister to look at the issues I have raised. As I said, if these workers are called upon to pay taxes, they are entitled to their rights like any other citizens.

This unhealthy situation which exists at Caribbean organizations, so-called regional organizations and agencies, has to be cleared up.

Mr. President: I thought you were finishing. Your time has expired.

Sen. W. Mark: I would take only about five more minutes.

This is a very intolerable situation, it violates this arrangement. We are dealing with an Order that is going to become law. This Order violates Conventions 87 and 98 of the International Labour Organization which deal with freedom of association and protection of the right to organize and the right to engage in collective bargaining. We are violating certain fundamental principles. We have adopted and ratified these two Conventions 87 and 98, yet we bring laws, Motions and Orders to Parliament which are in contradiction of and opposition to those very conventions that we have passed.

Whilst this Motion may appear to be simple and straightforward to the mover, it has serious and profound repercussions for workers who are employed or are going to be employed by this Caribbean Financial Action Task Force. We are calling on the hon. Minister and the Government of this country to address the issues that have been brought to their attention by this side and to treat them with the seriousness that they deserve.

Let us hope that the Minister, who has assumed leadership of this new body, would take the necessary measures or give the necessary commitment to ensure that workers' rights are not denied and not infringed, for nationals of this country have to be employed. If necessary we must re-examine in detail, in a comprehensive fashion, all those regional agencies in the Caribbean that continue to deny workers their fundamental human rights. I want the Minister to take note of this particular point.

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We need to revise some of these pieces of legislation to ensure that people enjoy their rights. As we said, we would await the Minister's response to our concerns. They are serious concerns to us on this side, and in his new capacity and role we hope that he would be a little more understanding to workers who are going to be by in this institution. We should like him to take the concerns of the Opposition to his Government insofar as the workers of CARDI are concerned.

There are many other workers in the Caribbean who are denied this same basic right; whether it is Jamaica where there is an institute of CARDI; Dominica, or Guyana, it is the same ball of confusion. They give people diplomatic clothing; give them and grant them immunities and privileges and these people in turn use them to abuse the rights of Caribbean workers. And this Government sits silently and does nothing about it. This has been going on for almost 10 years, repeatedly, and the Government comes to create another agency to do the same foolishness that they have been doing over and over. This nonsense has to stop.

If the PNM Government cannot address this issue, I can tell you that very shortly, we would have to undertake that responsibility. We want the Government to deal with these matters because they are very important.

2.40 p.m.

In principle, we cannot be against any Motion, brought to this Senate by the Government which is designed to fight the scourge of drugs and to deal with the money laundering syndrome, although the Government has been spreading rumours and propaganda to the contrary. However, we bring to the attention of the Minister, in whose name this Motion stands, some serious problems that will arise, and have already arisen in institutions, and we would hope with his calm temperament of late, he would give it the kind of serious attention that it deserves.

With these few words, Sir, I take my seat.

Sen. Martin Daly: Mr. President, I have some misgivings about this Motion, apart from it not being very clear to me precisely who or what this Financial Action Task Force is. My misgivings are these.

I believe that the Minister indicated in some way that this was a temporary body, which was formed to deal with money laundering. I am immediately unhappy that these types of privileges should be given to some temporary or ad hoc body. I note that it is called a task force, which underlines my misgivings that

it is some body formed for a specific purpose, and I am alarmed that we should extend these types of privileges to a temporary body.

I am also concerned because it appears to me that this is some kind of policing body, if it is going to be involved in taking action with regard to money laundering, and I do not know if this is going to be some sort of Scotland Yard with diplomatic immunity. If that is what it is, I would be very concerned.

You see, this is a very dangerous time for our country. The Government has no control over the crime situation. None of us! Everyone is in a state of great anxiety. Statements are being made about breaknecks. As Raoul Pantin put it in an article, which I do not have with me, it is a very dangerous time for our country. Everybody is slightly hysterical about the whole question of crime and the drug situation and, as I have indicated before, we are prone in that type of atmosphere to make mistakes.

These are the misgivings I have about this, and if this is a policing body, my misgivings increase. If we have a crime problem in this country, we really have to solve it ourselves; no amount of experts speaking on the telephone to us from Florida, or other persons lecturing to us almost on a daily basis about what our responsibilities are—and I note that I am being lectured about my responsibilities as a parliamentarian on what I should and should not oppose. That causes me concern. That is the kind of atmosphere in which this Motion is coming, and I am concerned about it.

Therefore, I am saying these few words to express my misgivings and to ask the Minister whether he would consider an amendment where we resolve that the Order be affirmed for a period of two years, and at the end of the two years we can see whether this body really is getting any results, what it is doing, whether it is on any firm foundation. To me, at the moment it is a very shadowy thing, and we have enough dark shadows roaming around our country at the moment, to add to them.

I therefore would ask the Senate to consider that we affirm this Order, limited to a period of two years, in the first instance.

Sen. Carol Merritt: Mr. President, I just want to clear up something. Taking into consideration that the amendments to the Dangerous Drugs (Amdt.) Bill before the other House have not yet been debated, why is it that the Minister of National Security is pushing to get this Caribbean Financial Action Task Force

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Order through? That Bill has to do with money laundering, and nobody in this Senate has the track record of these other groups. We do not understand what happened before and how effective these groups have been in the past. Maybe the Minister needs to clear this up for us.

With regard to privileges and immunities, is there any way these immunities and privileges could be waived and who has the authority to do it, if in some instance a member of the Task Force commits some crime?

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, let me deal first with the two short issues raised by Sen. Merritt. On the question of whether immunities can be waived, the answer is yes. Anyone who has immunity accorded to him can have it waived.

Secondly, this matter has absolutely nothing to do with the Dangerous Drugs (Amdt.) Bill. Yes, one of the proposals in that Bill is for the amendment to the provision that deals with money laundering, but the matters that are to be handled by the Caribbean Financial Action Task Force really have absolutely nothing to do with the criminalizing of money laundering in Trinidad and Tobago. As I go on in my winding up, that point will become clearer.

To deal with Sen. Daly, let me say at the beginning that we are not in a position to accept the suggested amendment that this be done for two years. I do not know where the idea came from that this is a temporary organization. Yes, it may be called a task force. The only time I used the word "temporary" is in relation to where it is housed at present, and the reason it is there housed is that we are about to close a transaction for the acquisition of a building which would provide permanent accommodation for the secretariat. It is in that context that I used the word "temporary".

Money laundering is not going to go away overnight, and I can foresee this organization remaining in place so long as money laundering poses a problem for this entire universe. Again, this body is not another Scotland Yard, nor is it a body which will police anything in the common sense understanding of the word "policing." In my presentation I said exactly what the purpose of this body is.

Money laundering is a very difficult subject to deal with. It is very easy for anyone to say that banks, insurance companies and the coconut vendors are involved in money laundering. But saying that someone is involved in money laundering and actually, through the investigative process, discovering and proving beyond doubt that an act is in fact one of money laundering is a totally different issue. Yes, in the course of investigations, our investigators have come

across situations which led one to believe that there is some money laundering taking place here.

2.50 p.m.

We have had the benefit of listening to the experts abroad who have discovered money laundering transactions on a large scale. This is what really brought together the Financial Action Task Force because of the difficulty of this subject. Again, I always tell the Opposition that there appears to be some lack of coordination amongst their Members, because in the other place the Leader of the Opposition Business brought a whole book and was reading about the history of money laundering. I find it strange—

Mr. President: I should like to advise the hon. Member to keep out the debate in the other place.

Sen. The Hon. R. Huggins: Yes, Mr. President. Let me put it this way. It is probably for want of searching properly that the other side have not been able to find information on the Financial Action Task Force and the Caribbean Financial Action Task Force. But if they want, I can direct them to where they can find it.

The Financial Action Task Force was brought about by the G7 countries, which put together a group of experts to make proposals which not only could have assisted their countries, but could have also assisted smaller countries in dealing with the question of money laundering. It is out of the Financial Action Task Force that the Caribbean Financial Action Task Force came about, and the principal reason for this group is to assist Caribbean and Latin American Countries in putting systems in place to deal with money laundering. It is a body which is going to provide technical expertise. It is a body which is going to provide expertise on how one deals with legal issues relating to money laundering.

A very serious problem, for example, is encountered by the British dependent territories where they depend on off-shore banking to a large extent for the very being of their economies. They have made it quite clear that one of the recommendations made by the Financial Action Task Force is that this question of off-shore banking should be looked at seriously and, where necessary, abolished, but one cannot decide to abolish off-shore banking; those countries would crash.

This organization will provide the expertise to those countries as to how they can deal with the unique problems that arise as a result of off-shore banking. They may be able to provide that same kind of technical expertise to us in our financial

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system, and that is what they are about, they are just an advisory body having at their disposal a group of persons who are experienced in the matter of money laundering. Through this group, expertise is made available to member countries so that they can deal with their problems of money laundering.

