

SENATE

Tuesday, February 06, 1996.

The Senate met at 1.32 p.m.

PRAYERS

[MR. PRESIDENT *in the Chair*]

LEAVE OF ABSENCE

Mr. President: Hon. Senators, I have granted leave of absence from today's sitting to Sen. The Hon. Dr. Daphne Phillips, Minister of Community Development, Culture and Women's Affairs.

I have also granted leave of absence to Sen. Prof. John Spence.

SENATORS' APPOINTMENT

Mr. President: Hon. Senators, I have received communication from His Excellency, the President, in which he has informed me that in exercise of the power vested in him by section 40(2)(c) and section 44 of the Constitution of Trinidad and Tobago, he has appointed Miss Carol Merritt to be a temporary Senator with effect from February 5, 1996 and continuing, during the absence from Trinidad and Tobago of Sen. The Hon. Dr. Daphne Phillips.

I have also been advised that His Excellency, the President, has appointed Mrs. Nirupa Oudit to be a temporary Senator with effect from February 5, 1996 and continuing, during the absence from Trinidad and Tobago of Sen. Prof. John Spence.

OATH OF ALLEGIANCE

The following Senators took and subscribed the Oath of Allegiance as required by law:

Carol Merritt and Nirupa Oudit.

PAPERS LAID

1. The Shop (Opening Hours) (Amdt.) Order, 1996. [*Minister of Public Administration and Information (Sen. The Hon. Wade Mark)*]

2. The Anti-Dumping and Countervailing Duties (Subsidies) Regulations, 1996. [*Hon. W. Mark*]
3. The Anti-Dumping and Countervailing Duties Regulations, 1996. [*Hon. W. Mark*]
4. Consolidated financial statements of the Trinidad and Tobago National Petroleum Marketing Company Limited and its subsidiaries for the year ended March 31, 1995. [*Hon. W. Mark*]
5. Green Paper on Integrity in Public Life—A review of the legislation. [*Hon. W. Mark*]
6. Annual report of the Law Commission for the period January 1, 1993—December 31, 1993. [*Hon. W. Mark*]
7. Report of the Auditor General on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1989. [*Hon. W. Mark*]
8. Report of the Auditor General on the accounts of the National Institute of Higher Education (Research, Science and Technology) for the year ended December 31, 1990. [*Hon. W. Mark*]

SELECT COMMITTEE REPORT

Presentation

Sen. Selwyn John: Mr. President, I beg to present the following report:

First Report of the Regulations Committee (1995—1996 Session) of the Senate.

ORAL ANSWER TO QUESTION

The following question stood on the Order Paper in the name of Sen. Prof. Julian Kenny:

Environmental Management Authority (Appointment of)

1. Could the hon. Minister of Planning and Development inform the Senate:

- (a) Whether any one of the 10 members of the Board of Directors of the Environmental Management Authority has been appointed from non-profit environmental organizations?
- (b) If the answer is in the affirmative, could the Minister state whether all or a majority of the non-profit environmental non-governmental organizations were consulted in the selection of this particular member of the board, and the criteria employed in this selection?
- (c) If the answer is negative, could he state what steps will be taken in the future to ensure full consultation with all non-profit environmental non-governmental organizations?

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, based on a discussion with Sen. Prof. Julian Kenny on this particular matter, and having regard to the fact that the Minister of Planning and Development is not able to be in Parliament today, I have asked Sen. Prof. Kenny to allow us to defer this question until next week Tuesday. He has agreed accordingly.

Question, by leave, deferred.

ORDER OF BUSINESS

The Minister of Public Administration and Information (Sen. The Hon. Wade Mark): Mr. President, I beg to move that the Senate proceed with item No. 2 listed on the Order Paper under “Private Business: Bills Second Reading”, before proceeding with “Government Business”.

Assent indicated.

1.40 p.m.

ASSOCIATION OF INDEPENDENT MINISTERS BILL

Question put and agreed to, That a Bill to provide for the incorporation of the Association of Independent Ministers and for matters incidental thereto, be now read a second time.

Bill accordingly read a second time.

Bill referred to a Special Select Committee of the Senate chosen by the President as follows: Sen. C. Cuffy-Dowlal (Chairman), Sen. N. Mohammed (Member), Sen. S. John (Member), Sen. Rev. D. Teelucksingh (Member).

SHOP (OPENING HOURS) (AMDT.) ORDER

The Minister of Trade & Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. President, I thank the hon. Members of this House for giving me the opportunity to present the following Motion. Mr. President, I beg to move,

1. *Whereas* it is provided by section 5(1) of the Shop (Hours of Opening and Employment) Act, 84:02 that the Minister may, if he thinks fit, make an Order (hereinafter called a "Shop Order") fixing the hours on the several days of the week, including Sundays and public holidays, during which, either throughout Trinidad and Tobago or in any specified area of Trinidad and Tobago, all shops or shops of any specified class may be opened for serving customers:

And Whereas it is provided by section 5(3) of the said Act that a Shop Order shall be subject to affirmative resolution of Parliament:

And Whereas on the 10th day of January, 1996, the Minister made under section 5 of the Shop (Hours of Opening and Employment) Act, an Order entitled "the Shop (Opening Hours) (Amendment) Order, 1996" whereby the shops operated under a Spirit Retailer's Licence, a Wine Retailer's Licence, a Night Bar Licence, a Spirit Grocer's Licence, a Spirit Dealer's Licence or a Wine Merchant's Licence may open for the sale or supply of liquor at any time on any day (including public holidays); and

Whereas the Shop (Opening Hours) (Amendment) Order, 1996 was published in the Gazette as Legal Notice No. 3 of 1996; and

Whereas it is expedient that the said Order now be approved:

Be It Resolved that the Shop (Opening Hours) (Amendment) Order, 1996 be approved subject to the following modifications:

1. In paragraph 2, delete the words "(c) a Night Bar Licence;" and renumber subparagraphs (d) to (f) as subparagraphs (c) to (e).
2. Insert after paragraph 2, the following paragraph:
"Commencement 3. This Order comes into effect on 10th January, 1996."

Mr. President, this Motion before the House from the very outset is not intended in any form or fashion to encourage either, the sale, the purchase for the imbibing of alcohol among either young people, middle-aged people or old

people in Trinidad and Tobago. One must remember that Trinidad and Tobago, like every other society and every other country has had to take measures which are forced upon us to some extent by the imperatives of urbanization, modernization, industrialization, liberalization and globalization.

As a consequence of this, Governments find themselves in a very invidious position from time to time. By and large, Governments are secular organizations but they must indeed respond to the feelings, attitudes, the beliefs of people and particularly people of a plural society where we have multi-cultural, multi-ethnic and multi-religious groups of people making up the nation of Trinidad and Tobago.

Indeed, over the course of history, societies have had to change their laws and their mores; the very instrumental norms of modern societies have undergone dramatic and fundamental change and transformation, and therefore there was an evolution of the socio-political, socio-economic, socio-cultural, socio-legal, socio-religious, and socio-ethical norms in societies. It does not mean that every time something happens in the industrialized world, Trinidad and Tobago must respond, although it has been said that when Washington sneezes we, in underdeveloped societies, inevitably would catch a cold. But if we are to follow what is taking place in the world today, to encourage tourism and liberalization, we must respond in certain ways that will meet these very difficult challenges; challenges that we have to come to terms with as they even challenge the moral fibre of our society.

As a responsible Government we must resist some of these tendencies as far as we can but some of them are inevitable. It is almost like attempting to prevent the sun from rising in the morning because the energy of the sun is something that one cannot resist.

Therefore, in piloting this Motion in this Senate, we are merely seeking to do a number of things. As I said before, it is by no means the intention to increase alcoholism or to increase alcohol consumption whatsoever. What we are seeking to do, in the first instance, is to level the playing field. It is no secret that there exist laws on the statute books of Trinidad and Tobago which permit a number of institutions to sell alcohol on a Sunday, for example, restaurants, hotels, recreation clubs, private clubs and so forth. Also, this measure not only levels the playing field but plugs a few loopholes, because it is no secret to any of us that some of the shops and bars that we are trying to legitimize today in this Parliament are engaged in illicit activity.

People who go to the beach on a Sunday, or who find themselves out of stock when friends visit their homes unexpectedly, or who forget to buy their alcohol beverages on a Friday or a Saturday when they go to their various supermarkets and shops, find themselves sometimes having to go through the back door to buy their alcohol wrapped in a piece of *Guardian* newspaper or in a brown paper bag. *[Interruption]* Well, the *Express*, the *Bomb*, the *Newsday*—Mr. President, I did not mean to make any prejudicial statements against any member of the media because I have the greatest respect for the fourth estate; and I do not wish at any time to clash with the fourth estate, a man of my lowly estate.

It is a fact. We all know that they go behind the door, under the table, under the counter and illegally purchase alcohol, and therefore two illegal acts are committed, the person who is purchasing and the person who is selling. Why should we continue to encourage illegality when on the one hand there are many such outlets that sell alcohol legally and on the other hand there are others who are prevented and as a result are committing illegal acts? So in levelling the playing field we are levelling commercial practices and at the same time plugging loopholes in the law and preventing people from committing illegalities. That is the first point, Mr. President.

1.50 p.m.

The second point is that we feel there could be the creation of some employment. Many people feel that this is questionable and they say that women will be exploited: the existing staff of supermarkets and shops will be exploited because they will work them very long hours and not pay them the necessary double and triple time, and all the other perks attached to the working of overtime. I have asked the Minister of Labour and Co-operatives, and I have requested the Attorney General to look at the relevant Ordinances so that we can bring them up-to-date with a view to having them amended and brought to Parliament so that no such exploitation could occur, particularly in the case of female employment.

Moreover, Mr. President, we feel that this measure is not really aimed at the people who are in full-time employment. We well appreciate that there is an unemployment problem in the country, particularly among young persons. I remember the Minister of Sport and Youth Affairs saying that in the age group 15—25 unemployment among females is well in excess of 56 per cent, and males well in excess of 44 per cent. This is a very serious indictment on a society that boasts of equity and justice.

This Government is beginning to hone out policies in trade, industrial, fiscal, monetary, gas and energy in order to encourage investment inward and local, to develop industries and enterprise zones, the tourism industry and so forth. However, before we can start to get these policies going and for them to concretize in the form of real jobs in both the non-oil and oil sectors, we feel in the meantime that certain measures have to be introduced that will expand employment possibilities and opportunities.

One such opportunity is this, because high school students who have 'O' levels and 'A' levels, those at technical schools and at university level could go and work for a few hours on a Sunday and be paid. This happens in North America. I studied in North America and I had to engage in summer employment and part-time employment in order to pay my way: my board, lodge and fees. Students can get the same kind of temporary part-time employment as a result of the opening up of this system and they can pay some of their fees, buy school books, sporting gear and assist their parents with the onerous tasks that they have in transportation costs and so forth. We see this as an opportunity for expanding, particularly, part-time employment for this age group and these sectors in the labour market.

The third area that we feel this measure will open up is the facilitation, particularly of persons who visit this country. There is a kind of tourism in this country that must be facilitated. Tourists book into small homes, small guest houses, small hotels and so forth and they have their own cooking and private facilities. These people do not know the laws of the land, and because they are accustomed to living in societies where shops are opened 24 hours a day, seven days a week, they expect that when they get here the same kind of facilities would be made available to them. If we are to encourage and develop the tourism industry we, too, have to open up and liberalize in some ways—not attempting to encourage anyone. We do not want anyone to begin to worship at the altar of Dionysus by any means, and we are not even encouraging the tourists to do that, but the facilities must be made available if we are going to develop tourism and other allied and related activities. Therefore, a foreigner, or anyone who visits here, should be able to visit a shop, or store on a Sunday or public holiday, and purchase whatever he wants, including some alcohol.