They can provide lawyers experienced in assisting countries in drafting legislation, in putting legal systems in place, in assisting the police to carry out proper money laundering investigations; that is what this is about. The secretariat is really the central repository of all the information from member countries, so that they can make an evaluation of the needs of the member countries and advise them as to the type of help they require. This Caribbean Financial Action Task Force have no investigative powers whatsoever. They have no coercive powers; they are there merely in an advisory and technical capacity.

Sen. Wade Mark, as is customary, went on about workers' rights, the ILO and so forth. One has to understand that this country has certain international obligations. There are the 1946 and 1947 United Nations Conventions on Diplomatic Rights and Immunities. Likewise in 1961 and 1963 there are the Vienna Conventions dealing with this whole question of immunities, to which this country is a signatory. Immunities that are afforded to foreigners when they form part of international or regional organizations in Trinidad and Tobago, are the same immunities that are afforded to Trinidadians when we set up missions abroad. We cannot deprive them of it here and not expect some type of reciprocal action when we go abroad.

This is not a question of Trinidad and Tobago taking a position as it relates to immunities. These are conventions to which many countries in the world are signatories, and it is not a case of Trinidad and Tobago saying, "You see this thing, when it comes to workers' rights? you have no immunity." It just does not work that way and I am afraid I cannot give any undertaking about putting anything in place to deal with that question. That is beyond me. I can raise your concerns with the Minister of Foreign Affairs who is au courant with those matters and you could probably take it up with him. I believe that as long as this country remains a signatory to the UN conventions and the Vienna conventions, we have to comply with those provisions. You will see in the legislation itself there are several Articles of the Vienna convention that are set out, and the legislation says they form part of the laws of Trinidad and Tobago.

There are some minor points raised by Sen. Wade Mark which I shall deal with quickly. He spoke about the faceless executive director. The executive

director is one Mr. Wren. He comes out of the United Kingdom, they being one of the G7 countries. They agreed to provide us with an executive director. They pay his full salary and upkeep allowance. The staff of this Financial Action Task Force will be about four persons with certain technical expertise, and I really do not anticipate any problem.

Sen. Wade Mark also dealt with the question of putting some mandatory provisions in place to deal with the commercial banks, insofar as the commercial banks may be used as a tool for money laundering. Let me assure the Senator that those provisions are included in the regulations to the banking legislation which will shortly be laid before the Parliament.

Mr. President, I do not see that there is much more for me to address, save that this is an organization which with the secretariat being sited in Trinidad and Tobago I think would be of very great assistance to us in our ongoing fight against this matter of money laundering. The Motion before us is to deem this organization a regional one and to grant it the immunities which are set out in the relevant legislation.

3.00 p.m.

Sen. W. Mark: Mr. President, before the Minister takes his seat, could he indicate to this Senate what steps or what measures the Government can pursue, while ensuring the rights and privileges of diplomats and agencies? I referred to NATO where employees enjoy access to certain rights and privileges. There has to be some form of thinking on the part of the Government, because this is being repeated over and over. I am asking the Minister whether the Government is prepared to look at the issue to find ways and means of addressing that critical industrial relations aspect. Is the Government prepared to look at this?

Sen. The Hon. R. Huggins: Mr. President, the Government is prepared to look at anything which will be for the good of citizens of Trinidad and Tobago. As I indicated to the hon. Senator, however, that is a matter which he will be better off raising with the Minister of Foreign Affairs, because I really do not think it is within my jurisdiction.

Mr. President, as I indicated when I was moving this Motion, I think it is something that could be of great benefit to Trinidad and Tobago, and I ask the Senate to give this Motion its full approval.

I beg to move.

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Mr. President: Sen. Daly, are you pursuing your amendment?

Sen. Daly: It has been rejected, Mr. President, so it would only waste time if I pursue it.

Mr. President: If you have a seconder I could put it for you. Is anybody seconding Sen. Daly's amendment? You would not pursue it?

Question put and agreed to.

Resolved,

That the Privileges and Immunities (Caribbean Financial Action Task Force) Order, 1994 be approved.

MAXI-TAXI (AMDT.) BILL

Order for second reading read.

The Minister of Works and Transport and Minister of Local Government (Hon. Colm Imbert): Mr. President, I beg to move,

That a Bill to amend the Maxi-Taxi Act, 1992, be now read a second time.

This Bill has three salient features: It provides for a change in one of the fundamental provisions of the original Maxi-taxi Act, 1979, which was re-enacted in its original form in 1992, with slight amendments—and this is the clause relating to the owner-operator provision.

The original legislation of 1979, and also 1992, did not provide for persons who were not owners of maxi-taxis to operate them. The thinking at that time, in 1979, was that unemployed individuals would use the maxi-taxi as a means of self-employment in the public transport area and, therefore, the stipulation that only persons who owned the maxi-taxis could drive them was inserted to ensure that other persons would not exploit the situation to their advantage.

At that time, maxi-taxis were limited to the smaller units, the 9-12 seater and cost around \$30,000. It was conceivable at that time that the owner/operator could earn sufficient income to meet his mortgage payment, maintain his vehicle and have some income left over for replacement parts to his vehicles and also maintain his family at a reasonable standard.

During the mid-1980s, however, there were two significant occurrences: The large maxi-taxi was introduced, and the prices of vehicles began to increase rapidly. At this point it should be noted that the smaller maxi-taxi now costs over

\$120,000, without insurance, and the larger maxi-taxi costs over \$250,000. This vast increase in price has forced owners to employ drivers to operate the vehicles for longer hours in order to meet the financial commitments involved. And as you will be aware, Mr. President, since the Act stipulates that persons who are not owners cannot drive maxi-taxis, many persons have been illegally operating maxi-taxis on the road. But it is simply not possible at this time for a single individual to operate a vehicle 24 hours a day to allow a sufficient return on the investment to cover the cost of operating that vehicle that may cost between \$120,000 and \$250,000.

So that the Bill before us brings a remedy to this problem and allows for two classes of persons, one being the vehicle owner who will now be required to be registered in a register compiled by the Licensing Authority; the other class being the operator, who will be the person separate from the owner, who will be plying the vehicle for hire. Of course, owners may also operate their own vehicles. But it should be noted that the laws of this country do not allow persons to operate vehicles, particularly public transport vehicles, for 24 hours continuously. Among the reasons for this are driver fatigue and the resultant tendency towards vehicular accidents.

So that one of the fundamental changes in the legislation is the change of the owner/operator provision, and it will now be permissible for several persons to drive one maxi-taxi, and also for persons to drive more than one maxi-taxi, as long as they have the required taxi badge and the required maxi-taxi operator's permit. So that the owner/operator's permit has now been replaced by an operator's permit, and a register of owners will be established.

Another important feature of the legislation before this Senate is the inclusion of penalties. If one takes a close look at the Maxi-taxi Acts, 1979 and 1992, one would be struck by the fact that although each legislates against breaches of its provisions, it does not include penalties for such breaches. One of the most significant results of this deficiency is that it has allowed operators of these vehicles to flout the law with impunity, because the only penalty that they are subject to, is in the main ticketable offences, which carry penalties of \$60-\$100.00. In addition, these infringements may not be taken to the court for some time because the ticket system is deficient, and there is a lack of communication between the operations at the ground level, the people who issue the tickets, and the connection with the magistrates' courts. So one finds that persons are issued tickets and may be charged with the offence three or four years later. One could well understand that the lack of penalties in the old Act allowed flagrant disregard

for the provisions of that Act, and it severely undermined the ability of the enforcing agencies to deal with breaches of the Act.

In the regulations which will accompany this Bill [*Interruption*] which will be laid, as is customary—after the Bill is passed they will be laid and debated in this Senate. They will be subject to affirmative resolution; one includes a penalty of \$1,500 for breaches of the regulations, and in addition there is a penalty for breaches of the Act, those provisions of the Act which are not now covered by specific penalties.

The most contentious aspect of this Bill, which has had the benefit of considerable debate in the other place and also in the wider community, is the provision to address and curb the menace of loud and offensive music and other undesirable aspects of the maxi-taxi trade. There can be no gainsaying the fact that the maxi-taxi industry has acquired many undesirable features over the years; indeed there has been the emergence of a maxi-taxi sub-culture.

3.10 p.m.

When maxi-taxis were first introduced in 1979, this form of public transportation was not supported by the travelling public. For many reasons the public at that time preferred to travel by the smaller four-seater and five-seater taxis. However, as time went by, especially with the inclusion of powerful sound systems in the maxi-taxis, the pioneering maxi-taxi operators wooed members of the travelling public in greater and greater numbers away from conventional taxis. As the number of maxi-taxis increased with more and more persons opting to get into what was becoming a very quickly-growing business, the sound systems put into maxi-taxis began to become more and more powerful.

Naturally, the public became concerned about the volume of the music that they were subjected to while travelling on maxi-taxis. The authorities sought to address these public concerns. At that time the authorities did not go the way of legislation, but sought to call in the maxi-taxi operators to a national discussion in 1988 at the Transport Division on Wrightson Road.

Maxi-taxi owners in those discussions indicated that music in their vehicles was extremely important to them in giving them a competitive advantage over other forms of public transportation. However, the right of the public to travel in peace and comfort must override the right of any one individual to subject other individuals to harmful, obscene and offensive sounds; and it was agreed at that meeting that maxi-taxi operators must exercise self-regulation and be reasonable in respect of the volumes at which their music is played.

It is important to note that the authorities first chose the route of moral suasion in this matter. However, as time went by there was no discernible improvement and, in fact, the situation became worse when we saw the emergence of another offensive feature of the maxi-taxi industry. Not only was music played at loud volume, but the lyrics became lewd and obscene.

Arising out of this, in 1990 there was another consultation, this time at the St. James Police Station. Again, the licensing authorities and the police indicated that there was need for self-discipline on the part of maxi-taxi operators. Again, maxi-taxi operators undertook to exercise self-regulation. So that, there was significant consultation on this matter by the previous administration, and we will come now to the present administration.

In 1992 I attended a consultation held by the Eastern Credit Union at St. Joseph and, again, a call was made to maxi-taxi operators to exercise moral suasion and self-regulation. This had no effect. It has, therefore, become necessary to enact legislation which will curb the danger to the public of loud, excessive music and lewd lyrics; and I may point out that it has been scientifically proved that loud music has severe and harmful effects on persons who are subjected to excessive volumes for certain periods.

There have been many scientific studies on the effect of loud music on human beings and in 1989 there was a research paper published by some researchers at the University of the West Indies who had done some examination of the volumes of music played in maxi-taxis and discovered that out of 22 maxi-taxis surveyed, over 70 per cent played their music above the safe decibel level for human beings, which is approximately 80 decibels.

The American Occupational Safety Health Act, which I am sure Sen. Wade Mark is familiar with, has indicated that decibels of 90 and over for periods of longer than half an hour can result in hearing loss, fatigue, headaches, tensing of the muscles, changes in the heart and lung performance, secretion of gastric juices in the stomach, and so forth.

Sen. Capildeo: I did not hear you—raise your decibel level a little!

Hon. C. Imbert: So Mr. President, I think it has been clearly established both in Trinidad and Tobago, and around the world, that loud music is harmful to human beings if they are exposed to it for extended periods, but in this particular case, periods exceeding half an hour.

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The Government's intention in this matter, in the first instance, was for a complete ban on music in maxi-taxis. We were of the view that it was impossible to enforce any regulatory mechanisms which would prescribe limits on the music to be played and the type of musical instruments to be used in maxi-taxis, and we took our cue from the experience of other Caribbean countries.

In Jamaica, for example, after years of experimentation, the Jamaican Parliament decided to ban, outright, music in these vehicles in their mini-buses. Music is also banned in Barbados, and this has arisen out of years of trial and experimentation with self-regulation, attempts to regulate the type of equipment, the decibel levels, and so forth.

In Guyana the authorities are considering an outright ban. At present there are regulatory mechanisms which the Guyanese authorities are finding very difficult to implement, in that the mini-bus operators are playing a cat-and-mouse game with the police. They turn down their music when they approach a policeman and turn it back up when they are out of earshot of the policeman, and so forth.

3.20 p.m.

The Government had asked the Opposition to support the legislation in its original form to allow for a complete ban, because this would have removed any ambiguity in the legislation and would also have made it far easier for the police to enforce the legislation.

However, after considerable consultation—I myself met with the Leader of the Opposition. For some time I have held discussions with several Members of the Opposition on this matter, and the Leader of the Opposition himself in the other place indicated that if the proposal to limit the ban to instruments other than radios would not work, we could return to Parliament in six months' time and go for a complete ban.

There were many arguments made in the other place by the Opposition for inclusion of a provision to allow the use of a radio, and the amended Bill is before the Senate. The amendment to clause 9(2) indicates at the second page of the amendment sheet:

"The use of a radio is subject to such conditions and technical specifications as the administering authority may by Order prescribe permitted in a maxi-taxi."

Therefore, in the other place in the interest of compromise and in the spirit of consultation, the Government agreed to amend the legislation.

Sen. W. Mark: That is a good spirit!

Hon. C. Imbert: In the interest of democratic consultation—

Sen. W. Mark: Definitely!

Hon. C. Imbert: I am sure that this is music to Sen. Wade Mark's ears. In the interest of compromise and democratic consultation, the Government agreed to amend the legislation to allow the use of a radio subject to specifications to be prescribed by the administering authority, which would be the Licensing Authority in this particular instance.

We also agreed to an amendment that would deem an operator the servant or the agent of the owner of the vehicle for all purposes of the Act, specifically the Motor Vehicle (Third Party Risks) Act.

There was an argument that there were loopholes and ambiguities in the insurance laws and that there might be some freedom for insurance companies to avoid liability. The Government, again, was not of this view and indicated to the Opposition that it would prefer a comprehensive review of insurance legislation, because an amendment of this type might open up other loopholes and create ambiguities which may not be seen on first examination.

However, again, the Opposition agreed in the other place that when the comprehensive review of motor vehicle insurance legislation is done and this clause is found to be deficient, it could be deleted. Again, in the spirit of compromise, we amended the Bill to include this provision which is shown in the amendment sheet to clause 4 (iii).

This issue has been debated at length outside this Parliament. I think the issues are well known to everybody in this Senate and I am sure that Members on the other side will wish to make very pertinent and valuable contributions on this Bill. I think we have reached consensus with the Opposition on this matter, so I do not expect any cantankerous debate from the Opposition Senators. I hope that they have discussed this matter with their other colleagues—

Sen. W. Mark: We do not engage in cantankerous debate, only intellectually stimulating debate.

Hon. C. Imbert: —and will not engage in any cantankerous debate. I await the contributions of the Independent Senators, who may be able to enlighten me on any aspects of the legislation that they believe may need another look.

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Sen. Prof. Spence: Mr. President, I wonder if the hon. Minister would give us some idea of what regulations could be put in place in order to ensure that the radio. It says, "...technical specifications as the administering authority may by Order, prescribe..." Could he give us some idea of what these may be in order to ensure that there is no abuse of the provision of a radio?

Hon. C. Imbert: Yes, Mr. President. In answer to Sen. Spence, we will be seeking to prescribe the maximum wattage or power of the radio. The sort of range we are looking at now is between five and ten watts. We would also seek to ensure that the maxi-taxi driver or operator would have at all times in the vehicle, a licence issued by the Licensing Authority which would give a general description and specifications of the radio so that this could be checked at any time by the policeman or any of the other enforcing authorities, so that if it is suspected that there is a breach of the regulations relating to wattage—we would also be limiting the number of speakers and the other aspects of the radio system that control its ability to transmit sounds.

This licence would adequately describe the radio so that if a policeman or another member of an enforcing agency suspects that there is a breach, he can request the operator to produce the licence and the specifications on the licence, which would include the serial number and other detailed particulars of the radio. And if the officer still believes that there is some breach—for example, someone may have tampered with the radio and hidden certain other elements, or made additions to the system and hidden them—the authorities would then take the vehicle down to the Licensing Office or some other convenient place to examine the radio to ensure that it complies with the specifications. One will realize that this is precisely what we were seeking to avoid in the original legislation, but we have agreed, reluctantly I might add.

Thank you, Mr. President.

Question proposed.

Sen. Muntaz Hosein: Mr. President, before I get into the meat of the debate, I want to express to Members on the opposite side, our sadness at the illness of two of their colleagues and to wish them, on our behalf, a speedy recovery.

3.30 p.m.

This Bill to amend the Maxi-taxi Act, 1992, is one to which we on this side will give full critical support in its amended form. This Bill is only one piece of legislation in a line of measures brought before this Senate—and we are told that

there are many more still to come—by this Government as part of its strategy involving creation, mismanagement, power, liberty and tyranny; creation, because they created the problem in the first place. It has been a very long time in this country that the citizens have suffered and continue to suffer from the lack of good public transport. The last time I remember adequate public transport was a very long time ago when we had the train running. Those of us who were around will remember the railway system moving people rapidly in large numbers from place to place. During that time, if you recall, it was the same PNM administration which did away with the train.

You see, this Government has a record for removing whatever they cannot manage properly. Since that time, the bus service in Trinidad and Tobago was running much better than what we have today, because in those days it was in the hands of private entrepreneurs. Lo and behold, this PNM Government did away with that and went into the public transport business. You will remember time after time the problems that we had with public transport. I remember at one time that buses were bought and spare parts could not even be found for them. They had to be laid up; a lot of taxpayers' money was spent on those buses but they went a-begging.