One argument is that we will be encouraging young persons, minors and so forth, to purchase alcohol. But do they not go to shops and supermarkets from Monday to Saturday, and are the various shelves in these supermarkets and shops not stocked with the same alcoholic beverages they would be stocked with on a

Sunday? So the temptation will be no greater on a Sunday than during the days from Monday to Saturday. The argument is that we are trying to corrupt the youth on a Sunday. In my respectful opinion, it is not a tenable argument.

Mr. President, I hope that this Motion will not evoke much contention. I hope that the Senators opposite, both the Independent Senators and those of the Opposition, will recognize that we are not attempting in any way to assault people's religion, ethics, or morality. In the Christian religion as I know—Sen. Rev. Teelucksingh will agree with me—the principle of free will is a most fundamental principle enshrined in the theological thinking of the Christian religion. One is free to drink or not to drink. This is one of the great gifts of God to all of us—free will. Whether a shop is opened or closed, one will find the alcohol if he wants to drink it. So that opening a shop is no temptation to encourage the use, or the consumption.

What is critical is that we must fashion a society where we can instil discipline, restraint and order in people, therefore, it is not the question of the use of alcohol that is critical, it is the abuse. The abuse of sex, power, alcohol consumption, gambling; the abuse of anything is what is dangerous in a society and, therefore, the use of alcohol in itself, intrinsically—although I am not advocating anyone to go and drink alcohol. If you do not want to drink alcohol, if you abhor it, I say good for you, do not drink it if you do not want to, but we should not deny any section of the population which wishes to engage in a little tipling of alcohol to do so. Why should we impose our religion and our beliefs on other people? It is the abuse of religion that ends up in fundamentalism and fundamentalism leads to intolerance. We as a plural society must never encourage intolerance because this country's watch words that we were taught by the first Prime Minister are Discipline, Tolerance and Production, therefore, we must not think that because someone has a drink of alcohol that he is immoral; that he is to be scorned, that he has now become a leper to be treated in a certain way.

I repeat, I am not in any way encouraging or advocating—I want to make this pellucidly clear—the consumption, sale, or purchase of alcohol. I am merely saying that this Motion facilitates those who wish to do so, particularly tourists and strangers. I am also saying that it could encourage some form of employment for needy students at certain levels and that it is levelling the playing field, because at this point in time the law permits certain institutions and commercial operations, to engage in the sale of alcohol on a Sunday and on public holidays. I hope with these few words, that I have been able to—

Sen. Daly: Mr. President, I thank the Minister for giving way. Before he takes his seat, could he indicate whether the passage of this measure was requested of the Government by the Supermarkets' Association of Trinidad and Tobago?

Hon. M. Assam: This measure before the Senate, was a measure that we had in mind even before we were approached by the Supermarkets' Association, because it is in line with the progressive thinking of this new Government that we intend to liberalize and open up the economy and to facilitate, as much as possible, whatever it needs to increase commerce, trade, employment and all the things that go with opening up an economy. So I agree and will be the first to admit that I got a letter from the Supermarkets' Association but I had already discussed it with my colleague, the hon. Minister of Finance, and we had agreed in the Cabinet thereafter, to propose this measure even before we got representations from the Supermarkets' Association.

I have answered the hon. Senator quite sincerely and forthrightly. I am not here to mislead the Senate.

2.00 p.m.

Mr. President, in winding up what I believe is a very simple Motion which I hope would not evoke heat, contention or any kind of adversarial relationship between this side and that side, I commend it to this Senate and I hope sincerely that the measure will not have the deleterious effects that some people are projecting but will have beneficial effects, notwithstanding some of the reservations of some of the people who feel that alcohol is a dangerous opiate in society.

I beg to move.

Question proposed.

Sen. Nafeesa Mohammed: Mr. President, it is indeed with great amusement that I sat here this afternoon and listened to the hon. Minister of Trade & Industry and Minister of Consumer Affairs and I can assure him that there will now be heat in the place.

It is very unfortunate that at a time when there is such a high level of moral and spiritual decadence in our society that this new coalition Government has opted to bring a Motion of this nature whereby shops can be opened on any day including public holidays to sell liquor.

Time and time again, I have heard it being said that this new Government is committed to consultation, but I ask the question: With whom did this Government consult before introducing this Motion? I do recall that some time before Christmas last year this issue arose as Christmas fell on a Monday. I also recall a group of businessmen and supermarket owners—and the hon. Minister has just admitted that there were discussions with the supermarket owners—met with the Minister asking for permission to open their businesses to sell liquor on that particular Sunday which was Christmas Eve Day. The hon. Minister gave assurances to these businessmen and indeed the restrictions on shop hours were lifted on that particular occasion.

But lo and behold, in the very first budget of this new coalition Government our goodly Minister of Finance signalled his Government's intention to ensure that alcohol can be sold from any shop, grocery or supermarket at any time on any day including Sundays and public holidays. Today, we are being asked to give parliamentary approval to this Order made by the hon. Minister. Did the Government make any effort to consult with any other groups in the society, for example the inter-religious organization, before making this Order? What about the sanctity of Sundays and religious holidays? What about the problems associated with alcoholism?

Mr. President, Senators on the other side have been saying that their Government is about putting people first. Who are the people being put first? Are they the friends of the Minister of Trade & Industry and Minister of Consumer Affairs and the Minister of Finance who belong to that very famous group in the society which our dear Prime Minister popularly referred to as the parasitic oligarchy? Are they the people of San Juan, Toco, Caroni, Debe, Mayaro or Cedros? Who are the people this Government is putting first?

I would just like to refer to some comments made by our hon. Prime Minister in January 1992 shortly after the 1991 general elections when a new government, the former PNM administration, came into power.

Our dear Prime Minister is reported to have said during that budget debate that the elections of 1991 was really about a struggle to decide who would control the economy, whether it would be those who constitute the parasitic oligarchy, that small group that wants no real change in the *status quo* and which is prepared only to hand out crumbs to keep the howling masses at bay; or whether for the next five years the economy will be controlled by those representatives of the vast majority of the population—the poor, the powerless, the destitute and the

homeless, the underprivileged and the underpaid, the professionals of the small and medium size businessmen and women; those who for the past decade have been crying out for meaningful change in the society; change that will bring equality and justice for all our peoples.

Now, I wonder what would happen to the vast majority of this population over the next five years.

Mr. President, I have heard it said this afternoon, and indeed elsewhere, that there are economic benefits to be gained from this particular measure, that employment opportunities will be created, but I have not heard a word about the social, moral and other consequences that will invariably follow from a measure such as this.

This Motion raises some very critical issues. As the hon. Minister said a while ago, our society is a multi religious, multi cultural and multi ethnic one; but it is riddled with the worst forms of social ills. In recent times the use and peddling of hard drugs, such as cocaine, have been on the forefront of these societal problems.

From time immemorial the excessive consumption of alcohol has been a problem affecting societies all over the world. Certainly, in Trinidad and Tobago no one can deny that there is a definite drinking problem in our society. One just has to drive around on a Friday or Saturday evening and one would see the pubs and rumshops packed with people.

This reminds me of a particular area in our country which I hold very dear to my heart, that is, Caroni. When one drives through the Southern Main Road in Cunupia and goes all the way up the Brasso Caparo Road and through Mamoral and Talparo and across to Las Lomas and St. Helena, in those areas at nearly every corner what one sees is a rumshop, and that is the main form of recreation for these people.

2.10 p.m.

Let us look at some facts, Mr. President. In a book published by Dr. Ebrahim Kazim, who is a well-known medical practitioner, a renowned social worker in our country, and also the head of an organization known as the Islamic Academy, some very interesting statistics are quoted, and I would like to make reference to these statistics. At page 30 of this book, Dr. Kazim writes as follows:

“Per capita consumption is a good indicator of the level of alcohol-related problems in the country. World commercial production of alcohol

increased by 50% between 1965 and 1980. Heavy consumption of alcoholic beverages (above 15 litres per adult) is mainly a feature of certain Western and Southern European countries, while in North America, the remainder of Europe, Australia and New Zealand, the levels are also comparatively high, (10-15 litres of pure alcohol per adult each year). In a third world country like Trinidad and Tobago, in 1986, 20.2 million litres of beer, 3.4 million litres of stout (malt beer) and 10.3 million litres of rum were produced for local consumption alone, for a population of approx. 1 million. The United Nations Demographic Yearbooks for Population Estimates (1968-70) give the following figures for total per capita consumption of pure alcohol in litres, in the following countries:- Yugoslavia 10.7; German Democratic Republic 7.8; Poland 7.4; Sweden 7.3; Netherlands 7.3; Trinidad & Tobago 7; Finland 5.8; Cuba 2.9; Turkey 0.7. But in 1990 Finland had the greatest consumption of alcohol per head in the world. Five million Finns consumed 250 million litres of alcohol in that year! This was because of the 1968 Alcohol Act..."

Which had been previously passed in that country and;

"...which permitted the establishment of state alcohol shops & licensed restaurants in rural areas."

Dr. Kazim goes on in his book to reveal some further interesting statistics. At page 31 he states that—

"In government hospitals, one out of every 2 patients occupies a bed because of alcohol-related problems, while on the street, one out of every 5 persons has problems because either he drinks or because someone else drinks. Accidents at work, in the home and during sporting events are more frequently related to alcohol consumption than is widely recognised.

Death rate for non-alcoholics is 250% less than expected for alcoholics. Alcohol is estimated to be responsible for 28,000 deaths/year in the UK.

Alcohol is involved in 3 out of 4 cases of homicides, 2 out of 3 cases of unsuccessful suicide attempts, one out of 3 cases of successful suicides; one in 2 cases of rape including incest, 3 out of 4 cases of robbery with violence, one in 2 cases of family quarrels and brawls; also in many cases of child abuse, divorce, head injuries, etc."

Dr. Kazim goes on in his book:

“Alcohol and gasoline is a deadly mixture. A car in the hands of a drunken driver is as deadly as a revolver in the hands of a killer, Death due to traffic accidents is the single largest health hazard of the youth. Approximately 75% of the car drivers have been drinking before the accident. In them, the vehicular accidents are due to the delay in reaction time, slower reflexes and loss of judgment.”

Mr. President, I met a very prominent medical practitioner in this country, who is also a renowned social worker and, indeed, heads the largest Muslim organization in this country, Haji Dr. Mansoor Ibrahim. Some years ago he delivered a very educational speech on the physical harm to the body caused by the intoxicants, alcohol and tobacco, and I would just like to refer to page 11 of his speech where he says:

“Alcohol is a dangerous drug physically, psychologically and socially for millions of people. Alcohol is used to relax and promote social conversation. Yet, alcohol is capable of producing severe dependence and damage to physical and mental health. A survey of medical wards shows that over 50% of male and over 59% of female admissions were for alcohol-related disease.”

It is well known, Mr. President, that excessive drinking over a number of years can lead to liver damage, like sclerosis of the liver; pancreatitis, which is an inflammation of the pancreas associated with excessive alcoholic consumption; peptic ulcers, blood disorders, neurological damage; brain damage and heart. Problems also associated with alcohol are numerous and they are well known. As Dr. Kazim aptly describes alcoholism in his book:

“Alcohol is a well-known thief. It takes away cash from families, childhood happiness from abused children, chastity from young women, reasoning from the educated, productivity from the working class, and years of life from the alcoholic.”

Mr. President, I have highlighted these statistics to emphasize the point that social and medical problems that are associated with alcohol consumption are far more serious and far-ranging than any economic gains that a small group of individuals will benefit from as a result of a Motion of this nature. But the

inequality does not stop there, Mr. President. The problem with this Motion is that it makes alcohol in Trinidad and Tobago more accessible and more available. By permitting the indiscriminate selling of alcohol, or by legalising the sale of liquor on Sundays and public holidays, Mr. President, it means that the spirituality of our nation will be further undermined and eroded. This is, perhaps, the greatest concern that I have with this Motion.

Mr. President, I think all Members of this honourable Chamber will appreciate that the laws that presently forbid the sale of liquor at specific times were enacted for the purpose of preserving the sanctity of religious occasions. The Sabbath is indeed a very holy day for Christians. I am not a Christian; I am a Muslim, but from my understanding of the concept of the Sabbath, a Sunday is supposed to be sanctified. The equivalent to a Sabbath for a Muslim is a day like Friday, for example, which is a very sacred day for a Muslim.

Mr. President, I would like to read an extract from an editorial which was published in the *Catholic News* dated Sunday, January 28, 1996 with respect to this particular Shop Order. At page 2 of the *Catholic News*, the Editor states:

“It has been argued, and quite correctly, that in a pluralist society like ours, the religious observance of one group should not be binding on all. This is not the issue here however. Our Catholic tradition upholds the Sunday observance as a basic law of the human condition.

The Catechism of the Catholic Church (Nos. 2180-88) has repeated the traditional ‘commandment of the Church’ that Sunday should be ‘sanctified’ meaning that it must be kept separate and different from the other six days. This is to be done in two ways, one positive, ‘going to Holy Mass’, the other negative ‘abstaining from servile (that is profit-making) work’.

Of these two duties, the positive one is generally given priority: we ‘abstain from servile work’ so that we will have time to do ‘holy’ things such as going to church, reading the Bible, going on a pilgrimage, attending Sunday School, visiting the sick.”

The Editorial continues-

“In the true tradition of the Church, however, abstaining from servile work is a value in itself, an obligation distinct from going to Mass. This is also

the biblical understanding. 'Keep holy the Sabbath day' in the Bible means doing no trading on that day.

It is not that trading is bad, just that it deals with a very limited area of human life. The most precious things in life—beauty, love, friendship, fidelity, trust—cannot be bought or sold.”

Mr. President, I ask the question, Where is this trust in this coalition Government? In less than three months' time it is squandering the goodwill and betraying the trust that our population placed in it.

2.20 p.m.

The deception of the 1996 budget; the most vicious recent attack on the *Guardian* newspaper by our goodly Prime Minister and the sinister and sudden removal of Mrs. Kamla Persad-Bissessar as the Attorney General of this country, are just some of the betrayals that this coalition Government have started to inflict on us in Trinidad and Tobago.

It was with amusement that I read the comments made by our dear Leader of Government Business and Minister of Public Administration and Information, the Hon. Sen. Wade Mark, who said in yesterday's *Guardian* headline story—and I shall just read a brief part from it:

"Mark said: 'If you look at the *Guardian* for the month of January, you see there is an effort to promote the Prime Minister as an alcoholic. Every time you see the PM you see him with a glass in his hands... There is a subtle attempt at undermining the Prime Minister and the Government.'

He said: 'If you have this projection within a year or two without us responding then...(people) will begin looking at the Prime Minister Basdeo Panday as an alcoholic and this is not accidental. It is subliminal, psychological. It is warfare that has been declared by this particular newspaper.'

I, too, have been looking at these pictures of our hon. Prime Minister, and all along—

Mr. President: Will the hon. Senator stick to the issue before this Senate?

Sen. N. Mohammed: Certainly, Mr. President. We are dealing here with a Motion to extend the hours to sell alcohol and I am merely referring to an article that dealt with the consumption of alcohol, or gives the perception of the consumption of alcohol.

As I was saying, all along I have been giving our Prime Minister the benefit of the doubt by thinking that those glasses merely contained water or, indeed, club soda. However, these recent events, and the frightening signals being given off by this coalition Government, have now created some doubts in my mind as to the real contents of our Prime Minister's glasses—and I do not mean his spectacles.

We are dealing here with a Motion that seeks to legalize the sale of alcohol at anytime, on any day, including Sundays and public holidays. It is well known that in our plural society many of our public holidays are religious days. Very soon we will be enjoying the festival of Eid ul Fitr; then there is Divali; there is Good Friday, and we have just got back Easter Monday. We now have the Shouter Liberation Day, thanks to Sen. Barbara Burke, but I am not too sure when, exactly, this holiday will be commemorated. By extending shop hours for the sale of liquor on these very religious holidays means that alcohol supply becomes readily available on those days. In so doing, the sanctity of those days has been taken away.

As I am on the topic of public holidays and having just mentioned the festival of Eid ul Fitr, I would just like to briefly mention the Islamic position with regard to alcohol. By no means am I advocating that position for Trinidad and Tobago but I feel some comparisons can be made. In our population of approximately 1.2 million people, the Muslim population amounts to approximately 5.9 per cent. Muslims are a minority group in the society and under the Constitution of Trinidad and Tobago, freedom of worship is enshrined as one of our fundamental rights and freedoms. I am very mindful of the fact that nowadays there may be certain perceptions about Muslims in Trinidad and Tobago, but by and large the majority of Muslims in this country are peaceful, law-abiding citizens who respect the laws of our land and uphold the Constitution of Trinidad and Tobago. *[Desk thumping]* Like many other religions, intoxicants are strictly prohibited. Islam takes an uncompromising stand in prohibiting intoxicants, regardless of whether the amount is little or much, and this prohibition does not stop at drinking alcohol; it extends to trading in alcohol as well.

The hon. Sen. Nizam Baksh is sitting here in this Chamber. He is known to be a Haji. That is a special title that is given to individuals who go to the holy cities of Mecca and Medina to perform that sacred pilgrimage in the Muslim faith. Haji Nizam Baksh has been there to perform that pilgrimage on several occasions and he, certainly, would be very much aware of the prohibitions against alcohol and, indeed, some of the penalties that are associated with alcohol.

So the extension of shop hours for the sale of liquor is obviously a measure that offends the Muslim community as well. The Hindu community could also be affected by this measure, not forgetting the other Christian groups in our society. One would have expected that this coalition Government would have consulted with the various groups in the society before making an Order of this nature. Economic gains for a few can never compensate for the long-term deterioration in the moral fibre of our society.

Being a new Government, I would have expected to hear about a vision for our society in terms of dealing with the many social ills, not that employment opportunities will be created particularly for our youth, those who have just completed O' levels and A' levels. What an example!

Mr. Clive Pantin, who is well known in our society and who is a key member of the unification committee of the National Alliance for Reconstruction, did concede on November 10, 1995 on the popular *Morning Edition* television programme, that most of the crimes that are being committed are by young people and that programmes need to be introduced to include young people and not alienate them. But is more access to alcohol the alternative being proposed by this coalition Government for our young people? Did any Member of this coalition Government take the time off to discuss this measure with any of the Pantin brothers who are well known in the field of religion and social work? Were any Pundits, Imams, Reverends or Bishops consulted by the Minister who is seeking to get parliamentary approval for this measure? What about the many social workers and community groups who are involved in dealing with alcohol-related problems?

I am not calling for any prohibition on the sale and consumption of alcohol, as is the case in many Muslim countries, but certainly, I would like to advocate that preventative measures for alcohol-related problems be pursued. Making alcohol more accessible and available will certainly contribute towards excessive drinking and its associated consequences. Of course, one may argue that if the sale of alcohol is prohibited on Sundays and public holidays, liquor geared for holiday consumption may be purchased beforehand. But while this may be true, the accessibility of alcohol on these days will not guarantee that personal supplies will be constantly replenished.

The economic gains to be derived by a handful of individuals from a measure like this Shop Order, cannot, in any way, compensate for the long-term hazards of the masses. Being a government that recently came into power and being a government that talks about putting people first, I would like to recommend that

this Government give special emphasis to the development of a national alcohol policy.

2.30 p.m.

The World Health Organization has been emphasizing the need for member states to develop comprehensive alcohol policies within the context of their own national health planning. In this regard, I would like to commend to the Government and, indeed, to the Minister—who is seeking to have this Order approved—a book published by the World Health Organisation entitled *Alcohol Policies*. It is a useful book which makes a case for national alcohol policies and touches on the balancing of economic interest and public health interests. It also deals with lessons from the post-war period, production of an international trade in alcoholic drinks with possible public health implications and the public health aspects of marketing of alcohol drinks. There is even a chapter on the formulation of national alcohol policies.

Mr. President, under the former administration, there was a Green Paper entitled "*A Consumer Policy for Trinidad and Tobago*". At page 24 under the heading "Tobacco and Drugs" it states:

"1. Principle

- (a) Consumers are entitled to be protected from the risks of injury caused by exposure to tobacco and to be aware of the harmful effects of the use of tobacco, alcohol and drugs.

2. Priorities:

- (a) To develop and maintain programmes which will assist consumers to promote healthy life styles and to produce educational campaign materials for consumers;
- (b) To support participatory research on drug related issues;
- (c) To encourage a smoke free work environment and to ban smoking in enclosed public places;
- (d) To introduce legislation to ensure advertising in all media of tobacco and alcohol includes statements regarding risks involved in their usage."

Mr. President, I would urge this new Government to use this policy as a starting point for the development of a national alcohol policy and to build on it, but please, reconsider this "vaps" measure that will serve to worsen an already

bad alcoholic problem in our society. The Government should put its money where its mouth is. It should consult, seek dialogue and consensus, and stop hoodwinking us. The Government should have a vision for our society and stop operating by vaps.

Thank you, Mr. President.

Sen. Diana Mahabir-Wyatt: Mr. President, in looking at the Motion before us, it occurred to me that there are two things which I find extremely difficult to come to terms with in this world. The first has to do with a blatant disobedience or flouting of the laws of a country in which one lives, whether these laws have to do with freedom of speech, freedom of the press or with buying alcohol when one should not.

I take the hon. Minister's point which he made in his opening remarks and which I thought was very well made, about the hours for the opening of shops when they come to the sale of alcohol. I think if one decides to live in a country, then one should obey the laws of that country. If one feels that one cannot live with those laws, then one should move to a country that has different laws. If one feels that the law is stupid—to adopt an old industrial relations saying—"one should comply and complain"; or if one does not like the law, then one should try to change it.

The Minister made the point—and I agree with him and I think anybody who is honest and lives in this country, outside of living in an ivory tower or a glass cocoon knows—that the laws in relation to the sale of alcohol are more observed in the breach rather than in the observance. I think that is the correct term.

We have learned from industrial relations that if there is a law which people disobey and get away with, it breeds a disrespect for the law generally. This is one of those laws. If one has broken an existing law for the first time and nothing happens, then one thinks, that, maybe, one can break another one; and so one breaks another law and nothing happens. After a while there is a general disrespect for the law as a whole.

One of the lessons that one learns early on in relation to society and the law—and I am sure that the eminent legal practitioners and people here who are involved in social work will back me up—is that there is no point in having a law which the majority of the country does not agree with, does not observe, ignores and flouts. It is useless if one cannot police it, making sure that it is going to be obeyed—which is certainly the case in regard to the sale of alcohol on Sundays.

The point is that one should take a look at that law and see whether or not it is still relevant to the needs of the society. We did have a law in industrial relations which stated that it was against the law to strike, and anybody going on strike was going to be put in jail. That was the Industrial Stabalization Act.

We learnt very quickly that thousands upon thousands of people could not be put in jail. Not even Sen. Theodore would be able to build jails fast enough to be able to keep the population. Likewise, this particular law which has to do with the sale of alcohol, is not being obeyed. The law is being ignored, and the law seems, by and large, to be regarded as irrelevant to the society. It is either we agree to just leave it on the books and turn the other way when it is disobeyed, or we take a look at it and see whether or not it should be changed.