Since then, the only bright spot that came to our public transport is the new express bus service from Port of Spain to San Fernando. I understand from all reports that that is working quite well. But the rest of the public transport, other than what the pirate taxis offered—these are the four-seater and five-seater cars, another area where it was fair—but then came the introduction of maxi-taxis. It was this Government and its predecessor that introduced maxi-taxis in Trinidad and Tobago, and without controls the situation has deteriorated to what we have today.

The stories are numerous. One reads all the time in the newspapers of the things that occur with women and children driving in maxi-taxis. I have great difficulty in understanding a particular story that I read regarding blue movies in maxi-taxis. I have some difficulty in understanding how this takes place in maxi-taxis. However, it was reported in the newspapers on more than one occasion. So that this is a situation which has been allowed to reach the stage it has, with mismanagement, because there were no controls. What do we have now?

Again we are seeing that whatever the Government cannot control, it will try to destroy. It cannot control the decibel level in maxi-taxis, so it says, ban it; get rid of it. It goes that route throughout its reign; and as you can see, we are at the

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stage where all the institutions in Trinidad and Tobago are reduced to a farce under this Government. Power, liberty and tyranny are all.

If we examine history we will see that it has shown that governments, because of their unpopularity and those which face the wrath of the people, resort to depriving the people of their liberty and fundamental freedoms. They do this via constitutional changes. First they start with minor changes, then they make major changes, such as control of major institutions of government, for example, control of what we see and hear—the media. This Government controls TTT, 610 Radio, 98.9 FM. It moves for control over the military, the police the army and coast guard. That is the history. It might be instructive to quote what Woodrow Wilson had to say:

"Liberty has never come from the government. Liberty has also always come from the subjects of it. The history of liberty is a history of resistance. The history of liberty is a history of limitations of governmental power, not the increase of it."

It makes you understand a little more about Woodrow Wilson.

Let us examine the type of legislation being introduced in the Parliament in recent times and we would understand the fear that the people are having. Some of us are becoming quite hysterical and Government is taking full advantage of this hysteria. As a matter of fact, many of us believe that it is engineered specifically to produce the hysteria.

Another tactic of unpopular governments is diversionary in nature, such as this Bill, the objective being to take people's minds off the main issues of the day, for example, crime, unemployment, poverty, hunger and the inability of this Government to keep its campaign promises. This Government is seeing its support base shifting away from it. So what does it do? It hatched a PR programme to support this Bill which sought to influence people in a way that would make them believe that the Opposition was to be blamed for the problem and was not helping the Government solve it. But if you look carefully you will see that the question of loud, violent and vile music can be handled differently if only this Government would take the people into its confidence. It would understand governance by consensus and save itself much money, time and heartache.

The main culprit of violent and vile music is still with us, and the Government has the resources to handle this easily. All it has to do is to direct 98.9 FM, its

radio station, to include in their policy a clause which will restrict such music on the airwaves.

3.40 p.m.

When this Bill was introduced in the other place we were told this was urgent legislation, but since November 19, 1993, it has only today reached us for debate—almost five months ago, and after many postponements, much propaganda, wasted money, energy and time, when all the Government had to do was to ask for advice at the beginning which would have changed the whole picture.

The question we must ask is: If this Bill is passed, when will it be assented to by the President? There are many pieces of legislation that are passed in the Parliament but not assented to by the President. Perhaps, the Minister would want to tell us when it will be assented to. More importantly, will it be enforced? Can the Government tell us what are its plans to enforce this piece of legislation? Because, enforcing of the law is the problem in Trinidad and Tobago. It is not the legislation; it is the enforcement.

Let us look at the number of laws we have in this country that just go a-begging with nobody enforcing them. The Litter Act; check the state of the city. If one walks through the streets of the city, especially on Independence Square, one sees litter all over the place. And because there is so much litter, policemen cannot help but kick the litter around in order to pass. People virtually throw litter on the policemen's shoes, but there are no arrests. When was the last time someone was arrested for littering? *[Interruption]* My good Friend Sen. Daly reminds me that people are not arrested for even serious things like killing; and I have to support what he is saying.

If one looks at enforcement record with respect to the heavy tinting of vehicles, one sees that nobody enforces the law. Someone can kill a person down the road and get away driving a car with heavily tinted windows and false number plates, and nobody can see inside the vehicle and they can go about their business. We have policemen, licensing officers and so forth; we have Ministers who drive up and down the streets, just like all of us, and the policemen see it. I am certain there are Senators opposite who have vehicles with heavily tinted windows as well. One can understand what I am talking about. Will we get any implementation? Will we get enforcement of the law?

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One cannot help but observe the unsafe vehicles on the roads of Trinidad and Tobago. One can be driving behind a vehicle that is falling apart and cannot understand how a policeman would not have seen it and pulled that vehicle off the road if only to save the occupants; not talking about the other people it may collide with. Only recently—I think it was last year—there was an accident involving a maxi-taxi where several people died; the maxi-taxi had bald tyres. Fortunately, baldness for tyres can be cured; regrettably, this is not the case with the heads of some of my Friends. Bald tyres can simply be removed.

The point I am making is that the licensing officers and policemen observe what you, the Minister and I observe every day and they do absolutely nothing about it. So, I ask the question: What is the point of bringing laws to the Chamber; having them passed; they are not assented to; eventually when they are assented to, nobody gives a damn about enforcement. *[Interruption]* They do not give a hoot. I correct that.

Mr. President: I take it you are withdrawing the word.

Sen. M. Hosein: Yes, Mr. President, I withdraw the first one, of course. Thank you.

If you walk the streets of the country, you see people wearing obscene T-shirts that ought not to be worn outside their bedrooms; nobody cares; nobody attends to it. So many unlicensed vehicles are on the streets; some Government departments are guilty of having unlicensed vehicles on the streets. That is the nature of the beast we are dealing with; from captain to cook is involved in this kind of behaviour, no wonder nobody bothers to enforce the law. I would imagine that policemen are sometimes afraid to pull in a vehicle not knowing whom it may belong to; it may very well be a Government vehicle or belong to somebody else whom somebody knows. That is the problem we have.

Sir, who enforces the law, including the pollution laws of Trinidad and Tobago? I do know if you sometimes drive into the city at night; you will observe that the city is covered with smog coming from the Beetham Labasse. People breathe that in and nobody attends to it; we have no enforcing of any laws in Trinidad and Tobago. When the police arrests someone, that person is very unlucky; it is as though a black cat passed in front of him, or he walked under a ladder. Those are the odds for someone to get arrested in this country.

I feel particularly ashamed that I am taking part in debates in this Senate and causing bills to be passed, and nobody is enforcing them. What is worse is that nobody is calling on the Government to either enforce the laws or get out.

3.50 p.m.

Somebody is going to start saying that, and if my information is correct, it has already started in Laventille. They are saying it to them in Laventille: either you behave yourself or we are going to put you out. These are the facts. *[Interruption]* Do not kill the prophet if you do not like the message. I am just bringing the message. Who is enforcing the laws against noise levels in residential neighbourhoods?

Too often people complain to me that they cannot sleep at nights. As a matter of fact, I heard that complaint from my colleague Sen. Capildeo, and I have heard it from other people. They say to me, "What are you fellows doing?" I get blamed for it as well. "We cannot sleep in the night and when we call the police to attend to the noise levels in the area they tell us they do not have a vehicle, they cannot come. These are the problems we have; the enforcing of the laws.

Mr. President, I am sure when you travel on the highways of our country and you stop at the traffic lights, especially at the Uriah Butler and Churchill-Roosevelt Highways, you see little children under 12 years of age selling all sorts of things. Who is enforcing those laws? What guarantees do we have?

Mr. President: Are they selling to the maxi-taxis only?

Sen. M. Hosein: No, Mr. President, they sell to everybody.

Mr. President: Try to confine your remarks to the legislation dealing with the Maxi-taxi (Amdt.) Bill.

Sen. M. Hosein: Mr. President, I am informing the Minister of the number of—

Sen. Huggins: We will remove the vendors tomorrow morning.

Sen. M. Hosein: Mr. President, I heard about the new role of the Minister. I did not know he was the court jester. However, we need a court jester at every court, so we welcome him. *[Interruption]* Now he wants to be the President. One could imagine if he gets the law in his hands what would happen to this country.

Let me deal with some of the points raised by the hon. Minister. He alluded to the price of maxi-taxis moving from \$30,000 to \$120,000 in a short span. I ask

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him: Who is responsible for that? Who is responsible for the cost of living in this country going through the roof? It has now reached unmanageable proportions, notwithstanding the “ole talk” from the hon. Prime Minister about prices falling flat. You will also recall that my good Friend Sen. John Rahael brought a big chart here to show us how the prices are going to drop. Mr. President, I do not have to tell you the cries of the people. The prices have risen instead.

Mr. Imbert: On a point of order. I did not say that prices had risen in a short space of time. I referred to the period 1979 to 1994; that is a period of 15 years and by no stretch of imagination could that be considered a short space of time in the human life time, that is.