The other thing that I cannot stand is hypocrisy. When it comes to this particular issue, I think we get, perhaps, more hypocrisy rearing its ugly head than we do on most other issues.

I was very impressed by Sen. Mohammed's comments about the abuse of alcohol, and I agree with her. I think that alcohol abuse in this country is a serious problem and I think the statistics were absolutely correct and impressive; and I admire the strength of her feeling against the abuse of alcohol. I think we should also take a look at other harmful substances which are being abused in the country that lead to health problems; whether it is sugar in connection to diabetes and salt with cancer and heart diseases.

I agree with her point that we should have a policy about alcohol and that more money should be put into prevention, but that, with all due respect, has very little to do with the Motion before us today. I think if one's religion prohibits the use of alcohol, then one should not drink. If one's religion prohibits the consumption of alcohol, pork, beef, shellfish or whatever, and if one is a religious person and believes in the moral and ethical precepts of one's religion, then one should adhere to them. This is what religious adherence, self-discipline and all these religious teachings, presumably, are trying to lead us to.

If one is going to be consistent in relation to the question of alcohol abuse, then one should either prohibit the sale of alcohol seven days per week, put that in the law and enforce it, or leave the sale of alcohol in the same way as the sale of other consumable products such as beef, pork, shellfish, sugar, salt and various other things that are bad for us.

2.40 p.m.

I cannot speak for other religions, and I have no intention of speaking for any religion. Insofar as I am concerned, I am a Christian and Christianity does not forbid the drinking of alcohol. In fact, Christ, who is the founder of the Christian religion, himself was a wine drinker. As far as I know, there were no laws during the time of Christ with regard to the selling or the drinking of alcohol on any particular day. As one religious commentator, Allan Law, pointed out in an article in the *Spectator* on February 3, 1996, and I quote:

“The Church has constantly institutionalized Jesus and tended to forget in the process how anti-institutional he so often was. Even now some of the more troubling periscopes in the gospels—let the dead bury their dead, for example—should give us pause for thought. The devout of his time denounced him as a wine-bibber and a glutton. One wonders how many of the celebrants at London’s two grand cathedrals during their splendid services would really settle down to table fellowship with prostitutes with the same grace as the Lord whom they worship.”

I believe the point is well taken. Christianity insofar as the Bible is concerned, in the words of Christ, does not prohibit the use of alcohol. Christianity, like any other religion, warns against the abuse of substances. Alcohol is not evil in itself any more than money or power is, but abuse of anything is wrong.

I hope that the religious arguments, if there are going to be any in this Senate, will stick to matters like ethics and morals. With all due respect, I believe religion should not involve itself in petty issues like who can sell what, to whom and when. Those are not religious issues, those are secular issues. There is one other issue that I would like to comment on before it arises: The sale of alcohol on Sundays and public holidays. Although, it is recognized that alcohol can be sold six days a week otherwise, we inevitably come up with the argument connecting alcohol with domestic violence.

Mr. President, I crave your indulgence, if I could just make a reference to this. There has been much research on it and I lay this particular argument to rest. To quote from two excerpts. One is from the book, *Love and Pain, A Survival Handbook For Women* on domestic violence written by a sociologist, Sandra Horley, who works with battered women throughout the world. I quote:

“There are many misunderstandings about the kinds of men who abuse their partners. Rather than examine the facts, many people choose to say woman abuse is caused by stress, unemployment, alcoholism or mental illness or else to describe it as occurring only among certain groups in society, for

example, the working classes. In fact, men who batter their partners come from all walks of life, all cultures and all religions. Wives of vicars, doctors and lawyers are as much at risk as women living with unskilled workers.

It is sometimes said that alcohol causes wife abuse. Although some abusers may have problems with alcohol or drugs, this is often used as an excuse to be violent. In many cases a man with a drink problem still abuses his partner when he is not drinking. Assaults are committed by sober men too. Blaming alcohol or drugs is a way of avoiding taking responsibility for the problem”

Mr. President, I now refer to an article written by an officer of the American Medical Association, T. Randall, from Chicago, Illinois. This is from a document entitled *Living in a Violent Relationship* put out by the Health Education Alliance of the University of California, and I quote:

“... domestic violence ...substance abuse, ...Each stem from different underlying factors, and although many families are dually affected by both behaviours, the strength of any correlation between the two is still debated.

The tendency to ‘alcoholize’ wife assault can lead to the erroneous conclusion that violent behaviour will cease with abstinence from alcohol. Family violence literature clearly demonstrates that alcoholics who abuse their wives continue to do so after they have completed alcohol cessation programmes.

Unlike alcoholism, a disease with at least some biogenetic causes, violence is a learned behaviour controlled entirely by choice unless mental illness is involved. The batterer has learned that violence is an effective means to maintain power and control in his family relationships and that society will not punish his actions.

The strongest risk factor for wife abuse is neither alcohol abuse nor socio-economic factors, but the batterer’s belief that society condones violence by men against women. Steps to reduce wife assault must focus on this underlying attitude.

The tendency to ‘alcoholize’ wife abuse...”

and other abuses such as various criminal activities, and I am talking also about incest, domestic violence and a whole list which have already been referred to in this debate, of other violence ..

“...can also diminish the seriousness of the offense in the eyes of society. Batterers, their victims and society commonly excuse wife assault when the batterer was drinking. The ‘drunken bum’ theory of wife beating—‘he didn’t know what he was doing, he was drunk’—tends to relieve the batterer of responsibility for his actions.

Studies have revealed that alcoholics are more likely to commit violence against their spouses than are nonalcoholics. Yet the ‘drunken bum’ scenario is less common than these studies appear to suggest. Some batterers with alcohol problems beat their wives when drunk, and others when sober. One study of 400 battered women found that 67 % of the batterers frequently abused alcohol. However, only one of five had abused alcohol during all four battering incidents on which data was collected. The study also revealed a high rate of alcohol abuse among nonbatterers. Conversely, not all batterers drink.”

It is like not all batterers are drug addicts.

“Moreover, a study of military veterans in alcohol rehabilitation programs found no association between wife assault and the severity of alcohol abuse. Another study of police records for 262 ‘domestic disturbance’ incidents failed to find different kinds of drinkers to be any more or less violent.”

I could go on. It also says,

“...criminology studies are revealing that most acts of interpersonal violence are deliberated before alcohol is consumed. The alcohol is then used as an excuse for the violence, or as a means to get up one’s courage, but it is not the principal cause of the violent act.”

I do not want to continue to read because I keep believing that we will develop into debates in which we do not read everything we want to say.

Other studies have shown that people who are prone to commit violence, if they do not have alcohol as an enabling factor, are going to commit violence, anyway. They will find something else that will excuse their actions. While there is a correlation in incidence, there has never been proven any causative correlation between the two, and in fact, more behavioural studies now are indicating that it is not a causative correlation, there can be a statistical correlation

between stress and violence in a society, poverty and violence in a society, substance abuse, but it does not mean that they are causally connected.

Very often when one is talking about an issue which is, after all, as the Minister pointed out, a very simple issue that has to do with the Shop Hours Ordinance, and whether or not one can sell one particular substance, I cannot find logically or rationally any argument which says that one can sell pork, beef or wine six days a week and one should not sell one of them and not the other seven days a week. There is no logic or reason that I can find to oppose this. If one does not oppose it altogether, to oppose it just for one extra day seems to me to be slightly irrational. I cannot find any ethical reason to oppose it either. As far as I am concerned moral and ethical issues do not involve such matters as the opening and closing of shop hours. They involve far more deep and fundamental issues.

Mr. President, I look forward to the debate and I am open to having somebody persuade me. So far, from what I have been reading in the press about the debate which has taken place elsewhere on this and the various comments made by various bodies, I admit I have not found anything to persuade me.

Thank you, Mr. President.

2.50 p.m.

Sen. Nirupa Oudit: Mr. President, I rise to give my support to this Order in this honourable House. In so doing, I wish to introduce two concepts into the debate. These are the concepts of relevance and priority. The Government is almost at the end of its first 100 days in office and it has a country to run. There are promises to be kept. Make no mistake! The campaign promises that were so clearly and powerfully presented throughout the length and breadth of this country using expensive media campaigns, the same media is today under unnecessary attack. These campaign promises must be kept as far as possible. After all, this is the 90s.

People from Port of Spain in the north to Cedros in the south have expectations of the Government. Citizens of this country expect performance, plans and clearly defined actions to back up the plans. They expect results from the Government which focussed most of its campaign on crime and unemployment. It is in this regard that I support this Order which kicks off the Government's plan for unemployment. I think the hon. Minister made a very good case about the possible jobs which would be created. I do not believe that it is going to make much of a dent in the statistics as far as unemployment is concerned, but people who are working would probably work longer hours and

few persons would be employed. The supermarkets would earn more revenue but of course, they will pay more taxes. Government would have more money at its disposal to pay public servants and support the social programmes.

We must give due recognition to the religious, secular, commercial and emotional views which would be aired in this debate. We respect the religious concerns raised, but again this is the 90s. Locking up the alcohol on Sundays really does not prevent or impact on alcoholism. I think enough information was provided by Sen. Mahabir-Wyatt and there is a lot of information in the vast body of knowledge which is available to us to show that it is a far more serious problem than removing substances from people on one day. In my opinion, this Order is more convenient to suit life in the 90s when people work six days per week. Shopping and transacting business on a Sunday is now the norm. This Order is one of relevance to our time.

Mr. President, now I request your permission to spend a few more minutes on the question of priorities. Let us not detain the Government too long on this matter. It seems to me that it is a clear case of misplaced priority to be debating locking away alcohol on Sundays when the streets and villages of our country are still not safe. Even infant beings are still victims of horrendous crimes. Car thieves are still doing an extremely lucrative business and drugs which are not authorized for sale on any day of the week are still destroying so many lives.

I raise this issue in relation to this Order because the Government had clearly established in its election campaign where its priorities would lie. I believe that we gave them the chance which they asked for because we agreed with these priorities. Where is the proposed plan of action to fight crime? What has been accomplished in this regard as the Government approaches its first 100 days in office? Is playing musical chairs with the highly reputed office of Attorney General part of this plan soon to be revealed? The citizens of this country have extended goodwill and encouragement in large measure to our new Government.

Through this honourable House we wish to remind the Government that we see talk only as a prelude to action and not a substitute.

I support this Order and urge the Government to press on focussing on the issues which are important to the country.

Thank you.

Sen. Dr. Eric St. Cyr: Mr. President, I will briefly address a few issues on this Motion. I am not naive enough to take a position that we live in a theocracy. This is a secular democracy and we are multi-religious and multi-cultural. I do not think those are the key issues.

In my mind what this amendment raises is the issue of what signal we are sending out. Are we sending out a signal that we are removing boundaries and anything goes so that one day is the same as another? I am speaking against the background of a tremendous increase in substance abuse in the nation, particularly in relation to what messages we may send to the young people and the less wise in the nation, when they are not yet in a position to exercise personal restraint in relation to an open freedom to things which might tempt all of us, but to which the more mature of us would be able to stand.

I do not think it is a matter of whether alcohol is good or bad, but that we have an agreed boundary in place on the issue. I think we are removing it so completely that we are likely to give the impression that anything at any time is all right. I know that the measure has been announced. In fact, the date January 10, 1996 is already in effect. I hope that in our democracy we would operate in a slightly different way, whereby we would have the debate before these orders are implemented.

3.00 p.m.