Sen. M. Hosein: Mr. President, I thank the Minister for giving me the span which he was speaking of. I also want him to know that the price has gone up by 400 per cent in 15 years, unprecedented in any part of the world.

The Minister alluded to the ticket system and he said that it was not working. I recall that when that Bill came before the Senate the then Opposition told them it would not work, but they were adamant that it was going to work. *[Interruption]* Look at your contribution—and again, we are back to the question of enforcement. It is the sorry state of affairs with the Gentlemen opposite because they cannot enforce anything. I did not think that the Minister really had the brass face to talk about regulations in this Senate.

I recall in 1992 when we debated the Maxi-taxi Act, and we told him that we wanted the regulations with the Bill, he said, "Do not worry, pass the Bill, it is coming shortly." Mr. President, shortly to him is almost two years—and we have not got it yet. Are you on a point of order?

Mr. Imbert: Yes. The Senator is misleading the Senate. The regulations to the Maxi-taxi Act, 1992 were brought shortly after the passage of the Bill and passed in this very Senate.

Sen. M. Hosein: It might have been on a day when I was absent.

Mr. President: I believe all Senators are supplied with copies of the *Trinidad and Tobago Gazette*.

Sen. Huggins: So he was on a rotation?

Sen. M. Hosein: The Minister referred—and I am surprised that he did that—to a meeting in 1988 between the Transport Division and maxi-taxi drivers. He said that they got an undertaking from the maxi-taxi drivers at that time, that that

they would regulate themselves. I ask the question: If you had that kind of meeting in 1988, why have we been saddled with this problem for the longest while? The Maxi-taxi Act was passed in 1992; why did that not come through in a clause?

Mr. Imbert: The Senator is misleading the Senate. When I brought the Maxi-taxi Act in its original form in 1992, it contained all of these provisions; the Opposition at that time did not support the legislation, and we had to re-enact the original Act of 1979.

Sen. M. Hosein: He also indicated that there was another meeting in 1992, but it took us until 1993 to get this Bill, and five months after it was dealt with in the other place, we are seeing it here for debate—after all of that PR job which they did, and after all the delays, notwithstanding the talk about this matter being urgent.

4.00 p.m.

One of the favourite subjects of the Minister is his not being able to control the level of music in maxi-taxis. If we look at it we would see that nothing is further from the truth. He talks about the lack of control in other countries, but it is not all that difficult to control. All it takes is for a policeman out of uniform to travel in a maxi-taxi and listen to the volume of the music. If it is loud and excessive, then he should take down the maxi-taxi and charge the person. When one or two persons are charged, that would be the end of the story. Everybody would comply.

Sen. Nanga: Put police in all maxi-taxis.

Sen. M. Hosein: Mr. President, what was that word you used? I think it applies to the Senator who tried to interrupt me.

Sen. Barrack: Aside.

Sen. M. Hosein: Aside. We would have to use that for him.

Finally, it would be very nice when the Minister comes to the Senate, that he leave his arrogance elsewhere. To refer to debates on this side of the House as cantankerous is arrogant. That is how he referred to us.

Sen. Huggins: Arrogant, but true.

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Sen. M. Hosein: I ask him to become more humble because the day is not too distant when he would have to eat all his arrogance.

However, it is good to see that the Government has seen the light of day and is now learning how to compromise and learning government by consensus, and that it has accepted our ideas and included them in the Bill. I think it would go a long way for the future.

Thank you, very much.

Sen. Prof. John Spence: Mr. President, I congratulate the Government on bringing the Bill in its original form. I am totally in support of the original Bill.

I find it very difficult to understand the position taken by the Opposition in this matter. I find myself in complete disagreement with many of the points made by Sen. Hosein. Forgive me if I sound emotional on this issue, because this is one where we are considering the health of our young people. It has been amazing to me that we have allowed Barbados, Jamaica and even, perhaps, Guyana to be more forward thinking in this regard.

Let us be quite clear. There is a danger to the hearing of all the children who travel in the maxi-taxis. For a considerable time now, the medical people in this field have been telling us that the level of music in the maxi-taxis is dangerous to the hearing of our children. To me it is unbelievable that we should be playing with the eventual damage that we might do to these children in terms of whether we can control the music another way.

It is perfectly clear from what Sen. Hosein has said that it is difficult to enforce the law. Therefore, we must take the simplest route to deal with the problem.

Sen. Hosein: On a point of order. I wish to correct our goodly Senator. I never said it was difficult to control. I showed where it was easy to control. I think he was not listening.

Sen. Prof. J. Spence: I said that the hon. Senator was indicating to us that the law was not enforced in many instances. Therefore, why make it more difficult in this instance to enforce the law? Why should we not take the simpler route of completely banning music from maxi-taxis.

Sen. W. Mark: That is Fascist.

Sen. Prof. J. Spence: It is not a question of being Fascist. What the hon. Senator is interrupting me to say is that we must not take a responsible position

towards the health of our children because we would then be accused of being Fascist. What does Fascism have to do with looking after the health of our children?

Sen. W. Mark: Because you cannot control something, you must ban it?

Sen. Prof. J. Spence: Precisely! Because if you do not, you would be interfering with the health of your children. Clearly, the Opposition does not agree that we should take firm measures to deal with the health of our children. Therefore, I have to say that I am extremely disturbed to think that this group which continually puts itself as the alternative government, would so interfere with this Bill as to cause the measure not to be carried through in its original form.

Sen. Hosein: On a point of order, Mr. President. I wish to inform the Senate—

Mr. President: What is the point of order?

Sen. Hosein: The point is that the hon. Senator is misleading the Senate. The Opposition has never said that it does not wish to look after the health of the children of the nation. I want that withdrawn, Mr. President.

Mr. President: No, Senator. It is a question of free speech and interpretation. You made your point and he has come to the conclusion from what you have said that if you take a certain line, then the conclusion is such.

Sen. Hosein: Mr. President with all due respect to you, he did not say that. If he would preface that by saying, "that is my opinion," I have no problem with that.

Sen. Prof. J. Spence: Everything that I say in this Senate is my opinion. I do not express other people's opinion when I speak.

To me it is really very sad that this issue should have been handled in this way. The other countries have realized there is a problem and in my opinion, they have dealt with it in the correct way.

My own position would be to move an amendment deleting the amendment that was made in the Lower House with respect to clause 9. The only reason I would not do it, is that I do not want to see any delay in the implementation of a measure in whatever form that would assist with regard to this problem that we have. It is a very serious problem. Many children have already been damaged in this regard while we go on talking.

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There are blasts every night in the area where I live—which is a very quiet neighbourhood—a maxi-taxi drives through. Every night, while I am sitting in my living room—it does not pass outside the house, it passes in the road some distance away—it passes twice, in and out, and I can hear the music from it. Heaven help the people who are sitting in that maxi-taxi!

Sen. Capildeo: Come and live by me and ban all music every weekend.

Sen. Prof. J. Spence: Mr. President, I really feel that we have failed our kids with regard to this particular measure. If I have one criticism of the Government it is that the hon. Minister in presenting the Bill did not say what they really wanted to do with the original measure, and not in the sense of having to compromise. The Government should not compromise when it is on the right track, but because it would not have had the Bill through, because it requires a three-fifths majority, it had to make this arrangement. That I understand. But I do not understand the Government compromising on an issue with the moral position as its strength, to say that it is trying to be accommodating.

My position is that the Opposition should change its outlook in this regard and support the deletion of that amendment. However, the hon. Minister has assured us that in agreement with the Opposition, the position would be reviewed within six or eight months' time. I hope he would repeat that assurance, because that is the only basis on which I would agree to go forward in the form that we are now taking the Bill forward.

I have no doubt that what we would shortly have is the radio stations—and they are not all government controlled; many of them are now private radio stations. They would now gear their programmes deliberately at the radios in the maxi-taxis because they know there would be a market there. Then, there would be another issue to go after the radio stations because they may indeed try to get into their system, songs and music which would be acceptable to the maxi-taxis. So there would be another problem arising. I have absolutely no doubt that that is the next problem that we would have to deal with—the control of the type of music that comes over the radio stations. *[Interruption]*

We should not ban them? We should allow them to have all sorts of obscene songs coming over the airwaves. Is the hon. Senator suggesting that we should have obscene songs over our airwaves, because in order to stop that we would be banning them? Mr. President, I apologize for having been somewhat emotional, but I have felt very strongly about this issue for a very long time. I feel that we are playing with the health of our children and I think we are absolutely wrong to do this.

Thank you.

4.10 p.m.

Sen. Hydar Ali: Mr. President, I admire the candour of the Minister in presenting this Bill, especially when he came to the part dealing with compromise. Sir, in the debate in the Lower House the view was expressed that a radio ought to be allowed, and I held that view also. In fact, the Minister of Education is on record as saying that too. Even now we want to hear the score. Picture yourself in a 25-seater maxi-taxi waiting to be filled up for the long route to San Fernando or Diego Martin, and you are trying to find out the score: whether they have declared and how many runs we have to make! I am trying to say that England has declared, Mr. President. But when I heard from the Minister that no way could they control the loudness of the music, I was convinced. Once you have been converted to something, it is hard to revert. Now that this Bill has reappeared after a period of hibernation, we have this compromise.