It seems to me that we are in a corner and I am wondering what signal I should give. When something is being done which offends an inner sense that I have, should I still support, or in return send a signal saying that we should debate it first? There are some wider issues here that we really need to look at in terms of what we might do to public morality.

Mr. President, I do not want to look at the specifics, but at some very deep subtle messages that we could be sending. Certainly, for people with the responsibility for guiding—and I am thinking here of parents, teachers and elders in the nation—it is good if when we say to the nation that one must operate within boundaries, there is in place the back-up in the legal system to help us to effect those things.

I do not think that we will ever agree on whether alcohol promotes domestic violence, or permits it. I believe that those debates, while interesting, are really beside the point. My central concern is that this measure is sending a message that I am not sure we can anticipate the full consequences thereof.

I thank you.

Sen. Rev. Daniel Teelucksingh: Mr. President, it is rather unfortunate that the hon. Minister of Trade and Industry in his first visit to this honourable Senate is associated with an issue which is so contentious, and one in which some of us are hesitant to give approval and support. I find it very difficult to identify with the cause he represents in the Motion concerning the Shop (Opening Hours) (Amdt.) Order, 1996.

We all observed in the other place—and I was really thrilled and excited to see what happened—that the hon. Members there, appealed extensively to the Bible for guidance. “Bible Thumpers Shake Their Fists”. Very bold news headlines. “Catholics against Catholics; Christian against Christian, while Hindus, Moslems and everybody else looked on bemused.” That is in the other place. I really missed a treat, maybe a Bible study session. I really do not want to repeat some of the quotations and get back into a Bible study such as was done in the other place because I have a feeling that in the presence of such biblical experts I might be accused of heresy.

You will remember, Mr. President, that we were first given notice of this matter in the budget statement, and I had much to say lifting it from that statement of the hon. Minister of Finance. I want to congratulate the Senators here today who made comments about this very serious issue because within the last few days I really thought that I was a lone voice in the wilderness, severely criticized. I am encouraged though, and inspired, that there are other Senators who share similar views, particularly those who agree that alcohol abuse in Trinidad and Tobago is a very serious problem. It saddens me that the new Minister is ill-advised and stuck his neck out for this piece of legislation. I still ask the question almost suggested in a question raised by Sen. Daly: Who motivated this Order? Not the hon. Minister! I do not believe that he is in the liquor business. I cannot believe it.

Our country is plagued by so many evils which need our wisdom and effort, but coming to the forefront is this Order that liquor should be sold without restriction. Talk about governmental priority in an age like this? Sen. Oudit spoke about priorities. If this is high on the list of priorities, an Order like this; to have the Parliament in two sittings, in the other place and here, discuss this Order to allow alcohol to be sold on Sundays and public holidays, I am extremely disappointed. If this is about the first piece of legislation to occupy the attention of the Parliament, I do not know about the others. I believe that this piece of

legislation comes from those who care for more profits than they make right now, rather than saving lives.

I know people have wondered about statistics. We know beyond the shadow of a doubt that alcohol has ruined many lives. We do not have to prove that again; we know that. I believe that the Shop (Opening Hours) (Amdt.) Order, 1996 is profit motivated. I think that its intent is exploitative; it is without humanity and faceless, and this is why I find it very difficult to support this Motion.

I say this with so much passion and conviction because I know of many youthful lives, many adults also, families and marriages which were destroyed by the influence of alcohol. Talk about domestic violence? I know that liquor has been responsible for much domestic violence. I did not read this in a book. I have been to homes and stood at the hospital bedsides of many an alcoholic. I have stood at the graveside, too, of victims of alcohol abuse. This is why I cannot support this Order.

There are those who can sell liquor from Monday to Saturday, but they are now saying that that is not enough. They are saying to the Government: "Please, Government, our business will be better if you allow us to sell liquor on Sundays because you have already given permission to bars with special licences. Give it to us also!"

3.10 p.m.

I wonder if, because of this legislation, certain shop owners, who are not Hindus, will be encouraged to say: "We are not Hindus, so give us the permission to sell liquor on Divali." "We are not Muslims; we do not feel like Sen. Nafeesa Mohammed, so let us sell liquor on the Eid holiday." "We are not Christians; we do not observe Good Friday, so let us open our shops and sell liquor on Good Friday." "We are not Baptists, so let us sell liquor on March 30." What kind of signals are we sending? What are we encouraging in this pluralistic society?

Mr. President, I have a problem with the question of catering for the tourists. I do not see why we should amend our laws—left, right and centre—to cater for the tourist dollar. I do not believe in that! Once we begin thinking like that we would have many more laws to change and I wonder if that is right!

Recently, a Canadian woman wrote about some of our comments in this honourable House. She is in Canada and is writing about our concern with regard to this problem. This is the problem we have with those who are overseas—I am talking about the mentality of the tourist also. They cannot drive with a beer in

their hand in Toronto. We can do it here; we must allow it and we do not have a say. Why must we modernize and amend our laws and do as the others do? I have a problem with that. I believe that Government is encouraging—by this kind of legislation—a kind of insensitivity in our plural society and I am worried about that. That will undermine the social cohesion for which we pray and have been labouring for all these years. I would not be surprised if shop-owners have not twisted the Minister's and the Government's arm, and they are giving way, as was requested of them: Let us sell liquor to the upright; let us sell liquor to the disciplined; let us sell liquor to decent citizens who can drink and hold their liquor; but at the same time, give us a chance to sell liquor to those who are weak-minded. Sen. Prof. St. Cyr would describe them as those who have not yet matured. Let us sell liquor to those who are weak-minded; those, who in their drunkenness, will be disorderly. Yes, we sell liquor to them too! Let us sell liquor to those who can be a menace and a danger to themselves and their society! Let us sell liquor to young people!

The effect of the Shop (Opening Hours) (Amdt.) Order, 1996 is really to open the flood gates, ignoring the few remaining limitations and pandering to the wishes of those who desire to do business, unrestrained and unfettered; permitting trade in a commodity that has definitely ruined so many lives in Trinidad and Tobago.

Mr. President, do not misunderstand me—I am glad Sen. Mahabir-Wyatt said it—I, too, do not think that there is any inherent evil in alcohol. I do not believe that. I am not a religious prude. I do not believe that there is any evil in alcohol, but the evil comes from our abuse, and we know what this can do because there are many people in our society who abuse it. Human thought and action under the

influence of alcohol has proven, in many instances, to be undesirable and at times dangerous; and we know that this can hardly be challenged.

My concern lies when we cannot create legislation to discourage those inclined to alcohol abuse. This is my real problem, Mr. President. I am not being biblical at all; other people have done that very well. I am talking about social consequences. We must be concerned for those who are weak in mind and body and for the young people in our society. For he who is strong enough to hold his liquor does not need a physician—at least not yet. The real social problem focuses on those who are alcoholics and those who can become slaves to the

bottle, and I have a problem with that. We must be concerned with those whose lives have been wrecked, who can destroy homes, families and neighbourhoods. To our weaker brethren and young people, in particular, the value of moderation, of restraint and discipline may not fully be appreciated and for some it will be too late. I have a feeling that this Motion is a kind of set-up piece of legislation for the weaker ones in our society. We are not talking about those who could hold their liquor, who can discipline themselves and manage. Not at all! This open-liquor policy is going to set-up the weaker ones and I am worried about that! For a long time we have been losing this sense of being our brother's keeper. Those who make the most noise are those who say they could drink, drive and go home and also behave themselves, and we do not care about the others! We are not being our brother's keeper. We need to be concerned about others.

I understand this debate can be called the dry/wet controversy. How often in the dry/wet controversy have you been telling the religious organizations and the non-governmental organizations that they should teach people about the values of moderation and self-control? That has been an uphill climb and this kind of legislation makes teaching and rehabilitation even more difficult. I wonder if we really appreciate the work of the 107 Alcoholics Anonymous groups in Trinidad and Tobago, because that is quite a lot. There are about 6,000 members in these various groups. We also know that there are many alcoholics who are ashamed to go to these meetings. They do not want to be enrolled for one reason or another. I am certain there can be more than 6,000 of them in every class in our society. I really believe that the Shop (Opening Hours) (Amdt.) Order, 1996 is counter-productive.

We need to ask ourselves also, how much counsel and advice on moderation accompanies alcohol advertisements in the print and electronic media? Where is the teaching, the guidance and the warning about moderation? There is none! They make liquor available without restrictions and they ask teachers, parents, NGOs and churches to clean up their mess. This is what is happening here.

Mr. President, I am very glad the hon. Minister mentioned the concept of free will because we are going to take a long time talking about the philosophy of freedom. Is it possible that in Trinidad and Tobago the Minister can be free? Can we be free in this country? Can we be free anywhere at all? This word "freedom" has been the most regularly used word within the last week or two. What kind of freedom are we talking about in this particular context? Mr. President, in this context does it mean freedom to drive and drink and toss the bottle at the side of the road? Is that the freedom we have? That is the freedom

to which we are accustomed and nobody must take away that freedom; freedom to advertise, whatever the consequences; freedom to open and sell to anybody at any time. That is freedom!

Freedom is never absolute, Mr. President. Once we live in societies and communities we cannot have absolute freedom, this is why there are laws. Once I am on the road, the white lines tell me something about my freedom, they tell me that my freedom has to do with the freedom of my neighbour—the other person—and that is important. We do not want to take away anybody's freedom, but at the same time we all need to understand that laws are meant to remind us about the freedom of others. I am concerned about the young people in this particular context, those who are weaker than some of us and who cannot hold their liquor.

Mr. President, freedom and free-will carry responsibilities. I know that! Where is the responsibility? What are we talking about?

3.20 p.m.

Is there a sense of responsibility in this Bill? Maybe there is a sense of freedom. The Member is trying to tell me that there is something like absolute freedom, when in truth and in fact, there is none. Not at all. Freedom, free-will and responsibility complement each other, and if we sometimes support strict laws it is because we see the need to understand that in a society like ours, in fact in any society in the world where people talk about freedom, the law is meant to be a school-master. It might be painful, especially to those who feel that we are trying to interfere with their rights and freedoms.

Mr. President, I respect those who can hold their liquor. It can be leisure, pleasure and recreation for them. It can be a pleasurable vice for them, but in the exercise of our freedom, sometimes we cause other people to stumble and I am concerned about that. There is nothing religious in that; it is about how man must live. We cannot demand and exercise our freedom without thinking about consequences and the effect on other people. By our actions, we do cause other people to stumble and this kind of legislation is certainly going to cause other people to stumble. Some time ago a piece of legislation was passed allowing snackettes and bars to be opened on Sundays. That came in very quietly.

Mr. President, I believe a person can fill his bath tub with champagne; one is free to do that too. Even in the exercise of that kind of freedom where one spends his money to fill his swimming pool with whiskey—even in that situation—if

children are misguided and offended, then responsibility within the context of freedom screams for attention.

Mr. President, I conclude by emphasizing my very strong objection to the Shop (Opening Hours) (Amdt.) Order, 1996. I challenge the Government to provide the appropriate mechanisms to safeguard alcohol abuse in Trinidad and Tobago to accompany any kind of thought about open-house alcohol policy. I certainly want to support the suggestion of Sen. Mohammed, advising the Government to think in terms of the formulation of a national alcohol policy.

Thank you very much, Sir.

Sen. Danny Montano: Mr. President, when a Government brings a piece of legislation or an Order or anything in front of this Senate or in the other place, the first question that comes to mind is: What is the need for the legislation, for the Order or the measure that is being brought here for adoption? Is there the need in this Order for us to sell more alcohol, to more persons, in this society? We, on this side have some difficulty with that. We already have fairly liberal laws and policies and when we look at the balancing of interest, we have some difficulty in measuring the greater need of society for even greater liberal liquor laws. [*Desk thumping*]

The Minister mentioned several items, including levelling the playing field and facilitating visitors to our shores. With the greatest of respect, while, we on this side, welcome visitors to our shores, we insist that they comply with our standards, our values and our laws. We have no duty or obligation to mimic or copy-cat anybody else, anywhere in the world. We have our own values and our own standards. [*Desk thumping*] Mr. President, in that regard, we have a right to be wrong, if it is wrong, and it is enshrined in our Constitution that we are free to say and do as we will. There are those in society who are free to say what they

want, whether it is right or not, and it is not right that anybody be stopped from thinking or saying what they want.

In considering the need, one has to consider whether the measure that is being brought to the Senate is a good thing for the society. Is it good that we set an example for the children of our nation, that we encourage freeness and do anything that we want, whenever we want, without regard for the consequences? It is not necessarily the acts that we object to, it is the consequences of the acts that we are concerned about.

Mr. President, it is a horrible thing to say, but the fact of the matter is, in the coming 11 months of this year, either some young person is going to be killed on the road as a consequence of alcohol abuse, or some parent of a young person is going to be so killed. It is a dreadful thought; it is a horrifying thing; it could happen to anyone of us here, and all of us on this side would be mortified to learn of any such event. It is in that context that we have great difficulty condoning, sanctioning and going along with an increasing liberalization of our values.

Insofar as my colleague, Sen Oudit, mentioned, as a matter of priority that we should not spend too much time debating this issue, it raises the question: Was there not anything else that this Government could have brought to this Senate for us to debate? Is this the agenda that they have been waiting for all these years? Is this what we have to debate? On that score, I take issue with my colleague. If it is brought here we must debate it; we have a duty to, and we will debate it, but I agree that this is hardly a matter of priority. Could they bring something else? Mr. President, we, on this side, do not support this measure. We have great concern over the imputed values behind it and the message we are sending out to the population as a whole, and in particular, the effect on the children.

Thank you.

Sen. Prof. Kenneth Ramchand: Mr. President, I have considered the Minister's apology for introducing this Order and his regret that he is forced to do it by agencies, external and internal, beyond his control or ability to resist. I have listened to his rationalizings concerning employment and the convenience to visitors, and I have puzzled over his logic that if something is illegal you can stop people from committing the offence by making the action legal; but if something is legal you stop people from committing the offence by making that thing illegal. I do not follow the logic.

3.30 p.m.

Deconstructing, or reading between the lines as we do in my profession, I would say, the Minister does not agree with his own Motion. But I have to respond to his spoken words and I would like to express some contrary opinion, if only to confirm for the Minister that the fears that he has been anxious to allay still exist and to warn the country that this Order is not as innocuous as the Minister would have us believe.

I should like to begin pedantically with a brief look at the Shop (Hours of Opening and Employment) Act, and I will need to refer also to the Liquor Licences Act because the present Order may have implications for some of the clauses in this Act, and it is without a doubt, the first fluffy footfall or the first stealthy mealy bug on the doomed Liquor Licences Act.

The Act has always contained three elements: one, a quaint and charming provision for the supply of seats for female shop assistants; two, a limitation of the hours of employment to protect employees from exploitation when opening hours are extended; and three, regulation of the opening and closing hours of shops and premises licensed for the sale of intoxicating liquors. These are two items: "shops" and "premises licensed for the sale of intoxicating liquor". The present Order, refers specifically to this third element—opening and closing hours—and its effect would be to abolish the distinction between 'shop' and 'premises licensed for the sale of intoxicating liquors' as far as opening and closing hours are concerned.

Mr. President, I have to agree with the health faddists, of whom I am one, that nearly everything we eat or drink is bad for us in a way, but that does not make me feel that one should abolish the distinction between shops that sell food and those that sell alcohol. And so I feel that this Order begins the abolition of a distinction that has been to the benefit of the society.

As you know, the Shop (Hours of Opening and Employment) Act has almost always had to be seen in relation to the Liquor Licences Act. The Liquor Licences Act grants licences and renewal of licences for a set period after giving due consideration to the age, character and criminal record of the applicants, the premises to be used, and the kind of intoxicating liquor to be sold. It is obvious that the Liquor Licences Act and the licensing committee exist to remind the community that alcohol is regarded as a dangerous drug. It exists to protect the community by making sure that those licensed to sell can be trusted not to serve certain classes of persons, for instance children, and by limiting the times and places when this abusable substance can be made available to the public. That is why the community has the right—under Part IV, Procedure for obtaining a licence, section 21 entitled "Right of and grounds of objections to licence"—to appear before the licensing committee at licensing sessions and to make such reasonable objections as they might have.

One of the fine things about being in the Senate is that one gets to find out how things are done and how things are not done in this country. Up to today, I

did not know I had that right. I went to one of my classes and read the section to them and they were all amazed that they had the right to attend a licensing session and say that they object to the establishing of a rum shop in a residential area where they live. This Liquor Licences Act seems to me to be much more important now if it is going to allow alcohol to be sold free sheet any day and any time once there is a licence. One has to be very careful about the granting of those licences. I am worried that the level of education in civics, what one's rights and privileges are in this country, is so low, and so little is being done by our institutions: the university, the schools, and the Government, to let people know the right that they have to act against things. So that I cannot have the faith that yes, the Liquor Licences Act is there, and that will control the granting of a licence to any and everybody to sell every day, all day. I think that the control that is being putatively established by the Liquor Licences Act, is not an encroachment on the right of the individual. For the individual can purchase sufficient stock at the permitted times to drink alcohol in his home, or at a private place, all day and all night for days on end.

The present Order makes necessary a more rigorous consideration of persons and places, and of the well-being of the community by the licensing committee, and a greater awareness by the community of its rights and powers in the matter of the granting of licences to sell these substances. If I were to give my support to this Order, and I am not, that is one of the things upon which I would insist. I have my doubts about the will, or the alertness of the community to be watchdogs of its real interests and that is why I cannot support this piece of legislation.

For instance, just take an example of the way in which the community cannot safeguard its own interests; no one seems to have noticed that in at least one supermarket the following pre zero rating and post zero rating price phenomena have occurred: Fernleaf butter 1/2 lb—pre zero rating \$5.25, post zero rating \$5.70; Fernleaf butter 1 lb—pre zero \$10.35, post \$11.25; Target corned beef—pre \$8.99 and \$8.99 post; 1 kilo of Anchor cheese—\$24.25 pre, \$23.75 post. And these are the people who come to the Government and twist their arms and tell them to open the shops on Sundays to sell rum.

Regimes have thrived on not encouraging critical consciousness among the citizenry, and keeping the public in the semi-dark about their rights and responsibilities. Because the community's ability to take care of its own interests have been undermined, I am worried that this Order could be the first unwitting step in a process that will abolish a fundamental and necessary distinction between those shops that sell food and those premises that sell intoxicating liquor.

If this distinction is abolished, the rationale for the Liquor Licences Act and the social responsibility of the licensing committee would have been nullified. The next thing you will hear is that we might as well abolish the need for licences.

Mr. President, this Order will enable the public to purchase alcohol on any day at any time; on holidays, on Sundays and on holy days: Eid-ul-Fitr, Divali, Spiritual Baptists (Shouters) Liberation Day, Good Friday. I do not see why I should have to protest against this because all the religious denominations in this country want their holy day, and if you do not give it to them, or if you try to take it away from them, they make an angry noise. It is true that holy days tend to be secularized and paganized into holidays and it is true, that in societies like ours, one group's holy day is merely a holiday for all the other groups.

3.40 p.m.

Mr. President, should it not be a goal of our society to make all the groups respect one another's holy days? And, should not the groups who have clamoured for holy days rise up and defend their holy days by demanding that alcohol not be sold on those days? Among the believers selling alcohol on a holy day should be no different from what those fellows were doing in the temple when Jesus swept down on them and shared out some licks.

I have heard it argued that, firstly, you cannot deprive people of the right to drink if they want. Secondly, even if the sale of alcohol is prohibited on Sundays and holy days, people would still drink on those days. In reply to this argument—if one can dignify it with the name of argument—that if sales are banned on holy days people would still drink if they want to, all I can say is that if there is a leak in my water tank I do not widen the hole because water is leaking out anyway. The chorus about rights is a more respectable chorus and let us address that.

Mr. President, I do not challenge your right to smoke but if you did me the honour of visiting my house, you would have to go out in the yard and smoke down wind. I have to add that I am one of those who would be striving to bring it about that one shall not smoke in public places where innocent people may be affected by one's befouling of the atmosphere.

If you were a drinker, Mr. President, in the habit of taking rum to the beach I do not see why the laws of the country should be amended to allow you to purchase supplies on a holy day when you are heading for the beach. Why should we make our lawmakers your accomplice when you kill somebody one evening

on the road from Mayaro or Maracas or as you return from boozing at Blanchisseuse?

Mr. President, to put limits on the times when alcohol may be purchased is neither prohibition nor deprivation of the right to make choices for oneself. These controls are devised to remind us of the very human need to find a balance between individual rights, on the one hand, and responsibility and caring for others on the other.

I am afraid that there is more to this Order than selling alcohol on Sundays and other holy days. There may be a connection between this Order and the demonopolization and sacking of National Petroleum such that we might soon find our scene and our lifestyle further transformed by the materialization of gas stations selling gas, alcohol and everything else 24 hours per day every day just like in America.

If such a connection exists or comes about it may indeed be expedient, as the Motion declares, that the said Order be now approved.

Mr. President, meaning A(3) of the word 'expedient' in the *Oxford English Dictionary* is, and I quote exactly:

“Useful, politic as opposed to just or right”

The Motion says it is now expedient to approve. I can well believe it, and that is why I disapprove. We should not be acting on that kind of expediency. There we are. It is ironic. We speak with outrage of mere expediency and it is mere expediency that this Order strikes me as being.

We may not be able to resist the tide of an amoral economism parading as freedom and we may find it difficult to hold onto the necessity for belief while consenting to the dismantling of some of the beliefs which we have, and the young suspects are oppressive and hypocritical. Many of our beliefs need to go by the board, but the necessity for belief still remains.

I do not like a piece of legislation which keeps undermining the faith of our country and of our young people; undermining their faith, their belief, their hope in the necessity for belief of some kind. This kind of any-time, any-day philosophy is weakening, already, the moral fabric of the nation and to extend it in this way is to contribute further to that demise.

Mr. President, I think it is unrealistic to expect that anybody in power will be moved by the kind of argument I have been trying to make. I do not see how we

can make alcohol more available and accessible when we do not have any policy to deal with alcohol abuse and the social and psychological consequences of alcohol abuse. I do not see how we are doing this kind of thing but I do not think anybody would listen.

We are on an economic path. But, if the Government is bent upon making it possible to purchase alcohol any day at any time, I suggest that arrangements be made to introduce breathalyzers and to have breathalyzer crews on duty every day at all times of day to match the hours when alcohol is being sold. Think of the revenue to be gained and the employment to be generated.

I think it would be in keeping with proper word usage to say that it would be expedient to introduce those breathalyzers and those breathalyzer crews right away.

Thank you, Mr. President.

Sen. Martin Daly: Mr. President, I had not intended to join this debate for reasons which I will explain. I understand that this Order will not go to committee as a bill does and it is principally for that reason I want to say a few words on that Order.

I note that Sen. St. Cyr raised the question, whether this Order came into effect on January 10, 1996 and therefore we are debating something that has already taken effect.

I was disturbed by this because I thought that the whole purpose of the affirmative resolution procedure to withhold validity and effectiveness being given to a law until it receives the affirmative resolution of Parliament, which I assumed to be affirmative resolution of both Houses of Parliament.