I agree with Sen. John Spence that if something is bad, compromise has nothing to do with it. If it is bad for children and for everybody and we cannot control it, it should not have appeared. Some other route should have been found to convince the Opposition that this Bill could have been passed in its original form.

This is not the only instance where when it is impossible to control something one has to put a complete ban. One can remember numerous cases where this was done. I cannot see why this is singled out for special criticism.

We have only today heard about the effect—the health damage that can be done to people, not only when in the maxi-taxi, but also afterwards. When children get off the maxi-taxis and go to school, it takes some time for them to recover. When the maxi-taxis come around the school compound to await their passengers, they make so much noise. I do not see how the Minister could put his Cabinet responsibility and his professional integrity at stake by this compromise.

To say at one stage that it is impossible to control, and simply because of political expediency to say he will allow it— If something is wrong, in my book it is wrong all the time. I am very disappointed that this amendment has come in simply because a three-fifths majority is required.

There are some other points I should like to make on the Bill. The Minister has referred to the high cost of these vehicles and to the possibility of having more than one person driving them. He implied that these maxi-taxis are being

used for very long hours simply because one has to earn enough to pay the hire purchase and to earn a decent living, but he has made no reference at all to the condition of a vehicle that has been allowed to run for so long.

Recently there was a complaint by some maxi-taxi owners that one particular dealer was not servicing the vehicles. That dealer came out—to me rightly—and pointed out that these vehicles were being run for over 16 hours per day and were not given the type of maintenance that is needed by a vehicle that is being used for such a long period. How is that going to be addressed? There is a safety problem there.

We have talked about safety problems related to the drivers and passengers. What about the actual physical state of the vehicle? More often than not, that is the main reason for accidents. I think that when the regulations do come up, something like that ought to be included, so that when vehicles come to be checked, there could be some way to determine if they are being operated safely. I think we are treating this maxi-taxi business as if it is just an extension of the old taxi system. It is a cult. The Minister talked about a culture. He used a nice word for the trade, but I think a maxi-taxi cult has developed and we must treat it as that. Cults are not nice things. Cults lead to all sorts of extreme situations.

I am very pleased with the distinction between owners and operators, but a little disappointed that nothing specific is mentioned about operators. When the original Bill came up for debate, there was a suggestion that there ought to be training for the operators. The only difference I see here now is that an operator has to have a Class 4 driver's permit. I do not think this is enough. A Class 4 driver's permit refers to the weight of the vehicle and the type of cargo. I cannot see that somebody who is trained to drive a truck full of sand can be compared with someone trained to drive a vehicle filled with 13 to 25 children. This causes many problems. People do not realize that it is a different kind of cargo we are dealing with.

I should have thought that they would have some kind of training, perhaps as in the case of bus drivers, a special licence to operate these vehicles, because of the nature of the cargo—passengers in this case. I do not think that we need to wait. There is enough evidence to indicate that the people who are operating these maxi-taxis are not as fully trained as they ought to be. The requirement that they ought to have a Class 4 licence is not enough.

The other aspects of the maxi-taxi culture and trade have not been addressed here. It seems that what is fairly common now is to have a conductor on these

vehicles. It is either we have conductors or we do not recognize them. If we recognize that they have some role to play, we should find some way of training them like the bus conductors who have licences. Many people are being employed as conductors and many of them perform some role. We ought to have some regulations so that they can perform in a manner suitable to the general public and to the Licensing Authority.

There are some negative points that one needs to deal with. I think it is well known that there are touts involved in this business. I would say that there is absolutely no room for touts. It is very easy for a policeman, whether in plain clothes or in uniform to just get rid of touts. When one goes to the maxi-taxi stand, it should be made up of three sets of people—the operators, the conductors and the passengers; there is no room for a fourth set of persons, especially touts. I think that the conductors can earn a living by trying to hustle some passengers.

I understand that there is another category of persons involved in the maxi-taxi trade, and those are the "extortionists." I do not know if that is the term used. I am just using a term to describe the way they operate. An extortionist is perhaps a term which comes very close to describing what these people are. These are the people who say that you cannot operate in a certain maxi-taxi stand unless you pay a certain amount of money per day. I have been told this by maxi-taxi owners and operators. I think that this is something to be looked into and stopped.

There are some other minor points. Again, with this music thing, I think it is part of the culture of our people that they like music and want to hear it all the time. Children listen to it even when they are studying, not only in the maxi-taxi. It is so bad that I understand that people who have maxi-taxis in perfect working condition cannot go on the road to work if their sound system is not working. I know this does not make sense to all, but they cannot go because they cannot get passengers. I think that a signal ought to be sent out to the passengers, especially the children, that a maxi-taxi is used to take you from point A to point B safely. It is not entertainment on wheels.

4.20 p.m.

In conclusion, I wonder if from the way this amendment is worded, whether it is at all possible to satisfy the requirement that the only instrument allowed in the maxi-taxi is a radio. I wonder if nowadays it is possible to get a radio without a cassette player? The Minister probably had that in mind when he proposed this amendment—that perhaps it would be impossible to get a radio without a cassette player.

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I thank you, Mr. President.

Sen. Carol Merritt: Mr. President, again, I was not going to speak on this Bill, but the debate developed into such an area that I have no alternative but to speak.

I am really surprised to hear experienced Senators standing and making emotional statements on the Opposition's position on this Maxi-taxi Bill. They are taking these positions on it and not looking at the true matter affecting the children today. The Government has abdicated its responsibility to provide proper school bus services to the children throughout the country, especially in rural areas, and everyone is turning a blind eye.

We are seeing Senators here operating with double standards. They are talking about the children's health when we have just passed a Regional Health Authorities Bill that is going to put children in this country in a worse position when it is implemented. Double standards are being applied here in this Senate just for people to get headlines in the newspapers and to attack the Opposition at all times. *[Interruption]* I am saying that and I am correct in what I am saying.

There are many areas in this maxi-taxi problem that have to be addressed, and air pollution is one aspect. The diesel used in the vehicles—at some time along the way, coming down on the bus route—

Sen. Daly: On a point of order, Mr. President; I seek your guidance. Is it correct to impute improper motives to fellow Senators? Is it being suggested that the Senators who have spoken have done so improperly motivated by a desire for headlines and that they do not believe what they are saying or are insincere? Is that proper?

Mr. President: It is out of order to impute improper motives to Members of either House and I hope the Member would be able to clarify what she said a little earlier concerning Sen. Spence, or withdraw it.

Sen. C. Merritt: Mr. President, I made the statement because Sen. Spence has been sitting in this Senate for a number of years and he should know—I understand that he is a professor at the University of the West Indies—about the problems facing schoolchildren in this country today.

Sen. Prof. Spence should not be emotional on a subject like this. Every Bill is supposed to be examined objectively, on its own merits. I was surprised to hear him talking very emotionally today—this is my opinion—and attacking the

Opposition and seeking to get in the headlines. If it is improper, I withdraw my statement.

Mr. President: I do not think you could conclude that the Senator is trying to get in the headlines. You can disagree with what he says and he is entitled to disagree with what the Opposition says. And all Member have to respect that.

Sen. C. Merritt: I am in disagreement with what he stated here today, Mr. President.

Mr. President: That is all right.

Sen. C. Merritt: Mr. President, I do not get into controversies but this maxi-taxi problem is a very controversial matter.

Hon. Member: You are becoming emotional.

Sen. C. Merritt: I am not emotional on this issue, I am talking about the schoolchildren using the maxi-taxis. My children use the maxi-taxis; I also use them from time to time.

There are many ills, not only—

Sen. Mansoor: On a point of order. Has the Senator withdrawn the imputation of improper motives?

Mr. President: As far as I am concerned, the statement saying that Sen. Spence did so to grab the headlines in the newspapers is withdrawn. That is clear.

Sen. C. Merritt: Mr. President, we have many matters besides the music levels in a maxi-taxi that are affecting the schoolchild today. If proper regulations are brought to this Senate we could advance some points. For instance, the whole structure of the new maxis—supposed to be brought into the country—needs to be addressed. I am saying, for instance, a driver should not have anyone sitting next to him in the maxi-taxi. Most of these maxi-taxi drivers are quite young people, some young lady might be sitting next to him—they are human—and they will be talking, carrying on and driving at the same time in a very fancy manner. These are things that need to be addressed. Distractions whilst the vehicle is in motion, also the tinted glass.

I notice that the Bill has a provision for removing the videos and other instruments, but what I am saying is that the whole practice that goes on in these maxi-taxis needs to be addressed. It should not be addressed only in one tiny area, and people should not get emotional, because communication is important. We

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hear about big seminars being held about telecommunications and communication in this country quite often. How could you remove a radio? How could anybody in this day and age advocate that not even a radio is supposed to remain in a maxi-taxi? It is unfair!

It is unfair because there are conventional taxis that commit the same crime. I am not advocating the loud music; I am totally in disagreement with it, and where the lewd lyrics are concerned we are supposed to ban it, even from coming into the country, but we hear 98.9—I will have to say it again—bringing in Patra and having a big show at the National Stadium—that is a national radio station and we are supporting that kind of thing.

We have on a daily basis several licences being granted to radio stations. I am not saying to ban the radio stations, but the kind of music that is being played. On Trinidad and Tobago Television for instance, CSN, there is still the Jamaican music with its lewd lyrics being played. And do not tell me all children go to bed between 8.00 o'clock and 9.00 o'clock; some children stay up late, I know that for a fact, and they are exposed to that type of thing.

Sen. Daly: If the Member will give way—

Mr. President: Are you standing on a point of order?

Sen. Daly: No, Sir, if the Member would give way.

Sen. C. Merritt: Is it on a point of order?

Sen. Daly: No, I am asking if the Member would give way.

Sen. C. Merritt: No, I am not giving way.

Sen. Daly: Is the Member being emotional, Sir?

Hon. Member: Make your point, Sen. Daly.

Sen. Daly: May I enquire whether it is the Opposition's policy to ban certain CSN videos from TTT. Is it their view that it cannot be controlled?

Sen. W. Mark: I shall reply to you at the appropriate time.

Sen. Daly: Is my Friend being emotional, Sir?

Sen. C. Merritt: I am not being emotional. I know some Members in this society might enjoy the CSN lewdness, but for the young people I think that they should do away with it.

4.30 p.m.

I would advocate that we leave the radio in the maxi-taxi. For instance, if there is a crisis in the country, perhaps a natural disaster, and a maxi-taxi is travelling, say from Point Fortin down into Fullerton Town, the driver would know exactly what is happening. If there is a threat of a natural disaster, or even another coup in Port of Spain for instance, people would know by radio communication. In this day and age I do not advocate removing the radio from the maxi-taxi.

I know maxi-taxi drivers tune into cricket and football. It is not all of them—the ones who are really guilty are the ones travelling on the main roads, especially the Eastern Main Road between Port of Spain and Arima. Hon. Senators would not believe, but there is a difference in the culture of the maxi-taxis on the Priority Bus Route and those on the Eastern Main Road. When those maxi drivers are passing near to the police station they turn down the audio sets and when they have passed, the volume is raised again. Not the radio, the audio sets. That has been happening for a long time, but I do not advocate removing the radio.

What we need is more policing and for policemen to stop taking bribes from maxi-taxi drivers.

Mr. President: That is a serious accusation, Senator.

Sen. C. Merritt: I will withdraw the remark, Mr. President.

As I was explaining, there is a difference in the culture of maxi-taxis on the various routes, and all should not be blamed. The conventional taxis are also guilty of this practice, so if we are banning this equipment in the maxi-taxis, it should be across the board.

Thank you, Mr. President.

Mr. President: Before anybody else gets emotional, we shall take the break at this time.

4.31 p.m.: *Sitting suspended.*

5.00 p.m.: *Sitting resumed.*

Sen. Carol Mahadeo: Mr. President, thank you, I saw you looking and wondering what was happening on the Independent Benches here, so I could not let down my colleagues on this Bench.

What I have to say on the Maxi-taxi (Amdt.) Bill this afternoon deals, specifically, with the question of noise pollution and the use of radios, which was

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a compromise situation in the Lower House. I do not want to be considered paranoid in what I am going to say here this afternoon, but again, I see no *Express* reporter here. I was attacked in a fit of paranoia by Miss Judy Raymond in the *Sunday Express* of April 10, 1994; she began and ended with me and talked, in my opinion, in such disparaging terms of the proceedings in this honourable Chamber, that I am wondering whether the Privileges Committee should not deal with this.

I had commented two Tuesdays ago on not having seen the face and form of that dear reporter ever in the Chamber since I have been here; and as you know all the reporters have now gone, barring the hard-working Information Division—I think Information Division is still here with us and two cameras are still here. But what I am dealing with at the moment is that the writer did mention in Sunday's article that I said never a word on Tuesday afternoon. She ended with that in a very sarcastic manner and commented on the proceedings in this Senate in a manner that we were bowing at all "points of the compass" and speaking of certain Senators talking "diatribe," and things like that. It takes the cake.

We do have much laxity in the Senate when we speak in debates, but to have a stranger in the Senate who is here at your pleasure, Sir, doing something like that and self-confessed that she came only in reply to the complaints I had made about her previous writing—once she graced the Chamber on Tuesday and then gave us what I have left with the Clerk of the Senate.

But to get back to the Maxi-taxi (Amdt.) Bill on noise pollution. I, too, hoped that we could have had a total ban, but when I listened to the views of certain other people on the street, not necessarily those inside the Senate, I found that, really to ban the radio totally, where we cannot control all that may be coming through the airwaves—as Sen. Hydar Ali has said, soon we may have to look at the radio stations feeding that type of music, lyrics that the maxis may want, into their radios. How are we to control those things? Then we may have to take a swipe at the radio stations and bring additional legislation before the Senate for that.

When I made my contribution on the Maxi-taxi Bill in 1992, I mentioned—I see here certain clauses that the hon. Minister of Works and Transport has inserted about being qualified drivers with valid driver's permits and taxi drivers' badges. I mentioned in 1992 that in addition to that, having also heard my other colleagues here mention the type of driving and behaviour of these maxi-taxi drivers—they are mostly young men and women—we ought to make sure that they pass a defensive driving test.

I had mentioned that and I was scoffed at, or no notice was taken of what I said, that these should be people with at least three years' driving experience in control of a public service vehicle. So that if they drive a public service vehicle, whether it is a conventional taxi, or a maxi-taxi or a PTSC bus, they would know after three years of driving that type of vehicle how to manipulate the maxi-taxi, for many people are going to be travelling with them in these 13 and 25-seater maxi-taxis. This is what I was hoping to see also put into these specific clauses here now.

As to the noise pollution, I, too, can tell you that, again, on that principal Act in 1992 I had cause—now I know certain people were called emotional here this afternoon, but I had become highly emotional because of what the maxi-taxis were doing on that five-mile long Valencia stretch. So that when there are school children, particularly, on those maxi-taxis at certain times of the morning and afternoon listening to that heavy dub music and you are driving in your own vehicle and they overtake you in all sorts of ways—on the shoulder, cut in and out in front of you—and you are actually hearing and feeling the vibration of that heavy music inside your vehicle while they are high above you—I think Sen. Daly had alluded to that in his contribution in that year. He was afraid when he had actually heard and felt the vibrations in his own vehicle.

So that it is a very good feature; I commend the Government on that—that we are able to get that kind of heavy music and also the lewd lyrics and videos out of those vehicles. I think we have to extend this later, to even the conventional taxis.

With this, I thank you.

Sen. Surendranath Capildeo: Mr. President, I did not believe that I would sit in this Chamber and listen to an Independent Senator castigate the Opposition for agreeing with the Government on a piece of legislation that would redound to the benefit of the people. A most amazing scene—that the person who is supposed to be holding the balance, the President's man, should be objecting to a compromise between Government and Opposition.

But beyond that, Sir, what is more amazing is that it seems to me that the whole principle behind this Bill has been misunderstood and that is to say, that even if we are speaking about the mundane aspects of the Bill—noise, dub music, obscenity and the other criminal activities that are allegedly associated with the maxi-taxi—what is behind this piece of legislation is speech; and speech is important, and it is revered, because it permits communication between people.

5.10 p.m.

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Speech, Sir, represents coherent sounds that permit the transmission of ideas, wisdom and culture. That I should have to sit in April, 1994 to hear an Independent Senator say to ban the use of a radio is beyond my thinking. Because what is at issue here is not the noise that is emanating from the radio, but the right to transmit through the radio and the right to listen to the radio. That is the issue.

If society, the Government and the powers that be, cannot find the means to regulate that, the answer is not the Fuhrer Hitlerian type of answer to ban it completely; the answer is to police it completely. It is really upsetting to me, that I should have to sit here to listen to a thought, a thought that has emanated from the Independent Bench calling for the banning of any form of telecommunications when we are almost into the 21st century.

Because that is the fundamental freedom that distinguishes us from what is happening in Eastern Europe, in most of Latin America and throughout Africa. It is that right which we have enshrined in our Constitution, the right to freedom, one of the freedoms being in this Bill—the freedom of speech. It should never have dawned on anyone that one could interfere with that right by banning its use in any form whatsoever. We suffered greatly to get that right.

Sen. Prof. Spence: I wonder if the hon. Senator would take this case—that I take into my service at church a radio and I play it audibly in order that I may hear the telecommunications being transmitted. Would he consider that to be proper? Would he support that position?