I am also concerned because I see that the Regulations Committee has drawn attention to the fact that this amendment Order falls within category (d) of section 68 of the Standing Orders in which the committee is obliged to draw to our attention any regulation:

“which purports to have retroactive effect although the law under which it was made does not in terms give the Minister such a power.”

Mr. President, as I tell everyone, there is a room for what one says in this place and what one says in a place across the road.

3.50 p.m.

I am concerned about the fact that this Order, which is not going to committee, as I understand it, is going to specifically say that it comes into effect on January 10, 1996, and I hope the Government will take advice about it, because I do not understand parliamentary procedure. I have no advantage over my colleagues when it comes to parliamentary procedure, but it seems to me at the moment, we have a situation where we are being asked to make a law with retroactive effect, where we have been specifically advised by a committee of Parliament that the Minister does not have the power to make it retroactive. That is what has been handed out today.

Common sense tells me it cannot be retroactive if we are using the affirmative resolution procedure, and *May's Parliamentary Practice*, which I took a look at, suggests that a law cannot take effect until it has received the affirmation of the affirmative resolution procedure. So until I get some clarification on this, I cannot support this Order for technical reasons. That is to say at the moment, it appears to me we are breaching procedure by making it effective on January 10, 1996 and I do not want to be a party to that, if it is a breach. I do not know enough about it, except to express my alarm and hope that the Minister will be able to get technical advice and clear it up in his winding up; and I certainly am not going to support an Order if, in fact, it is a breach of our procedure.

As I pointed out I am particularly concerned that a committee has advised us in terms of section 68 of the Standing Orders. So I have a particular problem with that; and that, Mr. President, is the only reason why I have joined this debate.

As I am on my legs, Mr. President, and as I anticipate a division may be coming, it would be useful for me to record my other reasons, assuming this is not cleared up, for not supporting this Order. Mr. President, my reasons are very simple. This Order has been put forward as a measure that will contribute to the reduction of unemployment. I simply do not buy that. Moreover, if this is the best the Government can do to reduce unemployment, then I say, come better. [*Desk thumping*] Therefore, it is for those reasons, in the event of a division, I would take a certain position.

All of the other points—indeed, one could almost move a vote of thanks to the Senate for the way in which the argument has proceeded in a very—I nearly said sober—in a very mature way, a very careful way, and without much emotion and simply everyone has put the various sides of the argument.

I have a difficulty with this as a priority matter, as articulated by Sen. Oudit and others. Therefore, Mr. President, what I am saying is that I have to look at

this Order in a political and legislative context. If this was coming as part of a series of measures that I felt were serious about the reduction of unemployment, then my position would be quite different. That is simply my position. If this is about employment-generation, I do not buy it, and they have to come better.

Everyone has talked about signs and symbols and, like one of the speakers—I think it was one of my colleagues, Sen. Ramchand—I sense this Minister’s discomfort, because it is being suggested that, well, this is going to create employment opportunities for young people, ‘O’ and ‘A’ level students.

Mr. President, again, I do not want to go into any of the more sensitive areas of this debate, but I hope that any government, including a new government, could offer a better career to young people than the part-time selling of liquor on Sundays and public holidays. [*Desk thumping*] And therefore since everybody has talked about symbols and signals, and since I have had cause to join this debate to raise the technical point which I have raised, I would just like to say, briefly, that is my simple position on this. I do not buy the statement either in the budget statement or as made by the Minister, that this is a really serious employment creation measure; and that is basically my difficulty with it. My difficulty is made more acute when the Minister talks about this being an opportunity for part-time employment for students and young people. I really have a problem with that.

It is also very interesting. Of course, those of us who have had a brief tenure here before, take a particular interest in the pronouncements of my good Friend, Sen. Wade Mark. I do not want to disturb the delicate peace that has been struck in relation to recent matters, but I say that if a photograph can carry a subliminal and psychological message—and I refer to Sen. Wade Mark’s pronouncements on the front page of the *Trinidad Guardian* on February 5, 1996—then I think if the Government takes that position, it would be forced to agree with Sen. St. Cyr and others that it is sending psychological and subliminal messages about our attitudes towards alcohol. It is clearly doing that.

It may not have disturbed me, myself—it may not have disturbed me greatly, because as I think everyone knows, I am neither religious nor always abstemious. But it disturbs me that we are talking about subliminal and psychological messages in relation to photographs of alcohol, and we are not disturbed about the subliminal and psychological messages by the sale of alcohol.

Really, Mr. President, this is a “sleeping dog” that should have been left to lie. There is no need to interfere with these shop hours. I take the point of Sen. Oudit

that it is a convenient sort of Order, but as far as I know we already have the convenience of going to the grocery to buy food, as opposed to alcohol, on a Sunday. So that I do not think we need to extend the convenience order any further.

Once you have disturbed this “sleeping dog” then, of course, you open the debate and yourself to all of the points, some good, some bad, that are made against this measure. That is the difficulty. I really would have preferred not to have to pat this dog, or fend it off. But that is the difficulty when a matter like this is raised. It would have been far better to come with some much more credible employment-generating measure, then I personally would not have found myself in the difficulty in which I do.

Mr. President, with those few words I would indicate that I am unlikely to support this measure.

Thank you. [*Desk thumping*]

4.00 p.m.

The Minister of Trade & Industry and Minister of Consumer Affairs (Hon. Mervyn Assam): Mr. President, I must say how much I have enjoyed the very friendly welcome during my first visit to this honourable Chamber. Indeed, it was not only friendly, it was rather refreshing and, in some cases, it was quite erudite, recognizing the distinguished attorneys and academics and others on that side who spoke during the course of the debate.

One of the most spirited of the debates was advanced by Sen. Mohammed. I think I have heard some of these remarks she seemed to have regurgitated in another place. But it is okay; there is nothing wrong in using some of the arguments that you have heard in other places. But I think that, perhaps, some of the language she employed did not really suit the occasion, because this Government, certainly, is a responsible government and we did not attempt, in any way, through this Motion, to inflict moral decadence on this society, neither were we attempting to perpetuate any parasitic oligarchy, nor were we ever conscious of the fact that this measure will increase the moral decay and have these serious social consequences that she has predicted.

Notwithstanding the statistics she has quoted and notwithstanding the fact that her authorities—and I make this statement with the greatest respect to her religion—were all Islamic in terms of the authorship, I have no difficulty with

what she has said, because I am not here to promote, as I said, the use, the consumption or the sale of alcohol. This is not my purpose whatsoever.

So that I am prepared to accept all of the statistics and all of the conclusions that the Senator has drawn from some of the readings that she was able to give us the benefit of this afternoon. But, you know, Sen. Mahabir-Wyatt, in my opinion, gave us a lesson in honesty. She introduced the idea of hypocrisy which is so much a part, unfortunately, of our social and intimate relationships in this country. Because Sen. Mohammed speaks of the Sabbath. What really is the Sabbath? I am not here to moralize and I am no theologian and I do not want to introduce biblical expressions and thought into this debate; much of it has been suggested in other places. But what is really the Sabbath? I understand members of the Hindu religion venerate Thursday; I understand members of the Islamic religion venerate Friday; I understand certain members of the Christian community venerate Saturday and I understand others venerate Sunday. What is really the Sabbath? If we were to accept the Sabbath as Thursday, Friday, Saturday and Sunday in order to accommodate a multi-religious society, then we will have to ban the sale of alcohol on these four days, and then we will be imposing certain moral values and judgments on the rest of the society who do not subscribe to the Sabbath being either Thursday, Friday, Saturday or Sunday.

I just thought that I would make the point. Then she went on with a tirade about sanctification of the Sabbath and quoted from the *Catholic News*. Again, I did not wish to be drawn into that, because I am a Catholic by religion, by upbringing, by baptism, and although I have not subscribed to all the tenets and followed all the practices scrupulously, I am still a Roman Catholic and I have the greatest respect for the religion. But you know, quoting from the *Catholic News* was a mistake, because if she had quoted from the following Sunday's Catholic editorial, she would have seen where they agreed that one can open shops on a Sunday; that Jesus Christ was not as rigid, and so on; the Catholic church is not a rigid religion. They said that they have no difficulty with small shops and family businesses opening. In other words, you can commit "small" sin, but they were worried about the big companies—big business—so they were worried about "big" sin. So be it.

But you know, all this moralizing about alcohol and scandal and leadership and example, leadership comes from the top, and Jesus Christ himself said, be careful of giving scandal, and if the right hand scandalizes you, cut it off. How could Sen. Mohammed associate with people, particularly people in a leadership position who go to "Smokey and Bunty" and other places of public drinking, and

drink until the wee hours of the morning, including Sunday morning? How can she associate with that? I have been told by my teacher in primary school that, "show me your friends and I will tell you who you are."

I want to shower my profuse gratitude on Sen. Mahabir-Wyatt for her contribution. It was more than sober; it was more than wise. She taught us a lot. There is no need for me to go further. I am deeply grateful for her contribution.

She was followed by another distinguished Senator, Sen. Oudit, whose contribution was equally scintillating and instructive. I want to thank her for her contribution because she seems to be of the view that we are on the right path and she was able to align herself with the objectives of this Government. I thank her for the advice that she has given us this afternoon.

Sen. Dr. St. Cyr was equally sincere in his contribution, because he is not only a man of great intellectual powers but of great moral rectitude. I am sure that the Motion has no intention of offending his inner senses and his moral sensibilities. It was not the intention of this Motion at all. I want him to understand fully that this Motion may not have the unfortunate consequences that he suggests, although none of us, in our human limitations, can anticipate them. But we are very mindful of some of the things he has said and we are very mindful that we do not wish to inflict any kind of legislation or develop any kind of systems that will send the wrong messages, particularly to the less wise and to the youth of our country. So I thank him also.

I always enjoy Sen. Rev. Teelucksingh, a man of great charm. I want to advise the Senator that my arm was not twisted at all. He asks the question: Is this a priority? He was disappointed that we brought this as a priority. It is not a priority. This was part of the budget. What we are seeking to do is to implement the budget measures as we move into the 1996 legislative programme of this Government. It was merely a part of the budget presentation, and we will come to this honourable House from time to time to give affirmative resolution to some of the measures that were introduced in the budget statement by the hon. Minister of Finance. So it does not really constitute a priority in that sense; it is merely implementing budgetary measures.

I was a bit disappointed that the hon. Sen. Teelucksingh was inveigling against profit. I was wondering whether he had gone back to the days when we had a kind of socialist thinking in the society, because I always associated the Protestant ethic with capitalism, which is part and parcel of making profit. There is nothing wrong with making profit; it is the abuse, again. In my introductory

remarks I spoke of abuse. If profit is the total be-all and end-all of a businessman's preoccupation, then profit is bad, but if profit is for a proper reward for one's investment, that you can re-invest in order to make businesses larger, create jobs, promote science and technology, advance the economic well-being of societies, create economic growth and development, there is nothing wrong with profit. In this context I do not understand why the Senator felt that profit for people in the supermarket business was a bad thing.

I want to assure him and honourable Senators that my arm was not twisted. As I told Sen. Daly when he rose to question me when I was making my original presentation, that it was part of our thinking to open up the economic system as much as we can and to allow the private sector to operate in a kind of a liberalized environment so that businesses can flourish; so that jobs can be created and that economic activity will improve the well-being of this society.

4.10 p.m.

We do not intend to open up the floodgates, as he has suggested, in order that there would be an abuse of the system that would cause serious social consequences. We are a responsible Government. I think we have a moral purpose in this Government and we are not going to introduce measures that would create a society in which our mores, values and standards would be eroded to the detriment of our young people and this country.