Sen. S. Capildeo: Mr. President, obviously one cannot support such a position, because concomitant with the right to the use of the radio is the right to use the radio reasonably. That is where I come with the policing of it.

Sen. Prof. Spence: That is right! Precisely!

Sen. S. Capildeo: The answer is not to ban it! The answer is to give one the right to carry that radio in there and if one wants, put on earphones to listen to it, but not to ban anyone from having that right.

The fundamental issue is not that the thing is banned; the issue is that it is policed and reasonably controlled in a civilized manner. As was said in the other place, if it cannot be done, then come back and go through with it. Again, this is where the disappointment is total with me. I see our position as one of not being controlled by people and/or emotion, but of our trying to shepherd this nation along a certain path. It is not that the people must shepherd us along that path,

otherwise we shall have here what is taking place in Rwanda and Burundi—total and complete chaos.

A population cannot be allowed to lead a government. A government is put to lead the population and its duty should be to educate its population in the reasonable use of their radios in maxi-taxis. If the Government has failed at that, it does not come to Parliament and say, "Ban it!" That is the weak way out.

And the most damaging part of that argument is to talk about health, because that is where it hits below the belt. If there was any kind of feeling for the health of the children of this nation, the Government would first begin to see that a lot of them go to school without drinking even sugar water.

Sen. W. Mark: Or the high levels of unemployment!

Sen. S. Capildeo: They would not have to go to school without shoes. They would not come to us to say: 'Raise funds to buy school books and support meals in the schools.'

Recently, the Public Transport Service Corporation issued a directive for no school buses in certain areas, so there is now a new request coming to us that: 'We need assistance with the public transport.'

The noise in the maxi-taxis is the issue, is not the argument. The argument is our hard fought and cherished right to use those maxi-taxis in a civilized manner. If this Government does not have the political will and courage to so make the maxi-taxi drivers operate their vehicles, then we would have to do it for them when our time comes.

I shall end with this because I just wanted to get up to make this point clear. The Government land in this problem because the whole purpose in a Third World democracy, as we have here today, is the purpose of remaining in power and they are scared to offend the people and they will do anything to stay in power. That is the problem with a Third World democracy. They sit down, get themselves elected and they are so scared of the people who voted them into power that they are not prepared to discipline them. They are not prepared to impose discipline. When they are scared to impose discipline, they say, "Ban the radio!" Because it is very easy to do so. To me, it is a red herring, their saying that they cannot control the decibels and all that.

If a maxi-taxi driver is in violation and the man knows his vehicle is going to be hauled in, the radios, speakers and TV removed, and he is going to get—pardon

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the expression—real hell to get back his vehicle, nobody in his district is going to make that mistake again. Nobody is going to do that if they see maxi-taxis hauled in and they know that the maxi-taxis would not be back out for a little while. They would look, listen and learn by example. But to sit here in this Senate in April, 1994 and listen to arguments that would interfere with what we have struggled for hundreds of years—because freedom of speech did not come to us like that; it came via the entire colonial process—from *Magna Carta* down.

Sen. W. Mark: Blood, sweat and tears!

Sen. S. Capildeo: Blood, sweat and tears! That is how we got it and they want to get up here now in 1994—[*Interruption*] and, Sen. Draper, tell me to ban that. How could you agree with that? How could you even possibly think of that? How could you do that? You should have been the man to say, "All right. We cannot interfere with that. We have to educate our people. We have to tell them how this is coming about." Educate them. Begin the process of education and say, "This is not how a transport system is run."

We come to the reason why all this has occurred—this Government does not have a transport system.

Sen. W. Mark: They have failed in that area.

Sen. S. Capildeo: They have failed in all the systems. Everything is in shambles, as I said in the last session. I am sorry that the Minister is president of this new organization. What is it called? That will be in shambles too.

Sen. Huggins: That is irrelevant. You are irrelevant.

Sen. S. Capildeo: Irrelevant? Mr. President, I close with the real issue which is freedom of speech, the right to listen to a radio, and to my mind, to sit down in this Senate in 1994 and listen to a Senator say we should ban that right is incomprehensible.

I thank you, Sir.

Sen. Everard Dean: Mr. President, I, too, like most of my colleagues, did not intend to say anything on this Bill, but it is becoming a little "curiouser" and "curiouser" as we go along. In my own view, the Bill before us, is nothing but a damp squib. You see, after listening to the national debate on whether we should ban or not ban music in maxi-taxis, I am convinced that the national community, including some maxi-taxi drivers, want a total ban on music in maxi-taxis.

5.20 p.m.

Perhaps, what might be necessary as we move along towards the 21st century, is to amend our Constitution in such a way that when we have this kind of horse-trading to do, we do it involving the national community. In other words, what I think we should do is to provide for referenda on matters like this. I have no doubt that the national community would have voted an overwhelming "yes" to total banning.

Never before—I think, for the past five or 10 years—have we been so united as a country on an issue like this one, and it is for total banning. I think it is second only to the strike squad and the national football team. And for some people to use this opportunity to score political points, I think is reprehensible.

I was reading an article by an environmental columnist, Anne Hilton, who did some investigations with Dr. Wharton of the University of the West Indies. Permit me to quote an extract from this article in the *Trinidad Guardian* dated Wednesday, February 2, 1994. At page 9 it states:

"When the traffic light changes from red to amber do you slow down and stop? Or do you step on the gas to beat the lights? When they are red and there is no traffic on the cross street, do you wait for the light to change to green? Or do you ignore the warning light and cross that intersection?"

Maybe *you* don't. Others, too many others, do. This was the analogy, the example, used by Dr. Wharton of the Physics Department, UWI when I called to ask him if it would be possible to monitor sound levels in maxi-disco-taxis. He said it would. But it wouldn't be easy. It wouldn't be cheap. And, given the national enthusiasm for 'beating the system'—as so many do with traffic lights—it would be near, if not impossible, to enforce."

So, you see, the experts are telling us that it is almost impossible to enforce. It is easy to come and say that policing is the thing. The article went on further to state that in order to effectively police this, you would have to buy decibel meters and put one in every maxi-taxi, and then you would need decibel detectives to monitor those meters in the maxi-taxis.

So I wonder, really, if we did the right thing by this partial banning—I call it "partial banning" for the purposes of the discussion, I would have gone for total

banning. Probably the Government or the Minister made a political error by not coming here first, because I have no doubt that if they came to the Senate first with this Bill, they would have got the required majority to go and embarrass those who need embarrassing to pass the Bill.

In looking at the regulations I would want to suggest to the Minister—I was in Barbados recently and I had the opportunity of looking at the maxi-taxis. On the left side of the maxi-taxi there is a black spot, about three feet by 18 to 20 inches, on which is written the name of the operator, his address and his telephone number. I think we should be looking at that here. If you go down to Independence Square you will see a series of buses, probably 20 to 25, all in one colour. If my suggestion is acted upon, before you enter the bus you would be able to see the name of the owner or operator of that bus which you would have in case something should happen to you or you need to address something further. Added to that, inside the bus, there is a duplication of the same thing, but a smaller version, just by the dashboard or above. Probably the Minister will want to look at this in developing his set of regulations.

We have been focusing on the audio aspect mainly, in clause 9, I think, but in those very maxi-taxis you would find lewd and obscene pictures, and I think an effort should be made to monitor that and have them taken out. The best way to deal with this is to take the taxi to the Licensing Authority. You know, it hurts most when it hurts the pocket. Because if they know they have to go to the Licensing Office and spend two to four hours to settle what they have to settle, they would settle it before they really prove what they want to prove.

We have been having much consultation—when I say, "we" I mean the national community—on whether we should ban or not ban, and some people went to the very maxi-taxi drivers to get their views. But if you go to a convicted felon and ask him if he should be punished for the crime, obviously he is going to tell you, no. So if you go to the maxi-taxi driver and ask him whether we should ban the music, he must tell you, no.

The whole problem about maxi-taxis and the music—and that is the point I want to stress—is that it is almost impossible to monitor; it is affecting the lives and the health of children and even the drivers themselves. I believe this is why they have so many accidents. They cannot hear what is happening around them.

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They get so preoccupied with the dub that they forget that there are other users of the road and they just go down the road, helter-skelter, and you find two or three dead people lying at the side of the road.

I want to suggest that this experimental law—and I want to take it as such—be monitored on a daily basis. I am sure that if there is need to change it when it comes back to this Senate—I do not think I can speak for my Independent Friends, but I would hazard a guess that the Government would be assured of the required majority to pass this legislation.

I thank you very much.

ADJOURNMENT

The Minister of National Security (Sen. The Hon. Russell Huggins): Mr. President, I beg to move that the Senate do now adjourn to April 19, 1994 at 1.30 p.m. at which time debate on the Maxi-taxi (Amdt.) Bill will resume.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 5.30 p.m.