Therefore, I agree with him that "free will" means freedom with responsibility. That is the kind of Government one would have for the next five years. We are not only going to have freedom with responsibility, but we are going to have responsible freedom.

Sen. Montano said he did not see the need for the Order, but I think I have answered that already. The question is very simple. This measure was in the budget and we are giving effect to it now. He said we need to maintain values and standards, but he is knocking on an open door. I agree with him 100 per cent. I cannot argue against that.

He said, however, that we did not need to mimic the outside world. It is not a question of mimicking the outside world. If Trinidad and Tobago is to become a modern society, be part of the global village and the liberalized economies of the world moving into NAFTA, the Free Trade Area of the Americas, and being part of Lomé, CARIBCAN, CBI, ACS and the Latin American thrust where we are going

to be negotiating double taxation treaties, bilateral trading and investment arrangements, can we close our eyes to the geopolitical and geo-economic realities of the entire world? Can we do that? Obviously, we cannot, and to say that we are mimicking the outside world is an unfortunate expression.

What we are doing is putting ourselves in position and poisoning ourselves to access the best of the outside world in terms of trade, investment, technology and all the things that would transform Trinidad and Tobago into a society that we can be proud of and share the benefits from the fruits of the labour of this Government's initiatives and pursuits. That is what we are trying to do and we are in no way trying to create any kind of evil society as may have been suggested.

Sen. Prof. Ramchand, the distinguished academic, admitted at the very beginning of his discourse that he was being pedantic, and he did not let us down. He was pedantic throughout. For this, I am very grateful because sometimes it is good to have some pedantry among the ordinary people of the land in order to ensure that we have a certain standard that we can maintain and that we are not always down at the bottom, grovelling.

What I could not understand is that he said we were forced by external and internal agencies to bring this Motion. It is a fact. Everything that one does in life, is forced by the internal, external or a combination of those factors. No human being moves or change takes place unless it is engineered from within or without. The economists call it exogenous and endogenous forces, creating economic problems for a society from which one has to extricate oneself.

I know the hon. Sen. Dr. St. Cyr would not argue against that. It is the same thing with social, economic, political and all other changes that we have to face, but it must be managed in the interest of our society; not willy-nilly; not change for change sake, but change that we feel would bring about benefits to the society.

He spoke about the post and pre-budget prices in terms of the removal of VAT on certain items. I assure him that I am also the Minister of Consumer Affairs and I have mandated my officers to ensure that they put all supermarkets and shops on price alert, and they must reflect in the prices the measures introduced in the budget by the hon. Minister of Finance to give relief to customers. Also, one of the hallmarks of the activities and responsibilities of the Ministry of Consumer Affairs—which I have the honour to lead—would be customer protection, education and guidance. I give him that assurance.

I give him, and all hon. Senators, a second assurance that we are not going to disband the Liquor Licensing Committee. We are not going to do that. There is a

vast difference between the work of the Liquor Licensing Committee as presently constituted and the permission for existing shops and groceries to sell alcohol on Sundays and public holidays. These shops, groceries and other outlets already have a licence, but only to sell from Mondays to Saturdays. All we have done is to extend it and level the playing field so that they can sell along with recreation clubs, hotels, restaurants and so forth. That is all we have done, but the role of the Liquor Licensing Committee, in terms of its interviewing people with respect to their suitability, integrity and whether their business should be located in a residential or non-residential area or the ability of persons to appear before that committee to object to a licence being given to the particular individual or for a particular location would be continued. I assure him that this Government would not be interfering with the work of the Liquor Licensing Committee.

Of course, in his pedantry, his imagination took off and he decided to link the demonopolization, or the intended demonopolization, of NP Gas Station with the selling of alcohol. Alcohol and gasoline are a rather strange mix, and it was difficult for me to put the two together. My imagination is not so furtive and fertile.

He went on to suggest that the Motion undermines faith and belief. I have a great faith and belief in this nation. This simple Motion would never undermine the faith, belief, courage, fortitude and integrity of the people of this country, including the youth. This Government, while it is in office, would ensure that the faith and belief of the people of this nation are fortified always.

Sen. Daly is unable to support the Motion. I am very sorry that he is unable to do so for the reasons he has advanced, and this is his right. He says that he has a technical difficulty, and another difficulty in relation to what Sen. St. Cyr has raised. I have no difficulty with that. I accept his explanations and his position, but I also feel that this Government has a responsibility also to govern.

Sen. Ramchand: Mr. President, before the Minister winds up, would he respond to the question about breathalyzers?

Hon. M. Assam: Mr. President, I have no difficulty with the suggestion which Sen. Prof. Ramchand has made to this Senate with respect to the introduction of breathalyzers. I am reasonably sure that it is something that the Minister of Health, and the Minister of National Security, would look at with a view to coming up with some kind of policy in the future. I am sure about that, but I cannot pre-empt it.

Sen. Mahabir-Wyatt: Mr. President, I wonder whether the Minister would be so kind as to assure us whether or not it is legal to pass this Order in light of

the report of the Regulations Committee—the point that Sen. Daly raised, which I do not think he properly addressed. I understood the Attorney General was supposed to give advice on this. Is it legal for us to go ahead with this in light of Standing Order 68(d)?

4.20 p.m.

Hon. M. Assam: When this Motion was piloted in another place, the Attorney General gave me the assurance that nothing was *ultra vires* and, therefore, the Motion was passed without any problem. That is the only thing I can say to Senators Daly and Mahabir-Wyatt.

Mr. President, in concluding this debate, I assure hon. Senators that this Government has no intention of defiling the youth or of corrupting the nation. I assure them that our intentions are very noble, even though the question of some form of employment could be created was pooh poohed. I still believe that it will create some small amount of employment. It is not the Government's employment strategy, nor is it the policy that the Government is going to use to decrease the level of unemployment in the country. It is merely a measure that will bring some small relief to certain kinds of individuals. I did not say persons who had passed O'Levels. Persons who are, in fact, pursuing O'Levels and A'Levels, and are at University level can find some part-time work in some of these outlets. That was the point I was making.

Mr. President, I commend this Motion to the Senate, even though observations were made that were not, probably, correctly analyzed, even though observations that were made felt that the Motion was not one of priority, some of the observations that, perhaps, they may have some social consequences, I believe, in the long run, this Motion will serve the interest of the country.

Mr. President, I beg to move.

Question put.

The Senate divided: Ayes 17 Noes 11

AYES

Mark, Hon. W.

Kuei Tung, Hon. B.

Theodore, Hon. J.

Baksh, Hon. S.

Gangar, Hon. F.

Moore-Miggins, Mrs. D.

Tota-Maharaj, Mrs. V.

Hamel-Smith, P.

John. S.

Cuffy-Dowlath, Mrs. C.

Gray-Burke, Rev. B.

Moore, N.

Baksh, N.

Gabriel, A.

Merritt, Miss C.

Mahabir-Wyatt, Mrs. D.

Oudit, Mrs. S.

NOES

Gilbert, V.

Mohammed, Mrs. N.

London, O.

Montano, D.

Beckles, Miss P.

Jagmohan, M.

Teelucksingh, Rev. D.

Daly, M.

St. Cyr, Dr. E.

Kenny, Prof. J.

Ramchand, Prof. K.

Senators Dr. E. Mc. Kenzie and P. Marshall abstained.

Question agreed to.

RESOLVED:

This Act which was passed after much debate, supported by Sen. Mark and others was, in fact, an Act requiring a special majority. This it had unanimously in both places. For reasons best known to the previous administration, the proclamation of the Act was not effected and the Motion which I was proposing to raise prior to the budget was to have this Act proclaimed without delay. Although it will not give immediate protection to the built heritage, at least it will start the process of listing all the properties. The hon. Minister of National Security, has under his direct charge—he may not know it—the oldest standing functional building in this country, built in 1802, and a building which has immense history to it. This is a building in which two Trinity Cross holders were imprisoned at one time because their views went counter to the views of the powers that be at the time.

Immense sums of money have been spent on this place. In fact, there was a plan in 1992 to imprison there the people who had taken over Parliament. Great sums of money, I am told, were spent on refurbishing this place to secure all these people. Much to my distress, in early December—hence the reason for wanting to raise it as a matter of urgency—I discovered that Nelson Island had been totally and completely vandalized. Everything has been ripped out of it. The electrical cables are gone and the windows have been smashed. The only thing intact is a large grilled door with, perhaps, 3/4 inch steel bars upon it and this beautiful padlock attached. Trinidadians are very resourceful people and they left the lock. Mr. President, there are other aspects of our heritage.

4.30 p.m.

There are other places that we should treasure such as the building in Chacachacare, the nuns' house and the chapel at Marine Bay. These are structures

of this century which have been totally vandalized. People go there at will and break off wood to light fires to cook. Here is a cemetery of women who attended to people with Hansen's disease and they also became affected with it and died. Their cemetery has been desecrated. Head stones have been lifted and moved. Heaven alone knows where. Can we as a nation accept this sort of thing?

The reason for raising this Motion on the Adjournment is to bring this to the attention of the Government and the Minister of Finance. There is absolutely no protection for the built heritage. Can we at least start by proclaiming the Act? I do not think this will require further cost to the Environmental Management Authority which I am told is about \$4 million. We are talking in terms of the

Government appointing a board of nine persons and thereafter the trust will start functioning. There are buildings like Stollmeyer's Castle better known as Killarney in which offices can be set up if it is owned by the state. People in the public sector are quite prepared to start moving to get the exercise going and to list the properties.

Mr. President: It is 4.32 p.m. If your contribution and the Minister's reply can be accommodated within 10 minutes we will continue, otherwise we will suspend the sitting.

Sen. Prof. J. Kenny: It will be less than one minute.

It is so easy to do this. I think that there are many willing people in this country. It requires just secondment of a few persons, minimal expenditure and we can start the process of doing something about our heritage.

Thank you.

The Minister of Works and Transport (Sen. The Hon. Sadiq Baksh): Mr. President, the Act for the establishment of the National Trust of Trinidad and Tobago was prepared by the Citizens for Conservation and presented to the Government in 1987. The Act was debated and passed in the Upper and Lower Houses and assented to by the President of the Republic of Trinidad and Tobago on August 14, 1991.

According to the Act, the Minister responsible for culture shall appoint the members of the council, two of whom shall be members of associations with a special interest for the purpose of the trust. The council shall consist of five elected members and four appointed members except that on the first council shall be appointed members.

I wish to inform this honourable House that the Act although passed, is law on the books, but a trust council has not been appointed to administer the trust. Neither funding has been appropriated for a start nor premises identified for offices. In light of the tremendous work already undertaken by the Citizens for Conservation, the Government intends to continue to utilize the expertise of this group in the establishment of a national trust council.

I also wish to inform you that the Citizens for Conservation is the only non-governmental organization whose foremost interest is the preservation of our architectural heritage. Its membership consists of architects, engineers, lawyers, teachers and persons interested in heritage matters. Since 1985 the Citizens for

Tuesday, February 06, 1996

Adjournment

[SEN. THE HON. S. BAKSH]

Conservation has acted as advisors to Government on environmental and heritage preservation.

This Government of national unity is cognizant that heritage properties embrace not only art and architecture, but also music, literature and the natural environment. It even includes modest works of the past which have acquired cultural significance with the passing of time. The responsibility to safeguard heritage property for future generations is therefore recognized. It is our duty to preserve them to the full richness of their authenticity both as works of art and historical evidence.

The Ministry of Works and Transport and the Ministry of Community Development, Culture and Women's Affairs will work as partners with the Citizens for Conservation in the appointment of a national trust council for the purpose of listing historical properties then restoration may commence.

Thank you.

Question put and agreed to.

Senate adjourned accordingly.

Adjourned at 4.36 p.m.